

APP/R5510/W/21/3277068:

26 HIGHLAND ROAD, HA6 1JT

FINAL COMMENTS

To: Planning Inspectorate
From: Planning Insight
Date: December 2021
Re: APP/R5510/W/21/3277068: 26 Highland Road, HA6 1JT

Appellant's Final Comments

Introduction

The appellant's final comments relate to the Statement of Case prepared by the London Borough of Hillingdon ("LBH") in relation to the appeal at 26 Highland Road. Planning permission is sought for the subdivision of the existing dwelling to create no.1 3-bed unit no.1 2-bed unit. Third-party representations have also been received and are addressed.

Council's Comments

The council have largely relied on the Committee Report associated with the application. In this regard, the appellant has provided a detailed Statement of Case that addresses the Committee Report.

In light of the evidence submitted, the council has not provided any further information to substantiate their refusal in relation to the harm to the street scene. The appellant has clearly defined the meaning of street scene as per the National Design Guide. The council has not provided any rationale as to why there would be harm to the street scene in light of the appellant's evidence. The council's statement refers to the subdivision of the garden and the erection of the fence, as such the council has confirmed it would not result in harm to the street scene.

Given that no harm would arise in this regard and recognising the clear benefits of the proposal of delivering a new residential unit, whilst retaining a family sized home, the scheme is acceptable in the context of the development plan.

Based on the Statement of Case, the council's primary issue with the scheme is the subdivision of the plot through the erection a fence in the existing garden. The street scene will remain completely unaffected. The council point to the adjacent properties that are located on the bend of Highland Road that have "expansive" gardens as some sort of justification for the refusal of the scheme. In essence the council allege that owing to the erection of a fence this would "significantly impact the character and the appearance of the area". The appellant sees absolutely no basis for this assessment.

The proposed fence would not be viewable from the public domain, it would only be viewable from the rear windows and gardens of the proposed units and very limited views from no.28 upper floor windows. It would not be viewable from no.24 as there are no windows that overlook the site from the flank elevation that faces the appeal site. As can be observed on the site plan, the proposal would afford generous gardens for each of the proposed residential units and the subdivision of the site would not create a cramped form of development. The council has acknowledged that the units would be of a high quality internal environment and provide for an acceptable outdoor private amenity space. The proposal will provide two gardens of a similar size to the vast majority of other gardens on Highland Road. The fence would not be readily viewable, when it is, the gardens would relate to the wider area.

In terms of the fallback position as per paragraph 5.2.11 of the appellant's Statement of Case, the erection of a fence would be permitted development under Class A of the GPDO. The council has failed to acknowledge that planning permission for the erection of a fence has already been granted by the GPDO. Fundamentally the erection of the fence is to provide two high quality gardens for the benefit of the proposed dwellings.

The council has failed to acknowledge the weight of the delivery of a new dwelling in the context of high housing need across London and Hillingdon. The planning balance is set out in section 5.3 of the appellant's case. Whilst the appellant considers that the council's basis for refusal is spurious, if there is harm arising from the erection of the fence then this is plainly outweighed by the delivery of a new dwelling on a brownfield site in a sustainable location. As per the appellant's Statement of Case the scheme accords with the development plan and no material considerations indicate otherwise.

Third-Party Representations

In total, 1 representation was received in relation to the subject appeal. The third party raises the following matters which are addressed:

- Matters of covenants – these are irrelevant to the planning process and should not be considered.
- Concerns in relation to the highway network – the Highway Authority did not object to the scheme since the submission of the Transport Report prepared by PMA. Parking is provided in accordance with the London Plan, as such the scheme is policy compliant – as agreed by the council.
- Appearance and character – the third party does not raise any comments in relation to design or the street scene.

Concluding Final Comments

The council refused the scheme owing to the impact on the street scene and the character of the area. As per the appellant's Statement of Case and these final comments, there would not be any material change from the street scene, i.e., the frontage of Highland Road. In terms of the rear, a new fence would be constructed in order to provide gardens for each of the proposed dwellings. This would not be viewable from the public domain, and only one limited view from a neighbour. As per the appellant's Statement of Case the size of the gardens would relate to the wider area, contrary to the assertions of the council. The council's assessment is baseless, in the view of the appellant no harm would arise as a result of the proposal.

The council has failed to consider the benefits of the scheme, the net uplift of a new residential unit that would contribute to housing delivery in a sustainable location, this strongly weighs in favour of the proposal



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Appendix 1: Conditions

Condition Number	Appellant Comment
3	The GPDO addresses windows on side elevations, this is considered excessive and unnecessary.
4	Condition is considered excessive given the nature of the scheme, the only alteration is the erection of the fence externally.
5	Considered excessive, particularly in terms of Class E (outbuildings). The appellant considers a restriction on Class B as reasonable.