



APPEAL STATEMENT

in respect of
1-2 Marlborough Parade, Hillingdon

on behalf of
Erindale Limited

LPA Ref: 19108/APP/2020/3815

12 March 2021

Client Reference: RCA811a

QMS

DATE 12/03/2021 17:38:31

FILE LOCATION

C:\Users\VictoriaLane\RCA Regeneration\RCA Share - General\Jobs\D - F\Erindale Limited (RCA811)\1-2 Marlborough Place, Hillingdon (RCA811a)\PRE-SUBMISSION

AUTHOR VL

CHECKED BY SG

VERSION ISSUED TO

☐ Client

☐ LPA

☒ Other

VERSION FOR

☐ Checking

☒ Submission

☐ Client



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1. INTRODUCTION

- 1.1. This appeal is made by Erindale Limited (the appellant) against the non-determination of a planning application submitted to the London Borough of Hillingdon. The appeal is submitted by RCA Regeneration Limited (the agent).
- 1.2. The application was made under application reference 19108/APP/2020/3815 and was submitted to the Council on 19th November 2020. The application was validated on 8th January 2021 and a decision was due to be issued by 5th March 2021 but this has not been forthcoming.
- 1.3. The application proposals are for a three storey side extension and two storey rear extension to create a retail unit, 4 x 2 bed self-contained flats with associated amenity, cycle and refuse store.
- 1.4. The application was accompanied by the following documentation:
 - Location Plan
 - Proposed Floor Plans/Elevations and Block Plans
 - Design and Access Statement
 - Daylight and Sunlight Assessment
 - Flood Risk Assessment
 - Parking Beat Data and Summary
- 1.5. The last form of communication held with the case officer, was an email exchange on 2nd March 2021 setting out the concerns over the development and two potential refusal reasons. The potential refusal reasons are as follows:
 1. *The proposal would result in a poor level of light and outlook to the future occupants of Mews Flats Numbers 2 and 3 having regard to the close proximity of rear facing windows serving habitable rooms to the flank wall of 2 Marlborough Road. The proposal is therefore contrary to Policy DMHB11 of the Hillingdon Local Plan – Part Two (2020) and Policy D6 of the London Plan (2021).*
 2. *The proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policy DMHB18 and Policy DMHB11 of the Hillingdon Local Plan – Part Two (2020).*
- 1.6. The main issues in this case are therefore considered to be the following:
 - The effect of the proposals on the living conditions of future occupiers in respect of light and outlook;
 - The effect of the proposals on the living conditions of future occupiers in relation to the amount of private amenity space.
- 1.7. The remainder of this statement is set out as follows:
 - Section 2 – Appeal Site Description and Planning History
 - Section 3 – Relevant Planning Policy
 - Section 4 – Main Issues and the Appellant's Case

2. APPEAL SITE DESCRIPTION AND PLANNING HISTORY

- 2.1. The appeal site is located within the centre of Hillingdon just off the Uxbridge Road along a parade of shops on Marlborough Parade. It extends to an area of approximately 0.036 hectares.
- 2.2. The appeal site occupies a corner position on Marlborough Parade and Marlborough Road with the main building extending to three storeys in height. There is a single storey flat roof side and rear extension used by a former car service centre. The site location plan is depicted in Figure 1 below.

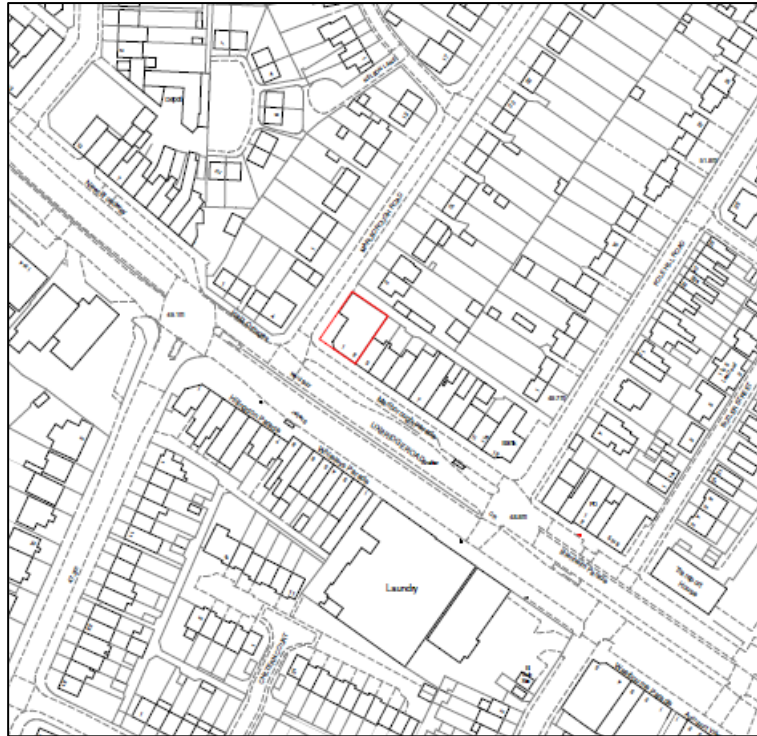


Figure 1 - Site Location Plan

- 2.3. The street scene along Marlborough Parade is commercial in character and appearance with retail units at ground floor level and a mix of office and residential at first and second floor level. The character of Marlborough Road which runs along the north west of the site is residential in character with two storey pairs of semi-detached dwellings with hipped roofs.
- 2.4. The site is sustainably located just off the main Uxbridge Road, serviced by a service road known as Marlborough Parade. There are a number of bus stops immediately outside the appeal site, and indeed along the Uxbridge Road providing services 278, 427, 607, 697, 698 and N207 on a regular basis.
- 2.5. There are a number of shops and services along the Uxbridge Road which are within easy walking distance of the site, along with a number of green spaces within 2km distance of the appeal site. The nearest primary school is Hillingdon Primary School situated on the opposite side of Uxbridge Road to the appeal site.

2.6. Figure 2 below shows the street scene along Marlborough Parade.



Figure 2 - Marlborough Parade Street Scene

2.7. Separating the residential development along Marlborough Road and the commercial properties to Marlborough Parade is a back alleyway/rear service road which was previously used to service the rear of the retail units, however this is no longer in operation as it is blocked from general access with a locked gate. This is shown in Figure 3 below from Marlborough Road and then from Pole Hill Road.



Figure 3 - Gated Access to rear of retail units

Planning History

- 2.8. The site has previous planning history associated with it. Namely, in 2019 an application was submitted for a similar scheme (LPA Ref: 19108/APP/2019/936) which was refused on 17th June 2019. The scheme was refused on the following grounds:
- Bulk and massing of the proposal;
 - Outlook and light to the mews units;
 - Overlooking of communal amenity space;
 - Insufficient amenity space; and
 - Level access to each unit.
- 2.9. The refusal notice was appealed under reference APP/R5510/W/19/3237924 and was dismissed by the Inspector on 12th February 2020. The Inspector concluded that *“the development would provide inadequate living conditions for future occupiers of the development and would not be accessible to disabled users. Whilst it would provide new housing in a relatively accessible location, on a brownfield site, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.”*
- 2.10. A copy of that appeal decision can be found at Appendix A of this Statement.
- 2.11. The proposals subject to this appeal, have sought to address the shortcomings of the previous application and address the issues raised in the Inspector’s decision. These are discussed in more detail in Section 4 of this Statement.

3. RELEVANT PLANNING POLICY

- 3.1. For the purposes of this appeal, the Development Plan comprises of the policies contained within the London Borough of Hillingdon Local Plan – Part Two (adopted January 2020) and the London Plan (adopted March 2021).

London Borough of Hillingdon Local Plan – Part Two (2020)

- 3.2. Part One of the London Borough of Hillingdon Local Plan covers the strategic policies with a long term spatial vision and objectives for the Borough and was adopted in November 2012. The London Borough of Hillingdon Local Plan – Part Two was more recently adopted in January 2020 and deals with the development management policies which would inform the Council's decisions on individual planning applications.
- 3.3. The following policies are considered to be of relevance to these appeal proposals.

Policy	Policy Text
Policy DMHB11 – 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; • Building plot sizes and widths, plot coverage and established street patterns; • Building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; • Architectural composition and quality of detailing; • Local topography, views both from and to the site; and • Impact on neighbouring open spaces and their environment. ii. Ensuring the use of high quality building materials and finishes;

	iii. Ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; 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 v. Landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. 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 development¹ sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs. 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.
Policy DMHB18 – Private Outdoor Amenity Space	A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3. B) Balconies should have a depth of not less than 1.5 metres and width of not less than 2 metres. C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of

¹ Major Development: Residential development of 10 dwellings or more; any building with a floor space of 1,000 sqm or more; development on a site of 1 hectare or more.

	private open space will be required to enhance the street scene and the character of the buildings on the site. D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.
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Dwelling Type	No. of Bedrooms	Minimum Amenity Space Provision (sqm)
Houses	1 bedroom	40
	2 and 3 bedrooms	60
	4 + bedrooms	100
Flats	Studio and 1 bedroom	20
	2 bedrooms	25
	3 + bedrooms	30

Table 5.3 - Private Outdoor Amenity Space Standards

The London Plan (2021)

- 3.4. The London Plan has been recently adopted (March 2021) and sets out the overall strategic plan for London by setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.
- 3.5. The following policy is considered to be of relevance to the appeal proposals:

Policy	Policy Text
Policy D6 – Housing Quality and Standards	A. Housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. B. Qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 sets out key qualitative aspects which should be addressed in the design of housing developments. C. Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 – Optimising Site Capacity through the Design-Led Approach than a dual aspect dwellings, and it

can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

- D. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- E. Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.
- F. Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.

Private Internal Space

- 1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1
- 2) A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide
- 3) A one bedspace single bedroom must have a floor area of at least 7.5sqm and be at least 2.15m wide
- 4) A two bedspace double (or twin) bedroom must have a floor area of at least 11.5sqm
- 5) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1sqm within the Gross Internal Area)
- 6) Any other area that is used solely for storage and has a headroom of 0.9-1.5m (such as under eaves) can only be counted up to 50 percent of its floor area, and any area lower than 0.9 is not counted at all
- 7) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. Any

	built-in area in excess of 0.72sqm in a double bedroom and 0.36sqm in a single bedroom counts towards the built-in storage requirement 8) The minimum floor to ceiling height must be 2.5m for at least 75 percent of the Gross Internal Area of each dwelling Private Outside Space 9) Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This does not count towards the minimum Gross Internal Area space standards required in Table 3.1 G. The Mayor will produce guidance on the implementation of this policy for all housing tenures.
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Type of Dwelling		Minimum gross internal floor areas+ and storage (square metres)			
Number of Bedrooms (b)	Number of bed spaces (persons (p))	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in Storage
1b	1p	39 (37*)	N/A	N/A	1
	2p	50	58	N/A	1.5
2b	3p	61	70	N/A	2
	4p	70	79	N/A	2
3b	4p	74	84	90	2.5
	5p	86	93	99	2.5
	6p	95	102	108	2.5
4b	5p	90	97	103	3
	6p	99	106	112	3
	7p	108	115	121	3
	8p	117	124	130	3
5b	6p	103	110	116	3.5
	7p	112	119	125	3.5
	8p	121	128	134	3.5

6b	7p	116	123	129	4
	8p	125	132	138	4

Table 3.1 - Minimum Internal Space Standards for New Dwellings[^]

[^] New dwelling in this context includes new build, conversions and change of use

*Where a studio/one single bedroom one person dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37sqm as shown bracketed

+ The Gross Internal Area (GIA) of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres.

Built-in storage areas are included within the overall GIA and include an allowance of 0.5sqm for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.

GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with five or more bedspaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA, provided that all aspects of the space standard have been met.

Layout, orientation and form

i.	The built form, massing and height of the development should be appropriate for the surrounding context, and it should be shown that alternative arrangements to accommodate the same number of units or bedspaces with a different relationship to the surrounding context have been explored early in the design process (making use of the measures in paragraph 3.3.23), particularly where a proposal is above the applicable density indicated in Part D of Policy D4 Delivering Good Design.
ii.	The layout of the scheme (including spaces between and around buildings) should: • Form a coherent, legible and navigable pattern of streets and blocks • Engender street based activity and provide a sense of safety • Maximise active frontages onto public facing sides of a development, where appropriate wrapping around inactive frontages
iii.	The site layout, orientation and design of individual dwellings and, when applicable, common spaces should: • Provide privacy and adequate daylight for residents • Be orientated to optimise opportunities for visual interest through a range of immediate and longer range views, with the views from individual dwellings considered at an early design stage • Provide clear and convenient routes with a feeling of safety • Help reduce noise from common areas to individual dwellings • Help meet the challenges of a changing climate by ensuring homes are suitable for warmer summers and wetter winters

Outside space

iv.	Communal outside amenity space should: • Provide sufficient space to meet the requirements of the number of residents • Be designed to be easily accessed from all related dwellings • Be located to be appreciated from the inside • Be positioned to allow overlooking • Be designed to support an appropriate balance of informal social activity and play opportunities for various age groups • Meet the changing and diverse needs of different occupiers
v.	Private amenity space for each dwelling should be usable and have a balance of openness and protection, appropriate for its outlook and orientation
Usability and ongoing maintenance	
vi.	The development should ensure that: • The experience of arrival, via footpaths, entrances and shared circulation spaces is comfortable, accessible and fit for purpose • Features are designed to allow maintenance activities such as window cleaning, to be undertaken with ease • Sufficient levels of secure, covered and conveniently located externally accessible storage is provided for deliveries and other bulky items • Recycling and waste disposal, storage and any on site management facilities are convenient in their operation and location, appropriately integrated, and designed to work effectively for residents, management and collection services*

Table 3.2 - Qualitative design aspects to be addressed in housing developments

*See also the London Waste and Recycling Board's Waste Management Planning Advice for New Flatted Properties 2014 <http://www.lwarb.gov.uk/what-we-do/resource-london/successes-to-date/efficiencies-programme-outputs/>

4. MAIN ISSUES AND APPELLANTS CASE

4.1. As previously set out the main issues are considered to be as follows:

- The effect of the proposals on the living conditions of future occupiers in respect of light and outlook; and
- The effect of the proposals on the living conditions of future occupiers in relation to the amount of private amenity space.

4.2. The appellant's case under each Main Issue is set out below:

The effect of the proposals on the living conditions of future occupiers in respect of light and outlook

- 4.3. No. 2 Marlborough Road has recently constructed a two storey side extension to which there are two windows in the side elevation which would front onto the new mews flats. This extension has been built up to the boundary line of the rear service access yard.
- 4.4. The ground floor window appears larger than that originally approved with the permission and is believed to serve a habitable room. The upstairs window is obscure glazed and is therefore believed to serve a bathroom/en-suite to the property. We do however appreciate that this will be a material consideration to the determination of the appeal proposals.
- 4.5. As a result, the proposals have been set back further to allow a greater separation distance than the previous refused proposals allowed for. This extends to a separation distance of 5.15m as a minimum and 7m as a maximum.
- 4.6. With regards to the impact upon the private residential amenity of the proposed dwellings and No. 2 Marlborough Road, the revised proposals have addressed this by recessing the proposals back to allow for a greater separation distance. Hillingdon is a built up area and development within the London Boroughs is likely to be dense, so it is important to ensure that satisfactory amenity levels will be retained. We consider that these appeal proposals have addressed the previous shortcomings and whilst there will be some impact to new development on this appeal site with the neighbouring property, it is not considered to be so adverse to refuse planning permission.
- 4.7. In terms of the proposals having a poor level of light, a Daylight and Sunlight Assessment was prepared for the previous proposals and re-submitted with the appeal proposals. This assessment concluded that it was undertaken in line with the guidance set out in BRE Report 209 – Site Layout Planning for Daylight and Sunlight: A guide to good practice, Second Edition 2011; and BS 8206-2 Code of Practice for Daylighting. Given that this assessment was submitted for the previous proposals and considered satisfactory, we fail to see why this remains an issue.
- 4.8. It is important to note that the guide BR209 is not mandatory and the guide should not be taken as an instrument of planning policy as its aim is to help, rather than constrain the developer. The numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design.
- 4.9. The report emphatically concluded that all habitable rooms of the proposed development achieved the ADF recommendations set out in BR209 and BS 8206-2 and that all main living rooms of the proposed development have a window which faces within 90 degrees of due south and achieves the recommended annual probable sunlight hours and the recommended annual probable sunlight hours in the winter months as set out in BR209.

- 4.10. A copy of this assessment is included within the appeal documentation. Within the submitted Design and Access Statement it further confirms that the windows of the proposed new dwellings do not front onto the windows of other habitable rooms among the neighbouring dwellings. It also confirms that the ground floor provides for two glazed facades which offers a greater level of outlook and the provision of skylights to the first floor level as shown on the submitted roof plan allow for further light into the building.
- 4.11. We therefore consider that the proposals have sufficiently addressed the shortcomings of the previous proposal and now adhere to Policy DMHB11 of the Hillingdon London Borough Plan – Part Two (2020).

The effect of the proposals on the living conditions of future occupiers in relation to the amount of private amenity space

- 4.12. It is proposed to provide private external amenity space to each unit whilst ensuring that care has been taken to prevent overlooking to the neighbouring units. It is acknowledged that due to the constrained nature of the site that the full requirement of private outdoor amenity space cannot be met in line with Policies DMHB18 and DMHB11 of the Hillingdon Local Plan – Part Two (2020). It has however, been ensured that the level of amenity space offered within these proposals is of good quality with a decent outlook.
- 4.13. It is proposed that the mews units to the rear have a private courtyard to the front of the building with privacy maintained by vegetated trellis to the front. Units 2 and 3 also have additional amenity space at first floor level.
- 4.14. In total the private amenity space is calculated as follows:

Unit Number	Amenity Space (sqm)
Mews Unit 1	9.5
Mews Unit 2	27
Mews Unit 3	17.5
Masionette Unit 4	14

Table 1 - Proposed Amenity Space

- 4.15. Taken in comparison with Table 5.3 of Policy DMHB18 this requires 2 bed flats to have a minimum of 25sqm outdoor private amenity space, only the mews unit 2 will meet the required space standards.

4.16. The layout of the proposed outdoor amenity space can be seen in Figure 3 below which shows the general layout arrangement proposed.



Figure 4 - Proposed Amenity Spaces

4.17. When conducting an assessment of the wider area and existing green spaces available for communal use, there are a significant number of green spaces available within a 2km distance of the site. This is shown on the Green Spaces Plan prepared at Figure 5 below.

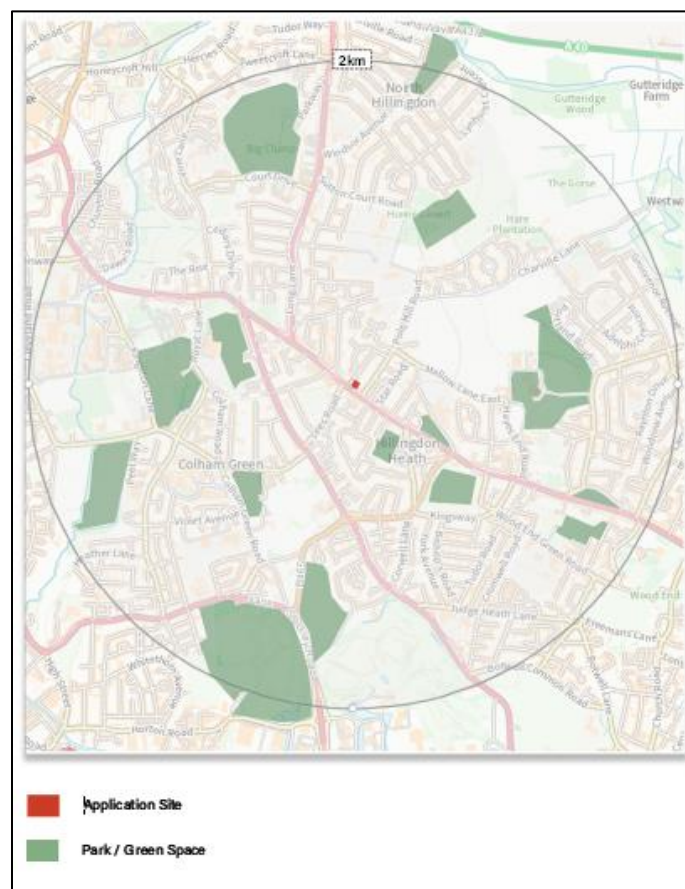


Figure 5 - Parks and Green Spaces Plan

4.18. In comparison, we would note a recent development undertaken to the upper floors of 2 Pole Hill Road, Hillingdon for residential development with car parking to the ground floor. Photographs of the converted premises are shown in Figure 6 below, but this clearly depicts that there is little

or no outside private amenity space, save for the penthouse which has a wrap around balcony. Having interrogated the LPA's website, we can find no history of the conversion/renovation to this site to cross reference the plans, so it may be likely that this could have been undertaken through Class O of the permitted development rights. We would however point out, that this is recently converted and so, whilst proposals are considered on a site-by-site basis, we question why the stipulation of 25sqm private outside amenity space for these residents was applied as stringently as it is being applied to the appeal proposals.



Figure 6 - 2 Pole Hill Road Conversion

- 4.19. In comparison, Policy D6 of the London Plan (2021) sets out that “*Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.*”
- 4.20. It is considered that the proposals are aligned to the newly adopted London Plan in terms of outside amenity space, particularly given that “*Private amenity space for each dwelling should be usable and have a balance of openness and protection, appropriate for its outlook and orientation*” as outlined in criterion v) of Table 3.2 of that policy.
- 4.21. Indeed, all first floor residential properties along Marlborough Parade have little or no outdoor amenity space, due to the constrained urban nature of the site. These proposals therefore, offer a benefit to the future occupiers by providing a level of private amenity space as shown on the plans submitted. This is further compensated by the proximity to local open green space within the vicinity of the site as demonstrated in Figure 5 above.
- 4.22. We consider that the proposals on balance, address an acute housing need within the London Borough of Hillingdon, providing an opportunity to create a small row of mews style dwellings on

a brownfield site in a highly sustainable location. The revised proposals following the earlier refusal and dismissed appeal have gone some way to addressing the shortcomings of the previous application.

- 4.23. We therefore respectfully request that the appeal is allowed, subject to any conditions considered necessary by the Inspector.

APPENDIX A

APP/R5510/W/19/3237924
