



Town planning and development



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2nd December 2021

Dear Ms. Howell,

Appeal Reference: APP/R5510/W/21/3283640

Appeal by: Twiglets Developments Limited

Site Address: 72 Harefield Road, UXBRIDGE, UB8 1PL

**RESPONSE TO COUNCIL STATEMENT AND THIRD PARTY
COMMENTS**

I write in respect of the above appeal and receipt of both the Council and third party comments on the above appeal. We have reviewed these submissions and respond as follows.

Council's Response

The council does not offer a detailed statement of its own and instead relies on its committee report to make its case for refusing the appeal. Notwithstanding, the council does comment on the appellant's appeal and suggests a number of planning conditions to be imposed should this appeal succeed.

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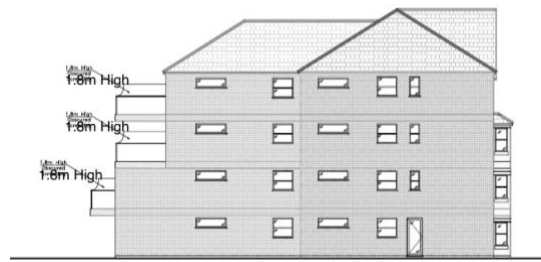
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In the first instance we note that the council states in its response that it considers this case to be “finely balanced, given the background and amendments that have been carried out”. This we would note is not the tone or message set out in the council’s committee report, where a far more damning assessment of impacts is given. Notwithstanding, such a comment seems an odd one to make at appeal stage, which tends to suggest that the council’s conviction in this case is not strongly supported.

We note that on the back of this comment on balance, the council then suggests that it is a culmination of a number of factors in the proposal that when viewed together, make the proposal unacceptable. In essence, these aspects are, the design of the façade of the proposed new building, the proposed crown roof, its depth into the site, and proximity to the boundary, harming the amenities of neighbours. In light of the comments above on balance, given that the council’s ‘defense’ to each of these aspects above is at best weak, we would suggest that council has in effect taken an unreasonable and unjustified position in refusing the appeal proposal.

The Council’s committee report and reasons also refer to the level of excavation proposed in the development as being a factor against granting permission here, and to this end the appellant has pointed out that in fact the lower ground floor of the appeal proposal would match that of the neighbouring flats at no.72, albeit the arrangement there has retained the land in front as nominal garden, and requires a driveway up and around the building. The appeal proposal alters this arrangement but in doing so, provides level access to the building and appropriate disabled-standard parking to the front, neither of which are available to the current house (which has no vehicle access) and which on balance, provides significant benefits to the development of this site without adversely affecting the streetscene, which as demonstrated, is very mixed in character.

As for the issues the council raises in its response, it again refers to the impact of the proposal upon the amenity of neighbours to no.74. The appellant has repeatedly pointed out that the windows facing the site in the neighbouring building at no. 74 comprise either non-habitable or secondary windows, and whilst the council has acknowledged this to be the case, it still maintains that the proposal would harm the amenity of neighbours by extending too far into the site, beyond the flats at no.74 (and other neighbouring sites), representing an ‘overbearing’ building harming their outlook. This however clearly does not tally with the council’s views on light, since the residents either side would still have relatively unobstructed views out from their main habitable windows, eastwards into their own sites, and not towards the appeal building. As such, no habitable rooms look directly into the appeal site proposal, and as demonstrated in the plans (below) the proposal easily meets the council’s own 45-degree guidance, which is intended to protect light, as well as outlook.

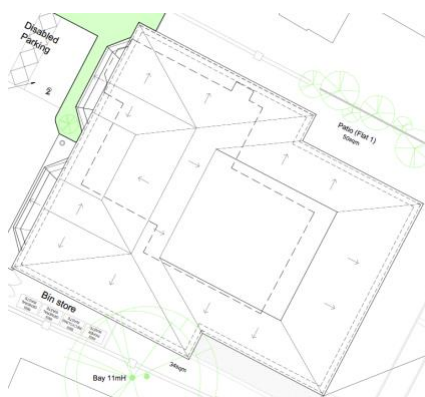


The council is therefore basing their position on the impact of the new building on outlook from areas outside the neighbouring buildings, which to the south comprises a rear car park and garages, and a small garden and parking area to the north (at no.74). In light of this, the neighbours experience of the rear of the appeal building would be somewhat fleeting, and in our view, of little material harm in the overall planning balance. The fact is, the proposed building would not be readily visible from within the neighbouring flats and in our opinion, the council's position on this aspect of the proposal is not justified in their refusal or response.

The council also argues in some detail that the examples of redevelopment in the surrounding area provided by the appellant in their statement should have little or no bearing in considering the merits of the current appeal proposal at no.72. In response, and whilst the appellant has stated quite clearly that the appeal case does indeed need to be assessed on its merits, it is nonetheless also relevant that nearby redevelopment, which has been approved under the same policies and which clearly has an influence on the character of an area like this, is of relevance to the consideration of this proposal. These developments were after all, determined to be acceptable within the same policy environment that this appeal proposal was deemed to be unacceptable, and yet all share very similar surroundings and one would presume, considerations of scale, form, mass and landscaping that would be of acknowledged importance to the appeal case here. They also demonstrate a trend of acceptable development as developers look to optimise housing delivery on under-used suburban sites, as advocated in the new London Plan. Notwithstanding, the appellant has put forward a very robust case to justify the appeal proposal on its own merits, considering all policy considerations and its immediate streetscape setting and neighbouring buildings and this in our view clearly supports approval of this proposal.

On matters of design, the council again states that the proposal would have “significantly wider gables than the neighbouring property”, and that the large crown roof will result in an overly bulky dominant form of development. The council also maintain that the proposed crown roof would be a significant feature that would be visible (and harmful) from the street. On the matter of the crown roof section, we again fail to see the council's

concentration on this aspect of the scheme insofar as it affects ones understanding of the building from the street. We can only assume that the council is referring to the small infill section of roof slope between the two front gables. However, this is not a crown roof – it is a traditional dual-pitch roof set behind a small flat section of roof, and presenting a traditional sloping roof from the street, as well as creating a visual break in the roofline (see extract below).



The main crown section is very clearly located to the rear, set in and behind the main frontage section of the proposed building. We maintain that it will not be visible from the street by virtue of its position on the proposed building, surrounding buildings and established trees and greenery, which will severely restrict any views of it. It will not ‘present’ as a crown roof, in the way the crown at the recently built Abrook Arms development has. As such the council’s view on this aspect of the proposal is unjustified.

With respect to the council’s comments on the design of the proposal and in particular, the use of wider gabled features than its immediate neighbours, we would suggest this ultimately is a matter of design understanding. In our view, the use of wider gables is justified when considered as part of the proposed new building as a whole within its site context. The council clearly has a different perspective on this aspect of the design, but fails to demonstrate exactly how the building proposed would be materially harmful within this plot and the streetscene. As stated in the appellants’ main statement, we consider the building and front gable features to be proportionate to the building and respectful of its surroundings, echoing but not following a pastiche route of directly copying the neighbouring converted townhouses. Notwithstanding, aside from noting its difference, we do not see anywhere where the council has been able to reasonably demonstrate any meaningful harm arising from this design approach.

Suggested conditions

The council suggests a number of conditions to be attached to permission should the inspector be minded to grant in this case. Having reviewed these, we can advise that the appellant has no objection in principle to the inclusion of these.

Comments on Third party representations

We note that the appeal has attracted a significant response from the occupant of no.2 Cambridge Road, located behind the site to the east. It is noted that whilst no signatures are added, Mr. Liow also claims to represent the views of unnamed residents of Cambridge Road, Fairfield, Harefield, Fairlight Drive, Cornwall, Norfolk and Mayland Drive.

In this response this objector notes comments already made by residents and local councilors regarding the capacity of the site, car parking and highways matters, and seeks to reiterate these in this appeal. In response to this, the appellant would note that the vast majority of these matters were considered in the application to be acceptable and in particular, matters of parking and highways access, which do not form a part of the council's reasons for refusal.

Notwithstanding, this objector refers in detail to the location of the site and its impact upon highways safety. The appellant would point out that the proposal has already been assessed by the council's highways engineers and no objections raised to the proposed parking levels at the site or access onto Harefield Road. In this the Highways Engineer stated *"The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns"*. A condition requiring adequate sightlines is recommended, which the appellant accepts. As such, despite Mr. Liow's opinion, we would submit that there are no highways aspects associated with the proposal that have not already been overcome.

Further comments are made over the siting of the proposed parking area to the rear of the site. In response, despite Mr. Liow's written assertions, a significant factor in considering whether parking to the rear here would be acceptable here is the existence of rear parking on either side of the appeal site. This clearly demonstrates that rear parking is a part of the character of the area and in this case, will give no materially adverse impacts. As such, we consider that the matters raised by Mr. Liow have already been covered in both the application submission and the council's own committee report, and do not form an aspect of the council's refusal of the appeal proposal. On matters of

air quality, no adverse comments were raised by the council's own experts in this field. As such, whilst we understand that Mr. Liow does not wish to see this site developed, we would respectfully suggest that the matters raised by him on this respect carry little material substance.

Mr. Liow also submits that the proposed height of the proposal and proposed balconies would have adverse impacts upon the privacy of residents living to the rear. Again, this was assessed by officers and did not raise issues at the council. However, we would also point out that the land rises up significantly to the east towards the very rear garden of no.2 Cambridge Road, whilst the proposed rear balconies themselves would be set some 26-29m from these at the rear of the proposed building. This both meets the council's expectations on separation distances, but moreover would ensure that there would be no meaningful adverse impacts caused to privacy or indeed noise, from ones' normal use of one's amenity space, in a manner that would be expected in any of the neighbouring residential gardens.

We also note that Mr. Liow regularly refers to their being 35 residents living at the resulting development. With all due respect, the proposal is for 9 flats having some 21 bedrooms in total at the site. Whilst it is obviously possible that all rooms in all flats could be used to their absolute capacity, experience would tend to suggest this would not be the case in practice, and the number of people living at the site would in practice be much lower. Notwithstanding, since the overall function and scope of development is generally considered to be acceptable, this aspect is considered to be of little significance to considering the merits of this appeal.

Finally, Mr. Liow refers to the building obstructing the sunset that he can currently view from his property. Whether this is the case or not, as the inspector will be fully aware, the rights to a view are not considered materially relevant to the merits of the proposal.

Summary

The issues raised in the council's committee report have already been considered and addressed at length in the appellant's statement of case. With regard to the comments made by the council in response to the appellant's statement of case, we do not consider that these add any greater weight to the council's argument here. Indeed, we would suggest the council's failure to robustly clarify and justify their position, particularly in respect of how the building would materially harm the amenity of neighbours as they allege, or how the proposed crown roof section and gables would harm the streetscene, supports the appellant's position that the proposal would not materially harm the amenity of neighbours or indeed, surrounding visual amenity.

In respect of third party comments, whilst we understand that new development can be concerning to existing residents, we are of the view that the matters raised do not present materially harmful impacts that have not already been determined to be acceptable.

We therefore conclude that neither the council or third party response offers any further justification as to why this appeal should not be approved.

I trust that this provides an appropriate response and aides the inspector in assessing this appeal.

Yours sincerely,

Paul Robinson MRTPI
Planning Director

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