



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr J Singh

Proposal:
Alterations and extension to existing extension to create new end of terrace dwelling with associated amenity, parking and bin storage

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

1. Introduction

Our Ref: 78009/APP/2025/1540
Your Ref: APP/R5510/W/25/3373647

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for: Alterations and extension to existing extension to create new end of terrace dwelling with associated amenity, parking and bin storage.
Please note that this appeal statement is made in respect to Appeal Ref: APP/R5510/W/25/3373647
- 1.2 The LPA refused planning permission on 21-08-25 for the development for the following reasons (as stated on the decision notice):
1. The proposal by reason of its siting in this prominent corner position, size, scale, bulk, width, height, design, proximity to the side boundary and garden areas would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the character, appearance and visual amenities of the area and Central Avenue Area of Special Local Character. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH6, DMHB 5, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020), Policies D3, D4, D6 and D8 of the London Plan (2021) and paragraph 135 of the NPPF (2024).
 2. The proposed external amenity space by reason of its location and awkward contrived design would fail to provide a suitable level of outdoor accommodation that is sufficiently private, useable and well located. The future occupiers of the property would therefore be subjected to a poor standard of living accommodation to the detriment of their amenities. The proposal would therefore be contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135 (f) of the NPPF (2024).
- 1.3 The LPA's case is set out in the Planning Officer's Delegated Reports, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.
- 1.4 This statement will not repeat the Delegated Report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 As referred to in point 5.2 of the appellants SOC, the appellant has considered the following as relevant in the determination of this appeal. These are:
- Principle of development
 - Design, character and impact on the street scene
 - Living conditions of future occupiers
- 2.2 The appeal scheme follows on from a previously refused and dismissed application under reference 78009/APP/2024/1578 (APP/R5510/W/24/3351213) for the Erection of two storey end-of-terrace dwelling with associated amenity, parking and bin storage.

The LPA have provided a detailed report which sets out why the amended proposed development is still considered unacceptable which can be found at Appendix 1.

- 2.3 Similar to the previously dismissed appeal (ref: APP/R5510/W/24/3351213), the appellant's statement of case predominantly outlines policy context, with arguments in support of the appeal only beginning from page 11 onward. Even then, the reasoning is interspersed with further policy references, making the case somewhat diffuse. Given the limited and high-level nature of the arguments presented, the LPA does not intend to reiterate the full policy framework, this will be included in Appendix 2 of this statement. Nor will it repeat the detailed analysis already set out in the delegated officer report, which remains comprehensive and robust. Instead, the LPA will respond succinctly to the specific points raised by the appellant, in the order and manner they are presented.

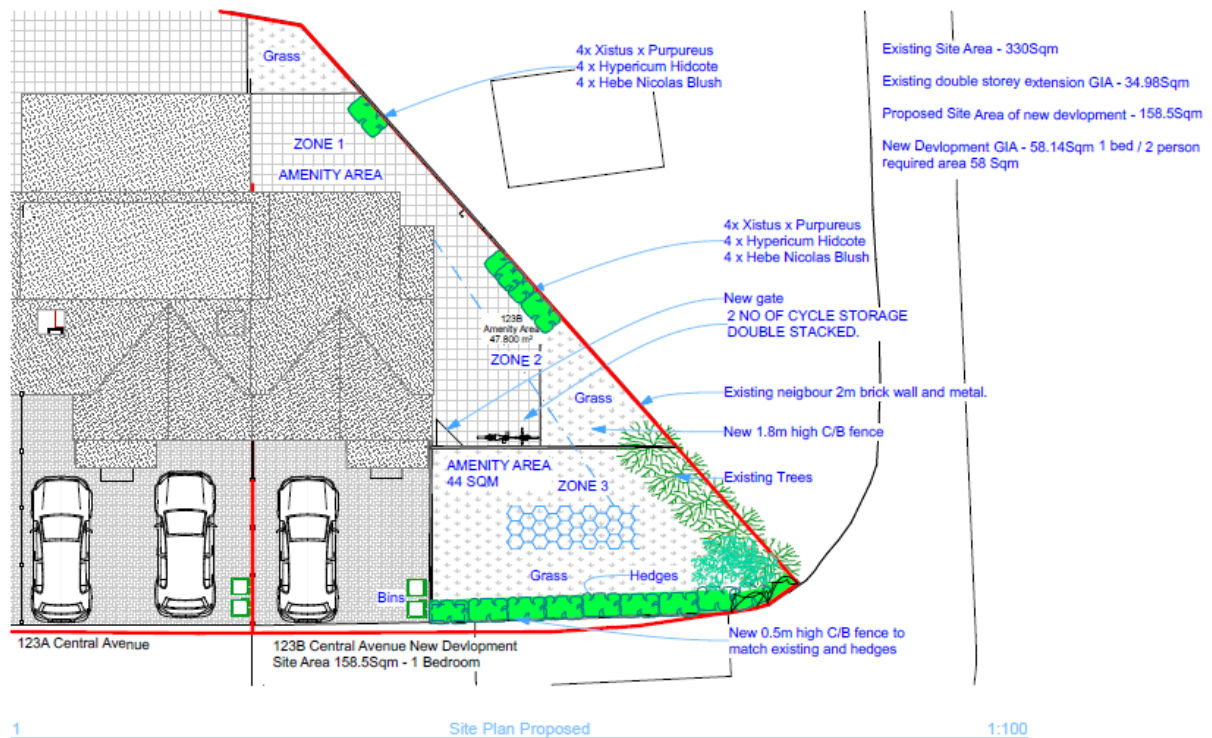
Principle of Development

- 2.4 In response to paragraphs 5.6 -5.7 of the appellants SOC, the appellant states that the development does not constitute conventional backland development, nor does it result in the loss of a rear garden. Whilst the LPA agree this would not be a backland site, the development would still be sited on garden land and therefore would directly conflict with Policy DMH 6 which states that 'There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity'.
- 2.5 As stated throughout the Officers delegated report, the development would result in an incongruous and cramped form of development resulting in an overdevelopment of the site to the detriment of the character and appearance of the street scene and Area of Special Local Character. While there is an existing double storey side extension at the site, as agreed with the Inspector within the previous appeal (ref: APP/R5510/W/24/3351213), this appears subordinate to the main dwelling by virtue of its set down from the ridge and set back from the elevation at first floor level. The development involves 'extensions and alterations' to this existing side element to form a new residential dwelling which is materially different and would reduce the amount of garden land provided. The principle of Policy DMH 6 is to protect residential gardens from overdevelopment; the impacts derived from this and also safeguard the contribution residential gardens make to the good quality living conditions for existing and future occupiers of residential properties. The proposed development is directly contrary to this as explained in detail within the Officers report and throughout this statement.
- 2.6 As stated above, the principle of the inclusion of a backland / garden land development within the Local Plan is to safeguard residential gardens from the impacts of overdevelopment and their partial or entire loss as it is recognised that gardens make a valued contribution to the good quality of living standards which residential occupants should be provided with. Hence, there are standards which should at the very least be met set within the development plan relating to the quality and quantum of garden space to be provided (detailed further within paragraphs 2.24-2.27 of this statement).
- 2.7 It is important to note that the existing property 123A Central Avenue has been constructed upon the receipt of planning permission awarded by PINS under planning reference APP/R5510/W/21/3278335. There has been a significant change to the character and appearance of this plot following the construction of this attached

dwelling. Furthermore, 123A has also accumulated a number of extensions which include the erection of a rear dormer, a single storey rear extension and a double storey side extension. These extensions when combined with the permission granted to construct 123A referenced above has resulted in a significant reduction in the open and spacious character of this corner plot. It should also be noted that a proportion of the development which has been undertaken post permission by PINS has been undertaken as permitted development as permitted development rights were not removed.

- 2.8 The above is relevant to the consideration of this application as the extensions undertaken within permitted development are not required to adhere to the design standards or living standards set out within the Local Plan. Furthermore, the assessment of these extensions would have been undertaken in accordance with the GPDO on the basis that the built form, formed part of a single family dwelling house, such as Part 1, Class A paragraph A.1 (b) which states that 'as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);'
- 2.9 These points are relevant to the consideration of this application because the proposal to introduce a new dwelling in this location which has already been subject to a development of more than double the footprint of the original building and heavily extended beyond that original permission must deliver a minimum standard of living accommodation for both existing and future occupants. This is recognised within Policy DMH 6. Whilst this point is set out in further detail within paragraphs 2.24-2.27 of this appeal statement, clearly the development proposes a layout for external amenity / garden space which does not accord with the requirements of Policy DMHB 18 of the Local Plan Part 2 (2020), which requires residential development to deliver a minimum prescribed level of amenity space depending on the size of the development. It should also be well located, private and well designed.
- 2.10 In addition to this, the proposed landscaping scheme illustrated on drawing reference 1037-11Rev 08 does not correlate with the 3D-visual which has been submitted (include both below).

Figure 1- Drawing 1037-11 Rev 08 compared to 3D visual images



- 2.11 While the applicant states that 'Amenity Zone 3' is secondary space and the quantum of amenity space can be provided within Zones 1 and 2, it is clear that Zone 3 is the most attractive for future occupants given its overall space and size.

- 2.12 However, given its location 4.5 metres in depth forward of the front elevation and abutting the public highway this area is clearly not private and would be significantly overlooked by pedestrians and vehicle users. Although there is a fence and hedge proposed, it is 0.5 m in height which would not provide the required screening to protect occupants from the unacceptable levels of overlooking. As such this area would not meet the requirements of Policy DMHB 18 of the Local Plan, Part 2 (2020). As detailed further within sections 2.24-2.27 of this statement, the other zones are awkwardly shaped due to their angular nature and are not considered well located nor adequately useable.
- 2.13 Overall, it is evident that the development would fail to provide adequate living conditions for future occupants which is a requirement to comply with DMH 6. This is disregarded by the Appellant within their statement and the appeal scheme has not satisfactorily overcome the previous reason for refusal upheld at appeal. As stated above Policy DMH 6 and the policies which help deliver a minimum level of living standards for future occupants are required to be met in order for garden / back land development to be supported.
- 2.14 Setting aside the point regarding amenity space and standards of living accommodation, the proposal would amount to a significant overdevelopment of the site. As set out above the site has been significantly developed upon through the construction of 123A and the subsequent additions which have been partly constructed utilising permitted development rights. The further extension of the existing dwelling fails to comply with the design policies as set out within the delegated Officer report and below in paragraphs 2.19-2.23 of this appeal statement.
- 2.15 In response to paragraphs 5.8-5.9 of the appellants SOC, the Council acknowledges the general need for additional housing, however, it is important to note that the London Borough of Hillingdon currently maintains a demonstrable five-year supply of deliverable housing sites. This is confirmed through the Council's published monitoring data, available at:
- <https://www.hillingdon.gov.uk/article/5586/Local-Development-Scheme-and-Monitoring>
- 2.16 Furthermore, the Council's Strategic Housing Market Assessment (SHMA) identifies a significant underlying need for family-sized housing, particularly affordable units comprising three or more bedrooms. The appeal proposal, which seeks permission for a one-bedroom dwelling, does not contribute to this identified need and does not qualify as affordable housing. As such, the scheme fails to support the strategic housing objectives set out in both the SHMA and the London Plan.
- 2.17 Given this context, the provision of a single one-bedroom unit carries very limited weight in favour of the appeal. The "tilted balance" under Paragraph 11(d) of the National Planning Policy Framework (2024) is not engaged, as the Council can demonstrate an up-to-date housing land supply. This position is consistent with the findings of the Planning Inspector in the previous appeal (ref: APP/R5510/W/24/3351213), who stated:

"The proposal would result in the creation of a dwelling which attracts some weight in favour of the appeal scheme. However, this would be tempered by the small scale

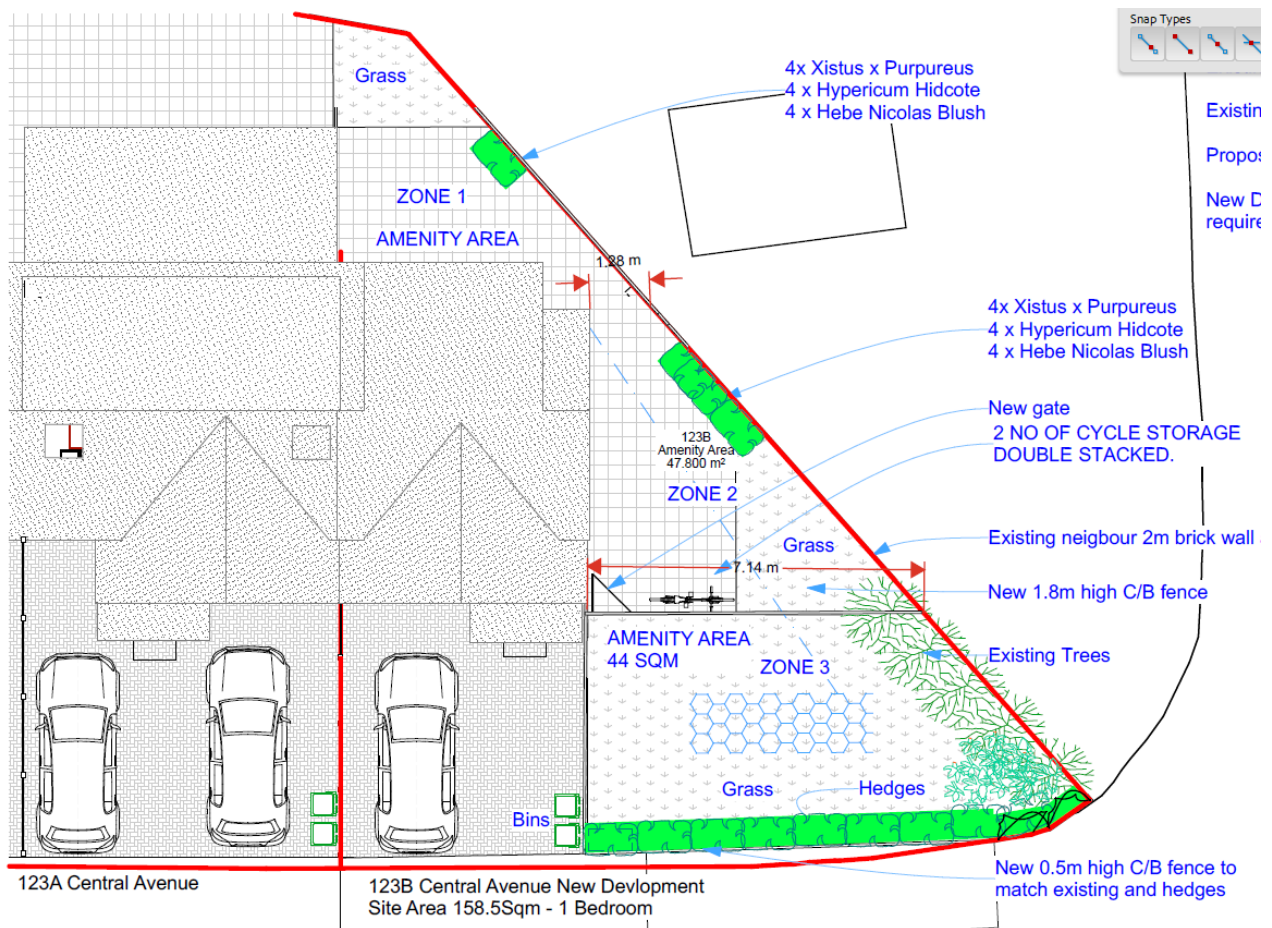
and loss of part of a garden. The proposed development would therefore not outweigh the harm to the character and appearance of the area and inadequate living conditions that would be provided for future occupiers.”

- 2.18 This conclusion remains directly relevant to the current appeal. The revised scheme continues to propose a one-bedroom dwelling and does not overcome the substantial harm previously identified in relation to the character of the area and the quality of accommodation provided.

Design, character and impact on the street scene

- 2.19 In response to paragraphs 5.12 – 5.16 of the appellants SOC, the delegated officer's report provides a detailed and robust assessment of the revised proposal, concluding that the development remains unacceptable. While the appellant has included comparative visuals showing the evolution of the front elevation - from the existing side extension to the previously dismissed scheme, and now the current proposal - the changes do not sufficiently address the fundamental concerns. Although the width of the proposed dwelling has been reduced, the scheme would still appear cramped and incongruous within the street scene. The 3D visuals submitted by the appellant are limited in scope, omitting key contextual elements such as the neighbouring properties to the north and the angled nature of the site boundary. This omission undermines the accuracy of the visual representation. While the front elevation may be set back approximately 7 metres from the side boundary, the narrowest point of the proposed dwelling sits just 1.25 metres from the boundary due to the angled corner plot. This limited separation fails to preserve the openness that is characteristic of corner plots within the Central Avenue Area of Special Local Character (ASLC). It is important to note that the openness of this corner site has already been significantly compromised by the existing property and its side extension at No. 123A. The further extension of this already enlarged end-of-terrace dwelling would exacerbate the visual impact, resulting in additional harm to the character and appearance of the street scene and the ASLC. In addition to this, the rear garden of the new dwelling would still appear very small which is uncharacteristic of the area particularly the spacious corner plots which was agreed by the Inspector.

Figure 2- Screenshot of site plan showing angled site boundary, distances to side boundary and uncharacteristically sized rear garden.



2.20 In response to paragraph 5.16, The appellant contends that the proposed dwelling need not appear subordinate to the existing property, as it is no longer an extension. However, this interpretation overlooks the Planning Inspector's findings in the previously dismissed appeal (ref: APP/R5510/W/24/3351213), where it was clearly stated:

"The appeal property has already been extended with a two-storey side extension. However, the extension is subordinate to the main dwelling by virtue of its set down from the ridge and set back from the elevation at first floor level... The proposal would appear as an extension of the existing terrace which would result in the terrace being overly long and cramped within the plot, despite the proposed set back. The overall width would also erode the spacious gap which would further highlight the cramped appearance of the development."

2.21 As outlined in both the delegated officer report and earlier sections of this appeal statement, the modest reduction in width from the previously refused scheme does not resolve these concerns. The existing side extension at No. 123A is clearly read as subordinate - it is set back at first floor level, set down from the main ridge, and visually reads as an ancillary addition to the original dwelling.

2.22 In contrast, the appeal proposal introduces a forward-facing building line, a prominent front gable, and a front porch, resulting in a form that is materially different from the existing extension. These design changes reinforce the perception of

overdevelopment and further diminish the openness of the corner plot, thereby intensifying the harm to the character and appearance of the street scene and the Area of Special Local Character.

- 2.23 The appellant asserts that the absence of first-floor rear-facing windows is not a design compromise but a continuation of the existing built form, and that the proposal represents a design-led response to site constraints and previous appeal findings. However, the LPA maintains that this aspect of the proposal contributes to a substandard design outcome and fails to positively enhance the character of the ASLC. While it is acknowledged that the existing two-storey side extension at No. 123A does not include first-floor rear windows, this extension was approved as ancillary to the host dwelling and not as a standalone unit. The proposed development, by contrast, seeks to create a new dwelling, and therefore must be assessed against the full suite of design and amenity standards applicable to new residential units. The absence of rear-facing windows in a new dwelling, particularly at first floor level results in a blank rear elevation that lacks articulation and fails to provide visual interest. This is not considered good design. While the appellant presents the scheme as design-led, the proposal remains heavily constrained by the limited plot size and angled boundary, resulting in a compromised layout and elevation treatment. The design does not overcome the concerns previously raised by the Inspector and continues to cause harm to the character and appearance of the area.

Living conditions of future occupiers

- 2.24 While the appellant asserts that the revised proposal provides over 40sqm of outdoor amenity space and that its configuration is functional and policy-compliant, the LPA maintains that the layout remains contrived, poorly integrated, and fails to deliver a high-quality living environment for future occupiers. Again, this development has been heavily designed for its constraints, the garden has been split into zones to cover the minimum space standards set out within table 5.3 of Policy DMHB 18. Policy DMHB 18 of the Hillingdon Local Plan Part 2 does indeed set a quantitative benchmark of 40sqm for a one-bedroom dwelling. However, the policy also requires that amenity space be usable, private, and well-located, The Inspector in the previous appeal made clear that:

“A small section of the amenity space is proposed to the rear of the dwelling but its narrow width and particularly narrow sections next to the proposed dwelling would make it an unattractive space for future occupiers to use.”
“The majority of the proposed outdoor amenity space is to the frontage of the dwelling... screened by a low fence... would provide a lack of privacy... I am not convinced that a condition could address the lack of privacy without harming the character and appearance of the area.”

- 2.25 The revised scheme does not overcome these concerns. Although the footprint of the dwelling has been marginally reduced and a side access door introduced, the rear garden remains narrow and awkwardly shaped. The side garden, while slightly more accessible, is still constrained by the angled boundary and proximity to the dwelling. The front garden, which the appellant now describes as “secondary,” remains exposed to public view due to a low hedged boundary (0.5m) and cannot reasonably be considered private or suitable for meaningful use. This area would be the most

attractive to future occupiers given its overall size and location, however, it is the least private due to the above reasoning.

- 2.26 The appellant's claim that the design is "carefully considered" and "responsive" does not align with the Inspector's previous conclusion that the layout would result in inadequate living conditions. The Inspector explicitly stated that the harm caused by the poor amenity provision would not be outweighed by the benefit of delivering a single dwelling. The reduction in width of the dwelling from the previous dismissed appeal has not sufficiently overcome this reason for refusal.
- 2.27 In summary, while the revised proposal may meet the minimum area requirement, it fails to meet the qualitative standards set out in Policy DMHB18 and Paragraph 135 of the NPPF. The amenity space remains fragmented, lacks privacy, and does not integrate well with the dwelling or its context. The Council's refusal on this ground is therefore justified and consistent with both local policy and the findings of the Planning Inspector.
- 2.28 The other points raised with the appellants SOC have been sufficiently covered within the Officers Delegated Report.

3. Conclusion

- 3.1 The LPA maintains that the proposed development fails to overcome the substantive concerns previously identified by both the Council and the Planning Inspector in the earlier appeal (ref: APP/R5510/W/24/3351213). While the appellant has made minor revisions to the scheme, these do not adequately address the fundamental issues of overdevelopment, harm to the character and appearance of the Area of Special Local Character, and the provision of poor-quality outdoor amenity space. The proposal remains contrary to the policies of the Hillingdon Local Plan (Parts 1 and 2), the London Plan (2021), and the National Planning Policy Framework (2024). The appellant's Statement of Case does not provide sufficient justification to outweigh the identified harm. The scheme continues to result in a cramped and incongruous form of development, fails to preserve the openness of the corner plot, and does not deliver a high standard of living accommodation for future occupiers. For the reasons set out in the Officers Delegated Report, this statement and in light of the previous Inspector's findings, the Councils respectfully request that the appeal be dismissed.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 2.

Appendices

Appendix 1 – Planning Officer's Delegated Report

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

Appendix 3 – Appeal decision from previous dismissed appeal (ref: APP/R5510/W/24/3351213)