



STATEMENT OF CASE

Site: 279 Swakeleys Road
Ickenham
Uxbridge
UB10 8DR

Proposed Flatted
Redevelopment

For: Ms Paramjit Sidhu

Project Ref: 21046_SoC

Date: 1 September 2021

Prepared by:

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**Plans and Documents Accompanying the Appeal**

Application documents ¹	Plans submitted with appeal and not seen by the LPA before
SD01 – Application Form	SD09a pt1 – Location Plan
SD03a pt1 – Decision Notice	SD09a pt2 – Proposed North and South Elevations
SD03a pt2 – Officer's Report	SD09a pt3 – Proposed Site Plan
SD04 – Location Plan	SD09a pt4 – Proposed Ground Floor Plan
SD05a pt1 – Existing Site Plan	SD09a pt5 – Proposed First Floor Plan
SD05a pt2 – Existing Elevations	SD09a pt6 – Proposed Second Floor Plan

¹ In preparing this appeal, it is clear that application plans itemised on the architect's register, the Portal, the Officer's Report, the Decision Notice and to be found on the Council's website under the application reference are not entirely consistent. Those listed above are as found on the website.

Application documents ¹	Plans submitted with appeal and not seen by the LPA before
SD05a pt3 – Proposed North and South Elevations	SD09a pt7 – Proposed East and West Elevations
SD05a pt4 – Proposed Ground Floor Plan	SD09a pt8 – Proposed Roof Plan
SD05a pt5 – Proposed First Floor Plan	SD09a pt9 – Proposed Sections
SD05a pt6 – Proposed Second Floor Plan	SD09a pt10 – Swakeleys Road Street Scene
SD05a pt7 – Proposed East and West Elevations	SD09a pt11 – Landscape Plan
SD05a pt8 – Proposed Roof Plan	
SD05a pt9 – Proposed Sections	
SD05a pt10 – Landscape Plan	
SD05a pt11 – Arboricultural Survey	
SD05a pt12 – Supporting Information – Drawing Register	
SD05a pt13 – Supporting Information – Planning Portal List of Attachments Sent With Application	
SD07 – Design and Access Statement	

1.0 **INTRODUCTION**

- 1.1 The planning application, the subject of this appeal, was refused as per recommendation by committee on 21 April 2021. The scheme's architect and agent for the application spoke at Committee and, as will be seen from his representations (**Appendix 1** to this Statement), in addressing the recommended reasons for refusal, he was critical of the Council's failure to engage.
- 1.2 As may be seen from the Committee Report under the heading "*Relevant Planning History*" (3.3), reference is made to a pre-app (30255/PRC/2020/51) and a withdrawn application. The former concerned a proposal for the demolition of 279 Swakeleys Road and a replacement block of nine self-contained flats, comprising one three-bed, four two-bed and four one-bed dwellings. The Council objected but, despite asking and paying for a meeting, none was offered.
- 1.3 This notwithstanding, an application was prepared and submitted proposing eight flats comprising six two-bed and two one-bed dwellings (30255/APP/2020/2413). On enquiring, the agent was advised that this too was unacceptable and was written up for refusal. The advice was acted on and the application withdrawn in September 2020 on the understanding that the Council would share the draft report and its misgivings. This was never supplied and no records exist of the documentation on the Council's website. Copies of the site plans and floor plans of these two earlier proposals are, however, attached as **Appendices 2** and **3** to this Statement.
- 1.4 The subsequent application reduced the number of flats again. On this occasion it is for seven flats comprising one three-bed unit and six two-bed units. Again, as is clear from the submission made to the Committee, there was no engagement by officers and the first the applicant knew of matters

was the unfavourable recommendation to Members. As was made clear to Committee, matters could easily have been clarified and/or minor changes made had an approach been made.



1.5 Certainly, the matter of amenity space could have been discussed and agreed, as well as the extent of existing and proposed hard surfacing as the Council appears to ascribe perceived failings in this regard, as being overdevelopment. Similarly, a bike store and internal lift could have been added or covered by condition and secondary windows, considered to cause overlooking, could have been deleted. Because of this, as part of the appeal process, the applicants have revised their drawings to either provide clarity or make minor amendments to overcome the Council's concerns.

1.6 The 'appeal plans' are listed in the preceding contents section as well as in the formal appeal form schedules. It is considered that they pass the 'Wheatcroft Test' in that they are minor changes which attempt to address the Council's concerns. They 'better' the proposal and do not introduce adverse changes, which should be the subject of third-party consultation and consequently are commended to the Inspector as a revised set of plans for his/her consideration.

1.7 On behalf of the appellant, it is contended that the Council's decision to refuse the proposal was misguided and unreasonable. The evidence to this end is set out as in the preceding contents section.

2.0 **DESCRIPTION OF SITE AND SURROUNDINGS**

2.1 Ickenham lies on the outer edge of Greater London and is within an area of largely 20th century suburban development, which grew up around the extending underground system. It is part of a largely continuous built up

area spanning from Ruislip to the north east and Hillingdon and Uxbridge to the south.

2.2 Swakeleys Road (B467) runs north-east from the roundabout of the same name located on the A40 (Western Avenue), which leads eastwards to Central London and westwards to the M40 and M25. Ruislip, Ickenham, Uxbridge and Hillingdon are all served by the Metropolitan and Piccadilly train lines, which terminate at Uxbridge, but eastwards connect with the rest of the underground system. The stations at Ickenham, Uxbridge and Hillingdon are all about 3km from the appeal site.

2.3 Scanned in below is a Google Earth aerial image showing Swakeleys roundabout, Swakeleys Road and the general pattern of suburban medium density low-rise residential development. The appeal site (arrowed) occupies a relatively large and prominent corner site which is bound by Swakeleys Road to the west, Warren Road to the south and Silver Birch Close to the east. It is unusual, and unique in the immediate locale, in having a triple frontage and the consequent added spaciousness, which it has in addition to its own not ungenerous, relative to its neighbours, curtilage.



2.4 Scanned in below is an enlarged image with the appeal property centre right. At this scale, the eclectic mix of domestic architecture is clear to see. Most date from the mid-20th century onwards and they include traditional two storey houses, dormer bungalows, bungalows and larger newer houses, not least diametrically opposite the appeal site in The Drive with second floor accommodation in the roof space. One of these has the characteristic 'flat-top' (No.5), as do other houses in The Drive, as well as a new house at 263 Swakeleys Road.



2.5 The houses in The Drive are prominent when driving south along Swakeleys Road to the A40 and are the counter point to the appeal property, which is conspicuous when travelling north. The image above also shows clearly the extent of hardstanding around the appeal property and also other houses nearby. By way of example, the two dwellings to the north have front gardens entirely hard surfaced, as does one of the dormer bungalows across Warren

Road, most of the houses opposite and also the abovementioned newer houses in The Drive.

- 2.6 The Google Streetview image below is taken from the middle of Swakeleys Road between the staggered junction between The Drive and Warren Road and shows the appeal property wrapping around the corner. The house appears to have a blocked off vehicular access to Swakeleys Road, a further access to Warren Road and, not seen on this image, a further dropped kerb and access (with fixed gates) on the corner of Warren Road and Silver Birch Close.



- 2.7 As can also be gauged from these images, Ickenham is a relatively verdant suburb with trees around and within the areas of housing and the roads around the appeal site are no exception. Both highways and garden trees contribute to the character of the area and soften the built development.
- 2.8 The above image also shows the existing house at No.279 clearly. As best one can tell, it would appear to date from the mid-20th century. At some

point it has had chimney stacks removed, there is a two-storey hipped gable rear extension and a single storey wrap around extension along the west, north and south elevations.

- 2.9 There is a box dormer on the rear (east) facing roof slope and full width second floor habitable accommodation. There is also a large outbuilding used for incidental accommodation and the aforementioned hardstanding. These features may all be seen on the existing site plan and elevations, which accompany the application.
- 2.10 A series of photographs taken by the author of this report in June 2021 are scanned in below. They are included for further reference in succeeding sections of this Statement, but also to assist the Inspector's understanding and appreciation prior to his/her site visit.
- 2.11 Images 1-5 show the Swakeley Road street scene with: No.275, a white rendered two storey house; No.277, a 1960's shallow roofed bungalow and the appeal property. Image 6 is looking at the north flank of No.279 through and across the driveway of the adjacent bungalow and showing its proximity to the common boundary.





2.12 Images 7-9 are taken within the appeal site at the front of the house and show Nos. 275 and 277 over the fence and, again, the proximity of No.279 to the boundary. The hard surfacing is also clear to see.



- 2.13 Image 10 is looking towards No.277 across the front of No.279 and shows how the trees dominate the front garden (also on other images) of No.277. Images 11 and 12 show the side of No.279 to the Warren Road access.



- 2.14 Images 13-16 show the rear elevation of the house including the outbuildings and various extensions.



- 2.15 Images 17-20 below are taken in Warren Road and show the flank of No.279, the currently used access and the principal outbuilding which sits at the back of highways land.



- 2.16 The boundary of the appeal site then turns into Silver Birch Close where fencing and walls run along the bottom of the rear gardens of No.279 and its neighbours to the north. Image 22 shows the further site entrance and dropped kerb for No.279. Nos. 279, 277 and 275 may, in summer, be glimpsed over the tops of the fencing. The proposed new access to No.279, in lieu of the two to three existing/historic ones, is proposed to be located centrally along its rear boundary with Silver Birch Close.





- 2.17 The far, eastern side of Silver Birch Close comprises housing, which appears to date from the 1970's as can be seen on the final image below.



3.0 **RELEVANT PLANNING HISTORY**

- 3.1 Reference has been made in the Introduction to the planning history considered to be relevant in the Committee Report and we concur. These were the pre-app (30255/PRC/2020/51) and the subsequent planning application (30255/APP/2020/2413).
- 3.2 The site and floor plans for the pre-app proposal for *nine* flats are attached in **Appendix 2**. As can be seen, the footprint and floorplan differs from the current scheme, being almost square in shape with four flats on the ground and first floor. As a consequence, the green space is less than now proposed and the parking area larger.

3.3 The site and ground floor plan of the subsequent application (**Appendix 3**) showed a reduced parking area, there being *eight* flats proposed, a slightly reduced footprint albeit still with a four flat layout and slightly more green space. Following unfavourable verbal feedback when this scheme had been written up for refusal, the application was withdrawn on the understanding that the draft report would be made available.

3.4 The current (appeal) application proposal is for *seven* units, has a three flat footprint, is L shaped rather than square in plan form, has one less parking space and consequently a greater area of green space.

4.0 **REVIEW OF RELEVANT PLANNING POLICY**

The Development Plan

4.1 The Development Plan, insofar as it is of relevance to this proposal, comprises:

- **The London Plan – The Spatial Development Strategy for Greater London – March 2021;**
- **The Hillingdon Local Plan: Part 1 Strategic Policies** (adopted November 2012); and
- **The Hillingdon Local Plan: Part 2 Development Management Policies** (adopted January 2020).

The London Plan 2021

4.2 The delegated report lists ten London Plan policies and cites conflict with four and these feature in the decision notice. In due course the Council will

supply the Inspectorate with copies. There are also additional policies we consider to be relevant and these follow on from those in the decision notice.



4.3 Those cited by the Council are all in the Design chapter and are as follows:

- **Policy D4 Delivering Good Design**

As befits a London-wide plan, this crosses all boroughs and all scales and types (not just housing) of development and is very much a “procedural” policy as opposed to a prescriptive one in terms of individual sites. It is cross referenced to D3 – see below.

In the supporting text, it is probably paragraph 3.4.8 that is most pertinent. It states that:

“For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design and ongoing management. This is important because these elements of the development come under more pressure as the density increases. The housing minimum space standards set out in Policy D6 Housing quality and standards help ensure that as densities increase, quality of internal residential units is maintained.”

(London Plan underlining)

- **Policy D5 Inclusive Design**

Although referenced in the first reason for refusal, it is assumed this policy related to the lack of a lift in the application drawings as it

focuses on accessible and inclusive design rather than any aesthetic or 'community' considerations.



- **Policy D6 Housing Quality and Standards**

This is a broad policy which covers the qualitative aspects of new dwellings (eg aspect, light levels, etc) as well as quantitative factors. In this latter regard, its relevance relates solely to the alleged failings of the private/communal outside space provided by the appeal scheme.

- **Policy D7 Accessible Housing**

This policy is cited owing to the application drawings failing to show a lift to the four flats above ground level. Lifts are not mentioned in the policy itself, but rather in the sub-text. Indeed, the word lift only features in paragraph 3.7.6 as follows:

"In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In the following circumstances – and only in blocks of four storeys or less – it may be necessary to apply some flexibility in the application of this policy:

- *Specific small-scale infill developments (see Policy H2 Small sites)*
- *Flats above existing shops or garages*
- *Stacked maisonettes where the potential for decked access to lifts is restricted."*

(our underlining)

- 4.4 Policy H2 is one to which the Council tellingly does not refer or indeed D3 to which D4 above is cross referenced. Copies of each are included in **Appendix 4**.

- **Policy D3 Optimising site capacity through the design-led approach**

This confirms the Mayor's aim to provide additional housing via optimising the capacity of sites, whilst identifying the most appropriate form of development which responds to context and the capacity to 'grow'.

Clause B says that higher density developments should generally be promoted in locations that are well connected to jobs, services, etc, whilst in "other" areas *"incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 Small Sites."*

(London Plan Underlining)

- **Policy H2 Small Sites**

This is attached (**Appendix 4**) in its entirety along with the supporting text. Paragraph 4.2.1 is particularly relevant in making it clear that increasing the rate of delivery from small sites is a strategic priority. It is one which will require positive and proactive planning by boroughs, both in terms of planning decisions and plan-making. Table 4.2 sets out the ten year target for dwellings on such sites in Hillingdon as a minimum of 2,950 dwellings.

The policy acknowledges that this will lead to a necessary evolution of local character over time (H2Bi). The boroughs are also advised to recognise that *"schemes that provide relatively low numbers of new*

homes play an important cumulative role in helping to deliver housing targets....."



Hillingdon Local Plan: Part 1 Strategic Policies

- 4.5 **Policy BE1** is a borough-wide policy aimed at ensuring that new development improves and maintains the quality of the built environment. To this end, it has an eleven-point checklist wherein the following are the most relevant in this instance:

- "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;*
- 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;*
- 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."*

Hillingdon Local Plan: Part 2 Development Management Policies

- 4.6 The report lists eleven policies and the decision cites conflict with three. They are as follows:

- 4.7 Referred to in four of the five reasons for refusal, Policy DMHB11 is reproduced fully below:

"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;*
 - 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 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.*
- 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."*

Streets and Public Realm

- 4.8 Referenced just once, but seemingly key to the Council's case and reproduced in full below:

"Policy DMHB 12: Streets and Public Realm

- A) *Development should be well integrated with the surrounding area and accessible. It should:*
 - i) *improve legibility and promote routes and wayfinding between the development and local amenities;*
 - ii) *ensure public realm design takes account of the established townscape character and quality of the surrounding area;*

- iii) *include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;*
- iv) *provide safe and direct pedestrian and cycle movement through the space;*
- v) *incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard;*
- vi) *where appropriate, include the installation of public art; and*
- vii) *deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.*

B) Public realm improvements will be sought from developments located close to transport interchanges and community facilities to ensure easy access between different transport modes and into local community facilities."

"Policy DMHB 18: Private Outdoor Amenity Space"

- 4.9 This will be supplied by the Council in due course, but as it is key to its case, the policy and its sub-text is attached in **Appendix 4** to which the analysis in the next section of this Statement will be cross referenced.

National Policy

- 4.10 The National Planning Policy Framework (NPPF) was first published in 2012, republished in 2018, revised in 2019 and further revised in July 2021 after the application was determined. It is to be read as a whole and it is underpinned by the aim of achieving development which is sustainable in a social, economic and environmental context. The Council refers to the 2019 version in its report and decision but is quite unspecific.

- 1 Introduction
1-3, 6
- 2 Achieving Sustainable Development
7-10, 11 a-d
- 4 Decision Making
47-48
- 5 Delivering a Sufficient Supply of Homes
60, 69
- 11 Making Effective Use of Land
120, 124-125
- 12 Achieving Well Designed Places
126, 130-131, 134

5.0 **PLANNING ANALYSIS**

Introduction

- 5.1 As will be clear from the Introduction and the architect/agent's presentation to Committee in April, it is the appellant's view that having undertaken a pre-app and first application, the Councils response to this effectively third scheme for the site, has been left wanting. Planning is generally an iterative process and national policy encourages early engagement and a proactive approach.

- 5.2 Matters which were not raised in respect of the nine flat (four flat plan module) pre-app scheme have now arisen. Furthermore, the first application (eight flats/four flat module) saw no engagement by the Council and a failure to supply the report to Committee following withdrawal. This continued during the current (appeal) submission.
- 5.3 The current scheme is a further reduction in built development, to a seven unit/three flat module and whilst the Council does not dispute the acceptability of redevelopment with flats, it still considers it to be *"too much"*. That is, to an extent, a subjective assessment, but insofar as it objects to: the lack of provision of a lift; the provision of external amenity space and the potential for overlooking, these are matters which could have been dealt with, and if nothing else, narrowed down the debate at appeal.
- 5.4 As no opportunity was afforded to respond during the determination period, revised drawings have been prepared for either clarification/illustration purposes (such as amenity space, ratio of hard to soft landscape) or to remedy alleged failings (the potential overlooking of No.277 and failure to incorporate a lift). In the process, the architects also revisited the roof design and mindful of examples nearby, have shown a small flat-top, which brings the main ridge down in height by approximately 1m.
- 5.5 The only additional drawing is one showing the Swakeleys Road street scene, which shows the proposed building in relation to 277 Swakeleys Road, the bungalow to the north. As explained in the Introduction, these revised plans address specific matters, which were capable of being dealt with during the determination period, but also the more general overdevelopment point and are designed to assist the appeal process. They address criticisms without introducing concomitant matters, which would, in the course of an application, require consultation public or otherwise. They comply with the Wheatcroft test and they are commended to the Inspector.

5.6 With that in mind, it is intended to deal with each reason for refusal in numerical sequence. However, before so doing, it will be noted in the policy review above, that London Plan Policies D3 and H2 (both of which are cross referenced to policies to which it does refer and upon which it relies), are conspicuously lacking from the Council's consideration of matters. H2 is mentioned below in respect of London Plan H7, accessibility and the provision of lifts, but D3 and H2 are also very relevant insofar as they promote respectively the optimisation of site capacity and the promotion of achieving net increases on sites via plan making and decision taking.

5.7 H2, in particular, is included in full as part of the content of **Appendix 4**. Whilst it does not encourage residential intensification at the cost of the character and appearance of existing residential areas, it makes it clear that achieving the *"incremental densification"* encouraged by D3 will lead to *"an evolution of local character over time"*. LB Hillingdon cannot ignore and must embrace these strategic policies and clearly its consideration of this appeal proposal has not had regard to these policies, which must be weighed in the planning balance.

1. Scale and Prominence

5.8 As demonstrated in the site description above, both the site and the existing dwelling are prominent in the Swakeleys Road/Warren Road junction street scene when heading north from Swakeleys roundabout. Owing to the alignment of the main road and trees along it, the same is not true when heading south, but the site is not inconspicuous.

5.9 The current house was designed with a traditional street and rear garden elevation but its most prominent façade is the side elevation to Warren Road, being a mostly featureless rendered mass. As read in the street scene, it

extends to include the substantial outbuilding in the rear/side garden. It is not designed to face Warren Road and south to the A40, but effectively turns its back on it.



- 5.10 In stark contrast, the proposed building is expressly designed to be triple aspect in recognition of the site context and with the benefit of providing south facing accommodation with a semi-open aspect. The building is barely wider than the existing house but, in responding to the Warren Road frontage, it is deeper. More building would indeed be seen, but it is not accepted that this would be detrimental.
- 5.11 The existing house, even allowing for the eclectic mix of styles around it, has little or nothing in common with its neighbours. It does not respect the 'building line' to the north, it is twisted on its plot, it has been extended towards the northern boundary and its principal outbuilding is pushed toward Warren Road, appearing to sit at the back of the highway.
- 5.12 The proposal has a greater bulk and mass, but as submitted, it was only 1.5m taller than the existing house. The current dwelling is 9m tall to the ridge. As submitted, the ridge was approximately 105m tall and now with a cropped top, it would be 9.5m tall. This is hardly out of character with other buildings in the vicinity, not least the new houses diametrically apposite in The Drive, which in the locale are equally prominent, but unlike No.279, do not benefit from a triple road frontage.
- 5.13 In terms of harmonising with the local character, appearance and visual amenities, the locale is characterised by an eclectic mix of domestic architecture from the last 80 to 90 years. The buildings being low rise and medium density. None is listed and the area is not a Conservation Area. In this context, it is considered that the redevelopment of No.279, which has very little design merit and has little regard to its unique and prominent

location, with a building designed for the site would positively enhance the quality of the character and appearance of the area, rather than be detrimental as the Council alleges.



2. Ratio of Footprint and Hard Landscaping to Greenspace

- 5.14 This leads on from the Council's reasoning above that the building is effectively "*too big*" and added to its requirement for parking, as a consequence, the residual space for greening is inadequate and, again, is detrimental to the character and appearance of the locale. As Mr Morton explained in his presentation to elected Members, he calculates that the footprint of the building is only 6% greater than the existing house and outbuilding and the soft landscaping proposed would cover 20% more of the plot so great is the extent of existing hard landscaping.
- 5.15 In this latter regard, comparison of the revised proposed site plan and the revised location plan (showing the existing situation) demonstrates that the Council's concerns in this regard are not supported by the facts. The existing parking area alone, albeit not laid out for individual parking, can accommodate more vehicles than the proposed layout. What is more, and unlike the situation at No.279 and various other households in the immediate locale, where the Council has little or no control over front garden parking, the most prominent parts of the appeal site will be given over to green space, including the corner frontage.
- 5.16 The rear parking area will be created in a landscaped setting, along with the bicycle and bin store (both now shown on the revised proposed site plan), and only glimpsed via the proposed new gated access on Silver Birch Close to the rear of the site. The green space also goes all around the new building, in contrast to the existing situation where the house all but touches the

shared boundary with No.277 and certainly leaves insufficient space for proper landscaping in this area.



- 5.17 These are further benefits arising from the planned, controlled redevelopment of this site, which takes on board all aspects of context and further belies the Council's position that it is unacceptable overdevelopment. Assessed either quantitatively or qualitatively, the provision of greenspace within the site would improve, not worsen, were the appeal scheme to be allowed and the Council's concerns in this regard are quite without foundation.

3. Inadequate Provision of Private or Communal Amenity Space to the Detriment of Future Occupiers

- 5.18 This reason for refusal does not, in fact, say that this arises owing to overdevelopment, but rather criticises the 'layout' of the development. Nonetheless, failure to meet amenity space standards can result from too greater floorspace and it is an index which may indicate overdevelopment. In this regard, the fact that all the flats exceed the prescribed internal space standards and that there is no criticism of parking provision is a good indication that standards are met and the accommodation is not of poor quality.
- 5.19 The decision cites both the new London Plan Policy (D6) and Local Plan Policy (in particular DMHB 18). In this regard, the London Plan sets minimum standards to be applied *"where there are no higher local standards"*. The 2020 Local Plan, like its predecessor's policies and guidance does set higher standards and therefore, prevails.
- 5.20 As the Committee Report advises (7.09), Table 5.3 of the Local Plan specifies minimum amenity space provision of 25m² for a two-bed flat and 30m² for a

three-bed flat. The report identifies a single 6m² balcony for flats 1 to 6 and two totalling 7.5m² for the top floor flat. It concludes that this falls *"considerably short of the minimum"* and goes on to say that *"the existing rear garden would be used to provide car parking spaces, therefore there is no good quality, useable private outdoor communal element of amenity space"*. This recognises the highly unlikely eventuality that a modest flat could accommodate a balcony of either 25m² or 30m².

- 5.21 It was quite clear to see on the originally submitted plans that the ground floor flats had sizeable patio gardens, but it is acknowledged that they were not clearly defined and annotated as such and nor was any communal space. This, however, is one of the more glaring examples of a failure of asking for clarification. This has been remedied on the appeal version of drawing 113, the proposed site plan, which shows the gardens to ground floor Flats 1-3 of 27m², 25m² and 30m² respectively. These either equal or surpass the minimum guidance.

- 5.22 As observed by officers, Flats 4-6 on the first floor meet 6m² of their space with balconies. This leaves 19m² each to 'find' for them. The second floor flat has two balconies which total 7.5m², leaving 22.5m² to find for it. This is a total *"deficit"* of 79.5m to make up in some other form.

- 5.23 In this regard, quite why the Council concludes that as the existing rear garden would be lost to parking for the proposed flats, that no other space is available, is not clear. As can be seen, there remains 39m² of squared off lawn in the rear garden, which does not encroach upon the 3m deep 'cordon sanitaire' behind a bedroom to ground floor Flat 3, in addition to a further 100m² (a total of 139m² and more than the 105m² as advised by Mr Morton when addressing Committee) to the front of the block; again beyond the gardens to Flats 1 and 2. The site plan shows these spaces linked by

footpaths and should the occupants wish, they would be perfectly accessible and usable.



- 5.24 If the Council considers the front garden not to be of sufficient 'quality', then it is regular in size, west facing, shown to be enclosed and benefits from existing mature garden and highways trees to its north and west respectively. Bearing these characteristics in mind, then it is a perfectly appropriate adjunct to the balconies of the upper floor flats, which in themselves exceed the minimum size for such features as specified in the Local Plan.
- 5.25 It is contended that the Council has failed to consider properly the matter of the space about the building. Had it done so, it would be clear that there is ample space to provide private gardens for the ground floor flats and communal space to augment the balconies to be provided for the four upstairs flats.

4. Lack of a Lift

- 5.26 It is to be noted that a lift was shown on the withdrawn eight flat scheme (**Appendix 3**), so the Council were aware that the applicants had considered installing a lift and that it would fit into the building. On this reconfigured and reduced scheme, it was deleted, but again, it could have been considered and reintroduced had the subject been broached.
- 5.27 The appeal revisions to the submitted drawings show it reintroduced. It is effectively cut out of Flats 1 and 4 reducing their floor area from 67m² to 61m² and necessitating some internal adjustments, but both still comply with Table 3.1 of the London Plan. It takes less space from Flat 7, by which point it is a bespoke lift which enters the flat.

- 5.28 There are no external manifestations arising from its incorporation and as Mr Morton observed, if needed it could have been conditioned. On the matter of need, the Council has referred in its report and decision to London Plan Policy D7. This of course is cross referenced to the small sites policy and sites which qualify (and this site does) should have flexibility applied to the requirements of D7.
- 5.29 The reason for this is not clear, but small sites of up to 0.25 hectares are not likely to provide buildings of three storeys or more or indeed a high number of dwellings. At this site there would only be a net increase of six homes. It is possible that for these reasons it would be unreasonable to impose the cost of a lift, which is not just that of installation, but ongoing maintenance and repair. These costs must be borne initially by the developer and reflected in the sale price and then by subsequent owners, via their management company costs.
- 5.30 Three of these flats are perfectly accessible by people with mobility issues, whilst four would not be. A 42% accessibility rate is high and it is firmly contended that the lift is not essential to make the development acceptable in a planning sense. It can be provided if the Inspector should think otherwise, but if he/she agrees with us and in all other respects is satisfied with the scheme, then a condition could be imposed to the effect of notwithstanding what is shown on the (appeal) drawings, Flats 1 and 4 (and 7) should be configured internally as per the original application drawings, thereby absorbing the lift shaft and putting back 6m² of floor space.

5. Loss of Privacy to the Occupiers of 277 Owing to Overlooking

- 5.31 As submitted, the drawings showed a bathroom window and secondary bedroom window in Flat 6 and a dormer (one of three windows) in the living-kitchen to Flat 7 on the elevation/roof slope facing the side of No.277, the

bungalow to the north. These windows could have been obscure glazed (the bathroom would have been) and non-opening, but in order to remove any concerns about perceived overlooking, they have all been removed on the appeal version of the plans.



- 5.32 On the matter of the relationship in general with No.277, the Council's sole concern was overlooking and loss of privacy. In other respects, the proposed building is now parallel with, and further away from the boundary than the existing house. The closest part has a dropped eave of less than 5m height, set 3m in from the boundary and topped by a receding fully hipped roof. The rear projection has an eave height of 6m but, is over 9m from the common boundary. This new and improved relationship can be seen clearly on drawings 118A and 121, which show the north and street scene elevations respectively.

6.0 **SUMMARY AND CONCLUSIONS**

- 6.1 As has been demonstrated, the applicant has followed recommended procedures. A pre-app was followed with an application and a further reduced scheme following withdrawal of that. Seven flats are now proposed in a three flat module, rather than the eight or nine flats as previously.
- 6.2 This reduction has resulted in a commensurate decrease in parking provision and increase in green space. Throughout, there has been a need to second guess the Council's position. At the eleventh hour, it became clear that officers still considered the scheme to be too much for the site.
- 6.3 Yet it is clear that several matters could have been explored, explained, clarified and addressed had an approach been made. Although there still appears to be a concern that the proposed building is too prominent.

- 6.4 As explained and shown, it is this triple aspect site that is prominent and it is most firmly contended that a building designed for the site will enhance the character and appearance of the street scene and the locale of which it is a part. The existing house makes little, if any contribution, and its most exposed south facing flank is its least attractive.
- 6.5 On the matter of the detailed criticisms which are, on the whole, alleged to be the consequence of too large a building, the observations made about the ratios of green space and hard landscaping and the lack of amenity space are all found wanting. There is sufficient amenity space provided and the control afforded to both hard and soft landscaping will improve upon the existing situation and indeed several other properties in the locale, over which there is no or limited control in these respects.
- 6.6 With regard to the lift and the matter of overlooking, these are the most obvious examples of a failure of the Council to engage. The lift can be provided, albeit at the expense of habitable floorspace, but policy allows exceptions on small sites. This is presumably owing to economic viability and with 42% of the dwellings fully accessible, this is a useful contribution to accessible housing stock.
- 6.7 The windows could all have been obscure glazed and fixed, but as they are in rooms either not needing windows or where there are other windows, it is simpler to delete the north facing windows in Flats 4 and 7. This solves any potential overlooking and loss of privacy, perceived or actual, to the occupants of No.277.
- 6.8 Finally, not only has the Council failed to engage and failed to look closely at the material before it or the site and surroundings, but it has also failed to assess the proposal against all relevant policies. In particular, the failure to consider either London Plan Policy D3, and in particular H2, means that it has

failed to embrace the limited incremental change required to increase housing supply from smaller sites.



6.9 Lastly, there is the matter of the revised plans. They incorporate revisions and clarifications which respond to the Council's misgivings and all of which could have been made had the Council engaged during the application process. They pass the Wheatcroft test and they are commended to the Inspector.

6.10 For all the reasons summarised above and set out in the preceding sections, it is considered that the Council has been unreasonable. There are no sound planning reasons to resist this modest, well-designed scheme to realise a net increase of six dwellings and the appeal should be allowed.



APPENDIX 1

Applicant's Agent's Address to Committee 21/04/2021



Thank you for the opportunity to submit this representation.

I am the agent for this application for 7 flats to replace the existing house.

There are five reasons given for refusal all of which are flawed and/or capable of resolution. My comments on these reasons are as follows:

Reason 1 – Scale and Prominence

- Pre-application advice given for a 9 flat scheme 30% larger than the current one did not suggest that the bulk or height were unacceptable.
- This is a design point but is not apparently based on design officer's advice.
- The footprint as proposed is only 6% larger than that of the existing building.
- The proposal is compliant in terms of density.
- The proposed building is set further from Swakeleys Road than the existing house

Reason 2 – Insufficient Soft Landscaping

- The area of soft landscape proposed is in fact a 20% increase on the existing planted area.
- The scheme is compliant with DMHB 18 despite the statement here.

Reason 3 – Lack of Outdoor Amenity Space

- Compliant balconies are provided for upper floor flats.
- Compliant private gardens are provided for ground floor flats.
- Additional soft landscaped areas of 105 sqm are also provided for upper floor flats as required.
- The proposal is fully compliant in this respect.

Reason 4 – Lack of a Lift

- A lift can be added without external alterations.
- This can and should be dealt with by condition.

Reason 5 – Loss of Privacy for 277 Swakeleys Road

- There are three upper floor windows looking towards the next house. All of them can be omitted since the rooms concerned have other windows.
- This can and should be dealt with by condition.

We paid for pre-application advice including a meeting but the meeting was not offered.

We were advised to withdraw the first application on the basis that we would be given a copy of the draft officer's report but that document was never issued.

Despite repeated requests we received no feedback on the current application until the report was issued.

This matter has not been dealt with fairly and transparently and the reasons given for refusal are, as demonstrated above, incorrect or capable of resolution. I therefore request that a decision be deferred so that any problems can be properly discussed and resolved with officers.



APPENDIX 2

**Pre-App (30255/PRC/2020/51)
Site Plan/Elevations**









APPENDIX 3

**Withdrawn Application (30255/APP/2020/2413)
Proposed Site Plan and Floorplan**



BRICK BOUNDARY
WALL AS EXISTING

BOUNDARY AS EXISTING

HERDGE AS EXISTING

HERDGE AS EXISTING

FENCE AS EXISTING

1.8m Close Board Fence
around Bin Area

BINS



APPENDIX 4

**The London Plan 2021: Policies D3 and H2
The Hillingdon Local Plan: Part 2 DMP: Private Outdoor Amenity Space**



Policy D3 Optimising site capacity through the design-led approach

The design-led approach

- A All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in [Policy D2 Infrastructure requirements for sustainable densities](#)), and that best delivers the requirements set out in Part D.
- B Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with [Policy D2 Infrastructure requirements for sustainable densities](#). Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.
- C In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of [Policy H2 Small sites](#).
- D Development proposals should:

Form and layout

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions

- 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area
- 3) be street-based with clearly defined public and private environments
- 4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users

Experience

- 5) achieve safe, secure and inclusive environments
- 6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest
- 7) deliver appropriate outlook, privacy and amenity
- 8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity
- 9) help prevent or mitigate the impacts of noise and poor air quality
- 10) achieve indoor and outdoor environments that are comfortable and inviting for people to use

Quality and character

- 11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character
- 12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well
- 13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy

14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.

E Where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.

Policy H2 Small sites

- A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:
- 1) significantly increase the contribution of small sites to meeting London's housing needs
 - 2) diversify the sources, locations, type and mix of housing supply
 - 3) support small and medium-sized housebuilders
 - 4) support those wishing to bring forward custom, self-build and community-led housing
 - 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.
- B Boroughs should:
- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites
 - 2) where appropriate, prepare site-specific briefs, masterplans and housing design codes for small sites
 - 3) identify and allocate appropriate small sites for residential development
 - 4) list these small sites on their brownfield registers
 - 5) grant permission in principle on specific sites or prepare local development orders.

- 4.2.1 For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, **increasing the rate of housing delivery from small sites** is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.
- 4.2.2 Increasing housing output of this scale can also help to support a number of **related housing and planning policy objectives**. This includes:
- reviving the role of small and medium-sized developers in delivering new homes in London

- diversifying the sources, locations, type and mix of housing supply and the type of sites available in addition to large brownfield sites
- increasing housing provision in accessible parts of outer London to help address the substantial housing need in these areas and deliver market homes in more affordable price brackets
- providing opportunities for custom-build housing and community-led housing projects⁴⁶
- supporting town centre economies
- as with large sites, providing opportunities to support the use of modern methods of construction.

4.2.3 The **small sites minimum targets** in Table 4.2 are informed by the 2017 London SHLAA and show the potential capacity for additional housing on sites of less than 0.25 hectares in size. The targets are based on trends in housing completions on sites of this size and the estimated capacity for net additional housing supply from intensification in existing residential areas, taking into account PTAL, proximity to stations and town centres, and heritage constraints. The small sites targets are a component of, and not additional to, the overall housing targets. The relative contribution from large and small sites in each borough may fluctuate across the target period, providing the overall 10 year borough target is met in a way that is consistent with the policies in the Plan. The small sites target can be taken to amount to a reliable source of windfall sites which contributes to anticipated supply and so provides the compelling evidence in this respect required by paragraph 70 of the National Planning Policy Framework of 2019.

4.2.4 **Incremental intensification** of existing residential areas within PTALs 3-6 or within 800m distance of a station⁴⁷ or town centre boundary⁴⁸ is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2. This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs.

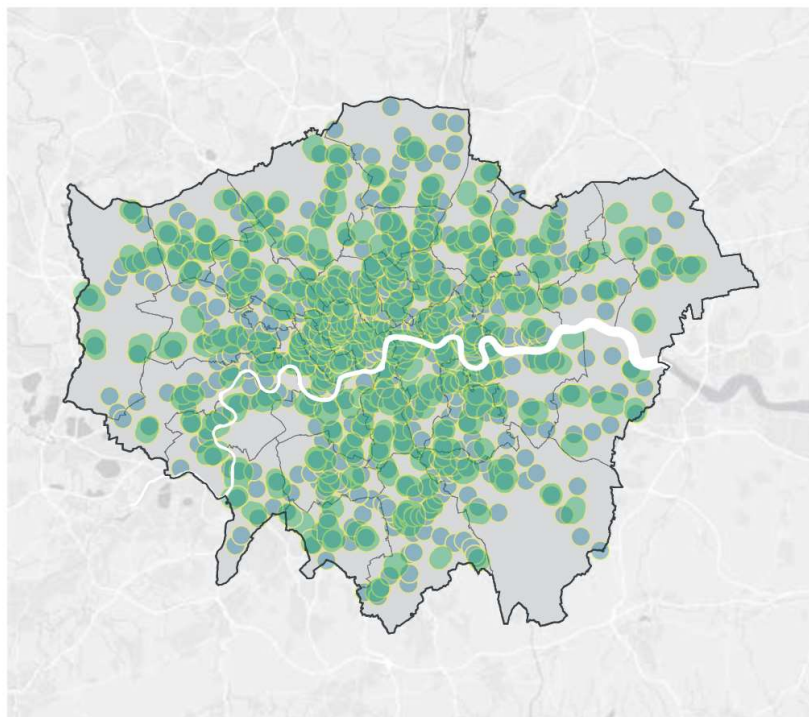
⁴⁶ See Glossary

⁴⁷ Tube, rail, DLR or tram station

⁴⁸ District, major, metropolitan and international town centres

Table 4.2 - 10 year targets (2019/20 -2028/29) for net housing completions on small sites (below 0.25 hectares in size)

Planning Authority	Ten-year housing target
Barking & Dagenham	1,990
Barnet	4,340
Bexley	3,050
Brent	4,330
Bromley	3,790
Camden	3,280
City of London	740
Croydon	6,410
Ealing	4,240
Enfield	3,530
Greenwich	3,010
Hackney	6,580
Hammersmith & Fulham	2,590
Haringey	2,600
Harrow	3,750
Havering	3,140
Hillingdon	2,950
Hounslow	2,800
Islington	4,840
Kensington & Chelsea	1,290
Kingston	2,250
Lambeth	4,000
Lewisham	3,790
London Legacy Development Corporation	730
Merton	2,610
Newham	3,800
Old Oak Park Royal Development Corporation	60
Redbridge	3,680
Richmond	2,340
Southwark	6,010
Sutton	2,680
Tower Hamlets	5,280
Waltham Forest	3,590
Wandsworth	4,140
Westminster	5,040
Total	119,250

Figure 4.3 - Proximity to town centres and stations**Proximity to town centres and stations**

- 800m distance to a district, major, metropolitan or international town centre
- 800m distance to an underground, rail, DLR or tram station

Source: Transport for London (TfL)

Contains OS data © Crown copyright and database right (2017)

- 4.2.5 The small sites target represents a small amount of the potential for intensification in existing residential areas, particularly in Outer London, therefore, they should be treated as minimums. To proactively increase housing provision on small sites through incremental development, Boroughs are encouraged to prepare **area-wide housing design codes**, in particular, for the following forms of development: residential conversions, redevelopment, extensions of houses and/or ancillary residential buildings.
- 4.2.6 The Mayor will set out design principles for housing developments on small sites across London in **design guidance**, which boroughs should draw on and supplement when preparing housing design codes. Housing design codes can be combined with local development orders, where appropriate. As a key purpose of housing design codes is to provide clarity and certainty for potential applicants, boroughs should support design proposals which accord with any published housing design code.
- 4.2.7 When assessing the benefits of additional housing provision, boroughs should recognise that schemes that provide relatively low numbers of new homes play an important cumulative role in helping to deliver housing targets alongside larger developments, subject to the scheme in question making the most efficient use of land.
- 4.2.8 Where existing houses are redeveloped or subdivided, boroughs may require the provision of **family-sized units** (3 bed + units) providing sufficient design flexibility is provided to allow the existing footprint of a house to be enlarged in order to meet this requirement. Where the amalgamation of separate flats into larger homes is leading to the sustained loss of homes and is not meeting the identified requirements of large families, boroughs are encouraged to resist this process.
- 4.2.9 Homes located on the ground floor on minor developments should meet the requirements of **Policy D7 Accessible housing**. Homes that are not on the ground floor on minor developments can comply with the M4(1) standard, which does not require step-free access, where provision of step-free access would be unfeasible.
- 4.2.10 Impacts on existing biodiversity or **green space**, as a result of minor housing developments, should be minimised and mitigated through measures such as returning hard standing to green space, the installation of green roofs and green walls, or the provision of landscaping that facilitates sustainable urban drainage in order to achieve the **principle of no net loss** of overall green cover.

- 4.2.11 Small sites can be particularly suitable for well-designed **community-led housing**⁴⁹ projects. Boroughs should support such projects where these developments are integrated with existing neighbourhoods and support mixed and inclusive communities.

⁴⁹ See Glossary

Private Outdoor Amenity Space

5.68 As with other forms of open spaces, private outdoor amenity space can make a positive contribution to the health and wellbeing of residents. Private gardens also provide a setting for buildings; space for landscaping and growing vegetables; and help to maintain a more natural environment for wildlife and surface water drainage.

5.69 Private outdoor space is highly valued by many people and an integral part of the quality of life of residents in outer London. The pattern of houses and gardens in Hillingdon's 'metroland' and other suburban areas form an important and positive attribute of the Borough's residential character and quality. The Council considers higher standards of private amenity space should be possible in the Borough, exceeding the requirements of the London Housing SPG.

5.70 Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building. Houses and ground floor flats should have private gardens. The Council is keen to improve the quality of housing in the Borough and therefore communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits.

5.71 Roof gardens should only be considered where balconies are not achievable. High quality design should aim to resolve any potential conflicts between creating green roofs, providing renewable energy and supplying amenity space on roofs for residents. Table 5.3 sets out the Council's minimum private amenity space requirements which must be met or exceeded in all development proposals.

Table 5.3: Private Outdoor Amenity Space Standards

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

5.72 Private outdoor amenity space will be required to be well located, well designed and usable for the private enjoyment of the occupier. In assessing the quality of all amenity space in development proposals, whether individual or communal, consideration will be given to the shape and position and whether the layout has regard to matters such as daylight and sunlight, noise, enclosure and privacy.

5.73 Front boundary treatment will be required to respect the character of the streetscene. Traditional front boundaries will comprise hedges and natural materials such as brick walls, timber fences and gates. Walls and fences over 1m in front gardens require planning permission and should make positive contribution to the street scene. They should not obstruct sight lines required for road and public safety.

5.74 Outdoor amenity space will be required to provide an appropriate mix of hard and soft landscaping, including grass, shrubs and trees.

Policy DMHB 18: 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 a 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 private open space will be required to enhance the streetscene 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.