

APPEAL STATEMENT

Reference: **2974**

Appellant: **Mr Nimesh Ghedia**

Address: **10 Lawn Avenue, West Drayton**

Date: **17 February 2026**



1.1 This appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for the erection of a detached one-bedroom dwelling with associated parking, cycle storage and refuse facilities at 10 Lawn Avenue, West Drayton.

1.2 On 23 October 2025, the appellant submitted an application (reference: 77359/APP/2025/2851) to the London Borough of Hillingdon for the following proposal:

Erection of 1no. dwellinghouse including associated landscaping, parking provision, bin storage and cycle storage.

1.3 On 16 January 2026, the council notified the appellant that the application had been refused, for the following reasons:

1. *Due to its design, siting, height and bulk the proposed development would result in an cramped and uncharacteristic form of development which would fail to harmonise with the street scene, urban grain and character of the surrounding area. The proposal is therefore considered to be detrimental to the visual amenity and character of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMH 6, DMHB 5, DMHB 11 and DMHB 12 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020), Polies D1, D3 and D6 of the London Plan (2021), as well as paragraphs 75, 129 and 135 of the NPPF (2024).*
2. *Due to its design and internal arrangement, the proposed dwelling would fail to meet the requirements for a M4(2) accessible and adaptable dwelling as set out in Approved Document M to the Building Regulations (2015 edition). The proposed dwelling would therefore fail to comply with Policy D7 of the London Plan (2021).*
3. *The proposed development, by reason of its excessive car parking provision and lack of pedestrian visibility splays, would fail to promote sustainable transport and ensure highway and pedestrian safety, in contrary to Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies T6 and T6.1 of the London Plan (2021), Hillingdon Domestic Vehicle Footway Crossover Policy (DVFC) 4.7.1 and Paragraphs 116 and 117 of the National Planning Policy Framework (2024).*
4. *The proposed development would result in an unacceptable level of overlooking of the garden to serve future occupants of the dwelling, leading to a significant lack of privacy for future occupants. Furthermore, the development would introduce an insufficient living, dining and kitchen area, as well as a poor level of outlook, daylight and sunlight to serve the ground*

floor habitable room area, resulting in an oppressive and overbearing sense of enclosure. It is therefore considered that users of the new dwelling would have a poor standard of internal and external amenity space 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).

- 1.4** The application was accompanied by a detailed Supporting Statement that described the site and surroundings, explained the appellant's proposal, considered the planning history, provided an overview of relevant planning policy and made the case for the appeal development. This Appeal Statement does not repeat the appellant's case as set out in the Supporting Statement but responds directly to the council's reason for refusal.
- 1.5** The appeal proposal seeks permission for a modest, detached dwelling to the side of an existing house on a corner plot within an established residential area. It replaces an existing detached garage and utilises under-used garden land, while retaining private amenity space and providing off-street parking.
- 1.6** The council's first reason for refusal asserts that the development would appear cramped and uncharacteristic and would fail to harmonise with the street scene and wider Garden City Area of Special Local Character.
- 1.7** As set out in detail in the Supporting Statement, the proposal has been carefully designed to be subordinate to the host dwelling and to reflect the varied character that already exists at this corner location. The surrounding area displays a wide range of plot sizes, building forms and layouts, including dwellings set at different orientations and buildings occupying different proportions of their plots. There is no single, uniform pattern of development against which the appeal proposal could reasonably be judged to be out of character.
- 1.8** The officer's report places weight on the fact that the proposed dwelling would be larger than the existing garage. However, the appellant does not seek to replicate the scale or appearance of an ancillary structure. The proposal is intended to read as a small dwelling in its own right, of modest scale, appropriate to its plot and context.
- 1.9** The council also raises concern about site coverage. However, by the council's own calculations, the site coverage would be approximately 33 per cent. This is not excessive in an urban residential context and does not, in itself, indicate a cramped form of development. The dwelling is set away from the site boundaries and is arranged so that it has a clear spatial relationship with the host property and surrounding development.
- 1.10** The case officer points out that "*no basement development can currently be seen in the area*" but does not explain what planning harm flows from constructing a basement in this location. Basements are conventional, domestic features. They sit below ground level and are not therefore prominent when viewed from the street. Though the front lightwell will be visible to passersby, it will not appear so incongruous that it causes material harm to visual amenities.



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- 1.11** The council describes the proposed garden as 'small', but it is sufficient in size to meet the needs of a small, one bedroom dwelling.
- 1.12** The proposed development will result in a significant visual improvement to the local street scene. The current site is occupied by a dilapidated shed and garage structure that is structurally failing and detracts from the area's character. Additionally, the adjacent 'garden' at the neighbouring property has been unmaintained and overgrown since at least 2010.
- 1.13** By replacing a neglected, semi-industrial structure with a high-quality residential dwelling, the proposal will provide a more cohesive and attractive 'building line' that respects and enhances the local urban grain.
- 1.14** For these reasons, the proposal would not result in a cramped or uncharacteristic form of development and would sit comfortably within the varied pattern of development at this corner site.
- 1.15** The council's second reason for refusal relates to non-compliance with the M4(2) 'accessible and adaptable dwellings' standards, as required by Policy D7 of the London Plan.
- 1.16** The appellant accepts that, due to the split-level arrangement of the dwelling, the proposal does not achieve full technical compliance with M4(2). In particular, there is no step-free route between the lower and upper ground floor levels.
- 1.17** However, the split-level design is not an arbitrary or avoidable choice. It is a direct response to the constrained nature of the site, its corner-plot context and the need to limit the apparent height, bulk and visual impact of the dwelling within the Garden City Area of Special Local Character. The partial excavation of the building allows the overall scale of the development to be reduced and mitigates its effect on the street scene and surrounding character.
- 1.18** A fully level, step-free arrangement throughout the dwelling would require the building to sit higher above ground level. This would increase its perceived height and massing and would exacerbate the very character and townscape concerns identified by the council elsewhere in the officer's report. In this case, full M4(2) compliance would therefore conflict with other important design-led objectives of the development plan.
- 1.19** The proposed dwelling is a single, small, one-bedroom unit. It would nonetheless provide a safe, functional and usable living environment, with reasonable circulation space. Although the design can't provide fully accessible dwelling, it will be an adaptable home, with the possibility of replacing the stairs with a platform lift or a stair lift.
- 1.20** Policy D7 requires planning judgement to be exercised, particularly on constrained sites, and does not require rigid compliance in all circumstances regardless of site context or wider planning harm. In this case, the limited non-compliance with M4(2) is a proportionate and justified consequence of a design approach that seeks to minimise overall harm and deliver an otherwise acceptable form of development.



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- 1.21** The council's third reason for refusal relates to the adequacy of parking provision, the alleged displacement of parking onto the surrounding highway network and concerns regarding the use of the existing vehicular access.
- 1.22** A detailed Transport Statement was submitted in support of the application, prepared by Paul Mew Associates, independent transport consultants. The Transport Statement was commissioned to respond to the council's previous refusal reason and to assess the impact of the proposal on parking demand, highway capacity and safety.
- 1.23** The appeal site has a public transport accessibility level (PTAL) of 1b, indicating very poor public transport accessibility. In this context, the provision of off-street parking is a relevant material consideration in order to reduce reliance on on-street parking and to ensure that development does not give rise to highway or amenity harm.
- 1.24** The proposal provides two off-street parking spaces for the new one-bedroom dwelling. This level of provision does not exceed the maximum parking standards set out in Appendix C of the Hillingdon Local Plan Part 2 or Policy T6.1 of the London Plan for a one-bedroom dwelling in an outer London location with PTAL 0–1. The applicable standards are expressed as maximums rather than targets, and the proposed level of parking is therefore policy compliant.
- 1.25** In order to assess the effect of the loss of the existing on-site parking spaces at number 10 Lawn Avenue, the Transport Statement includes an overnight parking stress survey undertaken in accordance with the Lambeth Parking Survey Methodology. The survey covered surrounding residential streets within approximately 200 metres of the site and was undertaken during recognised peak periods of residential parking demand.
- 1.26** The survey identifies a total of 101 unrestricted on-street parking spaces within the study area. The observed average overnight parking stress was 44 per cent, leaving 56 spaces available. When the displacement of three vehicles from the existing dwelling is taken into account, parking stress is predicted to increase to approximately 48 per cent. This remains well below levels generally associated with undue parking stress.
- 1.27** The officer's report does not dispute the survey methodology or the recorded levels of parking stress. Instead, it suggests that reliance on on-street parking is unacceptable in principle, irrespective of available capacity. However, the planning system does not prohibit the use of on-street parking where it forms part of the normal functioning of residential streets. The relevant test is whether such use would result in unacceptable impacts on highway safety, congestion or amenity. On the evidence submitted, that test is not met.
- 1.28** The reason for refusal also raises concern regarding the adequacy of the existing vehicular access and suggests that the proposal represents a missed opportunity to improve it. However, the access is existing and lawful (serving the garage) and is already capable of serving vehicular movements associated with the existing dwelling.
- 1.29** In any case, since the application was submitted the appellant has arranged with the highways authority for the crossover to be upgraded, as shown in the photograph below. The crossover is now capable of serving the existing house and the proposed new dwelling.



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- 1.30** Paragraph 116 of the National Planning Policy Framework makes clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. On the basis of the Transport Statement and the evidence before the inspector, that threshold is not met in this case.
- 1.31** The council's fourth reason for refusal relates to the quality of accommodation that would be provided for future occupiers of the proposed dwelling, with specific reference to outlook, enclosure, daylight and the usability of private amenity space.
- 1.32** The proposed dwelling provides a total internal floor area of approximately 60sqm, which exceeds the minimum internal space standard for a one-bedroom, two-person dwelling set out in the London Plan. The internal layout is functional and provides a clear separation between living and sleeping accommodation.
- 1.33** The council's concern arises primarily from the partly sunken nature of the dwelling and the resulting relationship between internal rooms, external ground levels and surrounding boundaries. However, lower ground floor accommodation is a common and well-established form of residential development, particularly on constrained sites, and does not in itself result in unacceptable living conditions.
- 1.34** The lower ground floor bedroom benefits from direct access to external space and is served by windows providing daylight and ventilation. The upper ground floor living accommodation is positioned at a higher level and benefits from a more open outlook. The proposal therefore provides a varied internal environment that will provide a high quality of accommodation overall.
- 1.35** In relation to outlook and enclosure, the appeal site is located on a corner plot and is not tightly hemmed in by adjoining development on all sides. While the garden is modest in size, it is proportionate to the scale of the dwelling and would provide usable private amenity



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space for future occupiers. There is no policy requirement for all dwellings to benefit from expansive or open views, particularly in suburban infill locations.

- 1.36** Regarding concerns of overlooking, the potential impact is limited to a single window of the existing house. This can be mitigated through appropriate design solutions, such as the installation of obscured glazing or high-level windows, which can be secured via a standard planning condition. The overall separation distances remain consistent with local design standards.
- 1.37** The officer's report does not identify any failure to meet quantitative daylight or sunlight standards, nor does it demonstrate that internal rooms would experience materially poor levels of natural light. The concerns raised are therefore qualitative in nature and amount to a matter of planning judgement.
- 1.38** The proposed dwelling would provide an acceptable standard of accommodation, appropriate to its size, type and location. The identified limitations are inherent to the efficient use of a constrained site and do not result in material harm to the living conditions of future occupiers.
- 1.39** In conclusion, the appeal proposal represents a modest and sustainable form of residential development within an established residential area. It makes efficient use of under-utilised land, replaces an existing garage and delivers an additional dwelling without giving rise to material harm to character, highway safety or residential amenity.
- 1.40** When assessed against the development plan as a whole, and having regard to relevant national policy, the limited concerns identified by the council do not outweigh the benefits of providing new housing in a sustainable location. The appeal should therefore be allowed.



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