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APPEAL STATEMENT

SITE: FLAT 1, 72 COLHAM AVENUE WEST DRAYTON

LOCAL AUTHORITY: London Borough of Hillingdon

APPEAL AGAINST THE REFUSAL OF: Insertion of lightwell to front and increase in size of existing lightwell to rear

PLANNING APPLICATION NUMBER: 18095/APP/2020/3309

APPELLANT: Mr Naeem Ahmed

1. Introduction

This appeal is against the refusal of planning permission for the Insertion of a lightwell to front and increase in size of existing lightwell to rear of the property. The appeal site is an end of terrace dwelling on a street that is made up of other terraced and semi-detached houses of varying architectural stylings.

The crux of the refusal lies within the insertion of the lightwell to the front of the property which the Planning Officer has concluded would result in detrimental harm to the visual amenities of the street scene and would introduce unacceptable changes in appearance to the front elevation of the original dwelling. However, as is demonstrated from the plans submitted and an analysis of the streetscene, the lightwell will clearly have a minimal impact to both the dwelling and the streetscene due to its discreet location that can be hidden by a boundary wall and the fact that it is not visible at eye level. In addition to this, the lightwell will have no impact to either the material or appearance of the front elevation of the property.

The Planning Officer has also raised concerns with regards to the level of light in the habitable rooms. However, this is overcome in the fact that a Daylight and Sunlight assessment has been produced by an expert in the field who has concluded that the proposed habitable rooms within the flat will meet the minimum required average daylight factor targets should the lightwell be installed, in line with BRE Guidelines. However, the Planning Officer has chosen to disregard this evidence and instead follow their personal opinion.

2. Refusal Reasons

The refusal reason was dated the 11th of December and contained the following reasons for refusal:

The proposed development, by reason of its introduction to a lightwell to the front of the property, is considered to result in detrimental harm to the visual amenities of the street scene and would introduce unacceptable changes in appearance to the front elevation of the original dwelling. Therefore, the development is in contrary to Policies DMHB 11, DMHB 12, DMHD 1 and DMHD 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020). **Firstly, it should be drawn to attention that the visible changes to the property and by extension the streetscene occur below eye level, with no changes being made to the main façade of the host property. Therefore, the proposed new lightwell can be easily hidden from view through either landscaping or replacing the fence to the front of the property with hedging or a wall. Both of these solutions are seen on the streetscene in the surrounding built environment and mean that anything below the bay windows is not visible to the public and will therefore not impact the streetscene (see appendix). Further to this, it should be pointed out that the proposal site is not located on a remarkable street scene, it is not in a Conservation Area nor is it situated near any heritage assets.**

The proposed development, by reason of the siting of the bedroom windows and their proximity to the lightwell walls, would result in the provision of a habitable room with very poor levels of light and outlook that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies 3.5 and 5.3 of the London Plan (March 2016.) **Firstly, attention should be drawn to the Daylight and Sunlight assessment that accompanies this appeal. In this, it is concluded that the average daylight factor results show that the proposed habitable rooms within the flat will meet the minimum required average daylight factor targets should the lightwell be installed. As the authors of this assessment are the experts in this area, it is considered that this should override the Planning Officers subjective and non-expert opinion that there would be very poor levels of light, an opinion for which they have no evidence to support.**

3. Officer Report

To assist in the consideration of this appeal we have included the Planning Officer's report with commentary thereon as appropriate:

1. Summary

The application property comprises a basement and ground floor flat located on the Eastern side of Colham Avenue, West Drayton. The first and second floor are utilised by Flat 2 with a shared entrance at ground floor level. **This is correct.**

The proposed lightwell to the front of the dwelling is considered to result in detrimental harm to the visual amenities of the street scene and the original dwelling **The proposed lightwell would have a negligible impact on the streetscene and the original dwelling. As is seen in the appendix, the proposed lightwell will be discreetly located underneath the dwellings bay window and is not visible at eyelevel. In addition, the lightwell can be easily hidden from view through either landscaping or replacing the fence to the front of the property with hedging or a wall; both options seen on the streetscene. and the proposed development would result in a habitable room (basement window) with poor accommodation standards as a result of poor outlook. This is contrary to the Daylight and**

Sunlight assessment which concludes that the light levels in the room would be acceptable with the installation of the lightwell. As the authors of this assessment are the experts in this area, it is considered that this should override the Planning Officer's subjective opinion that there would be very poor levels of light, an opinion for which he has no evidence to support.

The proposed development, by reason of its introduction to a lightwell to the front of the property, is considered to result in detrimental harm to the visual amenities of the street scene and would introduce unacceptable changes in appearance to the front elevation of the original dwelling. Therefore, the development is in contrary to Policies DMHB 11, DMHB 12, DMHD 1 and DMHD 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) **Firstly, it should be drawn to attention that the visible changes to the property and by extension the streetscene occur below eye level, with no changes being made to the main façade of the host property. Therefore, the proposed new lightwell can be easily hidden from view through either landscaping or replacing the fence to the front of the property with hedging or a wall. Both of these solutions are seen on the streetscene in the surrounding built environment and mean that anything below the bay windows is not visible to the public and will therefore not impact the streetscene (see appendix). Further to this, it should be pointed out that the proposal site is not located on a remarkable street scene, it is not in a Conservation Area nor is it situated near any heritage assets.**

The proposed development, by reason of the siting of the bedroom windows and their proximity to the lightwell walls, would result in the provision of a habitable room with very poor levels of light and outlook that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies 3.5 and 5.3 of the London Plan (March 2016.) **) Attention should be drawn to the Daylight and Sunlight assessment that accompanies this appeal. In this, it is concluded that the average daylight factor results show that the proposed habitable rooms within the flat will meet the minimum required average daylight factor targets should the lightwell be installed. As the authors of this assessment are the experts in this area, it is disappointing that this was not considered to be accurate by the Planning Officer and they instead chose to go with their subjective opinion that there would be very poor levels of light, an opinion for which they have no evidence to support.**

3. Considerations

3.1 Site and Locality

The application property comprises a basement and ground floor flat in a four storey building located on the Eastern side of Colham Avenue, West Drayton. **This is confirmed**

The first and second floor are utilised by Flat 2 with a shared entrance at ground floor level. The rear garden is subdivided into two separate private garden areas which are enclosed by wooden fencing. The garden allocation is unclear from the plans submitted. The site has not been previously extended. **This is confirmed**

3.2 Proposed Scheme

The application proposes for the insertion of a lightwell to front and increase in size of existing lightwell to rear.

3.3 Relevant Planning History

18095/B/83/0130 72 Colham Avenue West Drayton Householder dev. (small extension,garage etc) (P)

Decision: 24-06-1983 Approved

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

6 neighbouring properties have been consulted by letter dated 20.10.20. By the end of the consultation period no objections have been received. **Confirmation that there have been no letters of objection therefore no objections from any neighbouring properties. This should be a material planning consideration.**

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHD 1 Alterations and Extensions to Residential Dwellings

DMHD 3 Basement Development

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

LPP 5.3 (2016) Sustainable design and construction

In addition:

7. Main Planning Issues

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

The development would not involve the change in bulk and size of the existing property, and as such it is not considered to have any neighbourly impacts as a result of the installation of lightwells.

7.2 Impact on streetscene

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:

A) All development, including extensions, alterations and new buildings, will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context; **The proposal fully complies with this. Though it is accepted that there are no other lightwells present on the streetscene, this is not an unexpected addition to a dwelling in a residential context. In addition, the proposed lightwell can be well hidden as not only**

is it below eyelevel, the introduction of a hedge/wall/landscaping will be that it is fully hidden from view unless entering the property.

ii) ensuring the use of high quality building materials and finishes; **The proposal will fully comply with this in that it will be using materials of the highest quality which will last. The materials will also be fully compliant with British Standards.**

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; **Not applicable.**

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and **The proposal will have no impact on any heritage assets or any features of a positive value within the locality.**

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. **The proposal will have no impact on landscaping; on the contrary, landscaping is proposed to decrease the visibility of the proposed lightwell.**

B) Development proposals should not adversely impact on the amenity of adjacent properties and open space. **The proposal fully complies with this.**

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and In addition should appear subordinate to the main dwelling. **As is seen from the proposed lightwells in the appendix, the proposal will have a negligible impact on the character and appearance of the streetscene as not only will it be installed below eyelevel, it will be invisible to the passer-by as will be located behind a fence/hedge/wall. The proposal is also subordinate to the main dwelling.** It also required that there is no unacceptable loss of outlook to neighbouring occupiers. **There is no unacceptable loss of outlook to neighbouring properties.**

Policy DMHD 3: Basement Development states that "When determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. **The proposal will not cause harm to the built and natural environment nor the local amenity and will not result in flooding or ground instability. It is therefore fully compliant with this policy.** Developers will be required to demonstrate by methodologies appropriate to the site that their proposals:

i) avoid adversely affecting drainage and run-off or causing other damage to the water environment; **The proposal fully complies with this,**

ii) avoid cumulative impacts upon structural stability or the water environment in the local area." **The proposal fully complies with this.**

Basement developments will be supported where they do not negatively impact the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the historic or architectural character of the street scene or adversely affect the natural environment. **The proposed lightwell will not result in any of the aforementioned issues and therefore fully complies with this.**

Paragraph A1.40 states that "Basement lightwells will not be acceptable at the front or side of a property, as they would introduce unacceptable changes in appearance to the front elevation and restrict access and planting opportunities." **Firstly, this was written in 2015**

The proposal involves the insertion of a lightwell to front and increase in size of existing lightwell to rear. Although there are no objections to the increase in size of lightwell to the rear, the front lightwell introduced is considered unacceptable. The lightwell faces the road and will be highly visible from the street scene, distracting from the character of the local area and the principle elevation of 72 Colham Avenue. **As the plans demonstrate, the lightwell will be below eyelevel, underneath the bay window, therefore it is evident that this is not 'highly visible' and anyone who happens to see it would see it incidentally.** There are also other measure that can be implemented through planning conditions to further ensure the visibility of the lightwell is minimised. For example, many of the properties on the street have hedges, walls and landscaping which means that anything beneath the bay window is fully hidden from view. This is clearly seen from Google Street view (Please see appendix for evidence). From Google Street view and the councils planning database, it appears that no other property has been extended in such a way. **Firstly, this proves that the introduction of a lightwell can be almost invisible to passers-by as none are visible from Google Street View.** As such, it is considered that the development would cause harm to the visual amenities of the street scene and would introduce unacceptable changes in appearance to the front elevation of the original dwelling. **Though it would introduce a change to the dwelling, this change would have no impact to the appearance of the front elevation.** As the images and plans demonstrate in the appendices, the appellant intends for the proposed lightwell to be flush with the floor and will not alter the material or appearance of the front elevation in anyway. In addition, the lightwell will not be visible in any way from the streetscene unless actually entering the property. It should also be noted that the host dwelling is not a listed building, nor a heritage asset, nor located in a Conservation Area. Therefore, there is nothing preventing the building having such modest alterations that would provide the occupant with a better quality of life. The development is in contrary to Policy DMHB 11, DMHD 1 and DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

7.3 Traffic Impact/Pedestrian Safety

No impact. **Confirmation that there is no impact on the traffic or pedestrian safety**

7.4 Carparking & Layout

No impact **Confirmation that there is no impact on**

7.5 Urban Design, Access and Security Considerations

Discussed above

7.6 Other Issues

Daylight/Sunlight assessment:

A document has been submitted in support of the application showing a daylight and sunlight assessment according to BRE standards. This assessment states that the basement bedroom should have a 1% daylight factor, and that the proposed lightwell to the front and small window to the rear would sufficiently be able to provide this. With regards to the ground floor living room and kitchen, the document states that the proposal would surpass the expectations of BRE standards. However, it is considered by the planning officers judgement that a 1% daylight rate is very marginal. From the

diagram submitted most of the bedroom appears to be within a dark zone and hence it is not considered that sufficient light levels would be provided for the occupants of this dwelling. **Though it should be noted that the person who wrote the daylight and sunlight assessment is an expert in the area with specialist knowledge. Therefore, their belief that the bedroom would have 1% daylight (Which is supported with evidence and a methodology) should be held in higher regard than the Planning Officers subjective opinion that the 'daylight rate is very marginal'. It is disappointing that this assessment, done by a specialist, was not held in higher regard. Furthermore, the BRE standards were also written by experts in the area, experts who would not state that 1% is an acceptable allowance if it were not. It is therefore requested that the daylight and sunlight assessment should be a significant material planning consideration with this appeal.**

Furthermore, it is not considered that this level of outlook would be sufficient for a large habitable bedroom to the ground floor. The lightwell and small window would not provide sufficient outlook, with the window set below ground floor level, facing walls, which are very close, either side. **It is not a planning requirement for bedrooms to have outlook.**

As such it is considered that the proposed development would result in the provision of a habitable room with very poor levels of light and outlook and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. **This opinion is contrary to the evidence supplied in the Daylight and Sunlight Assessment which concludes that there would be acceptable light levels in the room based on BRE standards. The issue of outlook is a material one and holds little weighting as it is not a planning requirement for bedrooms to have outlook.** The proposal is thus contrary to Policy DMHB 11, DMHD 1 and DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016), Policies 3.5 and 5.3 of the London Plan (2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts **These are all addressed with commentary in sections 5 and 6 of this appeal.**

8. Reference 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)

West London Waste Plan (2015)

The London Plan - Consolidated With Alterations (2016)

National Planning Policy Framework

4. Issues for Appeal

The appeal incurs the following issues for appeal:

- The Daylight and Sunlight Assessment Report, produced by experts, demonstrates that there is an adequate level of light in the room in line with BRE guidelines. However, the Planning Officer opinion has seemingly overruled this evidence despite it being from an expert.
- The proposal has received no objections from any neighbouring properties or consultees.
- The proposed lightwells will not be visible from the streetscene as they are located in a discreet locations and the one to the front will be hidden by the fence to the property. It can be further hidden through replacing the fence with a hedge/wall/landscaping which can be controlled through a condition.
- The street in which the development site is within has an unremarkable streetscene and the property is not located in a Conservation Area, nor is it a heritage asset or Listed Building.
- The proposal fully complies with the National Planning Policy Framework.

5. National Planning Policy Framework

It is important to respectfully draw to the inspector's attention to relevant sections of the NPPF that have either been overlooked, misinterpreted, or not given due weight and consideration within the decision-making process. The following sections are highlighted as requiring attention. Significantly there has been minimal reference to the NPPF throughout the refusal which the following section being clearly not given weight by the Planning Officer. It is respectfully requested that the following sections which have been extracted to support the appeal are reviewed as they are in full accordance with this proposal:

Para. 2: Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. **Whilst local planning policies should present weight to the proposal, the NPPF also presents the inspector with sufficient enough grounds to accept this appeal, in particular, the references made within the NPPF to achieving sustainable development and "meeting the needs of the present without compromising the ability of future generations to meet their own needs". These have not been referred to once in this refusal notice. This proposal is meeting the needs of the appellant who requires the addition of lightwells to their property in order to increase the amount of light in habitable rooms for any potential tenants.**

Para. 3: The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3. **This demonstrates how the NPPF must be considered as-a-whole and equally by implication the same should apply to the application of individual policies contained within the LDP. This has clearly not happened in the decision-making process for this application as there has been an unfair weighting placed on the Planning Officer's subjective opinion that there will be an inadequate amount of daylight into the room, which is an opinion that is totally contrary to the evidence supplied in the Daylight and Sunlight assessment. There needs to be a fresh consideration of how aligned the proposal is with both local and national planning policy, especially as the Local Plan is out of date.**

Presumption in favour of sustainable development

Achieving sustainable development

Para. 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. **The proposed lightwells are meeting the need of the owner of the property to increase the daylight in the habitable rooms for his tenants. The lightwells will provide adequate lighting in line with the BRE recommendations and will therefore have a positive impact on the health and well being of the tenants. In addition, this proposal does not compromise the ability of future occupants to meet their own needs yet meets the needs of the present occupiers and therefore fully complies and accords with this policy.**

Para. 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; **This proposal will generate work for local builders, and tradespeople which in turn will contribute to the local economy. This is especially important in the current climate, with many local tradespeople struggling financially due to the long-lasting effects of the Covid-19 lockdown.**

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and **The proposal will create habitable living spaces with adequate lighting levels in line with BRE guidelines which will therefore support a strong, vibrant and healthy community. It will be meeting the need of the present generation for light but also not impact the needs of any future generations.**

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy **The proposal will be making effective use of land by installing a lightwell in a discreet location that has the room and space to accommodate for such an insertion.**

Section 12: Achieving well designed places

An analysis of the proposal against section 12 shows that it is aligned. In particular the following part of section 12 is of particular relevance:

Para. 127: Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development: **As is evidently clear from the plans submitted and the example lightwells that the appellant wishes to mimic, the proposed lightwells will have little/no impact on the quality of the area as they simply will not be visible.**

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping: **The proposal fully complies with this.**

c) 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); **The proposal is sympathetic to the unremarkable local character and surrounding built environment in that it is in a discreet location, flush with the floor and is not visible from the public realm, only when entering the property.**

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; **The proposal maintains the arrangement of the street.**

e) optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and **This proposal contributes to a mix by adding lightwells to the existing dwelling and therefore generating a property with additional living space.**

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience **The proposal will create more comfortable habitable spaces that are in line with BRE guidelines for the amount of light that should be in a room. Therefore, this proposal is helping to create spaces that will promote the health and well-being of the occupants.**

Para. 124: The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. **These are well designed, high quality lightwells that have virtually no impact on the streetscene and the character of the host dwelling as they are not visible from the streetscene.**

6. Local Planning Policy

Set out below are relevant policies referred to against which to assess the appeal proposal against with commentary as appropriate under each part:

London Borough of Hillingdon Local Plan Part 1 (2012)

Policy BE1: Built Environment

The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:

1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place; **The proposal fully complies with this; it is a high quality design in that it is not visible from the public realm and has no impact on the character of the host dwelling or the street scene.**
2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties; **The proposal fully complies with this; As mentioned, it is not visible from the public realms and therefore has no impact on the identity and context of Hillingdon's buildings, townscapes, landscapes and views It will have no impact on the amenities of neighbouring properties, but will improve the amenity of the occupant by improving the light levels in the bedroom.**
3. Be designed to include "Lifetime Homes" principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly, 10% of these should be wheelchair accessible or easily adaptable to wheelchair accessibility encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people's lives; **Not applicable.**
4. In the case of 10 dwellings or over, achieve a satisfactory assessment rating in terms of the latest Building for Life standards (as amended or replaced from time to time); **Not applicable.**
5. Improve areas of poorer environmental quality, including within the areas of relative disadvantage of Hayes, Yiewsley and West Drayton. All regeneration schemes should ensure that they are appropriate to their historic context, make use of heritage assets and reinforce their significance; **Not applicable.**
6. Incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services; **Not applicable.**
7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife, encourage physical activity and where appropriate introduce public art; **Not applicable.**
8. Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standards and address resilience to terrorism in major development proposals. **The proposal fully complies with this.**

9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas; London Borough of Hillingdon 80 Hillingdon Local Plan: Part 1 - Strategic Policies (Adoption version) 7 Core Policies - Historic and Built Environment **Not applicable.**

10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero carbon technologies. Where the required reduction from on-site renewable energy is not feasible within major developments, contributions off-site will be sought. The Council will seek to merge a suite of sustainable design goals, such as the use of SUDS, water efficiency, lifetime homes, and energy efficiency into a requirement measured against the Code for Sustainable Homes and BREEAM. These will be set out within the Hillingdon Local Plan: Part 2- Development Management Policies LDD. All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill; **Not applicable.**

11. In the case of tall buildings, not adversely affect their surroundings including the local character, cause harm to the significance of heritage assets or impact on important views. Appropriate locations for tall buildings will be defined on a Character Study and may include parts of Uxbridge and Hayes subject to considering the Obstacle Limitation Surfaces for Heathrow Airport. Outside of Uxbridge and Hayes town centres, tall buildings will not be supported. The height of all buildings should be based upon an understanding of the local character and be appropriate to the positive qualities of the surrounding townscape. **Not applicable.**

Support will be given for proposals that are consistent with local strategies, guidelines, supplementary planning documents and Hillingdon Local Plan: Part 2- Development Management Policies. **By this, the proposal should have been supported.**

London Borough of Hillingdon Local Plan Part 2 (2020)

Policy DMHB 11: Design of New Development

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures; **The proposal fully complies with this, it will not increase the scale of the property in anyway.**

- building plot sizes and widths, plot coverage and established street patterns; **The proposal fully complies with this.**

- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; **The proposed lightwells will have no impact on the building lines, setbacks, rooflines or streetscape rhythm as they will be flush with the ground and have no visual impact.**

- architectural composition and quality of detailing; **The architectural composition of the proposed lightwells takes into account the surrounding built environment and has ensured that the lightwells will not be visible to passersby.**

- local topography, views both from and to the site; and **The proposal will have no impact on this. It is flush with ground floor level so will have no effect on local topography and/or views.**

- impact on neighbouring open spaces and their environment. **The proposal will have no impact on neighbouring spaces.**

ii)ensuring the use of high-quality building materials and finishes;**The proposed lightwells will use high quality building materials.**

iii)ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; **The proposal will maximise the sustainability of the habitable rooms by providing them with an adequate amount of daylight in line with BRE guidelines.**

iv)protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and **Not applicable; the proposal site is not a heritage asset and will have no impact on any assets settings.**

v)landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. **Not applicable.**

B)Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. **The proposal will have no impact on amenity, daylight and sunlight of adjacent properties and open spaces.**

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs. **Not applicable.**

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours. **Not applicable.**

Policy DMHD1: Alterations and Extensions to Residential Dwellings

A) Planning applications relating to alterations and extensions of dwellings will be required to ensure that:

i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area; **There will be no adverse impact as a result of this proposal – The lightwell is flush with the floor and is therefore not visible at eyelevel or to passers-by. As it is located on the floor, it can also be hidden through the introduction of hedging, landscaping, or a wall all of which are seen in the surrounding streetscene.**

ii) a satisfactory relationship with adjacent dwellings is achieved; **The proposal fully complies with this.**

iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height; **Not applicable.**

iv) new extensions respect the design of the original house and be of matching materials; **Not applicable**

v) there is no unacceptable loss of outlook to neighbouring occupiers; **The proposal fully complies with this.**

vi) adequate garden space is retained; **The proposal fully complies with this.**

vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C; **Not applicable.**

viii) trees, hedges and other landscaping features are retained; and **The proposal fully complies with this.**

ix) all extensions in Conservation Areas and Areas of Special Local Character, and to Listed and Locally Listed Buildings, are designed in keeping with the original house, in terms of layout, scale, proportions, roof form, window pattern, detailed design and materials. **The proposal is not located within a Conservation Area, nor is it for an extension, therefore this is not applicable.**

Policy DMT 6: Vehicle Parking

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or

ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

The proposal would have no impact on car-parking and is therefore fully compliant with this policy.

Policy DMHD 3: Basement Development

A) When determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Developers will be required to demonstrate by methodologies appropriate to the site that their proposals:

i) avoid adversely affecting drainage and run-off or causing other damage to the water environment; **The proposal fully complies with this.**

ii) avoid cumulative impacts upon structural stability or the water environment in the local area; **The proposal fully complies with this.**

B) Schemes should ensure that they:

i) do not harm the amenity of neighbours; **The proposal will have no impact on the amenity of any neighbouring properties**

ii) do not lead to the loss of trees of townscape or amenity value; **The proposal will not lead to the loss of trees of townscape or amenity value**

iii) do provide satisfactory landscaping, including adequate soil depth; **Not applicable.**

iv) do not harm the appearance or setting of the property or the established character of the surrounding area, for example through the introduction of front lightwells; and **Firstly, though this proposal is for the induction of a front lightwell, it is clear from the plans and the photographs of the planned outcome that the proposal will not impact either the host dwelling or the streetscene. The proposed lightwell is flush with the floor and not visible in anyway from the eyelevel of the public and even if it were – this can easily be overcome through the addition of a wall/hedge/landscaping. Secondly, the character of the surrounding area is wholly unremarkable. It is not a Conservation Area and the host dwelling is not a Listed Building.**

v) do protect important archaeological remains. **Not applicable.**

C) The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. **The area is not prone to flooding.**

D) The Council will not permit basement schemes in Listed Buildings and will not permit them in Conservation Area locations where their introduction would harm the special architectural or historic character of the area. **The proposal site is not located within a Listed Building or Conservation Area.**

[The London Plan \(2016\)](#)

Policy 3.5 Quality and Design of Housing Developments

Strategic

A Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified. **The proposed lightwells are of the highest quality in that they are designed in a manner that is not visible from the streetscene and will have no impact on the character of the host dwelling or the surrounding streetscene.**

Planning decisions and LDF preparation

B The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people. **The proposed are designed in a manner that is not visible from the streetscene and will have no impact on the character of the host dwelling or the surrounding streetscene.**

C LDFs should incorporate requirements for accessibility and adaptability¹, minimum space standards including those set out in Table 3.3, and water efficiency. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. new homes should have adequately sized rooms and convenient and efficient room layouts which are

functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process. **Not applicable.**

D Development proposals which compromise the delivery of elements of this policy, may be permitted if they are demonstrably of exemplary design and contribute to achievement of other objectives of this Plan. **Not applicable.**

E The Mayor will provide guidance on implementation of this policy that is relevant to all tenures. **Not applicable.**

Policy 5.3 Sustainable Design and Construction

Strategic

A The highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Planning decisions

B Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process. **The proposal fully complies with this in that the appellant has consulted experts in order to produce a Daylight and Sunlight Assessment Report that demonstrates how the lightwells will result in a sustainable amount of light is achieved in the bedroom.**

C Major development proposals should meet the minimum standards outlined in the Mayor's supplementary planning guidance and this should be clearly demonstrated within a design and access statement. The standards include measures to achieve other policies in this Plan and the following sustainable design principles: **This is not a major development so the following sections are not applicable:**

a minimising carbon dioxide emissions across the site, including the building and services (such as heating and cooling systems)

b avoiding internal overheating and contributing to the urban heat island effect

c efficient use of natural resources (including water), including making the most of natural systems both within and around buildings

d minimising pollution (including noise, air and urban runoff)

e minimising the generation of waste and maximising reuse or recycling

f avoiding impacts from natural hazards (including flooding)

g ensuring developments are comfortable and secure for users, including avoiding the creation of adverse local climatic conditions

h securing sustainable procurement of materials, using local supplies where feasible, and

i promoting and protecting biodiversity and green infrastructure.

LDF preparation

D Within LDFs boroughs should consider the need to develop more detailed policies and proposals based on the sustainable design principles outlined above and those which are outlined in the Mayor's supplementary planning guidance that are specific to their local circumstances.

7. Conclusion

In conclusion, it can be clearly ascertained that the application was refused based upon the Planning Officer's subjective assessment that the proposal will have a detrimental impact on the character of the dwelling and streetscene as well as the planning officer's belief that his/her opinion overrides the evidence that the flat will meet the minimum required average daylight factor targets should the lightwell be installed, in line with BRE Guidelines and as presented by the expert in the report.

Throughout the proposal it is quite clear that the planning authority has unfortunately over-looked the need to apply the NPPF and as such has neglected to factor the relevant policies such as the presumption in favour of sustainable development into consideration. Therefore, a subjective view is overruling a need to introduce light into habitable rooms. The Local Plan Policies as evidenced above are actually complied with therefore, this proposal is in accordance with the development plan.

Finally, it should be noted that there have been no letters of objection received from any consultees or neighbouring properties with regards to the proposal, which is a testament to the high quality design and acceptability of the scheme.

8. Recommendation

That this appeal be allowed

HEAL Planning

11 St Marys Place

Shrewsbury

Shropshire

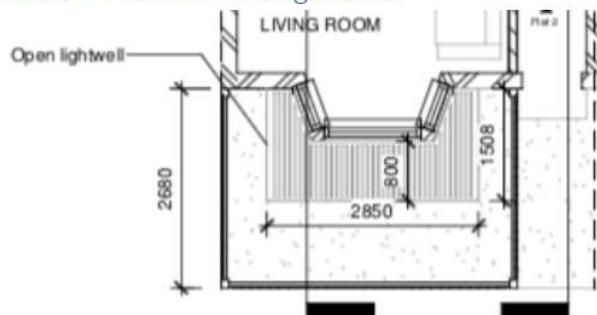
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9. Appendices

Appendix 1 – Example lightwells that the appellant is intending to mimic. As is demonstrated in the examples, they are flush with the floor and are wholly discreet and unnoticeable.



Appendix 2 – Plans for the lightwells



2 00- Proposed
1 : 100

Appendix 3 – Examples of screening in the surrounding streetscene that could be implemented to further conceal the lightwell. Please note how nothing is visible below the bay window in these examples.





