



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Sokhi

Proposal:

Erection of a two storey, 2 bed dwelling with associated parking and amenity space

Appeal Site:

1 Adelphi Crescent, Hayes, UB48LY

Our Ref:
Your Ref:

75616/APP/2020/2866
APP/R5510/W/21/3271814

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the erection of a two storey, 2 bed dwelling with associated parking and amenity space
- 1.2 The LPA refused planning permission on 02.11.2020 for the following reasons (as stated on the decision notice):
 1. The proposal by reason of its siting in this open prominent position, size, scale, bulk and proximity to the side boundary would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the character, appearance and visual amenities of the area and to this existing open area of the street scene. Therefore, the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies 3.5 and 7.4 of the London Plan (2016).
 2. The proposal by reason of its siting in this open prominent position, size, scale, bulk and design would be detrimental to the character, appearance and visual amenities of the street scene and the wider area. Therefore, the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies 3.5 and 7.4 of the London Plan (2016).
 3. The proposed dwelling, by reason of its siting, size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupier at 1 Adelphi Crescent by reason of overdominance, overshadowing, loss of light, visual intrusion and loss of outlook. Therefore, the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
 4. The proposal would provide double bedrooms of an unsatisfactory size and quality for the future occupiers of the proposed dwelling and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).
 5. The proposed dwelling, by reason of its size and design would be inaccessible to wheelchair-users contrary to policies 3.8 and 7.2 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: Accessible Hillingdon.

6. The proposed development would result in the creation of an excessive area of hardstanding at the front of the original dwelling at 1 Adelphi Crescent and the proposed dwelling with a consequent reduction in the overall provision of front garden area/amenity space and soft landscaping. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies.
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of Case.

2. LPA Comments on Appellant's Statement of Case

Impact on the character and appearance of the Site

- 2.1 The Council disagrees with the appellant that the proposed development would not appear as a cramped form of development and would respect the established character of the area for the reasons set out in Section 7.2 of the attached delegated report.
- 2.2 In response to the Council's concerns about the position of the proposed dwelling in close proximity to the boundary resulting in the loss of space on this prominent corner plot, the appellant has provided examples of extensions to the side of other properties in the area and tabled their open space area to the side and length along the street. However, these are single-storey extensions that are visually subordinate to their respective dwellings. Conversely, the proposal is for a two-storey dwelling that would enclose this important visual gap both in area and vertically, appearing unduly cramped within the site. Therefore, the Council maintains that the proposed dwelling would by reason of its siting in this open prominent position, size, scale, bulk and design would be detrimental to the character, appearance and visual amenities of the street scene and the wider area as set out in section 7.2 of the officer delegated report.

Impact on residential amenity

- 2.3 The appellant maintains that the windows in the host dwelling, most affected by the proposal, serve non habitable rooms or rooms that are served by another light source. However, it is not only light provision that the Council raises concerns but also visual intrusion, particularly as the separation distance between the two storey elements of the host dwelling and proposed dwelling is just 5.6m. Given the proximity

and orientation of the proposed dwelling, the outlook from rear facing windows and the garden to the rear would be dominated by the proposed dwelling resulting in an unacceptable loss of light and outlook. The private patio area to the rear of the host dwelling would be dominated by the proposed dwelling.

Living conditions for future occupants

- 2.4 The Council accepts that the amended plan submitted with this appeal to reflect a reorganisation of the internal first floor would meet the London Plan Requirements and National Space Standards. However, the application was refused based on the drawings submitted for the planning application.

Accessibility

- 2.5 The Council acknowledges that amended plans have been submitted with the appeal to ensure that the proposed dwelling incorporates design features which are incompatible with the standards required Policy D7 of the London Plan (2021). However, as noted above, the application was refused based on the drawings submitted for the planning application.

Landscaping

- 2.6 The Council remains concerned that the frontage of the proposed dwelling would be dominated by hardstanding as set out in section 7.6 of the Officers delegated report.

3. Conclusion

- 3.1 For the reasons set out in the delegated report and this statement, the proposal is considered to result in a visually incongruous form of development which would be out of keeping with the established character of the area. The proposal would also result in a loss of residential amenity to the occupants of the host dwelling at Number 1 Adelphi Crescent. The Inspector is therefore respectfully requested to dismiss the appeal.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 3.

Appendices

Appendix 1 – Planning Officer’s Delegated Report

Appendix 2 – Copies of Relevant Planning Policies

Appendix 3 – The LPA’s Recommended Conditions

APPENDIX 3
SUGGESTED CONDITIONS

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

FDC-20-04-01
FDC-20-04-02a
FDC-20-04-06a
FDC-20-04-03
FDC-20-04-04
FDC-20-04-05
FDC-20-04-10a
FDC-20-04-07a
FDC-20-04-08a
FDC-20-04-09a
FDC-20-04-12

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

3. No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such. Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -
- 1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 - 2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (such as play equipment and furniture)
 - 3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
 - 4. Schedule for Implementation
- Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that Order with or without modifications), no outbuildings, enlargement or other alteration to the dwellinghouse hereby approved, shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To prevent the overdevelopment of the site to safeguard the living conditions of adjoining properties and the visual appearance of the property and area as a whole, in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

6. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

REASON

In the interests of highway and pedestrian safety in accordance with policy DMT 2 of the Hillingdon Local Plan Part 2 (2020).