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51 Wieland Road Appeal Statement

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Contents Amendment Record

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1 Instruction and introduction

1.1 Planning Insight has been appointed by the Appellant to appeal against the decision by the London Borough of Hillingdon to refuse planning permission for a replacement dwelling at 51 Wieland Road, Northwood (17990/APP/2017/3191).

1.2 This statement sets out the grounds of appeal on behalf of the Appellant and should be read in conjunction with the Planning Statement submitted with the original application.

1.3 The London Borough of Hillingdon refused planning permission for the erection of a 7-bedroom detached dwelling house with habitable basement and roof space, involving demolition of existing dwelling house.

1.4 The application was refused for the following reason:

The proposed development by reason of its design, appearance and provision of a substantial crown roof, would result in a cramped overdevelopment of the site which would fail to harmonise with the architectural composition of the adjoining dwellings and would be detrimental to the character and appearance and visual amenities of the street scene and the wider Gate Hill Farm Estate Area of Special Local Character. Therefore the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE6, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 Description of site and surroundings

- 2.1 The appeal site is situated in the London Borough of Hillingdon administrative area.
- 2.2 The site is located on the south eastern side of Wieland Road, a residential street comprising an eclectic mix of residential dwellings.
- 2.3 The site does not contain any listed buildings and is not within a conservation area, but sits within the Gate Hill Farm Estate Area of Special Local Character (ASLC).
- 2.4 The site currently comprises a two storey dwelling, with associated car parking provision and rear amenity space.



Figure 1 – The appeal site as viewed from Wieland Road



Figure 2 – Aerial Photo

3 Relevant planning history

- 3.1 17990/APP/2016/3166 – Erection of a 2-storey detached dwelling with a habitable roofspace and the excavation of a basement following the demolition of existing dwelling. Refused 14th March 2017. Appeal submitted 16th August 2017 (REF APP/R5510/W/17/3179502).
- 3.2 17990/APP/2015/645 - Part two storey, part first floor rear extension, construction of basement, conversion of garage to habitable use, conversion of roofspace to habitable use to include 2 rear rooflights, alterations to front elevation and demolition of existing rear element. Approved 24.04.2015. This is an extant permission on site, and full plans, officer report and decision notice are attached as Appendix 1.

4 Planning legislative and policy context

National Planning Policy Framework 2012

- 4.1 On 27th March 2012, the government adopted the National Planning Policy Framework (NPPF). The document provides a consolidated framework of planning policy which replaces most of the previous national Planning Policy Statements and Planning Policy Guidance Notes.
- 4.2 The NPPF outlines the presumption in favour of sustainable development. It further states that permission should be granted for development where a plan is absent, silent, indeterminate or where relevant policies are out of date.
- 4.3 The framework indicates that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes a material consideration in determining applications.
- 4.4 Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiate through unsubstantiated requirements to conform to certain development forms or styles.
- 4.5 Paragraph 50 under chapter of the NPPF states that planning authorities should plan for a mix of housing based on current and future demographic trends, market trends, and the need of different groups in the community (such as, but not limited to, families with children, older people and people with disabilities).

- 4.6 Paragraph 58 under chapter 7 of the NPPF states that planning decisions should ensure developments establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.
- 4.7 Further paragraph 58 the NPPF indicates that planning policies and decisions should aim to ensure that development meets a number of criteria, including point 1 – “function well and add to the overall quality of the area” and point 4 “respond to local character and history, and reflect the identity of local surroundings...” and point 6 “are visually attractive as a result of good architecture and appropriate landscaping”.
- 4.8 Paragraph 61 the NPPF states that “decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”

National Planning Practice Guidance 2014

- 4.9 The Government launched the Planning Practice Guidance web-based resource in March 2014.
- 4.10 Paragraph 001 of Design states that as a core planning principle, plan-makers and decision takers should always seek to secure high quality design.
- 4.11 Paragraph 040 states that well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants.

REGIONAL PLANNING POLICY

London Plan 2015

- 4.12 The London Plan forms part of the development plan for the site and was adopted in March 2015. The Plan was the subject of Minor Alterations in 2015 and these were adopted in April 2016. It provides the strategic direction for development in the Greater London area. The relevant policies are discussed below.
- 4.13 Policy 3.4 'optimising housing potential' requires that London Boroughs should optimise housing output for different types of locations.
- 4.14 Policy 3.5 'quality and design of housing developments' states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix.

- 4.15 Policy 7.4 'local character' states that developments should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

LOCAL PLANNING POLICY

Hillingdon Local Plan 2012

- 4.16 Hillingdon Local Plan: Part 1- Strategic Policies (previously known as the Core Strategy) was adopted by the council on 8 November 2012.
- 4.17 The Strategy sets out the spatial vision which supports the overarching vision and goals for The London Borough of Hillingdon over the next 15 years. The policies referenced on this document are as follows:
- 4.18 Policy BE1 'built environment' states that the Council will require all new development to "improve and maintain the quality of the built environment", and that all new development should "achieve a high quality of design" which "enhances local distinctiveness" and "contribute to the local area in terms of layout, form, scale and materials".
- 4.19 Policy HE1 'heritage' states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes locally registered historic features, such as Areas of Special Local Character and Local Listed Buildings.

Unitary Development Plan Saved Policies 2007

- 4.20 The London Borough of Hillingdon has an adopted Unitary Development Plan (UDP, September 1998), which from the 27th of September, 2007, specified policies that have been retained. The Council received a direction issued by the Secretary of State agreeing those policies that have been 'saved.'
- 4.21 The Saved policies in Hillingdon's UDP will gradually be replaced by policies in Hillingdon's Local Plan documents. The Hillingdon Local Plan: Part 1- Strategic Policies is the first of these documents, and now adopted, replaces some of the saved policies. The remaining saved policies will continue to be part of Hillingdon's Local Plan until they have been replaced (either in full or in part) by a future local development document or are no longer considered consistent with the National Planning Policy Framework. The saved policies referenced on the decision notice are as follows:
- 4.22 Policy BE5 'new development within areas of special local character' states that within areas of special local character new development should harmonise with the materials, design features, architectural style and building heights predominant in the area.
- 4.23 Policy BE6 'new development within Gate Hill Farm and Copsewood Estates areas of special local character' states that within the areas of special local character new houses should be constructed in building plots of a similar average width as surrounding residential development, should be constructed on a similar building line and be of a similar scale, form and proportion as adjacent houses and reflect the materials, design features and architectural style predominant in the area.

- 4.24 Policy BE13 'layout and appearance of new development' states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.
- 4.25 Policy BE15 'extensions and alterations to buildings' states that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.
- 4.26 Policy BE19 'new development within residential areas' states that the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

Hillingdon Design and Accessibility Statement: Residential Layouts

- 4.27 The SPD relates to all proposals for residential development in Hillingdon. It identifies key objectives, criteria and issues for consideration in the design of new residential developments.

5 The Appellants case

Context

5.1 The application forms a resubmission of a previous application at the appeal site which was refused. This decision is the subject of a separate appeal.

5.2 After finalising the committee report, the basement layout was amended to remove the annex accommodation. As such section 7.09 is no longer considered relevant to the appeal and will not be further discussed. It follows that all aspects of the scheme save for those in the following reason for refusal are acceptable.

5.3 This current application was refused for only one reason as follows:

The proposed development by reason of its design, appearance and provision of a substantial crown roof, would result in a cramped overdevelopment of the site which would fail to harmonise with the architectural composition of the adjoining dwellings and would be detrimental to the character and appearance and visual amenities of the street scene and the wider Gate Hill Farm Estate Area of Special Local Character. Therefore the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE6, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

5.4 The material considerations arising from this reason relate to:

- The design and appearance of the development

- Whether the development results in a cramped overdevelopment of the site

5.5 These material considerations are addressed below.

Design and Appearance

5.6 The reason for refusal notes that the proposal would be *detrimental to the character and appearance and visual amenities of the street scene and the wider Gate Hill Farm Estate Area of Special Local Character*. The Council, within the committee report justify this by stating that the proposed dwelling is significantly larger than the existing dwelling and the majority of other properties in the street scene. The Appellant disagrees. As noted within the report, the proposal has a height of 8.35m, width of 15.75 and depth of 12.6m. This is almost identical to the existing building on site, built predominantly on the existing footprint of the building. To suggest the proposal is significantly larger than the main dwelling is therefore considered disproportionate.

5.7 Further, the existing site boundary is wide in nature and is already among the larger of the plots along Wieland Road. The existing property is also by direct correlation one of the larger dwellings, extending beyond the rear building lines of the neighbouring properties. It is therefore part of the established character. To propose a property of similar scale is therefore not considered to provide demonstrable harm when considering the existing position.

- 5.8 The Council in the main report reference a recent appeal decision (APP/R5510/W/16/3145122) in substantiating their refusal. However, this decision is considered to present a number of material differences to the appeal, principally that the proposal was for a new build dwelling located between two existing properties, and secondly that the reason for unacceptability in that instance was in relation to the specific design principles of that property. As such the weighting to the determination in this instance is considered limited.
- 5.9 The Council state that the substantial building of a modern design with a box-like floor plan and a large crown roof would be 'patently unsuitable'. The Appellant disagrees. There are a number of crown roofs present along Wieland Road, some substantial, which have a similar form to that proposed in the appeal scheme. The figures below demonstrate the properties within close proximity to the appeal site with crown roofs.



Figure 3 No. 61 Elgood Avenue



Figure 4 Nos 35 and 37 Wieland Road



Figure 5 No 22 Wieland Road

- 5.10 As such a crown roof design is not considered to be 'patently unsuitable' as the Council claim, and are a feature that is evidently part of the character and appearance of the area, contrary to the Council's view.
- 5.11 The street scene along Wieland Road is characterised by substantial plot widths with substantial properties and low density housing. The proposal does not seek to alter these points of character. However, the properties along the street itself are varied in architectural design, with no specific prevailing pattern. The figures below highlight the variety in architectural design in the immediate surroundings to the site. The Inspector will note the differences in dwellings on their site visit.



Figure 6 No 49 and No 51 Elgood Avenue



Figure 7 No 49 Wieland Road and the appeal site



Figure 8 No 41 Wieland Road



Figure 9 No 8 Wieland Road

- 5.12 As such the proposal is not considered to produce the harm to the character of the area as stated by the Council.
- 5.13 Policy BE5 of the Unitary Development Plan Saved Policies states that within areas of special local character, new development should harmonise with the materials, design features, architectural style and building heights predominant in such areas. The proposal will comprise of materials that draw on the character of the existing building, using a roof tile and brick to match the style of the existing property. Further the scale and massing of the proposal has taken into account the comparable height of buildings along Wieland Road. This is considered to be in accordance with Policy BE5.
- 5.14 In addition to this policy however, Policy BE6 of the Unitary Development Plan Saved Policies should be applied in the Gate Hill Farm and Copsewood Estates, Northwood. The policy states that within the Gate Hill Farm and Corpsewood Estate, new houses should:

- i) Be constructed on building plots of a similar average width as surrounding residential development; and
- ii) Be constructed on a similar building line (formed by the front main walls of existing houses) and be of a similar scale, form and proportion as adjacent houses; and
- iii) Reflect the materials, design features and architectural style predominant in the area and sufficient architectural variety must be achieved within new development in order to retain the areas' characteristics of large individually designed houses.

- 5.15 In reference to criterion i) the proposal is to replace a dwelling on an existing plot. It is therefore acceptable in principle. However, for the avoidance of doubt, upon measuring the plot widths within the surrounding area, there is a range of between 14sqm to 18.5sqm (excluding no. 61 Elgood Avenue with a plot width of approximately 30sqm). The appeal site has a plot width of 18.2sqm and while on the upper limit, is considered to therefore be a similar plot width to surrounding residential development. This is therefore in accordance with this policy.
- 5.16 In reference to criterion ii) the proposal will be built on the footprint of the existing dwelling, matching the building line of neighbouring properties and be of a scale and height comparable to the surrounding properties. As such it is not considered to appear at odds with the scale and form when compared to either the extant permission or surrounding properties on site.
- 5.17 Criterion (iii) highlights the need for variety within buildings to reflect the character within these two character areas specifically, rather than seeking a pastiche copy of some of the nearby properties to reflect the characteristics of the area. The proposal is therefore considered to be in accordance with this policy, designing a property of similar scale when viewed from the street, while drawing on design elements of the surrounding area with a modern interpretation to reflect the individuality of design. Insufficient weight is considered to have been to this this third element of the policy.
- 5.18 The Council make reference to the previous refusal on site. This is the subject of a separate appeal.

Cramped Overdevelopment

- 5.19 The reason for refusal notes that as a result of the *design, appearance and provision of a substantial crown roof, would result in a cramped overdevelopment of the site which would fail to harmonise with the architectural composition of the adjoining dwellings*. The Appellant disagrees and considers that the proposed layout is an improvement on the previous submission, extant permission, and existing building on site. The proposal is set in by 1.5m from the boundary of number 49 Wieland Road, and 0.7m from the boundary of number 53. This is therefore an improvement on the existing relationship with the main dwelling and distance to the boundaries. Further the proposal is actually less substantial in height than the existing building.
- 5.20 The proposal has sought to follow the pattern of development in the surrounding area, designing a dwelling with the same building line as both the existing property and neighbouring properties, while setting the development in from the boundaries to a comparable distance akin to neighbouring dwellings. The proposal, and the distance from the neighbouring boundaries is typical of the character in the surrounding area. As such it is considered to follow the pattern along the street and harmonise with the existing architectural composition. This is considered to be in accordance with Policy BE13 of the Unitary Development Plan Saved Policies.

- 5.21 The Council state that despite the extant permission on site for substantial extensions to the existing dwelling, this proposal would afford the opportunity to provide the set back from the boundaries and create a less bulky replacement. This alludes to the Council taking two different planning approaches which is not considered consistent or appropriate. If the extant permission was considered to cause harm to the character of the area or indeed be contrary to other policies within the Development Plan, then it should have been refused.
- 5.22 In any event the Appellant contends that the proposal is of a suitable size in relation to the site, drawing on neighbouring properties when seen in comparison to their plot size. Figure 10 demonstrates that the proposed outline of the appeal scheme, when compared to the extant permission and existing built form on site are largely identical.

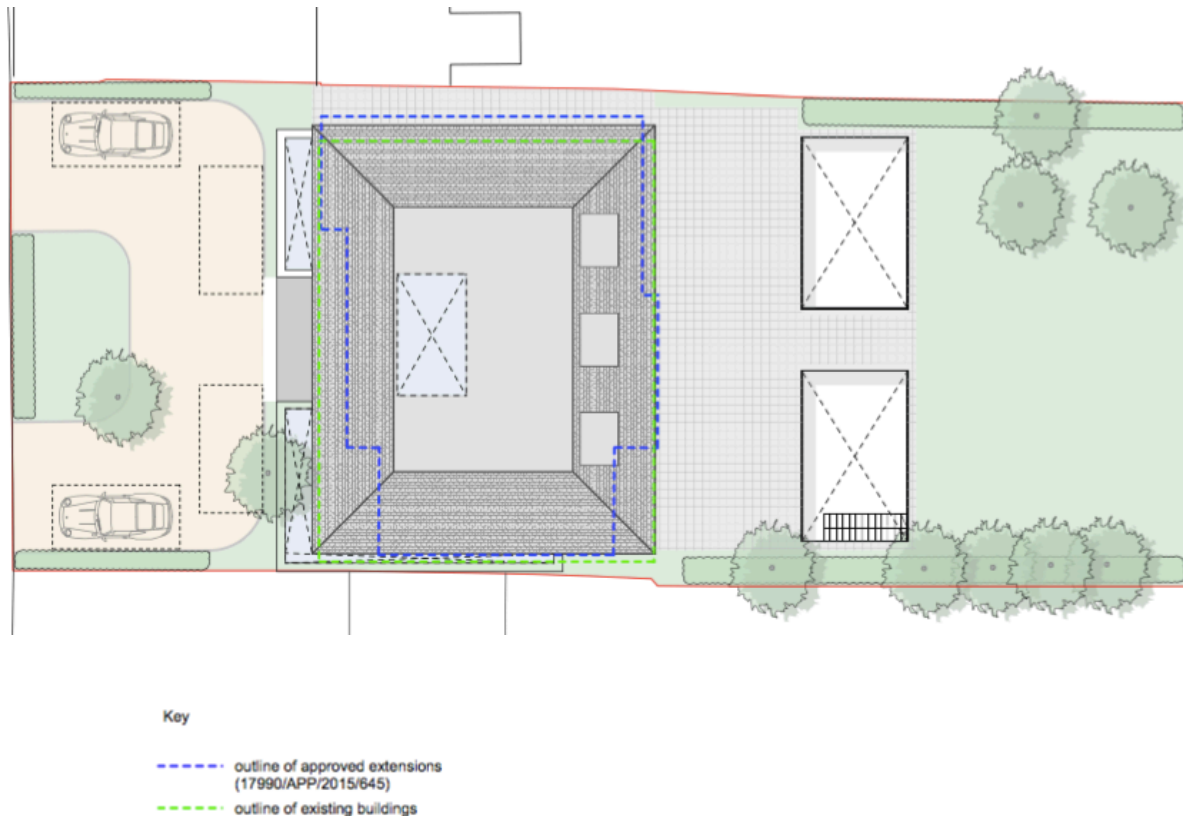


Figure 10 Proposed site plan outlining existing building and extant permission

- 5.23 As such it is considered that the proposal does not produce a cramped overdevelopment of the site, contrary to the Council's view. It is not considered that the Council has given sufficient weight to the extant permission, or existing building on site in determining this scheme.
- 5.24 To provide a greater set back from the boundaries would be considered out of character, in an area characterized by substantial properties that are built up to the boundaries. To do so would therefore be contrary to Policy BE13.

5.25 The Council acknowledge the Appellant's reference to a number of previously approved schemes within the area, addressing an approved application at number 33 Wieland Road specifically. The following is stated:

'In consideration of that proposal the Council's Conservation Officer actively sought a good modern design and while probably wider across the site than desirable, the stepped design would lessen the impact of its width, which if the existing boundary planting was retained, would not be visible from the road. That proposal was set within a larger corner plot and maintained a minimum of 3m from the side boundaries'

5.26 All documents in relation to the application are attached as appendix 2.



Figure 11 – Visualised front view of 33 Wieland Road

- 5.27 The Appellant maintains that the overall design merits of the proposal at number 33 Wieland Road are considered to be a much greater departure from the alleged character noted by the Council, than that proposed at the appeal site. To conclude that this is acceptable within the character of the street, but the appeal scheme is not is considered unreasonable.
- 5.28 The Council conclude that the proposal would span most of the width of the plot and present a bland façade, which is not in keeping with the 1930's style of properties and adds to the cramped over developed appearance of the site. Notwithstanding the above, the policies as referenced within the decision notice do not state that the design of new dwellings cannot be different, they do not state that new development should be identical to the design of the existing dwellings within the streetscene, but instead state that development should 'harmonise' with the area. The proposal has been designed to create a high quality, modern design that provides visual interest with the use of a variety of materials, while considering the design of buildings in the surrounding area. When considering the eclectic variety of architectural design in the surrounding areas therefore, the proposal is considered to harmonise with these properties.
- 5.29 Further, the siting and scale of the proposal match that of the existing dwelling and are therefore considered to be complimentary to the surrounding environment.

Unreasonable behaviour

- 5.30 Reference has been made to Policy BE15 within the decision notice which relates to proposals for alterations and extensions to existing buildings. This policy does not relate to the appeal scheme which is for a one for one replacement dwelling, and therefore does not propose to alter or extend an existing building on the site.
- 5.31 Furthermore, the reason for refusal states that the proposed development would appear fail to harmonise with the adjoining properties. In none of the policies referenced within the decision notice is there a requirement for new development to harmonise with the adjoining neighbouring properties, instead reference is made to harmonising with the 'street scene' and 'other features within the area'. Further, Policy BE6 seeks proposals for new dwellings to achieve architectural variety within new development. The Council have therefore acted unreasonably in refusing the application on this basis.
- 5.32 A number of points raised in this appeal statement were highlighted within the documents submitted alongside the planning application, but do not appear to have been given any weight by the Council. The Inspector is therefore requested to give such considerations due weight in the determination of this appeal.

6 Conclusion

- 6.1 This appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended). It sets out the Appellants Case against the refusal of planning permission by the London Borough of Hillingdon.
- 6.2 The crown roof design is considered to form part of the established character of the surrounding area and as such is an appropriate addition within the street. The proposal will create a dwelling of near identical size to the existing building on site, and comparative size to the extant permission approved by the Council. As such, its design is not considered to result in a cramped overdevelopment of the site, contrary to the Council's claim.
- 6.3 The proposal has taken design cues in relation to the setting, scale, bulk and materials of the existing dwelling, extant permission and surrounding properties, while proposing a modern design that reflects the site's individuality. The proposal is therefore considered to harmonise with the surrounding architectural composition of the adjoining dwellings and complement the character and visual amenity of the street, contrary to the Council's opinion.
- 6.4 Having regard to the points raised in this statement, it is considered that the development does accord with the policies as set out in the NPPF and the Development Plan Documents. The Inspector is therefore respectfully requested to overturn the Council's decision and all the appeal.

7 Appendix