



Town and Country Planning Act 1990  
Section 78 Planning Appeal

# London Borough of Hillingdon Appeal Statement

**Appeal By:**  
Mr Sanjiv Patel

**Proposal:**  
Appeal against the LPA's decision to refuse planning permission for:

Proposed single storey rear extension to existing restaurant (Use Class A3/E(b)),  
demolition of existing rear outbuilding, alteration to rear flower store/workshop (Use Class  
E(g)(iii)) and proposed additional first floor to rear for residential use (Use Class C3)

**Appeal Site:**  
16 High Street, Northwood

Our Ref:  
Your Ref:

61876/APP/2021/1262  
APP/R5510/W/21/3284627

# 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 a single storey rear extension to an existing restaurant (Use Class A3/E(b)), the demolition of existing rear outbuilding, alteration to rear flower store/workshop (Use Class E(g)(iii)) and proposed additional first floor to rear for residential use (Use Class C3).
- 1.2 The LPA refused planning permission on 09.07.2021 for the following reasons (as stated on the decision notice):
  - 1) The proposed development, by reason of its siting, size, scale, bulk, height and design would result in an incongruous, overbearing and overly dominant form of overdevelopment of the site, which would be detrimental to the character, appearance and visual amenities of the wider Old Northwood Area of Special Local Character. Therefore, the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3, D4 and D6 of the London Plan (2021) and the NPPF.
  - 2) The proposed development, by reason of its size, scale, bulk and height, would be detrimental to the amenities of the adjoining occupiers by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore, the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
  - 3) The proposed development, by reason of its siting, size, scale, bulk and position of windows in relation to the adjoining buildings would provide habitable rooms with poor outlook and natural lighting that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D6 and SI2 of the London Plan (2021) and the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016).
- 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 was submitted to the Planning Inspectorate with the appeal questionnaire, as well as copies of the relevant planning policies.

- 1.4 This statement will not repeat the delegated report and will focus on addressing additional matters raised in the Appellant's statement of case.

## **2. LPA Comments on Appellant's Statement of Case**

- 2.1 The Appellant's grounds for appeal in Section 7 are principally structured as comments under subheadings referring to the reasons for refusal. Primary attention is drawn to an existing development at No. 20 High Street, Northwood. Comments are also made regarding the pre-application process. For ease of reference the LPA's comments on the SoC adopts a similar structure, addressing the specific comments stated under these reasons for refusal.

### **2.2 *Replicating a similar scheme at No. 20B High Street, Northwood***

Contrary to the Appellant's SoC the officers delegated report explicitly recognises the two-storey built form at No. 20 B High Street (which does not appear to benefit from planning permission). However, based on the elevations provided and the officer's site photos / visit, the proposed scheme would appear to measure at least 1m higher. This larger scale proposal "would fail to match that of the neighbouring site. This would create an over dominant built form within the rear service yard environment. A cross-section of the rear service yards including the existing two storey structure to the north of the site should be submitted, in order to ascertain the development's impact on the service yard environment".

### **2.2 *Reason 1 – Impact on the character, appearance and visual amenities of Old Northwood Area of Special Local Character***

In response to the comments made under this section of the appellant's SoC, it is acknowledged that the proposal would not involve a significant increase in footprint. The pre-application advice (refs. 61876/PRC/2020/57 dated 29<sup>th</sup> June 2020 and 61876/PRC/2020/222 dated 20<sup>th</sup> January 2021) do not raise any objection to the principle of small scale residential and commercial intensification on site. However, this is subject to compliance with other planning matters and their relevant policies, which as evident through the reasons of refusal, would not be the case. As stated in the section above, the adjacent development at No. 20 High Street is recognised and has formed part of the pre-application advice and assessment. Site photos uploaded to the Council's database on 28<sup>th</sup> June 2021 indicate that the case officer visited the site as part of the assessment.

### **2.3 *Reason 2 – Impact on the amenities of neighbouring occupiers***

Both the preapplication reports are consistent in objecting to the proposed scheme. The summary conclusion of each pre-application report is as follows:

"The proposal, based on the plans and supporting documents that have been submitted could not be supported, as it would have a detrimental impact on the amenity, sunlight and daylight of the neighbouring occupiers and there may also be concerns regarding the scale and design of the proposed development, subject to more detailed consideration during a full application process".

While the adjacent development may be of a 'similar scale', the planning officer's delegated report describes the height discrepancies between these two developments and the harmful impact this would have on the heritage area and neighbouring amenity.

#### **2.4 Reason 3 – Substandard living conditions for prospective occupiers**

*The harmful impact on neighbouring amenity is addressed within the officer's delegated report, as is the proposed amenity space, which is on balance, considered acceptable.*

## **4. Conclusion**

- 4.1 For the reasons principally set out in the delegated report, the proposed development would result in harm to the character, appearance and visual amenities of the Old Northwood Area of Special Local Character, it would adversely affect the amenities of neighbouring occupiers, and it would provide substandard living accommodation for prospective residents of the proposed dwelling. This would be contrary to the policies stated in the reasons for refusal. The Inspector is therefore respectfully requested to dismiss the appeal.
- 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 1.
- 4.3 The planning officer's delegated report and copies of the relevant planning policies have already been provided to the Planning Inspectorate at the time that the appeal questionnaire was submitted.

# Appendices

## Appendix 1 – The LPA’s Recommended Conditions

### 1. Time Limit

The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### 2. Accordance with Approved Plans

The development hereby permitted shall be carried out in accordance with drawing nos and documents:

8900 02  
8900 03  
8900 00  
8900 05  
8900 04  
8900 01 Received 11-04-2021  
Acoustic Design Review (Ref: 22739.ADR.01)

And shall thereafter be retained/maintained for the life of the development.

Reason: For the avoidance of doubt, and in the interests of proper planning.

### 3. Materials

All external materials to be used in the construction of the extensions, hereby approved, shall match the appearance of those of the existing building.

Reason: To ensure that the development presents a satisfactory appearance, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020)

### 4. Cycle Parking

Prior to first occupation a minimum of two cycle parking spaces shall be provided for the dwelling, hereby approved, and retained in perpetuity. These cycle parking spaces shall be within a secure, covered and lockable enclosure.

Reason: To ensure adequate cycle parking is provided for prospective residents to encourage the use of sustainable modes of transport, in accordance with policy DMT 5 of the Hillingdon Local Plan: Part 2 (2020) and policy T5 of the London Plan (2021).

5. Refuse and Recycling

Refuse and recycling storage shall be implemented prior to first occupation of the dwelling, hereby approved, and permanently retained thereafter.

Reason: In the interests of the general amenities of the area and the adequate storage and collection of waste and recycling, in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020)