



Town and Country Planning Act 1990  
Section 78 Planning Appeal

# London Borough of Hillingdon Appeal Statement

**Appeal By:**

Contract Beds Holdings Ltd

**Proposal:**

Erection of two x 2-bed semi-detached dwellings with associated parking and amenity space following demolition of existing garage

**Appeal Site:**

Land behind 1 and 3 Lulworth Waye

Our Ref:  
Your Ref:

75713/APP/2021/2629  
APP/R5510/W/21/3284688

# **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.
- 1.2 The LPA refused planning permission on 26.08.2021 for the following reasons (as stated on the decision notice):
1. The proposed development, by reason of its siting and layout would result in a development of the site, which would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site as proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the visual amenity, character and appearance of the street scene and of the area as a whole. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy DMH 6 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies D1, D3 and D6 of the London Plan (2021), guidance within The London Plan Housing Supplementary Planning Guidance (March 2016) and the NPPF (2021).
  2. The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said unit would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
- 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 is provided at Appendix 1. Should the inspector be minded to allow this appeal. Appendix 2 contains a previous design an access statement referenced in this report. Appendix 3 contains a list of recommended conditions.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

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

- 2.1 Within their statement of case (Section 6, paragraphs G, H, J and O) the appellant has raised the following summarised points:
- The development site is not a residential garden
  - If it is a residential garden, then it cannot be isolated, as it would be in connection with a dwelling
  - The proposal would cause no harm to the appearance of the streetscene due to its backland location

- The proposed dwellings must be of a similar size to other properties in the area otherwise they would be out of character
- The proposed gardens are comparable to other dwellings in the area and meet the private amenity space standards

Taking into consideration these points the appellant believes the proposed scheme to be acceptable to integrate with the character and appearance of the area.

- 2.2 The design and access statement submitted in support of the appeal application states 'The application site is a separate plot to that of 1 and 3 Lulworth Waye'. A similar development at the same site, was refused in 2020 (75713/APP/2020/2128) the scheme was submitted by the same appellant and agent as this application. In that design and access statement (Appendix 2) the appellants describe the site as 'Historically only the first 8m behind 1, 3 Lulworth Waye has been maintained, the remaining area at the rear has not been used or maintained for more than 10 years. This is wasted space in an area of Hayes where housing is in much need. We contend that this is the best use of the land and more good quality housing will benefit the area'. Planning history for the site therefore suggests that the site is garden land which has merely not been maintained for a number of years. Even if it has not been maintained, its last lawful use is as a residential garden and therefore it should be assessed as such. Additionally, there is no planning history to suggest that the land subject of this application has lawfully changed use or changed use through the passage of time. Taking into consideration the above, it is considered that the land subject of this application is lawfully residential garden land associated with 1 and 3 Lulworth Waye. It is therefore appropriate to assess the proposal as backland garden development against the requirements of Policy DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
- 2.3 The area surrounding the site is residential comprising two storey, detached, semi-detached and terraced properties finished in brick, render, mock tudor beaming, hung tile, pebble dash and mixtures of the mentioned materials. Each property fronts its respective road but is set back allowing for off road parking and front gardens. The rear gardens of properties are predominantly long and rectangular providing a good level of private amenity space for their occupiers. The proposed dwellings are considered to be isolated in that they do not front the road and are not part of any established row of properties (such rows along the road make up the areas character). It is therefore maintained that the new dwellings would be in an isolated backland location.
- 2.4 To protect the appearance of the street scene and to ensure that the prevailing character of the area is maintained, Policy DMH 6 requires that backland dwellings be more intimate in mass and scale than frontage properties, as properties which are of similar size or are larger than frontage properties would detract from the prominence and established character of the area. As mentioned in the officers delegated report 'No. 1 and 3 Lulworth Waye are approximately 7.5m high (see plan 2865-02-01). The proposed dwellings would be 7.6m high the new dwellings are therefore not considered to be more intimate in scale or height than frontage properties. The proposed dwellings are therefore considered to be oversized for their backland location and subsequently harmful to the areas character.

- 2.5 The proposed gardens would fail to provide the required 60sqm of amenity space for reasons outlined in section 7 of the Officers delegated report (Appendix 1). Furthermore, the proposed private gardens would be uncharacteristically small and cramped when compared with other gardens in the area (this is clearly visible when comparing the existing and proposed block plan). The rear gardens would therefore cause harm to the established layout and spaciousness of the area as mentioned in section 7 of the officers delegated report (Appendix 1).

### **3. Other Matters**

- 3.1 This appeal statement has been assessed against the legislation in place at the time of the applications determination.

### **4. Conclusion**

- 4.1 For the reasons set out in the Officers Delegated report (Appendix 1) and this statement the Inspector is 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 3.

## **Appendices**

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – Design and Access statement for previously refused scheme at the site (75713/APP/2020/2128).

Appendix 3 – The LPA's Recommended Conditions