



# J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mr Manjit Singh Jhand against the decision by the  
London Borough of Hillingdon to refuse planning permission for a  
two storey, three bedroom attached dwelling with parking at 25  
Friar Road, Hayes, UB4 9BZ

Local Planning Authority Reference: 21981/APP/2021/249

Appellants Reference: JL13421

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**1. INTRODUCTION**

- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

**2. THE APPEAL**

- 2.1 The appeal concerns a refusal of planning permission for an attached three bedroom dwelling. The Council's reasons for refusal are as follows:

1. The proposed development by reason of its size, scale, bulk, height, depth, width, proximity to the side boundary and projection forward of the return building line along Mariam Close, in this open prominent position, would result in the closing of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the visual amenities of the street scene and the character and appearance of the surrounding area. The proposed development is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

2. The proposed two storey side dwelling, by virtue of its siting, size, scale, width and design, including the lack of a set back from the front at all levels and excessive width, would fail to appear as a subordinate addition and would thus fail to harmonise with the architectural composition of the original semi-detached dwelling, would be detrimental to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part and to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

**3. SITE AND SURROUNDINGS**

- 3.1 The appeal comprises a semi detached dwelling located on the west side of Friar Road. The surrounding area is predominantly residential, in terms of both built form and land use.

#### 4 **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2018, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

1. **An economic role** – contributing to building a strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, and by identifying and coordination development requirements, including the provisions of infrastructure.
2. **A social role** - supporting strong, vibrant, and healthy communities, by providing a supply of housing required to meet the needs of present and future generations, and by creating a high-quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being; and
3. **An environmental role** – contributing to protecting and enhancing our natural, built, and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social, and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural, and historic environment, as well as people's quality of life, including (but not limited to):
1. Making it easier for jobs to be created in cities, towns, and villages.
  2. Moving from a net loss of biodiversity to achieving net gains for nature.
  3. Replacing poor design with better design.
  4. Improving the conditions in which people live, work, travel and take leisure; and
  5. Widening the choice of high-quality homes.
- 4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both

plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 4.8 The Borough Council have provided two reasons for refusal which, in turn, raises two primary issues. Both issues are concerned with the visual amenities of the area. The first reason for refusal relates to whether the appeal proposal represents a visual overdevelopment of the appeal site, whilst the second reason relates to appearance and symmetry of the pair of semi detached

houses. Both issues are related and a response to the issues would result in an overlap and duplication of submissions.

- 4.9 In support of the Council's concerns, reference has been made to provisions within the Local Plan – Parts One and Two. Within this context, the merits of the appeal proposal will be assessed.

**BE1**

- 4.10 The following factors collectively ensures that the requirements of the policy are satisfied:
- (i) The existing overall design of the appeal proposal, in respect of size, scale, bulk, height, depth, width, would be consistent with neighbouring built forms.
  - (ii) The siting and position of the side elevation of the proposed dwelling and the side boundary would also be consistent with the prevailing pattern of development.
  - (iii) The separating distance between the appeal proposal and the front elevation of no. 2 Marian Close, would ensure that the visual integrity of Marian Close remains preserved.
  - (iv) The existing open area to the side of the host dwelling is bounded by a boundary wall. The presence of a two storey dwelling would not impede views or vistas, or result in the development of an open

communal area of landscaped space, therefore, not resulting in a compromise of the character and appearance of the locality.

- (v) The siting and position of the appeal proposal, together with the overall height and roof profile, would not represent an overdevelopment of the appeal.
- (vi) The Council have not raised concerns relating to the standard of accommodation, car parking, retention and provision of garden space, all key indicators which provide confirmation that the proposal would not constitute an overdevelopment of the appeal site.
- (vii) The appeal proposal replicates architectural details which are integral to the host dwelling, and
- (viii) The appeal site, host dwelling and surrounding built forms, are not designated as heritage assets. Therefore, the creation of the built form as proposed, would not detract from the overall composition of existing built forms, to justify a denial of permission.

#### **DMHB 11**

4.11 The appeal proposal meets the requirements of the policy for the following reasons:

- (i) The overall height, mass, and bulk of the proposed dwelling would be commensurate with neighbouring built forms.

- (ii) The creation of an end of terrace dwelling would differ from the prevailing semi detached built forms. However, given that the architectural and historic significant of a semi detached form is not of utmost importance, the provision of an end of terrace built form would not significantly impair the character and appearance of the locality.
- (iii) The overall visual integrity of dwellings fronting Marian Close would remain preserved, due to separating distances and the enclosed linear nature of the boundary wall, as opposed to an open parcel of land.
- (iv) The architectural composition and detailing, for example, in respect of eaves alignment, porch details, would be consistent with the host dwelling and surrounding built forms; and
- (v) The proposed building materials, including joinery details, are intended to match the host dwelling and compliment surrounding built forms.

#### **DMHB 12**

- 4.12 The public realm is influenced by the corner location and open aspect of the appeal site.
- 4.13 The importance of maintaining this open aspect within the public realm needs to be balanced against the benefits which would arise from the development. Furthermore, the importance of preserving this open feature is supported by a designation and similar locations within the wider locality, which exhibit forms of development, in terms of built profile, would have some consistency and

coherence with the appeal proposal. Therefore, in reaching a balanced decision, the proposal should be viewed within this context.

#### **DMHD 1**

- 4.14 The criteria of the policy do contain principles which are reflected by policy BE1, DMHB 11 and DMHB 12. Therefore, reference is made to preceding submissions.

#### **5. CONCLUSIONS**

- 5.1 The appeal proposal would result in the provision of additional, much needed, housing, as identified by current development plan provisions. In turn, the additional housing would generate economic and social benefits also identified by current development plan provisions. The modest increase in housing provision and its important contribution to overall housing provision, should not be underestimated.
- 5.2 The appeal proposal would generate direct and indirect employment which, in turn, would generate significant benefits at these exceptional and challenging times.
- 5.3 The appeal proposal, by virtue of the reasons stated above, would not harm the visual amenities of the area.
- 5.4 In these circumstances, the appellant respectfully requests that the Inspector upholds the appeal.