

RESPONSE STATEMENT NON-DETERMINATION APPEAL

APP/R5510/W/21/3281622

PROPOSAL

FULL PLANNING PERMISSION FOR DEMOLITION OF EXISTING DWELLING AND
ERECTION A RESIDENTIAL BUILDING HOUSING 6 FLATS WITH ASSOCIATED BINS AND
CYCLE PROVISION. REMOVAL OF CORNER DROP KERB AND CREATION OF NEW DROP
KERB AND WIDENING OF FRONT DROP KERB.

LOCATION

59 ELM AVENUE
RUISLIP
MIDDLESEX
HA4 8PE

REPORT

OCTOBER 2021

Further to the receipt of the information provided by the appeals case officer, the Inspector is requested to consider the following comments, which include first time comments, given this was a non-determination appeal made in the absence of any decision notice or refusal report.

Since the commencement of the non-determination of appeal, the LPA has issued a decision notice but no follow up report other than comments recorded by the Council at its planning committee.

The appellant notes the Council suggests it is at a disadvantage due to its committee decision process, however the Council has made a decision whereas the appellant was at a disadvantage at the time of submitting the appeal with no decision or recommendation in place.

The Council appeal statement in paragraph 3.1.1 makes reference to documents dated 20th May 2021 to justify why it was unable to determine the original application.

It is unclear what the Council is referring to about 20th May 2021 as the appeal application was only validated on 6th July 2021 and was presented to a planning committee in September 2021, when the appellant had already notified in advance the Council a non-determination was lodged.

The Council as with many Councils has the ability to refuse an application within 8 weeks or cease to determine an application once an appeal has been lodged. Hillingdon Council has a different approach but that in no way puts it at a disadvantage as it has suggested.

The Inspector is requested in the main to consider the original Planning, Design and Access statement but requests the following is considered in response to specific reasons for refusal.

The appellant noted from the Council Planning Committee report dated 1st September 2021, that the Council has found the development to be acceptable on the following issues:

- The development will provide an appropriate mix of dwellings
- The proposed dwellings will each provide good quality accommodation
- The proposed amenity provision is acceptable
- The proposed parking and access arrangements area acceptable
- The siting, scale and use of the new buildings for flats with respect to neighbouring amenity is acceptable
- The principle of the proposed new density development is acceptable in this location
- The provision of bins and cycles onsite is acceptable

Notwithstanding the above merits of the proposal, which the Council has found acceptable the Council Planning Committee have refused the application for the following reason, which will be responded to below:

Design, Layout and Character

Reason 1

The proposed development, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

The appellant notes the Council is largely referencing the Inspector to its Planning Committee Report, with respect to Design and Layout. The appellant requests the Inspector to consider in large part the original Planning, Design and Access Statement submitted with the application to consider design and character.

However, the appellant would like to make the following comments for the Inspectors consideration.

The building will have the external appearance of a pair of semi-detached dwellings although accessed through a single main entrance. The span of the building will be similar to that of a semi-detached block and sit within a plot with a similar span.

The building will be sited further into the plot to allow for safer parking layouts and provide planting buffers. The setback respects the varied frontage building line as well as the rear building line.

The appellant notes the LPA Design Officer determined the width of the building to be acceptable and reflective of a pair of semi-detached houses. The height of the building is the same as the adjoining pair of semi-detached dwellings.

In terms of setback the LPA the Inspector is requested to note that the building line varies along both sides of Elm Avenue. No.1 Lime Grove on the opposite corner is set forward of No.52 Elm Avenue, likewise No.42 Elm Avenue is set forward of No.44 Elm Avenue.

It is noted the LPA Design Officer also noted in the extant permission granted at appeal set the 2 detached houses back from the existing building line, which is a material consideration.

A corner location provides a degree of flexibility in terms of building lines as well as an opportunity to erect a more prominent building which is sensitively designed.

The rear elevation is in line with No.61 rear building line and respects the 45-degree when taken from the adjoining property No.57. The building will retain a set back off the boundary with No.57.

A 5.3m gap is retained between the new flank wall of N.59 and the main first-floor flank wall of No.57. The original building at No.59 is sited less than 0.5m off the same boundary with No.597.

No.57 will continue to enjoy an open aspect to its rear garden and due to its largely south facing garden receive daylight and sunlight without obstruction from the new development.

It should be noted the extant permission development is set back 1m from the shared boundary with No.57 than proposed in this application.

In terms of the roof, the new building will have a largely visible pitch roof with an element of flat roof, which due to the roof design will not be apparent from the streetscene.

The building is designed to respect the varying building heights with the mass of the roof broken up by the gable projections and at ground floor elements of modest single-storey front and rear projections.



The above streetscene illustrates the comparison of main ridge heights between the proposed development and the adjoining pair of semi-detached dwellings.

Dormers will be recessed into the roof and with all glazing to be obscure glazed and fixed. In contrast to the previous 6 dwelling application, the current scheme has reduced the 4 larger side dormers to 2 smaller dormers site further back from the frontage. Two rear dormers are added.

The dormers are modest in size and well-spaced apart and set in from the main ridge and eaves so as not to dominate the roof form. It is noted the LPA Design Officer raised concern about the provision of roof level accommodation.

The Inspector is requested to note the various examples of houses with roof level accommodation within the vicinity of the appeal site, either opposite or along Elm Avenue.



These include houses with visible dormers on corner plots or windows sited on front gables at roof level identical to the appeal proposal.

The Inspector is requested to note that houses can be extended and have been under permitted development to include roof level accommodation, via dormers or roof alterations along Elm Avenue and in general nationally.

Indeed, recent planning reforms now supports upward extensions with changes to permitted development rights, which would benefit many houses along Elm Avenue to include roof accommodation or entire new floors. In the case of a bungalow this would add a new floor and a replacement roof, which could accommodate roof level accommodation.



As illustrated above, a number of houses along Elm Avenue, benefit from roof level extensions, which include full-width dormer extensions.

London Plan 2021 policies recognise the need to support residential extensions including upward and roof extensions to meet the growing need of existing householder accommodation across London, especially in accessible and sustainable locations.

The appeal proposal is providing roof level accommodation that other properties along Elm Avenue already benefit from or can accommodate under various permitted development rights and as such there is no material justification to exclude roof level accommodation from this site or scheme in general.

To remove roof level accommodation would make inefficient use of this site and be contrary to NPPF 2021 and the newly adopted London Plan 2021 policies H1 and H2 which seek suitable small sites to be developed for higher density development, which can include roof accommodation, contained within roofs similar in height to adjoining properties.

The roof level accommodation has been provided in a manner that provides a modern flat's building that may not fully reflect existing lower density character of the road, but the design has taken cues from existing designs to provide a more efficient development through a building which is reflective of local design whilst at the same time providing new housing mix.

The provision is provided on an under used corner plot, which the NPPF 2021 and London Plan 2021 seek to support for new higher density housing in accessible locations from a range of small sites such as the appeal site.

The LPA itself has found the development density and principle of flats development to be acceptable in this location in line with NPPF 2021 and policy H1 and H2 of the London Plan 2021.

Notwithstanding this, the LPA seeks to enforce rigid design and scale limitations on new developments on such sites as the appeal site, which are themselves limited in opportunity, would stifle the delivery of small-scale housing in sustainable locations contrary to NPP21 and the London Plan 2021.

The development of this site without roof level housing would also make the site unviable to redevelop.

The sites redevelopment for 2 dwelling itself is unviable and whether to retain the existing bungalow or build out 2 dwellings, neither will provide efficient use of land.

The LPA approach seeks to stifle efficient use of land if it insists on housing, which mirrors existing building forms and scale without providing an allowance for a range of building forms, which on corner plots as the appeal site can provide viable redevelopment to deliver 6 modern dwellings within a sustainable location whilst providing reflective development but one that does not and should not be forced to hide its higher density form.

The proposal provides a balance to deliver more housing and sensitively designed development.

Overall, the design of the development is more reflective of blocks of semi-detached houses found along Elm Avenue with gaps and width proportions being equally reflective within the context of corner and wider plot in general.

Conditions

The appellant has no objection to the list of conditions suggested by the Council should the appeal be allowed by the Inspector.

Summary

The Inspector is requested to consider the merits of the application as original submitted side by side with the original Planning, Design and Access Statement and associated reports as well the responses above.