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My ref: AEW/LCW/3656

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TOWN & COUNTY PLANNING ACT 1990

**ERECTION OF A TWO-STOREY DETACHED DWELLING
WITH ASSOCIATED ACCESS, PARKING & AMENITY
SPACE**

**LAND TO THE REAR OF no. 45 SEATON GARDENS
RUISLIP HA4 6AY**

LONGFORD DEVELOPMENTS LTD.

**COMMENTS UPON THE
COUNCIL'S STATEMENT**

ON BEHALF OF THE APPELLANT COMPANY

BY

ALLEN E WATSON M.R.I.C.S., Dip. T.P., M.R.T.P.I.

Local Planning Authority Ref: 70507/APP/2021/1208
Planning Inspectorate Ref: APP/R5510/W/21/3282910

- 1.1 Rather than artificially conflating the planning considerations, as suggested in the Council's Statement at para. 2.1, it is maintained that there is really only one matter to be considered – “ ... *the impact of the proposal upon the amenities of nos. 45 and 47 Seaton Gardens*” – as indicated at para. 5.2 of the appellant's Statement.
- 1.2 This was taken from the reason for refusal where the one consequence of the proposed development specifically states that the proposed development “ ... *would be detrimental to the amenities of the adjoining occupiers at nos. 45 and 47 Seaton Gardens*” and the reasons why the Local Planning Authority came to that conclusion were clearly set out – by creating “ ... *a sense of enclosure, overdominance, visual intrusion and loss of outlook*”.
- 1.3 The appellant's evidence concluded that the proposed new dwelling would be located a sufficient distance from the rear of nos. 45 and 47 Seaton Gardens not to be overdominant, or such that it would result in a sense of enclosure, loss of outlook or be visually intrusive, and guidance upon those matters was derived from the appeal decision relating to land to the rear of nos. 39 and 39A Hatherleigh Road, Ruislip (a copy of that decision being attached to the documents submitted by both parties). It has been agreed that that decision is a “ ... *material consideration and carries a considerable degree of weight*”.
- 1.4 The Council now seek to identify differences between this proposal and that in respect of the new dwelling to the rear of nos. 39 and 39A Hatherleigh Road, at paras. 2.3 and 2.4 of its Statement.
- 1.5 It is suggested that the outbuilding at the end of the rear garden to no. 37 Hatherleigh Road mitigated the impact of the two-storey rear wall of the proposed dwelling being

positioned against the mutual boundary. It must be said that such an issue never appeared to be a consideration in respect of that appeal and, whilst it is acknowledged that it was a matter referred to in the Delegated Report relating to this appeal, it has to be said that the rear wall of the proposed dwelling in this case would adjoin a parking area and a shed associated with no. 47 Seaton Gardens, rather than part of its open amenity area.

1.6 The Council's Statement comments, at para. 2.5, upon the appellant's reference to an appropriate distance of 15m being maintained between the rear of a dwelling and the flank of another, which was found in the Council's previous HDAS SPD document of July 2006. It was made clear that the 15m separation distance was from a "previous" SPD, but the fact remains that it has generally been regarded, for many years, and still is by many Authorities, as an appropriate separation distance, and such a distance will be maintained in this instance.

1.7 At para. 2.6 the Council rightly states that there is a separation distance of approximately 18m – 19m between the new dwelling that has been allowed at the rear of nos. 39 and 39A Hatherleigh Road and the main rear wall of no. 39. However, attached hereto is a copy of drg.no. 2853-1-04 which accompanied the application referred to in Appeal A which was, of course, dismissed (application ref. 70507/APP/2014/4440) and it is clear that the Inspector in that appeal raised no objection to the separation distance of 17.3m between no. 39 and the proposed new dwelling – it was the distance of between 12.4m and 13.3m from no. 39A to the new dwelling, which led to that appeal being dismissed.

- 1.8 It is the case, therefore, that the Inspector in the Hatherleigh Road case was content with a separation distance of 17.3m – being in excess of 15m – and the separation distance in this case would, of course, be 16.3m.
- 1.9 There is nothing in the Council's Statement which causes the appellant to resile from the conclusions reached in the earlier Statement – that the appeal proposal is acceptable in all respects and that planning permission should be granted.
- 1.10 It is confirmed that the appellant is content with the conditions which the Local Planning Authority would wish to be attached to any planning permission, insofar as they may be considered relevant.