



Appeal Statement

New Dwelling
AT
21 Victoria Avenue,
Uxbridge UB10 9AQ

Reference:
21VA-1800153

Date:
9 December 2018

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr J Popa-Tolontan to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for the erection of a new, three bedroom house to the side 21 Victoria Avenue, in Uxbridge.
- b. Following a description of the site and surrounding area, the report will set out an overview of relevant planning policy and an outline of the case for the appellant.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 3 May 2018, the appellant submitted an application to London Borough of Hillingdon for the following development:

Two storey, 3-bed attached dwelling with associated parking and amenity space involving demolition of existing outbuilding.

- b. In a Decision Notice dated 23 July 2018, the Local Planning Authority (LPA) advised that the application had been refused, for the following sole reason:

1. *The proposal by reason of its siting in this open prominent position, size, scale, bulk, width, proximity to the side boundary and projection forward of the return building line along Richmond Avenue, 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 and the visual amenities of the area and to this existing open area of the street scene. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.*

3. Site Description

- a. The appeal site comprises a detached house located on the eastern side of Victoria Avenue, on its junction with Richmond Avenue. The site is roughly triangular in shape and widens towards the rear. The property has a large side garden. There is a detached garage sited on the eastern boundary accessed via a crossover from Richmond Avenue.
- b. The main house on the site is brick built with a tiled pitched roof, front gable with bay windows and porch addition. It has a single-storey rear extension. There is off-street parking to the front for two cars.
- c. The surrounding area is residential in character, made up of a mixture of detached, semi-detached and terraced houses. There is considerable variety in the detailed design of the individual houses. They have also been altered and extended in a variety of different ways, creating further diversity in the streetscene.
- d. The appeal property is not listed and does not form part of a designated conservation area.

4. Appeal Proposal

- a. The appeal proposal is for the erection of a new, three bedroom house attached to the existing property at 21 Victoria Avenue. The new house mimics the size, proportions and detailed design of the existing, so that the two houses will appear as a conventional semi-detached pair when viewed from the street.
- b. The proposed dwelling is laid out with two reception rooms and a WC at ground floor level, two bedrooms, a bathroom and an en-suite at first floor level and a third bedroom in the loft space. It has a gross internal area (GIA) of 114.4sqm.
- c. There is a ground floor rear extension, to match the extension at the existing house, and a rear dormer roof window. The dormer is set well down from the ridge, well away from the eaves and away from both sides of the roof.
- d. The new dwelling will have a total garden area of 218sqm, of which 85sqm is to the rear. The existing house retains a garden area of 186sqm, of which 76sqm is at the rear. There is a paved area at the rear with off-street parking for two cars, making use of the existing crossover. The existing detached garage in this location is demolished. An area is provided for the storage of bicycles. Arrangements are also made for the storage of refuse and recycling, with easy access from Richmond Avenue.

5. Planning Policy

- a. The development plan for the area comprises the Hillingdon Local Plan: Part 1 – Strategic Policies, the 2007 Saved Unitary Development Plan policies adopted as the Hillingdon Local Plan: Part Two, and the London Plan (2016).
- b. The Decision Notice reasons for refusal rely on Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies, Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies and Policies 3.5 and 7.4 of the London Plan. The LPA's adopted Residential Layouts Supplementary Planning Document (SPD) (Adopted 2006) is also referenced in the reasons for refusal.
- c. Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One – Strategic Policies requires all new development to improve the quality of the built environment in order to create successful and sustainable neighborhoods. Among other things, the policy states that development proposals should be sensitive to local identity, landscapes, townscapes and views, improve areas of poor environmental quality, improve the quality of the public realm, and not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.
- d. Policy BE13 of the saved UDP Policies 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.
- e. Policy BE15 relates to alterations and extensions to existing buildings and is not relevant to the appeal proposal.
- f. According to saved policy BE19:

"The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area."
- g. The London Plan sets out policies for the development of London as a whole. Policy 3.3 identifies *"a pressing need for more homes in London"* and sets Hillingdon a target of 822 net new dwellings a year over the plan period.
- h. Policy 3.4 requires the new development optimises densities to make the best use of development sites. Policy 3.5 sets out standards relating to the quality of internal accommodation provided by new residential developments.
- a. Policy 7.4 (Local Character) encourages high quality design in placemaking.

Policy 7.6 (Architecture) requires that buildings are "*of the highest architectural quality*"; respecting local character and optimising the development potential of sites.

- i. In November 2017, the Mayor of London published an updated version of the London Plan for consultation purposes with revised strategic targets for new home deliveries across inner and outer London. It sets a London-wide target of 64,935 new homes per annum, with significantly more homes to be provided within the outer London Boroughs (including Hillingdon).
- j. It sets a presumption in favour of small housing developments. According to Policy H2 (Small sites):

"Small sites should play a much greater role in housing delivery and boroughs should pro-actively support well-designed new homes on small sites through both planning decisions and plan-making in order to:

- 1. significantly increase the contribution of small sites to meeting London's housing needs*
- 2. diversify the sources, locations, type and mix of housing supply*
- 3. support small and medium-sized housebuilders*
- 4. support those wishing to bring forward custom, self-build and community-led housing."*

- k. The policy goes on to say that the boroughs should:

"recognise in their Development Plans and planning decisions that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments."

- l. Table 4.2 of the draft London Plan (2017) sets Hillingdon a 10 year small sites housing target of 7,650 new homes (an annualised average of 765 homes).
- m. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018. It sets out the government's national planning policies and how these policies should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.
- n. According to paragraph 38 of the NPPF,

"Local planning authorities should approach decisions on proposed

development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

- o. Chapter 5 deals with housing supply and sets out the government's objective to boost substantially the supply of homes.

- p. According to paragraph 68:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly."

- q. Paragraph 73 requires that Councils identify a 5 year supply of housing plus a buffer of 5-20%. Where a Council cannot demonstrate a 5 year supply, the presumption in favour of granting planning permission set out in paragraph 11 of the NPPF, applies.

- r. Chapter 6 requires local planning authorities to support economic growth. Chapter 11 encourages developers and local planning authorities to make the best use of land and to focus on previously developed land in sustainable locations. According to paragraph 118(d), planning decisions should:

"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)"

- s. Paragraph 123 requires that densities be maximised, to *"ensure that developments make optimal use of the potential of each site"*.

- t. Paragraph 124 states that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

- u. According to paragraph 130:

"...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."

6. Case for the Appellant

- a. The NPPF commits local authorities to boosting substantially the supply of housing and directs new development to existing built up areas. The London Plan encourages developers to use sites more intensively and the draft new London Plan sets the outer London boroughs demanding new targets for infill developments on small sites such as this one. The appeal proposal makes better use of an underused site in an existing urban area.
- b. The officer's report does not mention the pressing need for more homes in the borough and does not acknowledge the contribution that this development would make to its housing targets. It instead emphasises measures in the London Plan to discourage the inappropriate redevelopment of residential gardens.
- c. According to policy 3.5 of the London Plan 2016:

"Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified."
- d. The local development plan does not set a clear presumption against the development of garden land. In addition, the proposed development is of a side, rather than a rear, garden. Finally, the appellant notes that the text above has been omitted from the draft London Plan 2017, which places a clear emphasis on encouraging new infill housing on smaller sites, even where this means some change to the character of the surrounding area.
- e. The Council is satisfied that the new house will provide a high quality of internal living accommodation. There is no suggestion of a harmful amenity impact on close neighbours, nor issues in terms of highways or parking. The sole issue is whether the development will harmonise with the pattern of surrounding development and cause any harm to the character and appearance of the area.
- f. As a result of the shape of the junction, the appeal site has an uncharacteristically large side garden. The surrounding area is otherwise characterised by a relatively high density of development, with limited spacing between individual properties. Contrary to the assertion in the reason for refusal on the decision notice, the area to the side of the main house is not characteristic of the area and not an essential feature of the surrounding pattern of development. Although vacant areas of land are inevitably more 'open' than land that has been developed, this is not, on its own, sufficient

justification to refuse an application.

- g. The house on the other side of the junction (number 23 Victoria Road) has permission to be demolished and replaced with a larger structure occupying parts of the side garden and the houses on the other similar junctions along Victoria Avenue (with Merton Avenue, Ryefield Avenue and Regent Avenue) have all extended to within a meter of so of their side boundaries in order to take advantage of their underused side gardens. The appeal site is the only one of its kind on Victoria Avenue that has not extended to the side in one way or another.
- h. In addition, there is considerable diversity in the streetscene. There are a wide variety of different housing types and sizes. The detached house on the site is not part of a row of similar dwellings and its alteration to form one half of a new semi-detached pair will not harm the streetscene. The variety in built form allows new development without harm to the pattern of development or the character of the area.
- i. The officer's report suggests that the dwelling will appear cramped. In fact, the house is set well back from front boundary with Victoria Avenue and retains a large side garden creating a separation from Richmond Avenue. There is a separation of 1m from the boundary with the highway at its closest point and the new house will have 218sqm of outside space, with gardens to the front, side and rear. The boundary treatments are designed to be low in height, to maintain an open aspect. The new house will sit comfortably on this site, with spacing to the boundaries and room for generous gardens and off-street parking.
- j. The new dwelling is carefully designed to reflect the design of the existing house. It uses matching materials, mimics the front gable, porch and detailing on the existing house and the new dwellings will have a symmetrical, hipped roof form. The new house, though an infill development, will integrate closely with its immediate neighbour and sit comfortably on the streetscene.
- k. The officer's report expresses concern that the development breaches the return building line, i.e. the building line along Richmond Avenue. However, this building line applies only to the houses fronting Richmond Avenue. The existing house at 21 Victoria Avenue already sits forward of the building line and there will remain a considerable separate distance between the new dwelling and the nearest of the houses on Richmond Avenue.
- l. The appellant notes that the house on the other side of the junction, number 23 Victoria Avenue, is currently being prepared for redevelopment following a recent grant of planning permission for its demolition and replacement with a building comprising 2 x 2 bedroom flats (reference: 12211/APP/2014/238). The

Decision Notice and approved plans for this approval are provided in the appendices. The house at number 23 is a different design to the appeal property and its redevelopment will remove some of the area to the side of that property and further alter the character of the streetscene in this location.

- m. The officer's report for the appeal proposal refers to an appeal decision for an alternative scheme at number 23 involving two-storey side extensions to that property (reference: APP/R5510/D/15/3132699). That appeal was dismissed under very different circumstances. It relates to extensions, rather than the creation of a new dwelling, and the presumption in favour of development that creates new housing does not, therefore, come into play. In addition, the sites are different shapes – the boundary at number 23 tapers to the rear while the boundary at number 21 widens. The extensions at number 23 related awkwardly to the main house, unbalancing the symmetry of its front elevation and harming its appearance; the current appeal proposal creates a new dwelling that relates very well to the existing house and makes a positive contribution to the streetscene.
- n. The appellant notes that, despite arguing in the officer's report that this form of garden redevelopment is unacceptable in principle, the Council has granted permission for similar developments under similar circumstances. For example, in May 2017, it granted permission for a new dwelling on a similar corner site at 70 Windsor Avenue in Hillingdon (reference: 72584/APP/2017/473). The decision notice, officer's report and approved plans are provided in the appendices. In that case, the distance between the new dwelling at the boundary at its closest point was 1.18m, similar to the current proposal. Contrary to the current proposal, the officer's report states that the site lies *"within an established residential area and there would be no objection in principle to the intensification of the residential use of the site"*. The case officer argues that *"the site lends itself to development"*, that it is a *"large, triangular plot"* and that:

"It is considered that the scheme would seamlessly blend in with the character of the terrace, by virtue of replicating the two-storey bay window features; plot width; materials; roof profile; and siting. It is noted that the immediate area is characterised by semi-detached properties, although the wider area is a mixture of terraced and semi-detached properties. It is considered that the provision of a short terrace in this corner location would not appear conspicuous in the street scene and would fit in well given the design and hipped roof profile, which would end the short terrace."

- o. On the issue of the return building line, the case officer concludes:

"It is appreciated that the building line on Ryefield Road is not respected,

however it is noted that the host property already projects forward of the building line in Ryefield Avenue. In addition, the separation distances between the proposed dwelling ensure that dwellings on Ryefield Avenue do not 'read together'."

- p. Inspectors have also granted permission at appeal for similar developments. At 2 The Thicket, in the West Drayton area of the borough, an inspector considered a proposal for a new, three bedroom house proposed for a side garden on a junction. The appeal decision (reference: APP/R5510/W/18/3193125) is provided in the appendices. The inspector noted that:

"The appeal property occupies a spacious plot, apparently somewhat larger than other comparable corner plots nearby. I accept the appellant's case that even after the addition of the proposed house, the plot would not appear out of keeping with other corners on the estate, such as the equivalent corner at the far end of The Thicket, and the space around the house would not appear unduly restricted."

- q. The inspector concluded that:

"Subject to the use of carefully matched materials, and to good quality soft and hard landscaping, all of which can be secured by planning conditions, I find that the proposal would be in keeping with the character and appearance of the area."

- r. At 32 Chudleigh Way, in the Ruislip area of the borough, an inspector considered a similar proposal for a new dwelling in the side garden of a corner plot. The appeal decision (reference: APP/R5510/W/15/3008867) is provided in the appendices. The inspector argued that:

"By way of its scale and proportions, the proposed dwelling would relate well to the existing block of four terraced properties and would be similar in its detailing. The design would therefore complement the prevailing style of property in Chudleigh Way and Brixham Crescent. Furthermore, the size of the plot and the available width across its frontage would allow the new dwelling to be accommodated comfortably without appearing cramped in its surroundings."

- s. In the issue of a reduction in openness and the erosion of the gap between properties, the inspector concluded:

"The Council asserts that gaps between properties are a characteristic feature of the area. However, whilst some larger gaps between terraced blocks remain, many have been filled with single or two-storey extensions."

The overall effect of this is to create a continuous line of built form where visual breaks between dwellings are now either non-existent or greatly reduced. Consequently, where larger gaps remain, they appear more as oddities and their effectiveness in defining the character of the local street scene has been all but lost."

- t. Finally, the appellant would like to draw the inspector's attention to an appeal at 73 Ravenswood Road in the London Borough of Croydon. This appeal related to the proposed addition of a new house on a side garden at the end of a terraced row. The separation gap between the new house and the junction was 1m at its closest point, similar to the current proposal. The inspector judged this acceptable:

"Although the proposed house would bring the end of the terrace closer to the public highway, the reduction in the width from the previous scheme ensures that a gap of about 5.5m would be retained between the front of the house and the side boundary, reducing to about 1.1m at the rear corner. Whilst at the rear the proposed house would come close to the public highway, there is adequate room for landscaping, which can be controlled by condition as suggested by the Council. This would further reduce the visual impact from the public highway."

- u. The appeal decision and approved plans for this case (reference: APP/L5240/W/18/3196034) are provided in the appendices.

7. Conclusions

- a. The NPPF places significant emphasis on the delivery of new housing and there is a particular shortage of homes in this area. The draft new London Plan sets demanding targets for the development of small sites. The proposal makes more efficient use of a previously developed site.
- b. The Council is satisfied with the quality of internal living accommodation provided, the size and usability of external garden areas, the highways and parking provision and the arrangements for the storage of bicycle, waste and recycling. The sole issues are whether the development is the inappropriate redevelopment of a private garden and whether the new dwelling will appear cramped or out of place on the streetscene.
- c. The new dwelling will match exactly the existing house on the site. The semi-detached pair will have an attractive, symmetrical appearance. The size of the plot for the new house is consistent with plot sizes along Victoria Avenue. The new house will sit comfortably on the site, with spacing on all sides. Although it projects to within a meter of the side boundary at one point, this separation distance retains adequate room for landscaping and soft boundary treatments. As the Council suggests, this can be controlled by condition.
- d. Large side gardens are not a characteristic of this area. The houses are generally fairly densely packed and, at other junctions along Victoria Avenue, have extended to within a meter of the side boundary. The houses are also diverse in character and appearance, creating greater tolerance for a development at the appeal site.
- e. For these reasons, the appellant contends that the Council's decision to reject the application was not well founded and the inspector is respectfully requested to allow the appeal.



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