

**TOWN & COUNTRY PLANNING ACT 1990 (AS
AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)**

APPEAL BY MR S PATEL

SITE AT 16 HIGH STREET NORTHWOOD

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)

APPELLANT'S APPEAL WRITTEN STATEMENT

Appellants	- Mr S PATEL
Architect	- HRP Architects Ltd

Planning Inspectorate Ref : APP/

Local Planning Authority Ref :

6 1 8 7 6 / A P P / 2 0 2 1 / 1 2 6 2

Local Authority Decision : 09 July 2021

6 Month date date : 20 January 2022

1.0 The appeal site and introduction

1.1 The site comprises a ground floor (front restaurant and kitchen with the rear as retail and storage) and an additional floors to the front (residential), the overall site has been looked after and has been maintained without development for a number of years however it is now at the point where it needs to have an upgrade in provided facilities to make both the shop and restaurant continue to be viable, this means that two local businesses will be able to provide a better service to the communities that use them, and with enlarging the kitchen space at the restaurant to enable them to have an area that fits all the required equipment into it and the flower shop to the rear is inside a constructed building that has been in situ for a number of years however this and the storage building are now at the point that although serviceable is in desperate need of modernisation.

1.2 This Planning Statement is provided in support of an application for a Ground floor extension to provide additional space for the existing Restaurant Kitchen to the front with the conversion and construction to provide a better existing shop and storage to provide a purpose designed (Class B8 Use) Flower Store & Workshop at Ground Floor and first floor Extension to provide One new dwelling (1 x 2 bed, Class C3) and associated refuse/ recycling facilities and the provision of cycle storage at 16 High Street, Northwood, Hillingdon District Council, London, HA6 1BN.

1.3 The appellant – Mr S Patel has owned the property for some time and following 2 pre-applications submitted full planning application for the above as described in 1.2.

3.0 Application site characteristics

3.1 A google earth aerial view illustrates the existing site and the rear outbuildings can be seen as circled on the image, also showing the different types and sizes of buildings to the rear of properties in High Street, including a very similar scheme a couple of doors down.

Document 1.

3.2 The aerial image and site photographs also highlights the boundaries of the dwelling which surround to both the North & West. The proposal retains all these boundary treatments as existing thus maintaining the important characteristic of the site which does not conflict with the existing entrance to be maintained as part of this proposal, and will no way effect the neighboring resident's enjoyment of their private amenity. Again, the basis of this application is to replicate a very similar scheme which has been constructed although no records of this can be seen online via the LPA planning portal.

Documents 1 & 2.

4.0 Relevant planning application history

Application Reference	Description	Decision and comments
Ref. No: 61876/APP/2011/1155	Installation of wall wounded extraction flue to the rear	13/05/2011 Approval
Ref. No: 61876/APP/2009/894	Part single storey, part two storey building at rear of retail units to include 3 rooflights, for use as Class B8 (Storage), involving demolition of existing outbuildings	28/04/2009 Withdrawn
Ref. No: 61876/APP/2007/1117	ERECTION OF A TWO STOREY BUILDING FOR USE AS A WAREHOUSE/ WORKSHOP (INVOLVING	26/06/2007 Withdrawn

Application Reference	Description	Decision and comments
	DEMOLITION OF THE EXISTING RANGE OF SEMI-DERELICT AND ABANDONED BUILDINGS).	
Ref. No: 61876/APP/2006/1494	ERECTION OF A SINGLE-STOREY REAR EXTENSION TO PROVIDE REAR ACCESS STAIR TO FIRST-FLOOR FLAT, AND CONVERSION OF ROOFSpace TO HABITABLE ACCOMMODATION INVOLVING CONSTRUCTION OF A REAR DORMER AND FRONT AND REAR ROOFLIGHTS	22/05/2006 Approval

5.0 Relevant Planning Policies

5.1 National Planning Policy Framework - NPPF dated 27 March 2012

At the heart of the NPPF is a presumption in favor of sustainable development with an expectation to secure high-quality design and retention or provision of a good standard of amenity.

Paragraphs 59, 60 and 61 discourage the imposition of architectural styles and planning policies and decisions should not attempt to stifle innovation while acknowledging that policies should address the connections between people and places and integration of development into the natural, built and historic environment.

5.2 Local Plan Designation & London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 1	Heritage Assets
DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D12	(2021) Fire safety
LPP D14	(2021) Noise
LPP H1	(2021) Increasing housing supply
LPP HC1	(2021) Heritage conservation and growth
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI13	(2021) Sustainable drainage
LPP T1	(2021) Strategic approach to transport
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

In addition:

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)
Material Considerations
The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7.0 Reasons for Refusal and Grounds for appeal

Reason 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.

Comment. Each pre-application supported the use of the land as a brownfield site and effective use of the land is encouraged by that which has previously been developed. The proposal does not increase the footprint and would not be visible from the street scene, and the massing is based on a project of very similar scale just 2 numbers North. When details of this were presented to the planning officer, and no records of an application visible, we were informed that there's nothing the council can do. Later when the decision was reached for our application the officer said there is no such development of similar scale, although we issued photographs to prove this. We questioned if the planning officer has actually been to site which would be fundamental to determining this application as they would have see the building as highlighted in document 1.

Reason 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).

Comment. Initially pre-application stated the size and scale would not impact ion neighbours, and requested further information about the surrounding area so we produced a massing model. This again was questioned due to the completed building of a similar nature in the road, as to if this is correct as the planning department had no record of this. Again the photos prove that our proposal is of similar scale and in keeping with the surrounding development and we question if a site visit has been made by the LPA.

Reason 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).

Comment. The second pre-application in which further information was supplied in regard

the context of the development provided more a detailed response. And the two storey element was noted as being 'comparable to other rear buildings nearby'. Concern was raised over a first floor window being a bedroom but as the client owned this building we could confirm the window was a kitchen, and extended the distance between the existing and proposal building further for clarity. Although the amenity space was slightly smaller than the requirement it was noted by the planning officer that it would be unreasonable to object on this basis as Northwood Recreation Grounds are within a short walk away.

7.1 The appellants have appointed professional people to assess the site and work with the LPA to ensure the proposal meets the Local Planning policies and would gain the support of the Local Planning Department. There is clearly a difference of opinion between the LPA's recommendation of refusal which now requires the consideration of an appointed planning inspector.

The proposed design of the new dwelling and alterations proposed have been guided by the constraints presented on the site in regard the scale and mass of adjacent dwellings and to void any overlooking or privacy issues, as well as being guided by the clients instructions and requirements as stated by the pre-application response.

8. The appeal proposal – the principal of the development.

8.1 The proposed development had no objections raised from residents and the site due to its current dilapidated state we feel would benefit from this development in providing a better solution than that which currently exists.

8.2 The proposals will re-use the rear of a site that is located in a sustainable location and is currently under-utilized. The proposal as adhered and closely changed following guidance from the LPA in the pre-application, with the client instructing HRP Architects to carry out all the suggestions made concerning the advice given.

8.3 There are several different styles of development adjacent to the site so there is no coherent pattern or character within proximity. The proposal has also been developed in close proximity to a very similar scheme which is highlighted in the attached **document 1**.

8.4 HRP were commissioned in February 2020 to provide a feasibility following a site meeting for developing the rear of 16 High Street, Northwood, to update the facilities of the rear flower stall and provide additional accommodation.

8.3 A formal pre-application was submitted to Hillingdon District Council on 25th February 2020. Formal acknowledgement was received from HDC on 6th March 2020.

8.4 A written response to the pre-application was received on 29th June 2020, in which we can summarize as follows :

- The principle of development in creating a mix use of residential, restaurant and workshop on previously developed land is supported subject to compliance with local policies.
- The proposed form would be considered to be accepted as it appears to be relatively modest in its current form
- The two storey element is within the existing built form, and characterised by a variation of design and size, would need to show detailed drawings and respect the character and scale of adjacent buildings.
- Limited information has been shown in regard the proximity of the development in

conjunction with the existing use and the exact location of windows and form. As with High Street, Barnet, a topographical survey can show this to ensure accuracy on submitted drawings and clarity needed in regard the existing uses of the first/second floors on the high Street.

- The two storey element is approx.. 9.35m from the existing rear elevation, and a first floor window, and as expected if this is a bedroom this may need to be increased so as not to contravene the 45 degree line of sight.
- Clarity would be needed for the use of the rear space in unit 12, to ensure no loss of privacy. This area is set back approx.. 17.85m so any proposal will consider any loss of privacy to neighbouring occupiers.
- The sizes of the dwellings, and natural light proposed appear adequate, but care is requested that the proposed living areas ensure there is sufficient natural light.
- Some form of external amenity space would need to be provided.
- PTAL rating of 2 means max. parking spaces required are 1-1.5. It may be that a S106 is needed that any occupants would not receive a parking permit, and ample cycle provision is proposed.
- Sufficient refuse storage to be shown, but I would imagine a secure refuse would improve the current facilities.
- Construction details of the intermediate floor required between the two units and noise insulation method statement.
- Usual CIL liability and validation requirements should an application be submitted.

8.5 After assessing the response we felt that because the window addressed by the planning officer was a kitchen not a bedroom as stated we could overcome this concern. In addition we commissioned a full topographical survey to prove the 45 degree line of sight with the adjacent buildings had been adhered to, and agreed to add an amenity space and the living outlook as recommended.

8.6 Following further discussions with the planning officer, we agreed to make amendments and submit a further pre-application, and an additional fee was paid and a second pre-application made 23rd October 2020. Accompanying this was a letter/email explaining all the amendments made following the first pre-app response. **Appendix 1**

8.7 HDC formally registered the pre-application on 11th November 2020.

8.8 A written response to the **2nd pre-application** was received on 20th January 2021, in which we can summarize as follows :

Size of the flat

- Pre- app report states this is a 1 bed 2 person flat when it is a 2 bed 3 person flat.

Amenity

- Window of 14 – We have plans to show it is a kitchen
- Window of 16 – We have plans to show it is a kitchen

Parking

- No way to provide so just have to include something on PTAL and being next to a bus stop and not far from a station

Roof Terrace

- Railings suggested a discreet solution to be explored with a bespoke boundary enclosure

Cycle Storage

- Can this be under the staircase or where else?

Noise Insulation Method Statement

- This is required.

Drainage

- Do we need to indicate the paving in our area permeable?

8.9 Following a zoom meeting with the planning officer and client, we concluded and felt confident a full application could be supported. We amended the apartment size to confirm to the national standards, indicated the existing kitchen window to show no overlooking, added cycle storage as requested and reduced the external amenity area. We also as requested indicated a detail for the floor in terms of concern in respect of noise between the commercial and residential element.

8.9.1 A full planning application was submitted 25th March 2021.

8.9.2 A response from the acting planning officer was received on 22nd June 2021. The officer dealing with the application was different from the planning officer who dealt with the two previous pre-applications. The comments from the application were received as follows :

Your current proposal is contrary to the required Private outdoor amenity space as per the local plan DMHB 18. For a 2 bedroom flat, a minimum of 25sqm is required.

I am yet to review the application in full therefore, I cannot tell you what other concerns are raised.

Summary of comments from the public:

- The area needs a redevelopment, business and accommodation will benefit with such project.
- Will allow redevelopment of the site as a whole to make it a higher standard.
- The current site looks dilapidated
- Will be really good for local businesses as gives more space and also more much needed residential space in the area.
- Create new affordability for local people
- This will provide better work conditions to a family running café

8.9.3 A further detailed response following request for an update were received on 27th June 2021. **document 2.**

8.9.4 Planning refusal issued 14th May 2021.

9.0 Conclusion

9.1 The client sought to provide an updated unit for the existing flower arrangement business that has occupied the rear of 16 High Street for some time, and utilize the land to also provide a small apartment much in keeping with the scale and size of a similar development to the rear of number 20. Many comments were received throughout the process when requesting by the officer relating to the details over sound, reduction in amenity space, re-arrangement of windows and proving that a similar development exists that the officer themselves stating 'there are no buildings of such height' in the vicinity.

With this in mind we have no choice but to appeal and also express our disappointment on the lack of communication and additional costs the client has needed to pay and trust there was no good reason for the council to refuse the application.

The appellants have learnt a great deal from the process and put a considerable time, money and effort in securing the support of the LPA, this can be seen with the planning history and in particular making necessary amendments to appease the LPA all as requested.

The appellants consider that the proposal has been sensitively prepared and merits support and request the appointed Planning Inspector allow the appeal.

Mark Holman BA(Hons), DipArch, MA(Arch) RIBA

cc. Mr Patel

