



Town and Country Planning Act 1990  
Section 78 Planning Appeal

# London Borough of Hillingdon Appeal Statement

**Appeal By:**  
Mr Robert Leslie

**Proposal:**  
Erection of a single storey 2 bed house with associated parking and amenity space

**Appeal Site:**  
Land Adjacent 33 Hazelwood Drive, Pinner, HA5 3TU

Our Ref:  
Your Ref:

6342/APP/2020/1947  
APP/R5510/W/21/3269418

# 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 at Land Adjacent to 33 Hazelwood Drive, Pinner for 'Erection of a single storey 2 bed house with associated parking and amenity space.'
- 1.2 The LPA refused planning permission on 08.09.2020 for the following reasons (as stated on the decision notice):
1. The proposed development, by reason of its siting (in a rear garden), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character, appearance and visual amenity of the surrounding and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH 6 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies 3.5, 7.1 and 7.4 of the London Plan (2016), guidance within The London Plan Housing Supplementary Planning Guidance (March 2016) and the NPPF (March 2012).
  2. The proposed side extension element to the existing dwelling, by reason of its size, scale, bulk, width, and projection forward of the return building line along Woodford Crescent, 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.
  3. The proposed side extension element to the existing dwelling, by reason of its size, scale, bulk and width would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding 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.
  4. The proposed development, by reason of its layout results in a dwelling which would be inaccessible and not usable by disabled residents. The proposal would thus be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies and Policy 3.8 of the London Plan (2016).
- 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**

- 2.1 Pages 2-12 of the Appellants statement of case refers to the first refusal reason. The following sections will elaborate on the Council's position for this reason.

2.2 The Appellant states that the front half of the building containing the living/dining space is the 'only part of the building visible from the public domain.' To an extent this is agreed, given the 'sunken' nature of the rear element and linked addition, but as stated in the officer's report, this would still be visible from the public realm. Whilst in oblique angles and given the boundary fence along Woodford Crescent, the sheer extent of massing would be substantially intrusive and incongruous on this corner and prominent siting. The linked element and rear structure would sit within/along the boundary of the host dwelling. The area to the front, which would be closest to the highway would act as the private amenity for the proposed unit. The Appellant shows that these areas of the building (along the common boundaries) would be lower than fence level (excavation proposed) to try make the proposal discreet. Regardless, even if extensions/built form appear lower than the boundary fences, this does not mean the harm is not necessarily hidden and the site coverage would be substantial. Developments should respect all viewpoints, especially in this prominent location. The sole viewpoint from a pavement is important but so are views from an Ariel perspective, from upper floors, neighbouring gardens and from the actual highway. It is appreciated the linked element and rear addition would be lower than the fence line, but the extent of development and site coverage being proposed, which is highly odd, awkward and out of keeping would be drawn to the eye in a negative manner.

2.3 The Appellant refers to a 2014 scheme that granted planning permission for a single storey side extension to the side of no.33. This spanned the depth of the building. Whilst it is appreciated that a single storey side extension, which complements/blends with the building could be supported, the Appellant is not realising that the proposed side extension would form a relationship with the linked area along the side of the host dwelling fence and rear area – behind the sub-divided area and in between the host dwelling and to the side of no.2 Woodford Crescent. Just because the front element of the building, which retains a gap to the boundary fence doesn't mean it is acceptable for a large, dominating and incongruous set of additions to be proposed (to the site), which would form as a separate dwelling. It is clear the sheer amount of built form and site coverage would result in a cramped form of overdevelopment of the site. The set back of the side extension (to the front) by approx. 0.5m is appreciated but this does not mean a large addition can be made acceptable due to this minor setback. The Appellant is incorrect by saying that the "two schemes are incredibly similar, and it therefore seems contradictory of Hillingdon Council to refuse an application where the only visible element of the building is almost identical to what they have previously approved". Firstly, the approved scheme of a side extension to no.33 was in 2014 and several policies at various levels (National, Regional and Local) have changed. Secondly, the proposal is completely different to a consented domestic householder extension to the host dwelling. Thirdly, and most importantly, the Appellant's argument is purely against

street scene impact. As per the refusal reason, the Appellant doesn't acknowledge or address the importance of the site plot/constraints, existing and local and historic context, and the relationship with the host dwelling and terrace row. The key assessments under character and appearance grounds are the impact of the development to the form, proportion and appearance of the host dwelling, relationship with the terraced row, character and appearance of the context and visual amenities of this prominent setting. The Appellant's Appeal Statement fails to understand and address the constraints of the site.

- 2.4 The Appellant provides diagram comparisons which show that the proposed front side element would be wider than the consented scheme, which would be even more detrimental if we are to compare this element to the previous approval in 2014. Regardless of the height reduction, which is effectively the removal of the pitched roof, the width is greater and thus results in the extension being over dominating and disproportionate. This further encloses an important characteristic gap as explained in the following sections including forming refusal reason 2.
- 2.5 The Appellant provides historical maps showing side garage/extension up to the side boundary. Whilst this could be the case, this was historical and does not reflect the current circumstances. Policy DM HD1 of the Local plan must be applied and just because there might have been an addition over 15 years, this does not justify the acceptability of the proposed side extension at its current design and massing. The Appellant states that the proposal 'would not fail to harmonise with the existing local and historic context of the surrounding area.' Officers are not objecting to the principle of a side extension but are objecting to the proposal as a whole, which would form one separate new dwelling. The side element would be too wide. The proposed additions would clearly appear at odds with the character and appearance of the area. Hazelwood Drive, on this side of the road is largely uniform in its form, proportion and appearance and has a characteristic and traditional look. The proposal is contemporary and at the massing, bulk and scale being proposed, it is clear that the proposal would fail to reflect the pattern of development in the context, which is defined by dwellings with long rear gardens (as mentioned in the officer's report).
- 2.6 The proposed development would be visually incongruous and visible from the street scene context. Whilst appreciating the linking element and rear element would be tucked away to an extent, the development would still be visible in oblique views, with the front element, of this modern and large size appearing overbearing, incongruous and intrusive to this prominent location.
- 2.7 The Appellant refers to a historic part single; part two storey side extension to no.31 which is the adjacent corner plot. It is appreciated that this dwelling has been extended, and as already set out, officers do not raise a principle objection to a proportionate and characteristic side extension to the side of no.33. However, the current scheme, of one new dwelling and sheer massing is unacceptable. The Appellant flags the large extension at no.9. It is agreed this is large and prominent, although is historic to the dwelling. When considering proposals of this type, assessments are made on a cumulative basis and not just certain additions alone and whether they are acceptable. The Appellant is failing to understand that more massing, over a large footprint is being proposed so there are no direct comparisons

to take into account between the proposal and historic extensions in the area (on corner junctions).

- 2.8 The Appellant refers to permitted development rights. However, the Council's position is that there are no relevant fallback positions to consider for this application submitted under full planning permission. Developments should be considered on existing site circumstances, and what is proposed. It is important to note also that it would not be permitted development to construct a 2-bed house. This point by the Appellant is not valid in the view of the Council. Of importance is the assessment of the size of outbuildings in the rear gardens. The proposed element would be forced into a narrow parcel of land, which would make the development appear cramped.
- 2.9 The latter part of refusal reason 1, the Appellant states that there would be approx. 65sqm of useable private amenity space for the host occupiers. This would comply with Policy DM HB 11 but the point of consideration here is that under this character and design refusal reason, the sheer amount of built form and site coverage with important landscaping levels lost are the driving issues of the development being out of character, cramped and overdeveloped. Diagrams 6 – 8 of the Appellant's Statement clearly show the true extent of how over dominating the proposal would be to the site.
- 2.10 The Appellant dots out the street furniture and additions to no.31. These are existing street scene features and should not be used as a distraction to the proposed massing on site. These are common street additions you would see along most residential settings.
- 2.11 In summary, officers would like to elaborate that it is the cumulative nature of the entire proposal – side extension, linked element, rear addition, siting of the private garden, built form and sub-division which is giving rise to a cramped and contrived form of development that would be incongruous and would fail to harmonise with the host dwelling, existing and historic context alongside the principle fashion of intensifying the site in this way. The reason the building needs to be excavated (linked and rear element) on this relatively flat site, alongside the requirement to be below fence level and sited directly away from the street scene (private amenity to the front) clearly shows the overdeveloped nature of the proposal.
- 2.12 Pages 13 – 17 of the Appellant's Statement of Case refers to the second refusal reason. The following sections will elaborate on the Council's position for this reason.
- 2.13 The Appellant states a similar scheme was granted on the site '6342/APP/2019/3796' – this relates to a refused scheme for an identical proposal which forms this appeal. The 2014 scheme is what the Appellant is referring to but as mentioned above, this was in 2014 and less wide alongside not proposing the rear elements. Furthermore, Policies at all levels have changed, which includes the Hillingdon Local Plan (2020).
- 2.14 The importance of retaining side gaps is to ensure developments do not overpower the streetscene or appear dominating additions, especially as the views are prominent and more open on corner sites. The extensions at no.31 are historic and whilst large, they blend into the original character of the dwelling, unlike the proposal, in its current format, would appear an out of character and strange addition to the dwelling and wider area. Officers consider a wider gap in any event should be

retained, as previously discussed. A single storey side extension in principle, one which is proportionate and respects the dwelling would be acceptable.

- 2.15 Whilst the mature street tree along Woodford Crescent does add an element of screening, the Appellant is forgetting the fact that the site can be viewed in numerous angles, at pedestrian (pavement), vehicle, host site and neighbouring gardens and Ariel level – all of these views are important and not just the pavement section as per Diagram 5. Anything below fence level doesn't mean it is acceptable. There is a disagreement as the site is clearly in an 'open prominent position.' The current gap and one that should be retained by any proposed side extensions is important in this context.
- 2.16 Officers are repeating the above points as the Appellant is using these arguments to challenge refusal reason 2. The extensions to no.31 are historic. The opportunity the site can be developed through permitted development is not a lawful fallback position when considering new dwellings under full planning applications.
- 2.17 In summary, the proposed side addition, by reason of the combined size and projection forward of the return building line along Woodford Crescent, as proposed, would enclose an important gap leading to an overdevelopment. This of course being combined with the entire proposal.
- 2.18 Paragraphs 18 – 20 of the Appellant's Statement of Case refers to the third refusal reason. The following sections will elaborate on the Council's position for this reason.
- 2.19 The proposed side extension, as submitted and as linked to the rear elements of the proposal would clearly fail to harmonise with the architectural composition of the original dwelling. Using historical additions that do not exist on site does not justify new extensions.
- 2.20 A degree of flexibility might be applied if the 2014 extension was identical or very similar to the current scheme. However, in this case, the extension is wider, of different design, forms part of the wider development of the site and is used for a sole new dwelling. The Council has not been contradictory as the proposal is not considered comparable to the 2014 scheme.
- 2.21 In summary, the proposed side addition, at the current bulk and in particular width, alongside its modern nature together with the rest of the alterations on the site would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area.
- 2.22 Paragraphs 21 – 24 of the Appellants Statement of Case refers to the fourth refusal reason. The following sections will elaborate on the Council's position for this reason.
- 2.23 The Appellant states the submitted plan 'has been revised and is now M4(2) compliant.' However, this was not part of the pack of documents used to determine the application. As such, officers raised concerns about accessibility which formed refusal reason 4. A sesame lift/stair in use scheme is being proposed. Officers still consider the submitted scheme to be unacceptable. The scheme that has been assessed did not achieve M4(2) compliance which is unacceptable.

- 2.24 In summary, the scheme that has been determined by officers failed to be accessible and of a quality that could accommodate disabled residents.
- 2.25 Whilst the backdrop need of housing is valued highly, the harm that the proposed development would bring is substantial. Any minor benefits resulting from the provision of one dwelling would not outweigh the demonstrated harm.
- 2.26 The Councils Statement of Case has not repeated the points raised within the decision of the application. However, the above points have been made in response to the Appellant's Statement of Case. It should also be noted that several points of the Appellant's Statement of Case have been repeated. In order to prevent repetition, the Council have made comments directly relevant to the refusal reasons.

### **3. Other Matters**

- 3.1 Since the decision, the National Planning Policy Framework (2021) has been revised including the adoption of the new London Plan (2021) and most importantly stresses that all proposals should achieve high quality design and, in this case, the proposal would fail to do so.

### **4. Conclusion**

- 4.1 For the reasons set out in the delegated report and this statement, the proposal would result be a complete overdevelopment of the site, as set out in the officer's report and Decision notice. The Planning Inspector is therefore respectfully requested to dismiss the appeal.
- 4.2 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