



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Mohammed Bharadia

Proposal:

Erection of an attached two storey, 2-bed dwelling with associated parking and amenity space

Appeal Site:

38 Hazeldene Gardens
Uxbridge
UB10 9DJ

Our Ref:
Your Ref:

57039/APP/2021/811
APP/R5510/W/21/3285383

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 non determination of planning application reference 57039/APP/2021/811, for the erection of an attached two storey, 2 bed dwelling with associated parking and amenity space.
- 1.2 The LPA's case is set out in the Statement of Case detailed below. It is understood that copies of relevant planning policies have been sent to PINS with the Appeal Questionnaire.

2. LPA Comments on Appellant's Statement of Case

2.1 Site and Locality

The application relates to a two storey, semi detached dwelling located to the South West of Hazeldene Gardens. The brick and tile dwelling is set back from the road by approximately 4 metres by an area of hardstanding which provides space to park two cars safely within the curtilage of the dwelling house. To the rear of the dwelling is a garden area which acts as the private amenity space for the occupiers of the property.

The application property is attached to No.36 Hazeldene Gardens to the North West. To the South East runs a public footpath with No.40 Hazeldene Gardens located beyond. To the rear lies open space.

The application site lies within the Developed Area.

2.2 Proposed Scheme

The application is seeking planning approval for the use of an existing two storey extension as a two bedroom separate dwelling. The extension would create two additional bedrooms at first floor and a small shower room and living/dining area at ground floor.

The agent has provided photographic evidence of the extension, currently substantially built to plans approved in 2018.

The extension has a width of 5.7 metres. At ground floor it would be built flush with the existing forward projecting bay window element and would have a depth of 10 metres, to be built 1m beyond the existing single storey rear extension on the host dwelling. The first floor element would be set back from the front elevation. An additional entrance way would be installed on the front elevation of the extension and the existing front canopy would be part demolished and following development would be over the proposed ground floor extension and existing front bay window element. The extension would be characterised by a dual pitched roof to the side with a gable end roof to the rear with a maximum height of 7.6 metres.

2.3 Planning History

57039/APP/2018/664 - In 2018 an application was approved for the erection of a part two storey, part single storey side/rear extension.

57039/PRC/2019/233 - Pre application advice was sought for the demolition of existing side extension and garage and erect a new end of terrace 2 storey, 2 bedroom dwelling. The outcome of this was an objection, and the plans only slightly differ from what has been currently proposed.

57039/APP/2020/4080 - A recent application for the erection of an attached two storey, 2-bed dwelling with associated parking and amenity space involving demolition of the existing garage has been refused and is subject to appeal.

2.4 Planning Considerations

The main planning issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the street scene, the impact on the amenity of adjoining occupiers, the provision of acceptable residential amenity space for the application site and the availability of parking.

2.5 Impact on Neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that: B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

Policy DMHD 1 requires that there is no unacceptable loss of outlook to neighbouring occupiers.

The agent has confirmed that the extension currently built on site is as approved previously under application REF: 57039/APP/2018/664. However it must be noted that the previously approved form, although implemented, was approved under the context of an addition to the main dwelling. How the addition is to be used is a material consideration and should be considered when assessing the impact of the development on the neighbouring occupiers.

The proposed development as a separate dwellinghouse would be overbearing through its size, scale, bulk and proximity to the neighbouring occupiers of No 38 Hazeldene Gardens. In addition, the first floor rear element would not comply with the 45 degree requirement from the nearest habitable room window (first floor bedroom) on the existing property at No 38. As access to this addition is lost through the conversion to a separate unit, the occupiers of No 38 will experience a detrimental impact to their amenities, with respect to loss of light, overshadowing, visual intrusion as well as loss of outlook due to the overdominant proposal, explained through the reasons above.

As such, it is considered that the development would have un-neighbourly impacts upon adjoining neighbours. Therefore the proposal would not be in compliance to

2.6 Impact on Street Scene

Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020) states: A) 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; ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings states that single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more. With regards to detached houses single storey rear extensions to a dwelling with a plot width of 5 metres or more should not exceed 4.0 metres in depth. Furthermore, flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level. With regards to two storey rear extensions, the policy states that two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres. Furthermore, pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported as well as flat roof two storey extensions, if this is out of character.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings states that side extensions should not exceed half the width of the original property and extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded. Furthermore, the policy states that where a two storey side extension is proposed to a detached or semi-detached property, it should be set back a minimum of 1 metre behind the main front elevation. The policy goes on to explain that where a hip to gable roof extensions exist, a two storey side extension will not be supported by the council. Adequate visual separation and views between houses should be maintained.

The extension to host the new dwelling would be the same as that approved under application Ref: 57039/APP/2018/664. It is noted that this has been implemented. There is no major material change in the plans of the proposed new dwellinghouse. The development would involve internal changes to accommodate a new dwellinghouse within the part two storey part single storey side/rear extension.

It is noted that the Local Planning Policy has since changed from 2018 and had the application for a two storey two bed dwelling been submitted without this

implementation, it is likely it would be refused, such as in the most recently refused application (currently under appeal) Ref: 57039/APP/2020/4080.

It is important to highlight that although the design of the addition has been previously assessed and approved, it was under the context of an addition to the host dwelling and not to be used as a separate dwellinghouse. This is reflected in the difference in design guides outlined in the Hillingdon Local Plan Part Two: Development Management Policies (2020).

When viewed from the front elevation, the front porch adjoining No 38 would reduce the visual benefit of the side extension being set back from the main dwelling. The result of this is an imposing addition that is out of keeping and proportion to not only the pair of original semi detached houses, but the wider street scene.

However, taking this into consideration, and with significant weight from the form having been implemented, it is considered on balance that the extension would not result in any additional harm to the visual amenities of the street scene or the surrounding area. The proposal is therefore – in this respect – in compliance to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D4 and D6 of the London Plan (2021).

2.7 Traffic Impact/Pedestrian Safety

Policy DMT6 of the Local Plan Part 2 - Development Management Policies (2020) states that 2 car parking spaces are required per dwelling and with regards to bicycle parking 1 space is required per 1 or 2 bed unit, and 2 spaces is required for 3 or more bed dwellings.

The application seeks to develop the site to create an additional dwelling, and hence both the new and existing dwelling would be required to provide 2 parking spaces within the curtilage of the dwellings. Upon reviewing the PTAL rating for the proposed development using the Transport for London WebCAT service, it is indicated that the site has the worst access to public transport with a PTAL rating of 0. However, the site does in fact border PTAL 1b (poor). On this basis, it is considered that an emphasis will be placed on the private car.

When considering the scale of the proposed works against the London Borough of Hillingdon car parking standards, the Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The maximum parking requirement for a residential unit as proposed equates to 2 on-plot spaces in order to fully comply with Hillingdon's adopted parking standard for new 'dwellings with curtilage'. A single car parking space together with a motorcycle bay is proposed, which results in a shortfall.

Owing to the adoption of the new London Plan (2021), this combination of on-plot spaces now constitutes 2 parking spaces which conforms to the newly adopted plan

requirement (Policy T6 (f)). As such, there are no further observations from the highways officer.

In line with the London Plan (2021), within the final parking quantum there is a requirement for a 20% 'active' EVCP provision with all remaining spaces (80%) being designated as 'passive' provisions. In this case, the new unit should incorporate 1 'active' space in order to future proof for anticipated demand. The applicant has indicated compliance to this demand.

In terms of cycle parking there would be a requirement to provide 1 secure and accessible space for the 2-bedroom unit in order to accord with the Council's adopted cycle parking standard. This level is to be exceeded and would be located to the rear of the dwelling which is considered acceptable.

To conclude, the Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. As a consequence of the relatively small 'single tenure' scale of development, any vehicular trip generation uplift is predicted to be negligible and therefore does not raise any specific highway concerns.

Therefore it is considered that there are no highways objections and the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

2.8 Urban Design/Access and Security

The new dwelling would provide an internal floor area of 82 square metres which is in excess of the London Plan (2021) requirements. The bedroom sizes also are of adequate size. The existing dwelling would remain the same. The open plan living area would provide adequate levels of light and outlook for the ground floor habitable space. The first floor bedrooms have windows facing rear or front, and as such would have sufficient outlook and light.

Rear amenity:

In terms of the garden area the development would fulfil the policies established in Part 2 Policy DMHD1 appendix A, Part A) vi), which states that for alterations and extensions to residential dwellings; adequate garden space is retained. Policy DMHB 18 Table 5.3: Private Outdoor Amenity Space Standards in the Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies (January 2020) Table 5.3: Private Outdoor Amenity Space Standards states that a 2-3 bedroom house should provide 60 sqm of private and usable rear amenity space.

The proposal has sufficiently demonstrated that the new dwelling would be allocated 62 square metres of amenity space, leaving 68 square metres of garden space for the existing dwelling. In this respect the development would comply with Policy DMHB 18 of the Local Plan Part 2 - Development Management Policies (2020).

2.9 Other Issues

Landscaping

Policy DMHB 14: Trees and Landscaping requires:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

There are no TPO's or Conservation Area designations affecting the site. There is sufficient space within the frontage to provide soft landscaping to mitigate the impact of the development. A condition is imposed to secure an acceptable landscaping scheme.

Access

In the event of an approvable scheme, the proposal would be subject to a condition to require the submission of details to confirm the provision of a level step free access to the dwelling to ensure compliance with London Plan policy D7.

CIL

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre.

3. Conclusion

- 3.1 The impact of the proposed development has been assessed in the Statement of Case. It is considered that significant weight should be placed on the impact of the proposed conversion of the side extension to a separate dwellinghouse on the neighbouring occupiers of No 38. Whilst the form and design has been approved under ref: 57039/APP/2018/664, the change of use adds a significant element to the proposal with a different impact. It has been noted that a similar proposal has been submitted and refused under current planning policy.
- 3.2 On balance, it is not considered that this proposal overcomes the previous reasons for refusal, with particular regard to the harmful impact on the amenity of the neighbouring occupiers at No 38 Hazeldene Gardens.
- 3.3 The proposed new dwelling, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupier at 38 Hazeldene Gardens by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
- 3.4 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.

Appendices

Appendix 1 –The LPA's Recommended Conditions



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Appendix 1 –Recommended Conditions

1. The development hereby 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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1982_PL01A, 1982_PL02A, 1982_PL03A, 1982_PL04A, 1982_PL05A, 1982_PL06A and 1982_PL07A.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing No 36, No 38 and No 40 Hazeldene Gardens.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6. Prior to works commencing, details of step free access via the principal private entrances, and all other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON: To ensure that an appropriate standard of housing stock, in accordance with 2021 London Plan policy D7, is achieved and maintained. The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

7. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts (including demonstration of 1 active electrical charging point to serve the new dwelling)
- 2.e Hard Surfacing Materials
- 2.f External Lighting
- 2.g Other structures (such as play equipment and furniture)

3. Schedule for Implementation

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020)

9. The windows facing 40 and 38 Hazeldene Gardens shall be glazed with permanently obscured glass to at least level 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part Two: Development Management Policies (2020).