



PLANNING APPEAL LONDON

Grounds of Appeal Statement on behalf of the Appellant

Address: **19 Lawn Avenue West Drayton UB7 7AQ**

Planning consent sought for:

Double storey Side Extension and Part single and Part Double storey Rear Extension.

Appellant: **Mr H Virk**

Prepared and Submitted by Agent **Mr Mohamed Bharadia of Planning Appeal Limited**
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17 February 2021

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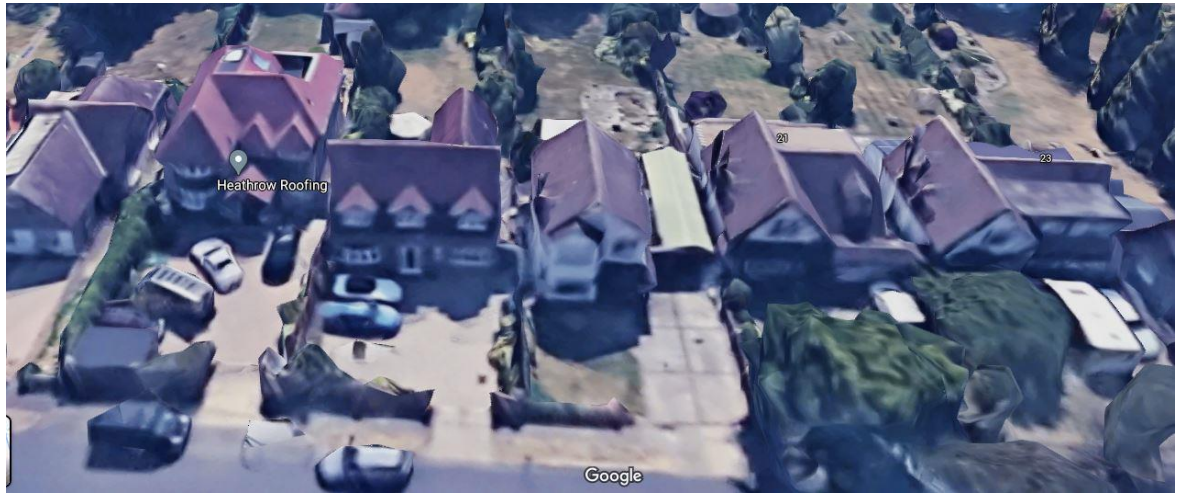
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1 INTRODUCTION

- 1.1. The householder application which is the subject of this appeal was refused by the local planning authority ("the LPA") by decision notice dated 1 February 2021. A delegated officer report accompanied the decision notice.
- 1.2. This statement should be read in conjunction with the documentation and plans submitted to the LPA as part of the application together with ALL the evidence and case law now being submitted. This statement and the evidence will seek to address the areas of difference between the parties.
- 1.3. The application site hosts a two storey detached dwellinghouse located on the south side of Lawn Avenue. Lawn Avenue and the surrounding area is of mixed architectural styles with 2 storey and bungalow dwellings which have been variously extended to rear and side. There are different styles of front and rear dormers in the varied street scene with a cocktail of roof styles and layout. Hence there is no unique defined character to the road notwithstanding siting in the West Drayton Area of Special Local Character. The photographs below provide an understanding of the locational context and the neighbouring built forms.



Street view presently Lawn Avenue elevation with number 17 on the left and 21 on the right



Front aerial view showing a variety of setback distances, roof forms, styles and non-uniformity together with front dormers (photo taken prior to further development to number 21)



Rear aerial view framing the context and neighbouring built and extended bulk and massing and styles (photo taken prior to further development to number 21)



Surface aerial view (photo taken prior to further extension development to number 21)



Garden view with number 21 to the left and the number 15 to extreme right



The 2-storey rear extensions at number 21 with its catslide roof housing 2 protruding chimneys



Appeal site juxtaposed with number 21 and its substantial rear outrigger extensions



Appeal site juxtaposed with number 17 and its two storey outrigger extensions

- 1.4. The appeal site benefits from approved permission for a single storey side extension and part single part two storey rear extension.¹ The instant scheme is to extend to the first floor side with a cat-slide roof design with a side dormer extension to create additional internal, useful bedroom space for the Appellant's growing family.
- 1.5. The Appellant's proposal is not disproportionate in size, scale and height to the property and its garden and is in keeping with the mixed, non-uniform character and appearance of the area. In particular, the end result following completion of the developments proposed will demonstrate subservience without impacting on neighbouring amenity.
- 1.6. The structure of this statement is as follows: Section 2 will state the planning history of the site and section 3 will highlight the relevant Development Plan policies and supplementary guidance. Section 4 will refer to other material considerations to be taken into account while Section 5 will provide a rebuttal of the LPA's reason for refusal and section 6 will provide concluding remarks. In doing so the Appellant will seek to persuade the inspector of the merits of his case in the overall planning balance based on paragraph 1.10.1 of the Procedural Guide. This paragraph underscores the basis upon which the inspector is to reach his/her judgement.

2 PLANNING HISTORY

- 2.1. As stated within the delegated report.

3 DEVELOPMENT PLAN and POLICY APPLICABILITY

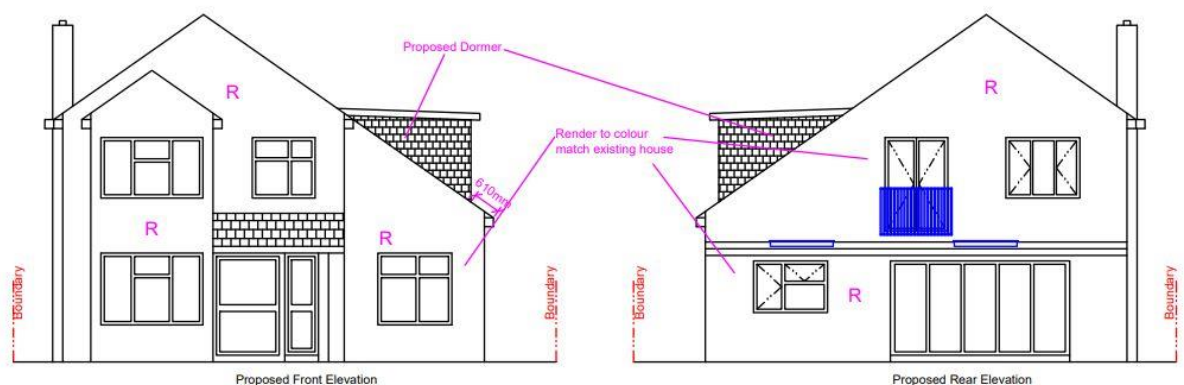
- 3.1. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, the statutory development plan policies are deserving of primacy with relevant material considerations to be taken into account in the planning balance.
- 3.2. The development plan is tiered and will soon comprise: 1) the regional spatial strategy or the Publication London Plan 2020² ("NLP"), and 2) the development plan documents making the London Borough of Hillingdon Local Plan ("LP") comprising Local Plan Part 1 adopted 2012 and Local Plan Part 2 adopted January 2020.
- 3.3. The LPA made the following commitment to the examining inspector of the Local

¹ See Appendix 1 for decision, officer report and approved plans

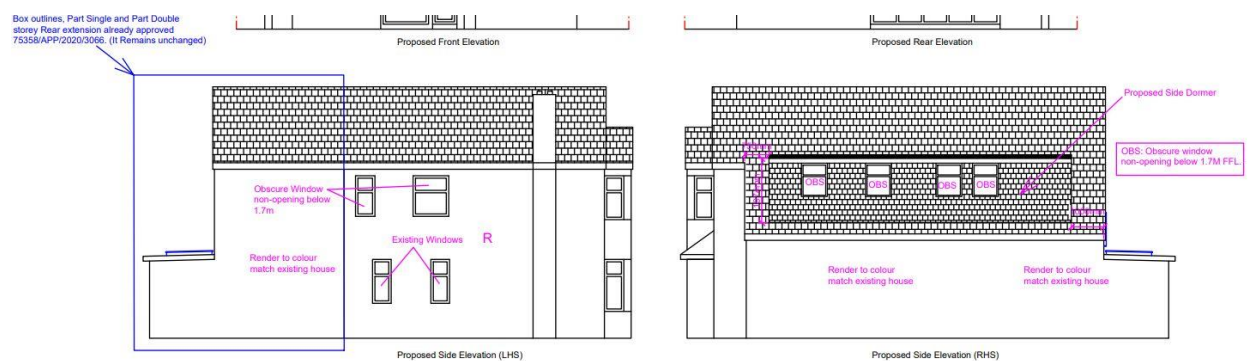
² The SoS has given his approval to the Mayor for its publication without further changes on 29 January 2021

Plan Part 2 as stated at paragraph 14 of the examination report dated 22 October 2019: "The HLPP2 is a plan that is intended to implement the strategy and objectives of HLPP1. It was widely accepted at the hearings that during the course of plan preparation there had been material changes in both national and London-wide policy along with a significant increase in growth in the Borough. Therefore, the Council have committed to an early review of the Local Plan in response to the emerging new London Plan..."

- 3.4. The relevant policies from the LP that the LPA stated in the decision notice to be breached are BE1, HE1, DMHB1, DMHB 5, DMHB 11 and DMHB 12. However, as the delegated report confirms the putative harmful impact is upon the street scene, character and appearance of the area but not on neighbouring residential amenity.
- 3.5. The development plan policies stated when fairly applied and as a whole in the context of what is being proposed and with respect to the existing character and appearance of the area would not be materially breached. The sketches below show the proposed appearance in the street scene



Proposed front and rear elevations



Proposed side elevations showing elements already approved

- 3.6. Paragraph 3.1.7 supporting NLP Policy D1 (London's form, character and capacity for growth. Defining an area's character to understand its capacity for growth)

states: "As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."

- 3.7. Design policy D3 of the NLP is directly relevant and applicable and the proposal would comply to optimize site capacity and enhance the local context and respond to local distinctiveness through layout, scale and appearance in order to create additional living space for the Appellant's family.

4 MATERIAL CONSIDERATIONS

MC1. The National Planning Policy Framework ("NPPF" or "Framework")

- 4.1. The Framework has no force of statute, it is no more than guidance but it and its policies amount to material considerations to be taken into account in the decision making process.
- 4.2. Paragraph 8 stresses the three objectives of sustainable development that the planning system seeks to achieve: economical, social and environmental.
- 4.3. Paragraph 38 encourages positive and creative decision making to achieve sustainable development.
- 4.4. Section 6 entitled Building a strong, competitive economy takes on a renewed and stronger focus as the country starts to re-power the engine of economic growth and development from the grassroots level after the effects of the Covid-19 pandemic on unemployment and the depth and extent of recession become apparent. The wording in paragraph 80 is prescient as to the significant role of planning decision making in the overall planning balance in the support at the small local level in this cumulative rejuvenation effort. Paragraph 81 d) guides on how planning policies need to be flexible to allow for new working practices and to enable a rapid response to changes in economic circumstances.
- 4.5. Section 12 seeks to achieve good design and paragraph 127 c) seeks planning decisions to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

MC2. Impact of Covid-19 pandemic on the pressure for additional living space as well as the impact on the wider economy

- 4.6. The Covid-19 crisis has impacted on changed behaviours in the home necessitating the need for additional space by household occupants and the Appellant is partly motivated by such concerns for family living, home working and other purposes under which the status quo of home space has been upended.
- 4.7. The Chancellor of the Exchequer giving evidence on 19 May 2020 to the Lord Economics Affairs Committee said: *"Although we have put unprecedented mitigating actions in place, I certainly won't be able to protect every job and every business. We're already seeing that in the data, and no doubt there will be more hardship to come. This lockdown is having a very significant impact on our economy. We are likely to face a severe recession, the likes of which we haven't seen, and of course that will have an impact on employment."* He went on to say it was not obvious there would be an immediate bounceback and that the degree of "scarring" (people suffering a permanent loss of wages or income) would increase the longer the recession went on. The present nationwide lockdown from 6 November 2020 is evidence of the continuing collateral economic impact of protection against the resurgent Covid-19.
- 4.8. In his recent letter dated 24 April 2020 to the Secretary of State ("SoS"),³ the Mayor seeks to work constructively with the SoS to finalise publication of the New London Plan as soon as possible. In it he says he is *"mindful of the need to support the development industry and the wider economy in the recovery from the Coronavirus crisis."* These sentiments merely echo the Government's own desire to kickstart economic and social drivers following dire current and expected statistics on the depression of the economy and the long-term impacts on unemployment caused by the pandemic.
- 4.9. To that end, a report recently published by Birmingham City University entitled 'Build Back Better' provides an opinion on the Covid-19 economic recovery plan by "Getting Britain Building."⁴ After providing the context of the over 10% decline in gross domestic product and lost jobs, it highlights the resilience of construction to generate economic activity to reflate the economy. Quoting the Royal Institution of Chartered Surveyor (RICS), it says that for every pound spent on construction, a return of £2.84 is generated. The construction multiplier effect is felt through the use of British-made building materials and employing local tradesmen and site personnel.

³ see Appendix 2

⁴ see Appendix 3

- 4.10. Although the proposal is modest in scale, it nevertheless will create some employment and construction spending on build materials and skips hire. Every little will help to ride through the present period of economic hardship.

5 REASON FOR REFUSAL, DELEGATED OFFICER REPORT AND APPELLANT REBUTTALS /SUBMISSIONS

Refusal Reason: The proposed development by reason of its size, scale, bulk and design would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding Garden City, West Drayton Area of Special Local Character. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020), Policy 7.8 of the London Plan (2016) and the NPPF.

- 5.1. The Appellant comments and rebuts (shown in red) specific remarks as annotations within the delegated report.⁵
- 5.2. The Appellant submits that, to the contrary, the development proposal accords with the development plan policies.

6 CONCLUSION

- 6.1. After the inspector has taken all the above matters and the accompanying evidence submitted as part of this appeal in the overall planning balance, it is respectfully requested that this appeal be allowed and planning permission be granted for the development.

LIST OF APPENDICES

1. Decision, officer report and plans for 75358/APP/2020/3066
2. Mayor's letter to SoS – 24 April 2020
3. Build Back Better – Covid-19 Economic Recovery Plan by Birmingham City University – May 2020
4. Annotated delegated report with Appellant's rebuttal comments

⁵ see Appendix 4