

**Appellant's response
to
LPA's Appeal Statement
and
Interested Parties' Written Representations**

Appeal Reference:
APP/R5510/W/25/3362372

Date:
22nd May 2025

Proposal:
Demolition of existing house and garage and
construction of a block of five purpose-built apartments

Appeal site:
32 Kingsend, Ruislip, Middlesex, HA4 7DA

LPA:
London Borough of Hillingdon

Planning Reference:
9894/APP/2023/3569

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1.0 Introduction

This document addresses both the LPA Appeal Statement and Written Representations from Interested Parties.

In this document words written in **purple in bold and underlined** such as **Link**, **CLICK HERE**, **Page** and **Appendix n** are hyperlinks to aid efficient navigation around this document.

Within this document the words LPA, council, borough and LBH are used interchangeably to refer to the London Borough of Hillingdon Local Planning Authority.

2.0 Overview

From the LPA's Appeal Statement it is clear, both from what has been commented on, and what the LPA has chosen to remain silent on, that there are several fundamental matters that need to be highlighted. These are set out below.

2.1 The principle of development (Local Policy DMH4)

2.1.1 Urban Design compliance

The LPA has confirmed that all of its specialist officers that collectively form the LPA's Urban Design Team (Conservation and Heritage, Arboriculture and Landscaping, Urban Designers, Highways) are all in agreement that the proposed development is compliant with all policy based matters relating to their area of specialism.

This is categorically and unambiguously stated in the internal memorandum of the 17th January 2024 from the Urban Design Team to the Case Officer. This document was provided to the appellant within the written representations pack during the appeal stage and is provided in this document as [Appendix 1](#).

The internal memorandum from the Urban Design Team confirms that there is no legitimate planning policy benefit to be derived from the application of Local Policy DMH 4 in this instance. The policy only serves to thwart the intensification of dwellings in the area. This is in direct conflict with the policy requirements of both the London Plan and the NPPF relating to urban areas well served by public transport services. Sections 4.3.2 and 4.3.3 of the appellant's Appeal Statement of Case (SOC) provide full details of this.

2.1.2 LPA remains unduly silent

There are several matters that the appellant has put before the council where a difference of opinion is known to exist, yet the council has remained unduly silent on them, even at this Appeal stage.

Some of these matters have now been set before the council three times, and each time the council has remained silent rather than provide any transparency as to the rationale behind their stance.

The most likely conclusion from this is that for each matter that the council has remained silent on, the council does not have a rationale that will withstand scrutiny. There are three matters that have been put before the LPA regarding Local Policy DMH 4 that they have remained silent upon. These are:

- The LPA's improper interpretation of the policy (DMH4)
- The LPA's inconsistent application of the policy (DMH4)
- The presumption in favour of sustainable development

2.1.2.1 The LPA's improper interpretation of policy DMH4

Three times now the appellant has put before the LPA evidence that the LPA is not interpreting Local Policy DMH4 in accordance with normal plain English and its legal meaning (that is, in accordance with the Oxford English Dictionary) and that they are therefore applying the policy incorrectly.

The evidence was provided in the documentation packs for both the first and second full planning applications (Planning Applications 9894/APP/2022/3871 and 9894/APP/2022/3871) as well as in Section 5 of the appellant's SOC each time the LPA has remained silent and continued to apply their own interpretation.

As the LPA has remained unduly silent on this matter even at this Appeal stage, it is hard to come to any other conclusion than that they do not have justification for their position that would withstand any scrutiny.

The appellant therefore contends that due to the absence of any challenge by the LPA to the evidence put before them, that it is concluded that the LPA has been improperly interpreting the policy and that by applying the normal plain English legal meaning to the wording of Local policy DMH4 the proposed development is deemed policy compliant.

2.1.2.2 The LPA's inconsistent application of policy DMH4

Twice now the appellant has put before the LPA evidence that they are inconsistent in their application of Local Policy DMH4. The evidence put before the LPA shows that from one application to another the LPA has included or excluded different properties along the street in the calculation (of DMH4) in an arbitrary manner, without providing any justification. Evidence of this has been put before the LPA in both the second full planning application and in Section 4.5 of the appellant's SOC, on each occasion the LPA has remained silent on the matter.

The LPA's failure to address this matter when it has been set before them suggests that they have no justification for doing so that would withstand any scrutiny.

The appellant therefore contends that due to the absence of any challenge by the LPA to the evidence put before them, that it may be concluded that the LPA has been inconsistent in their application of Policy DMH4. Such inconsistency of application suggests a lack of understanding within the LPA as to how the policy can be legitimately used. Accordingly, it is considered that Policy DMH 4 has been applied in an inconsistent and arbitrary manner, without sufficient justification, and as a result, the policy has been misapplied. This creates a situation where the legitimacy, credibility and probity of the policy are lost and continuing to apply the policy may be deemed unsound.

2.1.2.3 The presumption in favour of sustainable development

The appellant put before the LPA evidence that paragraph 11d of the National Planning Policy Framework (NPPF) that provides for the presumption in favour of sustainable development should be invoked for this planning application. This is set out in Section 7.0 of the appellant's SOC.

The LPA has not offered any challenge to this in their Appeal Statement.

The appellant therefore contends that due to the absence of any challenge by the LPA it may be concluded that the LPA could not justify the conflict between Policy DMH4 and the NPPF, nor assert why Policy DMH4 should not be considered out of date due to its conflict with both the NPPF and the London Plan, which as detailed in Section 7 of the appellant's SOC, is a major catalyst for the presumption being invoked.

2.2 Private outdoor amenity space – Provision via indirect access

Despite the council's assertions to the contrary, the provision of indirect access to outdoor amenity space (i.e. leaving the property by the front doors and using a side path to gain access to rear garden amenity space) is very common place amongst flatted developments across the borough.

[Appendix 2](#) lists ten planning applications that have been approved within the borough for developments where indirect access to private outdoor amenity space is utilised. For brevity of the appendix, just ten examples are listed, there are however many more instances that have been noted on the LBH planning website.

All of the examples provided in Appendix 2 have been approved since the LBH Local Plan was last adopted in January 2020.

In addition to the above evidence that the provision of outdoor amenity space via indirect access is

common place in the borough, the following points also provide further justification for the approach proposed:

Balconies at the rear of the property were included in the design of the first planning application and were referenced in one of the reasons for refusal. This is covered in Section 5.5.5 of the appellant's SOC, wherein paragraph 5.5.5.12 specifically refers.

The inclusion of balconies is also not mandated in the Local Plan. This is covered in Section 5.5.5 of the appellant's SOC, wherein paragraph 5.5.5.7 specifically refers.

Private outdoor amenity space, exclusive to the resident(s) of each apartment is also not a requirement of the London plan. London Plan (2021) Policy D6, paragraph 3.6.91 refers, this is covered in Section 5.5.2.9 of the appellant's SOC, wherein paragraph 5.5.5.20 specifically refers.

The quantum of private outdoor amenity space provided by the rear garden of the proposed development is over three times (x3) greater than that required by policy. This is covered in Section 5.3 of the appellant's SOC, wherein paragraph 5.3.8 specifically refers.

The quality of outdoor amenity space proposed is also high. It is approximately square in form, at the rear of the property so acoustically screened from road traffic noise, verdant and well screened visually from neighbouring properties.

Many of the flatted developments in the borough (listed in Appendix 2) do not even provide level access from all new dwellings to the outdoor amenity space, whereas the proposed development, by means of its passenger lift to all floors, does.

In light of all the above, it is considered that the LPA's position on the provision of outdoor amenity space for the proposed development is unreasonable.

2.3 Improper understating of PTAL rating

Twice now the appellant has put before the LPA evidence that they are improperly understating the proposed development site's Public Transport Accessibility Level rating (PTAL).

The applicant's position on this was set out in the second planning application (as a result of feedback received from the first planning application) and again in the appellant's SOC, each time the LPA has remained silent on the matter.

As the LPA has remained unduly silent on this matter even at this Appeal stage, again it is hard to come to any other conclusion than that the LPA doesn't have justification for their position on this matter that would withstand any scrutiny. It may therefore be concluded that continued understating of the proposed development site's PTAL rating is incorrect and undermines the site's credentials for various London Plan policies to be applied to the application.

The appellant therefore contends that due to the absence of any challenge by the LPA to the evidence that has been put before them, that the site is accredited with a PTAL rating of 4 (GOOD) and that the policies of the London Plan detailed in the appellant's SOC are applied to the application. Specifically, London Plan in paragraph 4.2.4 states that urban sites with good PTAL rating should generally be supported. Full details of this are provided in Section 6.0 of the appellant's SOC.

2.4 Procedural fairness

As a result of the planning application being subjected to numerous procedural anomalies during the application stage, significant question has already been raised as to the level of procedural fairness that this application has been afforded by the council. This is outlined in Section 8.0 of the appellant's SOC.

This situation has been exacerbated during the Appeal Process through the LPA's failure to disclose all relevant information.

2.4.1 Disclosure of relevant information

2.4.1.1 Disclosure of relevant documentation (Appeal stage)

The Questionnaire completed by the LPA contains in Part 5 (24.c) a list of written representations from interested parties. Each of the representations listed in the Questionnaire are duly referenced as distinctly separate pdf documents (43 pdf files are listed).

The LPA has failed to make these documents available to the appellant. After four times of asking the LPA, (by email, [Appendix 3](#) refers) the appellant has still not received the files that the Questionnaire lists. Instead, the LPA initially sent the appellant just a single pdf (Appendix 6) with a number of representations in it that could not be reconciled with the list of files in the Questionnaire.

Subsequently, following further requests, the LPA sent the appellant two further files containing written representations with handwritten file references on the top of some pages which are quite obviously not the individual, discrete pdf files listed in the Questionnaire.

The LPA's failure to disclose the same files as listed in the Questionnaire has wasted the appellant's time by having to request these files several times and by forcing the appellant to try to reconcile the erroneous files provided. This would not have been the case had the LPA issued the appellant with the documentation listed in the Questionnaire that was provided to the Planning Inspectorate.

As a result, the appellant has not been able to comment on the precise files the LPA provided to the Inspectorate, in the methodical way they would have preferred, as they have not seen them. However, from the two files received from the LPA it is noted that there is a vast amount of duplication. Several representations appear in several of the files and some files are duplicates of others.

2.4.1.2 Disclosure of relevant documentation (Planning Application stage)

During the appeal stage it has also come to light that there are representations in the two pdf files provided by the LPA during the appeal stage that were not provided to the applicant when they asked for copies of all written representations made by local residents and relevant council officers during, and several weeks after, the close of the planning application consultation period.

A prime example of this is the Urban Design Specialists' Report that has now been provided in this response in Appendix 1.

2.5.1 Evidence of procedural unfairness unchallenged

It is noted that the LPA has not tried to either justify or challenge the evidence put before them in the Appellant's SOC that the planning application has been subjected to numerous procedural anomalies whilst they processed the planning application, nor account for the excessively long determination period.

2.6.1 Evidence of policy wrongly stated as a reason for refusal unchallenged

In their reasons for refusal the LPA stated that the proposed development is non-compliant with Local Policy DMH16.

In Section 5.5.4 of the appellant's SOC full details of the proposed development's compliance with Local Policy DMH16 is set out and it is asserted that this policy is wrongly referenced.

This has not been challenged by the LPA in their Appeal Statement, as instead yet again, they have chosen to remain silent on the matter put before them.

The fact that the LPA has remained silent on this matter suggests that there is no legitimate planning reason for the inclusion of this policy as a reason for refusal. A reasonable response from the LPA would have been simply to acknowledge the inclusion of this policy as an error on their part. However this has not been provided either. It is therefore another example of the procedural fairness difficulties that this application has had to endure.

The appellant therefore contends that due to the absence of any attempted justification or challenge to the evidence put before them, it can be concluded that the LPA has not applied the requisite level of procedural fairness that should have been afforded to the application and respectfully asks the Inspector to also take this into account when deciding the appeal.

3.0 Appellant's response to the LPA's Appeal Statement

All fundamental matters arising from the LPA's Appeal Statement have been addressed in Section 2 of this document.

Equally, there are some matters that the appellant has put before the LPA multiple times now, where a difference of opinion is known to exist, yet the LPA has remained unduly silent even at this Appeal Stage. Such matters are also addressed in Section 2 of this document.

However, there are also numerous other assertions made in the LPA's Appeal Statement that obfuscate matters and others that are presented in ways that could easily misdirect the reader, these have been addressed in [Appendix 4](#).

4.1 Appellant's response to the Interested Parties' Written Representations

Only five written representations were received from interested parties during the Appeal consultation stage:

- Ruislip Residents' Association (RRA)
- Trevor Browne – next door neighbour at 34a Kingsend
(whose wife is Conservation and Planning Officer on the RRA's Executive Committee)
- Galatia Strachan – Ickenham Road (23), a parallel road to Kingsend
(former member of the RRA who campaigned to extend the RVCA 18 years ago)
- Jonathan Burns – 22 Kingsend
- Margaret McCafferty – 39 Kingsend

All of the points (style and design, heritage and conservation, traffic, size and scale, flooding, wildlife (badgers and bats), arboriculture and landscaping) raised by Interested Parties at the Appeal consultation stage, were raised previously at the planning application consultation stage, and have been assessed by the Case Officer and the council's respective specialist urban design officers. All of these matters, with the exception of Local Policy DMH4 (the 10% rule) and the provision of outdoor amenity space, have been dismissed by the Case Officer with the reasoning behind each decision documented in the Case Officer's report.

This is also confirmed by the Council's Urban Design Team's report to the Case Officer, provided in Appendix 2.

Hence, this section responds to the comments received from Interested Parties during the Appeal consultation stage pertaining to :

- The principle of development (DMH4) (the 10% rule)
- The provision of outdoor amenity space.

It is noted that in the written representations received during the Appeal consultation stage there is some very emotive and derisory language about the proposed development, presumably in an attempt to denigrate it.

It is also noted that the Ruislip Residents Association comments have been signed by Daniel O'Neill who is the Chief Road Steward for RRA. The Conservation and Planning Officer on the Executive Committee, who would be expected to do this, is Sue Browne who lives next door to the proposed development at 34a Kingsend and has been particularly vociferous, along with her husband Trevor Browne, in her opposition to the development, sending copious emails to numerous planning officers and councillors at LBH rather than just to the Case Officer assigned to this planning application.

The principle of development (DMH4) (the 10% rule)

Ruislip Residents Association's (RRA's) conjecture that LBH's Officers' Reports are littered with typing errors and omissions is not a credible justification of the inconsistencies in previous and current Officers' Reports with regards to which houses along the street should or should not have been included in DMH 4 calculations.

If the RRA's account were to be the case, then we would expect the LPA to be aware of this and to have offered their own account for the inconsistencies themselves. However, the LPA did not do this, instead they remained silent on the matter, so there is no consistency between the two parties explanations for this.

Additionally, the RRA's attempt to apply their own interpretation of the policy's wording demonstrates the disconnect between what the policy actually says when read in accordance with its normal plain English legal meaning and what some members of RRA would like it to say.

RRA's willingness to account for the inconsistency of DMH4's application, coupled with their illegitimate interpretation of the policy wording, undermines the credibility of their representation.

All other points raised by Interested Parties in relation to DMH4 have been addressed in Section 2.

4.1.2 The provision of outdoor amenity space.

Three of the five written representations received during the Appeal consultation stage (Browne, RRA and Strachan) have focussed their attention on the outdoor amenity space provided by the proposed development in what appears to be an attempt to undermine the application.

However, the provision of outdoor amenity space via indirect access is common place across the borough as described in Section 2.2 and supported by the examples provided in Appendix 2.

5.0 Planning conditions

In the LPA's Appeal Statement they provide a list of sixteen planning conditions they would like applied to the development in the event of the Planning Inspector approving the Appeal.

The appellant is agreeable to each of the sixteen conditions should the Inspector be minded to allow the Appeal. It is felt however that some of the conditions could be made a little less onerous by adjusting the timing from, prior to any development, to prior to occupation of the development, or prior to any above ground works commencing, as may be applicable to each condition. This would allow the development to be completed in a shorter period of time.

6.0 Conclusions

Local Policy DMH 4 (10% threshold)

The LPA has not provided any challenge to the evidence put before them in the appellant's SOC relating to their :

- improper interpretation of policy DMH4;
- inconsistent application of policy DMH4;

or

- the presumption in favour of sustainable development.

In the absence of any challenge, it is reasonable to assume that the LPA does not have legitimate justification for refuting each of the appellant's assertions. The appellant therefore contends that each of the above should stand as documented in the appellant's SOC.

Private outdoor amenity space

There are a significant number of flatted developments across the borough that have been approved since the Local Plan was last adopted in January 2020 that provide access to outdoor amenity space through indirect access, that fall far short of the level of amenity proposed for this development (level access, quantum, quality of space). It is therefore felt that the LPA's position on the provision of outdoor space for the proposed development is unreasonable.

For the reasons set out in the Appellant's SOC and in this document, the Inspector is respectfully requested to allow the appeal.

Appendices

Appendix 1 – Urban Design Specialists' Report

The report shown below from the council's Urban Design Team clearly confirms that all matters relating to heritage, height, scale and massing, layout and landscaping are agreeable to the council's specialists responsible for these disciplines.

CRS41712 - 32 KINGSEND



HILLINGDON
LONDON

URBAN DESIGN COMMENTS

Site Address: 32 Kingsend
Planning ref: 9894/APP/2023/3569
Case Officer: Christos Chrysanthou
Design Officer: Joris van der Starre
Date of comments: 17-01-24
Proposal: Demolition of existing house and garage and construction of a block of five purpose-built apartments

1. Summary
A similar proposal was refused planning permission (9894/APP/2022/3871). It is considered that the current proposal has sufficiently addressed the design issues identified as reasons for refusal and the proposal is now considered appropriate in terms of design and conservation.

Objection	Comments	Conditions	Approval of Details
	X		

2. Heritage
The proposal is located within the Ruislip Village Conservation Area. The existing property to be demolished makes a positive contribution to the character of the Conservation Area and the street. While the history of the existing building would be lost, the architectural quality of the proposed building is considered appropriate and the proposed building in Arts and Crafts style would fit in well with the existing local character.

The impact of the proposal on the Conservation Area would be very limited. Any perceived harm would be less than substantial, on the lower end of the scale, which could be outweighed by the public benefits of the proposals.

3. Height, Scale and Massing
Other similarly large properties exist within the street. The design, massing and siting within the plot are considered acceptable.

The reduced height and setback facades of the sides of the building breaks down the mass of the building and gives the appearance of a main building with 2 subservient side wings.

4. Layout
The location of cycle storage within the basements is considered acceptable. The location of the building, without balconies and side windows, does not appear to create a negative impact on residential amenity.

The internal layout is acceptable and the proposed flats are dual-aspect.

Planning Services, Corporate Directorate of Place
Hillingdon Council, 3N, Civic Centre, High Street, Uxbridge, UB8 3UW
www.hillingdon.gov.uk

Appendix 1 – Urban Design Specialists' Report (Cont/d ...)

5. Landscape

The retention of most of the existing trees is welcomed, which would screen the development and retain more of the existing landscape character of the site and streetscape. Additional trees are proposed which would provide a net gain. The 3 trees to be removed are considered to have little arboricultural value and are identified as category C.

The landscape proposals indicate sufficient level of soft landscaping within the front garden, providing visual and ecological benefits.

~~~ End of Appendix 1 ~~~

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## Appendix 2 – Private outdoor amenity space – Provision via indirect access

This appendix lists ten planning applications that have been approved within the borough for developments where private outdoor amenity space is provided to residents of dwellings in the development by using the front door and a side gate to access outdoor amenity space in the rear garden.

All of the examples provided below have been approved since the LBH Local Plan was last adopted in January 2020.

The list below provides just ten examples for brevity, there are many more instances of this available on the LBH planning website.

| UID                                                                                        | Planning Ref                            | Site Address               |
|--------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------|
| 1                                                                                          | 1174/APP/2022/3011 <a href="#">Link</a> | 383 Victoria Road, Ruislip |
| <b>Desc of works:</b> Conversion of a house into two flats (1 x GF and 1 x FF)             |                                         |                            |
| <b>Outdoor amenity space:</b> Accessed by the FF flat via the front door and side pathway. |                                         |                            |
| <b>Level access:</b> <b>No</b> - stairs need to be used to access outdoor amenity space.   |                                         |                            |

| UID                                                                                                               | Planning Ref                            | Site Address           |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------|
| 2                                                                                                                 | 24043/APP/2020/879 <a href="#">Link</a> | 37 The Drive, Ickenham |
| <b>Desc of works:</b> A new development of 8 flats (2 x LGF, 2 x GF, 2 x FF and 2 x SF)                           |                                         |                        |
| <b>Outdoor amenity space:</b> Accessed <u>indirectly</u> by the 2 x FF flats via the front door and side pathway. |                                         |                        |
| <b>Level access:</b> Yes                                                                                          |                                         |                        |

| UID                                                                                                                                                                                           | Planning Ref                             | Site Address           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------|
| 3                                                                                                                                                                                             | 70282/APP/2020/2522 <a href="#">Link</a> | 60 Long Lane, Ickenham |
| <b>Desc of works:</b> A new development of 9 flats (4 x GF, 4 x FF and 1 x SF)                                                                                                                |                                          |                        |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by 7 of the 9 flats (2 x GF, 4 x SF and 1 x SF) via the front door and side pathway, (i.e. just the two rear GF flats have direct access). |                                          |                        |
| <b>Level access:</b> <b>No</b> - stairs need to be used to access outdoor amenity space.                                                                                                      |                                          |                        |

| UID                                                                                                                                                                                                                                                                               | Planning Ref                           | Site Address                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------|
| 4                                                                                                                                                                                                                                                                                 | 993/APP/2020/2939 <a href="#">Link</a> | 137 Swakelys Road, Ickenham |
| <b>Desc of works:</b> A new development of 8 flats (3 x GF, 3 x FF and 2 x SF)                                                                                                                                                                                                    |                                        |                             |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by 5 of the 8 flats (3 x FF and 2 x SF) via the front door and side pathway, (i.e. just the two rear GF flats have direct access to the rear garden, the 3 <sup>rd</sup> GF flat has a patio onto the front car parking area). |                                        |                             |
| <b>Level access:</b> Yes                                                                                                                                                                                                                                                          |                                        |                             |

## Appendix 2 – Private outdoor amenity space – Provision via indirect access (Cont/d ...)

| UID                                                                                                                                                                                              | Planning Ref                             | Site Address             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------|
| 5                                                                                                                                                                                                | 32126/APP/2020/3182 <a href="#">Link</a> | 19 Harvel Road, Ickenham |
| <b>Desc of works:</b> A new development of 7 flats (3 x GF, 3 x FF and 1 x SF)                                                                                                                   |                                          |                          |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by 5 of the 7 flats via the front door and side pathway (1 x GF, 3 x SF & 1 x SF flats) (i.e. just the two rear GF flats have direct access). |                                          |                          |
| <b>Level access:</b> <b>No</b> - stairs need to be used to access outdoor amenity space.                                                                                                         |                                          |                          |

| UID                                                                                               | Planning Ref                             | Site Address              |
|---------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------|
| 6                                                                                                 | 14032/APP/2021/2749 <a href="#">Link</a> | 3a Dawlish Drive, Ruislip |
| <b>Desc of works:</b> Extension and conversion of a house into two flats (1 x GF and 1 x FF)      |                                          |                           |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by the FF flat via front door and side pathway |                                          |                           |
| <b>Level access:</b> <b>No</b> - stairs need to be used to access outdoor amenity space.          |                                          |                           |

| UID                                                                                                                                                                 | Planning Ref                             | Site Address              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------|
| 7                                                                                                                                                                   | 68788/APP/2022/1728 <a href="#">Link</a> | 51 Pembroke Road, Ruislip |
| <b>Desc of works:</b> Extension and conversion of a house into four flats (2 x GF and 2 x FF)                                                                       |                                          |                           |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by 2 of the 4 flats (2 x FF) via the front door and side pathway (i.e just the 2 x GF flats have direct access). |                                          |                           |
| <b>Level access:</b> <b>No</b> - stairs need to be used to access outdoor amenity space.                                                                            |                                          |                           |

| UID                                                                                                                                                                                             | Planning Ref                             | Site Address            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------|
| 8                                                                                                                                                                                               | 60130/APP/2021/4249 <a href="#">Link</a> | 59 Elm Avenue, Eastcote |
| <b>Desc of works:</b> A new development of 6 flats (2 x GF, 2 x FF and 2 x SF)                                                                                                                  |                                          |                         |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by all 6 of the 6 flats (2 x GF, 2 x FF and 2 x SF) via front door and side pathway (i.e. none of the 6 flats appear to have direct access). |                                          |                         |
| <b>Level access:</b> <b>No</b> - stairs need to be used to access outdoor amenity space.                                                                                                        |                                          |                         |

## Appendix 2 – Private outdoor amenity space – Provision via indirect access (Cont/d ...)

| UID                                                                                                                      | Planning Ref                            | Site Address                   |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------|
| 9                                                                                                                        | 27306/APP/2020/237 <a href="#">Link</a> | 1 Manor House Drive, Northwood |
| <b>Desc of works:</b> A new development of 6 flats (3 x GF, 3 x FF)                                                      |                                         |                                |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by 3 of the 6 flats (1 x GF, 2 x FF) via front door and side pathway. |                                         |                                |
| <b>Level access:</b> Yes                                                                                                 |                                         |                                |

| UID                                                                                                                                                | Planning Ref                             | Site Address            |
|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------|
| 10                                                                                                                                                 | 46479/APP/2020/3055 <a href="#">Link</a> | 25 Dene Road, Northwood |
| <b>Desc of works:</b> A new development of 8 flats (1 x LGF, 3 x GF, 3 x FF, 1 x SF)                                                               |                                          |                         |
| <b>Outdoor Amenity:</b> Accessed <u>indirectly</u> by 6 of the 8 flats (3 x GF, 3 x FF) via front door and side pathway owing to the LGF apartment |                                          |                         |
| <b>Level access:</b> Yes                                                                                                                           |                                          |                         |

~~~ End of Appendix 2 ~~~

To return to the main document please [CLICK HERE](#)

Appendix 3 – Email exchange with LBH re access to written representations

Below is the initial email from LBH notifying the appellant that appeal files are now available on the LBH on-line appeal register:

Email 1 of 7

• Appeal ref. APP/R5510/W/25/3362372 - 32 Kingsend, Ruislip, Middlesex, HA4 7DA 7

Yahoo/Inbox ★

 **Planning Appeals**
From: planningappeals@hillington.gov.uk
To: z.oe14@yahoo.com

  Fri 28 Mar at 15:09 ★

Dear Betty Ackland

The Questionnaire and the additional documents for the appeal ref. APP/R5510/W/25/3362372 at 32 Kingsend, Ruislip have been sent to the Planning Inspectorate.

The documents can be viewed on the Council's Appeal register at [London Borough of Hillingdon - Planning](#)

Our appeal reference number is 10271.

I attach a copy of the questionnaire for your information.

Kind regards
John Allum

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

John Allum
Planning Information Officer
Planning and Sustainable Growth
Place Directorate
London Borough of Hillingdon
Civic Centre
Uxbridge
UB8 1UW

On the following pages of this appendix are copies of the seven (7) email exchanges between the appellant and the LBH Planning Appeal Department requesting copies of the files listed in Part 5 (24.c) of the 'Questionnaire Documents' section of the Questionnaire (QD Part 5 (24.c)) that are stated as containing the written representations made by local residents' during the second planning application.

During this exchange of emails, initially a single pdf was sent by LBH to the appellant. Due to a lack of file names in this file it could not be reconciled with the individually named files listed in QD Part 5 (24.c) of the LBH Questionnaire.

Following another request by the appellant for the individual files listed in QD Part 5 24.c, LBH provided two files containing handwritten references on some of the pages relating to the documents listed in QD Part 5 (24.c) of the Questionnaire. However, as admitted in the LBH on the 8th May 2025 in email 5 (provided overleaf), there is a massive amount of duplication in these two files. As a result these too cannot be properly reconciled with the files listed as provided to the Inspectorate and so cannot be commented on in a methodical manner.

The appellant then asked LBH yet again that they provide the individual files listed in QD Part 5 24.c of the Questionnaire or provide an explanation as to why these haven't been provided. Email 7 (4th request) refers.

The appellant has neither received the individual files from LBH, nor an explanation as to why the files have not been provided.

Appendix 3–Email exchange with LBH re access to written representations (Cont/d...)

Email 2 of 7 (1st request):



z oe
From: z.oe14@yahoo.com
To: Planning Appeals

Thu 17 Apr at 10:26 ☆

Dear John,

Appeal ref. APP/R5510/W/25/3362372 (32 Kingsend, Ruislip)

Thank you for your email and the attached copy of the duly completed Appeal Questionnaire.

We have reviewed the Council's on-line Appeal Register and note that none of the written representations from interested parties listed in the Questionnaire Documents Section of the Questionnaire have been uploaded to the Council's Appeal Register and nor were they attached to your email.

Would you kindly arrange for all written representations listed in the Appeal Questionnaire to be uploaded to the Council's Appeal Register within the next five (5) working days please.

Thank you.

Kind regards,

Zoë
(for and on behalf of Betty Ackland)

Email 3 of 7 (1st reply):



Planning Appeals
From: planningappeals@hillingdon.gov.uk
To: z oe

Wed 23 Apr a

Dear Zoe

Hillingdon do not publish redacted third party comments on their website, unlike some other authorities.

For you information I attach copies of the third party comments received on the planning application. These are the documents listed in the Questionnaire (I have omitted a couple of duplicates).

Kind regards
John Allum

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

John Allum
Planning Information Officer
Planning and Sustainable Growth
Place Directorate
London Borough of Hillingdon
Civic Centre
Uxbridge
UB8 1UW
Tel. 01895 250230



The pdf file referenced in the above email has been included as [Appendix 5](#).

Appendix 3–Email exchange with LBH re access to written representations (Cont/d...)

Email 4 of 7 (2nd request):



z oe

From: z.oe14@yahoo.com

To: Planning Appeals



Thu 24 Apr at 14:46 ☆

Dear John,

Thank you for your email and the attached PDF document.

Section 6 of the Questionnaire provides a list of all written representations that LBH has submitted.

How can the individual document references provided in the Questionnaire be reconciled with the representations contained within the single file that you have provided please?

Kindly advise prior to the 30th April (the closing date for LPA representations).

Thank you.

Kind regards,

Zoë

(For and on behalf of Betty Ackland)

Email 5 of 7 (3rd request):



z oe

From: z.oe14@yahoo.com

To: Planning Appeals



Tue 6 May at 15:12 ☆

Dear John,

Following on from my previous email, we have tried several different ways to reconcile the contents of the single pdf you sent us (containing written representations) with the list of files provided in the Questionnaire Documents Section of the Questionnaire, and we cannot reconcile the two of them.

Would you kindly send us the individual files (individual PDFs) that LBH have provided to the Planning Inspector using the same document references (ie those listed as relating to Part 5, document description 24.c).

Please provide these documents by the end of the week (Friday 9th May), as this is now delaying our response to the Planning Inspector.

Thank you.

Kind regards,

Zoë

(For and on behalf of Betty Ackland)

Appendix 3–Email exchange with LBH re access to written representations (Cont/d...)

Email 6 of 7 (2nd reply):



Planning Appeals

From: planningappeals@hillingsdon.gov.uk

To: z oe



Thu 8 May at 14:27 ☆

Dear Zoë

Further to your email, I now attach all the representations received on the planning application. This is the full list in section 5 of the appeal questionnaire and includes every submission. As you will see, there are some duplications which were loaded by the case officer and our Admin team, but the documents are all those submitted and forwarded to the Planning Inspectorate.

I hope this is of help.

Kind regards
John Allum

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

John Allum
Planning Information Officer
Planning and Sustainable Growth
Place Directorate
London Borough of Hillingdon
Civic Centre
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Appendix 3–Email exchange with LBH re access to written representations (Cont/d...)

Email 7 of 7 (4th request):



z oe

From: z.oe14@yahoo.com

To: Planning Appeals



Fri 9 May at 10:08 ☆

Dear John,

Thank you for the annotated representations.
This must have been very time-consuming for you.

However, we do not understand why you have produced this document, instead of sending us the individual documents as sent to the Planning Inspectorate.

Is there a reason why we shouldn't receive the individual documents please?

Kind Regards
Zoë

> Show original message



The individual files requested were not provided to the appellant, nor was any explanation for not doing so given by the LPA.

~~~ End of Appendix 3 ~~~

To return to the main document please [CLICK HERE](#)

## Appendix 4 – Appellant's response to LPA's Appeal Statement

In this Appendix, statements made by the LPA in their Appeal Statement are addressed by the appellant.

For ease of cross-referencing, statements made by the LPA that are addressed are shown in **black**, directly beneath in **blue** text, is the appellant's comments.

2.1 Within their statement of case the appellant has raised the following summarised points:

- A double standard bias against intensification of housing density
- [Local Policy DMH 4] conflicts with the London Plan and the NPPF
- The improper interpretation of the policy
- Inconsistent and improper application of the policy, without sufficient justification.
- With openable rear patio doors, the proposed redevelopment is fully compliant with all relevant local, regional and national policy relating to outdoor amenity space.

Although listed in the first paragraph of the LPA's Appeal Statement, the LPA has not addressed bullet points three (3) and four (4) above in their Appeal Statement. The fact that the LPA has remained silent on these points has been addressed by the appellant in Section 2 of this document.

2.2 Officers have reviewed the appellants SOC, it mostly contains references to policies and quotes from the officer report. The Inspector will be provided with copies of both the Development Plan Policies and the Officer Report, in fact it forms part of the evidence submitted by the appellant in part. The LPA's SOC will not regurgitate the policy references or section of the Office Report but instead will respond directly to the points raised which are not covered in detail with the evidence already before the inspector.

The appellant's SOC highlights and addresses the contradictions and disparity in the Officer's Report between very positive statements made by the Conservation and Heritage Officer, the Case Officer, the Urban Planning Team, the Arboriculture Officer and Highways Officer within the Officer's Report and the reasons given for refusal which are non-aligned with the feedback from Officers.

## Appendix 4 – Appellant's response to LPA's Appeal Statement

### Principle of development

- 2.3 The appellant in their statement of case appears to be aggrieved by the relevance of Policy DMH 4 of the Local Plan to the appeal proposal. The policy is part of the current development plan and is relevant to the appeal proposal as it relates directly to the description of development being proposed. The appellants opinion that the policy contributes to a double standard bias against this form of development is irrelevant and fails to recognise the aim of the policy, which is to control the loss of family accommodation by limiting the number of residential conversions and the size of the original residential units from which conversions are achieved.

The point made in Section 4.2 of the appellant's Statement of Case (SOC) is that Local Policy DMH4 only serves to prohibit the intensification of dwelling / building of flats. It is demonstrated in the appellant's SOC that in this instance the Local Policy does not provide any other tangible planning policy benefits regarding scale, form, design, heritage, conservation, arboriculture, highways or landscaping.

Furthermore, as the proposed development makes a positive contribution to the council's Strategic Housing requirements (SO7) by providing a net gain of plus one three-bedroomed property there is no 'loss of family accommodation'.

Section 4.2 of the appellant's SOC and Section 4.3 of the PDAS Addendum provide full details of the net gain in three-bedroomed accommodation the proposed development will provide (as required by SO7) as well as three additional dwellings.

- 2.4 Point 4.2.1.3 of the Appellants SOC, states "Local Policy DMH 4 is only applied to flatted developments, it is not applied to any other type of development." (officers' emphasis) Clearly the appeal scheme proposes a flatted development therefore the appellant themselves inadvertently admits that the policy is relevant.

The point made in Section 4.2 of the appellant's SOC is that if the proposed development were to contain only one dwelling, rather than five flats (whilst having precisely the same external attributes as to design, size, form and landscaping) it is likely that the planning application would have been approved. In this instance, Local Policy DMH4 therefore only serves to restrict intensification of housing, it does not provide any other tangible planning benefit.

- 2.5 The appellant in their statement of case provide commentary regarding the Council's housing delivery and that the development should be supported as it makes effective use of land. It should be noted that the Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the "tilted balance" as set out in Paragraph 11d) of the Framework is not engaged. Therefore, as detailed in the case officer's report, the principle of development is considered to be unacceptable.

On the contrary, the appellant's SOC demonstrates that Local Policy DMH4 is outdated, as it is now plainly in conflict with the policy requirements of the more recently issued London Plan and NPPF, specifically with regard to the intensification of housing on previously developed land and land with good access to public transport services.

## Appendix 4 – Appellant's response to LPA's Appeal Statement (Cont/d ...)

As set out in paragraph 11d of the NPPF, where a local policy is shown to be outdated, the tilted balance should be engaged and a presumption in favour of the proposed sustainable development should be applied.

- 2.6 Whilst the appellant considers the policy to represent an 'artificial barrier to the effective use of 'previously-developed or 'brownfield' land", the current local plan is not out-of-date and the policy was, through its adoption in 2020, determined by the planning inspectorate to be sound and not in conflict with the framework or the London plan. The Council strongly disagree with the appellant's suggestion that the application of the policy in the determination process would be unlawful.

Both the London plan and the NPPF have been reissued since the Local Plan was last released in 2020. The revised London Plan was updated in March 2021 and the NPPF was even more recently updated in December 2024, both now have considerable focus on the intensification of housing on redeveloped land in suburban areas that have good local public transport services (as detailed in Section 4.3 of the appellant's SOC and Section 3.1.6a of the PDAS Addendum). LBH is failing to recognise this and obfuscating the matter with their claims in the above statement which are misdirecting and irrelevant.

- 2.7 Moreover, the proposal would result in a building which would occupy part of the existing garden space. Gardens are deliberately excluded from the definition of previously developed land due to the considerable contribution they make towards the provision of good standards of living accommodation and therefore safeguards them from potential overdevelopment. As the proposal would result in some loss of garden space the proposal in the round cannot be considered as an optimisation of previously developed or brownfield land which is what the development plan provides support for.

The LPA's statement above is misleading, for whilst the proposed development would indeed occupy part of the existing garden, in at least equal measure there are parts of the existing structure (triple tandem garage, workshop area and potting shed) that would be returned to garden amenity space.

Drawing 3.1.4c in Section 3.1.4 of the PDAS Addendum clearly shows the footprint of the proposed development overlaid onto a drawing of the existing structure as a comparison. From this colour coded drawing, the areas of the existing structure that are to be recovered and reinstated into outdoor amenity space are clearly apparent.

- 2.8 The appellant in their statement of case suggests that the total number of redeveloped properties on Kingsend totals 8.45% and for this reason and considers that the policy has been incorrectly applied. The appellant does not however acknowledge that there are not 71 properties on Kingsend which overcounts the number of properties used in their own calculation.

The appellant's calculation is constructed using a total of 68 properties in the street, as stated in Section 4.4.4 of the appellant's SOC. This is the same total of properties in the street as the council has used in the Officer's Report. In their Appeal Statement the LPA revised their number from 68 to 67.

## **Appendix 4 – Appellant's response to LPA's Appeal Statement (Cont/d ...)**

However, again the LPA's statement is an obfuscation. It makes no material difference to the policy calculation whether 67 or 68 properties in the street is used.

The applicant has demonstrated that the percentage of flatted developments in the street is 8.82% when the policy is applied in accordance with normal plain English and its legal definition. Using the LPA's recently revised total of 67 properties in the street, the policy percentage would calculate to 8.95%. Either way the calculated percentage is obviously less than the 10% threshold set by Local Policy DMH4.

The proposed development is therefore compliant with Local Policy DMH4, even when using the council's revised number of 67 properties in the street.

Section 4.4 of the appellant's SOC and Section 4.5 of the PDAS demonstrate this in more detail.

### **2.9 The case officer's report for the current appeal proposal identifies 8 out of 68 properties on Kingsend have been redeveloped to flats. The quoted figure in the case officer's report for the current appeal proposal should read a total of 67 properties on Kingsend.**

The appellant's calculation of DMH4, using normal plain English and OED legal definitions results in 5 of 68 properties in the street being eligible for inclusion in the calculation (street numbers 28, 30, 36, 41 and 45, as set out in Section 4.4 and Appendix 6 of the appellant's SOC and Section 4.5 of the PDAS Addendum).

The above, together with 32 Kingsend, results in a total of 6 redevelopments in the street, yielding a percentage of 8.82% (using 68 properties in the street) or if using the council's new revised number of 67 properties in the street (which makes no material difference, as the result is still under 10%) gives a percentage of 8.95%. Again, still within the 10% threshold of DMH4, meaning that the proposed development is policy compliant.

### **2.10 The committee report for application ref: 63221/APP/2012/878 which proposed the conversion of 2no dwellings at Nos. 16 and 18 to flats, identified 7 properties that were already redeveloped to flats. The report quotes the number of approved redevelopments would rise to 13.4% (i.e. the total would be 9 out of 67 properties on Kingsend) in the event of permission being approved. The 2012 application was refused by the LPA however allowed on appeal under PINS Ref: APP/R5510/A/13/2197430.**

The above statement from LBH again obfuscates the situation. Firstly, the seven properties quoted by LBH cannot all be redevelopments, for there are only five of these along the street (namely 28, 30, 36, 41 and 45). Secondly, street numbers 16 and 18 are not redevelopments either, they were conversions, which cannot be legitimately included in the calculation when the policy wording is applied in accordance with its normal plain English definition and legal definition as defined by the Oxford English Dictionary.

The above is covered in detail in Section 4.4 of the appellant's SOC and Section 4.5 of the PDAS Addendum.

## **Appendix 4 – Appellant's response to LPA's Appeal Statement (Cont/d ...)**

2.11 To clarify, as no further dwellings on Kingsend have been redeveloped to flats since this appeal decision and the implementation of the 2012 appeal proposal at Nos. 16 and 18, based upon the above calculation, the appeal proposal would then bring the number of redeveloped properties on Kingsend to 14.9%.

Adding two more properties (16 and 18 Kingsend) that cannot be legitimately categorised as redevelopment, to a former total of properties that has been discredited for its inclusion of inappropriate properties, is meaningless.

There are currently only five properties in Kingsend that have been redeveloped (28, 30, 36, 41 and 45), which with 32 Kingsend brings the total of redevelopments in the street to 6 out of 68 (or 67 if using the Council's latest number of properties in the street) which calculate to 8.82% or 8.95% respectively. Either way the result is less than the 10% set by the policy.

2.12 Therefore in light of the above, it is evident that the appeal proposal would contribute to a significant proliferation of flatted developments on Kingsend, far exceeding the Policy limit of no more than 10%, which results in adverse implications for the character of the streetscene.

Firstly, the policy threshold is not breeched when calculated legitimately.

Secondly, and equally as importantly, the proposed design has already been determined as agreeable in all policy terms other than the 10% rule. Applying policy DMH4 in this instance therefore does not provide any tangible planning policy benefits, instead it simply stands in the way of intensification of housing on a site well positioned for local services and public transport and which currently has a much lower housing density than all other properties in the street.

## Appendix 4 – Appellant's response to LPA's Appeal Statement (Cont/d ...)

### Private amenity space

- 2.13 The quantum of potential amenity space is acknowledged in the officer's report and is not disputed. The floorplans submitted however do not indicate any opening doors that lead out to space which demonstrates that the potential amenity space to the rear is not readily accessible to occupants.

With patio doors that open to private patio area at the rear of the property the proposed development is compliant with policy requirements and with the requirements of the London Plan. This is covered in Section 5.0 of the appellant's SOC.

- 2.14 Whilst the appellant dismisses the reason for refusal as being simply due to the submitted erroneous drawings that fail to show door arcs, the onus is on the appellant to provide accurate drawings for the purposes of the application. The appellant has suggested the submission of revised plans showing the rear doors on the proposed ground floor plan could be covered by condition. It is considered that the arrangement would be unacceptable for the reasons set out below.

- 2.15 The appellant in their statement of case suggests that access could be provided to the rear amenity space through the two pairs of rear doors however this would only provide direct access to the rear of the site by occupants of the two ground floor flats. Other than having to walk round the side of the building from the front entrance, no access would be afforded to the occupants of the other three flats which results in substandard living conditions.

Balconies at the rear of the property were included in the design of the first planning application and were referenced in one of the reasons for refusal. This is covered in Section 5.5.5 of the appellant's SOC, wherein paragraph 5.5.5.12 specifically refers.

The inclusion of balconies is also not mandated in the Local Plan. This is covered in Section 5.5.5 of the appellant's SOC, wherein paragraph 5.5.5.7 specifically refers.

Private outdoor amenity space, exclusive to the resident(s) of each apartment is also not a requirement of the London plan. London Plan (2021) Policy D6, paragraph 3.6.91 refers, this is covered in Section 5.5.2.9 of the appellant's SOC, wherein paragraph 5.5.5.20 specifically refers.

The quantum of private outdoor amenity space provided by the rear garden is some three times greater than that required by policy. This is covered in Section 5.3 of the appellant's SOC, wherein paragraph 5.3.8 specifically refers.

The quality of outdoor amenity space is also high. It is approximately square in form, at the rear of the property so acoustically screened from road traffic noise, verdant and well screened visually from neighbouring properties.

There are numerous flatted developments in the borough that have been approved since the Local Plan was adopted in January 2020 that provide residents of the dwelling with indirect access to private outdoor amenity space, i.e. residents of the dwellings in these developments access private outdoor amenity space by the front door of the property and a footpath to the side of the property to access a private, secured garden at the rear of the property. In the interest of brevity just ten examples are provided in Appendix 2, although there are many more. The examples include both full redevelopments into purpose built flats and house conversions into flats.

## **Appendix 4 – Appellant's response to LPA's Appeal Statement (Cont/d ...)**

It is also of note that some of the examples in Appendix 2 where planning has been approved do not even provide level access from all new dwelling(s) to the outdoor amenity space, whereas the proposed development, by means of a passenger lift to all floors, does.

Those developments in Appendix 2 that do not provide level access from dwelling(s) to outdoor amenity space is indicated by 'No' in the Level Access field at the base of each table.

~~~ End of Appendix 4 ~~~

To return to the main document please **[CLICK HERE](#)**

Appendix 5 – Single PDF Re Appendix 3 (email 3 of 7)

This appendix is provided in a separate pdf file due to its size
(and it was attached to the same email as this document)

It is the file referred to in Appendix 3 (**Email 3 of 7 (1st reply)**)

~~~ End of Appendix 5 ~~~

To return to the referencing appendix please **[CLICK HERE](#)**