

RESPONSE STATEMENT NON-DETERMINATION APPEAL

APP/R5510/W/21/3285551

PROPOSAL

FULL PLANNING PERMISSION IS SOUGHT FOR THE DEMOLITION OF AN EXISTING HOUSE AND ERECTION OF NEW RESIDENTIAL BUILDING INCLUDING DUPLEX BASEMENT/GROUND, FIRST AND ROOF ACCOMMODATION HOUSING ONE REPLACEMENT DWELLING AND 5 NEW DWELLINGS WITH ASSOCIATED BINS AND CYCLE STORE. ALTERNATIONS TO ACCESS AND DROP KERB.

LOCATION

47 FAIRFIELD ROAD
UXBRIDGE, MIDDLESEX
UB8 1AZ

REPORT

DECEMBER 2021

Further to the receipt of the information provided by the appeals case officer, the Inspector is requested to consider the following comments, which include first time comments, given this was a non-determination appeal made in the absence of any decision notice.

The Inspector is requested in the main to consider the original Planning, Design and Access statement but requests the following is considered in response to specific reasons for refusal first raised by the LPA in its statement.

The appellant notes from the LPA Planning Committee report, which the LPA has submitted as its Appeal Case, that the LPA has found the development to be acceptable on the following:

- The development will provide an appropriate mix of dwellings
- Asides from Flat 5 and bedroom duplex rooms the quality of living space is acceptable
- The proposed amenity provision is acceptable
- The proposed parking and access arrangements area acceptable
- The siting, scale and use of the new buildings for flats with respect to neighbouring amenity is acceptable
- The principle of the proposed new density development is acceptable in this location
- The provision of bins and cycles onsite is acceptable
- The proposal is acceptable on landscaping and Tree grounds
- The proposal has demonstrated the provision of a lift in this scheme is not viable and due to its modest scale and design would result in a central piston above the roof ridge, which would appear at odds with local character. The duplex flats have sufficient scope to incorporate stairlifts should future occupants seek such provision.

Notwithstanding the above merits of the proposal, which the LPA has found acceptable the LPA Planning Committee has refused the application for the following reason, which will be responded to below:

Design, Layout and Character

Reason 1

The proposed development, by reason of its siting, size, scale, mass, design – including crown roof – and appearance would fail to harmonise with its surroundings, would result in the loss of an important gap characteristic to the area and would appear as 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 (January 2020, Policy D3 of the London Plan 2021 and the National Planning Policy Framework (2021) section 12.

The appellant notes the LPA has raised objection to the development on character and scale grounds.

The LPA recognises the scale and design of the development has materially changed from previously refused schemes of a contemporary flat roof 3-storey building and a more traditional 2.5 storey building, which had a wider expanse and different part pitch and part crown form than proposed under the current appeal.

Both previous schemes have been shown below for the Inspector to note how this present scheme has evolved and changed in scale and presentation in response to earlier decisions.



Above and below are two previous flat schemes for the appeal site referred to by the LPA.



The present scheme is materially less in mass and footprint and reflective of local materials.

When considering development, the NPPF states that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

In addition, London Plan 2021 policies H1 and H2 seek to support small-scale housing development within 800m of local and Town Centres, which the appeal scheme is within.

Small-scale housing developments will inevitably be different in scale and character to older house stock, as found along parts of Fairfield Road. This is in part due to providing more efficient use of land to achieve appropriate densities but also to make use of modern building materials and techniques and standards for rooms and living spaces that older housing stock have not been subjected to.

In that light there will always be a degree of variation and difference between new small-scale housing development that sits side-by-side with older housing stock.

The appellant considers the LPA is not providing any balance to the re-use of this wider than average corner plot to provide a mix of housing provision that meets the requirements of Policy H1 and H2 of the London Plan 2021, which seeks higher density housing from small-sites including those in sub-urban settings, which are within 800m of a defined centre.

A natural balance needs to be struck between making more efficient use of land and at the same time presenting a building form that seeks to reflect but not copy older housing stock.

The use of roofs to provide accommodation is recognised by recent changes to Permitted Development rights, which many houses along Fairfield Avenue will benefit from including existing flats development built before 2018 and after 1948.

Upward development allows sites in sustainable locations to support and modernise existing housing stock to meet their own needs whilst allowing new purpose-built developments, including flats developments to make more efficient use of a site to include roof accommodation as self-contained units, whether through a larger-roof with dormers, a mix of pitch and crown roofs or contemporary flat roofs.

The appellant has already set out in the original Planning, Design and Access Statement clear examples of flats developments along Fairfield Road, many of which have differing architectural styles and scale to adjoining older housings stock sited next to them.

These flats developments also include larger element of crown roofs and self-contained roof accommodation served by rooflights and dormers.

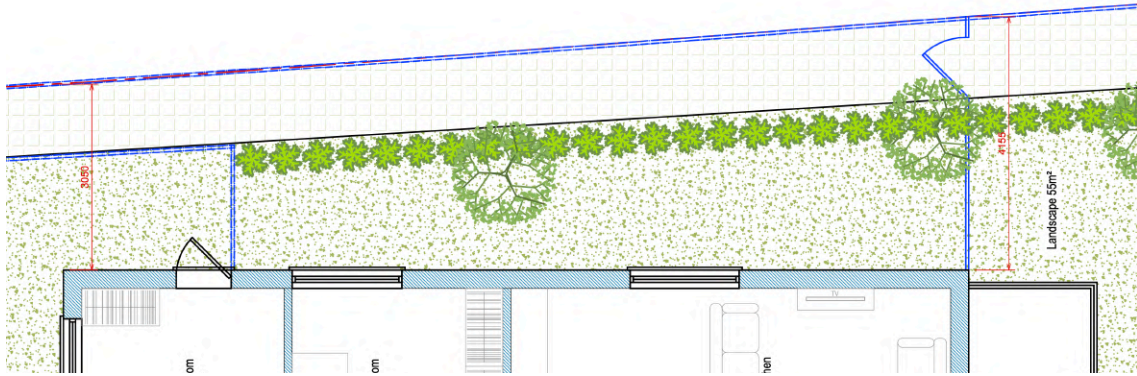
The gaps between the flat development and older housing stock they sit next to are not significant to suggest these flat developments form their own sense of place but rather they form a balance mix of new higher density housing within a row of older large houses, which in combination serve the needs of the local housing mix in terms of demand and type.

In this instance the LPA has failed to recognise the scale of the development has been materially reduced from previous schemes that it clearly now reflects the scale of larger houses found along Fairfield Road including No.37, No.43 and No.45 Fairfield Road.

The building roof mass has been reduced and whilst there is a crown roof area this is not uncommon in the road and will not be readily apparent from the streetscene due to the pitched design of the roof form on all sides and the ridge of the pitches being higher than the crown.

Under Permitted Development, the appeal property can be extended upwards by an additional floor but it can also add a significant 8m deep rear extension at full width.

Whilst under Permitted Development a side extension is not possible in this location adjoining a highway, the general set-backs front the front corner range from 3.03m at the rear corner to 4.15m at the front corner as shown below, which provides an open gap onsite in combination with the general open expanse found at the rear and from the side highway and footpath relief.



The appellant has noted the LPA comments with respect to Harefield Road. This scheme has been reduced in span and provides greater set back at ground and first-floor level as well as depth when compared to earlier schemes.

In addition, the scheme has a pitch roof to the front and rear unlike earlier schemes, which reduces the roof massing towards Harefield Road on front, rear and side views.

The property does benefit from an unusual wider gap off the side boundary and the plot is on an elevated position to the rear dwellings and on a similar position to the houses sited on elevated levels along Harefield Road western side.

Notwithstanding this the overlay of the existing and proposed block plans shows the proposed footprint in RED dotted line and the existing in light GREY. The site area is show in red line with the increase in access kerb shown.



The shaded BLUE area highlights the additional side footprint towards Harefield Road, whilst the front and back of the new footprint is largely the same at this corner.

As stated earlier, the side infill with the roof pitching in from 3 sides whilst reducing the gap on the corner does not do so at the front or rear to any significant degree and as such would on balance not result in a change in the appearance of the surrounding area, to a degree of magnitude that would be considered either substantial or harmful, when seen from Harefield Road.

With respect to design features and detailing, there is no specific design that dominates Fairfield Road and the site itself does not form part of a special character or conservation area and there is no overriding protection to preserve or copy the existing design features, although the appellant did try this in a previous scheme, which the LPA refused.



In this instance (above), the roof tile and part brick finish with hung tiles is reflective of No.43 and No.45 finishing materials as set out in the Planning, Design and Access Statement. The use of dormers is found within Fairfield Road as well as partial crown roofs on flat's buildings.

The proposed dark wooden frame windows are reflective of others in the road but can be white frame should the Inspector deem it.

The window proportions and central door location is equally balanced and the layout of parking does not dominate the frontage with sufficient frontage lawn for landscaping and planting of trees and hedges, which contribute to the site's amenity on this corner location.



Immediate buildings east of the site along Fairfield Road have a range of finishes, including brick, render, dormers, roof tiles, crown roofs and shallow roofs. The most recent rebuild at No.37 Fairfield shown under construction above has a general tile and simple brick and simple black window frame finish. No.37 is within a Special Area of Character and has been accepted in design and materials. In contrast the LPA objects to the appeal proposals design and finishing approach, which is not within a Special Area of Character and is on the same road.



59 ELM AVENUE, RUISLIP, HILLINGDON

The appellant requests the Appeal Inspector to consider Appeal Decision 3273062 (APPENDIX E), for 59 Elm Avenue, Ruislip. The decision is very recent and issued after the adoption of the NPPF 2021 and London Plan 2021.

The proposal sought the replacement of a bungalow on a corner plot with a flat's development through a new 2.5 storey building with a part pitch and part crown roof with infilling of the side gap to the corner junction as shown below by the CGI below.



Whilst Appeal 3273062 was dismissed for lack of a 3-bedroom dwelling all other matters were found to be acceptable. An application is pending, which now includes a 3-bedroom dwelling.

The Appeal Inspector states:

‘The proposed building would be set back from the adjacent semi-detached properties and would have two front facing gables incorporating a timber looking feature in keeping with several other properties in the vicinity. Apart from the single front door it would have the appearance, from the front, of two semi-detached houses. Whilst the building would extend rearwards beyond the adjacent properties there would still be a reasonable amount of amenity space left to the rear, and the rear elevation would be approximately in line with the rear elevation of No 61, on the other side of Oak Grove.

The mass and bulk of the building would be broken up by the use of brickwork at ground floor level and render at first floor level, and there would be over 5m between the east elevation of the proposed building and the west elevation of No 57. The parking arrangement to the front would be similar to many nearby properties.

Overall, given the above factors and taking into consideration that the proposed building would be on a corner plot, I do not consider that it would cause harm to the character and appearance of the area. There would not therefore be conflict with policies DMHB 11 or DMHD 1 of the LP2. The former of these requires that all development should harmonise with the local context. The latter requires, amongst other things, that a satisfactory relationship with adjacent dwellings is achieved. Nor would there be conflict with policy BE1 of the London Borough of Hillingdon Local Plan Part 1 – Strategic Policies. This requires that all new development should achieve a high quality of design.

In this case, which is within the same London Borough of Hillingdon the same as the appeal site, is on a corner plot, within 800m of the centre and seeks to provide higher density housing with some parking and communal amenity, the Inspector found the design, siting, massing and scale of the development to be acceptable within a road that accommodates a mix of detached, semi-detached houses and bungalows.

The appellant contends this is a material consideration as it reflects a similar form of development within 800m of the centre and partial infill of a corner with a balance of onsite amenity and parking through a part pitch, part crown roof building with dormers.

106 UXBRIDGE ROAD, HATCH END, HARROW

The example below is of a flat’s development on the corner of 106 Uxbridge Road, Hatch End, Harrow. The development replaced an existing house with a corner development of 6 flats in a reflective, albeit larger corner infill development in a sustainable location within 800m of the centre. This has now been built post LPA decision following on from the Appeal Decision 3233640 as set out in APPENDIX C documents/plans.

In the above case the Appeal Inspector states:

‘I accept that the appeal site is in a prominent location. Nonetheless, it would be the last building on this stretch of Uxbridge Road and due to the open nature of the north east and south west quadrants of the roundabout and the degree of separation from the single storey building to the north, the slightly larger size of the building would provide a strong visual stop to the row of dwellings on Uxbridge Road and create a distinctive visual presence at the junction. The appeal site is not within a conservation area and

although the appeal proposal would change the appearance of the surrounding area, I do not find that the magnitude of the change would be either substantial or harmful.'



(106 Hatch End shown above)

It is evident from Appeal Decision 3233640 that the Appeal Inspector recognised the scale, siting, massing and general form of the development would be larger than the adjoining detached and semi-detached dwellings, however determined the magnitude of the new development was not considered to cause substantial harm on this corner location and if anything provided as the photograph shows provides the corner with distinctive visual presence at the junction.

In the same light, the appeal scheme whilst having a larger scale, siting and massing to the dwelling it replaces, it is more reflective of large houses on the road and its own presentation will on balance like 106 Uxbridge Road, will not result in a magnitude of change that would be considered either substantial or harmful to its setting and wider location.

19 ALEXANDRA DRIVE, SURBITON, KINGSTON

The CGI below on the next page is of 19 Alexandra Drive, Surbiton, which resides in the London Borough of Kingston. It shows the approved new development of 6 flats on a corner location following a replacement of an existing dwelling. The proposal is under construction.

In Appeal Decision 3260562 (APPENDIX D) for 19 Alexandra Drive, the Appeal Inspector states:

'The proposed residential building would not be the same in terms of scale and design as other dwellings within this street, but this is not harmful as there is some degree of variety within the street already. Although a large building, it would not overdevelop the site, with the layout providing for communal garden space, landscaping and parking, as well as the residential building itself. It would remain a detached building with gaps to the sides to retain a sufficiently spacious character. Furthermore, its height at ridge level would not be dissimilar to neighbouring houses on this side of Alexandra Drive, and would be in general positioned with the building line along this street.'



The Appeal Inspector recognises the proposed corner plot redevelopment is not wholly reflective of local scale and siting but recognises the benefits of the proposal with onsite amenity, parking and quality of accommodation through a reflective higher density building.

In this case the corner plot houses a detached pitch roof house with a gap to the side. The gap was partially infilled and the new building includes an element of crown roof with roof accommodation. This is not so dissimilar to the modest crown roof and partial infill of the side corner gap on the present appeal scheme. 19 Alexandra Drive was not within 800m of the centre but was within a sustainable location.

71 VILLIERS AVENUE, SURBITON, KINGSTON



Another example shown above, whilst within the London Borough of Kingston has been referenced later in this appeal statement. The property is No.71 Villiers Avenue, which was

allowed under Appeal Decision 3246194 with a balance approach, which recognised the need to deliver more housing in London in areas within 800m of the centre whilst accepting a degree of variation in siting, scale and form of new small-scale flats buildings within existing corner settings.

It is put forward the appeal scheme presents a balance form of modest higher density residential development in the form of a reflective new building that does result in a wider footprint and massing to the original dwelling but will continue to retain a set back from the side boundary to the road for sufficient openness to be retained, with landscaping and this will not harm the wider corner setting, even when seen from elevated positions, beyond what one could see through the extension of the existing house upwards and to the side under current Permitted Development rights afforded to the property.

The appellant accepts that the approved schemes in Kingston and Harrow are not within the Borough of Hillingdon, nevertheless they are on corner plots, replace existing single houses with new modest flats developments with buildings that are of a modestly differently scale to those adjoining them but equally reflective and on balance deliver new housing within 800 of a centre and as such are considered material to this appeal for some consideration as like-to-like development within the greater context of London that clearly seeks under the London Plan 2021 more housing from small-scale sites within a range of settings.

And in each of the examples shown, the small-scale developments are being implemented in a timely manner to meet pressing London Housing needs rather than larger developments that can often take several years to implement and deliver. These examples much like the appeal case will deliver a range of housing within existing settings and existing communities and are of a scale, which can be accommodated within those settings.

The appellant affirms the proposed development will accord with Policies H1 and H2 of the London Plan and NPPF 2021 and the Local Plan, which collectively seek new housing from a range of sites in sustainable locations through a balanced approach of making use of opportunity sites with reflective but not duplicative design and scale of development.

Living Environment

Reason 2

The proposed development, by virtue of its poor outlook would result in a substandard form of residential accommodation to the detriment of the amenity of future occupants. The proposal would therefore be contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

The appellant notes the LPA considers the living space for FLAT 5 to be poor in terms of outlook, this is with respect to the rear living/ kitchen room. This space is served by a rear facing window next to the kitchen as well as a roof light and part obscure fixed windows to the side area for seating and TV space.

An indicative CGI has been produced to show the internal space and proposed windows below. This shows the side dormer window as partial obscure glazed up to 1.7m from floor level with a clear view above that of the skyline.

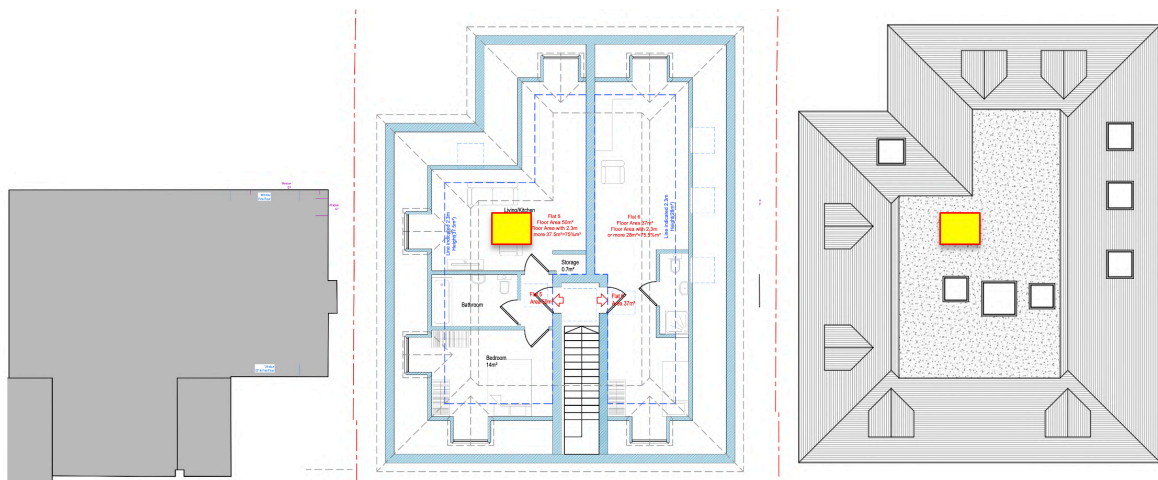
The LPA suggest the side dormer window should be fully obscure glazed, but the appellant contends the outlook from this window at this height above 1.7m will not harm the privacy of the adjoining neighbour No.45. The LPA has not refused the application on loss of neighbouring amenity and has not recommend any condition to obscure glaze this side window either.



The room layout is 'L' shape so it will have 2 main sources of light and outlook as well as a partial side window outlook to the skyline pass the side roof of No.45. This window does not provide a view into No.45 side garden area.

The plans show the proposed side window to be obscure glazed to 1.7m and this can be secured by way of a condition that seeks it to be fixed and non-opening as well.

There is also scope to add a rooflight as shown below if the Inspector deemed it as a benefit to this space. This would not harm the amenity of No.45 and can be secured by way of condition.



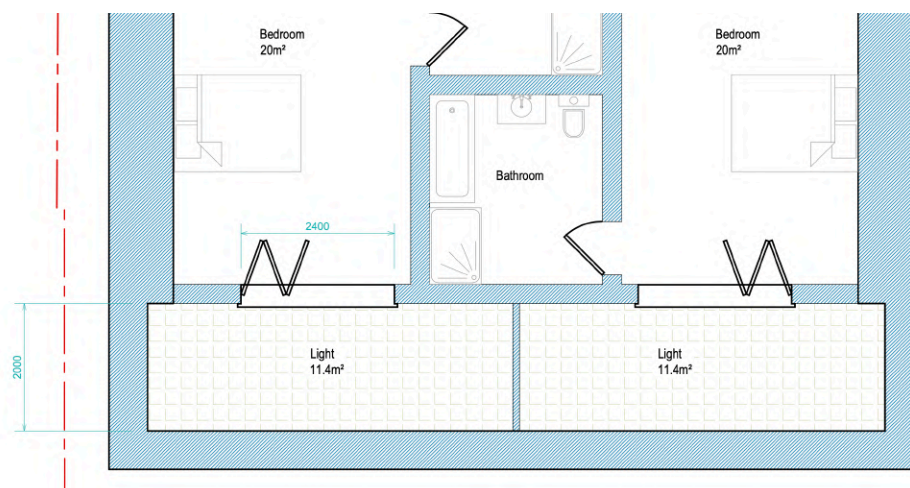
With respect to the duplex dwellings and location of lower ground bedrooms, the LPA has raised concerns about outlook to these bedrooms. The appellant notes the LPA has no specific design guidance on the use of lightwells to serve basement accommodation.

The Inspector is requested to note it is not uncommon to have residential development with basement rooms and the use of such rooms, which are largely used for sleeping and evening use would not necessarily need full ground floor outlooks.

In this instance the bedrooms are wide and served by 2.4m wide openable folding patios, which will not only provide a connection from the inside space to the outside but also provide a wide expanse for light and ventilation.

The light wells are wide and have a depth of 2m as well. The 11.4m external patio serving each flat will be enclosed with white render walls and provide space for seat or planters. The bedrooms as such would not have a poor outlook but rather a spacious internal space connected to an outside space with wide outlooks onto planters and skyline.

Below, shows the span of the folding patio windows at 2.4m and the depth of the lightwell at 2m.



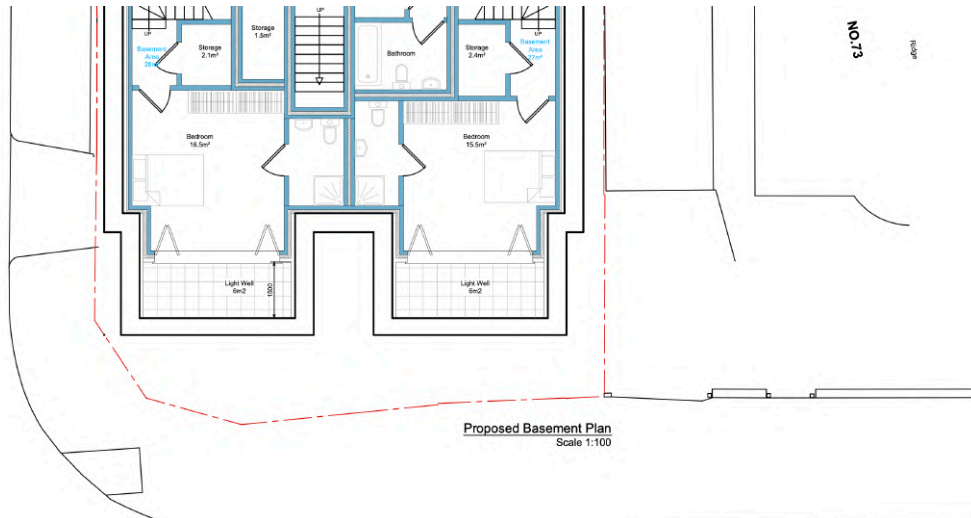
Below is an indicative example of a basement room with and enclosed lightwell, similar to the one being proposed for bedrooms in the appeal scheme. It shows white render external walls, skylines and external space for planters or seating, which provide a good outlook to the basement accommodation.



Lastly, the appellant requests the Inspector to consider a recent Appeal Decision 3246194 for 71 Villiers Avenue, Kingston Upon Thames. Whilst this decision relates to a small-scale flat development on a corner plot, it includes duplex flats as proposed in the present appeal scheme.

The scheme approved under (Appendix B) Appeal Decision 3246194, includes 2 x 3-bedroom duplex flats with front facing double bedrooms at basement level with 1.5m front lightwells with folding patio doors as shown by the extract from approved plan VR71-03-1005 from (Appendix B) Approved Appeal 3246194 Plans.

The Inspector is requested to note 2 x Studio flats were also permitted at basement level with rear facing lightwells. The appeal was followed by Reserve Matters, which were subsequently approved and the development at 71 Villiers Avenue is now under construction.



In the appellant's scheme the lightwells are deeper at 2m in depth. On this specific point of bedrooms served by lightwells, the Inspector is requested to note this example.

71 Villiers Avenue was a site within a PTAL 1 area but within 800m of Surbiton Station. The setting was suburban with houses either side and to the rear on this corner plot. The development infilled the corner with a new residential building with 8 flats across basement, ground, first and roof level including a crown roof in the form of a mansard as shown below.



Whilst the LPA may contend this example is not within Hillingdon Council, the general balanced benefits permitted in the case of Appeal 3246194, will deliver a mix of good quality housing stock for London, through a building that does not wholly fit in siting, scale, design or massing to semi-detached houses either side and to the rear and opposite, but to deliver new housing a reflective development was permitted on a corner plot, where often such development, which may appear different in siting, scale and massing to others in the road, can be accommodated due to the corner setting.

Fairfield Road accommodates larger flat's buildings and the appellant contends with a balanced approach the present modest appeal scheme can equally be accommodated on this corner plot inclusive of duplex spacious flats with basement bedrooms and roof accommodation with sufficient outlook and internal amenity.

Summary

The Inspector is requested to consider the merits of the application as original submitted and with the information set out and attached to this appeal response statement.