



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY:

Mr J Singh

FOLLOWING THE REFUSAL OF PLANNING PERMISSON BY:

London Borough of Hillingdon Council

REF:

78009/APP/2024/1578

FOR:

Alterations and extension to existing part single/part two storey side extension to create new end of terrace dwelling with associated amenity, parking and bin storage

AT:

123a Central Avenue, Hayes, UB3 2BS

September 2024

1.0 INTRODUCTION

- 1.1 This appeal relates to the refusal of planning permission for '***Alterations and extension to existing part single/part two storey side extension to create new end of terrace dwelling with associated amenity, parking and bin storage***' at no. 123a Central Avenue in Hayes.
- 1.2 The planning application was dated 13th June 2024 and was subsequently refused on 9th August 2024 by The London Borough of Hillingdon Council, with the decision notice stating the following reasons for refusal, as noted below:

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 By way of background the following planning history is relevant:

123 Central Avenue

20352/APP/2021/1451: Demolition of existing attached garage and creation of new two bedroom attached dwelling with associated bin storage, cycle parking and private amenity space. Refused 17th June 2021.

APP/R5510/W/21/3278335: Appeal Allowed 19th November 2021. (Details attached in **Appendix A**)

- 1.4 Following the implementation of the new attached dwelling allowed under appeal 3278335 the following consents at no. 123a have been granted.

123a Central Avenue

- 20352/APP/2022/3690:** Erection of single storey extension to rear (Application for a Certificate of Lawful Development for a Proposed Development). Approved 31st January 2023.
- 20352/APP/2023/454:** Conversion of roof space to habitable use to include a rear dormer and 2 front roof lights (Application for a Certificate of Lawful Development for a Proposed Development). Approved 14th April 2023
- 20352/APP/2023/567:** Proposed single storey side extension. Approved 26th April 2023.
- 20352/APP/2023/854:** Erection of outbuilding in rear garden (Application for a Certificate of Lawful Development for a Proposed Development). Approved 12th May 2023.
- 20352/APP/2023/1481:** Erection of a first floor side extension. Approved 10th October 2023 (Details attached in **Appendix B**)

- 1.5 During the course of this appeal application and following comments from the case officer the appellant put forward revised plans for consideration on which the decision was based. However, as the council have still refused the proposal the appellant considers that it is appropriate to appeal in this instance.

- 1.6 The following statement will, therefore, seek to demonstrate why the council's decision is considered unsound on this occasion and why the scheme conforms to the aims of national, regional and local planning policy.

2.0 APPEAL PROPERTY AND SITE LOCATION



No. 123A Central Avenue

- 2.1 No. 123A comprises a new end of terrace dwelling which has been extended to the side with a part single/part two storey extension.



Location plan excerpt of the application site and surrounding area

- 2.2 The appeal dwelling is positioned on a corner plot to the northwestern side of Central Avenue and southern side of Orchard Road. The property is not within a conservation area although it is within the Central Avenue, Hayes, Area of Special Local Character.

3.0 PROPOSAL

- 3.1 The proposed scheme sought planning permission for '***Alterations and extension to existing part single/part two storey side extension to create new end of terrace dwelling with associated amenity, parking and bin storage***' at no. 123a Central Avenue.
- 3.2 The scheme would subdivide the existing 330sqm site to create a proposed site area of 158.5sqm retaining 171.5sqm for the host building.
- 3.3 The existing part single/part two storey side extension at no. 123a measures approximately 3.9m wide x 6.475m deep, the first floor element is set 2.05m back from the front elevation and is 4.425m deep. The single storey element has a flat roof design, and the first floor has a dual pitched roof with gable end.
- 3.4 The proposed development would only result in only a modest increase in footprint of approximately 10.6sqm with an additional entrance porch of 2.25sqm over the existing part single/part two storey side extension. The extensions result in a dwelling which would measure 6.797m wide x 6.5m deep and would follow the ridge and eaves lines, window pattern and position, front gable design and porch as characterised on the host terrace group.
- 3.5 The extensions would facilitate the creation of a new 1-bedroom/2-person, 2-storey dwelling with amenity area, off-street parking, bin and cycle storage. The proposed dwelling would be constructed from materials which match the host building including an external render finish, with roof tiles and grey UPVC windows.
- 3.6 The accommodation would comprise:
- Ground floor: porch and entrance hallway, WC, combined kitchen/living room with direct access out to the garden
- First floor: double bedroom, storage cupboard, bathroom
- 3.7 Two off-street parking spaces would be retained at the host dwelling and one new off-street parking space provided to the proposed dwelling. Bin and cycle storage would also be provided.
- 3.8 The new dwelling would have an outdoor amenity area of 78sqm to the side and rear of the dwelling

4.0 RELEVANT PLANNING POLICY

- 4.1 The reason for refusal refers to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH6, MHDB 5, DMHB 11, DMHB 12, DMHB 14 and DMHB 18 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).

National Planning Policy Framework (NPPF)

- 4.2 The National Planning Policy Framework is referred to within the reasons for refusal. The NPPF set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 4.3 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

Decision-making

- 4.4 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way.

Delivering a sufficient supply of homes

- 4.5 Section 5 states *"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*

Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 131 describing how the Government attaches great importance to the design of the built environment, stating that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

- 4.7 Paragraph 135 states that planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The London Plan 2021

- 4.8 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level taking full account of the borough's character. Policies D3, D4, D6 and D8 were referred to within the given reason for refusal.

Policy D3: Optimising site capacity through the design-led approach

- 4.9 Development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy D4: Delivering good design

- 4.10 For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design and ongoing management.

Policy D6: Housing quality and standards

- 4.11 Policy D6 provides criteria and guidance to enable housing development to attain a high standard of quality and design which are fit for purpose and that will meet the needs of Londoners without differentiating between tenures.

Policy D8: Public realm

- 4.12 The quality of the public realm has a significant influence on quality of life because it affects people's sense of place, security and belonging, as well as having an influence on a range of health and social factors. For this reason, the public realm, and the buildings that frame those spaces, should be attractive, accessible, designed for people and contribute to the highest possible standards of comfort, good acoustic design, security and ease of movement. Higher levels of comfort should be sought in places where people will wish to sit, play, relax, meet, and dwell outside compared to other

parts of the public realm that are primarily used for movement. As London's population grows, the demands on London's public realm to accommodate a greater variety and intensity of uses will increase. It is particularly important to recognise these demands in higher density development.

Hillingdon Local Plan: Part One – Strategic Policies (November 2012)

- 4.13 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough. Policy BE1 is considered relevant.

Policy BE1: Built Environment

- 4.14 Policy BE1 states that the council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Local Plan: Part Two – Development Management Policies (January 2020)

- 4.15 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies DMH 6, DMHB 5, DMHB 11, DMHB 12, DMHB 14 and DMHB 18 were referred to within the given reason for refusal.

Policy DMH 6: Garden and Backland Development

- 4.16 There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:
- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
 - ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
 - iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
 - iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided

Policy DMHB 5: Areas of Special Local Character

- 4.17 A) Within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area.

B) Extensions to dwellings should be subservient to, and respect the architectural style of the original buildings and allow sufficient space for appropriate landscaping, particularly between, and in front of, buildings.

C) The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted.

Policy DMHB 11: Design of New Development

4.18 All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy DMHB 12: Streets and public realm

4.19 Development should be well integrated with the surrounding area and accessible. It should:

- i) improve legibility and promote routes and wayfinding between the development and local amenities;
- ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area;

- iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;
- iv) provide safe and direct pedestrian and cycle movement through the space;
- v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard;
- vi) where appropriate, include the installation of public art; and
- vii) deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.

Policy DMHB 14: Trees and Landscaping

- 4.20 A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

Policy DMHB 18: Design of New Development

- 4.21 A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.

5.0 GROUNDS OF APPEAL

5.1 The appellant's case will address the concerns raised within the reasons for refusal, notably:

- a. Whether the proposal by reason of its siting in this 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; and,
- b. Whether 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; and,
- c. Whether the proposed amenity space by reason of its local and shape would be to the detriment of the amenities of future occupiers.

5.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Principle of development
- Planning history
- Design, character and impact on the street scene
- Living conditions of future occupiers

Principle of development

5.3 In accordance with the National Planning Policy Framework the council is committed to the supply of new dwellings and sets out ways in which this can be achieved.

5.4 Section 11 of the NPPF has regard to 'Making effective use of land' and states that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions"*.

5.5 The Secretary of State's written ministerial statement entitled *"Building the homes we need"* sets out:

"The Government has today set out the first major steps in its plan to build the homes this country needs.

Our manifesto was clear: sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars;

stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country – and so nowhere is decisive reform needed more urgently than in housing.

We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.

That is why today I have set out reforms to fix the foundations of our housing and planning system – taking the tough choices needed to improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years.”

- 5.6 The “Proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation” set out that they are seeking views on reversing changes made to the NPPF by the previous Government in December 2023 as those changes run counter to this Government’s ambitions on increasing housing supply, so they state it is important that they quickly reverse them and allow local planning authorities to get on and plan for growth. The Government considers that the changes proposed make clearer the importance of planning to meet housing needs.
- 5.7 The draft NPPF also sets out that brownfield land must be the first port of call, making it clear that the principle of development should not be in question on brownfield land. In this instance whilst forming part of the garden of an existing dwelling the proposal would replace an existing two storey side extension to facilitate the creation of a new dwelling.
- 5.8 The London Plan 2021 further supports the essential need for more homes and currently has a target set for the delivery of 1,083 new dwellings per year for the Hillingdon Borough of which 295 should be net housing completions on small sites (below 0.25 hectares in size).
- 5.9 The draft NPPF consultation recognises that small and medium sized builders are essential to meeting housing expectations and supporting local economies. The consultation is currently considering strengthening the small site policy through the NPPF, and in particular, whether the 10% small site allocation should be required in all cases.
- 5.10 The precursor to London Plan policy GG2 (making the best use of land) states in the following relevant paragraphs:
- 1.2.1 *London’s population is set to grow from 8.9 million today to around 10.8 million by 2041. As it does so, employment is expected to increase on average by 49,000 jobs each year, reaching 6.9 million over the same period.*

This rapid growth will bring many opportunities, but it will also lead to increasing and competing pressures on the use of space. To accommodate growth while protecting the Green Belt, and for this growth to happen in a way that improves the lives of existing and new Londoners, this Plan proposes more efficient uses of the city's land.

1.2.2 The key to achieving this will be taking a rounded approach to the way neighbourhoods operate, making them work not only more space-efficiently but also better for the people who use them. This will mean creating places of higher density in appropriate locations to get more out of limited land, encouraging a mix of land uses, and co-locating different uses to provide communities with a wider range of services and amenities.

1.2.5 All options for using the city's land more effectively will need to be explored as London's growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London. New and enhanced transport links will play an important role in allowing this to happen, unlocking homes and jobs growth in new areas and ensuring that new developments are not planned around car use.

1.2.8 Making the best use of land will allow the city to grow in a way that works for everyone. It will allow more high-quality homes and workspaces to be developed as London grows, while supporting local communities and creating new ones that can flourish in the future.

5.11 Criterion C of policy GG2 states that LPAs should proactively explore the potential to intensify the use of land to support additional homes and workspaces.

5.12 The council's decision has referred to policy DMH 6 (Garden and Backland Development) which states that there is presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

- 5.13 The proposed development would make efficient use of existing land and buildings creating an additional 1-bedroom residential unit. The modest additional footprint required to facilitate the development would not significantly reduce the amount of garden available and therefore, would maintain local character which would amount to an exceptional case that would achieve the aims of policy DMH 6.
- 5.14 Taking the above information into account it is evident that the proposed development would meet the aims of the new Government which seeks to provide new housing which would also comply with Hillingdon Local Plan: Part Two policy DMH 2 (Housing mix) which states that the council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the council's latest information on housing need.
- 5.15 The following paragraphs will therefore seek to demonstrate that the development accords with other policies and proposals within national, regional and local planning policy in order to establish that a new dwelling in this location would be appropriate.

Planning history

- 5.16 To recap, no. 123a is a new dwelling resulting from appeal decision APP/R5510/W/21/3278335 dated 19th November 2021. The council initially refused application 20352/APP/2021/1451 for the *'Demolition of existing attached garage and creation of new two bedroom attached dwelling with associated bin storage, cycle parking and private amenity space'* on 17th June 2021.
- 5.17 The appeal Inspector overturned the council's decision concluding that although the scheme ***"would subdivide the existing plot and introduce 2-storey built form closer to the corner, thereby reducing the existing gap. Nonetheless, the proposed dwellings would still be set in from the side boundary of the site and the corner by some distance"***.
- 5.18 Following the construction of no. 123a, a Lawful Development Certificate was then obtained under 20352/APP/2023/567 for a *'Proposed single storey side extension'* on 26th April 2023. This permission was implemented.
- 5.19 Application 20352/APP/2023/1481 followed for the *'Erection of a first floor side extension'* which was granted on 10th October 2023. The delegated officer's report confirms:

"Given the siting and positioning of the application dwelling a sense of openness would be retained between the site and the neighbouring dwelling (No. 59 Orchard Road). Overall, it is not considered that the proposed extension would result in a bulky or dominant form of development within the street scene and would integrate well with the host dwelling and surrounding Area of Special Local Character."

- 5.20 The current proposal has taken a design-led approach to ensure the project responds well to its setting improving the appearance of the existing site and integrating well with the surrounding ASLC. Therefore, the following paragraphs will demonstrate that the development does, in fact, comply with the aims of national, regional and local planning policy.

Design, character and impact on the street scene

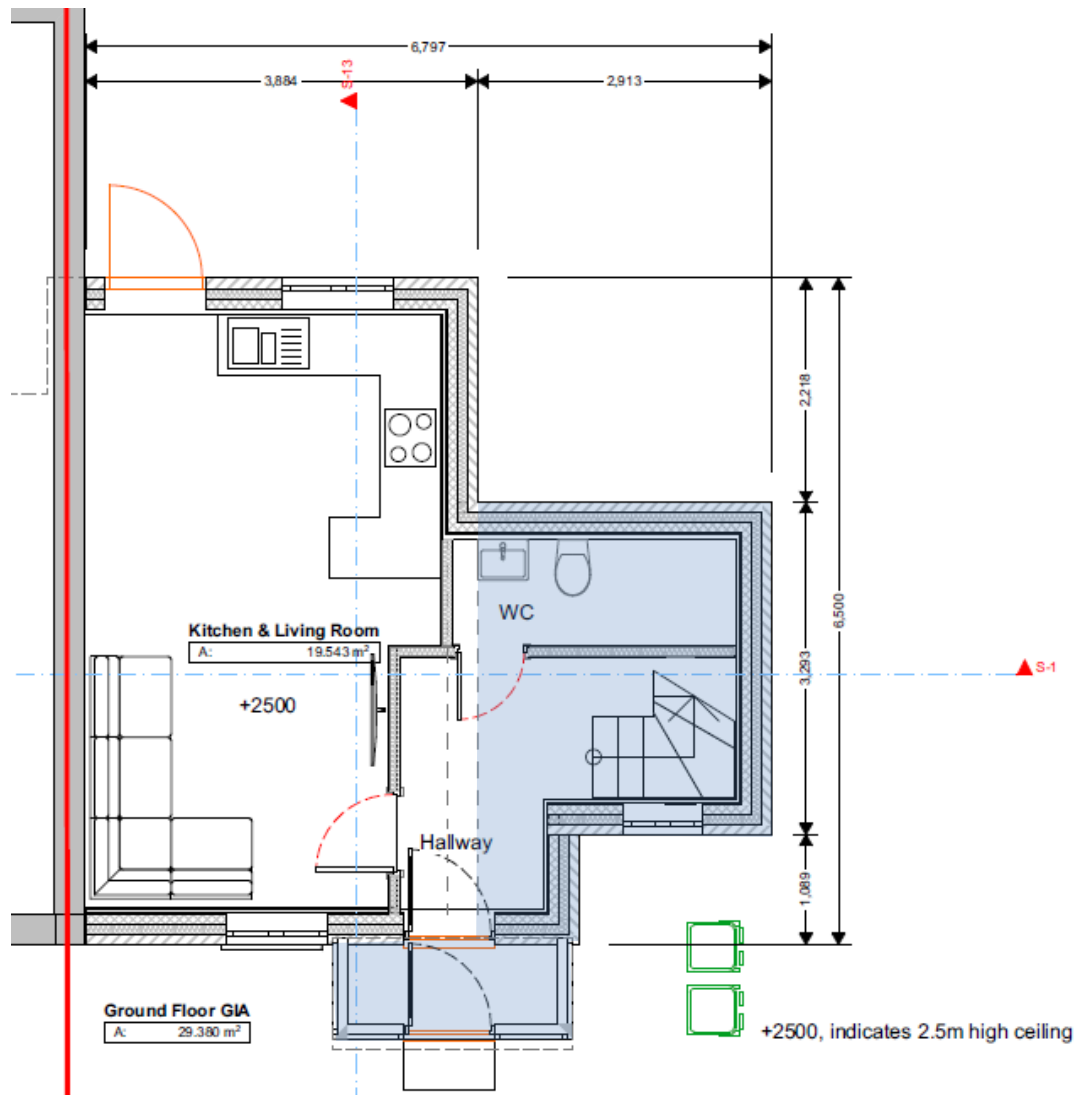
- 5.21 Paragraph 131 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 5.22 Paragraph 135 of the NPPF (2023) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 5.23 London Plan policies D3 (Optimising site capacity through the design-led approach), D4 (Delivering good design) and D8 (Public realm) expect development to achieve high standards and understand the existing character and context of an area.
- 5.24 Local Plan policy BE1 (Built environment), DMHB 11 (Design of new development) and DMHB 12 (Streets and public realm) seek to ensure that development harmonises with local context taking into account the surrounding scale of development, building lines, height, design and materials of the area.
- 5.25 DMHB 5 (Areas of Special Local Character) states:

“Within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area.”

- 5.26 The council refused the development stating:

“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.”

- 5.27 The appellant strongly rejects the council's claims stating that the proposal has been sensitively designed taking into account the existing site situation in order to enhance the special qualities and openness of this ASLC.
- 5.28 As described no. 123a has an existing side extension and the scheme proposes to increase its width by just 2.913m, however, this additional footprint would be partially set back by 1.09m behind the front elevation and would have a depth of just 3.29m. The following plan excerpt illustrates the amount of additional footprint proposed.



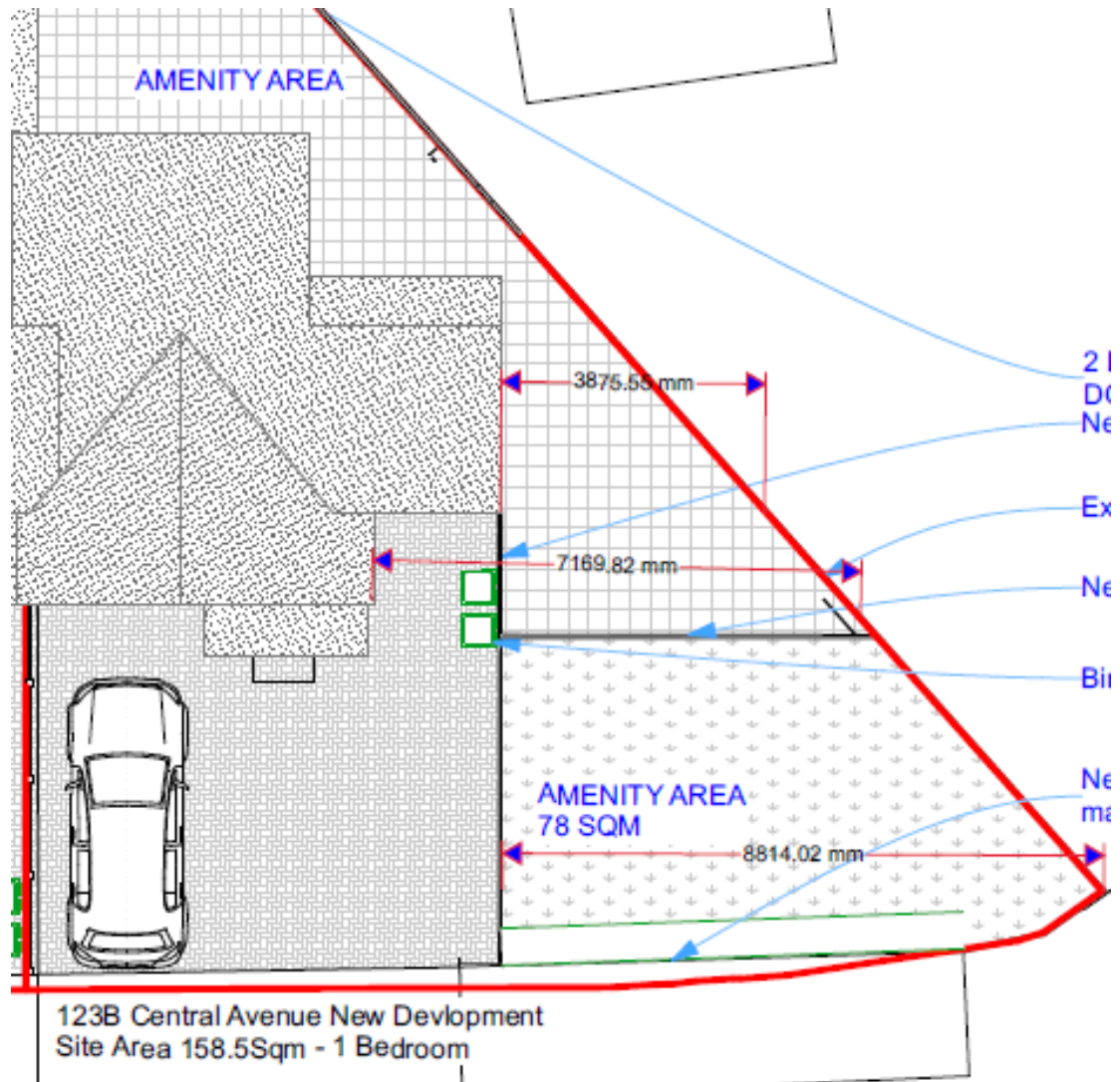
Proposed ground floor layout (shaded area amounts to new additional footprint)

- 5.29 The appellant recognises that the current extension is set lower than the main ridge and is part single storey, however, although the scheme would marginally increase the scale, width and height of the building it would result in a coherent form of development that would respect the character and quality of the host building and wider terrace group.
- 5.30 When assessing the previous appeals at the site the Inspector acknowledged (our emphasis):

- “10. For the most part, including the junctions where the appeal site is located, corner properties are set in from their side boundaries. This, along with the set back of properties from the street and wide pavements give a strong rhythm and rather spacious feel to the street and much of the ASLC. The site shares these characteristics and contributes positively to the character and appearance of the area. **Notwithstanding this, some corner properties have been extended to the side, including at two storey level, and even where they have not, there is some variation in the size of the undeveloped side outdoor spaces.**
11. Both schemes would subdivide the existing plot and introduce 2-storey built form closer to the corner, thereby reducing the existing gap. **Nonetheless, the proposed dwellings would still be set in from the side boundary of the site and the corner by some distance.**
12. **While the resultant gap would be smaller than that opposite, it would be comparable to others in the area, including at the same crossroads which are not uniform in their spacing.** As such, both schemes would not appear at odds with the prevailing pattern of development and would retain an openness at this prominent corner.
13. The previous Inspector referred to concerns over the bulk of the extensions being out of keeping with the scale of the existing property. The schemes before me are for a separate dwelling of similar modest proportions to the existing one. **Therefore, although the quantum of development would be increased, the rhythm of development would be maintained, and the schemes would not appear cramped.**”

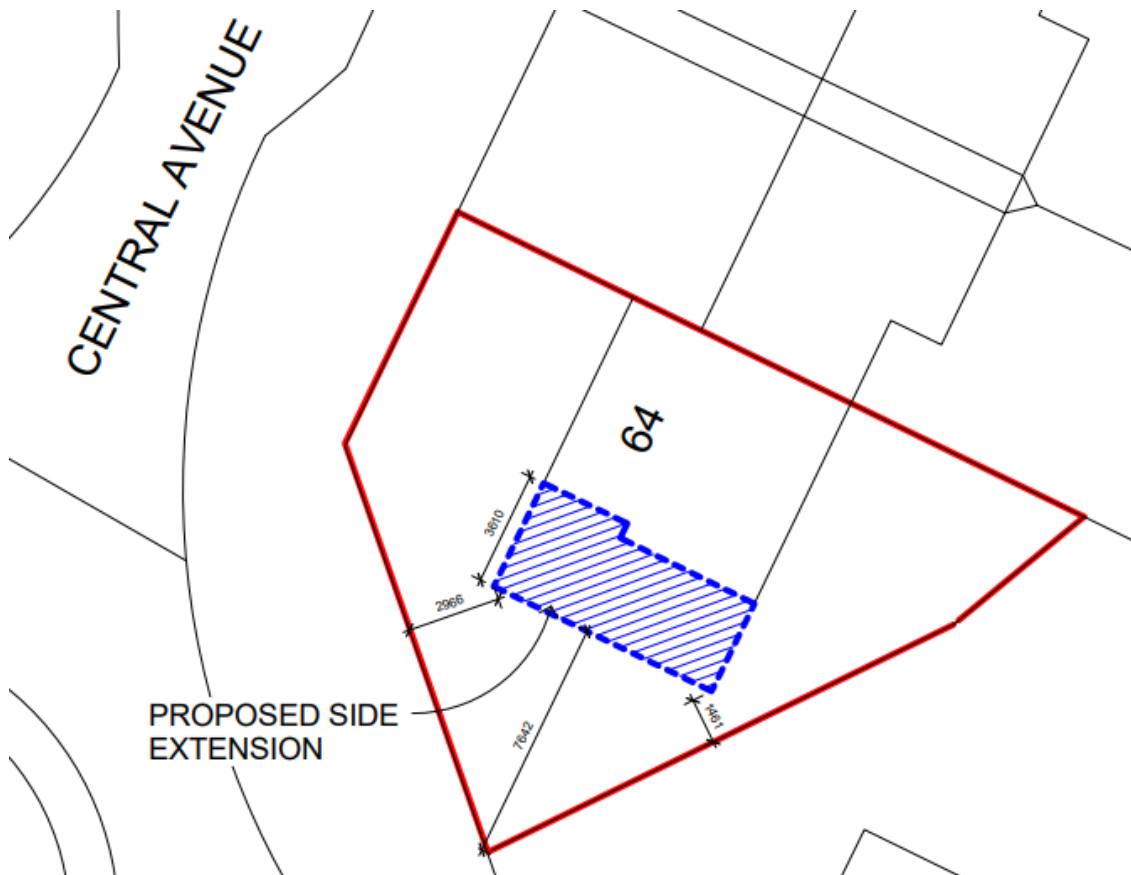
- 5.31 The appellant acknowledges that the gap to the side boundary would be reduced again, however, this would only be by a small proportion compared to the existing situation.
- 5.32 In fact, the gap retained to the side boundary following the development would not differ that significantly from other gaps seen along Central Avenue to warrant a reason for refusal.
- 5.33 As a consequence, the proposal would not appear as an overdevelopment of the site but a suitable addition to the street scene.
- 5.34 The plan excerpt below with PDF measurements illustrates that a sizeable and notable gap that would be retained to the corner and side boundary. Therefore, as a gap of approximately 8.8m would be retained across the front of the site and the dwelling

would be set in from the side/rear boundary, the council's statement that the proposal would result in a cramped appearance is unwarranted.



Proposed block plan with PDF measurements indicating gaps retained

- 5.35 The following images highlight development along Central Avenue and illustrate the difference in gaps to the side boundaries. Consequently, the proposal to construct a dwelling on land to the side of no. 123a would still be in keeping with the prevailing pattern of development on Central Avenue.
- 5.36 The following plan excerpt illustrates an approved development at no. 64 Central Avenue, which is also positioned on a similar corner plot. The two-storey development at no. 64 resulted in the front corner of the extension retaining a gap of 2.966m to the side boundary which is less than the proposed gap at no. 123a.



**Approved two storey extension at no. 64 Central Avenue
Application ref 66979/APP/2011/337**



Existing extensions at no. 64 Central Avenue

- 5.37 The following plan excerpt illustrates a block plan of no. 65 Central Avenue, again highlighting that gaps to side boundaries have been reduced with a side extension.



Approved two-storey side extension at no. 65 Central Avenue
Application 65215/APP/2009/909



Existing extension at no. 65 Central Avenue

- 5.38 The following images comprise other similar corner properties which are in close proximity to the side boundary. As a result, the partial closure of the gap at no. 123a would not be out of character.



No. 178 Central Avenue



No. 157 Central Avenue

- 5.39 The council may argue that these examples were constructed prior to their adoption of the current Local Plan however, the Central Avenue ASLC was designated on 13th November 1989 and the above referenced extensions do not pre-date that. As the council has sought to preserve the character and appearance of this area since 1989 and granted permission for the abovementioned extensions the development at no. 123A would clearly also align with these principles.

- 5.40 Moreover, the council have failed to take into account the positive impact of the proposal which would replace the existing part single/part two storey side extension. The existing part single/part two storey extension departs from the original rhythm and uniformity of the terrace group whereas the scheme proposed now would reflect the established scale, building lines, height, design and materials of the area as required by policy DMHD 5.
- 5.41 When the council approved the existing first floor extension to no. 123a the delegated officer's report confirms

“Given the siting and positioning of the application dwelling a sense of openness would be retained between the site and the neighbouring dwelling (No. 59 Orchard Road). Overall, it is not considered that the proposed extension would result in a bulky or dominant form of development within the street scene and would integrate well with the host dwelling and surrounding Area of Special Local Character.”



Existing front elevation



Proposed front elevation

- 5.42 Given the above information, the appellant reiterates the Inspector's comments from the previous appeal which are relevant to this case:

- “18. The proposed property would adjoin the existing one, be of a similar footprint and scale, and follow the same building line. Therefore, it would retain the rhythm of development in the street. The scheme would largely replicate existing materials, design features and the architectural style predominant in the area including the projecting front gable, window arrangement and archway between properties.***
- 19. As such, the proposed development would not harm the character and appearance of the area including the ASLC. The scheme would accord with Policies BE1 and HE1 of the Part One Plan, Policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Part Two Plan and Policies D1, D3, D4, D6 and HC1 of the London Plan 2021. These, in part, seek to ensure developments are appropriate to and respond to local characteristics, context and the surrounding area, including conserving non-designated heritage assets.***
- 20. It would also comply with the Framework where it seeks to conserve heritage assets in a manner that is appropriate to their significance and that proposals should be sympathetic to local character.”***

5.43 In summary, the appeal proposal would not result in the harm suggested by the council, to the contrary the development would have a positive impact enhancing the character and appearance of the host building, the terrace group and wider ASLC. Therefore, complying with the aims of the NPPF, 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).

Living conditions of future occupiers

5.44 Paragraph 135 f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.45 Hillingdon Local Plan policy DMHB 18 (Private Outdoor Amenity Space) states:

- A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.***

- B) *Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.*
- C) *Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the streetscene and the character of the buildings on the site.*
- D) *The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.*

5.46 The council refused the application stating that 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*”.

5.47 The scheme proposes a 1-bedroom dwelling house with a GIA of 58.14sqm with an overall outdoor amenity space of 78sqm.

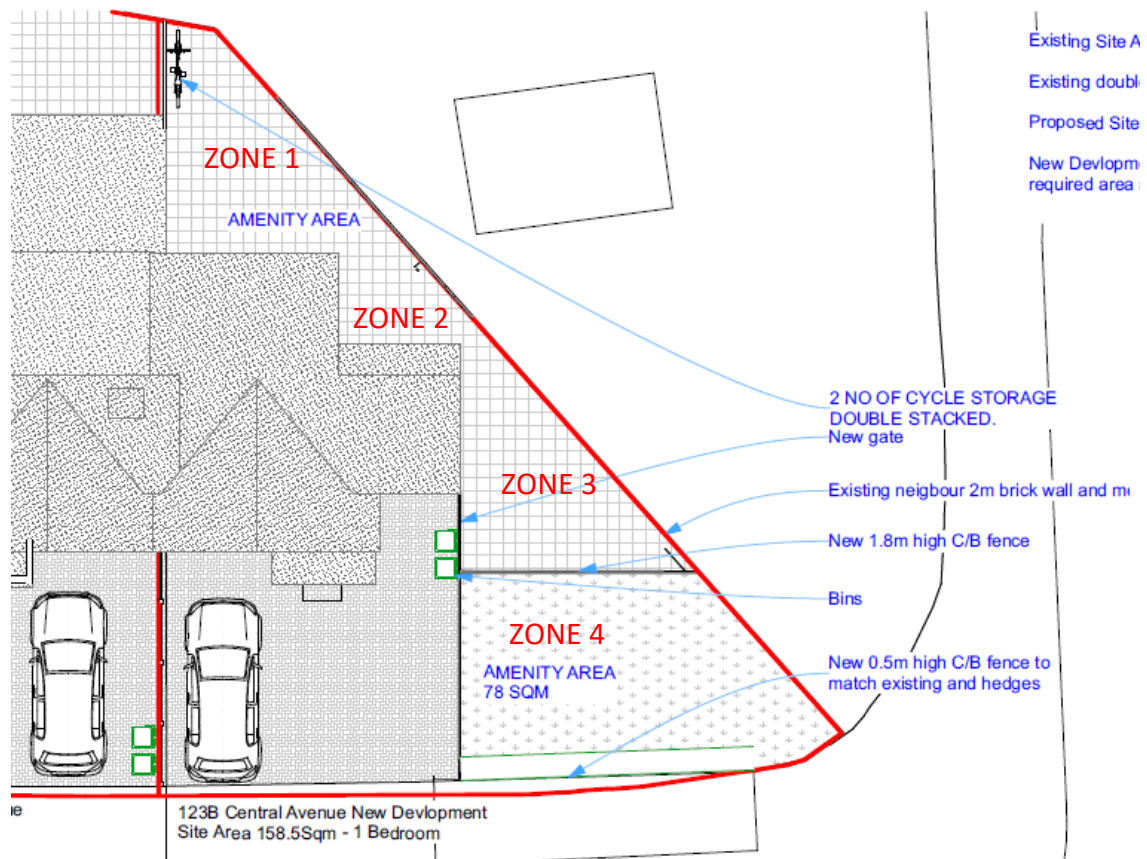
5.48 From the available outdoor space, 42.7sqm would be positioned to the side/rear of the property which would have a new 1.8m high closeboarded fence for privacy whilst a further area of 35.3sqm would be sited to the front/side of the new dwelling.

Table 5.3: Private Outdoor Amenity Space Standards

Dwelling type	No of bedrooms	Minimum amenity space provision (sqm)
Houses	1 bedroom	40
	2 and 3 bedrooms	60
	4 + bedrooms	100
Flats	Studio and 1 bedroom	20
	2 bedrooms	25
	3 + bedrooms	30

5.49 The amenity space would exceed the minimum requirements set out in Table 5.3 of the Local Plan and would provide sufficient space for future occupiers to sit outside and hang washing out to dry.

5.50 The council’s argument that the space would fail to be sufficiently private, useable or well-located is unreasonable.



Potential proposed garden layout

5.51 The outdoor space could be suitably zoned to allow for example:

Zone 1: 19.5sqm – suitable for hanging out washing

Zone 2: 6.5sqm – suitable for planting on raised beds

Zone 3: 16.7sqm – suitable for outdoor dining

Zone 4: 35.3sqm – suitable for soft landscaping and outdoor seating

5.52 Moreover, the land is flat, and the garden would not be so unsuitably shaped that it would affect its useability.

5.53 In addition, although part of the garden would be located to the front and side of the property, this area would be afforded a sufficient level of privacy by the proposed boundary treatment. If further details are required in relation to the boundary treatment this could be secured through a condition of approval.

5.54 Taking the above information into account, the scheme would comply with Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135 (f) of the NPPF (2023).

6.0 CONCLUSIONS

- 6.1 Every development proposal is unique and therefore, we consider that all appeals should be assessed on their own respective merits, having regard to the particular characteristics of each site.
- 6.2 The proposed dwelling by virtue of its detailed and sympathetic design, size, scale and position would make a positive contribution to the character, appearance and visual amenities of the street scene and the wider area following the replacement of the existing two storey side extension which detracts from the uniformity and rhythm of the terrace group.
- 6.3 The scheme would retain sufficient space around the property and thus would not appear as an overdevelopment or result in a cramped appearance. Moreover, the development would provide a positive contribution to housing within the borough making efficient use of land which accords with the aims of the Government.
- 6.4 Future occupiers of the 1-bedroom/2-person dwelling would also benefit from a sizeable garden which would meet their needs.
- 6.5 Consequently, the appellant asserts that the council's decision on this occasion is unsound and thus, it is considered that the appeal proposal conforms with the overall aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH6, MHDB 5, DMHB 11, DMHB 12, DMHB 14 and DMHB 18 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).
- 6.6 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

3rd September 2024