



PLANNING APPEAL LONDON

Grounds of Appeal Statement on behalf of the Appellant

Address: **5 Linksway Northwood HA6 2XA**

Planning consent sought for:
Erection of gates, brick piers and railings

Appellant: **Mr Ashok Lakhani**

Prepared and Submitted by Agent **Mr Mohamed Bharadia of Planning Appeal Limited**
4 High View Road London E18 2HJ, 07960 973529, appeal.london@gmail.com

27 August 2021

CONTENTS

1	INTRODUCTION.....	2
2	PLANNING HISTORY	4
3	DEVELOPMENT PLAN	4
4	MATERIAL CONSIDERATIONS.....	5
5	REASON FOR REFUSAL AND APPELLANT SUBMISSIONS	7
6	CONCLUSION.....	9
	LIST OF APPENDICES	9

1 INTRODUCTION

- 1.1. The householder application which is the subject of this appeal was refused by the local planning authority ("the LPA") by decision notice dated 24 June 2021. A delegated officer report accompanied the decision notice.
- 1.2. This statement should be read in conjunction with the documentation and plans submitted to the LPA as part of the application together with ALL the evidence and case law now being submitted. This statement and the evidence will seek to address the areas of difference between the parties which focusses on the front boundary treatment given the LPA has no objection to the infill extension.
- 1.3. The application site in a residential, non-conservation area hosts an imposing and large two storey detached dwelling. The property is constructed of brick set beneath a tile hipped roof set on a very large and spacious plot with a significant setback from the front boundary. It has undergone a number of side and rear extensions to increase its built footprint. A gravelled carriage driveway with a symmetrical entrance and exit from the public highway frame the front allowing for cars to enter and leave in forward gear only. The photographs below provide an understanding of the locational context and the neighbouring built forms.



Street view of appeal site symmetrically framing the entrance and exit off the highway against the imposing two storey dwelling set further behind



Isometric front view of the appeal site plot and dwelling

- 1.4. The Appellant's proposal for front boundary treatment in the form of railings with gaps, piers and gates at either end is not disproportionate in size, scale and height to the property and its front curtilage and is in keeping with the character and appearance of the area. Following refusal of a similar application presently the subject of an appeal under PINS reference APP/R5510/D/21/3274066, and without prejudice to the Appellant's representations under that appeal, the height and scale of the piers and the gates has been sufficiently reduced to overcome any concerns in relation to the impact upon the character of the Copse Wood Estate. In several respects, the scale is modest when compare to other examples on the road and provides an elegant design to match the mansion-style setting. In particular, the proposal will demonstrate adequate subservience while with the gaps between the railings maintaining an open feel without impacting on neighbouring amenity. The cascading of the gates and railings following the road incline also adds interest and visual appeal. The gates are sufficiently set-back, inward opening and allow for cars to enter and exit the property in a forward gear.
- 1.5. The structure of this statement is as follows: Section 2 will state the planning history of the site and section 3 will highlight the relevant Development Plan policies and supplementary guidance. Section 4 will refer to other material considerations to be taken into account while Section 5 will provide a rebuttal of the LPA's reason for refusal and section 6 will provide concluding remarks. In doing

so the Appellant will seek to persuade the inspector of the merits of his case in the overall planning balance based on paragraph 1.10.1 of the Procedural Guide. This paragraph underscores the basis upon which the inspector is to reach his/her judgement.

2 PLANNING HISTORY

- 2.1. As stated within the delegated report. Of relevance is a similar proposal under application reference 31595/APP/2021/701 which was refused on 13 April 2021 and is the subject of an appeal under PINS reference APP/R5510/D/21/3274066. The submission of this appeal to run concurrently is made without any prejudice to the Appellant's case or representations made under APP/R5510/D/21/3274066.

3 DEVELOPMENT PLAN and POLICY APPLICABILITY

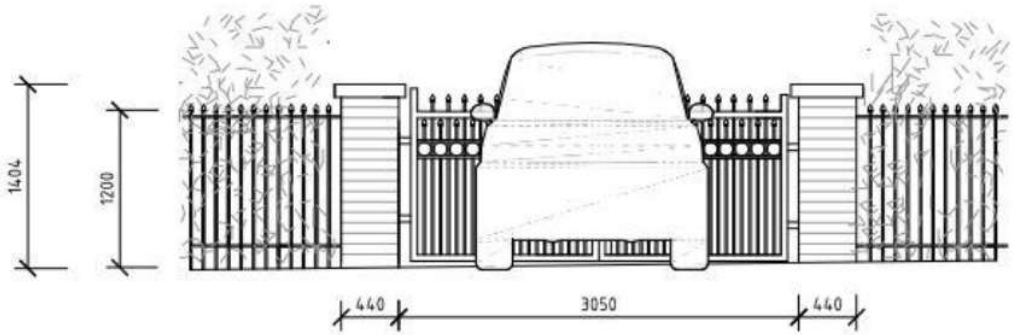
- 3.1. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, the statutory development plan policies are deserving of primacy with relevant material considerations to be taken into account in the planning balance.
- 3.2. The development plan is tiered and comprises: 1) the regional spatial strategy or the London Plan 2021¹ ("NLP"), and 2) the development plan documents making the London Borough of Hillingdon Local Plan ("LP") comprising Local Plan Part 1 adopted 2012 and Local Plan Part 2 adopted January 2020.
- 3.3. The LPA made the following commitment to the examining inspector of the Local Plan Part 2 as stated at paragraph 14 of the examination report dated 22 October 2019: "The HLPP2 is a plan that is intended to implement the strategy and objectives of HLPP1. It was widely accepted at the hearings that during the course of plan preparation there had been material changes in both national and London-wide policy along with a significant increase in growth in the Borough. Therefore, the Council have committed to an early review of the Local Plan in response to the emerging new London Plan..."
- 3.4. The development plan policies stated in the reason for refusal when fairly applied and as a whole in the context of what is being proposed and with respect to the existing character and appearance of the area would not be materially breached. The sketch below shows the proposed appearance in the street scene.

¹ The SoS has given his approval to the Mayor for its publication without further changes on 29 January 2021.



5 LINKS WAY
STREET SCENE

Proposed front elevation showing low height metal railings with gaps and suitably camouflaged with green front garden landscaping to soften the setting. Compare with significantly wide and monotonous of similar height fence panel at number 5A next door.



TYPICAL GATE DETAIL SCALE 1 : 50



Proposed heights of piers and gates

- 3.5. Paragraph 3.1.7 supporting NLP Policy D1 (London’s form, character and capacity for growth. Defining an area’s character to understand its capacity for growth) states: “As change is a fundamental characteristic of London, respecting character

and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."

4 MATERIAL CONSIDERATIONS

MC1. The National Planning Policy Framework ("NPPF" or "Framework") July 2021

- 4.1. The Framework has no force of statute, it is no more than guidance but it and its policies amount to material considerations to be taken into account in the decision making process.
- 4.2. Paragraph 8 stresses the three objectives of sustainable development that the planning system seeks to achieve: economical, social and environmental.
- 4.3. Paragraph 38 encourages positive and creative decision making to achieve sustainable development.
- 4.4. Section 12 seeks to achieve good design and paragraph 130 c) seeks planning decisions to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 4.5. Section 16 is titled Conserving and enhancing the historic environment. Paragraph 190 c) says that part of the strategy of conservation includes the desirability for new development to make a positive contribution to local character and distinctiveness and at paragraph 197 encourages this approach in decision making. Paragraph 194 provides guidance on the perspective required of the scale of the proposal and its potential impact on the significance of heritage asset. At paragraph 194, authorities are encouraged to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. A holistic and measured approach, dependent on what the development proposal actually is and its relative scale, significance and impact, is guided at paragraphs 207: not all elements of a conservation area will contribute to its significance and an appropriate measure of harm adjudged as appropriate. Furthermore at paragraph 208, an assessment needs to be made whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the

future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

5 REASON FOR REFUSAL, DELEGATED OFFICER REPORT AND APPELLANT REBUTTALS /SUBMISSIONS

Refusal Reason: The proposed front garden boundary treatment and gates, by reason of their size, scale and design would significantly erode and detract from the verdant character and appearance of the street scene and have a detrimental impact on the character and appearance of the street scene and the wider Copsewood Estate, Area of Special Local Character contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policies DMHB 1, DMHB 5, DMHB 6, DMHB 11, DMHB 12, DMHB 14 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020); Policy HC1 of the London Plan (2021) and the National Planning Policy Framework (2019).

- 5.1. For brevity, the Appellant comments and rebuts (shown in red) specific remarks as annotations within the delegated report.² The Appellant says a number of policies have been thrown at the proposal in a scattergun fashion even where they bear no relevance.
- 5.2. By way of examples in the street of comparable size, scale and height of gates and piers for boundary treatment, the Appellant invites the inspector to see the following frontages depicted in photographs below on the site visit:



3A Linksway – closed high boarded fence panels with timber gates running the length of the front giving an austere, isolated feel

² see Appendix 1



9a Linksway – note the cascading railings on bricks characterfully camouflaged



11 Linksway – note the wide, thick multiple piers along the front



Byworth house 20 Linksway– high brick walls and high piers and gates



Byworth House and neighbour's (22 Linksway) boundary treatments in brick and tall piers

- 5.3. The Appellant submits that, to the contrary, the development proposal accords with the development plan policies and enhances the area; at worst it has a neutral effect on the character and appearance of the area.

6 CONCLUSION

- 6.1. After the inspector has taken all the above matters and the accompanying evidence submitted as part of this appeal in the overall planning balance, it is respectfully requested that this appeal also be allowed on its own merits and planning permission be granted for the development.

LIST OF APPENDICES

1. Annotated delegated report with Appellant's rebuttal comments