



**HILLINGDON**  
LONDON

**Town and Country Planning Act 1990  
Section 78 Planning Appeal**

# **London Borough of Hillingdon Appeal Statement**

**Appeal By:**  
Mr Haplin

**Proposal:**  
Erection of a two-storey dwelling with associated access, parking and amenity space

**Appeal Site:**  
Land to the rear of 45 Seaton Gardens, Ruislip

**Our Ref:**  
**Your Ref:**

70507/APP/2021/1208  
APP/R5510/W/21/3282910

# **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 for the erection of a two-storey dwelling with associated access, parking and amenity space.
- 1.2 The above proposal description differs to the one stated on the application form. However, Officers are of the opinion that this description more accurately reflects the development. The agent was notified of this amendment at the validation stage of this application, to which no objection was raised. It is also noted that the Appellant's Appeal Form uses the Council's wording for the description of development.
- 1.3 The LPA refused planning permission on 23rd August 2021 for the following reason:

"The proposed development, by reason of its proximity, size, scale, bulk, height and massing, would be detrimental to the amenities of the adjoining occupiers at 45 and 47 Seaton Gardens and their associated private amenity space, by reason of sense of enclosure, overdominance, visual intrusion and loss of outlook. The proposal would therefore be contrary to paragraph 185 of the National Planning Policy Framework (July 2021) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)."
- 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 It is considered that the Appellant's statement mistakenly conflates the planning considerations outlined in the delegated report in respect to impact on the character and appearance and impact on the living conditions of neighbouring occupiers.
- 2.2 It is agreed that the delegated report gave weight to the allowed Appeal Decision for Nos. 39 and 39a Hatherleigh Road in respect to the impact the appeal proposal would have to the character and appearance of the area (refer to the Appendix for a copy of the Appeal Decision). However, it is strongly disputed by the Council that this means that the same degree of weight should be afforded when it comes to considering the impact the subject appeal proposal would have on neighbouring residential amenities.
- 2.3 As highlighted in the delegated report, the appeal site's relationship with its immediate neighbouring properties materially differs to that of the scheme allowed Appeal at Nos. 39 and 39a Hatherleigh Road. The adjoining neighbouring property at No.37 Hatherleigh Road has an outbuilding at the end of its rear garden, which

mitigates the impact of the two-storey rear wall of the constructed house being positioned against their mutual boundary.

- 2.4 In this subject appeal, the adjoining neighbouring property at No.47 does not benefit from an outbuilding or garage at the end of its rear garden. The two-storey rear wall of the proposed dwelling would be positioned hard up against the mutual boundary shared with this neighbour. As a result, the proposal would be oppressive and overwhelming such that it would lead to an unacceptable loss of outlook, overshadowing and a sense of enclosure for the occupiers of the private amenity space at No.47. The Appellant's Statement fails to acknowledge this issue.
- 2.5 Paragraph 5.9 of the Appellant's Statement correctly states that the Council's current Development Plan does not contain recommended guidance on rear wall to flank wall separation distances. Officers consider that this appeal proposal should be assessed on its own individual merits which would be consistent with the London Plan's designed approach. Whilst the Appellant's Statement refers to the HDAS SPD, this 2006 guidance document is out of date and has since been superseded. Officers therefore considered that it should not be relied upon to assess the acceptability of the appeal scheme.
- 2.6 The Council would like to draw the Inspector's attention to the fact that there is separation distance of approximately 18 to 19 metres between the dwelling that has been allowed at Nos. 39 and 39a Hatherleigh Road and the main rear walls of Nos. 39 and 39. This is opposed to the 16 metre separation distance between the proposed dwelling and Nos. 45 and 47.
- 2.7 Given the limited separation distance, coupled with the bulk and height of the proposed dwelling, it is considered that the appeal proposal would cause unacceptable harm to the living conditions of Nos. 45 and 47 Seaton Gardens, in terms of sense of enclosure, overdominance, visual intrusion and loss of outlook. The Appellant's Statement suggest the introduction of soft landscaping along the intervening boundary. However, this would not mitigate the identified harm.

## **4. Conclusion**

- 4.1 For the reasons set out in the delegated report and this statement it is considered that the proposal would be detrimental to the residential amenities of the neighbouring occupiers at Nos. 45 and 47 Seaton Gardens and their associated private amenity space. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 – Development Management Policies (January 2020) and the NPPF (2021).
- 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 – Delegated Report and Decision Notice for Land to the rear of  
45 Seaton Gardens**

**Appendix 2 – Allowed Appeal Decision for Land to the rear of 39 & 39a  
Hatherleigh Road and the approved Proposed Site Plan**

**Appendix 3 – Copies of Relevant Planning Policies**

**Appendix 4 – The LPA's Recommended Conditions**