



Town planning and development



72 Harefield Road, Uxbridge, UB8 1PL

**DEMOLITION OF EXISTING DWELLING AND
ERECTION OF BUILDING TO PROVIDE 6 X 2-
BED AND 3 X 3-BED FLATS WITH ASSOCIATED
PARKING AND AMENITY SPACE**

APPELLANT'S STATEMENT OF CASE



Submitted on behalf of Twiglets Developments Ltd.

Our Ref: OTP2045

LPA Ref: 25767/APP/2021/491

August 2021

CONTENTS

1. Introduction
2. Site and Surrounding Area
3. Planning History
4. Appeal Proposal
5. Planning Policy
6. Planning Considerations
7. Summary

Appendices

1. Decision Notice dated 5th August 2021
2. First pre application scheme submitted to the council – February 2020
3. Pre application response dated 19th March 2020
4. Second pre-application scheme submitted to the council – July 2020
5. Pre-application response dated 29th September 2020
6. Approved plans at former Abrook Arms PH site, Harefield Road (ref: 18505/APP/2016/3534)
7. Delegated Report – former Abrook Arms PH site, Harefield Road (ref: 18505/APP/2016/3534)
8. Approved plans – 178 Harefield Road
9. Inspectors decision notice – 178 Harefield Road

1.0 INTRODUCTION

1.1 My name is Paul Anthony Robinson. I am a Chartered Town Planner and a member of the RTPI since January 2001, having worked as a professional planner since September 1997. I have spent 15 years as a senior development management officer in the public sector and 9 years as director of Orbis town planning, providing expert planning consultancy services. I have been involved in many written appeals, hearings and public inquiries in that time.

1.2 This document forms the appellant's Appeal Statement in respect of an appeal against the decision of the London Borough of Hillingdon (The LPA) to refuse planning permission for the demolition of the existing dwelling and erection of building to provide 6 x 2-bed and 3 x 3-bed flats with associated parking and amenity space, at 72 Harefield Road, Uxbridge.

1.3 The application was refused at Committee on 5th August 2021 with two reasons for refusal:

1. The proposed development, by reason of its excessive size, scale, bulk, design including the very large crown roof and significant site excavation would result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D3, D4 and D6 of the London Plan (2021).

2. The proposed development, by virtue of its size, scale, bulk, depth, height and proximity, would be detrimental to the amenities of the adjoining occupiers at 56-60 Harefield Road and 74 Harefield Road,

by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two (2020) and Policies D3, D4 and D6 of the London Plan (2021).

- 1.4** This Statement sets out the broader context of the appeal proposal and addresses the Council's reasons for refusal. Whilst this appeal will rightly focus on addressing the council's stated reasons for refusal, it is also relevant to highlight the process this application took whilst under assessment with the council, since it is clear that the case officer supported the proposal over the length of the application, requesting and receiving amendments to the proposal in order to secure a recommendation for approval, only for this to be altered to a recommendation for refusal at the very latter stages of the process. This we believe highlights not only an inconsistency with the council's handling of this scheme, but moreover, it highlights what we believe is the precariousness of the council's reasoning and justification for refusing the proposal, which clearly garnered significant support from officers in the run up to decision.

2.0 SITE AND SURROUNDING AREA

- 2.1** The appeal site is located on the east side of Harefield Road, about 1 mile from Uxbridge town centre, but firmly within a suburban area of Uxbridge. The area is populated by a mix of house types with large detached houses from the first half of the 20th Century together with later infill and some flatted developments. The site here is bounded by two dominant pairs of Edwardian townhouse to the north, comprising double-gabled frontages and four storeys, whilst to the immediate south, a linear block of flats is sited, having three storeys and dating from about the 1960s. Opposite, the built form tends to comprise of two storey 1930's semis, though later 20th century housing has been built off Fairlight Drive opposite the appeal site. It is also notable that both nos. 74-76 and the adjacent flats to the south have parking and garages located in their rear gardens, with the rear parking at no.74-76 accessed via a driveway running along the northern edge of the appeal site boundary. To the

rear, it is notable that the rear of the site abuts the very rear gardens of no. Cambridge Road and no. 24A Fairfield Road, and as such, there are no actual houses located directly to the rear (east) of the site.

- 2.2 The above context means that there is no set building type, form or layout in the local area, though immediately adjacent to the appeal site, development tends to be between 3 and 4 storeys in height, comprising of flats, or former houses converted to flats. As such, the area is suburban but of a very mixed character, which would tend to suggest that 'harmonising' with this would allow for an equally varied response.



- 2.3 The application site itself comprises a two-storey detached four-bedroom property dating from about the Edwardian period (1900 – 1920). It is not an unattractive building, displaying elements of suburban 'arts and crafts', but its limited height in relation to the buildings immediately surrounding it means that it is something of an oddity on this side of Harefield Road. It is also notable that the existing house has no off-street parking. Like all plots here, the site rises up eastwards from Harefield Road to the rear, such that houses are sited approximately 2m above pavement level, though set back from this by around 10m. Being gabled with a timbered detail and having a flat tiled roof, it is not an unattractive feature in the streetscape, but it is not protected from redevelopment by any overriding designation.



No.72 viewed from Fairlight Drive to the west, with nos. 74-79 and adjacent flats flanking it at a greater mass and height.

- 2.4 The boundaries of the site are formed by a mix of fencing and hedges, whilst there are a number of taller trees in groups, or individually significant in surrounding plots that help frame the site, as well as provide a significant amount of screening between properties, and in the case of the flats at nos. 26-60 Harefield Road, a large Lime is subject to TPO, and further trees are subject to TPO towards the rear of the site.
- 2.5 It is noted that whilst the area could broadly be considered to have been subject to few material changes over the last 20-30 years, there have been several significant built changes more recently that alter the overall expectation of development and change.



Development of the former Abrook Arms PH

- 2.6 Firstly, located about 200m to the north of the appeal site, the redevelopment of the former Abrook Arms PH is nearing completion, where a development of 18 new flats over three storeys was granted, replacing the significantly more modest, 1930s-built public house formerly located there. The new development includes significant increases in height, depth and width over the original pub, as well as significant a crown roof expanse that allows a more traditional roof slope to skirt each elevation. This clearly represents a significant change in the mass, form and typology of the surrounding area, which is primarily comprised of two-storey houses like the appeal site here. More recently, and a little further to the north, the site at no.178 Harefield Road is also under development to replace the former two storey house there with a three storey block of 7 flats.
- 2.7 Whilst suburban in nature the site has reasonable access to local facilities and transport connections. The site is located about 1km from Uxbridge centre and is served by local bus routes (U9 from Uxbridge Station to Harefield Hospital and return; U10 Uxbridge station - Ickenham Station – Ruislip Station – Glenhusrt Ave). The PTAL of the site is 1 so in the lower categories, but this is in regard to London as a whole – the site itself is reasonably well-located to access local facilities and connections to wider destinations, and the site is located a short distance from the M40 giving speedy access to the wider motorway network.
- 2.8 The site is not in a Conservation Area and there are no listed buildings nearby. The site is in Flood Zone 1, according to the Environment Agency's classification.

3.0 PLANNING HISTORY

- 3.1 The site has no formal planning history on respect of the site. However, it should be noted that the appellants did go through two rounds of pre-application submissions with the council before finalising their scheme for full planning permission (Council refs: 25767/PRC/2020/16 and

25767/PRC/2020/157). This is considered of significance to this appeal since the appellant has clearly shown a clear commitment in submitting plans to the council for discussion and appraisal beforehand, before responding to any comments in their final scheme in a manner that is clearly to be encouraged by both the council and within planning as a whole. It is significant that in both these pre-application submissions, none of the matters raised in the final appraisal of the scheme were raised, or were left without being resolved.

- 3.2 Both the above pre-application submissions and the formal responses received from the council are included at appendices 2, 3, 4 and 5 respectively

Other developments nearby

- 3.3 Whilst it is an agreed principle that each case needs to be submitted on its merits, it is nonetheless relevant to consider other developments that have or are taking place in reasonable proximity to the scheme, especially when considering the reasons for refusal issued by the council, most critically the scale of the proposal here and its compatibility with adopted policies BE1 and DMHB 11 and 12 and its failure or otherwise to 'harmonise' with its surroundings and the scale and extent of the proposed building within the streetscene.

Former Arbrook Arms PH (next to 169 Harefield Road)

- 3.4 This site is recently completed (refer to photograph of current site from June 2020 in para 2.7 above), following the grant of planning permission for the demolition of the existing public house and erection of a new building comprising 18 residential units and a basement car park (Ref: 18505/APP/2016/3534).

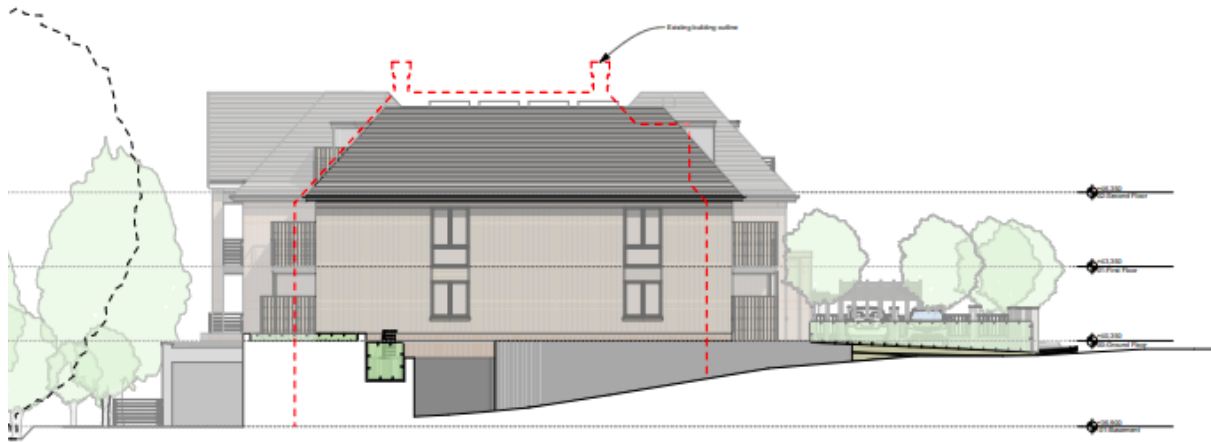


Former Abrook Arms PH (circa 2017)

- 3.5 The approved development effectively comprises a 3-storey development of significant scale (with 4 storeys to the rear as the land falls away to the river and Green Belt beyond), which not only stretches across the width of the frontage but also deep into the site, whilst providing a significant increase in height, mass and bulk at this former public house. This is evident in the increase in heights approved compared to its immediate surroundings, which again, like the appeal site comprise of large two-storey detached and semi-detached houses, albeit of a slightly lesser scale than those at the appeal. An extract of the street elevations etc. is below and plans at Appendix 6.



Abrook Arms PH site - Approved elevation and mass to Harefield Road



Abbrook Arms PH site - Approved west elevation, showing height and depth into site adjacent to existing two storey houses on Harefield Road

- 3.6 In the delegated report for this site (Appendix 7), it is noted that when considering this proposal in 2018, officers presented a reasonably relaxed approach to matter of scale and bulk within this primarily two-storey area, essentially justifying the height of the proposal by virtue of the fact the former pub building also had a third level, comprising dormer windows in the roof. In doing so the officer noted that *“the character of the area is primarily residential albeit comprised of buildings of varied age and mixed architectural character”*. The officers also stated:

“although it would extend across much of the width of the site, mainly on the former car park at the side of the building. The staggered front elevation of the building helps to break up its bulk in the street scene and the Council's Conservation/ Urban Design Officer raises no objection to the modern design of the block which includes a crown roof and balconies on the principal elevations of the building”.

- 3.7 On matters of density, officers noted that whilst at 106 units/hectare, the proposal would significantly exceed the suggested levels of development advocated in the London Plan Table (40 - 65 units per hectare), and the surrounding context, it was stated that *‘exceeding the Mayor's guidance does not automatically suggest that the scheme is unacceptable’*,

‘considering that ‘it will be all the more important on this infill site to ensure that any redevelopment scheme is of a good quality that harmonises with the surrounding environment and suburban setting, whilst providing an acceptable standard of accommodation for its future occupiers, without adversely affecting the amenities of surrounding residential occupiers’.

- 3.8 Again on height and mass and overall design, the officers were relatively relaxed over its impact, despite its obvious bulk and width compared with neighbouring housing, stating that *‘the building and would appear as a two-storey building on the Harefield Road frontage, with accommodation in the roof space’* and that *‘the Council’s Conservation/Urban Design Officer advises that the proposed building is fairly low key in terms of design, so no objections are raised to the architectural approach in principal’*. On the matter of width, officers considered the staggered frontage helps to break up the main bulk of the building. Equally there was no in principle objection to the significant crown roof in the scheme, which as a stand-alone building, is easily recognisable as such.

178 Harefield Road

- 3.9 In November 2020 planning permission was granted on appeal for the redevelopment of a single detached, two-storey dwelling with a three-storey development of 7 flats, together with 7 parking spaces to the front of the site (Appeal ref: APP/R5510/W/20/3255652) The council had refused the proposal on the basis of unacceptably increased mass, bulk and design, which it considered would fail to harmonise with its surroundings, harming the character and appearance of the streetscene. The scheme is presented below for reference.



178 Harefield Road – Approved development in relation to neighbouring housing
 178 Harefield Road – approved front elevation to Harefield road, including relationship to neighbouring house at no.180.

3.10 At the appeal, the Inspector concluded that despite the council’s assertions on scale, mass and bulk, the proposal would fit comfortably within its varied surroundings. Indeed, he noted:

It would be considerably larger than the existing house, which is set well back from the road. Notwithstanding its greater width, the proposal would be set off the side boundaries by distances which are consistent with a great many that I observed in the area; indeed, the existing terraces houses clearly have no gaps between them. The proposal would also benefit from the visual gap to its right-hand side afforded by the roadway that serves the 2 houses to the rear. [1]
 [SEP]

And:

“I have observed the surroundings of the appeal site in close detail and also my attention has been drawn to other developments locally, which I have seen. Within the context that I have observed, I am satisfied that the size of the building itself would not be out of character with the area and would be similar to a number of others (or smaller) that I observed. The area contains buildings that extend deep into their sites (notably the care home) and also buildings which have resulted from ‘backland’ style developments so there would be nothing unusual or harmful in relation to the proposed depth of the building”.

Analysis of approach to neighbouring sites

3.11 Whilst understanding that each site is judged on its merits, the fact that the two schemes above have been granted permission whilst containing almost identical considerations as the appeal proposal here, questions the approach to assessing the appeal site and its application of policy. At the Abrook Arms site in particular, which is relatively close to the appeal site and comprises a significant development of 18 units on what was a relatively underdeveloped site bordering the Metropolitan Green Belt, the proposal was nonetheless considered to *'harmonise with the surrounding streetscape'* by virtue of its proposed two storey construction with a second floor confined to the roof. Similarly, at 178 Harefield Road, which sought to replace an older, smaller house with a large block of flats, the council's concerns and objections to the increased scale and mass on the site were quite swiftly dismissed by the Inspector. Whilst allowing for the fact that these are all different sites, it nonetheless appears that there has been and remains, serious inconsistency in the council's approach to the assessment of development in relation to its neighbours, and the character, form and streetscape of Harefield Road as a whole. This is seen in the delegated approval of development at the Abrook Arms site, with a development having a significant crown roof and overall mass, and then refusal of the redevelopment of 178 Harefield Road, where the scale, mass and bulk was considerably less, though we would argue, amounting to more significant variance with its surroundings than the appeal proposal here at no. 72. The latter case was of course approved on appeal, which together demonstrates that larger redevelopments in this road are typical, and have been routinely approved either by officers or on appeal.

3.12 In all three cases, increasing the height and width of the development and allowing nominal development into the roofspace (via dormer windows and openings, and in the case of the Abrook Arms development, essentially a complete third floor via a significant crown roof), was deemed an appropriate response, even allowing the officer in the Abrook Arms application to conclude that *'the building and would appear as a two-storey building on the*

Harefield Road frontage'. This then contrasts sharply with the approach taken to the appellants' case here, some 200m away at 72 Harefield Road, where we would argue the scale, mass and scope of development is much more commensurate with its immediate surroundings, with a typology which clearly better harmonises with its surrounding suburban residential character, and especially the two pairs of Edwardian townhouses at nos. 74 – 76 Harefield Road. This highlights a significant level of inconsistency in the approach taken by the council at the appeal site, as well as an absence of the proactivity or pragmatism that was shown in the above two cases. This is highlighted in appropriate detail below, but moreover, it demonstrates how buildings of greater mass and plot coverage can sit quite comfortably within their existing, lower rise environment, whilst still *'harmonising with their surroundings'* - the mainstay of Hillingdon council policy balanced with a general need to increase housing densities on appropriate redevelopment sites as advocated in the new London Plan and NPPF.

4.0 PROPOSED DEVELOPMENT

- 4.1 The appeal proposal seeks the demolition of the existing dwelling on site and erection of a new 4-storey dwelling comprising 9 flats (6x2 bed and 3x3 bed).
- 4.2 The building would be sited to Harefield Road in line with surrounding buildings. However, it would extend deeper into the plot, proposing accommodation in a narrower annex section to the rear - the building stepping in by some 2m at a point just before the rear building line of the neighbouring flats at 56-60 Harefield Road. Parking for 12 cars would be allocated around the site, with two spaces to the front (marked as disabled accessible) and 10 in a designated parking area to the rear, accessed via a lower ground floor undercroft through the proposed building. Amenity space would be provided either privately (via a patio to flat 1, balconies to flats 2, 3, 6 and 9, or communally to the rear, whilst landscaping would be provided around the building where appropriate, including to the front of the plot facing Harefield Road.

- 4.3 The total height of the building would be marginally lower than its neighbours at nos. 74 and 76, whilst the lower ground floor of the building would be set down, such that it would have level access to the street. This is achieved by utilising the slope of the site and excavating down to allow a lower level entrance from the front. This would effectively create a lower ground floor level, and also allows vehicular access to the site from Harefield Road which is current missing on the site, and would be difficult to achieve whilst maintaining appropriate inter-visibility, which surrounding sites such as that at no.74 would unlikely achieve to the required modern standards. The building would retain gaps to each side boundary of between 2m and 3m, which mirrors the setting of its principle neighbours at 74 and 76 Harefield Road.



- 4.4 The building is essentially proposed as a double-fronted block, having two gables of equal size, accentuated by a projecting gable across the ground, and first floors. The upper level takes the form of a more pared back façade akin to its neighbours. This approach not only emphasises the two gables (which broadly match those of neighbouring houses to the northwest), but will serve to break up the mass of the building when viewed from the street. In this respect, the proposal takes its design cues from the more majestic townhouse villas of nos. 72 and 74 Harefield Road, which is considered to be an appropriate design response in this instance. This includes incidental details such as the window surrounds and the inclusion of an ornamental 'date plaque', as shown in the CGI below.



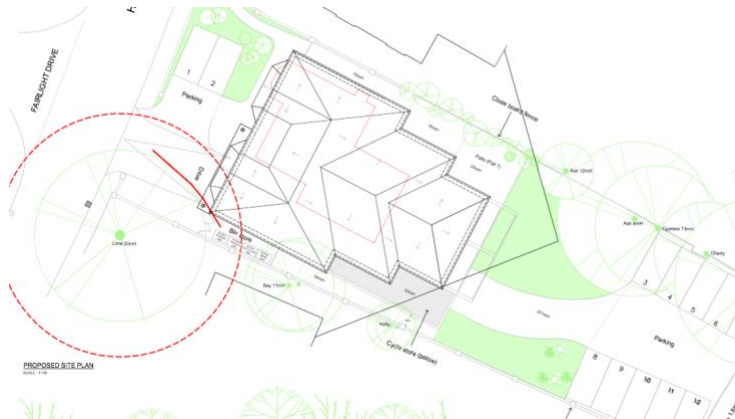
CGI rendering of the proposal, showing brick texture and inclusion of ornamental details echoing those of neighbouring townhouses

- 4.5 At the rear, the roof form over the rear annex section takes the form of a crown roof, though this would sit behind the proposed main, conventional dual-pitch roof, and therefore this would be wholly screened from any views on Harefield Road whilst allowing the pitch of the roof here to remain consistent across the building.
- 4.6 Internally the proposal will deliver 6x2 bed and 3x3 bed flats. All flats are at or above minimum London Plan threshold GIA and all would be dual aspect. Whilst it is not possible to provide private amenity space for all flats fronting Harefield Road, 5 of the 9 flats would each have access to either a patio or large balcony, providing between 13 – 40sqm private open space that would be directly accessible from each flat. A lift is also provided for access to all flats, meeting part M requirements in the Building Regulations and London Plan.
- 4.7 The planning application was submitted in February 2021. This followed two rounds of detailed, paid pre-application submissions to the council in which formal advice was provided, and which the council advised in its final pre-application response in late September 2020, that issues of roof design and the amenity of neighbours had been resolved. For the purposes of this appeal we consider it is prudent to highlight the pre-application process that took place regarding this site, since we feel it serves to add further question to

the council's eventual refusal of the application now at appeal, which still took place very late in the application process itself and only after a recommendation to approve was submitted.

First Pre-application submission and response (March 2020)

- 4.8 The first pre-app proposed a 4-storey building comprising 9 flats. To the front this effectively took the same form and height as the scheme now at appeal, with bay window features and an undercroft to the rear parking area. Where the first pre-app differed was in the proposed arrangement at the rear. Here, a 'conventional' dual-pitch roof form was proposed over what was then a staged rear 'outrigger' of some 11.5m depth (see plans below and at appendix 2).



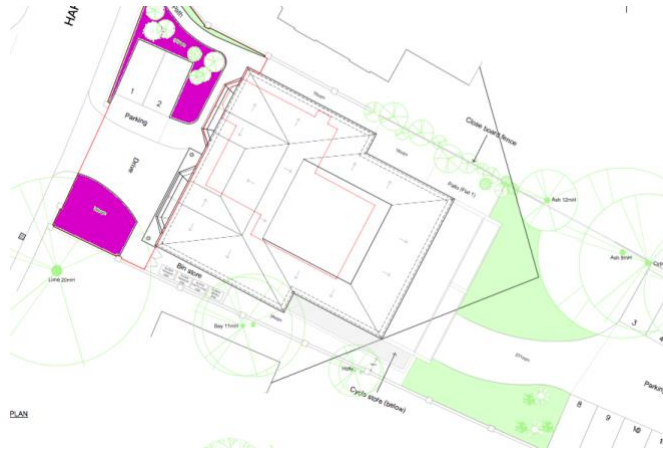
Roof plan and layout of first scheme submitted under pre-application in March 2020



- 4.9 A meeting was held to discuss the proposals and formal written advice received dated 19th March 2020 (refer to appendix 3). In this officers advised a general acceptance of the principle of the development but noted several areas of concern – these being the proposed depth of the rear outrigger section, and the proposed roof form (having conflicting roof pitches), and impacts upon the amenity of neighbours either side.

Second pre-application submission and response (July-September 2020)

4.10 In light of the above the appellants revised the proposals and submitted these for a second round of consultation with the council on 27th July 2020 (see plans at appendix 4 and extracts below).



Layout and roof plan in 2nd pre-app submission (July 2020)



Amended roof form and reduced depth of 2nd pre-app submission (July 2020)

4.11 The council's response was received 29th September 2020 (appendix 5). In this the officer noted the principle alterations in the second scheme as being that the revisions have:

- reduced the projection to both the 1st and 2nd floors to minimise “over-dominance /sense of enclosure” impact;
- established the side windows to the adjacent property are for toilet/bathroom and secondary windows serving bedrooms only;
- ensured the current scheme includes 25% soft landscaping to the frontage of the development; and’
- simplified the roof design and incorporated crown roof design as discussed to soften street scene impact.

4.12 In response the council stated in writing that it was satisfied the above amendments had addressed the previous concerns of officers over the first pre-application scheme. In particular, it is noted that the reduced depth of the rear element of the proposal was considered adequate to remove concerns over outlook and sense of enclosure, whilst in particular, the amended scheme had resolved the issue of having a conflicting roof form at the rear by creating a crown roof addition. The response stated that it was considered on balance that the proposed building would “integrate satisfactorily into the site and surroundings”.

Submission stage

4.13 The application was finalised based on the above rounds of pre-application and submitted in February 2021. At an early stage in the application officers raised concerns over certain aspects of the proposal, including impact upon trees around the site, but these were satisfactorily resolved. In May 2021 the case officer advised that whilst the scheme would be recommended for approval, the receipt of a petition of objection from local residents meant that the application would be required to be considered by planning committee, with the application being targeted at that point for the meeting of 22 June 2021. An extension of time was required in order for this to be met, which was duly agreed to. On 7 June 2021 the case officer advised that her draft report had been sent to the planning manager for review and that her draft recommendation was for approval. Following several unanswered requests for confirmation that the application would be determined at the stated committee, the case officer wrote to the appellants on 28th June 2021, stating that the planning manager had now expressed “some serious concerns” in respect of the application. These were detailed as relating to:

- Extent of excavation from the site, but without supporting information that was deemed adequate to consider this;
- Scale of the proposed building and detail such as the width of the proposed front gables, scale and ‘bulk’ of the proposed roof, including crown roof (which was considered to be disproportionately large’, and

advice that the roof line needed to step down from that at no.74, and that 'the roof is so vast it reads like two storeys in itself';

- Impact of the proposal upon the amenities of no.70 in terms of light and outlook, with recommendations that width of the scheme needed reducing so that it would be further away from no.70, and the depth reduced; and,
- Comments received to ensure the proposed front boundary wall allows for appropriate inter-visibility on Harefield Road.

4.14 The above comments were in effect very serious concerns requiring wholesale alterations, and represent a marked difference to the case officer's review and recommendations up to that point. The appellants duly considered their position, and provided responses to all points raised, including a sectional drawing showing the amount of excavation as well as confirmation of the front boundary regarding inter-visibility, but could not agree to resolve the newly stated concerns raised over the scale and depth of the proposal, since it was felt the scheme presented a proposal that met with the required standards and assessment. The proposal was therefore promoted to committee on the basis of the plans originally recommended for approval, but with a recommendation for refusal, which was duly issued following the committee of 5th August 2021. The appellants have therefore been faced with a scheme that went through various rounds of pre-application advice at considerable expense, and the initial stages of formal assessment, where in all three events the case officer handling the proposal from the outset was satisfied the proposal was satisfactory, before 'significant' concerns were raised at the last moment that could not have been resolved without fundamental changes to the layout and form of the scheme. Whilst this turn of events is undoubtedly frustrating to the appellants, it moreover questions the legitimacy of the planning manager's concerns expressed some 15 months into this process, and the robustness of these concerns as expressed in the eventual decision notice. In our view that the scheme itself is a sound proposal that has responded to its surroundings, and the concerns of the senior planning officers who have advised on the scheme from the outset, and clearly shows that there is support for the proposal among

planning professionals. Nonetheless, we demonstrate this to be the case in the appeal arguments below.

5.0 POLICY BACKGROUND

- 5.1 The relevant policy background for this submission includes at the National level, the NPPF (2021), NPPG, The London Plan and the local documents and saved policies together making up the Hillingdon development plan.
- 5.2 We feel the general status and principles set out in the NPPF will be well known to the Inspector and LPA. However, we feel it is important to highlight on matters of design that the Government attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; and, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. Planning authorities are also encouraged to consider the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 5.3 A new London Plan was recently adopted, replacing the previous LP from 2016. The LP provides the strategic basis for planning in London. In broad terms this follows the general advice of the NPPF on matters of optimising the use of land, provision of housing to meet the needs of Londoners, amenity, transport and design, Increased housing growth such as that at motion will inevitably increase development densities and the scale of buildings in this

very connected location. With respect to the current appeal the following policies are particularly relevant to consider:

GC1 Building strong and inclusive communities

GC2 Making the best use of land

CG3 Creating a healthy city

GG4 Delivering the homes Londoners Need

D1 London's form, character and capacity for growth

D2 Infrastructure requirements for sustainable densities

D3 Optimising capacity through a design-led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality standards

H1 Increasing housing supply

H2 Small sites

H10 Housing size mix

- 5.4 Policy GC2 of the new London Plan acknowledges that London's population as a whole is growing – it is set to grow from 8.9 million today to around 10.8 million by 2041. As it does so, employment is expected to increase on average by 49,000 jobs each year, reaching 6.9 million over the same period. This rapid growth will bring many opportunities, but it will also lead to increasing and competing pressures on the use of space. To accommodate growth while protecting the Green Belt, and for this growth to happen in a way that improves the lives of existing and new Londoners, the LP recognises and proposes more efficient uses of the city's land. This is clearly not just focused on large-scale regeneration areas but within the suburbs too, where this is most likely to involve the incremental redevelopment of sites in areas that are

best suited for this, particularly those that are well-connected and in sustainable locations.

5.5 New London Plan Policies H1 and H2 are also considered very relevant to considering the principle of the development proposed here. Policy H1 seeks to reinforce the objective of increasing London's housing supply and sets out the methods to achieve this, whilst policy H2 specifically looks to enhance the significant role that smaller sites can play in achieving the necessary growth. Policy H2 states that smaller sites within London will play a significant role in providing for London's housing need and meeting a range of other desirable objectives. To this end Policy H2 (Small sites) advises that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

1) significantly increase the contribution of small sites to meeting London's housing needs

2) diversify the sources, locations, type and mix of housing supply^[13]
support small and medium-sized housebuilders^[14] 4) support those wishing to bring forward custom, self-build and community led

housing

5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

To this end, the London Plan advises that Boroughs should recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

5.6 The London Plan adds justification for this on the basis that small sites are needed in order to deliver more of the housing London needs. As such, it expects that small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority, but that achieving this objective will require positive and proactive planning by

boroughs both in terms of planning decisions and plan-making. The London Plan adds that Increasing housing output of this scale can also help to support a number of related housing and planning policy objectives, which includes, reviving the role of small and medium-sized developers in delivering new homes in London, diversifying the sources, locations, type and mix of housing supply and the type of sites available in addition to large brownfield sites, increasing housing provision in accessible parts of outer London to help address the substantial housing need in these areas and deliver market homes in more affordable price brackets, all of which are directly relevant to this appeal here.

- 5.7 The London Plan goes so far as to issues minimum targets for the development of small sites in Table 4.2 and show the potential capacity for additional housing on sites of less than 0.25 hectares in size. In Hillingdon this rate is set at 2950 units over the next 10 years. The targets are based on trends in housing completions on sites of this size and the estimated capacity for net additional housing supply from intensification in existing residential areas, taking into account PTAL, proximity to stations and town centres, and heritage constraints. It also stipulates that these small sites targets are a component of, and not additional to, the overall housing targets.
- 5.8 London Plan policy D3 also introduces the newer concept of the ‘Design-led approach’ to housing and built development in the city. This advocates a design-led approach to the intensification of development, where ‘*a design-led approach to optimising site capacity should be based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site*’. It also advises that developments that show a clear understanding of, and relationship with, the distinctive features of a place are more likely to be successful. These features include buildings, structures, open spaces, public realm and the underlying landscape. Development should be designed to respond to the special characteristics of these features which can include: predominant architectural styles and/or building materials; architectural rhythm; distribution of building forms and heights; and heritage, architectural or cultural value. Ultimately, developments should respond to the existing character of a place

by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

- 5.9 Hillingdon UDP (Saved Policies) included on the council's decision notice include policy BE1 (Built Environment). Policies DMHB 11 and 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) is also cited.
- 5.10 Saved policy BE1 states that the Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. Amongst other criterion, all new developments should: 1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place; 2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;
- 5.11 Policy DMHB 11 (Design of New Development) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:
- i. harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and, impact on neighbouring open spaces and their environment.

- ii. ensuring the use of high quality building materials and finishes

In addition, development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

5.12 Policy DMHB 12 concerns Streets and Public Realm. This requires that development should be well integrated with the surrounding area and accessible. It should:

- i) improve legibility and promote routes and wayfinding between the development and local amenities;
- ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area;
- iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;
- iv) provide safe and direct pedestrian and cycle movement through the space;
- v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard;
- vi) where appropriate, include the installation of public art; and,
- vii) deliver proposals which incorporate the principles of inclusive design.

6.0 PLANNING CONSIDERATIONS

- 6.1 The LPA refused the appeal application on the basis of its impact upon the visual character and appearance of the streetscene from both its size, scale, bulk and design, and the impact of the proposal upon the amenities of neighbouring occupants.
- 6.2 We note that no objections were raised as to the quality of the proposed flats and living accommodation or the functional, transport and parking aspects of the proposal. As such, for the purposes of this appeal we deal with each of the remaining two matters in detail below.

Visual Impact, Design, Character

- 6.3 The LPA contend that the proposed development, by reason of its excessive size, scale, bulk, design (including the very large crown roof and significant site excavation), would result in a cramped, unduly intrusive, visually prominent over-development of the site.
- 6.4 In the first instance the detail of this conclusion has to be seen light of in the significant switch that took place from both the pre-application process and advice, the original case officer's assessment of the scheme and subsequent recommendation to approve, to the change in approach and issuing of final refusal. Nonetheless the appellants case is that the proposal represents a logical and well-considered proposal which would sit comfortably on this somewhat under-used plot and it would not therefore have any material, adverse impacts.
- 6.5 It is clear that the key matter to address from the council's perspective is in justifying the scale of the building in relation to its plot and wider area and in particular its proposed crown roof, to which the council has paid particular attention to. As set out in section 4 above, the appeal proposal is clearly designed having taken consideration of the two main buildings of stature next to it at nos. 74 and 76 Harefield Road. To this end the ridge of the appeal building would sit marginally lower than these two townhouses (albeit that it

would provide an additional level of accommodation underneath by virtue of the proposed excavation of the slope, which currently prevents meaningful access to the existing house). Nonetheless, the appeal proposal echoes significant features of these two townhouses in proposing twin bays culminating in two gables, a corresponding 'gablet' wall joining these at the parapet level, twin bays and similar decorative features. The appeal proposal is wider than these two townhouses, but the proposal is clearly not intended as a pastiche of these, and what is more important in our professional analysis is the setting of the building in comparison to these two townhouses, the neighbouring flats to the south and the rhythm and character of the streetscene as a whole. In this respect, the 2-3m open gaps proposed between the proposed building and respective site boundaries, taken along with similar gaps in corresponding plots, would ensure that the building would sit within the scale and context of the surrounding streetscene. In our view this is clearly demonstrated in the streetscene elevation plans provided with the submission and to our mind, largely explains why the original case officer assessing the proposal from the outset (and who therefore had an intimate understanding of the site and proposal), was satisfied that the general form, mass and siting of the proposal was deemed acceptable. It is only at the very latest stage of the submission that such issues were presented to the appellants, and in our view this is suggestive of an attempt to include these 'concerns;' as part of other more 'finer' considerations of detail that that particular officer concerned himself with and which, we would argue, are excessive considerations for a development of this type in this location with no over-riding policy designations on design or conservation.

- 6.6 To this end, it is clear from the emailed response of 28th June 2021 that having been presented with a draft recommendation to approve the proposal, the planning manager raised a number of points that were of themselves, somewhat tertiary when compared with the scheme as a whole. The mass and form of the building was the product of lengthy liaison with the council, and whilst the building is wider than its neighbouring townhouses, it is still very much in proportion to its site and as set out above, maintains the rhythm and pattern of development set down by the spacing between buildings. It is also markedly narrower than the elongated block of flats to the immediate

south, and so within this context we would submit that the broader scale of the proposal is entirely commensurate with its site and the wider streetscene.

6.7 The LPA also refer to the level of excavation proposed in their conclusions that the proposed mass of the scheme would be too great. However, these are presented without further reasoned justification in either the council's decision notice or the committee report presented to committee. Concerns over this aspect of the proposal were initially presented in an email to the appellants on 28th June 2021, where it was simply stated that the proposals appear to involve extensive excavation and that cross sections were needed to explain this further. Cross sections showing the excavations in detail were duly provided, showing the removal of up to 2.5m of spoil from the middle of the site in order to facilitate the building of the proposal into the existing bankside. This then transpired into comments in the committee report and refusal that together with the overall size, scale and bulk, the extensive site excavation would make the proposed building appear cramped and out of keeping with the established character of the area.

6.8 In response to this, whilst the appellants would accept that neither the surrounding buildings are visibly built into the slope to the extent that the proposal would be, these are products of the period in which they were built. No.74 does nonetheless have a lower ground level, albeit this is partially screened by its small front garden between driveways either side, but the proposal here simply seeks to use the topography of the existing site to optimise development on it, and does this by utilising the slope of the site to provide a further level of accommodation below that of the existing FFL. This will change the appearance of this particular site, but since it cannot be said that the existing arrangement is typical of this part of Harefield Road, we fail to see how the change from a sloping garden to one where the building is at street level, would not represent development that would have an adverse impact upon the character and appearance of the street. Moreover, both the London Plan and local policies encourage both the optimisation of development plots and the careful use of topography within sites. In the case here, the appeal proposal does both, whilst retained and proposed landscaping will also aid in screening this lower level. We would submit that

this will make for an attractive and well thought-out streetscape elevation that not only addresses the street, but also solves the issue of providing appropriate vehicular access to the site. Furthermore, this would not affect the overall height, scale and form or development in respect of neighbouring plots or the street. As such, we would submit that the level of excavation proposed is commensurate with the proposal and this does not in any way lead to an overdevelopment of this site.



74 Harefield Road



Proposed development within streetscene

- 6.8 The final part of the council's concern in their refusal refers to the proposed crown roof, which is unreasonably referred to by the council as a significant or defining feature of the proposal, and this is despite their general support for this element in the second pre-application proposal submitted prior to the full application. In this respect, it is well known that the issue of crown roof forms is often raised as an 'issue' of concern in many applications within LB Hillingdon, usually at a later stage in application proceedings. However, as here, and in a similar manner to the matter of excavation above, this is often presented without any reasoned justification that demonstrates any material harm. In the case here, the LPA has specifically commented that the proposed crown roof would be 'disproportionately large'. It states that this would be unsympathetic to the streetscene. The first response to this is that the proposed crown was in fact suggested by the original case officer, but in any case, since it is wholly restricted to the narrower, rear annex section of the building, it would sit entirely behind the traditional dual-pitch roof of the front part of the building and would not be readily visible from the street. Whilst there would be appropriate gaps to the side of the building allowing some views up past the frontage, these would not readily present the roof of the rear annex and its crown roof to the street, and in any case these views would very much be restricted by the retained trees and foliage sited in

neighbouring plots that restrict longer range views. To the rear, the crown roof would be more prominent from the rear of neighbouring gardens, but there are no houses backing on to the site directly to the rear and the rear of the site will not be visible from neighbouring streets to the rear. The crown roof itself will therefore have no discernable effect on the appearance of the building from the public realm, but even if it could be we would strongly argue that the proposed roof would simply appear as a logical roof form, retaining a roof pitch that is harmonious with the rest of the building. Crown roof forms are also not alien here – since the council has recently approved a significantly larger development with an entire crown roof at the former Abrook Arms site just to the north of the appeal site. In light of this context, we fail to see how the council's stated concerns over the inclusion of a crown roof here can be justified.

- 6.9 Summarising the above arguments on scale and character, it is accepted that the building here would be marginally larger than nearby houses, but this is justified by dint of the fact that the building will sit within a larger plot than its immediate neighbours. In this respect the form, mass and scale of the proposal is justified within the context of the site. Fundamentally, the ridge height of the appeal building will sit marginally lower than its neighbours at nos. 72 and 74. Bay window detailing on the façade will break up the overall mass presented to the street, which also evokes the form of the town houses to the north without proposing a complete pastiche of these. To this end, the proposal puts forward a building that is of its age, whilst using a traditional format that would be entirely in keeping with the mixed character and appearance of the site and area. Furthermore, the increased depth and bulk of the proposal at the rear is stepped in from the rear corners of the building and with a lower rear roof, this element would be appropriately subordinate to the main building and in any case, largely hidden from longer views. In this sense, and in a similar fashion to the more recent developments granted planning permission nearby (as set out in section 3 above), the marginally increased scale proposed here will not be excessive by any means. Thus, whilst the proposal is marginally larger than its immediate neighbours, it is certainly not unacceptably so, and the resulting relationship between existing

and proposed buildings, and the streetscene as a whole, would be entirely acceptable.

6.10 In addition to the above considerations on resulting impact, it must also be taken into consideration that the extant London Plan makes clear that the outer London boroughs must accept more development on sites where densities are low. Specifically addressing smaller sites in outer London Boroughs, it advises that small sites should play a much greater role in housing delivery and boroughs should pro-actively support well-designed new homes on small sites through both planning decisions and plan-making in order to:

1. significantly increase the contribution of small sites to meeting London's housing needs
2. diversify the sources, locations, type and mix of housing supply
3. support small and medium-sized housebuilders
4. support those wishing to bring forward custom, self-build and community-led housing.

6.11 Policy goes on to say that the boroughs should “recognise in their Development Plans and planning decisions that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments”. The proposal here clearly meets this objective, increasing development density and the mix of homes at the site whilst paying due regard to the surrounding suburban form and context, and having no adverse impacts.

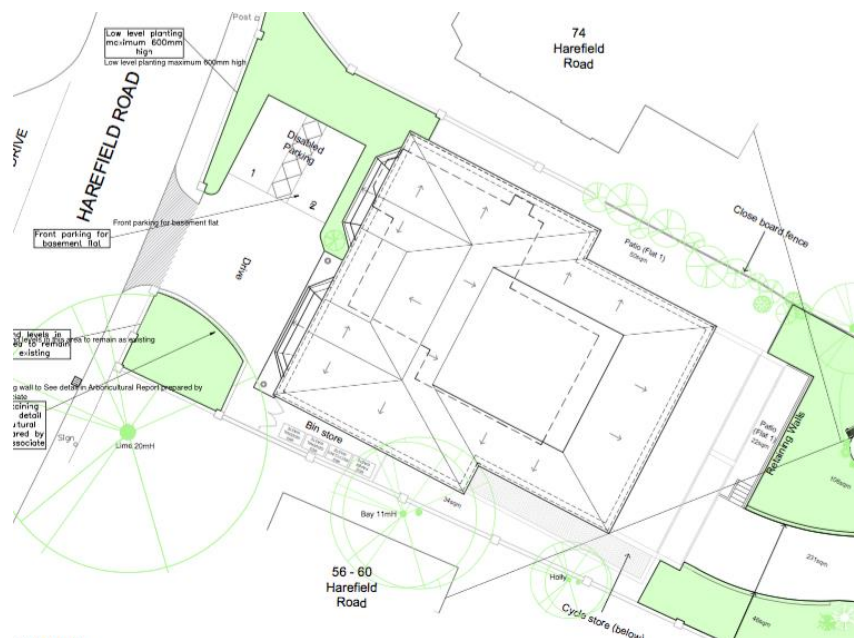
6.12 Furthermore, saved policy BE1 and policies DMHB 11 and 12 of the local plan all seek to achieve ‘high quality of design and to enhance local distinctiveness and sense of place’; ‘development that harmonises with the existing street scene’; and, development that ‘improves or complements the character of the area’. The council has cited this policy in its reasons for refusal but on detailed analysis, has thus far failed to demonstrate how the proposal is in clear conflict with these aims. By contrast, our appraisal above

demonstrates that in all respects, when considered against the accepted tests to appraise the characteristics of a proposal, the appeal development would increase the density of development of the site, raising this from one that is clearly an under-utilised use of urban land, to an efficient use that optimises the site for housing whilst still respecting its suburban context. The appeal proposal is well-designed and appropriate to its plot in terms of scale and mass; it has taken its form and visual cues from the form of surrounding housing and retains extensive greenery and open space around it, at a ratio that is in line with adopted council guidance. We would therefore conclude that the proposal meets the objectives of the above policy and will provide a building that optimises the use of this site without materially harming the character and visual appearance of the plot or area. In this respect it should be considered to meet all prevailing policy considerations.

Impact upon Residential Amenity

- 6.13 The second of the council's reasons states that the proposal would harm the amenities of neighbouring occupants (over-dominance, overshadowing, visual intrusion, loss of light and outlook). The reason stated is the size, scale, bulk, depth and proximity to neighbours at nos.56-60 and no.74 Harefield Road.
- 6.14 The above concerns were expressed in the email response of 28th June 2021, albeit this solely related to the impact upon no.74. To this end it was suggested that the width of the proposal needed to be reduced. Within the committee report, the council then acknowledge that the proposed building would not contravene a 45-degree line of sight from neighbouring rear windows, yet it was still considered that the "increased bulk of the proposal extending so significantly beyond the rear of the neighbouring buildings at an increased height, would result in a detrimental sense of enclosure and over dominance".
- 6.15 In our view this conclusion and reasoning in the council's committee report appears to be confused and it is ultimately, unfounded. To this end, the council routinely assesses the impact of proposed new development by using the 45-degree principle, and in this case it is clearly seen that the proposal

does not cross this. The council has disregarded this, stating that the scale of the proposal is such that amenity would still be harmed. In this respect, this fails to take into account the amount of 'open' area that would be retained by the proposal between the new annex and neighbouring flats - the annex section in question is still sited some 8m from the nearest rear-facing windows in the flats to the south, and some 9m from the rear annex of no.74. Thus, whilst the appeal proposal would extend beyond the existing rear building lines this is done with clear consideration for the outlook and amenity experienced from the rear of these properties. The fact that it does not breach the 45-degree line from neighbouring windows demonstrates that proportionately, this is an appropriate set back. Moreover, there are also significant trees (some of which are protected by TPO) and other greenery sited along the boundaries here that would further limit any impact from the appeal proposal, a mitigating factor that was nonetheless unreasonably dismissed in the council's committee report as being insufficient to offset their concerns.



Siting of the proposal in relation to neighbouring properties and the 45 degree principle

6.16 In addition, in respect of no. 74 Harefield Road, the council seemingly went even further away from attaching weight only to matters acknowledged importance by determining that the proposal would still harm the amenities of the occupants here even though 4 flank windows in their rear annex only serve a toilet/bathroom and what amount to smaller, secondary windows to

rear-facing bedrooms. Whilst this aspect was seemingly resolved at pre-application stage, the council then determined that the proposal would still lead to a loss of amenity from the proposed building due to its impact on the adjacent open space. To our mind this reasoning is not supported in normal planning practice or indeed, the adopted policies of the local plan. Indeed, the standard method used in Hillingdon is to assess the proposals based on the 45-degree principle. This it clearly achieves, and whilst we would accept that some assessment also needs to be made of how a proposal will affect the impact upon general outlook and the sense of openness currently experienced next door, the proposals here are not excessive by any means, and all residents still have good outlook eastwards towards their respective garden areas and sky beyond. There would be no adverse impact upon light by virtue of the gaps retained and orientation of windows. As such, the claim of the council that the proposal here would harm amenity, and indeed, lead to any loss of light, is completely unfounded.

7.0 SUMMARY

- 7.1 The appeal site comprises a not unattractive but nonetheless undistinguished dwellinghouse set between taller buildings that are each in use as flats. The appeal proposal puts forward a scheme that utilises the slope and scale of the site to provide a building that would optimise development on this plot whilst paying due regard to its surroundings. Despite the council's reasons for refusal, we have demonstrated that whilst the appeal proposal will increase the scale of the existing building on the plot, the resulting building would nonetheless be commensurate with its surroundings, it would function well, and could not therefore be considered to be over-development. Whilst elements of its form would be different, including the proposed lower ground level and undercroft, this would not present a development that would be harmful to the streetscene, and compares very favourably with other recent developments nearby approved by the Council, where a greater density and scale of development has been realised.
- 7.3 Functionally the proposal would provide sufficient parking and facilities in line with local requirements and that of the London Plan and residents would

enjoy good levels of amenity and open space to serve their needs. Despite the council's second reason for refusal, we have demonstrated that the careful siting and design of the building, and the presence of existing trees and landscaping, would mean that the proposal would have no material impact upon the amenities of neighbours.

7.4 Whilst the proposals would see a moderate change in the appearance of this particular site, this would not be at all out of keeping with the broader context of Harefield Road, or other developments in similar circumstances. We have demonstrated that the proposal is not over-dominant and that it will harmonise with its surroundings. Moreover, the site will meet the objectives of national and local policy to optimise the use of land whilst respecting existing character and amenity.

7.6 In light of the above we submit that the proposals here represent sustainable development in accordance with the NPPF and adopted, extant London-wide and local policies. As such, we submit that there is no good reason to refuse planning permission for this well-considered scheme and we respectfully submit that this appeal succeeds.

End.

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Orbis town planning - August 2021