

Plansdesigned

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GROUND'S OF APPEAL STATEMENT.

2 Worcester Road, Cowley UB7 9JB. Job. No. 3107.

Description

This Appeal is against the Refusal ref. 35129 / APP / 2017 / 2264.

Two-Storey, 3-Bedroom, Detached Dwelling with habitable roofspace, Parking and Amenity Space .

Reason for Refusal

There is only 1 reason for refusal :

1. The proposed dwelling, by reason of its siting, massing, design and close proximity to neighbouring properties would appear as a cramped, visually prominent and unneighbourly form of development that fails to maintain adequate undeveloped gaps between the adjoining buildings and would provide a poor quality of urban design. The proposal therefore fails to complement the established character and visual amenity of neighbouring properties in the immediate locality and represents an incongruous and intrusive form of development in the Worcester Road street scene.

It should be noted that this application complies with all Policies not mentioned in the refusal reason.

Planning History

There are two previous applications on this site :

35129 / 84 / 1320 – Residential Extension.

35129 / APP / 2016 / 3927 – Loft Conversion [LDC].

Summary of Events :

From the date of our submitted and validated application 21.6.17., we chased and were contacted by a different Planning Officer regarding the site visit [please see email dated 18. 8.17.]. A date for a meeting at LBH's offices was set and attended on 25.10.17. the following amendments were agreed : The Proposed Building was set back 375mm, so as to respect the 45 degree line from number 2's rear Kitchen window ; the Rear Dormer was set in each side, and set down from the ridge ; the Amenity area was equalised from approx. 100 m2 + 60 m2 to 2 x 80 m2 ; The Block Plan was revised to show the off-street car parking and front landscaping ; and the New Kitchen was revised as open-plan to the New Dining with the new side window now being high-level obscure glazed. and then revised Plans were emailed on 26.10.17. The application was then refused dated 16.11.17., upon which we now appeal.

Location

This site is located on the south side of Worcester Road. From the High Street west side, number 2 is the first house, after Elliotts Close and an electrical substation.

Number 2 is one half of 5 pairs of semi-detached houses. There are bungalows opposite, and more semi-detached houses, after a terrace.

The New Proposed House will occupy the land which currently has a Garage and Playroom on it.

Arguments against refusal.

Legislative Provision :

This statement is written in accordance with the requirements of article 4C of the GDPO and covers matters of both design and access.

Background

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. Good design plays a fundamental role in achieving this. As PPS1 states :

10 "Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

This statement illustrates the process that has led to the development proposal, and to explain and justify the proposal in a structured way. A major part of the statement is the explanation of how local context has influenced the design.

The Main Planning Issues :

The Proposed Dwelling is sited on the land, west of number 2 Worcester Road. This land is currently occupied by a single-storey building housing a Garage and PlayRoom. Worcester Road is characterised, especially on the south side by pairs of semi-detached houses. It has been the intention to retain this status, hence the new building is detached. The new building is sited 1m set back from number 2 Worcester Road, is set 1m away from number 2 also ; and a minimum of 0.25m from the west boundary, a distance which increases at the front [north].

From the Location Plan and online maps, it can be seen, that adjacent is a wide long grass verge. Between this site (number 2 Worcester Road) and Elliotts Close which is set back, enclosed by a brick boundary wall ; there is an electric substation.

The proposed building`s massing is less than the existing / adjacent building`s massing. The proposed building`s height is to match number 2. The new building`s width is 4.915m, as opposed to number 2`s width of 6.119m. The new building`s depth is slightly more than the existing of 8.150m, being 9.775m.

The proposed house`s design closely follows number 2 adjacent. All windows and doors will match number 2, being the same style and materials [white frame]. The walls will match the adjacent existing facing brickwork ; and the red / brown plain roof tiles will also match. As mentioned, the roof height will match, as will the eaves line and the rooflights / dormer will be similar. Therefore, the design will certainly be in keeping with the adjacent and surrounding properties.

We do not feel that the new building will appear cramped. Many new houses built in Hillingdon Borough have a one metre gap to adjacent buildings. This seems to be generally accepted. The siting is further aided by the 1m front set-back. Furthermore, the open visual gap is derived in the main from the existing grass verge and adjoining electric substation. These two portions of land are, and will be maintained 'undeveloped land', and hence provide 'adequate undeveloped gaps'. The new house cannot be deemed to be 'visually prominent'. It is set back from number 2, away from number 2 ; and has open land and airspace next to it on the west side. There are trees and shrubs along this boundary which helps screening.

The new house 'respects' the pairs of semi-detached house along this road. It does not compete with them by being set back and away from number 2 ; and is therefore a neighbourly form of development.

So in actual fact, the proposed dwelling is not in close proximity to neighbouring properties. Hence the new building will not appear cramped, visually prominent or represent an unneighbourly form of development. We obviously do not view this proposal as providing a poor quality of urban design.

In actual fact, following the submission of revised plans, the Planning Officer suggested we amend the plans again to attach the new building to number 2 [please refer to email 1.11.17.]. So effectively 'slide' the building east 1m. This surely would be a worse affair. It would be cramped and would effect number 2` amenity ; and indeed the character of the locality would be ruined.

The established character of Worcester Road, is mainly semi-detached houses, especially as mentioned on number 2`s side. Opposite there are bungalows, then a terrace, then back to semi`s. On number 2`s side of the road, there is no set building line, and the gaps between houses are 2.8m approx. ; and so this is impossible to replicate, especially also having a 1m gap to the west boundary also. The new dwelling will complement this established character, because it is not trying to change the character. This wider plot of number 2 and the land west of the existing house, is unusual in this road. Therefore, it is unlikely to set a precedent.

The visual amenity of neighbouring properties are unaffected. We assume that number 2 and Elliotts Close are those referred to. Number 2`s amenity is preserved by maintaining a 1m gap alongside the new dwelling, and providing a 1m set back at the front for the new house. The only existing side windows to number 2 are serving WC, Hall and Landing (non-habitable) ; and all are to be obscure glazed. The closest property in Elliotts Close is some distance away, with the electric substation between. This property is also set back southwards inside the boundary wall, with access road between, therefore no loss of sunlight will occur. There are no planned side windows in the new building. So in conclusion, we do not feel that their amenity is affected in any way.

Due to the orientation of adjacent buildings and electric substation, even if the new building was sited a further 1m away from the west boundary ; this would have no effect on the amenity of the surrounding area. It would though create a narrower dwelling which would look strange (incongruous) and be out of keeping with the surrounding area. There is minimal impact on the neighbouring properties.

It is plainly not true to believe this proposal is in any way incongruous. It will be viewed as in keeping with the immediate locality. Secondly, it cannot and will not be classed as an intrusive form of development for the reasons above.

With regards to the proposal`s residential amenity, there is no significant detrimental effect on neighbouring properties.

Comments on the Planning Officer`s Report :

7.1 – Impact on the Amenities of the Occupiers of Neighbouring Residential Properties :

It is accepted that nearby neighbours` 4 Elliotts Close and 4 Worcester Road are unaffected by the Proposal. However, it is mentioned for the first time, that the New proposed Building will come too

close to 2 Worcester Road ?. The New House is sited one metre from no. 2 which is the accepted distance [BE22]. The shared boundary is positioned 250mm inside this 1m gap. The orientation is No. 2 is east of the New House, so they will receive sunlight / daylight before the New Dwelling. As mentioned, the New Dwelling does not exceed the 45 degree line rule. It seems that `LBH`s argument is flimsy. There will be no over-dominance, over-shadowing, loss of outlook or visual intrusion. In conclusion, it does comply with Policies BE20, BE21, BE22 & BE24.

7.2 – Impact on Street Scene :

With regards to Policy 3.5 London Plan (2016), the proposal is in keeping with the local physical context and character. Policy 7.4 is adhered to by way of following the pattern and grain of existing spaces. However, it should be borne in mind that these Policies are more relevant for larger developments.

LBH Policy BE22 is the most relevant to this refusal. It states that `buildings of two or more storeys in height should be set back 1m from the side boundary for the full height`. This application`s Plans show the proposed building set 1m away from Number 2 to the east. On the west side, there is an electrical substation, open grass and open space. Clause 5.24 states that it is `preventing dwellings from coalescing visually to form a terraced appearance`.

Clause 5.26 also states `this is particularly noticeable if the dwellings form part of a closely developed road frontage`. We understand the ethos behind this Policy, but our situation is plainly different, in the way a `terracing effect` is not formed. So therefore, in essence this policy should be relaxed, since it does not apply to this proposal.

in terms of layout and siting of the proposed building, the predominant character is its openness, which in the main is derived by the setting back of Elliotts Close, the Electrical Substation which helps provide the grass verge and the road itself. Most observers` of this road would not agree that Worcester Road has buildings of distinctive architectural qualities? ; the PO does not elaborate. Furthermore, the plots are not generous ?.

the proposed building is not `squeezed` in a plot of insufficient size – it all fits with the appropriate floor areas and Amenity areas. The gable flank wall will be similar to the existing. As mentioned, the regular pattern of semi-detached properties will be unchanged with this proposal. In addition, since this site is unusual in the road, it cannot be replicated, and will not be out of context.

The height of the proposed building will match No. 2 and its proximity complies with the 1m gap rule. It will not be over-bearing or visually intrusive, since No. 2 is similar and it complies with the requirements.

There is no front projection – there is a proposed front set back. The rear projection does not match No. 2. All new buildings have more prominence in a street scene from nothing ; every new building changes a street scene – this is a ridiculous statement. The proposed flank wall facing the High Street is quite some way from it (approx. 75m) and its view. We are happy to explore decorative brick banding / soldiers or pattern, although this was never mentioned. The existing trees and proposed shrubs will soften this boundary. The `development to the west built on generous building lines` cannot and should not be compared to Number 2. The `ample green areas between the street and the boundary wall of the properties` existed before Elliotts Close was built. Also, Elliotts Close estate was built on a larger piece of land in an earlier time. Elliotts Close was a planned estate for many houses on a larger site, and not like Number 2 – a single dwelling. The `sense of space` will remain unchanged. It should be noted that any building on this site would be impossible to follow the pairs of semi-detached properties pattern.

In conclusion, the proposal will not be unduly prominent or cramped ; and will not harmfully detract from the spacious pattern in the immediate vicinity.

The `open prominent position` which is debatable, is shielded by the trees and shrubs and preserved by the Electrical Substation. The `important gap` will not be closed by this development. It will remain partially due to the Electrical Substation ; the front grass verge and the gap to Elliotts Close. This `important gap` is not characteristic to the area – it is unusual to the area.

Therefore, in no way does this proposal constitute a cramped development. This proposal will precisely fit in with the character, appearance and scale of buildings within the surrounding street scene.

7.3 – Traffic Impact / Pedestrian Safety.

Complies.

7.4 – Car Parking & Layout.

Complies.

7.5 – Urban Design, Access & Security Considerations.

Complies.

Policies

Only Policies BE1, BE13, BE15, BE19, BE21 and BE22 are mentioned in the refusal reasons.

With regards to the quoted Policies BE1 is the general one for the built environment.

BE13 – the proposal will harmonise with the existing street scene, although this will surely be dealt with under reserved matters.

BE15 – Extensions & Alterations to Existing Buildings.

BE19 – The new building will certainly complement the character of the area, and arguably improve the amenity of the area.

BE21 – Siting, Bulk & Proximity of New Buildings.

BE22 – Residential Buildings of 2 or more Storeys.

Policies 3.5 [Quality and Design of Housing Developments] and
7.4 [Local Character] of the London Plan (2016) ; and the adopted
Supplementary Planning Document (SPD) HDAS : Residential Layouts.

Public Consultation

The only comment is regarding Accessibility – which was never conveyed to us. Certainly, all works will comply with Approved Document M under the Building Regulations.

Conclusion

- The proposal's siting is not on a prominent corner, it will not close an important gap, which is not typical in the area and it will not appear cramped.
- The proposed dwelling will be in keeping with the other houses in this road.

In summary, this application should not have been refused. In the light of this, the Inspector is respectfully requested to allow the appeal.

22.11.17.