

Appeal Statement of Case

Planning Appeal for Planning Application Reference:

9894/APP/2023/3569

Permission refused for:

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

Appeal dated:

March 2025

Address of proposed redevelopment:

32 Kingsend, Ruislip HA4 7DA

LPA:

London Borough of Hillingdon

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1.0 Introduction

1.1

1.1.1 London Borough of Hillingdon refused planning permission for the following development at 32 Kingsend, Ruislip on 30th Sept 2024:

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

1.1.2 The reasons given for refusing planning permission are:

1. Principle of development¹

The proposal will result in more than 10% of properties on Kingsend consisting of flatted developments with adverse implications for the character of the street scene and neighbour impacts, contrary to Policy DMH 4 of the Hillingdon Local Plan (Part 2) 2020.

2. Private amenity space¹

The proposed development, by virtue of its failure to provide an adequate provision of private external amenity space, would have a harmful effect on the living conditions of future occupants. The development would therefore be contrary to Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).

¹ Reasons for Refusal Notice (Planning Application Reference 9894/APP/2023/3569)

1.2 Document navigation, colour coding, terminology and references

Colour coded text

In this document, different colours of text have been used to enable the easy identification of different sources of information and easier reading:

Magenta text identifies statements from the council made within Reasons for Refusal Notices and Officer's Reports.

Blue text identifies wording from local, regional and national planning policy, case law judgements and the wording of legislation.

Purple text identifies a hyper link to an appendix of this document. (please see the section on navigation to Appendices below on how best to utilise these).

Green numeric references (i.e. **2.0**) identifies the start of a new section.

Red numeric references (i.e. **2.5**) identifies the end of a section.

Navigation to appendices

Wherever an appendix is referenced in the main body of this document, or from another appendix, clicking on the reference to the appendix (a hyperlink) (i.e. **Appendix AA**) will move you to the start of the appendix referenced.

At the end of each appendix there is another hyperlink, that reads '(to return to the main body of the document please **CLICK HERE**)'. Clicking on the hyperlink embedded in the words 'CLICK HERE' will move you back to the place in the main document from where you initially clicked on the appendix reference.

Please note that the example links on this page are for information only, none of the examples on this page are intended to work.

Please also note that references to appendices in the main body of this document are not in chronological order, for example Appendix 6 is the first appendix referenced. This is due to the evolution of this document.

Terminology

Within this document the terms 'applicant', 'we', 'us', 'our' and 'appellant' shall each refer to the same party and the terms 'LPA', 'LBH', 'they' 'borough' and 'council' shall all refer to the same body.

References to external documents

Throughout this document, references are made extensively to two principal documents that the applicant provided to the council as part of the documentation pack for each application. These are the:

- **PDAS** (Planning, Design and Access Statement) this document was provided in the documentation pack for application 9894/APP/2022/3871 (the first application), and the
- **PDAS Addendum**, this document (an addendum to the above PDAS) was provided in the documentation pack for application 9894/APP/2023/3569 (the second application)

Although the PDAS Addendum follows on from the PDAS, showing the journey that the application has made, please note that with regards to the sections referenced within them, they are distinctly two different documents.

1.3 Document manifest

The following documents have been referenced or cited within this Appeal Statement of Case.

Where an extract from one of these documents has been referenced or cited, the relevant extract has normally either been included in the main body of this document or included as an appendix, with a link to it provided in the main body of this document for easy navigation. Where the inclusion of a whole document has been deemed necessary it has been provided with a unique identification reference and a copy of the document is included in the Supporting Documentation Folder in the Appeal Documentation pack submitted.

1.3.1 Policy documents

- 1.3.1.1 The NPPF (December 2024)
- 1.3.1.2 The London Plan (March 2021)
- 1.3.1.3 Local Plan Part 2 (January 2020)
- 1.3.1.4 Planning Inspectorate Procedural Guide: Planning appeals–England ^(Sept 2024)

1.3.2 Planning Application 9894/APP/2023/3569 documents

(pertinent subset of documents from the second full Planning Application which is the application being appealed). For the full set of documents submitted as part of this planning application please refer to 1.3.7 below.

- 1.3.2.1 Decision Notice
- 1.3.2.2 Planning, Design and Access Statement (PDAS) Addendum
- 1.3.2.3 Officer's Report

1.3.3 Planning Application 9894/APP/2022/3871 documents (the first full Planning Application):

- 1.3.3.1 Planning, Design and Access Statement (PDAS)
- 1.3.3.2 Officer's Report

1.3.4 Planning Application 63221/APP/2012/878 documents (16 and 18 Kingsend)

- 1.3.4.1 Officer's Report

1.3.5 Case law judgements:

- 1.3.5.1 Corbett v Cornwall Council (2020)
- 1.3.5.2 Tesco Stores Ltd v Dundee City Council (2012)
- 1.3.5.3 North Wiltshire District Council v Sec. of State for the Environment (1993)
- 1.3.5.4 R (Lumba) v Secretary of State for the Home Department (2011)
- 1.3.5.5 Dover District Council v CPRE Kent (2017)

1.3.6 Miscellaneous

- 1.3.6.1 BBC Verify Report – UK Housing
- 1.3.6.2 Local Housing Needs (LHN) UK Government spreadsheet
- 1.3.6.3 LBH Application Validation Checklist Feb24

1.3 Document manifest (Cont/d...)

1.3.7 Planning Application 9894/APP/2023/3569 full documentation pack
(This is the full set of documents submitted for the second full Planning Application which is the application being appealed).

- 1.3.7.1 0. Manifest of documentation enclosed
- 1.3.7.2 A1. Planning Application Form
- 1.3.7.3 A2. CIL Form1
- 1.3.7.4 D1. Location Map 1250
- 1.3.7.5 D2. Existing Floor Plans and Elevations (PL01) v2
- 1.3.7.6 D3. Proposed Floor Plans (A101)
- 1.3.7.7 D4. Proposed Elevations (A102)
- 1.3.7.8 D5. Proposed Oblique Views (A103)
- 1.3.7.9 D6. Basement Elevations and Floor Plan (A105)
- 1.3.7.10 R1. Basement Impact Assessment
- 1.3.7.11 R2. Heritage Statement – Kingsend December 2022
- 1.3.7.12 R3. Heritage Note 32 Kingsend
- 1.3.7.13 R4. Tree Report (Kingsend)
- 1.3.7.14 R5. Tree Protection Plan – Kingsend, Ruislip
- 1.3.7.15 R6. Bat Survey – Kingsend, Ruislip
- 1.3.7.16 R7. Badger Survey Report 32 Kingsend_2023.1.2-1
- 1.3.7.17 S1. PDAS Addendum 14-14-14
- 1.3.7.18 S2. PDAS – Kingsend

2.0 Relevant planning history

Date	Application Type	App Reference	Description	Decision
01/10/22	Formal Pre-Application	9894/PRC/2020/197	Seven (7) apartments	Written advice provided
21/12/2022	Full Planning Application	9894/APP/2022/3871	Seven (7) apartments	Refused
08/12/23	Full Planning Application	9894/APP/2023/3569	Five (5) apartments	Refused

Formal Pre-Application

2.1 In October 2020 the applicant submitted plans to LBH for consultation as part of a pre-application process. The primary result of this process was that the council suggested that instead of the proposed redevelopment being designed with a faux Georgian facade (reflecting the existing faux Georgian building that exists on the site) a Queen Anne Revival (QAR) influenced design in keeping with the locally listed properties at 16 and 18 Kingsend would be more agreeable.

First Full Planning Application (9894/APP/2022/3871)

2.2 In light of the council's feedback and suggestions during the pre-application consultation, the proposed redevelopment was completely redesigned to provide a QAR facade and resubmitted as the first formal application (9894/APP/2022/3871).

2.3 Contrary to the council's pre-application feedback, when the first formal application was decided, one of the reasons for refusal was that the council now considered a QAR influenced building to be too monolithic a structure for the street and instead suggested that an Arts and Crafts influenced property would be a better fit. Additionally, there were five (5) other reasons given for refusal, which included the principle of development.

Second Full Planning Application (9894/APP/2023/3569)

2.4 For the second application, guided by the previous reasons for refusal, the proposed redevelopment was completely redesigned for a second time, this time with two subservient wings which break down the massing of the building. Additionally, a second, three bedroomed apartment, was also designed into the scheme so that the development makes a positive, rather than neutral, contribution to the council's Strategic Housing requirement for more three (3) bedroomed dwellings.

2.5 The second application successfully addressed all of the council's previous reasons for refusal, with the exception of the principle of development, based on Local Policy DMH 4 (AKA the 10% rule). However, a new reason for refusal was added at this stage regarding the provision of outdoor amenity space.

3.0 Appeal Summary

3.1 The Officer's Report is very favourable, fully acknowledging that all the previous reasons for refusal that could be addressed, have indeed been thoroughly meliorated.

3.2 This is confirmed to us on page 25 of the Officer's Report¹ wherein the Officer states that:

'it is clear that the revised application is a laudable attempt at addressing the shortfalls in compliance with the development which previously formed reasons for refusal'

3.3 The result of this is that all previous reasons for refusal have now been addressed and the proposed revisions are acceptable to the council, save for the principle of development. In addition to this however, a new reason for refusal has been added, relating to the provision of outdoor amenity space. The council has therefore given two reasons for the refusal of planning permission, these are the 'principle of development' and the 'inadequate provision of outdoor amenity space'. There are no other reasons for refusal to be considered.

3.4 The first of the two reasons given, the principle of development, is contested by the appellant on four grounds. Each of the grounds are supported in law by appeal decisions and court rulings where the principle being appealed upon has been upheld. Furthermore, as there is some overlap of legal principles between the four grounds for appeal, in addition to being tested individually, they may also be considered collectively, in their whole and in part. The four grounds are:

- Double standard bias against intensification of housing density
- Local policy conflict with regional and national policy
- Improper interpretation of the local policy
- Inconsistent application of local policy

3.5 The second reason for refusal given by the council, regarding the provision of outdoor amenity space, is based on two rather weak assertions. The first, being that no drawing was provided showing the provision that has been made for outdoor amenity space. This will be evidenced to be untrue later in this document. The second, is based on the omission of door opening arcs on the patio doors. This is a point so trivial and so obviously an inadvertent omission on the applicant's part, that the council should simply have requested clarification rather than make it a basis for refusal.

3.6 Lastly, although secondary to both the above, the lengthy time delay in the LPA's determination of this application (10 months) instead of the eight (8) weeks statutory period, the LPA's complete lack of engagement with the applicant during this period and the nature of some of the justifications given for the resulting decision call into question the robustness, transparency and therefore the overall procedural fairness of the LPA's processing of the planning application.

¹ Officer's Report for Planning application 9894/APP/2023/3569

4.0 Principle of Development

4.1 Section Summary

The council's refusal, on the grounds of the principle of development, is based on Local Policy DMH 4 (the 10% rule) which we contend is unsound for four main reasons.

Each of these four reasons may be deemed sufficient justification in their own right for Local Policy DMH 4 not to be a reason for refusing the proposed redevelopment.

Please also note that many of the points made supporting each of these grounds are transferable between the grounds.

4.1.1 Double standard bias against housing intensification - The council has subjected the proposed redevelopment to a locally restrictive policy that a house of the same exterior design, scale and proportions, on the same site, at the same time, would not be subjected to. The local policy has therefore been used to create a double standard that is biased against developments that seek to intensify the density of accommodation, when all other factors remain the same. This is in contention with both the London Plan¹ and the National Planning Policy Framework (NPPF)² both of which seek to promote the optimisation of land reuse when an urban site is redeveloped. This is covered in detail in Section 4.2.

4.1.2 Conflict with regional and national policy – The local policy fails to consider the requirements of both the London Plan and the NPPF in regard to promoting the intensification of housing on land to be redeveloped in suburban areas close to town centres and with proximity to local public transport services. This is covered in detail in Section 4.3.

4.1.3 The improper interpretation of the policy - The council has subjected the proposed redevelopment to the council's own interpretation of Policy DMH 4, rather than applying the policy as it is written in the Local Plan.

When the policy is applied using the literal meaning of the words used in the policy, in accordance with the Oxford English Dictionary (OED) it is plain that the proposed redevelopment brings the percentage of redevelopment in the road to just under nine percent (8.82%) which is within the ten percent (10%) limit set by the policy. The proposed redevelopment is therefore compliant with the policy, when the policy is correctly applied. This is covered in detail in Section 4.4.

4.1.4 Inconsistent policy application – The council's application of their own interpretation of this policy is ad hoc and inconsistent in regard to which properties the council have included in the calculation's formulation. This has resulted in differing properties being included and excluded in their calculations, from one assessment to another, without any logic to it or justification being provided. This is covered in detail in Sections 4.5.1 and 4.5.2.

4.2 Double standard bias against housing intensification

4.2.1 Foreword

4.2.1.1 The council has raised only two reasons for refusal of this proposed redevelopment, the principle of development, brought about by Local Policy DMH 4, and outdoor amenity space. There are no other reasons for refusal.

4.2.1.2 Setting the outdoor amenity space aside for the moment, as this will be covered in a following section, we are left solely with Local Policy DMH 4 (the 10% rule).

4.2.1.3 Local Policy DMH 4 is only applied to flatted developments, it is not applied to any other type of development.

4.2.1.4 The proposed redevelopment has the external appearance of a large detached house and is matched in size by several houses in the street that consist of just one dwelling (PDAS Addendum Section 3.1.2 provides details).

4.2.1.5 From the Officer's Report it is clear that the proposed redevelopment is acceptable to the council in all matters relating to its external appearance. Specifically, the council has stated that they have no objections to the proposed redevelopment in relation to how the development interacts within its locality, which includes all considerations relating to scale, size, form, appearance, street scene aesthetic, conservation, arboriculture, heritage, environmental sustainability, landscaping, housing density, parking and traffic matters.

4.2.1.6 It follows therefore that if the proposed redevelopment were to be a detached house (instead of a flatted development) it would not be subjected to policy DMH 4 and would therefore be acceptable to the council, leaving no reason for it not to receive planning permission.

4.2.1.7 However, although the proposed redevelopment's appearance from the exterior is identical to the house (that one may assume would be approved) because internally it consists of five dwellings (flats) rather than a single dwelling (house) it is treated differently, and policy DMH 4 has been applied to it. Whereas this policy would not have been applied to a house of precisely the same exterior appearance.

4.2.1.8 The stated intentions of Local Policy DMH 4 do not deal with any planning considerations that have not already been confirmed as acceptable by the council in the Officer's Report. The application of this policy therefore provides no qualitative enhancement at all.

4.2.1.9 Local Policy DMH 4 is determined by purely quantitative, rather than qualitative metrics. That is to say it makes no allowance whatsoever, of however good the quality of a scheme may be, and instead, it applies a purely quantitative (percentage) threshold to determine whether an application passes or fails.

4.2.1.10 This is a double standard that does not withstand scrutiny:

- It is a biased policy that discriminates against developments that seek to intensify the density of accommodation, when all other planning matters remain agreeable and the same.
- It is a policy that blocks approval of development, when there is no other policy based reason for doing so. Furthermore, the policy is not justified by any credible evidence, and it is this element of the determination process that the appellant contends is unjustified.

4.2.1.11 The above statements are expanded upon and substantiated in the following sections.

4.2 Double standard bias against housing intensification (Cont/d...)

4.2.2 All other planning matters agreeable

4.2.2.1 The proposed redevelopment has been completely redesigned to have the exterior appearance of a detached family home. This is shown in the following perspective views, taken from Section 3.1 of the PDAS Addendum.



4.2.2.2 The design, form, scale, size, density and positioning on the plot of the proposed redevelopment are all confirmed as acceptable by the council in the Officer's Report, wherein it is stated that:

'The resubmission scheme is considered to be of a suitable design, massing and siting and it is noted that other similarly large properties exist within the street. The reduction in height coupled with the design of the scheme, breaks down the mass of the building and provides a balanced facade with a clearly defined frontage flanked by subservient side wings. As noted by the conservation officer, 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. The design is considered to be acceptable in the context of the conservation area and the proposal results in a net gain of residential units, which can be viewed as a public benefit.'¹

'Other similarly large properties exist within the street. The design, massing and siting within the plot are considered acceptable.'²

'The density of the development is not excessive and relative to its plot, appropriate in the residential context.'³

4.2.2.3 All matters relating to conservation and heritage are acceptable to the council, this is confirmed to us in the Officer's Report, wherein it is stated that:

'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.'⁴

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.'⁵

4.2 Double standard bias against housing intensification (Cont/d...)

4.2.2 All other planning matters agreeable (Cont/d...)

'The application is accompanied by a Heritage Note (Mola, May 2024) which states that 'The present building provides a neutral contribution to the surrounding area'. It is noted that the Conservation officer considers the design of the proposed development would be compatible within the context of the conservation area and on this basis does not object to the demolition of the existing building.'¹

4.2.2.4 Furthermore, environmental sustainability is a core tenet and attribute of the proposed redevelopment. The sustainability measures designed into the proposed redevelopment (as set out in Section 5.3 of the PDAS) are all agreeable to the council and this has been recognised in the Officer's Report, wherein it is stated:

'Section 5.3 of the Design and Access Statement outlines the sustainability credentials of the scheme. This includes insulation to Code 5, centralised heating and underfloor heating, EV charging within all parking spaces, PV solar panels, rainwater storage, SuDS measures and recycling of building materials. Whilst much of the measures are standard, they appear sufficient to meet the required standards.'²

4.2.2.5 From the extracts of the Officer's Report above, it is clear that the proposed redevelopment is acceptable to the council in all matters relating to its external appearance, conservation and heritage, environmental sustainability and all other matters relating to its interaction within its locality.

4.2 Double standard bias against housing intensification (Cont/d...)

4.2.3 Lack of evidence-based justification

4.2.3.1 The only explanation that the council has provided to justify applying Local Policy DMH 4 to the proposed redevelopment is a single paragraph in the Officer's Report, which has been reproduced from 'Local Plan Part 2'¹, wherein it is stated:

'In recent years, large concentrations of flats have resulted in a range of problems, including increased on-street parking and resultant congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation.'²

4.2.3.2 In this instance, the stated intentions of Local Policy DMH 4 do not deal with any planning considerations that have not already been stated as acceptable in the Officer's Report. The application of Local Policy DMH 4 therefore does not set a 'higher bar' for any qualitative aspect. In fact, aesthetically it provides no tangible benefit to the locality at all. It simply prevents the approval of flatted developments, even when, as shown in the Officer's Report, the proposed redevelopment is acceptable in policy, in all other ways.

4.2.3.3 The council has confirmed in the Officer's Report that the proposed redevelopment is acceptable in all matters, other than the principle of development (save for amenity space) but has failed to provide any justification for applying a policy, that will not in any way help to enhance the locality, yet will fail the application on the basis of what in this case is a meritless, purely quantitative, percentage threshold.

4.2.3.4 Each of the claims made in the council's statement above, are analysed in the following section, namely:

- 'Increased on-street parking and resultant congestion on roads'
- 'The Loss of front gardens'
- 'Reduction in privacy'
- 'Significant changes to the street scene'
- 'Loss of family accommodation'

4.2.3.5 The following analysis clearly shows that none of these assertions are valid reasons for refusal of the proposed redevelopment:

4.2.3.5a The Officer's Report alleges: 'Increased on-street parking and resultant congestion on roads'

Kingsend is a classified road and subject to yellow line, no waiting restrictions, along the full length of the road. Therefore, there cannot be any on-street parking, or congestion that results from on-street car parking. This is confirmed to us in the Officer's Report wherein it is stated that:

'The site is located on Kingsend, a classified road with a 30mph speed limit, adjacent to Public Right of Way ID R165 with waiting restrictions Mon-Sat 8am-6.30pm and waiting restrictions for goods vehicles and coaches Midnight-8am and 6.30pm – Midnight.'³

'The highway authority have not raised any objection regards highway/pedestrian safety and consider the parking, electric vehicle charging points and cycle storage provision to be acceptable.'⁴

¹ Local Plan Part 2 – Development Management Policies, page 29, paragraph 4.11, entitled 'Residential Conversions' Officer's Report (Planning application 9894/APP/2023/3569) ² - page 24, ³ - page 10, ⁴ - page 18.

4.2.3 Double standard bias - Lack of evidence based justification (Cont/d ...)

The above extracts from the Officer's Report make it clear that the council's assertion regarding on-street parking and resulting congestion is completely unjustified in regard to the proposed redevelopment.

4.2.3.5b The Officer's Report also alleges: 'The Loss of front gardens'

The proposed redevelopment site benefits from being the most verdant front garden in the whole street. Upon completion of the proposed redevelopment the front garden will still be the most verdant front garden in the street, as many houses along the street have fully replaced their former front gardens with paving or other hard standing for parking. This was also covered in Section 3.3.4 of the PDAS and is confirmed to us in the Officer's Report, wherein it is stated:

'It is also apparent that the subject property probably exhibits the most established landscape character on both sides of Kingsend, aided in part by the canopy of the TPO protected Oak. On that basis and when noting the surrounding context, the loss of some landscaping at the front of the site would not be opposed, though it would need to be well considered and subject to suitable replacement planting'.¹

'The frontage comprises a heavily landscaped front boundary which provides screening from the road'...'with lawn and paving beyond and a mature, TPO protected Oak just beyond the western boundary providing substantial canopy cover'.²

'The landscape proposals indicate sufficient level of soft landscaping within the front garden, providing visual and ecological benefits'.³

The above extracts from the Officer's Report clearly confirm that the proposed redevelopment's site is the most verdant front garden in the street and it is proposed that it shall remain that way. The explanation put forward by the council is therefore not a valid justification.

4.2.3.5c The Officer's Report also alleges: 'Reduction in privacy'

All windows of the proposed redevelopment face directly forward, looking into the front garden, or directly backwards looking into the back garden. There are no side facing windows on the proposed redevelopment.

However, as the existing property has side facing windows at both ground floor and first floor levels, the potential for overlooking will in fact be reduced by the proposed redevelopment. This is covered in Section 3.2.2 of the PDAS Addendum and is confirmed to us by the council in the Officer's Report, wherein it is stated that:

'The proposal includes generously and consistently proportioned windows and doors to the front and rear elevations. To the front, the outlook will be over the front parking area and the street such that no objection is raised. To the rear elevation, the outlook from the windows will be over the rear garden with ample distance to the rear boundary'.⁴

'Whilst diagonal sightlines are possible, they are not uncommon in a residential setting and even with the increased density, not unreasonable'.⁵

4.2.3 Double standard bias - Lack of evidence based justification (Cont/d ...)

The wire chain link fence forming the western boundary with the neighbouring property at 34a has also been noted by the council, as there is only very limited visual separation to the garden to the west and significant over-looking, in both directions currently exists. The Officer's Report states that:

'Looking to the west, the boundary treatment along the common boundary with 34A Kingsend is of landscaping and a chain link fence, and there is openness that would allow for some mutual overlooking between the two properties.'¹

The current mutual overlooking from rear garden to rear garden is easily remedied through the use of a close board fence along this boundary amidst the deep and dense vegetation borders proposed to surround the lawn of the garden. The proposed redevelopment will therefore provide less potential for overlooking than the existing property on the site. This is completely contrary to the reasoning put forward by the council.

4.2.3.5d The Officer's Report alleges: 'Significant changes to the street scene'

This suggests that change is negative. However, changes to the street scene can be positive. The proposed redevelopment will provide an Arts and Crafts facade. This will make a greater contribution to the street scene than the existing property, which has a faux Georgian facade. This facade was applied to the property before the Conservation Area was extended and is incompatible with the Metroland heritage of the Conservation Area.

The rather crude changes made to the original property are detailed in Section 3.4.1 of the PDAS and are confirmed to us in the Officer's Report, wherein it is stated that:

'There are a number of alterations and additions, including rather crude modern windows, a flat porch canopy held up by columns and a large flat roof two storey rear addition. These alterations were carried out prior to the designation of this part of the Ruislip Village Conservation Area.'²

The proposed redevelopment will be a much better fit with the locality, which is confirmed to us in the Officer's Report, wherein it is stated that:

'... 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.'³

The above extracts from the Officer's Report clearly confirm that the proposed redevelopment would make a positive contribution to the streetscape and the wider Conservation Area.

4.2.3.5e The Officer's Report alleges: 'Loss of family accommodation'

The proposed redevelopment will make a net positive contribution to the borough's strategic housing requirements.

The council's Strategic Housing Requirements Policy (Policy SO7) specifies the need for more three-bedroomed accommodation in the borough. The proposed redevelopment contains two, three-bedroomed apartments. The proposed redevelopment therefore provides a net gain of plus one, three-bedroomed apartment, making a positive contribution to the council's SO7 targets.

4.2.3 Double standard bias - Lack of evidence based justification (Cont/d ...)

The proposed redevelopment also provides three further one and two bedroomed units. This is covered in Section 4.3 of the PDAS Addendum.

The council's agreement with the above is confirmed to us in the Officer's Report where in it is stated that:

'Council's current need indicates a substantial borough wide requirement for larger affordable and private market units, particularly three bedroom properties.'¹

'... the loss of the existing family unit is compensated for, and the proposal does contribute to increasing the stock of family sized dwellings in the Borough, by way of an additional 3bed unit.'²

'The design is considered to be acceptable in the context of the conservation area and the proposal results in a net gain of residential units, which can be viewed as a public benefit.'³

The above extracts from the Officer's Report clearly confirm that the proposed redevelopment makes a positive contribution to the borough's strategic housing requirements for more three bedroomed dwellings.

4.2.3.6 The above analysis of the council's paragraph aimed at justifying the use of policy DMH 4 clearly shows that none of the council's assertions contained within the paragraph are valid reasons for refusal of the proposed redevelopment.

4.3 Local policy conflict with regional and national policy

4.3.1 Overview

4.3.1.1 Without evidenced-based justification, local policies that seek to support local objectives must maintain compliance with the policies of both regional and national policy; in this instance, the London Plan and the National Planning Policy Framework (NPPF).

4.3.1.2 Within the London Plan and the NPPF there are numerous policies that require that planning decisions are made ensuring that redevelopment optimises the use of available land. Furthermore, within the London Plan and the NPPF there are requirements that very specifically promote housing intensification on urban brownfield sites, especially at sites within outer London boroughs, well served by transport links and within close proximity to a Town Centre High Street and other local services.

4.3.1.3 On numerous occasions, Court judgements have ruled that local planning policies that conflict with the London Plan and the NPPF cannot be relied on. This has resulted in local planning decisions being quashed and redetermined in favour of the overarching regional and national planning policy requirements.

4.3.1.4 Local Policy DMH 4 fails to take into consideration the requirements of both the London Plan and the NPPF with regards to optimisation of the reuse of land, especially land that is positioned close to town centres and public transport.

4.3.1.5 Extracts of pertinent policy from both the London Plan and NPPF is provided in the next section to demonstrate where DMH 4 fails in its obligation to comply with these policies.

4.3.2 London Plan and local policy conflict

4.3.2.1 There are numerous elements of London Plan policy that Local Policy DMH 4 fails to take into consideration. The failure of policy DMH 4 to take such factors into consideration positions the local policy in contention with the overarching London Plan to such an extent that it may be deemed outdated.

a) The London Plan, Policy H2, in paragraph 4.2.4 states that:

'Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a (tube or rail) station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites'.

'This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs.'

The site of the proposed redevelopment has a PTAL rating of four (4) and is 480 metres from Ruislip Train and Bus Station, 800 metres from West Ruislip Railway and Tube Station, and 320 metres from Ruislip's town centre High Street, making it precisely the type of location that the London Plan seeks to champion.

b) The London Plan, on page 83, paragraph C, states:

'The potential for new housing within and on the edges of town centres should be realised through mixed-use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport.'

The proposed redevelopment is clearly residential development that makes better use of land very close to a town centre, that would enable the availability of local services and accessible public transport to be leveraged.

c) The London Plan, on page 17, in Policy GG2 'Making the best use of land', states that:

'To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must:

A enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites (our emphasis)

B prioritise sites which are well-connected by existing or planned public transport' (our emphasis)

The proposed redevelopment exhibits a good fit with the above requirements, it is an urban brownfield site, it is only 320 metres from the very centre of town and is well served by public transport.

4.3.2 London Plan and local policy conflict (Cont/d ...)

d) In paragraph 4.2.1 the London Plan states that:

'For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.'

The proposed redevelopment's site has an area of 0.12 ha. The proposal therefore clearly aligns with the London Plan's strategic priority to increase the rate of housing delivery from small sites.

e) In paragraph 2.0.3 the London Plan states that:

'If London is to meet the challenges of the future, all parts of London will need to embrace and manage change. Not all change will be transformative – in many places, change will occur incrementally. This is especially the case in **outer London**, where the suburban pattern of development has significant potential for appropriate intensification over time, particularly for additional housing.' (the London Plan's emphasis)

The proposed redevelopment's site is in outer London, in an urban area. Additionally, it is on one of the few remaining double-width plots in the street that has not been redeveloped and the dwelling density intensified, the site therefore currently has a much lower density than neighbouring properties (please see Section 3.3.1 of the PDAS and Section 3.1.5 (Coverage) of the PDAS Addendum which covers this in detail). The proposed redevelopment's plot therefore has significant potential for housing density intensification in line with the above requirement of the London Plan.

f) In the London Plan, paragraph 4.13.2 states that:

'Some older Londoners may wish to downsize, move closer to family or friends or be closer to services and facilities, but they may not want to move into specialist older persons housing. Boroughs and applicants should recognise the important role that new, non-specialist residential developments play in providing suitable and attractive accommodation options for older Londoners, particularly developments in or close to town centres, near to relevant facilities and in areas well-served by public transport.'

The proposed redevelopment is ideally located for access to town centre shopping, public transport services, medical centres, restaurants and local community halls and clubs (as shown in Section 5.4.2 of the PDAS) making it an ideal property for older local residents, currently in bigger properties, to down-size to.

g) In the London Plan, in paragraph 4.2.5 it is stated that:

'The small sites target represents a small amount of the potential for intensification in existing residential areas, particularly in Outer London, therefore, they should be treated as minimums. To proactively increase housing provision on small sites through incremental development, Boroughs are encouraged to prepare area-wide housing design codes, in particular, for the following forms of development: residential conversions, redevelopment, extensions of houses and/or ancillary residential buildings.' (our emphasis)

4.3.2 London Plan and local policy conflict (Cont/d ...)

h) In the London Plan, on page 166, Policy H2 'Small sites' tells us:

'Policy H2 Small sites

A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

1) significantly increase the contribution of small sites to meeting London's housing needs.'

i) In the London Plan, Policy T2 'Healthy Streets, Part A states -

'Development proposals and Development Plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.'

4.3.2.2 The above extracts from the London Plan are elements of London Plan policy that must be complied with by local policies unless evidenced-based justification can be provided to do otherwise.

4.3.2.3 The above extracts of London Plan policy clearly convey a recurring theme emphasising the importance that the London Plan places on housing density intensification of sites within, and on the edge of town centres, and the role that this needs to play in increasing the supply of housing to meet London's requirements. Local policy DMH 4 clearly fails to consider factors such as proximity to the town centre High Street and the accessibility of public transport.

4.3.2.4 It is therefore contended that the failure of Local Policy DMH 4 to take account of such factors renders the policy outdated.

4.3.3 National Planning Policy Framework (NPPF) and local policy conflict

4.3.3.1 This section shows that Local Policy DMH 4 is in clear, material conflict with the NPPF¹ regarding policy on housing intensification on brownfield sites and optimising site densities, particularly those close to town centres and areas with access to sustainable public transport services.

4.3.3.2 Additionally, the close alignment between the London Plan and the NPPF in these policy areas, and the fact that both of these documents are considerably more recent than the local plan, demonstrates that Local Policy DMH 4 is uninformed by, disconnected from, and contrary to, requirements handed down from both regional and national policy, and may now be deemed outdated.

4.3.3.3 The NPPF's presumption in favour of sustainable development is also highly relevant here, as with DMH 4 now being shown to be outdated, the balance is tilted and the presumption should be invoked. This is of such importance, that this topic has been given its own section in this document (Section 7.0).

4.3.3.4 The Local Policy (DMH 4) conflicts with the higher, overarching policies in the NPPF. In Section 11 of the NPPF, entitled 'Making effective use of land', the government states in paragraph 124 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.'

4.3.3.5 As the council has confirmed that they consider the proposed redevelopment 'would fit in well with existing local character' and 'that any perceived harm' to the area 'would be less than substantial', then the stated intention within paragraph 124 above to 'promote an effective use of land in meeting the need for homes' should be effective.

4.3.3.6 The council's agreement with the above is confirmed to us in the Officer's Report wherein the council states:

'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.**¹²

'As noted by the conservation officer, **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.** The design is considered to be acceptable in the context of the conservation area and the proposal results in a net gain of residential units, **which can be viewed as a public benefit.**¹³ (our emphasis)

4.3.3.7 In paragraph 125, clause c, of the NPPF, the government also states that:

'125. Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused'

4.3.3.8 As shown in paragraph 4.3.3.6 above, the council has confirmed that less than substantial harm would be caused to the area and that significant public benefit is to be derived from the proposal.

¹ National Planning Policy Framework (NPPF) published 12 December 2024
Officer's Report (Planning application 9894/APP/2023/3569) ² - page 9 and ³ - page 15.

4.3.3 National Planning Policy Framework and local policy conflict (Cont/d)

4.3.3.9 Paragraph 125, clause c is therefore also materially relevant to the proposed redevelopment and accordingly, applying the wording of the policy, 'substantial weight to the value of using suitable brownfield land within settlements for homes' should be afforded to the scheme.

4.3.3.10 In Section 5 of the NPPF³, entitled 'Delivering a sufficient supply of homes', the government states in paragraph 61 that:

'5. Delivering a sufficient supply of homes

61. 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'

4.3.3.11 In December 2024, alongside its reformed National Planning Policy Framework, the UK Government also published Local Housing Need (LHN)¹ targets for all LPAs.

4.3.3.12 Analysis of the London Borough of Hillingdon (LBH) council's local housing needs specified in this document shows us that:

- The number of new homes a year (the Local Housing Need) required by government from LBH for the next five years, is 2,292 per annum.
- The 'Average Annual Net additions' LBH contributed in housing stock during 2021/22–2023/24 was 795.
- However, the recently released BBC Verify Report² into UK housing requirements states that for the year to March 2024, the total number delivered by LBH fell to 759.

4.3.3.13 Furthermore, additional analysis of this data by the BBC Verify Report² also determined that 58% of planning applications for housing decided by Hillingdon Council were granted in the year ending June 2024, compared with 71% of applications across England overall.

4.3.3.14 As can be seen from the above numbers, the net additional homes that LBH is currently providing falls considerably below those specified by the UK Government.

4.3.3.15 In Section 11 of the NPPF, entitled 'Making effective use of land', sub-titled 'Achieving appropriate densities', the government states in paragraph 130a that:

a) **plans should contain policies to optimise the use of land in their area** and meet as much of the identified need for housing as possible. **This will be tested robustly at examination**, and should include the use of minimum density standards for city and **town centres and other locations that are well served by public transport**. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate; (our emphasis)

¹ LHN spreadsheet (UK Government)

² BBC Verify Report: UK Housing

³ The National Planning Policy Framework (NPPF) published 12 December 2024

4.3.3 National Planning Policy Framework and local policy conflict (Cont/d)

4.3.3.16 The proposed redevelopment site has close proximity to good public transport services and is less than 320 metres to the centre of Ruislip Town Centre High Street, where an extensive array of both public and private sector services are available. The proposed redevelopment's site therefore benefits from precisely the attributes of a site that regional and national policies state should be utilised to intensify housing and optimise the reuse of land.

4.3.3.17 Highly relevant in the revised national policy framework, is the government's intention to promote the reuse of brownfield land to provide an uplift in urban density.

4.3.3.18 The updated NPPF¹ calls for making 'as much use as possible' of 'previously developed or 'brownfield' land'. In chapter 11, entitled 'Making effective use of land', paragraph 124 goes on to state that:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses,...'in a way that makes **as much use as possible** of previously-developed or 'brownfield' land' (our emphasis)

4.3.3.19 The Government further strengthens expectation that planning applications on brownfield land that promote an uplift in density in urban areas, will be approved, is reinforced in Section 11, entitled 'Making effective use of land', wherein paragraph 125, clause c, it states that:

'125. Planning policies and decisions should:

'c) give substantial weight to the value of using suitable brownfield land within settlements for homes' ... '**proposals for which should be approved unless substantial harm would be caused**' (our emphasis)

4.3.3.20 In the NPPF's glossary (Annex 2) Brownfield land is defined as:

'Brownfield land: See Previously developed land.'

'Previously developed land: Land which is or was occupied by a permanent structure ...'

4.3.3.21 By the above definitions, the proposed redevelopment site is a brownfield site.

4.3.3.22 It therefore follows that to be in accordance with paragraph 125, clause c, of the NPPF, the proposed redevelopment's planning application should be 'approved unless substantial harm would be caused'. As has been demonstrated earlier in this section, the proposed redevelopment does not cause significant harm. The proposed redevelopment should therefore be approved.

4.3.3.23 Local Policy DMH 4 creates an artificial barrier to the effective use of 'previously-developed or 'brownfield' land', preventing land from being used to its full potential even when all other policies are complied with. Policy DMH 4 is therefore in conflict with the National Planning Policy Framework (NPPF) and may be considered outdated.

4.3.3.24 From the above it is clear that applying Local Policy DMH 4 to this proposed redevelopment without sufficiently robust supporting justification and evidence, as is the case in this instance, may be deemed unlawful.

4.3.3.25 Therefore, to be in compliance with the governments revised NPPF, the use of DMH 4 should be set aside and the planning application for the proposed redevelopment supported.

¹ The National Planning Policy Framework (NPPF) published 12 December 2024

4.3 NPPF and London Plan conflict with local policy (Cont/d)

4.3.4 Reasons for unlawfulness

4.3.4.1 In light of the foregoing, the appellant contends that the council's application of Local Policy DMH 4 in this instance is improper and unlawful. As on this occasion the policy does not serve to enhance or preserve the Conservation Area, instead its restrictive nature simply thwarts redevelopment, where dwelling density intensification is proposed through the building of flats, irrespective of however compliant the scheme may be with all other planning policies.

4.3.4.2 In UK planning law, local policies that are unnecessarily restrictive and that lack suitably evidenced justification have been found in court to be unlawful where they are inconsistent with regional or national policy.

4.3.4.3 Key principles:

- **Justification::** Local planning policies must not contradict regional or national policy unless there is a compelling, evidenced justification for doing so.
- **Judicial scrutiny:** Courts have demonstrated that regional and national policy objectives provided by the NPPF and London Plan are to be afforded greater statutory weight than local policy, by quashing decisions based on local policy when they conflict with regional or national policy without suitable evidenced based justification.

4.3.4.4 From the above it is clear, that applying Local Policy DMH 4 to this proposed redevelopment, without evidenced justification, as is the case in this instance, may be deemed unlawful.

4.4 Improper interpretation of the local policy

4.4.1 The council has stated that the proposed redevelopment fails to comply with Local Policy DMH 4 (the 10% rule)

4.4.2 The appellant disagrees with the council's assertion, and has twice provided the council with details of their reasoning.

4.4.3 The basic premise of the appellant's position is that the council is not applying the policy in accordance with the normal meaning of its wording (that is, in accordance with definitions provided by the Oxford English Dictionary (OED)) but are instead applying their own interpretation of what type of properties are to be included in the policy's percentage calculation.

4.4.4 The applicant demonstrated to the council in the PDAS Addendum in Section 4.5.1 that the actual percentage of properties redeveloped in the street, including the proposed redevelopment, would be 8.45% using the applicant's initial assessment of seventy one (71) properties in the street (or 8.82% if using the council's assessment of sixty eight (68) properties in the street). Either way, the resulting percentage is clearly less than the 10% threshold specified by this policy. The proposed redevelopment is therefore compliant with Local Policy DMH 4.

4.4.5 Despite the applicant setting out their reasoned position to the council on two occasions, the council has remained silent on this matter and has not attempted to provide any justification as to why they persist in applying their improper interpretation of the policy, rather than applying the literal and proper meaning.

4.4.6 The logical conclusion from this is that the council does not have any justification for applying their interpretation of the policy that would withstand scrutiny.

4.4.7 The explanation the applicant has twice provided to the council to show that they are not applying the policy in accordance with its normal plain English language meaning is provided in the **Appendix 6**.

4.4.8 From the account provided in Appendix 6, it is clear that the council is applying the policy incorrectly.

4.4.9 The principle of proper interpretation of policies is supported in case law:

Corbett v Cornwall Council [2020]

The Court of Appeal emphasised that determining whether a proposal accords with the development plan as a whole is a matter of planning judgment, provided policies are correctly interpreted and applied. Misapplication or failure to interpret policies correctly can lead to judicial review challenges.

Summing up Lord Justice Lindblom concluded:

'When planning decisions are made, the policies of the local plan must always be properly understood and lawfully applied. Errors of law will sometimes be made, and the court will act when they are.'

Tesco Stores Ltd v Dundee City Council (2012)

And in the ruling on *Tesco Stores Ltd v Dundee City Council* the Supreme Court held that the interpretation of planning policies is ultimately a matter of law, not discretion, and LPAs must apply policies in their proper legal context to avoid unlawfulness.

4.4 Improper interpretation of the local policy (Cont/d...)

In his summing up Lord Reed cited a passage from the speech of Lord Clyde stating:

'... it will obviously be necessary for the decision-maker to consider the development plan, identify any provisions in it which are relevant to the question before him and make a proper interpretation of them. His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.'¹

4.4.10 It is considered that Policy DMH 4 has not been interpreted in accordance with the meaning construed upon its wording by the Oxford English Dictionary, and as a result, the policy has been misapplied.

4.5 Inconsistent application of local policy

4.5.1 Only a subset of properties included in the calculation

4.5.1.1 Even when the council applies their own interpretation of the policy, they do so in an inconsistent manner.

4.5.1.2 The council's own, albeit improper interpretation of Policy DMH 4, would require that all property along the street that has been redeveloped into flats be included in the policy's percentage calculation (Group A), together with all properties that have been approved for or already converted into flats, or that have been referenced by the council in an Officer's Report as being a flat development (Group B).

4.5.1.3 However, instead of doing this, the council has included all of the property that has been redeveloped (Group A), plus only a subset of the property from Group B.

4.5.1.4 There are five (5) approvals for purpose built flat developments in the street (Group A), these are street numbers 28, 30, 36, 41 and 45. Details of these are provided in **Appendix 7**.

4.5.1.5 There are a further eight (8) Group B properties that are either flat conversions, have approval for conversion, or have been named by the council as being flat properties in an Officer's Report, these are street numbers 3, 8, 16, 18, 28b, 43, 47 and 54. Details of these are provided in **Appendix 8**.

4.5.1.6 Therefore, in order to apply the council's interpretation of the policy in a consistent manner, there are a total of thirteen (13) properties that need be included in the policy percentage calculation (i.e. all five (5) developments (Group A), plus the eight (8) properties referred to in 4.5.1.5 above (Group B).

4.5.1.7 Calculation of the percentage to be used to determine compliance or otherwise with the 10% threshold specified in Local Policy DMH 4 is formulated by dividing the number of properties that fall within the category that should be included, by the total number of properties in the street, and then multiplying the result by one hundred (100), to create a percentage.

4.5.1.8 The council's total for the number of properties in Kingsend is sixty eight (68). Although this is different to the figure used by the applicant in the application (71) rather than contend the number, as it makes no material difference to the submissions made in this document, the council's figure of sixty eight (68) has been used in the creation of the table in 4.5.1.9 below.

4.5.1.9 As is evident from the table below, with a maximum of six (6) properties included in the policy's percentage calculation, the policy's 10% threshold will not have been reached (shown in green). With seven (7) or more properties included in the policy's percentage calculation, the policy threshold would be breached (shown in red).

Number of properties included in the calculation	Percentage (%) ¹	
5	7.35%	
6	8.82%	Cut off point (Max 6)
7	10.29%	
8	11.76%	

4.5.1.10 This means that the number of properties in the street that should be included in the calculation when formulated using the council's interpretation already exceeds twice the maximum number of properties that could be accommodated within the 10% threshold (i.e. 13 rather than just 6).

4.5.1 Only a subset of properties included in the calculation (Cont/d...)

4.5.1.11 Yet, in the extract from the Officer's Report¹ below, the council only include eight (8) of the thirteen (13) properties that should be included when using their improper interpretation of the policy:

'The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings. This equates to eight properties or 12%.¹

4.5.1.12 As can be seen from the above extract of the Officer's Report, even when the council apply their own interpretation of the policy, the council's selective inclusion of property in the calculation misrepresents the situation.

4.5.1.13 Calculating the policy's percentage with only a subset of the properties that should be included creates a percentage that is meaningless, spurious and which obfuscates.

4.5.1.14 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.

4.5.1.15 The principle that councils must apply local planning policies consistently is well-established in UK planning law. Several cases highlight this requirement, ensuring decisions are not arbitrary nor capricious. Notable examples include:

North Wiltshire District Council v Secretary of State for the Environment (1993): This case established that planning authorities must strive for consistency in decision-making unless material circumstances justify a different outcome. The principle of consistency is not just a matter of fairness, but essential for maintaining public confidence in the planning system.

In his summing up, Lord Justice Mann stated:

'An inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision.'

Although Mann LJ is referring to an Inspector's decision in the above judgement, this has equal bearing and validity to an LPA's decision.

R (Lumba) v Secretary of State for the Home Department (2012): The Supreme Court emphasised that policies must be consistently applied. This case, underscores that inconsistent application of policies can amount to unlawful decision-making, especially when published policies contradict actual practice.

In his summing up, Lord Justice Dyson stated ...

'... there is an independent duty of consistent application of policies, which is based on the principle of equal implementation of laws, non-discrimination and the lack of arbitrariness.'

Further, the *Supreme Court ruling in Dover District Council v CPRE Kent [2017] UKSC 79* is relevant. It emphasises that when thresholds in planning policies are exceeded or when there is a significant departure from established policy, councils must provide clear, rational reasons for their decisions. If they fail to do so, such decisions may be challenged and overturned.

¹ Officer's Report (Planning application 9894/APP/2023/3569) - page 24.

4.5.1 Only an improper subset utilised (Cont/d...)

In his summing up, Lord Carnwath stated:

'In my view Oakley was rightly decided, and consistent with the general law as established by the House of Lords in Doody.

Although planning law is a creature of statute, the proper interpretation of the statute is underpinned by general principles, properly referred to as derived from the common law.

Doody itself involved such an application of the common law principle of "fairness" in a statutory context, in which the giving of reasons was seen as essential to allow effective supervision by the courts.

Fairness provided the link between the common law duty to give reasons for an administrative decision, and the right of the individual affected to bring proceedings to challenge the legality of that decision.'

4.5.1.16 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.

4.5.2 Improper inclusion and exclusion of properties in the calculation

4.5.2.1 The council has also improperly included and excluded properties in recent DMH 4 calculations.

4.5.2.2 This is easily demonstrated by looking at the Officer's Reports from recent planning applications in Kingsend.

4.5.2.3 In the Officer's Report for the most recently approved planning application relating to flats in Kingsend (16 and 18 Kingsend, 63221/APP/2012/878) the council states on page 13 that:

'Seven applications approved in Kingsend (Nos. 8, 28/28a, 30, 36, 41 & 43/45) are considered to fall under the interpretation of redevelopment'

4.5.2.4 However, despite the fact that other than numbers 16 and 18 Kingsend being converted into flats, there hasn't been any other changes to property in the street that has any bearing on the policy in question, the council's assessment of which properties now fall within their interpretation of flattened premises has materially changed.

4.5.2.5 This is shown by the Officer's Report for the application being appealed (Planning Application 9894/APP/2023/3569) wherein on page 24 the council states that:

'The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings.'

4.5.2.6 Common to both of the council's assessments are street numbers 28, 30, 36, 41 and 45 (i.e. those properties that have been redeveloped into purpose built flats). However, the council has then included or excluded four further properties from the calculation (street numbers 3, 8, 28a and 43) without providing any justification for doing so.

4.5.2.7 The street numbers that the council has omitted or introduced, between the two planning applications is not particularly relevant, as it is the high level of inconsistency that is the material factor here.

4.5.2.8 However, for completeness they have been researched and the findings show that some of these properties should never have been included in the first place, whilst others that were excluded, should have been retained if the council were to have been consistent in their approach. The details of this are provided in **Appendix 14.**

4.5.2.9 The council's random inclusion and exclusion of properties in the DMH 4 policy calculation, from one planning application to another, demonstrates that the council's application of this policy is sporadic and materially inconsistent.

4.5.2.10 This has resulted in the council's creation of unsound, discredited calculations, upon which the refusal of the appealed application has been based. Once again creating a situation where the legitimacy, credibility and probity of the policy are lost and continuing to apply the policy in this way may be deemed unsound.

4.6 Section Conclusions

4.6.1 The council has given a reason for refusal of the planning application based on 'the principle of development'. This position is based solely on Local Planning Policy DMH 4.

4.6.2 Earlier in this Section 4, Local Policy DMH 4 has been tested against four grounds of appeal, namely:

- A double standard bias against intensification of housing density
- Conflict with the London Plan and the NPPF
- The improper interpretation of the policy
- Inconsistent application of the policy

4.6.3 The analysis earlier in this Section 4 demonstrates that Local Policy DMH 4:

- Conflicts with both the London Plan and NPPF, without providing sufficient justification for doing so;
- Is being improperly applied by the council, as their interpretation of the policy's wording results in the policy not being applied in accordance with the normal legal meaning of the policy's wording; and
- Is being inconsistently applied by the LPA, without sufficient justification.

4.6.4 The lack of conformance of Local Policy DMH 4 with the policy requirements of both the London Plan and the NPPF, both of which are newer policy documents than the local policy and which also carry greater statutory weight, show that the local policy is outdated and its continued application may be deemed unsound.

5.0 Outdoor amenity space

5.1 Section summary

5.1.1 Aside from the principle of development, the council has given a second reason for refusal being the 'failure to provide adequate provision for outdoor amenity space'.

5.1.2 The council has not provided much detail on this, however from the Officer's Report we are told that this is based on just two matters. The first being that the council has alleged that no drawing showing the provision of outdoor space was provided as part of the application. The second being, that the proposed redevelopment provides inadequate access to the outdoor amenity space.

5.1.3 The appellant fundamentally disagrees with the council's position on both of these matters.

5.1.4 Firstly, with regard to providing drawings showing the provision of outdoor amenity space, these were included in the PDAS Addendum, within a whole section dedicated to how outdoor amenity space has been integrated into the scheme.

5.1.5 With regards to the provision of suitable access to outdoor amenity space, this is based on the inadvertent omission of door opening arcs for the rear patio doors on the ground floor plan. The council has then used this to conclude, that as these doors have not been shown as openable, there is inadequate access to the outdoor amenity space.

5.1.6 As local, regional and national policy on the provision of outdoor amenity space all have similar policy requirements for 'maximising the usability of outside amenity space', the proposed redevelopment no longer fully complied with the requirements of each of these policies, simply on the basis of supposed unopenable doors.

5.1.7 This is a matter that should have been communicated to the applicant during the determination period for it to be clarified and nullified. It should never have become a reason for refusal.

5.2 Access to amenity space

5.2.1 The proposed redevelopment has been designed with outdoor amenity space integrated into the scheme, such that it will be one of the principle attributes of the property. The details of this are provided in Section 4.4 of the PDAS Addendum. Specifically, the proposed redevelopment will benefit from outdoor amenity space that is:

- *Safe and secure*
- *Accessible*
- *Verdantly landscaped*
- *Ample in quantum*

5.2.2 However, in the Officer's Report, the council has stated that:

'The proposed development, by virtue of its failure to provide an adequate provision of private external amenity space, would have a harmful effect on the living conditions of future occupants. The development would therefore be contrary to Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).'

5.2.3 This is somewhat contradicted by other feedback the council has provided in the Officer's Report, wherein on page 20, they state that:

'... a rear garden area could be provided within the site for use by future occupants ...'

and also on page 20, where they state that:

' ... the quantum of the rear garden would be sufficient ...'

5.2.4 So, although the council has referenced outdoor amenity space as a reason for refusal, they have also stated in the Officer's Report that the rear garden '*could*' provide adequate external amenity space and that the '*quantum of the rear garden would be sufficient*'.

5.2.5 The only explanations provided by the council as to why outdoor space has been given as a reason for refusal are based on:

1. the alleged non-provision of drawings showing the outdoor amenity space proposed. On page 20 of the Officer's Report, the council states that:

'There is no site plan demonstrating a communal rear garden area.'

2. the patio doors not showing as being openable on the floor plan. Again on page 20 of the Officer's Report the council also states that:

'the floor plans indicates no direct access to the rear garden.'

5.2.6 The appellant disagrees with both of the above purported justifications, as the first of the two is easily evidenced to be incorrect and the second has been used to exploit a small, inadvertent omission, to make an argument so contrary to all other supporting documentation provided, that it constitutes such poor procedural administration of the application that the council's handling of it may be deemed deliberately unhelpful.

5.2.7 Each of the above two points are rebutted and evidenced in their respective following sections.

5.3 The provision of amenity space drawings

5.3.1 As part of the reason for refusal, the council has stated in the Officer's Report that no site plan demonstrating communal outdoor space has been provided as part of the planning application.

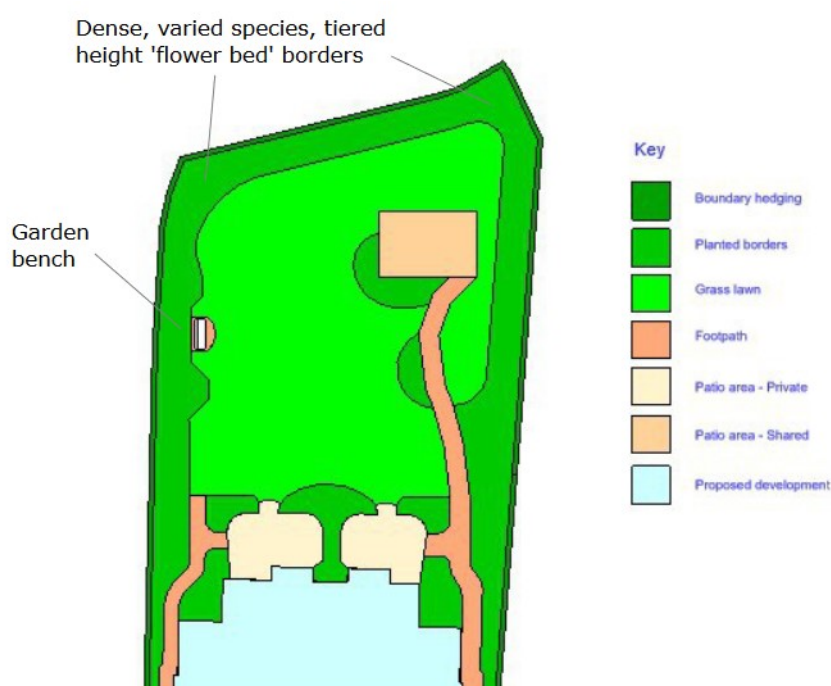
On page 20 of the Officer's Report, the council states that:

'There is no site plan demonstrating a communal rear garden area.'

5.3.2 The above statement made by the council is incorrect. There is an entire section within the PDAS Addendum dedicated to the provision of outdoor amenity space (Section 4). Section 4 contains two drawings that show how outdoor amenity space is to be integrated into the proposed redevelopment.

5.3.3 As an aside, although such a plan was provided, it is of note that the council do not specify that a plan showing outdoor amenity space should be included in an application's documentation pack, please refer to the council's planning application validation checklist (a copy of which is provided in the supporting documentation pack) nor did the council ask for such a plan at any time during the determination period.

5.3.4 Irrespective, the first of the two drawings provided clearly shows a plan view of the outdoor amenity space proposed. The plan shows the layout of both hard and soft landscaping in the rear garden, detailing paths, patio areas, lawn, borders and hedging. It also differentiates between private patio areas and shared patio areas. Please see Drawing 4.4a on page 66 of Section 4 of the PDAS Addendum, which is also shown below for convenience.

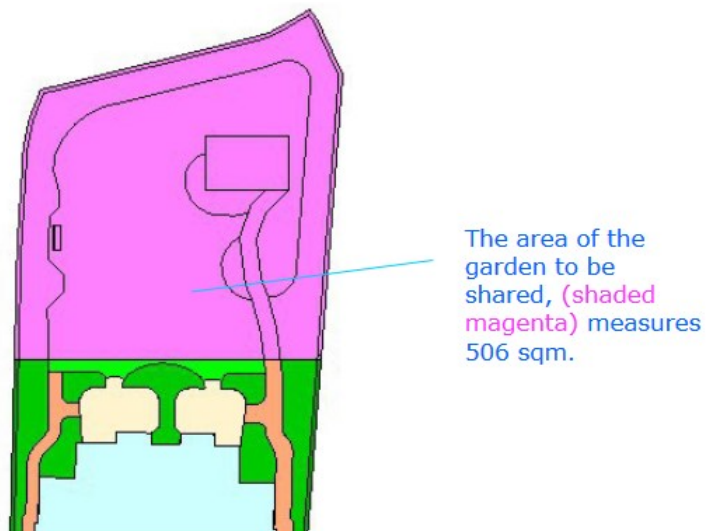


Drawing 4.4a above shows the proposed landscaping of the rear garden.

5.3.5 Additionally, there is a second drawing that shows the quantum of space available and that the total space available is significantly in excess of policy requirements. This is shown overleaf.

5.3 The provision of amenity space drawings (Cont/d ...)

5.3.6 A second plan view of the outdoor amenity space proposed shows the quantum of outdoor amenity space to be provided. This is shown in Drawing 4.4C on page 67 of the PDAS Addendum (a copy of which is provided below).



Drawing 4.4c above shows the area of shared Private Outdoor Amenity Space.

5.3.7 The area shown shaded in magenta, in Drawing 4.4c above, represents over 500 square metres of verdant landscaped garden, to be shared by the residents of the proposed redevelopment.

5.3.8 The five hundred (500) square metres of private outdoor amenity space available to these residents represents over three times (x3) the quantity required by policy (130 sq m). This is shown in the PDAS Addendum on page 67, Table 4.9b (a copy of which is provided in **Appendix 3**).

5.3.9 The above drawings demonstrate that contrary to the council's statement, plans of the site that show the provision of outdoor amenity space were indeed provided and that there is no legitimate basis for the council's assertion.

5.4 Openable patio doors

5.4.1 The council has stated in the Reasons for Refusal and in the Officer's Report that the proposed redevelopment doesn't provide adequate access to outdoor amenity space.

5.4.2 The council state in the Officer's Report on page 20 that:

'the floor plans indicates no direct access to the rear garden.'

5.4.3 This appears to be based on the premise that, inadvertently the floor plan that was provided, did not show that the patio doors at the rear of each of the ground floor apartment's lounges, are to be openable. Because of this, the council has deemed that the garden is poorly accessible and that the garden is therefore no longer good quality amenity space.

5.4.4 This is despite the fact that there are many other references in the application documentation that support the fact that these doors were always intended to be openable. The council's position on this is therefore unreasonably contrary to the documentation provided as a whole, as a single omission has been used out of context.

5.4.5 For example, the fact that the patio doors in question are intended to be openable is demonstrated in Drawing 4.9b on page 80 of the PDAS Addendum. This drawing shows that the doors in question will have level thresholds to the garden patios. This is not only stated in the accompanying descriptive text, but is also shown by coloured ellipses highlighting this on the drawing and is noted in the drawings title.



Drawing 4.9b above shows the level doorway thresholds to the garden patio

5.4.6 Drawing 4.9b from page 80 of the PDAS addendum (provided above) clearly shows that both sets of patio doors are to have 'level doorway thresholds to the garden patio'.

5.4.7 Please note that in the Drawing 4.9b provided above, the magenta ellipses at the base of each of the patio door sets highlighting the level thresholds have not been added to the drawing at this appeal stage, rather they were already included on the original drawings contained in the PDAS Addendum.

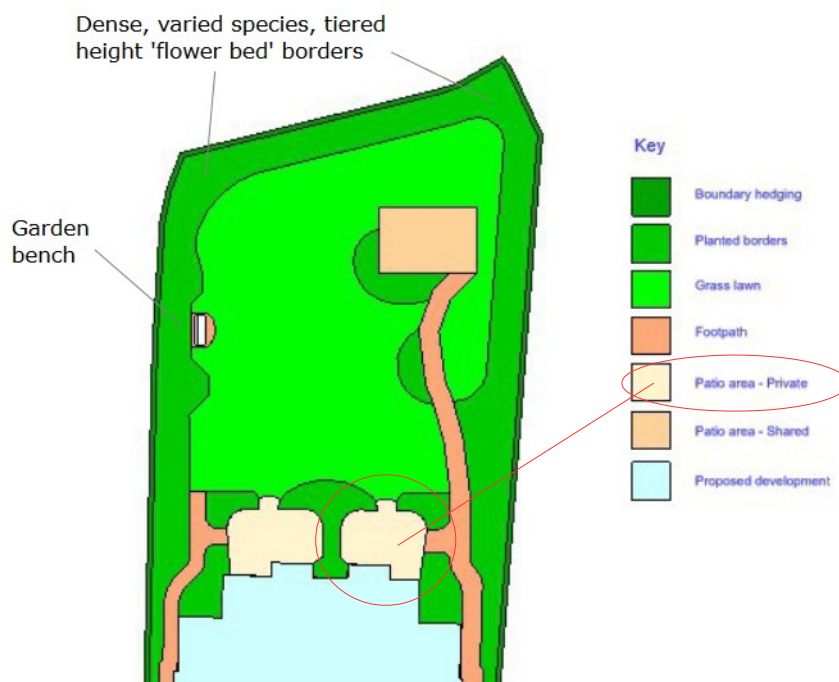
5.4 Openable patio doors (Cont/d...)

5.4.8 Furthermore, Drawing 3.1.2e, on page 8 of the PDAS Addendum (provided below) clearly shows the rear of the proposed property with French Door style doors in the middle of each window bay.



Drawings 3.1.2e above shows the newly proposed Arts and Crafts facade from its NE perspective.

When considered alongside Drawing 4.4a (shown below) that shows private patio areas directly to the outside of these doors, it is hard to see how the absence of door opening arcs could have been seen as anything other than an inadvertent omission.



Drawing 4.4a above shows the proposed landscaping of the rear garden.

5.4.9 It would be so highly unusual, and so obviously, and unnecessarily, detrimental to the integrity of the proposed redevelopment, for these patio doors not to be openable, that any doubt that the omission of arcs on the window plan may have caused, should have been resolved by the council simply seeking clarification from the applicant or been dealt with by the council using a planning condition to ensure that these doors are to be openable.

5.4 Openable patio doors (Cont/d...)

5.4.10 The omission of arcs on the floor plan showing that the French Door style doors open to the rear patios was a genuine oversight by the applicant's team, which went unnoticed until identified as a result of reviewing the planning application's determination.

5.4.11 From subsequent investigation, it seems that the omission was caused by the need to design custom French Doors for the 3D model so that sight lines of the window rails on the patio doors were aligned and proportionate with the bay windows. The custom 'French doors' object made for the 3D model then appears to have been inadvertently imported into the model as a generic object rather than as a door object. It therefore wasn't assigned attributes of a door in the computer program. So whilst presenting correctly in elevation and perspective views, it unfortunately did not show the arcs on the patio doors indicating they are openable in a floor plan view.

5.4.12 The floor plan view has now been corrected and is included in [Appendix 9](#).

5.4.13 In light of the foregoing, we respectfully ask the Inspector, that in conformance with the powers conferred upon them by paragraph 16.1 and 16.2 of HM Planning Inspectorate's Procedural Guide: Planning Appeals¹, that the clarified floor plan is accepted in accordance with the wording of paragraph 16.1, as the clarified drawing still represents:

'essentially the same scheme that was considered by the LPA and by interested parties at the application stage.'

5.4.14 Additionally, we believe that the following justifications support this approach:

- The reason this discrepancy occurred in the first place has been genuinely and credibly accounted for.
- There is not, never has been, and never could have been any benefit to the application by not showing that the French Doors are capable of opening.
- The applicant's contention that these patio doors were always intended to be openable is fully consistent with all other documentation provided as part of the planning application.
- In a test of reasonableness, it is reasonable to assume that any sensible person giving due consideration to the matter in question would conclude that a patio door between an apartment's lounge and the apartments private patio area, where level doorway thresholds between the two have been highlighted, would be openable.

5.4.15 We trust that this section provides suitable justification for the amended drawing to be acceptable to the Inspector. Furthermore, we trust that the foregoing provides the Inspector with all the evidence they require to determine that the proposed redevelopment does provide adequate access to outdoor amenity space.

5.4.16 Should the Inspector consider it warranted, the appellant is happy for a planning condition to be attached to any permission to secure the provision of the patio doors along the lines of the example suggested below:

Prior to the commencement of the development hereby approved, details of patio doors to the two ground floor residential units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained in perpetuity.

¹ Planning Inspectorate Procedural Guide: Planning appeals – England (17 September 2024)

5.5 Compliance with policy

5.5.1 Foreword

5.5.1.1 The council doesn't provide much detail as to precisely why they consider that the proposed redevelopment doesn't comply with Policy D6 of the London Plan, paragraph 135F of the NPPF, and Local Policies DMHB 16 & DMHB18.

5.5.1.2 The council simply state on page 20 of the Officer's Report that:

'There is no site plan demonstrating a communal rear garden area. Whilst a rear garden area could be provided within the site for use by future occupants as shown in Drawing 4.4c of the Design and access statement, the floor plans indicates no direct access to the rear garden. Whilst the quantum of the rear garden would be sufficient, the space would likely be poorly utilised and does not represent a high quality solution.'

'As a result, it is considered that the proposal would result in poor living conditions for the occupants residing at the site. In light of the above, it is considered that the proposal would have a harmful effect on the living conditions of the occupants of the host property, in terms of the provision of private external amenity space.'

'The proposal therefore fails to comply with Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135f) of the NPPF, in this regard. This is considered to warrant a new reason for refusal (2).'

5.5.1.3 To evidence compliance with each of the policies and paragraphs referred to in paragraph 5.5.1.1 above, we have reviewed each of them in turn, the findings of which are set out in the following sections.

5.5.2 Compliance with policy - The London Plan

5.5.2.1 Reviewing the policy requirements of London Plan: 'Policy D6 - Housing quality and standards',¹ the paragraphs that relate to outdoor amenity space are paragraph D, paragraph 9 and paragraph 3.6.9. These are addressed in-turn below:

5.5.2.2 Paragraph D of Policy D6 states:

D The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

5.5.2.3 From paragraph D above we can see that it is only the last eight words of the paragraph that are relevant to the matter in question:

'and maximising the usability of outside amenity space.'

5.5.2.4 Clearly, ground floor patio doors that face onto a private patio area need to be openable to 'maximise usability of outdoor amenity space'. Based on the evidence provided in the previous section, acknowledging that these doors are meant to be openable means that the proposed redevelopment is compliant with paragraph D of the London Plans Policy D6.

5.5.2.5 Paragraph 9 of Policy D6 states:

Private outside space

9) Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This does not count towards the minimum Gross Internal Area space standards required in Table 3.1'

5.5.2.6 Paragraph 9 above sets minimum standards for the quantity of outdoor amenity space required for a development where no higher quantities exist in local policy. Local Policy DMHB 18 specifies larger areas than the London Plan, requiring 130 square metres of outdoor amenity space for the mix of apartment sizes proposed.

5.5.2.7 The proposed redevelopment provides over 500 square metres of outdoor space, i.e. over three (3) times the quantum of space required by policy. This is shown in Section 4.4 of the PDAS Addendum. The council's acceptance of this is confirmed to us in the Officer's Report on page 20, wherein the council states that:

'... the quantum of the rear garden would be sufficient ...'

5.5.2.8 The proposed redevelopment is therefore compliant with paragraph D of the London Plan's Policy D6.

5.5.2.9 London Plan (2021) Policy D6, paragraph 3.6.9¹ states that:

'Private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity. All dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony. The use of roof areas, including podiums, and courtyards for additional private or shared outside space is encouraged.'

¹ London Plan - Published March 2021

5.5.2 Compliance with policy - The London Plan (Cont/d...)

5.5.2.10 The outdoor amenity space proposed shall provide a large garden area to the rear of the development, essentially square in nature, providing a safe and secure environment for the residents to relax outdoors. The garden shall be fully enclosed by hedging and fencing, providing a verdant landscaped area comprising of various hard and soft landscaping features including grass, shrubs and trees that will provide visual interest all year round.

5.5.2.11 Furthermore, all residents of the development shall have level access to this outdoor space. The ground floor residents shall have direct level threshold access to their own private patio and garden area. Residents of the above ground floor apartments shall have level access, by virtue of a passenger lift, to the ground floor and then level access to the rear garden via a wide, gated side pathway. This will also be access controlled to securely, yet conveniently, delineate this space.

5.5.2.12 Once again, of course, the rear patio doors need to be openable to comply with paragraph 3.6.9 too, so that the outdoor amenity space may constitute being 'practical' in terms of 'utility'.

5.5.2.13 With openable rear patio doors, the proposed redevelopment is compliant with paragraph 3.6.9 of the London Plan's Policy D6.

5.5.2.14 The foregoing demonstrates that with openable rear patio doors the proposed redevelopment is fully compliant with the requirements of paragraph D, paragraph 9 and paragraph 3.6.9 and is therefore compliant with London Plan Policy D6 'Housing quality and standards' in all matters relating to the provision of outdoor amenity space.

5.5.3 Compliance with policy - National Planning Policy Framework (NPPF)

5.5.3.1 Next, turning to the policy requirements for the NPPF,¹ paragraph 135, sub-paragraph F, relates to the provision of outdoor amenity space.

5.5.3.2 Sub-paragraph f of paragraph 135 states:

'135. Planning policies and decisions should ensure that developments:

'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 users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

5.5.3.3 The proposed redevelopment will provide outdoor space that is safe, inclusive and which promote health and well-being, for these are all detailed in Section 4.4 of the PDAS Addendum.

5.5.3.4 Once again, ground floor patio doors that face onto a private patio area clearly need to be openable to fully qualify as 'accessible' as required in 135f above. As all other requirements of this paragraph are satisfied, with openable patio doors, the proposed redevelopment is compliant with paragraph 135, sub-paragraph f of the NPPF.

5.5.4 Compliance with policy - Local Policy DMHB 16

5.5.4.1 The council has stated in both the Notice for Refusal and in the Officer's Report, that the proposed redevelopment is not compliant with policy DMHB 16.

5.5.4.2 Local Policy DMHB 16 (Housing Standards)¹ states that:

'Policy DMHB 16: Housing Standards

All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:

- i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
- ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.'

5.5.4.3 As can be seen above, Local Policy DMHB 16 (Housing Standards) relates solely to internal space standards (which is not the matter in question).

5.5.4.4 In the above policy, sub-section i) deals with internal space standards only, with which the application is compliant and which isn't being questioned, and sub-section ii) is only relevant to 'major developments', and the proposed redevelopment is not a 'major development'.

5.5.4.5 Furthermore, the supplementary notes to this policy¹ (provided in [Appendix 1](#)) do not make any reference to outdoor amenity space either.

5.5.4.6 Local Policy DMHB 16 (Housing Standards) therefore relates solely to internal space standards (with which the proposed redevelopment is compliant) but which is not the point in question. Local Policy DMH 16 does not deal in anyway with outdoor amenity space. Policy DMHB 16 is therefore inappropriately referenced by the council and in this context, irrelevant.

¹ Local Policy DMHB 16 (Housing Standards) of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

5.5.5 Compliance with policy - Local Policy DMHB 18

5.5.5.1 The council has stated in both the Notice for Refusal and in the Officer's Report, that the proposed redevelopment is not compliant with Local Policy DMHB 18.

5.5.5.2 Local policy DMHB 18 (Private Outdoor Amenity Space)¹ states that:

Policy DMHB 18: Private Outdoor Amenity Space

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.

5.5.5.3 Reviewing each of the four paragraphs of policy DMHB 18 in turn:

- **Paragraph A** - With openable patio doors, the proposed redevelopment complies with paragraph A's requirement for 'usable private outdoor amenity space'. The proposed redevelopment is fully compliant with the other requirements of this paragraph, namely quality of space and quantum of space, and neither of these are opposed by the council. Therefore, with openable rear patio doors, the proposed redevelopment is compliant with all requirements of DMHB 18 paragraph A.

- **Paragraph B** - There are no balconies proposed for the proposed redevelopment, so this paragraph is not relevant to this application, although this is further addressed in the Supplementary Notes section below.

- **Paragraph C** - This paragraph deals with defensible space rather than with accessibility or usability. It is therefore not relevant to the reason for refusal. However, the proposed redevelopment is fully compliant with this paragraph's requirements.

¹ Local Policy DMHB 18 (Private outdoor amenity space) of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

5.5.5 Compliance with policy - Local Policy DMHB 18 (Cont/d...)

● **Paragraph D** – This paragraph doesn't deal with accessibility or usability either, and so is not relevant to the reason for refusal. Instead, it deals with the character of the front boundary. The proposed redevelopment is fully compliant with these requirements, as confirmed in the Officer's Report on page 16, wherein it is stated:

'It is also apparent that the subject property probably exhibits the most established landscape character on both sides of Kingsend, aided in part by the canopy of the TPO protected Oak. On that basis and when noting the surrounding context, the loss of some landscaping at the front of the site would not be opposed, though it would need to be well considered and subject to suitable replacement planting.'

5.5.5.4 From the foregoing it is clear that with openable rear patio doors, the proposed redevelopment is compliant with the policy requirements of Local Policy DMHB 18.

Supplementary Notes to Local Policy DMHB 18

5.5.5.5 Some additional detail to Local Policy DMHB 18 is given in the form of Supplementary Notes.

5.5.5.6 Within these Supplementary Notes there is a further matter that needs to be addressed, that relates to balconies.

5.5.5.7 Paragraph 5.70 of the Supplementary Notes states that:

'5.70 Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building.'

5.5.5.8 Acknowledging the above, balconies were designed into the previous proposal (Planning Application 9894/APP/2022/3871). However, in that previous scheme, the balconies were given as a reason for refusal, due to concerns relating to over-looking. Additionally, as part of the previous scheme's feedback, the council advised that an Arts and Crafts styled building was now preferred to the Queen Anne Revival (QAR) style they had suggested during the pre-application stage¹.

5.5.5.9 Following the refusal of the first full planning application (9894/APP/2022/3871) the proposed redevelopment was completely remodelled to take into consideration all reasons for the previous refusal. The proposed redevelopment was redesigned with an Arts and Crafts character and all balconies were removed due to them creating a previous reason for refusal, and, because they do not properly accord with the Arts and Crafts style suggested by the council.

5.5.5.10 The Arts and Crafts character of the proposed redevelopment is now acceptable to the council. This is confirmed to us in the Conservation, Urban Design and Heritage Section of the Officer's Report on page 9, wherein it is stated that:

'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.'

5.5.5 Compliance with policy - Local Policy DMHB 18 (Cont/d...)

5.5.5.11 Accordingly, balconies have been designed out of the revised scheme, as they would no longer be consistent with the overall character of the building. This approach fully accords with paragraph 5.70 of the policy's Supplementary Notes.

5.5.5.12 Additionally, this approach accords with the guidance the council previously provided in the Officer's Report from the first planning application (9894/APP/2022/3871) wherein on page 20, the council confirmed that the removal of balconies would not unduly affect the overall amenity of the proposed redevelopment due to the quantum of space available in the rear garden:

'Whilst there are departures with the standards for the first floor and loft flats, the overall amenity is not adversely affected because of shared access to the rear garden which extends to about 500m² (or 20m²/resident)'

5.5.5.13 However, although not directly stated as forming any part of the reason for refusal, the council's comment in the Officer's Report on the removal of the balconies is interesting, as it could be construed as misdirecting or having an intended air of 'Catch-22' about it.

5.5.5.14 On page 20 of the Officer's Report, the council states that:

'Unlike the previously refused scheme under app ref: 9894/APP/2022/3871, none of the flats are provided with private amenity areas. The lack of private amenity spaces provided would result in a substandard form of development that would fail to meet the needs of future occupants. This would be acutely experienced by occupants of the family sized units.'

5.5.5.15 Contrary to the above, all flats within the proposed redevelopment are provided with access to private outdoor amenity space in the form of the garden at the rear of the building, which is private to the proposed redevelopment and not public amenity space.

- The two ground floor apartments each have their own private patios and garden areas (as shown by Drawing 4.4.a in Section 4.4 of the PDAS Addendum) which with openable rear patio doors becomes direct level threshold access to these areas (as shown in Drawing 4.9b on page 80 of the PDAS Addendum); and
- Residents of apartments on the upper floors shall all have level access to the landscaped rear gardens (courtesy of a passenger lift, the front door and gated pathway on the building's eastern side) (also shown by Drawing 4.4a in Section 4.4 of the PDAS Addendum).

There is certainly no lack of private outdoor amenity space, as there is in fact over 500 sq metres of verdant, landscaped private outdoor amenity space integrated into the proposed redevelopment.

5.5.5.16 However, the council has also provided us with another statement that contradicts their above statement.

5.5.5.17 In light of the council's previous advice to remodel the proposed redevelopment from QAR to Arts and Crafts and the consequent total redesign, the council has acknowledged that balconies are not necessary, possibly in recognition that they are now inconsistent with the overall design of the building. This is confirmed to us on page 20 of the Officer's Report wherein the council states that the rear garden *could* fulfil the requirement for outdoor amenity space:

5.5.5 Compliance with policy - Local Policy DMHB 18 (Cont/d...)

'Whilst a rear garden area *could* be provided within the site for use by future occupants as shown in Drawing 4.4c of the Design and access statement, the floor plans indicates no direct access to the rear garden.'

5.5.5.18 Having evidenced in previous sections that drawings showing outdoor amenity space were provided to the council, and that with openable rear patio doors there is direct access to the garden for ground floor residents, and that all residents have level access to a large rear garden, the proposed redevelopment is compliant with the requirements of the London Plan. Furthermore, as balconies would not be consistent with the revised design, the proposal is compliant with the requirement of Local Policy DMHB 18 too.

5.5.5.19 Additionally, it is also a material consideration that, providing all dwellings on upper floors with access to a private balcony or terrace, as described by the local policy's Supplementary Notes, is not a requirement of the London Plan or the NPPF. The London Plan simply requires that all residents shall have level access to one or more forms of outside space.

5.5.5.20 In paragraph 3.6.9 on page 129 of the London Plan, it is stated that:

'All dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony.'

5.5.5.21 The wording in paragraph 5.70 of the Supplementary Notes, if used to impose a requirement for balconies, would be in conflict with the London Plan, creating an unjustified restriction on development that intensifies housing density, a core tenet of the London Plan's strategy to provide more housing in London.

5.5.5.22 Examples of local, flatted developments, within the LBH, that do not have balconies and where access to the POAS is via the front door, and side path are provided in **Appendix 5**.

5.5.5.23 In light of the above, the amount, quality and type of outdoor amenity space proposed is considered to be significantly more than satisfactory for the requirements of future occupants and fully in compliance with the council's supporting comments to Policy DMHB 18 at paragraph 5.70 of the Local Plan which states:

'...communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits.'

5.5.5.24 It is considered self-evident that there are strong planning reasons to support the removal of previously proposed balconies due to the high quality of the redevelopment proposed, with its clear planning merits and public benefits.

5.5.5.25 Should there genuinely be any concerns about the proposed quality, layout, access routes or any other details of the outdoor amenity space proposed, a standard landscaping condition should be able to address them. Alternatively a bespoke condition could be attached to any approval if any other aspect of the proposed external amenity space is considered to be required.

5.6 Section Conclusions

5.6.1 One of the reasons that the council has given for the refusal of this planning application is the 'inadequate provision of outdoor amenity space'. The council's position on this is based:

- on their assertion that no drawings were provided that showed the provision of outdoor amenity space; and
- no opening arcs being drawn on ground floor plan to show that the rear patio doors shall be openable.

5.6.2 These two reasons have then been unreasonably magnified by the council to allege that the proposed redevelopment is not compliant with local, regional and national policy, as each of these policies contain requirements that outdoor amenity space shall be 'easily accessible' (or a similar wording).

5.6.3 However, the evidence provided earlier in this Section 5 demonstrates that:

- drawings and supporting textual description were actually provided in the application's supporting documentation.

5.6.4 This nullifies the council's respective assertion, such that it should no longer be considered a reason for refusal.

5.6.5 Section 5 also demonstrates, through evidenced context that:

- The arcs missing on the plan to show that the rear doors are to be openable, was an inadvertent, omission that once identified by the council should have been clarified and resolved through engagement with the applicant, rather than contribute to any reason for refusal.

5.6.6 Additionally, in Section 5, through detailed analysis of all relevant local, regional and national policy, it is evidenced, that with openable rear patio doors, the proposed redevelopment is fully compliant with all relevant local, regional and national policy relating to outdoor amenity space. Specifically, Local Policy DMHB 18, London Plan Policy D6 and NPPF paragraph 135f.

6.0 Improper understating of PTAL rating

6.1.1 The appellant contends that the council has unjustifiably and improperly understated the proposed redevelopment's PTAL rating (Public Transport Accessibility Level).

6.1.2 The PTAL rating of the site is important, as the overarching London Plan contains policies that are to be applied in the decision making process when a site's PTAL rating is sufficiently high enough to meet the London Plan's Policy's threshold. Furthermore, the more a planning application surpasses the planning policy's threshold, the more relevant the policy becomes to the application.

6.1.3 In the first formal planning application (9894/APP/2022/3871) the applicant stated that the proposed redevelopment's site has a PTAL rating of 4. However, in the respective Officer's Report the council referred to the proposed redevelopment's site as having a PTAL rating of 3.

6.1.4 In the second formal planning application (9894/APP/2023/3569) (i.e. the application now being appealed) as part of the planning application, the applicant provided a full written statement to the council proving that the proposed redevelopment site's rating is a 4 (four). The statement provided to the council is given in **Appendix 4**.

6.1.5 However, in the Officer's Report for the application in question (9894/APP/2023/3569) the council again refer to the proposed redevelopment site as having a PTAL rating of 3 rather than 4. Furthermore, despite the applicant clearly stating the case for the site's PTAL 4 rating, the council has remained silent rather than provide any justification for the continued use of the lower rating.

6.1.6 The logical conclusion from the council's silence on this matter is that the council does not have a justification that's capable of withstanding any analysis, and so again have simply relied upon their dominant position.

6.1.7 The London Plan places material focus on increasing the intensification of brownfield sites that have a PTAL rating of 3-6 or that are within 800 metres of a town centre or transport hub.

6.1.8 The London Plan states in paragraph 4.2.4 that:

'Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a (tube or rail) station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites'.

'This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs.'

6.1.9 The proposed redevelopment site is 480 metres from Ruislip Train and Bus Station, 800 metres from West Ruislip Railway & Tube station, and 320 metres from Ruislip town centre High Street. These factors alone confirm that the proposed redevelopment site is highly suited to the requirements of the above policy.

6.1.10 Furthermore, with a PTAL rating of four (4) classified as 'Good' (the highest PTAL rating attributed to anywhere in the Ruislip area) the site fulfils all of the requirements specified in this London Plan policy, making it precisely the type of location that the London Plan seeks to champion.

6.1 Improper understating of PTAL rating (Cont/d ...)

6.1.11 As Appendix 4 shows, there are two ways to obtain a PTAL rating from the TFL WebCat tool. One way is by inputting the site's postal address, the other is by inputting the site's precise geographical coordinates (longitude and latitude).

6.1.12 As has been demonstrated in the appendix, using the postal address in this instance produces a result that is clearly not very accurate, for it positions the proposed redevelopment some way down the road to the east (on the site of 28 Kingsend) on the eastern side of the public footpath, rather than to the west of the footpath, as it is in reality.

6.1.13 Whereas, by using the longitude and latitude coordinates, the tool locates the proposed redevelopment site precisely, properly positioning it immediately to the western side of the footpath.

6.1.14 So, although there are two ways to query the TFL WebCat database, querying by coordinates provides a more accurate result and should therefore be the approach used. Adopting a less precise method without justification, may be deemed irrational, unreasonable, and unlawful.

6.1.15 Therefore, the proposed redevelopment site should be categorised as having a PTAL rating of 4 (Good), increasing the proposed redevelopment's accessibility credentials for being highly suited to the requirements set out in paragraph 4.2.4 of the London Plan.

7.0 The presumption in favour of sustainable development.

7.1 The council has provided two reasons for refusal, these are in regard to the principle of development and the inadequate provision of private outdoor amenity space. There are no other reasons for refusal.

7.2 Dealing with the reasons given regarding private outdoor amenity space first, it has been demonstrated within this document (in Section 5) that the reasons given regarding private outdoor amenity space are not credible nor substantive reasons for refusal, and that the council should have addressed any anomalies within the determination period when they could have easily been resolved.

7.3 This leaves the principle of development, brought about by Local Policy DHM 4, which is the key objection to the proposal.

7.4 The NPPF states that a presumption in favour of sustainable development should be applied when the policies which are most important for determining the application are out of date.

7.5 This, as provided below, is stated in paragraph 11d of the NPPF:

'11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

d) **where** there are no relevant development plan policies, or **the policies which are most important for determining the application are out-of-date⁸, granting permission** unless: (our emphasis)

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, **having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places** and providing affordable homes, individually or in combination' (our emphasis)

7.6 As can be seen from paragraph 'd)' above, where a policy is out of date, planning permission should be granted, subject to sub clauses i. and ii., which are addressed a few paragraphs below.

7.7 Local policy DHM 4, is the sole surviving policy that has been advanced to prevent approval. Yet it has been demonstrated earlier in this document that the policy is out of date.

7.8 Specifically, Section 4.3 (of this document) shows that Local Policy DMH 4 is outdated as it is in clear and full conflict with both the NPPF and the London Plan, as it fails to make any allowance for key policies within both documents, which are more up to date:

- January 2020 – LBH Local Plan Part 2 adopted
- March 2021 – London Plan came into effect
- December 2024 – Revised NPPF published

7.9 Significantly, the new Labour Government's public statements including the promotion of considerably increasing levels of housebuilding, economic growth and new strategic planning policy, clearly signpost the need to substantially increase planning consents for high quality new homes, particularly by optimising the use of land within urban areas.

7.0 The presumption in favour of sustainable development (Cont/d...)

7.10 With policy DMH 4 being shown to be outdated, we turn to the subclauses i. and ii. These subclauses specify that the presumption should only be used, where doing so, would not significantly and demonstrably outweigh the benefits.

7.11 The fact that the proposed redevelopment is acceptable to the council in all other ways is confirmed to us in the Officer's Report, wherein the council states that:

'The resubmission scheme is considered to be of a suitable design, massing and siting and it is noted that other similarly large properties exist within the street. The reduction in height coupled with the design of the scheme, breaks down the mass of the building and provides a balanced facade with a clearly defined frontage flanked by subservient side wings.'

'As noted by the conservation officer, 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.** The design is considered to be acceptable in the context of the conservation area and the proposal results in a net gain of residential units, which can be viewed as a public benefit.'¹ (our emphasis)

'Other similarly large properties exist within the street. The design, massing and siting within the plot are considered acceptable.'²

'The density of the development is not excessive and relative to its plot, appropriate in the residential context.'³

'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.'⁴

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.'⁵

7.12 The Council has failed to identify any relevant planning harms resulting from the proposed redevelopment. The specific harms associated with Policy DMH 4 as set out in the policy's explanatory text:

- Increased on-street parking and resultant congestion on roads
- The Loss of front gardens
- Reduction in privacy
- Significant changes to the streetscene
- Loss of family accommodation

have each been considered by the council and found to be perfectly acceptable. To rely on an outdated, inflexible, 10% blanket policy without identifying any relevant material planning objections relating to the purpose of the policy (including any relating to Ruislip Village Conservation Area), is not considered credible given the context of London's severe housing shortage and the high quality of the proposed scheme.

7.13 It therefore follows that the proposal fully benefits from the presumption in favour of sustainable development, in accordance with paragraph 11d of the NPPF.

8.0 Procedural unfairness

8.1 The planning application was submitted to the Local Planning Authority (LPA) on 8th December 2023, with a statutory determination deadline of 2nd February 2024.¹

8.2 Despite this, the LPA did not issue a decision until 30th September 2024, a total duration approaching ten (10) months, with a delay close to eight (8) months.

8.3 The LPA did not request, nor obtain, an extension to the determination time frame.

8.4 During this extended period, the LPA did not meaningfully engage with the applicant. Despite the applicant requesting updates from the LPA on many occasions (by email) no feedback was provided and there was therefore no opportunity for the applicant to address any minor concerns or inconsistencies the council identified during this time frame.

8.5 Furthermore, despite the extended period for determination, the LPA did not address any of the evidence that the applicant presented to the LPA in an attempt to resolve differing opinions on policy and other metrics that were apparent from the Officer's Report from the previous application.

8.6 Specifically, the LPA remained silent in relation to the evidence presented to them that their interpretation of the 10% policy is wrong, and that it should be read and applied in accordance with OED definitions. Additionally, the LPA also remained silent as to why they continue to apply a PTAL rating for the site that the applicant has evidenced they are understating.

8.7 Due to the LPA deliberately remaining silent on these matters, the planning application's refusal is based on incomplete reasoning and procedural unfairness.

8.8 It is also noted that the neighbouring resident at No. 34a, who is the representative of the local residents' association that deals with planning matters has been particularly active in making representations to the council regarding this proposal. Whilst it is entirely appropriate for residents to engage with the planning process, the combination of this degree of involvement, the extended delay in determining the application, and the LPA's lack of engagement with the applicant raises concerns about the robustness and transparency of the decision-making process.

8.9 This concern is further heightened by the fact that the Officer's Report is largely positive, identifying the proposal's compliance with relevant policies and its public benefits.

8.10 This contrasts with the refusal reasons given by the council regarding outdoor amenity space which demonstrate a final decision based on a lack of real substance:

- with a trivial inconsistency in the submitted documentation (regarding the rear patio doors) being magnified by the council and used as a reason for refusal, rather than choosing to resolve it by engaging with the applicant.
- with the council citing a local policy in its reasons for refusal that has no bearing on outdoor amenity space and is therefore completely irrelevant to the reasons stated for refusal (DMHB 16 specifies internal space requirements).
- with the council citing the absence of a drawing (to show outdoor amenity space) when this is so obviously not the case and so easily evidenced that it was provided.

8.11 As a result of the planning application being subjected to the numerous procedural anomalies outlined above, significant question is raised as to the level of procedural fairness that this application has been afforded by the council.

¹ in accordance with Section 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

9.0 Overall Conclusions

9.1 This Appeal Statement has considered the two reasons given by the council for refusing the planning application, namely the principle of development and the provision of access to outdoor amenity space. Additionally, the statement has also assessed the council's continual understating of the proposed redevelopment's PTAL rating.

9.2 In Section 4, which addresses the principle of development, it is demonstrated that the council's decision to refuse permission based on Local Policy DMH 4 is unsound on several grounds. These grounds include, the council's improper application of the policy (due to it not being applied according to its true legal wording) the council's inconsistent application of the policy, and the policy's conflict with regional and national policy.

9.3 In Section 5, which addresses the provision of outdoor amenity space, it is demonstrated that the council's decision to refuse permission based on the alleged non-provision of a drawing showing outdoor amenity space and no opening arcs on the patio doors is unsound on several grounds. These grounds include, the appellant evidencing that plans were indeed provided that show the integration of outdoor amenity space, and that the doors shown without opening arches was so obviously an inadvertent omission, (as all other documentation provided in the application supports the view that the doors are to be openable) that the council's administration of this matter may be deemed intentionally unhelpful and a breach of procedural fairness.

9.4 In Section 6, the council's continual understating of the development's PTAL rating is addressed. The applicant provided the council with evidence that they are understating the rating. However, the council has remained silent on the matter and has not provided any justification for their continued underrating of the site's PTAL level. Without sufficiently evidenced justification, the council's position on this matter is unsound.

9.5 In Section 7, which addresses the presumption in favour of sustainable development, it is demonstrated that Local Policy DMH4 is in conflict with the London Plan and the NPPF without sufficiently evidenced justification which renders the local policy outdated. Therefore, in accordance with paragraph 11d of the NPPF, the proposal fully benefits from the presumption in favour of sustainable development and should be approved.

9.6 Externally, the proposed building has the appearance of a single dwelling house with the front parking area well contained by landscaping. Based on the Officer's report, planning permission would almost certainly have been granted if the proposal had instead comprised a single dwelling house. If this appeal is dismissed it is likely, due to the poor state of the existing building, that the house will require demolition and be replaced by a single dwelling of the same size and appearance to the current appeal scheme. That may be the outcome that the council and neighbour at 34a Kingsend appear to prefer, but it would represent a missed opportunity to secure the wider economic, public and sustainability benefits of providing very high quality family homes appropriate to the Conservation Area.

9.7 In conclusion, we respectfully submit that the refusal of this application appears to lack a robust and substantiated basis. The Officer's comprehensive assessment clearly identifies the proposal's compliance with relevant planning policies and acknowledges its significant public benefits. Given this positive evaluation, the reasons for refusal, especially those relating to outdoor amenity space are trivial and disproportionate. This raises concerns that the final decision may have been influenced by factors beyond the Officer's professional planning assessment.

9.8 For the reasons set out in this statement it is considered that the council's reasons for refusal are unsound. The Inspector is therefore respectfully requested to allow the appeal and grant planning permission.

Appendices

The following appendices are all referenced from within the main body of this document.

- 1 [Supplementary notes to Local Policy DMHB 16](#)
- 2 [Intentionally blank](#)
- 3 [Quantum of outdoor amenity space required by policy](#)
- 4 [Improper downgrading of PTAL rating](#)
- 5 [Recent local precedents](#)
- 6 [PDAS Addendum Section 4.5.1](#)
(How the calculation in DMH 4 is formulated)
- 7 [Redeveloped property in the street](#)
- 8 [Property conversions in the street](#)
- 9 [Ground Floor Plan](#)
- 10 [Intentionally blank](#)
- 11 [43 Kingsend](#)
- 12 [Intentionally blank](#)
- 13 [Fiveways](#)
- 14 [Improper inclusion and exclusion of properties in the calculation](#)
- 15 [Number 8 Kingsend](#)
- 16 [Property in the street originally built as flats](#)
- 17 [47 / 47a Kingsend](#)
- 18 [Number 28a Kingsend](#)

Appendix 1

Supplementary notes: Policy DMHB 16 (Housing Standards)

For convenience of reference, this appendix provides the Supplementary Notes to Local Policy DMHB 16 (Housing Standards) from the Hillingdon Local Plan: Part Two - Development Management Policies (2020):

Housing Standards

5.58 Overcrowding in residential properties can have adverse impacts on the health and well being of occupants. In order to ensure that all housing serves the practical and social needs of occupiers, the Council will require housing proposals to provide adequate internal space and facilities.

5.59 Table 5.1 sets out minimum internal floor space standards for new dwellings which must be met in all future planning applications. Should this standard change through national or regional policies and guidance, the Council will implement the most up to date floorspace standards.

Table 5.1: Minimum Floorspace Standards (National Space Standards)

Number of bedrooms	Number of bed spaces	Minimum Gross Internal Area (m ²)			Built-in storage (m ²)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0

Notes to Table 5.1

1. * Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m²

2. The Gross Internal Area (GIA) of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above the stairs. GIA should be measured and denoted in square metres (m²).

3. The nationally described space standards sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of a the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

5.60 When assessing the size of households the Council will assume that any bedroom over 11.5 sqm is capable of being occupied by two persons. Similarly any “study”, “bonus room” or third living/reception room that is not annotated as a bedroom will be assumed to be capable of serving as a bedroom.

5.61 In order to provide for the privacy of household members and to alleviate future potential for overcrowding, new family homes (3+ bedrooms) should include at least two separate living areas, one of which might be a kitchen/dining room, in addition to the requisite number of bedrooms and other facilities. Dwellings created by the conversion or subdivision of buildings or by a change of use will need to meet national internal space standards. Unless the building is a Listed Building, the retention by conversion of a building will not outweigh any proposed reductions in living standards and amenities of occupants.

5.62 All new homes should be designed to meet accessibility criteria as detailed in the Council's 'Accessible Hillingdon' SPD or subsequent guidance document(s). All housing of ten or more dwellings will be required to provide 10% of units which are accessible to wheelchair users and must comply with the design criteria of “Wheelchair Standard Homes” as defined in the Councils “Accessible Hillingdon” SPD.

~~~ **End of Appendix 1** ~~~

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**Appendix 2**

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**~~~ End of Appendix 2 ~~~**

## Appendix 3

### Quantum of outdoor amenity space required by policy.

Table 4.4b provided below is from page 67 of the PDAS Addendum.

**Table 4.4b: Private Outdoor Amenity Space (POAS)**

| <b>A</b>              | <b>B</b>        | <b>C</b>             | <b>D</b>                |
|-----------------------|-----------------|----------------------|-------------------------|
| <b>Bedrooms / Apt</b> | <b>POAS sqm</b> | <b>Qty in scheme</b> | <b>Required (B x C)</b> |
| 1                     | 20              | 1                    | 20                      |
| 2                     | 25              | 2                    | 50                      |
| 3                     | 30              | 2                    | 60                      |
|                       |                 |                      |                         |
|                       | <b>Total</b>    | <b>5</b>             | <b>130</b>              |

Table 4.4b shows that the quantum for outdoor amenity space required to fulfil the requirements of Local Policy DMHB 18 is 130 sq metres.

The proposed redevelopment provides over 500 sq metres of outdoor amenity space, meeting and significantly surpassing the policy's requirements.

~~~ **End of Appendix 3** ~~~

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

Appendix 4 - Improper downgrading of PTAL rating

The following content of this appendix is a copy of Section 4.1 of the PDAS Addendum that was submitted to the council as part of Planning Application 9894/APP/2023/3569.

4.0 Clarifications and further information

4.1 Clarification of Public Transport Accessibility Level (PTAL) rating



The Public Transport Accessibility Level (PTAL) rating of the site is 4.

Transport for London (TfL) states that a PTAL rating of 4 is 'Good'.

However, there seems to have been some confusion over this, for although the Planning, Design and Access Statement (PDAS) submitted with the previous application (9894/APP/2022/3871) clearly states that the PTAL rating is a 4, the rating LBH attributed to the site of the proposed redevelopment in the LBH Officer's Report was a 3.

A possible reason for this discrepancy in classification is clarified below.

The latitude and longitude reference for the middle of the existing building on the site is 51.572510, -0.427293 (as shown in the image below).

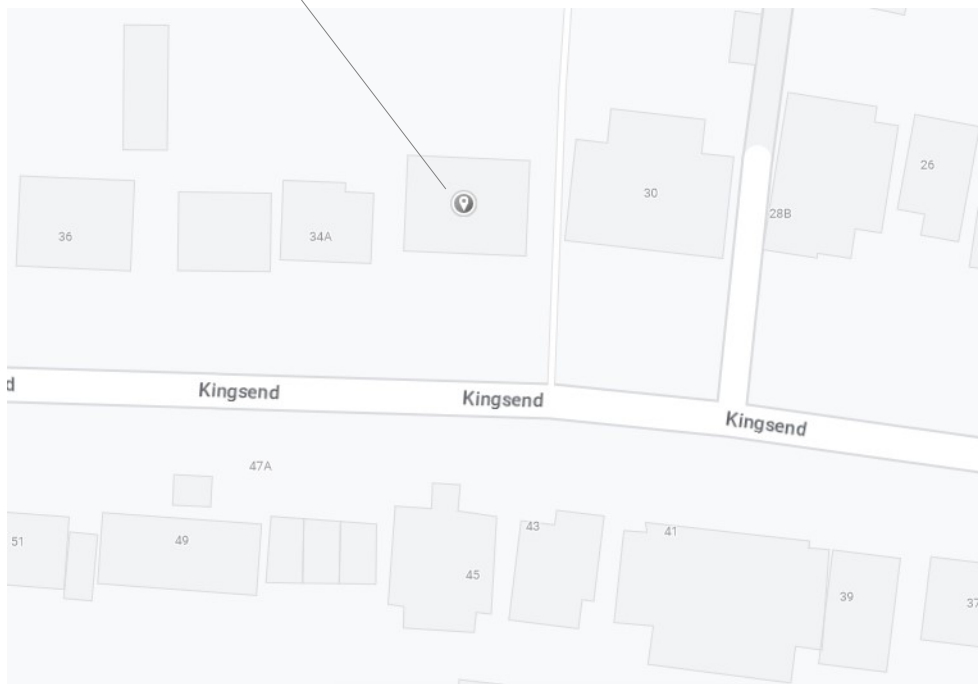
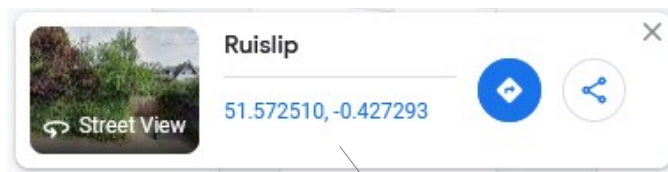


Image 4.1a above shows the latitude and longitude of 32 Kingsend, provided by Google Mapping

Appendix 4 - Improper downgrading of PTAL rating (Cont/d ...)

4.1 Clarification of Public Transport Accessibility Level (PTAL) rating Cont/d..

Inputting the latitude and longitude reference for the site of the proposed redevelopment into TfL's PTAL planning tool, returns a map of the locality colour coded by grid square to signify the PTAL rating.

The map provided by the TfL PTAL planning tool shows the site of the proposed redevelopment in a yellow square. Yellow squares on the PTAL map signify a PTAL rating of 4 (Good). This is shown below:

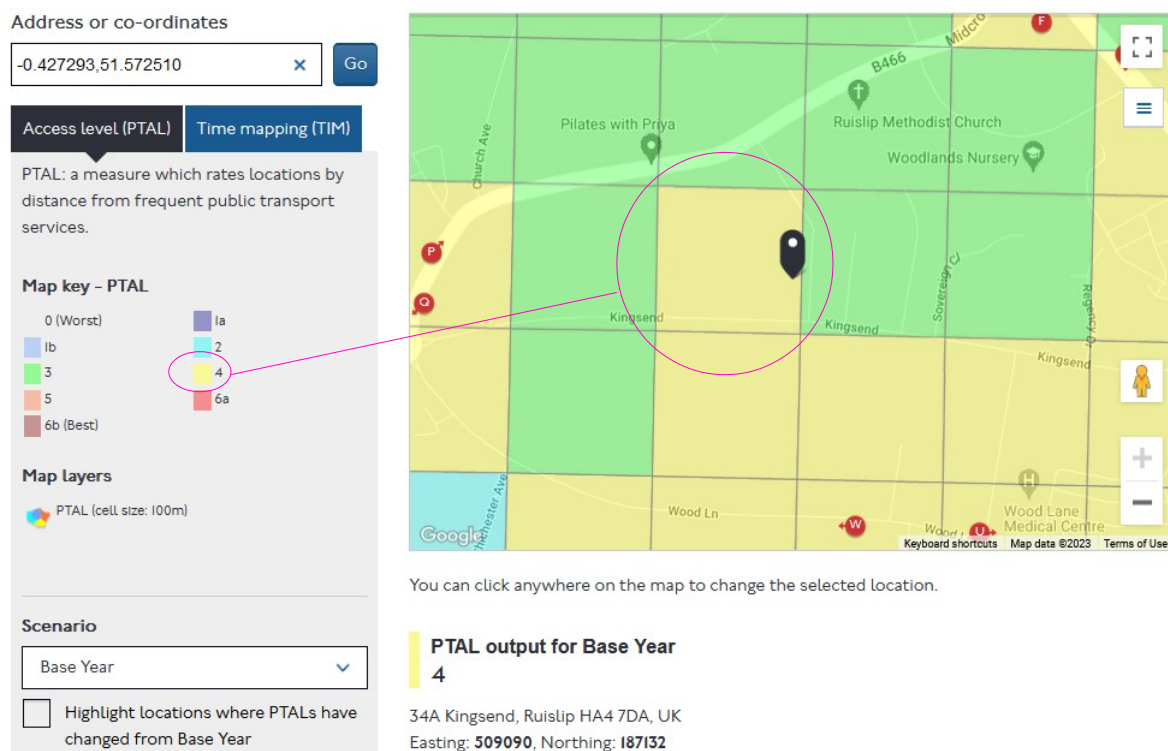


Image 4.1b above shows the site in a yellow, PTAL 4 square, when the PTAL tool is queried using the site's latitude and longitude

It should however be noted that simply querying the TfL PTAL planning tool by inputting the site's postal address (32 Kingsend, Ruislip UK) results in the planning tool positioning the 'pin' inaccurately.

The TfL PTAL tool positions the 'pin' considerably to the east side (rather than the west side) of the public footpath that runs along the east side of the proposed redevelopment site, this is clearly incorrectly positioned. This is shown in the screenshot below.

Appendix 4 - Improper downgrading of PTAL rating (Cont/d ...)

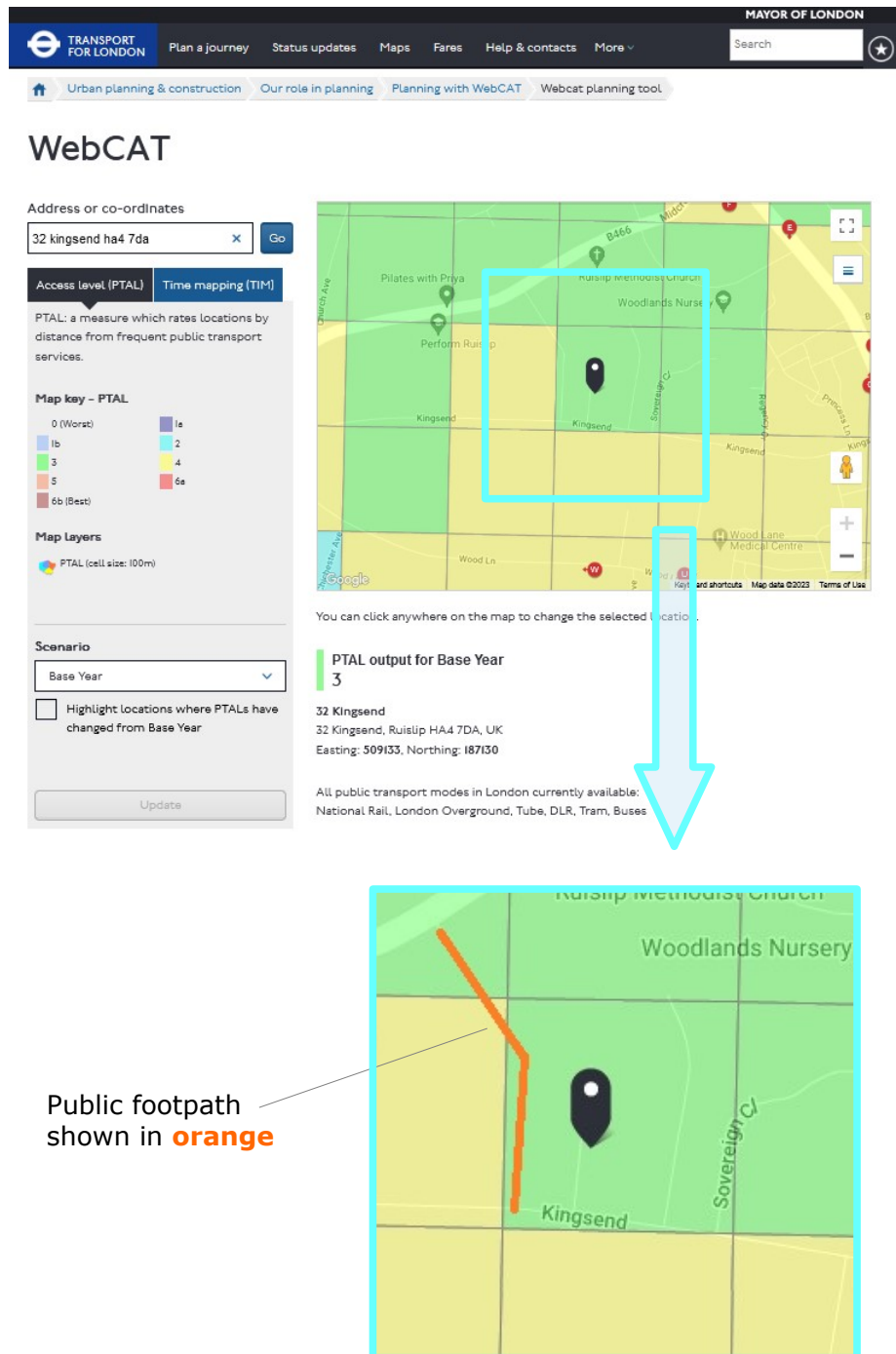
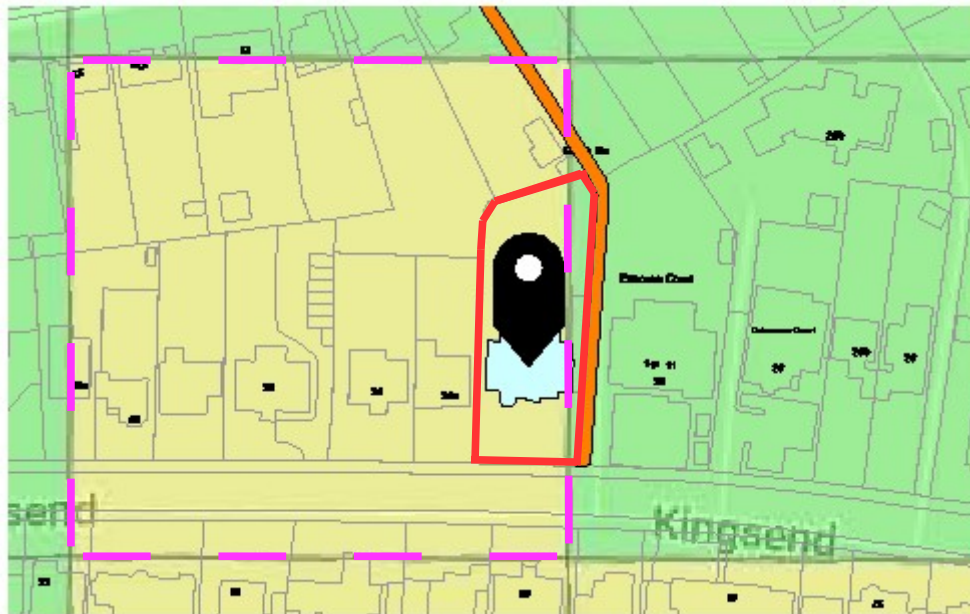


Image 4.1c above shows the PTAL location pin misplaced on the wrong side of the footpath when the PTAL tool is queried simply with the site's postal address.

Appendix 4 - Improper downgrading of PTAL rating (Cont/d ...)

To further demonstrate that the proposed redevelopment site's PTAL rating is four (4) rather than three (3) the colour coded map provided by the TfL PTAL tool has been overlaid with the site's location plan and it is evident that the vast majority of the proposed redevelopment site is within a grid square colour coded yellow by TfL, yellow coloured squares signify a PTAL rating of four (4).

Moreover, the site's ingress and egress point to the street is via the driveway in the centre of the plot's front boundary, which is completely within the PTAL 4 square.



- Site boundary
- Public footpath
- Boundary of surrounding PTAL four (4) area
- Proposed Development

Image 4.1d above was created by overlaying the site's location plan over the map provided by the PTAL tool. The resulting image clearly shows the site on the west of the public footpath (shown in orange) and that the site is in a predominantly yellow grid square confirming the site's PTAL four (4) rating.

~~~ **End of Appendix 4** ~~~

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

## Appendix 5 – Local flatted developments approved, without balconies

### 16 & 18 Kingsend<sup>1</sup>

Total number of flats above ground floor level = **4**

Of which, total flats with a balcony or roof garden = **0**



The front and rear elevations above, from the LBH planning website, confirm that none of the flats in this development have a balcony or access to a roof garden.

The route to private outdoor amenity space for the above ground floor flats is via the internal stairs to the front door and then via the side path to the rear garden.

<sup>1</sup> Planning Application Reference: 63221/APP/2012/878

**Appendix 5 – Local flatted developments, recently approved, without balconies  
(Cont/d ...)**

**135 Swakeleys Road<sup>1</sup>**

Total number of flats in development = **5**

Total number of flats with a balcony or roof garden = **0**



The front and rear elevations shown above of 135 Swakeleys Road, from the LBH planning website, confirm that there are no flats in this development that have a balcony or access to a roof garden.

The route to private outdoor amenity space for the three flats above ground floors via the internal stairs to the front door and around the back via the side path to the rear garden.

<sup>1</sup> Planning Application Reference: 380/APP/2013/1450

## Appendix 5 – Local flatted developments, recently approved, without balconies (Cont/d ...)

### 60 Long Lane<sup>1</sup>

Total number of flats in development = 8

Of which, total flats with an external balcony or roof garden = **0**



The front and rear elevations above, from the LBH planning website, confirm that there are no flats in this development that have a balcony or access to a roof garden (save for two Juliet Balconies on the first floor, at the rear).

The route to private outdoor amenity space for the two flats at the front of the block and those on upper floors without balconies is via the internal stairs to the front door and around the back via the side path to the rear garden.

<sup>1</sup> Planning Application Reference: 70282/APP/2019/2773

~~~ **End of Appendix 5** ~~~

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

Appendix 6 - How the DMH 4 calculation should be formulated

The following statement is a copy of Section 4.5.1 of the PDAS Addendum submitted as part of the application (9894/APP/2023/3569) which analyses how the calculation to be used in DMH 4 should be formulated:

4.5.1 How the calculation used in DMH 4 is formulated

In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason 1 states that:

"The proposal will result in more than 10% of properties on Kingsend consisting of flatted developments with adverse implications for the character of the streetscene and neighbour impacts, contrary to Policy DMH 4 of the Hillingdon Local Plan (Part 2) 2020."

It does not follow that more than 10% of flatted properties along a road will adversely impact the character of the street scene. Indeed, the proposed building style and architectural features are more in keeping with the RVCA aesthetic than the current building. And as such, will very much make a positive contribution to the street scene of Kingsend.

The proposed redevelopment will harmonise with its neighbours by being reflective of local property and their architectural features as detailed in Section 3.1.2 (of the PDAS Addendum).

However, regardless of this, we contend that the calculation being used by LBH to determine compliance with the policy is not in accordance with the strict adherence with the policy's wording.

Policy DMH 4 states:

Policy DMH 4: Residential Conversions and Redevelopments
Residential conversions and the redevelopment of dwellings into new blocks of flats will only be permitted where:

- i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats;
- ii) on residential streets longer than 1km the proposed redevelopment site should be taken as the midpoint of a 1km length of road for assessment purposes;
- iii) the internal floor area of the original building to be converted is at least 120 sqm; and
- iv) units are limited to one unit per floor for residential conversions.

The section of the policy that specifies the 10% threshold is within paragraphs (i) and (ii) which specifically refer to properties redeveloped into flats. It doesn't make any reference to flat conversions being included in the 10% calculation. This contrasts with paragraphs (iii) and (iv) which specifically refer only to buildings being converted to flats.

Appendix 6 - How the DMH 4 calculation should be formulated (Cont/d..)

Some houses can be converted to flats without any external alteration of the house or its curtilage, so it is perfectly appropriate for Policy DMH 4 to treat such conversions differently from residential redevelopment. Section 55 of the Town and Country Planning Act 1990 (as amended) confirms that such conversions do constitute development requiring planning permission:

'For the avoidance of doubt it is hereby declared that for the purposes of this section -

(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used.'

In the Officer's Report for 9894/APP/2022/3871 LBH states that:

'The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings. This equates to eight properties or 12%. When accounting for the subject application, this increases to 13%.'

However, of the eight (8) properties listed above by LBH, only five (5) of these properties (28, 30, 36, 41 and 45) are actually redevelopments, the other three (3) properties (3, 16 & 18) are conversions.

The July 2021 National Planning Policy Framework (NPPF) confirms at paragraph 47 that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 47 states:

'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'¹

It is the classification of property that is to be included in the calculation of DMH 4 that is important here. To determine the precise meaning of the word redevelopment, as used in DHM 4, we must turn to the Oxford English Dictionary (OED) which is the definitive source used in English Courts to provide legal definitions. The OED defines 'Redevelopment' as:

'The redesigning and the **rebuilding** of an urban area, typically after **demolition** of existing buildings' (our emphasis)

The OED definition of redevelopment does not make any provision for the inclusion of properties converted into flats as it confirms that it cannot involve just redesigning an urban area but "redesigning and rebuilding." It therefore follows that properties converted into flats must be excluded from the 10% calculation.

The calculation for Kingsend must therefore only contain properties that have been redeveloped into flats after rebuilding, of which there are currently five (5). These are the properties at numbers 28, 30, 36, 41 & 45, which with the addition of No 32 Kingsend, would be a total of six (6) properties.

¹ In the new NPPF published December 2024 the above referenced paragraph can still be found at paragraph 47.

Appendix 6 - How the DMH 4 calculation should be formulated (Cont/d..)

With a total of six (6) redevelopments in the road, using a total of 71 properties along the road, this equates to a total of 8.45%, this is under the 10% threshold set by Policy DMH4.

We therefore contend that this application is fully compliant with LBH Local Plan Policy DMH4.

~~~ **End of Appendix 6** ~~~

(to return to the main body of the document please [\*\*CLICK HERE\*\*](#))

## Appendix 7 – Group A properties

The table below shows the property in the street of Kingsend that have been redeveloped into purpose build flats, a total of five (5) properties.

| UID  | Street number | Photo                                                                               | Redevelopment or Conversion | Planning reference  | Date of approval |
|------|---------------|-------------------------------------------------------------------------------------|-----------------------------|---------------------|------------------|
| 1of5 | 28            |    | Purpose build redevelopment | 40449/APP/2007/3667 | 7-5-2008         |
| 2of5 | 30            |    | Purpose build redevelopment | 46299/APP/2006/2165 | 25-07-2006       |
| 3of5 | 36            |   | Purpose build redevelopment | 34193/J/91/1590     | 15/04/1992       |
| 4of5 | 41            |  | Purpose build redevelopment | 2792/APP/2006/3451  | 22-02-2007       |
| 5of5 | 45            |  | Purpose build redevelopment | 16787/APP/2006/446  | 15-02-2006       |

Please note: Vehicles in the above images have been covered by grey ellipses to retain vehicle owner privacy.

**Total 5**

~~~ **End of Appendix 7** ~~~

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

Appendix 8 – Group B properties

The table below shows the properties in the street of Kingsend included in Group B. That is, properties that have been approved for conversion or have been converted into flats, as well as properties that the council have stated as being flatted developments.

A total of eight (8) properties.

| UID | Street number | Photo | Description |
|------|---------------|---|--|
| 1of8 | 3 |  | 3 Kingsend (Kingsend Court) contains 6 flats and is specified by the council in the Officer's Report for planning application 9894/APP/2023/3569 as being a flatted development the Council have included in the DMH 4 calculation. |
| 2of8 | 8 |  | Formally a detached house, number 8 Kingsend has been converted into four flats. The conversion appears to have been in the 1960s. However, the precise date and planning reference is unclear in historical planning records. Appendix 15 refers. |
| 3of8 | 16 |  | Locally listed, 16 Kingsend is one of the two properties in the street most recently converted into flats. 16 and 18 Kingsend were approved under the same planning reference: 63221/APP/2012/878 |
| 4of8 | 18 |  | Also locally listed, 18 Kingsend is the second of the two properties in the street most recently converted into flats. Planning reference 63221/APP/2012/878 refers. |
| 5of8 | 28b |  | 28b Kingsend is located behind 28 Kingsend (Osbourne Court), with its access road to the street between Osbourne Court and 30 Kingsend (Elthorne Court). Approval to convert this property into flats was provided under planning ref: 73975/APP/2018/2572 |

Please note: Vehicles in the above images have been covered by grey ellipses to retain vehicle owner privacy.

Appendix 8 – Group B property (Cont/d...)

| UID | Street number | Photo | Description |
|------|---------------|--|---|
| 6of8 | 43 |  | 43 Kingsend is included in the council's assessment of flatted property to be included in the DMH4 calculation in the Officer's Report for planning application 63221/APP/2012/878 |
| 7of8 | 47 |  | This former detached house was extended and remodelled in the 1970s to create a flat(s) under planning application reference 8157B/14502. Appendix 17 refers. |
| 8of8 | 54 |  | Planning records show that the property formally known as 54 Kingsend, now known as Fiveways, was a detached house in Kingsend prior to its conversion into three (3) flats. Appendix 13 refers. |

Please note: Vehicles in the above images have been covered by grey ellipses to retain vehicle owner privacy.

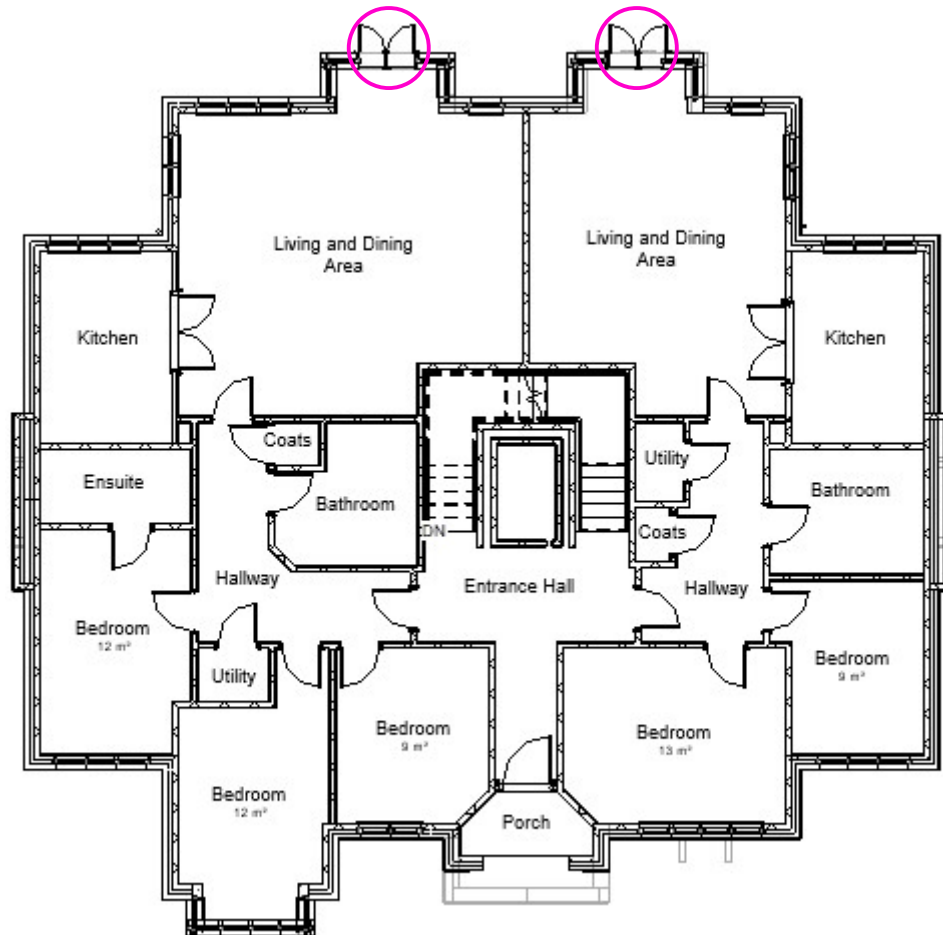
Total for Group B = 8 properties

~~~ **End of Appendix 8** ~~~

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

## Appendix 9 - Ground Floor floor plan

This appendix shows the ground floor plan amended to include opening arcs for the patio doors (shown in magenta).



~~~ End of Appendix 9 ~~~

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Appendix 10

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## Appendix 11 – 43 Kingsend

The council have included number 43 Kingsend in their list of properties along the street that constitute flatted development. This is shown in an extract of an Officer's Report:

'Seven applications approved in Kingsend (Nos. 8, 28/28a, 30, 36, 41 & 43/45) are considered to fall under the interpretation of redevelopment'<sup>1</sup>

The council's inclusion of this property is incorrect. This address is a detached house, as is shown below.



Furthermore, a search of the LBH planning website doesn't list any application for the site to be either redeveloped or converted into flats. This as is shown in the screenshot below.



### PLANNING APPLICATIONS SEARCH

[Back to Search page](#)

| Reference                           | Location            | Proposal                                                                                          | Received | Status   |
|-------------------------------------|---------------------|---------------------------------------------------------------------------------------------------|----------|----------|
| <a href="#">45395/APP/2018/1391</a> | 43 KINGSEND RUISLIP | Installation of vehicular crossover to front                                                      | 13-04-18 | Approval |
| <a href="#">45395/APP/2013/1550</a> | 43 KINGSEND RUISLIP | Part two storey, part single storey side/rear extension involving demolition of existing lean-to  | 10-06-13 | Approval |
| <a href="#">45395/APP/2012/3186</a> | 43 KINGSEND RUISLIP | Part two storey, part single storey side/rear extension involving demolition of existing lean-to. | 24-12-12 | Appealed |

The council's inclusion of this property in the calculation for Local Policy DMH 4 is therefore incorrect and contributes to the inconsistent application of the policy.

<sup>1</sup> Officer's Report for planning application 63221/APP/2012/878, page 13

~~~ **End of Appendix 11** ~~~

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Appendix 12

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## Appendix 13 – 54 Kingsend (Fiveways) converted to flats

The copy of historic LBH planning records below shows that the property now known as Fiveways, was formerly known as 54 (Fiveways) Kingsend.

Originally, 54 Kingsend was built as a detached house. In 1932 planning permission was granted to convert the property into three (3) flats. It is assumed that at this time the property's access to the roadway was moved to Ickenham Road to access and utilise garden space to the west of the building for parking and garaging.

Irrespective, Fiveways was originally part of Kingsend and has been converted into flats. Although the entrance to this property has been moved, it doesn't detract from the fact that the property was originally a detached house and is another property in Kingsend that has been converted into flats.

| STREET NAME                    |     | KINGSEND, RUISLIP.                |                     | ORD. SHT. REF. 0887 SE                         |                                  |                                  |                            |           |
|--------------------------------|-----|-----------------------------------|---------------------|------------------------------------------------|----------------------------------|----------------------------------|----------------------------|-----------|
|                                |     | R.H.S. FROM HIGH STREET, RUISLIP. |                     |                                                |                                  |                                  |                            |           |
| House Name                     | No. | Plot No.                          | Plan No.            | Description                                    | Decision                         | Date                             | How Drained                | Completed |
|                                | 52  |                                   | 749<br>3243         | Detached House<br>Garage                       | Approved<br>Approved             | 11.8.13.<br>27.10.30.            | Single Private             | 1.10.14.  |
| FIVEWAYS                       | 54  |                                   | 601<br>3732<br>1914 | Detached House<br>Conversion 3 flats<br>Garage | Approved<br>Approved<br>Approved | 13.5.12.<br>27.6.32.<br>22.2.26. | Single Private<br>Combined | 18.1      |
| HERE IS ICKENHAM ROAD, RUISLIP |     |                                   |                     |                                                |                                  |                                  |                            |           |

~~~ End of Appendix 13 ~~~

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Appendix 14 – Improper inclusion and exclusion of properties in the calculation

The council has improperly both included some property and excluded other properties in recent DMH 4 calculations. This has resulted in the council consistently misrepresenting the formulation of the policy's calculation and the resulting percentage.

In the Officer's Report for planning application 63221/APP/2012/878, the most recently approved planning application for property to be converted into flats in Kingsend, the council stated:

'Seven applications approved in Kingsend (Nos. 8, 28/28a, 30, 36, 41 & 43/45) are considered to fall under the interpretation of redevelopment'

In the Officer's Report for the planning application being appealed (9894/APP/2023/3569) the council stated:

'The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings.'

As can be seen from the above, the council's assessment of which properties they have included in the DMH 4 calculation has materially changed, with street numbers 3, 8, 28a, and 43 being either added or removed. This is despite the fact that since the conversion of 16 and 18 Kingsend, there has not been any material change to the properties in the street that warrants any additional changes to the calculation's formulation (inclusions or exclusions).

Street number 3 Kingsend (Kingsend Court) is absent from the list of flatted properties the council assessed to be included in the calculation in the Office's Report for 16 and 18 Kingsend (63221/APP/2012/878), but this property has been improperly added to the list by the council for the application in question (9894/APP/2023/3569).

Kingsend Court was purpose built in the 1930's, and according to LBH planning records is the only building ever to have been built on this site. It was therefore built as part of the original greenfield Metroland development of Ruislip. The property has therefore neither been redeveloped, nor converted and the council shouldn't have included it on their list of properties assessed to be flatted developments. **Appendix 16** refers.

Street number 8 Kingsend was included in the council's assessment for planning application 63221/APP/2012/878, but has been removed by the council in their most recent assessment for 9894/APP/2023/3569 (the application being appealed). This property has been converted into flats, rather than been redeveloped, so it shouldn't be included in the DMH 4 calculation. However, if using the council's (albeit improper) interpretation of the policy, then the council should not have removed it from their most recent assessment of property to be included in the calculation.

Street number 28a Kingsend, historical LBH planning records show that the property at 28 Kingsend which was demolished to make way for the current property, now known as Osbourne Court, was not two properties, but just one. The original property (28), merely had an extension that was used as a granny flat (28a). Number 28a was therefore not a property in its own right. However, during the planning process for what is now Osbourne Court, the site's designation appears to have been changed from 28 to 28a. This is shown by the historical planning records provided in **Appendix 18**. Irrespective, the original property on this site was a single detached house, which has been replaced by a single property now known as Osbourne Court.

Street number 43 Kingsend is not a flatted development, it is a detached house. An extensive search of local authority archives have not identified any current or historical records relating to any application for flats at this address. The council therefore should not have included street number 43 in their list of property assessed to be flatted developments (it has not been redeveloped, nor converted into flats, nor does it have or ever appear to have had planning permission to do either). (**Appendix 11** refers).

Appendix 14 – Improper inclusion and exclusion of properties in the calculation (Cont/d ...)

Finally, in the Officer's Report for 16 and 18 Kingsend (the relevant extract of which is provided below) the council states that there are seven applications approved for flats in the street:

'Seven applications approved in Kingsend (Nos. 8, 28/28a, 30, 36, 41 & 43/45) are considered to fall under the interpretation of redevelopment'¹

However, when counted, there are a total of six (6) 'groupings' of property in the Council's assessment, street number '8' being the first, '28/28a' being the second, through to '43/45' being the sixth.

Alternatively, if 28/28a are counted separately, and 43/45 are counted separately, then the total is eight (8) properties.

Either way, the total is not seven (7) as stated by the council, once again demonstrating that the council's assessment of property that is to be included in the calculation cannot be relied upon.

¹ Planning Application 63221/APP/2012/878 Officer's Report, Section 7.01, page 13

~~~ **End of Appendix 14** ~~~

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## Appendix 15 – Number 8 Kingsend converted to flats

The copy of historic LBH planning records below shows that the property at No 8 Kingsend was originally built as a detached house. The record then goes on to show that the property has subsequently been converted into flats.

| STREET NAME                       |     |          |          | KINGSEND, RUISLIP.               | ORD. SHT. REF. |          | 0987 SW.       |           |
|-----------------------------------|-----|----------|----------|----------------------------------|----------------|----------|----------------|-----------|
| R.H.S. FROM HIGH STREET, RUISLIP. |     |          |          |                                  |                |          |                |           |
| House Name                        | No. | Plot No. | Plan No. | Description                      | Decision       | Date     | How Drained    | Completed |
|                                   | 4   |          | 308      | Detached House                   | Approved       | 22. 2. 9 | Single Private |           |
|                                   |     |          | 15240    | Garage                           | Approved       | 18. 2.57 |                |           |
|                                   |     |          | 17028    | 25 Garages                       | Approved       | 9. 9.59  | (Not Built)    |           |
|                                   |     |          | 19292    | 26 Garages                       | Approved       | 16. 7.62 |                |           |
|                                   | 6   |          | 10332    | Garage                           | Approved       | 15. 8.49 |                |           |
|                                   | 8   |          | 578      | Detached House                   | Approved       | 12. 2.12 | Single Private | 5.2.13.   |
|                                   |     |          | 12195    | Addition                         | Approved       | 30. 8.52 |                |           |
|                                   |     |          | 12422    | Alterations & Add'ns.            | Approved       | 23. 2.53 |                |           |
|                                   |     |          | 17394    | Extensions & Alter'ns.           | Approved       | 29. 2.60 |                |           |
|                                   |     |          | 18399    | Ats. to S/Detached               | Approved       | 12. 6.61 | Combined       |           |
|                                   |     |          | 20486    | 3 Garages                        | App.           | 25.10.63 |                |           |
|                                   |     |          | 18422    | Convert Washroom to Gge.         | Approved       | 12. 6.61 |                |           |
|                                   |     |          | 19469    | Conversion & Extn.               | Approved       | 14.11.62 |                |           |
|                                   |     |          | 20611    | EXEN. USE AS 2 FLAT 1 MAISONETTE |                | 28.1.64  |                |           |
|                                   |     |          | 20637    | EXENSION, CONVERSION             |                | 14.3.64  |                |           |
|                                   |     |          | 21745    | 2 Garages                        |                | 23.3.65  |                |           |

~~~ End of Appendix 15 ~~~

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

Appendix 16 – Flatted property in the street originally built as flats

The table below shows flatted property in the street of Kingsend that was originally built as flats (i.e. it was neither redeveloped or converted into flats) a total of one property.

| Street number | Photo | Type | Planning referenced | Date of approval |
|---------------|---|-------------------------------------|--|------------------|
| 3 |  | Originally built as flats in 1930's | Please see the historical planning record below. | |

Total 1

The copy of historic LBH planning records below shows that the property known as Kingsend Court (3 Kingsend) was originally built as six flats, it has neither been redeveloped or converted.

| STREET NAME <u>KINGSEND, RUISLIP.</u> | | | | ORD. SHT. REF. <u>0987 SW.</u> | | | | |
|---------------------------------------|-------|----------|--------------|--------------------------------|----------|---------|----------------|-----------|
| L.H.S. FROM HIGH STREET, RUISLIP. | | | | | | | | |
| House Name | No. | Plot No. | Plan No. | Description | Decision | Date | How Drained | Completed |
| Kingsend Court | 1 - 6 | | 3736 | 6 Flats | Approved | 27.6.32 | Combined | |
| | | | 3915 | 4 Garages | Approved | 28.4.37 | | |
| | | | 204
8340. | | | | | |
| | 5 | | 993 | Detached House | Approved | 10.1.21 | Single Private | |
| | | | 13295 | Garage | Approved | 25.5.54 | | |
| | 7 | | 973 | Detached House | Approved | 20.9.20 | Single Private | |
| | | | 15343 | Extensions | Approved | 18.2.57 | | |

~~~ End of Appendix 16 ~~~

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## Appendix 17 – 47 Kingsend

The property at 47 Kingsend has two front doors facing the street, one labelled No 47 and the other 47a, as highlighted by the red rectangles in the photo to the right.



Please note: Vehicles in the above image have been covered by grey ellipses to retain vehicle owner privacy.



The rear garden has also been divided to provide what appears to be a small, separately enclosed area of the garden specifically for 47a as shown by the red outline on the image to the left. This is easily verified through the use of free on-line satellite imagery and mapping services.

The Royal Mail shows both street numbers (47 and 47a) are registered as separate postal addresses.



This can be verified on the Royal Mail Website at:

<https://www.royalmail.com/find-a-postcode>

LBH planning archives show that planning permission (8157B/14502) was granted in 1973 to extend the property to the west (to the right, in the top photo) to create what appears to be a self-contained flat.

~~~ End of Appendix 17 ~~~

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Appendix 18 – 28a Kingsend

The extract of LBH historical planning records shows that 28 Kingsend was a single detached house that was extended around 1959. There was therefore only one property on the site, which was replaced by what is now known as Osbourne Court.

| STREET NAME | | | | KINGSEND, RUISLIP. | | | | | ORD. SHT. REF. | | | | | 0987 SW
0887 SE | |
|-----------------------------------|-----|----------|--------------|-----------------------------|----------------------|----------------------|----------------|-----------|----------------|--|--|--|--|--------------------|--|
| R.H.S. FROM HIGH STREET, RUISLIP. | | | | | | | | | | | | | | | |
| House Name | No. | Plot No. | Plan No. | Description | Decision | Date | How Drained | Completed | | | | | | | |
| | 28 | | 686
16495 | Detached House
Addition | Approved
Approved | 20.1.13.
5.1.59. | Single Private | 5.6.13. | | | | | | | |
| | | | | | | | | | | | | | | | |
| THE
UPLAND | 30 | | 1274
3697 | Detached House
Extension | Approved
Approved | 16.4.23.
30.5.32. | Single Private | | | | | | | | |
| | | | | | | | | | | | | | | | |
| HERE IS FOOTPATH TO ICKENHAM ROAD | | | | | | | | | | | | | | | |

~~~ End of Appendix 18 ~~~

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