



APPENDIX B

Re: 30837/APP/2019/3096 - 5&6 Firs Walk, Northwood

1 message

Liz Arnold <larnold@hillingdon.gov.uk>
To: Mark Westcott <mwestcott@hghconsulting.com>
Cc: John Gavacan <johngavacan@aol.com>

2 January 2020 at 17:03

Hi Mark

Within emerging policy DMHB 11 it advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The development along Firs Walk is characterised by large detached properties is spacious verdant plots whilst Foxdell is more regular and compact in comparison. Whilst the proposal appears to be more in keeping with Foxdell and plots 2 and 3 relate accordingly, plot 1 accessed from Firs Walk does not relate so well to the form and spaciousness of those properties.

As this is only outline for consideration of the access I have taken the view that the proposal adequately demonstrates that there is sufficient room to accommodate 3 dwellings within this plot, which would comparably relate to the built form along Foxdell, but until this is assessed by the Managers I am unable to confirm if they will agree. Therefore at this time there is nothing for the applicant to address.

Regards
Liz

On Thu, 2 Jan 2020 at 16:50, Mark Westcott <mwestcott@hghconsulting.com> wrote:
Thank you Liz.

What is the issue concerning the rhythm of development and its relationship with Firs Walk and was this raised to allow the Applicant to address?

Thank you and regards

Mark

Mark J Westcott MRTPI
Associate Director



Planning, Environment &
Development Services

45 Welbeck Street, London W1G 8DZ
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On Thu, 2 Jan 2020 at 16:43, Liz Arnold <larnold@hillingdon.gov.uk> wrote:
Dear Mark

As previously advised this will be a committee decision and the proposal has been put through on the wishlist for the January 22 Committee. I have recommended approval, however one issue is the rhythm of the development and whilst it does relate to Foxdell it does not to Firs Walk. It is still waiting to be signed off by a Senior Manager and then will be scrutinised by the Head of Planning, so I am unable to advise whether that recommendation will be accepted.

Regards
Liz

On Thu, 2 Jan 2020 at 16:14, Mark Westcott <mwestcott@hghconsulting.com> wrote:
Hello Liz

Happy New Year to you.

Please can you provide an update on the determination of the application, which was due last month. As John expressed during our meeting before Christmas, we are very keen to understand your thoughts and hopeful conclusion that you can proceed with a positive decision.

Best regards

Mark

Mark J Westcott MRTPI
Associate Director



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On Thu, 19 Dec 2019 at 14:29, John Gavacan <johngavacan@aol.com> wrote:
Hi Liz-I hope you are well. I understand you are due to come back to us today on the below?

Look forward to hearing from you.

Many thanks,

John

-----Original Message-----
From: Mark Westcott <mwestcott@hghconsulting.com>
To: larnold <larnold@hillingdon.gov.uk>
CC: johngavacan@aol.com <johngavacan@aol.com>
Sent: Wed, 11 Dec 2019 15:56
Subject: 30837/APP/2019/3096 - 5&6 Firs Walk, Northwood

Hello Liz,

I have been appointed as planning agent, acting on behalf of Gavacan Homes, for 5&6 Firs Walk, Northwood.

I understand that a decision was due by 5th December but that there may be some matters that need addressing.

Please can you update me on your considerations to date and of any such matters that require further attention?

Thank you and best regards

Mark

Mark J Westcott MRTPI
Associate Director



Planning, Environment &
Development Services

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--
Liz Arnold
Planning Officer
Resident Services | London Borough of Hillingdon
3N, Civic Centre | London Borough of Hillingdon

Tel: 01895 250230

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Planning Guarantee

Hillingdon are committed to ensure the best possible service provision to all of our applicants. In order to ensure this, we will not be able to facilitate negotiation which would result in an application being determined outside of statutory timeframes, unless the applicant has entered into a Planning Performance Agreement.

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Liz Arnold
Planning Officer
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APPENDIX C

Re: 30837/APP/2019/3096 - 5&6 Firs Walk, Northwood

1 message

Liz Arnold <larnold@hillingdon.gov.uk>

14 January 2020 at 15:11

To: Mark Westcott <mwestcott@hghconsulting.com>

Cc: "johngavacan@aol.com" <johngavacan@aol.com>

Dear Mark

I have now had the opportunity to discuss this with the Lead Officer and Head of Planning. There have been two issues raised.

The first relates to the disputed land at the head of Foxdell and this matter has been referred to our Legal team. I am advised by the Head of Planning that it is not possible to put this forward for committee until such time as we have had a response from them.

Also, the proposed site layouts are not clearly identified as being indicative. As the layouts are being reserved for later consideration the plans submitted should clearly identify this. Having regard to the conceptualised layout, as we previously discussed, I was not sure how it would be viewed within the context of the street scene, but the Manager has advised that whilst plots 2 and 3 would relate to the rhythm of Foxdell, the scale of plot 1 would be out of keeping with Firs Walk. They have suggested that 2 properties rather than 3 may address this.

Regards

Liz

On Tue, 14 Jan 2020 at 11:59, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Morning Liz,

In the absence of any contact from officers, can we now expect all is well and the application will be heard at January's planning committee?

Best regards

Mark

Mark J Westcott MRTPI

Associate Director

hgh

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On Thu, 9 Jan 2020 at 15:46, Liz Arnold <larnold@hillingdon.gov.uk> wrote:

Hi Mark

I have been advised that they will be checking the reports between now and Monday and if there are any issues they will let me know.

Regards

Liz

On Thu, 9 Jan 2020 at 11:26, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Hi Liz

Thanks for coming back. In that case, please can you provide the name and contact details of the manager/s so I can liaise direct?

Thank you

Mark

Mark J Westcott MRTPI

Associate Director

hgh

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On Thu, 9 Jan 2020 at 10:52, Liz Arnold <larnold@hillingdon.gov.uk> wrote:

Hi Mark

Once I have put through a committee report I have no further involvement or input in the process unless the application is returned to me for additional works. What is included on the agenda is at the discretion of the Head of Planning. All I can advise is that the agenda will be published a week before the committee i.e. 15 January, so they will need to review sometime between now and then.

Regards

Liz

On Thu, 9 Jan 2020 at 10:07, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Hi Liz,

Can you at least provide a timescale to indicate when will managers will be reviewing? We are very keen to have the application heard at January's planning committee.

Best regards

Mark

Mark J Westcott MRTPI

Associate Director



APPENDIX D

Fwd: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

1 message

John Gavacan <johngavacan@aol.com>
Reply-To: John Gavacan <johngavacan@aol.com>
To: "mwestcott@hghconsulting.com" <mwestcott@hghconsulting.com>

29 April 2020 at 11:44

-----Original Message-----

From: Matt Kolaszewski <mktolaszewski@hillingdon.gov.uk>
To: johngavacan@aol.com
CC: zdye@ascotdesign.com; James Rodger <jrodger2@hillingdon.gov.uk>; Liz Arnold <larnold@hillingdon.gov.uk>
Sent: Wed, 29 Jan 2020 12:34
Subject: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

Dear Mr Gavacan,

By way of introduction I am the Planning Team Leader responsible for the north of Borough, and thus present items to Members at the North Planning Committee. To this end I will be presenting your Firs Walk application when it is heard at committee. A petition objecting to the proposal was received and under the Council's Constitution dictates that the application must be determined by Planning Committee. I also check each officer report to ensure I am happy with the report and the recommendation. The Head Of Planning has final sign off on all committee items.

I have therefore reviewed Liz Arnold's report and have reservations about her positive recommendation especially in light of the previous refusal and the dismissal of your Appeal on a very similar application, which encompassed the current site.

My main concern is with the issue of backland development. You will note that the Council adopted a new Local Plan on 17th January 2020, which has a specific Policy (DMH 6) that emphasis the fact that there is a presumption against backland development, although in exceptional cases limited backland development could be acceptable subject to a number of criteria. My concern is that, in my view your current scheme, is not to my mind, that different to the previous scheme dismissed at appeal and does not address all the previous refusal reasons or the findings of the Inspector.

I have therefore consulted the Council's Planning Policy Team to advise me on this specific issue and given them a deadline of this Friday. We are aiming to have the application heard at the 19th February 2020 North Planning Committee. The report deadline for that committee is the end of next week.

If you have any questions please feel free to ask.

Regards

Matt Kolaszewski
Planning Team Manager
Planning Department
Residents Services
3N, Civic Centre
London Borough of Hillingdon
(Tel: 01895 250230)

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APPENDIX E

Re: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

1 message

Matt Kolaszewski <mkolaszewski@hillingdon.gov.uk>

3 February 2020 at 16:49

To: Mark Westcott <mwestcott@hghconsulting.com>

Cc: James Rodger <jrodger2@hillingdon.gov.uk>, Liz Arnold <larnold@hillingdon.gov.uk>, John Gavacan <johngavacan@aol.com>, Luke Gavacan <lukegavacan@gavacanhomes.co.uk>, Richard Henley <rhenley@hghconsulting.com>

Dear Mr Westcott,

Thank you for your email. Your points are noted. I have received comments from the Council's Policy Team, which are attached. You will note that they raise significant concerns that are at odds with the assertions you make in your email. To this end I will have to instruct the Case Officer to amend her report to reflect the objection from the Policy Team and to recommend refusal of the application. Given there is a petition in objection of the application, as you are doubtless aware, the application will have to be heard at the North Planning Committee. The lead petitioner will be able to speak against your application at Committee and you will also have the chance to address the Members.

In terms of the Council's and your differing views we may have to agree to disagree on the merits of the application and allow the North Planning Committee to make a decision. If they refuse the application you will of course have the right of appeal.

Kind Regards

Matt Kolaszewski

Planning Team Manager

Planning Department

Residents Services

3N, Civic Centre

London Borough of Hillingdon

(Tel: 01895 250230)

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

On Fri, 31 Jan 2020 at 10:35, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Dear Matt,

I am the Planning Agent representing Gavacan Homes and have been passed your email sent to Mr Gavacan.

Before responding directly to your concerns and reference to Policy DMH 6, it is worth recapping on the background to the proposal.

An appeal was made against the non-determination of a planning application for 6 units in 2018. This was dismissed in July of last year. You refer to 'previous reasons for refusal' in your email. However, in the absence of a refused decision, I presume you mean this reference to solely be towards the Inspector's issues for consideration. The Inspector found there to be two issues for consideration:

1. The effect of the proposed development on the character and appearance of the surroundings; and,
2. The effect of the proposed layout on the quality of life of future occupants of the development.

Against issue 1, the Inspector concluded:

"...the development would introduce a significant building bulk into the locality and that the streetscene would have a much more built up appearance. The numbers proposed and the likely building bulk overall would create an overpowering element in the streetscene and would detract from the character and appearance of the locality.

Against issue 2, the Inspector concluded:

"The cramped and overly developed nature of the scheme in its setting also generates an unsatisfactory relationship between the proposed new road and future residents. ...the new turning head would be close to windows of habitable rooms in one of the new houses, causing undue disturbance to the occupants. [and] ...would have a harmful effect on the quality of life of the occupants of the house to be built on plot 1..."

Issue 2 is addressed by the proposed new access arrangements. This appears to be agreed by the Council by no reference to it in your email.

Therefore, this leaves the matter of character and appearance, which we assume is what you take issue with by your reference to failing to address all of the Inspector's findings. The current proposal before the Council is different to the dismissed Appeal Proposal, as follows:

1. Fewer units - 3 instead of 6
2. Retention of [No.6 Firs Walk](#) - maintaining part of the existing streetscene and partly addressing the 'cramped' and 'overdevelopment' concerns
3. At [No.5 Firs Walk](#) (the current 'application site') proposing three detached properties rather than 4 - addressing the 'cramped' and 'overdevelopment' comments and being more consistent with the general character of the area's plot sizes, particularly to the east.
4. Access coming in via two routes as opposed to one removing the concerns of the Inspector over impact on living conditions of the proposed properties.

It is clear to see from the changes that a great deal of attention has been given to improve the scheme in terms of fitting in with its character. The site represents the meeting of two distinct areas of character with reference to plot size and layout, and actually, successfully shows a transition between the areas as opposed to the stark contrast of the current position. Furthermore, the housing typologies are reflective of the area. Notwithstanding the fact that the scheme addresses the primary principle of making most effective use of land and comprises delivery of housing on a small site, something of a key policy requirement of the soon-to-be adopted London Plan, the proposal clearly deals with the 'cramped' and 'over development' concerns of the Inspector and complies with Policy DMHB 5, which is the principal policy at the Local Plan level.

In recording his findings, the Inspector makes no reference to the loss of garden space or a backland site. This could have been a material consideration given references in the current London Plan and what was then an emerging Policy DMH 6, against which legitimate weight could have been applied in decision making. His silence on this indicates that he did not consider the Appeal Proposal to fall within the 'garden/backland site' category. Indeed, at para 16 he refers to the site lying within an established urban area.

The term 'backland development' is normally reserved for the development of sites that are tucked away behind or detached from streets or spaces. The application site does not fall in either category. [No. 5 Firs Walk](#) is an established property at the end of an established street. Its demolition will merely open up an area of land which has the capacity, in terms of size and design, to accommodate a greater number of units; in this case three. It is the redevelopment of an underutilised piece of land, the redevelopment of which will achieve site optimisation and make a useful addition to the housing stock, as noted by the Inspector.

The site has been through two applications and an appeal, (over a period of over two years), whereby the Council refused to determine the application after 6 months on the first application and within this application a further 6 months has passed with still no determination. The 'backland development' principle has at no point over the last two years been raised as a reason for refusal and certainly not raised by the Inspector. Accordingly, if a recommendation of approval is not supported by the Council another appeal will be made and legal advice taken over an application for costs against the Council. This would be regrettable given that Mr Gavacan has sought a positive working relationship with the Council and the patience shown to date in getting it into a position whereby the Case Officer has supported the scheme.

To this end, we ask that you reconsider your assessment of the proposal and ask that dialogue is continued to reach an acceptable position. Mr Gavacan understandably feels let down by the Council by not having an opportunity during the course of the application to address concerns raised, especially given the history of the site and the effort gone to produce a suitable scheme, which is well documented in the submitted P&DAS.

Once you have digested, I would be grateful if we could arrange a telephone call for Monday or Tuesday of next week.

We look forward to your response.

Best regards

Mark

Mark J Westcott MRTPI
Associate Director



Planning, Environment &
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45 Welbeck Street, London W1G 8DZ

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-----Original Message-----

From: Matt Kolaszewski <mkolaszewski@hillingdon.gov.uk>

To: johngavacan <johngavacan@aol.com>

CC: zdyer <zdyer@ascotdesign.com>; James Rodger <jrodger2@hillingdon.gov.uk>; Liz Arnold <lamold@hillingdon.gov.uk>

Sent: Wed, Jan 29, 2020 12:34 PM

Subject: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

Dear Mr Gavacan,

By way of introduction I am the Planning Team Leader responsible for the north of Borough, and thus present items to Members at the North Planning Committee. To this end I will be presenting your Firs Walk application when it is heard at committee. A petition objecting to the proposal was received and under the Council's Constitution dictates that the application must be determined by Planning Committee. I also check each officer report to ensure I am happy with the report and the recommendation. The Head Of Planning has final sign off on all committee items.

I have therefore reviewed Liz Arnold's report and have reservations about her positive recommendation especially in light of the previous refusal and the dismissal of your Appeal on a very similar application, which encompassed the current site.

My main concern is with the issue of backland development. You will note that the Council adopted a new Local Plan on 17th January 2020, which has a specific Policy (DMH 6) that emphasis the fact that there is a presumption against backland development, although in exceptional cases limited backland development could be acceptable subject to a number of criteria. My concern is that, in my view your current scheme, is not to my mind, that different to the previous scheme dismissed at appeal and does not address all the previous refusal reasons or the findings of the Inspector.

I have therefore consulted the Council's Planning Policy Team to advise me on this specific issue and given them a deadline of this Friday. We are aiming to have the application heard at the 19th February 2020 North Planning Committee. The report deadline for that committee is the end of next week.

If you have any questions please feel free to ask.

Regards

Matt Kolaszewski

Planning Team Manager

Planning Department

Residents Services

3N, Civic Centre

London Borough of Hillingdon

(Tel: 01895 250230)

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30837_APP_2019_3096 - 5 & 6 Firs Walk (1).pdf
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APPENDIX F

Planning Policy Comments

Address: 5 & 6 Firs Walk

Reference: 30837/APP/2019/3096

Date: January 2020

Dear Liz

Please see the following as comments relating to planning application REF on behalf of the Planning Policy Team.

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- The West London Waste Plan (2015)
- The London Plan - Consolidated With Alterations (2016)

Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the Intend to Publish version of the Plan. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

Designations

None

Principle of Development

The proposed development would be on the plot of an existing dwelling at 5 Firs Walk. The existing dwelling will be demolished and three new dwellings are proposed and would be located on land that previously formed the garden of 5 Firs Walk.

Policy BE1 of the Local Plan Part 1 (2012) and Policy DMH 6: Garden and Backland Development of the Local Plan Part 2 (2020) set out a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. The Council's approach to housing as set out in the implementation of policy H1 of the Local Plan Part 1 is to ensure new housing development makes the most efficient use of brownfield field land. The NPPF, in para. 70 also highlights the issue of protecting against the inappropriate development of residential gardens where this would cause harm to the local area. This is also reflected in the London Plan. The proposed development would therefore be contrary to Local Plan policies BE1 and DMH 6 and should be refused unless there are material considerations which outweigh this in principle objection.

Given this is an outline application it is only possible to make a high level assessment in this regard. For example, it is noted that the proposed development would result in a net

increase of two additional dwellings which contribute to the borough's overall housing supply. However, this can only be given limited weight as the Council is currently able to demonstrate a five year housing land supply. It is recognised that as proposed they would all be family sized (4 bed) dwellings for which there is also an identified need and this benefit should be given some minimal weight. However, it is not considered that at this stage this minimal benefit is sufficient to outweigh the significant loss of back garden land and the functions it serves in relation to local character, amenity space, supporting biodiversity and reducing flood risk.



APPENDIX G

Re: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

1 message

Mark Westcott <mwestcott@hghconsulting.com>

6 February 2020 at 16:45

To: Matt Kolaszewski <mkolaszewski@hillingdon.gov.uk>

Cc: James Rodger <jrodger2@hillingdon.gov.uk>, Liz Arnold <larnold@hillingdon.gov.uk>, John Gavacan <johngavacan@aol.com>, Luke Gavacan <lukegavacan@gavacanhomes.co.uk>, Richard Henley <rhenley@hghconsulting.com>

Dear Matt,

Thank you for your reply and providing the Policy Team's comments; it is a disappointing read.

Within the 6 months since the submission of the application, issues that the Council has with the proposal have not been raised with Mr Gavacan nor has he been given any opportunity to respond. We therefore ask that you consider the following.

We are confused by the grounds that the Council is applying against the application. You refer to 'backland development' in your initial email whereas your Policy Team is stating 'loss of garden'. In addition, the Council has previously indicated acceptance of the principle of the site's redevelopment under two separate applications. First, in the case of the site having capacity to accommodate 4 units during verbal exchanges with the Case Officer over the 2018 application and then documented in the Committee Report (dated 14th November 2018). Second, by reference to 2 units in an email from the Case Officer on the current application documented in an email dated 14th January 2019 (attached). Please can you clearly clarify the Council's position?

Whilst on the matter, I re-emphasise that the Inspector did not, in any part of his decision, explicitly or implicitly, refer to the proposal comprising either backland development or loss of garden space as a ground for dismissal. In the report to committee (dated 14th November 2018), the non-standard reason for refusal 1 refers to:

*"The principle of intensifying the residential use of the site to the level proposed, **as well as the proposed loss of existing private rear garden area** would have a detrimental impact on the Dene Road Area of Special Local Character character and appearance of the area as a whole."*

Notwithstanding the proposed development no longer falls within an ASLC, clearly the Inspector was directed by the Council over the loss of garden space but fell silent on the matter.

Further still, the Council published its Local Plan Part 2 Modifications document in March 2019, one month after the appeal was lodged (the Appeal decision being issued in July 2019). The Inspector thus had ample time to consider the proposed policies, including DMH 6. DMH 6 was not modified as a result of the EiP and thus has been in its adopted form since the Local Plan was submitted to the Secretary of State in 2015. He chose not to give any weight to the policy. This is significant. Clearly, he concluded that as a matter of principle the proposal did not constitute either backland development or loss of garden space. We therefore ask that the Council reconsiders its position on the matter.

We also ask for clarity on the Council's position on design. Previous to your first email, the Case Officer reported that senior managers had concerns over the 'design rhythm'. We have reviewed the design and have amended the scheme to enable the layout to sit more comfortably in its character setting. This is achieved by reconfiguring the access arrangements to bring the access entirely from Foxdell. This creates a single enclave, which is now an extension of Foxdell and bookends that character area. The garages to the front of the properties have also been removed. This creates a building line across all three plots, which is now in uniform with the neighbouring plots on Foxdell. We formally submit and ask that you accept the revised plans (attached) and refer to them in determining the application.

To conclude on both matters, we maintain that this is not a form of tandem development in the normal sense of backland or garden land development but will form the bookend to Foxdell and complete a standard linear form of frontage development. We therefore ask that you defer the application from going to the February committee and accept our request to meet with you and the Case Officer to discuss further. Please advise of your availability.

Finally, please can you confirm the Council's legal position over the area of land at the end of Foxdell, which has been the subject of dispute by neighbours?

We look forward to your response.

Best regards

Mark

Mark J Westcott MRTPI
Associate Director

hgh

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On Mon, 3 Feb 2020 at 16:49, Matt Kolaszewski <mkolaszewski@hillingdon.gov.uk> wrote:
Dear Mr Westcott,

Thank you for your email. Your points are noted. I have received comments from the Council's Policy Team, which are attached. You will note that they raise significant concerns that are at odds with the assertions you make in your email. To this end I will have to instruct the Case Officer to amend her report to reflect the objection from the Policy Team and to recommend refusal of the application. Given there is a petition in objection of the application, as you are doubtless aware, the application will have to be heard at the North Planning Committee. The lead petitioner will be able to speak against your application at Committee and you will also have the chance to address the Members.

In terms of the Council's and your differing views we may have to agree to disagree on the merits of the application and allow the North Planning Committee to make a decision. If they refuse the application you will of course have the right of appeal.

Kind Regards

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

On Fri, 31 Jan 2020 at 10:35, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Dear Matt,

I am the Planning Agent representing Gavacan Homes and have been passed your email sent to Mr Gavacan.

Before responding directly to your concerns and reference to Policy DMH 6, it is worth recapping on the background to the proposal.

An appeal was made against the non-determination of a planning application for 6 units in 2018. This was dismissed in July of last year. You refer to 'previous reasons for refusal' in your email. However, in the absence of a refused decision, I presume you mean this reference to solely be towards the Inspector's issues for consideration. The Inspector found there to be two issues for consideration:

1. The effect of the proposed development on the character and appearance of the surroundings; and,
2. The effect of the proposed layout on the quality of life of future occupants of the development.

Against issue 1, the Inspector concluded:

"...the development would introduce a significant building bulk into the locality and that the streetscene would have a much more built up appearance. The numbers proposed and the likely building bulk overall would create an overpowering element in the streetscene and would detract from the character and appearance of the locality.

Against issue 2, the Inspector concluded:

"The cramped and overly developed nature of the scheme in its setting also generates an unsatisfactory relationship between the proposed new road and future residents. ...the new turning head would be close to windows of habitable rooms in one of the new houses, causing undue disturbance to the occupants. [and] ...would have a harmful effect on the quality of life of the occupants of the house to be built on plot 1..."

Issue 2 is addressed by the proposed new access arrangements. This appears to be agreed by the Council by no reference to it in your email.

Therefore, this leaves the matter of character and appearance, which we assume is what you take issue with by your reference to failing to address all of the Inspector's findings. The current proposal before the Council is different to the dismissed Appeal Proposal, as follows:

1. Fewer units - 3 instead of 6
2. Retention of No.6 Firs Walk - maintaining part of the existing streetscene and partly addressing the 'cramped' and 'overdevelopment' concerns
3. At No.5 Firs Walk (the current 'application site') proposing three detached properties rather than 4 - addressing the 'cramped' and 'overdevelopment' comments and being more consistent with the general character of the area's plot sizes, particularly to the east.
4. Access coming in via two routes as opposed to one removing the concerns of the Inspector over impact on living conditions of the proposed properties.

It is clear to see from the changes that a great deal of attention has been given to improve the scheme in terms of fitting in with its character. The site represents the meeting of two distinct areas of character with reference to plot size and layout, and actually, successfully shows a transition between the areas as opposed to the stark contrast of the current position. Furthermore, the housing typologies are reflective of the area. Notwithstanding the fact that the scheme addresses the primary principle of making most effective use of land and comprises delivery of housing on a small site, something of a key policy requirement of the soon-to-be adopted London Plan, the proposal clearly deals with the 'cramped' and 'over development' concerns of the Inspector and complies with Policy DMHB 5, which is the principal policy at the Local Plan level.

In recording his findings, the Inspector makes no reference to the loss of garden space or a backland site. This could have been a material consideration given references in the current London Plan and what was then an emerging Policy DMH 6, against which legitimate weight could have been applied in decision making. His silence on this indicates that he did not consider the Appeal Proposal to fall within the 'garden/backland site' category. Indeed, at para 16 he refers to the site lying within an established urban area.

The term 'backland development' is normally reserved for the development of sites that are tucked away behind or detached from streets or spaces. The application site does not fall in either category. No. 5 Firs Walk is an established property at the end of an established street. Its demolition will merely open up an area of land which has the capacity, in terms of size and design, to accommodate a greater number of units; in this case three. It is the redevelopment of an underutilised piece of land, the redevelopment of which will achieve site optimisation and make a useful addition to the housing stock, as noted by the Inspector.

The site has been through two applications and an appeal, (over a period of over two years), whereby the Council refused to determine the application after 6 months on the first application and within this application a further 6 months has passed with still no determination. The 'backland development' principle has at no point over the last two years been raised as a reason for refusal and certainly not raised by the Inspector. Accordingly, if a recommendation of approval is not supported by the Council another appeal will be made and legal advice taken over an application for costs against the Council. This would be regrettable given that Mr Gavacan has sought a positive working relationship with the Council and the patience shown to date in getting it into a position whereby the Case Officer has supported the scheme.

To this end, we ask that you reconsider your assessment of the proposal and ask that dialogue is continued to reach an acceptable position. Mr Gavacan understandably feels let down by the Council by not having an opportunity during the course of the application to address concerns raised, especially given the history of the site and the effort gone to produce a suitable scheme, which is well documented in the submitted P&DAS.

Once you have digested, I would be grateful if we could arrange a telephone call for Monday or Tuesday of next week.

We look forward to your response.

Best regards



APPENDIX H

Re: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

1 message

Matt Kolaszewski <mcolaszewski@hillingdon.gov.uk>

11 February 2020 at 11:41

To: Mark Westcott <mwestcott@hghconsulting.com>

Cc: James Rodger <jrodger2@hillingdon.gov.uk>, Liz Arnold <larnold@hillingdon.gov.uk>, John Gavacan <johngavacan@aol.com>, Luke Gavacan <lukegavacan@gavacanhomes.co.uk>, Richard Henley <rhenley@hghconsulting.com>

Mark,

Thank you for your email. I am in the process of assessing the content of it.

We have, as requested, omitted the application from the Feb 19th North Committee Agenda.

We will revert back to you shortly regarding the matters you have raised.

Regards

Matt Kolaszewski

Planning Team Manager

Planning Department

Residents Services

3N, Civic Centre

London Borough of Hillingdon

(Tel: 01895 250230)

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

On Tue, 11 Feb 2020 at 11:34, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Dear Matt,

I would be grateful if you could acknowledge my email, respond to my request to meet with you and confirm the Council's legal position over the disputed land.

Regards

Mark

Mark J Westcott MRTPI

Associate Director

Planning, Environment &
Development Services

45 Welbeck Street, London W1G 8DZ

020 3409 7755 | 07783 421926

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On Thu, 6 Feb 2020 at 16:45, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Dear Matt,

Thank you for your reply and providing the Policy Team's comments; it is a disappointing read.

Within the 6 months since the submission of the application, issues that the Council has with the proposal have not been raised with Mr Gavacan nor has he been given any opportunity to respond. We therefore ask that you consider the following.

We are confused by the grounds that the Council is applying against the application. You refer to 'backland development' in your initial email whereas your Policy Team is stating 'loss of garden'. In addition, the Council has previously indicated acceptance of the principle of the site's redevelopment under two separate applications. First, in the case of the site having capacity to accommodate 4 units during verbal exchanges with the Case Officer over the 2018 application and then documented in the Committee Report (dated 14th November 2018). Second, by reference to 2 units in an email from the Case Officer on the current application documented in an email dated 14th January 2019 (attached). Please can you clearly clarify the Council's position?

Whilst on the matter, I re-emphasise that the Inspector did not, in any part of his decision, explicitly or implicitly, refer to the proposal comprising either backland development or loss of garden space as a ground for dismissal. In the report to committee (dated 14th November 2018), the non-standard reason for refusal 1 refers to:

"The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the Dene Road Area of Special Local Character character and appearance of the area as a whole."

Notwithstanding the proposed development no longer falls within an ASLC, clearly the Inspector was directed by the Council over the loss of garden space but fell silent on the matter.

Further still, the Council published its Local Plan Part 2 Modifications document in March 2019, one month after the appeal was lodged (the Appeal decision being issued in July 2019). The Inspector thus had ample time to consider the proposed policies, including DMH 6. DMH 6 was not modified as a result of the EIP and thus has been in its adopted form since the Local Plan was submitted to the Secretary of State in 2015. He chose not to give any weight to the policy. This is significant. Clearly, he concluded that as a matter of principle the proposal did not constitute either backland development or loss of garden space. We therefore ask that the Council reconsiders its position on the matter.

We also ask for clarity on the Council's position on design. Previous to your first email, the Case Officer reported that senior managers had concerns over the 'design rhythm'. We have reviewed the design and have amended the scheme to enable the layout to sit more comfortably in its character setting. This is achieved by reconfiguring the access arrangements to bring the access entirely from Foxdell. This creates a single enclave, which is now an extension of Foxdell and bookends that character area. The garages to the front of the properties have also been removed. This creates a building line across all three plots, which is now in uniform with the neighbouring plots on Foxdell. We formally submit and ask that you accept the revised plans (attached) and refer to them in determining the application.



APPENDIX I

Re: 30837/APP/2019/3096 - 5 & 6 FIRS WALK NORTHWOOD

1 message

Matt Kolaszewski <mkolaszewski@hillingdon.gov.uk>

3 March 2020 at 16:16

To: Richard Henley <rhenley@hghconsulting.com>

Cc: James Rodger <jrodger2@hillingdon.gov.uk>, Mark Westcott <mwestcott@hghconsulting.com>

Mr Henley,

I have spoken to the Policy Manager who provided the comments and she has reiterated that her objection stands. Since the previous refusal and appeal Hillingdon has adopted a new Local Plan, which contains a new robust policy on garden grabbing and backland development, hence the policy position.

Policy DMH 6: Garden and Backland Development

There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- v) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

Whilst we can of course facilitate a meeting, I am not sure it will be of much benefit in terms of overcoming the Policy objection.

Please let me know how you wish to proceed.

Regards

Matt Kolaszewski

Planning Team Manager

Planning Department

Residents Services

3N, Civic Centre

London Borough of Hillingdon

(Tel: 01895 250230)

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

On Fri, 28 Feb 2020 at 17:16, James Rodger <jrodger2@hillingdon.gov.uk> wrote:

Richard,

Unfortunately, I am not available next week.

Matt will respond to your queries.

Kind regards,

James Rodger



Head of Planning, Transportation and Regeneration

Residents Services

London Borough of Hillingdon

3S/03, Civic Centre, High Street

Uxbridge, UB8 1UW

Telephone: 01895 556255

Email: jrodger2@hillingdon.gov.uk

On Thu, 27 Feb 2020 at 09:46, Richard Henley <rhenley@hghconsulting.com> wrote:

James

Good morning

I am sure you are all too familiar with this site and you will have seen the various email exchanges with Matt K seeking a response over the last few weeks without a response.

The client, Gavacan Homes, is getting anxious and concerned at the lack of a response and has sought throughout to work collaboratively with officers and amend the scheme to address design and layout matters in the context of the previous appeal inspectors decision.

However we now ask for your intervention and request an urgent meeting with you and Matt to discuss the scheme and a hopeful positive conclusion to this protracted matter.

I should be grateful if you can send me a date / time we can have a meeting with you next week which would be much appreciated.

Kind regards

Richard

Richard Henley MRTPI

Director



Planning Environment &
Development Services

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On Tue, 25 Feb 2020 at 15:19, Mark Westcott <mwestcott@hghconsulting.com> wrote:

Dear Matt,

It has now been two weeks since you informed me that you'd revert back shortly regarding the matters I raised in my email of the 6th February. I'm sure you'll appreciate the increasing frustration, and disappointment, held by myself and my client over the lack of response.



APPENDIX J



© This drawing is the copyright of SHANLY HOMES
All dimensions and levels must be checked on site and verified prior to construction

Notes		
B	Plot 4 garage amended	09.06.17
A	Plot 4 amended	02.05.17
Rev.	Description	Date

Project

Proposed development at
10 Jackets Lane
Northwood

Drawing Title

Site Layout

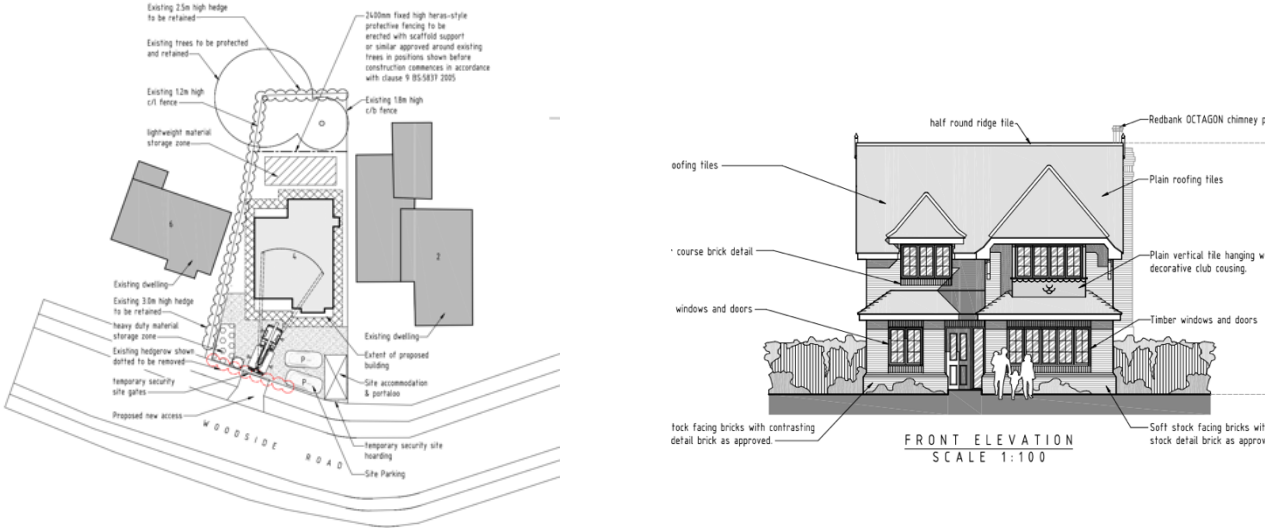


'Sorbon', Aylesbury End, Beaconsfield,
Buckinghamshire. HP9 1LW
Tel: 01494 671331
Fax: 01494 676417
DX 34507 Beaconsfield

Drawn By: CE	Date: 07.04.17
Scale: 1:500	A2
Drawing No. 1300/PLN/401	Revision B



APPENDIX K

Site	Appeal Ref	Proposal	Inspectors Comments
2 Woodside Road	APP/R5510/W/17/3171932 Allowed 28 July 2017		The main issues considered by the inspector were the effect of the proposed development on the character and appearance of the area with particular regard to the Gatehill Farm Estate Area of Special Local Character. The appeal site is part of the garden of No. 2 Woodside Road, a large detached house on a corner plot. The HDAS provides advice on backland developments, and whilst the appeal site is land that was historically part of a garden area, its location is such that it has a road frontage and would form part of a street scene and in this respect is not a typical tandem or backland development. The Inspector noted <i>“The proposed development would lead to a significant reduction in the garden size of No 2 Woodside. However since that house lies on a large corner plot, the remaining garden space would be likely to be sufficient to meet the needs of its occupiers and would not appear too small. Equally I agree with the Council’s view that the garden space for the proposed new house is sufficient to meet the needs of its future occupiers.”</i>
Land to the rear of 115-117 Hallowell Road	APP/R5510/W/16/3152126 Allowed 14 November 2016		The main issues considered by the inspector were a) the effect pf the proposed development on the character and appearance of the area, b) the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, and c)the effect of the development on highway safety. The Inspector noted <i>“The HDAS provides advice on backland developments, and whilst the appeal site is land that was historically part of a garden area, its location is such that it has a road frontage and would form part of a street scene and in this respect is not a typical tandem or backland development.”</i> The Inspector also stated that <i>“It is suggested that development of the site would create a precedent for further backland development. However, no directly similar or comparable sites to which this might apply were put forward. Each planning application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.”</i>



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