



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr J Singh

Proposal:
Erection of two storey end-of-terrace dwelling with associated amenity, parking and bin storage

Appeal Site:
123A Central Avenue,
Hayes,
UB3 2BS

1. Introduction

Our Ref: 78009/APP/2024/1578
Your Ref: APP/R5510/W/24/3351213

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for: Erection of two storey end-of-terrace dwelling with associated amenity, parking and bin storage.
Please note that this appeal statement is made in respect to Appeal Ref: APP/R5510/W/24/3351213
- 1.2 The LPA refused planning permission on 09-08-24 for the development for the following reasons (as stated on the decision notice):
1. The proposal by reason of its siting in this prominent corner position, size, scale, bulk, width, height, design, proximity to the side boundary and front amenity area would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the character, appearance and visual amenities of the area and Central Avenue Area of Special Local Character. Therefore, the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH6, DMHB 5, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies D3, D4, D6 and D8 of the London Plan (2021) and paragraph 135 of the NPPF (2023).
 2. The proposed amenity space by reason of its location and shape would fail to provide a suitable level of outdoor accommodation that is sufficiently private, useable and well located. The future occupiers of the property would therefore be subjected to a poor standard of living accommodation to the detriment of their amenities. The proposal would therefore be contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135 (f) of the NPPF (2023).
- 1.3 The LPA's case is set out in the Planning Officer's Delegated Reports, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.
- 1.4 This statement will not repeat the Delegated Report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 As referred to in point 5.2 of the appellants SOC, the appellant has considered the following as relevant in the determination of this appeal. These are:
- Principle of development
 - Planning history
 - Design, character and impact on the street scene
 - Living conditions of future occupiers

2.2 The appellants statement of case mainly consists of policy context; it isn't until page 11 does it begin to explain the case in favour of allowing the appeal. Further policy context is then intertwined within the brief points made. In response to the limited argument put forward the LPA will not dwell on the policies which will form appendix 2 of this statement of case or regurgitate parts of the delegated report, which is comprehensive, but will answer the points in brief, in the manner in which they are set out by the appellant.

2.3 In response to paragraphs 5.13 – 5.15 of the appellants SOC, it is acknowledged the need for additional housing, however at present, the LPA are able to demonstrate a five-year supply of deliverable housing sites. In addition to this, the Councils Strategic Housing Marketing Assessment (SHMA) indicates that there is an underlying need for family sized housing with the highest need, family sized affordable housing. The London Plan defines family sized housing as units of 3 or more bedrooms. In fact, the SHMA states there to be an underlying need for family size affordable units. The appeal scheme sought consent for a 1 bed dwelling which is neither a family sized unit nor affordable therefore failing to contribute towards an identified need. Thus, very limited if any weight can be afforded to provision of new housing and the "tilted balance" as set out in Paragraph 11d of the NPPF (2023) is not engaged. The link for the five-year housing land supply is below:

<https://www.hillingdon.gov.uk/article/5586/Local-Development-Scheme-and-Monitoring>

2.4 The appellant also argues in point 5.13 of the SOC that the provision of a new dwelling would make an efficient use of the land. It cannot be argued that the development plan does advocate for the use of brownfield site for residential led development. However, the proposals would need to conform with other parts key policies within the development plan. In this case, the delegated report explains the policies shortfalls which lead to significant harm and the limited weight afforded to the provision of new housing does not outweigh the harm identified. The appellant references the provision of extensions however this is an intensification of the use of the site which requires a much higher bar to be met in terms of conforming with the development plan.

2.5 By subdividing the plot into two self-contained dwellings, the development would reduce the amount of garden land provided. At present the double storey side extensions reads as a subordinate addition to the original property. Although the appellant argues that the development is 'alterations' to the existing extension, the LPA argue that rather this is a new development given its new design, extension in width, raising of the roof and subdivision of the plot, as such Policy DMH 6 would apply with its presumption against the loss of gardens. The principle of the above policies is to protect residential gardens from overdevelopment, the impacts derived from this and also safeguard the contribution residential gardens make to the good quality living conditions for existing and future occupiers of residential properties.

2.6 Paragraphs 5.16 - 5.20 of the appellants SOC relates to the planning history for the site. Whilst it is acknowledged that the existing property number 123A was allowed at appeal under reference APP/R5510/W/21/3278335 and additional extensions have been added to the dwelling under permitted development and planning permission; the erection of a further house to the side of this property would further reduce the

openness of the area. The double storey side extension approved under reference 20352/APP/2023/1481 was designed to be set down from the main ridgeline, set back from the front elevation to remain subordinate and have less impact on the openness of the area. Whereas the proposed development would read as a new dwelling that would match the ridgeline of the main dwelling, be brought forward in line with the front elevation of the property and add additional bulk to the side. This development would largely infill the spacious gap which is seen at present. This point has been further explored within the Officers Report.

- 2.7 In response to paragraphs 5.27 - 5.29, as detailed within the Officers Report, the new dwelling has been designed with no upper floor rear facing windows and has had to include front garden amenity space for occupiers as the rear garden is not large enough or well designed. These design features demonstrate that the proposed development has been overly designed for its constraints, showing that the site is not suitable for an additional unit and is an overdevelopment of the plot. The appellant has placed a lot of emphasis on the additional width of the development compared to the existing side extension, however it is not purely the additional width which has made the scheme unacceptable, it is the combination of the width, height, bulk and design which is materially different to the side extension and reduces the openness of the area which in turn causes harm to the Area of Special Local Character.
- 2.8 The LPA's view is that the appellant has placed too much emphasis on the previously allowed appeal reference APP/R5510/W/21/3278335; the allowed appeal scheme has already decreased the gap within the street scene and the proposed development would decrease this further. In response to paragraph 5.34 of the appellants SOC, the additional width added would leave a separation distance of approx. 0.86m at its narrowest point and at double storey height would appear cramped within its plot (see figure 1 below).
- 2.9 The appellant has provided examples within there statement of case which is commonly presented at appeal in order to demonstrate that a precedent for the same development has already been set and the LPA has failed in its duty to apply consistent decision making. However, it is important to note that none of the examples which have been placed before the inspector for consideration, involve garden land or backland development, nor do they propose the intensification of the residential use of the site (a new dwelling). As such it cannot be argued that the proposals are the same.
- 2.10 Further to the above point the examples set out in the appellant SOC are domestic extensions consented for a single-family domestic dwelling. Some but not all of the examples include reference numbers or dates, one of the examples dates back to 2009 which is, as rightly pointed out by the appellant, prior to the adoption of the local plan in 2012, let alone the more recent adoption of the 2020 local plan part two. Such significant policy change includes the backland and garden land development policy which seeks to prevent the type of overdevelopment proposed here.

Figure 1 – proposed block plan with PDF measurements showing gap to the boundary

3. Conclusion

- 3.1 The appellants SOC is limited in terms of its response to the reasons for refusal and justification for why this appeal should be allowed. It is distinctly like the detail in the Planning Statement submitted to Officers for consideration during the assessment of the application. As such it has considered the points raised and responded to them in the Delegated Report. For the reasons set out in the Officers Delegated Report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 2.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – The LPA's Recommended Conditions and List of Relevant Planning Policies