

John Cook Planning Services



Land at Grove Bay, Grove Lane, Hillingdon

Appeal by Mr C Gill against the refusal by the London Borough of Hillingdon to permit the erection of 2 x two and a half storey 4 bed semi-detached dwellings with associated parking and installation of vehicular crossovers

Statement of evidence on behalf of Appellant

October 2018

1. Introduction

1.1 The site of this appeal is presently occupied by a detached bungalow located east of Grove Lane. It is proposed to demolish the existing dwelling and to erect a pair of semi-detached dwellings on the site.

1.2 The planning application, reference number 73172/APP/2018/992 for the erection of a 2 x two and a half storey 4 bed semi-detached dwellings with associated parking and installation of vehicular crossovers, was submitted 28th March 2018 but refused on 21 May 2018, under powers delegated to the Planning Officer, for the following reasons:

- '1. The proposal, by reason of its siting, size, scale, excessive height, would result in a visually incongruous and overdominant form, which would fail to harmonise with the existing context of the surrounding area. The proposal would therefore, be detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the NPPF (March 2012).*
- 2. The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an overdevelopment of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policy BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.'*

1.3 Planning permission was previously sought for three dwellings in the form of a terrace refused under reference 73172/APP/2017/3322 for the following reasons:

- 1. The proposal, by reason of its siting, size, scale, excessive height, design, layout and site coverage, would result in a cramped development of the site, which is visually incongruous and would fail to harmonise with the existing local context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed would have a detrimental impact on the character and appearance of the residential area as a whole. The proposal is detrimental to the visual amenity and character of the surrounding and contrary to Policy BE1 of the Hillingdon Local Plan: Part One*

- *Strategic Policies (November 2012), Policies BE13, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 7.1 and 7.4 of the London Plan (2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the NPPF (March 2012).*
2. *The proposal would provide an indoor living area of an unsatisfactory size and quality for the future occupiers of the 4 x 4 bedroom dwellings and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).*
 3. *Due to the proposed siting of the off street parking bays, the proposal would result in a large area of hardstanding/parking on the frontage, and would not allow sufficient space to mitigate this impact by way of soft landscaping. The proposal would therefore be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policy BE1 of the Hillingdon Local Plan (November 2012), Policies BE13, BE19 and BE38 of the adopted Hillingdon Local Plan - Saved UDP Policies (November 2012).*
 4. *The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.*
 5. *The proposal fails to demonstrate clear access zones within the entrance level WC, spatial requirements within entrance lobby, kitchen, bedrooms and bathrooms. As such the proposal would fail to comply with Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015 which aims to ensure that there is an appropriate standard of housing stock. The proposal is thus contrary to Policy 3.8 of the London Plan, the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016), and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.*

- 1.4 There are sufficient similarities in the officer's reports to conclude that relatively little effort was expended on the considering the scheme the subject of this appeal and serious errors in the assessment of the amenity areas carried forward.

2. The Planning Application

- 2.1 The planning application forms describe the development as comprising a *'proposed demolition of existing dwelling, construction of 2 no 2½ storey semi-detached dwellings with off road parking spaces and drop kerbs'* and included a completed Certificate A signed by the agent. The change in description was agreed with the LPA in telephone conversation with the agent.
- 2.2 The proposed development would provide accommodation comprising a conservatory, living/dining room, store and kitchen at ground floor and two bedrooms, one with en-suite bathroom at first floor. Two bedrooms and a shared bathroom are proposed at second floor.
- 2.3 The structure is pitch roofed on a rectangular base with the pair of dwellings mirrored in layout and form. Materials proposed for the walls would comprise a mix of brown stock facing brick and artificial stone. Roof cladding would be brown concrete tiles. Windows and doors would be white Upvc to match the existing. The carparking spaces would comprise permeable block paving with two spaces for each dwelling located on the site frontage.
- 2.4 Mains foul drainage is proposed with surface water addressed by means of soakaways. A mains water supply would be provided.
- 2.5 The planning application forms were accompanied by the following documents:
- 1) Drawing Number HN/083/101 - Location and Site Plan
 - 2) Drawing Number HN/083/102 - Proposed Ground Floor plans;
 - 3) Drawing Number HN/083/103 - Proposed First Floor plans;
 - 4) Drawing Number HN/083/104 - Proposed Second Floor plans
 - 5) Drawing Number HN/083/105 - Proposed Roof Plan;
 - 6) Drawing Number HN/083/106 - Proposed North and West elevations;
 - 7) Drawing Number HN/083/107 - Proposed South and East elevations
 - 8) Drawing number HN/083/108 Section
 - 9) Drawing Number HN/083/109 - Specification 1
 - 10) Drawing Number HN/083/110 - Specification 2
 - 11) Drawing Number HN/089/111 - Specification 3; and,
 - 12) Plan List

3. The appeal site and surroundings

- 3.1 The plot is roughly rectangular in shape, wider at the front and narrowing to the rear. The plot is currently occupied by a single bungalow with brick walls and a brown concrete tile hip roof. Dwellings on either side are semi-detached two-storey, while opposite are detached bungalows. A new dwelling has been erected to the rear (southeast).
- 3.2 The site frontage, common with many properties in the area, is given over to parking and various degrees of planting.
- 3.3 Materials are broadly consistent with the exception of Avon and Nova adjoining to the southwest with an extensive use of render finished walls at first floor. Most dwellings have brick walls although there are elements of tile cladding and of the use of dash finishes. The area is of a mixture of development with bungalows, dormer bungalows and houses side by side. There are varying degrees of site coverage.
- 3.4 The site is not designated as a townscape/landscape of specific significance. The site does not fall within a Conservation Area and is not subject to an Article IV Direction.

4. Policies

- 4.1 The documents containing policies specifically relevant to this development comprise the following:

The National Planning Policy Framework (NPPF as revised)

Hillingdon Local Plan Part 1 - Strategic Policies (HLP1)

Hillingdon Local Plan Part 2 - Development Management Policies (HLP2)

Unitary Development Plan – Saved Policies

London Plan

Hillingdon Design and Accessibility Statement (HDAS) SPD Residential Layouts

5. Grounds of appeal - statement of case

- 5.1 The LPA identifies main issues comprising, siting, size, scale and excessive height resulting, it is claimed, in an incongruous and overdominant form, out of context and detrimental to visual amenity and character of the surrounding area. The LPA also allege an overdevelopment of the site based upon the size and layout of the amenity space provision.

Reason 1

- 5.2 The location is a mixed location in terms of dwelling size, height and site coverage. Neighbouring properties to the southwest occupy their respective plots side boundary to boundary. In many instances properties in Royal Lane to the east also occupy their plots close to their side boundaries. In this regard the proposed dwellings set in from the side boundaries by between 1.2 and 2m is respectful of the pre-existing character of the location which has seen new development introduced to a higher density. It is evident that in terms of site width the proposal does not represent an inappropriate siting, size or scale.
- 5.3 The frontage of the proposed development is well related to neighbouring dwellings in an area where the building line is not absolute but varies between plots. In respect of both the front and the rear of the development the relationship to neighbours and the character of the area is entirely considerate and appropriate: it is in keeping with character of the locality.
- 5.4 The location cannot reasonably be viewed in isolation and while to a limited degree there is a character in this small group of housing the context in which this group is set contains a wide variety of forms and heights three and four storey dwellings nearby. The height and massing of development as represented in Arklay Close with structures of three stories and directly adjoining two storey forms demonstrates that development more than two stories in height would not be the incongruous feature claimed by the LPA and that a storey variation between built elements is far from unusual. Looking specifically to the Grove Lane the relationship between bungalow and dormer bungalow and two storey dwellings is not consistent and not unusual. Two storey developments at Nova and Avon were introduced some while after the construction of Grove Bay and represent a far more intense development and are supported by relatively modest amenity space provisions. The allegation of excessive height in relation to the proposed development is entirely subjective with no specific policy basis. The opinion is not supported by the mix of forms present: the pattern of forms is not so well defined that to include a further level of accommodation would be visually incongruous. It is a proposed pitched roof development in an area of pitched roof developments and of materials appropriate to the locality.

- 5.5 In support of their position the LPA. Cite specific Development Plan policies and make general, indeed vague, references to the NPPF. Given that the NPPF has been revised since the decision was issued, a certain degree of conjecture and invention may be involved in responding to the points raised.

Addressing each policy described as applicable, the following comments are offered in the context of this appeal.

Policy BE1

Under the general heading of 'Built Environment', the LPA advises that its aim is to improve and maintain the quality of the built environment in order to create 'successful and sustainable neighbourhoods'. A number of criteria are identified but those that specifically apply to the appeal proposal are not indicated in the decision and it will be readily apparent that not all criteria apply to the development proposed. Being a strategic policy, it is a general statement and a broad establishment of desires. It is suggested that criteria 1, 2 and 3 may be those that most directly apply.

1. The development proposed will comprise a high-quality design replicating proportions, form, scale and materials in a manner appropriate to the location and contributing to a sense of place. The additional level of accommodation is unlikely to adversely impact community cohesion any more than the relationship of a two-storey dwelling to a bungalow would do. The scale remains domestic. The architect and Richard Buxton, a planning officer of the LPA, met prior to the submission of the application and following the previous refusal, that meeting giving rise to the current proposal.
2. The design, as already indicated, will be appropriate to the wider locality which varies in the forms of dwellings present and where a development greater than two storeys in height is far from incongruous.
11. The development does not comprise a 'tall building' within the definitions offered within the Local Plan.

5.6 Policy BE13

This policy addresses the design of new development and general design considerations. The policy seeks development that will harmonise with the existing street scene or other features which the LPA '*considers it desirable to retain or enhance.*' The local plan does not identify the location as an area of particular character and it seems entirely arbitrary and random whether or not the LPA judge a street scene or feature worthy of retention or enhancement.

The LPA previously rejected the erection of a terrace and the current less intense development is the result of discussion with the LPA officers although there is no written evidence to support that the design arises from those discussions. Nonetheless, the absence of any written evidence that the design resulted from negotiation, does not mean that this was not so.

The LPA have not designated the area a Conservation Area, neither have Permitted Development Rights been restricted. It is not evident in any element of the Development Plan that the site is recognised as having particular characteristics of importance. Taking such circumstances into consideration, it is not evident that any decision to identify a street scene or features as requiring protection or enhancement, is entirely at the whim of the LPA. A development of a terrace of three is a significantly different offering to a pair of semi-detached dwellings which the LPA have indicated is satisfactory in terms of impact on neighbours but reject as unsatisfactory in its impact upon the undefined visual amenity and character of the surrounding area, the only reference in this regard being in terms of the one and two storey dwellings present and giving no weight to the issues of direct relationship between the dwellings or the existing intermix of dwellings beyond this. Notwithstanding the somewhat vague reference to the visual amenity and character surrounding area and what that might in fact comprise, it has already been demonstrated that a significant variation is present in terms of dwelling forms present and their manner of site occupation such that concerns in this regard are overly and inappropriately emphasised without substantive fact or justification.

5.7 Policy BE19

This is a policy that considers the amenity and character of an area placing particular emphasis on development and the cumulative impacts of development. issues contributing towards an areas' character are identified as adequate space between old and new buildings in the context of the individual amenities of the existing dwellings and matters of privacy. Neither of these issues is identified in the officer report as adversely impacted by the development proposed. Indeed, the officer assessment is clear that there is no adverse impact upon the amenities of neighbours. Notwithstanding reference to siting, design and size the alleged harm linking with these issues is separately identifiable as that of height. The difference between a bungalow and a house has not given rise to concern notwithstanding the proportional variation evident being similar to the difference between developments of two levels of accommodation versus those of three. The harm alleged comes from a claim that the difference gives rise to an incongruous and overdominant rather than an assessment of the impact of the difference which is in fact negligible in the scale and setting.

5.8 Policy BE22

This policy is very specific in its requirements setting out that developments of two or more storeys should be set back from side boundaries a minimum of 1m for the from the side boundary. It is evident from examination of a correctly scaled and printed plan that the minimum distance to boundary is achieved, indeed exceeded, throughout the depth of the building.

5.9 London Plan

Policy 7.1 considers 'Lifetime Neighbourhoods' and primarily in the context of 'a good quality environment' as established by principles present in policy 7.4, part A. In terms of planning decisions, the policy identifies layout, tenure and mix of uses together with accessibility none of which are identified in the officer report as matters of concern. Community diversity is encouraged and this in itself would suggest meeting a variety of needs in the community including for larger and smaller dwellings as is provided or by the development proposed. The location will remain in character, and no less permeable, legible or accessible than is presently the case and although enhancement of these factors is encouraged, reinforcement is also acceptable and this would be achieved.

Policy 7.4 addresses 'Local Character' advising that development should have regard to the form, function and structure of an area and it is submitted that the development has in fact had such regard. There is emphasis on the scale, mass and orientation of surrounding buildings in this regard and it will already have been noted that there is a variation in terms of plot coverage and dwelling form and height with detached and semi-detached bungalows, dormer bungalows and houses present. Having regard to the varied forms present does not mean replicating those forms.

5.10 Supplementary Planning Guidance Housing

The LPA refer to this SPG in its entirety when it is evident that this is simply lazy and inappropriate manner of considering the significant and far reaching scope of this guidance that compliments the London Plan. In the context of the concerns raised in the refusal of the planning permission part 2 of the SPG appears the area of relevance, covering 'quality'. If in defending this appeal, the LPA refers to other specific aspects of the document, the right is reserved, given the absence of specific reference by the LPA at present, to return to the matters raised. The SPG provides comment with regard to specific areas of housing provision and it is lamentable that the LPA have chosen to be so inappropriately general in their reference to it. Design standards are set out in Part 2 in general terms.

5.11 Hillingdon Design and Accessibility Statement (HDAS) SPD - Residential Layouts

The LP are as cavalier in referring to this SPD as with the SPG already described. Although mentioned in the Planning Officer's report at point 7.1 and 7.2 in the context of neighbours amenities and street scene concluding in point 7.1 that there was no dominant impact upon neighbours but, based upon policy considerations there would be a overdominant impact upon the street scene. The design guidance in relation to the height of new dwellings is limited. Part 4.10 includes the following: *The height of new buildings should be determined not only by the proportions, siting and lines of the surrounding buildings, but also by the relationship between the proposed buildings and the wider public realm.* This appears to indicate that it is not simply the height of the neighbouring dwellings that establishes the acceptable height but the wider public realm and as already set out, there is a noted presence of three and indeed four storey dwellings.

5.12 National Planning Policy Framework

The NPPF is described as a whole in the refusal reason but in the officer report reference is made to the rejection of development of poor design i.e. paragraph 64. This guidance is incorporated into paragraph 130 of the revised NPPF including drawing attention to SPD and other guidance. In this it is worth noting that while recommending the rejection of development of poor design, the HDAS SPD is relatively vague on the one aspect of guidance upon which the LPA rely i.e. the matter of the height of new buildings which the guidance is clear should be judged on proportions and the wider public realm. As such neither the NPPF nor the SPD stand against the concept of the proposed dwellings based solely upon height.

Reason 2

5.13 The Planning Officer's report incorrectly interprets the submitted plans in terms of the size of the rear amenity areas stating the rear amenity area is anticipated to be approximately 65sqm to serve each dwelling. Excluding the conservatory structures, each with a footprint of 7.2 sqm, the amenity areas are, by scale, 85sqm for the smaller and 88sqm for the larger. This excludes the almost 14sqm usable space to the sides of each dwelling. If it is accepted that the conservatories form an amenity space rather than a room, bearing in mind the location and form of this provision it is arguably so, then the available space is close to the desired standard. Indeed, even excluding the conservatory provision the available space is so close to the standard sought that it would amount to an unreasonable and slavish adherence to policy to press for full compliance with this SPD.

5.14 Dwelling in the area vary in size and site coverage. The needs of householders will vary significantly and in the planning system it has been previously left to developers to consider the suitable size of amenity space. Peoples needs and desires in this regard will vary significantly accordingly to personal preferences and should also take the availability of open space and leisure provisions in the wider locality.

5.15 Policy BE19

The LPA allege that the space provided for amenity is such that to permit the development proposed would result in poor residential amenity for future occupiers due to the overdevelopment of the site. The policy discusses residential amenity but in the context of the character and amenity of an established residential areas rather than of individual properties. While it may be that where a significant shortfall occurs in amenity provision that this would result in harm to the wider area, a 'one size fits all' approach disregards the central and established consideration of each application being considered on its own merit. It will be abundantly clear to the appointed Inspector that the amenity provision proposed is of a size and form entirely suitable being accessible and well-formed such that it is of a useful shape and relationship to the proposed dwellings and neighbours.

5.16 Policy BE23

This policy appears more directly relevant to the refusal reason being specific to the issue of amenity space provision making clear that the figures given are simply guidelines. There is no national standard in this regard leading to the view that circumstances will influence need and that each case must be considered according to individual circumstances.

5.17 Hillingdon Design and Accessibility Statement (HDAS) SPD - Residential Layouts

What is considered a suitable amenity space by the LPA is set out in this guidance with the areas to serve 1 and 2/3 bedroom houses clearly increasing reflecting the number of likely inhabitants whereas for accommodation of 4 bedrooms plus, there is no recognised increasing need. The logic of this may be open to question and the manner of justification suspect. The measure of the suitability for the provision is not simply based upon size but also the type of space; privacy; convenience and suitability for use. In this regard the space is considered entirely suitable being individual provisions specific to the dwellings served. The space is private ensuring that it will be of a high quality in this regard and will not adversely impact on the quality of spaces of neighbours. The spaces will be easily reached from the associated dwellings; and, the spaces are suitable for the purposes intended, capable of being both functional and attractive. Although the use of narrow strips to the sides of dwellings is not considered by the LPA to contribute satisfactorily to the amenity space provision this must logically vary according to how 'narrow' such a space may be and is accordingly open to judgement.

5.18 The appointed Inspector in accordance with section 79(1) of the Town and Country Planning Act 1990 '*.....may deal with the application as if it had been made to him in the first instance*'. Accordingly, it is necessary to address policies and guidance that may not have formed part of the LPA's consideration of this development proposal.

- 5.19 The revised National Planning Policy Framework has been published since the determination of the application by the LPA. The following comments are offered in this regard.
- 5.20 Paragraph 8 of the revised NPPF confirms the considerations that together define the three objectives of sustainable development. It is clear that the development would contribute to economic wellbeing through its contribution towards the local economy through employment during building operations and the purchase of materials. Socially the development would help meet the needs of a wider range of needs perhaps also allowing for working from home. The dwelling has accessible services, facilities and open spaces. With regard to the environmental objectives the development represents an effective and efficient use of land. The locality is not a natural environment but a built environment that it not particularly recognised for any historic contribution to the locality. The design is well considered and follows from pre-submission engagement.
- 5.21 Paragraph 124 reinforces the importance of high-quality design and its fundamental importance in the planning and development process.
- 5.22 Paragraph 126 makes clear the role of design guides and codes while recognising that there should be an allowance for a degree of variety.
- 5.23 Paragraph 127 identifies criteria, the satisfaction of which should ensure a suitable standard of development. There is no substantiated reason to consider that the development would not satisfy all criteria. In particular the development would be sympathetic to the surrounding built environment, being visually attractive and sympathetic to local character.

6. Comments of Third Parties

- 6.1 The LPA website holds relatively little information with regard to third party consultations. However, the officer report mentions receipt of 6 letters of objection arising from the consultation of 8 neighbouring properties and identifying the following issues:
1. Three storey town houses being entirely out of keeping with the established character of development.
 2. Inadequate parking provision leading to congestion on Grove Lane, a very narrow residential road;
 3. Overdevelopment.

4. Loss of light.

5. Previous concerns not overcome.

6. Fir tree already results in loss of light, tall buildings would add to this.

The Planning Officer has addressed these issues through the officer's report primarily giving weight to concerns for the height of the building proposed and 'overdevelopment'. The issue of the impact of the development on the character of the area has been addressed in this appeal statement and the matters of height and overdevelopment. Regarding loss of light this appears unlikely to be of significance in the circumstances and the tree, present at the time of writing, appears to be the cause of light loss and initial examination suggests that the tree has outgrown the site.

7. Summary

- 7.1 It has been established in this evidence that the development proposed is in keeping with its surroundings and will have no adverse impact on the appreciation of the character and other amenities of the area. The amenities enjoyed by the occupiers of neighbouring dwellings will not be adversely impacted such that planning permission should be refused.
- 7.2 The development is well considered in context and design, and incorporates appropriate materials.
- 7.3 The development proposed is in accordance with policy as set out in the Development Plan and the National Planning Policy Framework and Supplementary Planning Guidance where there is clarity in its aims. Accordingly, the appointed Inspector is requested to allow this appeal and grant planning permission.

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