



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Beebee Jehan Antooroo

Proposal:

Erection of a two storey, 1-bed end-of-terrace dwelling with associated amenity space and parking including installation of new vehicular crossover and demolition of existing detached garage

Appeal Site:

18 West Avenue, Hayes, UB3 2EY

Our Ref:
Your Ref:

73777/APP/2021/1381
APP/R5510/W/21/3285016

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 at no.18 West Avenue, Hayes for 'Erection of a two storey, 1-bed end-of-terrace dwelling with associated amenity space and parking including installation of new vehicular crossover and demolition of existing detached garage.' The LPA refused planning permission on 25.06.2021, for the following reasons (as stated on the decision notice):
1. **The proposed development, by reason of its siting in this open prominent position, its size, scale, bulk, depth, width and proximity to the side boundary, would result in the closing of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the visual amenities of the street scene and the character and appearance of the surrounding area. The proposed development is therefore contrary to Policies DMHB 11, DMHB 12 and DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D1, D3 and D4 of the London Plan (2021).**
- 1.2 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 was provided at the time of the submission of the Questionnaire. Appendix 1 provides the suggested conditions.
- 1.3 This statement will not repeat the Officers Report (submitted with the Appeal Questionnaire) 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 Page 3 of the Appellants Statement of Case sets out the Introduction and pages 4-6 sets out the Site Location and Context all of which have been referenced in the officer's report.
- 2.2 Pages 7-36 refers to the Appellants Statement of Case against the LPAs decision. The following sections will not repeat the assessment already undertaken within the officers report but will discuss any points contrary points made by the Appellant.
- 2.3 Under paragraph 3.2 of the Appellants Statement of Case, the Appellant stresses that the proposed design is akin and of similar design and scale of the existing property. Officers have already confirmed that whilst architecturally the proposal would complement the appearance of the built form in the area, it is the general infill and squeezing into the narrow space that would be the driver of the harm. So despite the proposal retaining sufficient private amenity space, as mentioned under paragraph 3.3 (of which officers have acknowledged), it is clear that it is the cramming of a new dwelling to the side alongside the resultant built form and

topographical display that would cause inappropriate and constrained overdevelopment.

- 2.4 The Appellants argument of the dwelling of no.18A adjacent to no.20 is not an example of a comparable precedent as this pre-dates the local plan and as mentioned in the officers report an example of a later/historic infill. Furthermore, officers have acknowledged that the adjacent plot of no.20 is wider and has a degree of separation to the side boundary to which the proposal would fail to retain sufficient space. In terms of precedent, the Appellant under paragraph 3.5 points the reader to section 6 where *'examples are referred to where sites within close proximity to the subject site illustrate how the efficient use of garden land has been approved.'* Again, these examples pre-date the Local Plan – most recent permissions would be in 2015. Furthermore, the majority of the examples are situated on different roads to West Avenue.
- 2.5 Pages 11-14 of the Appellants Statement of Case sets out the relevant planning policy context of which is agreed and refereed to in the officers report.
- 2.6 Pages 15-20 discusses the 'Main Issues' which is largely based on the other material considerations mentioned in the officers report. In land use terms, the proposal would be acceptable in principle. However, this is only in terms of residential use and it is clear from the assessment and refusal reason that the proposal would constitute and inappropriate cramped form of overdevelopment. Any reference to the economic, social and environmental benefits would not be outweighed by the damage the proposal would cause in terms of character and appearance considerations. Any minor benefits of one new dwelling would not be outweighed by the detriment that would be caused.
- 2.7 Pages 21 – 30 of the Appellants Statement of Case discusses the response to the refusal reason. The Appellant, once again starts of by mentioning the 2010 scheme at no.20 West Avenue under paragraph 6.3 – there is heavy reliance on this scheme. The Appellant usefully on page 22 shows a site plan and google earth view of both the host plot and no.20 where no.18A lies. Immediately, you can see the plot width of no.20 is much wider (from front to the rear). Furthermore, no.18A is sited with a greater separation to the common boundary to which the proposal would fail to retain. It is agreed that the rear corner of no.18A sits on the boundary to which the proposal would do so. However, the resultant gap from this subject corner to the front boundary is much greater than what the proposal would retain. This is part of the reason and main driver of why the proposal is clearly squeezed and cramped to which the Appellant fails to acknowledge and understand the site constraints. So any mention of replication or consideration is not relevant or applicable to the host plot. Paragraph 6.7 continues to mention the proposals relation to the context and no.18A in terms of appearance. Officers agree that the appearance and design would be reflective of the context – this wasn't the driver of the harm (although noting the narrower building compared to the immediate adjacent plots). It is the inappropriate, squeezed and cramped infill that is causing the impact. These concerns are raised due to the combined height, width and depth alongside proximity to the boundary and prominent siting that is causing excessive harm.
- 2.8 As mentioned before, the examples of approved schemes of this type under paragraph 6.9 pre-date the Local Plan and are not considered to be material or

comparable precedented examples of value. Even the example at no.20 – adjacent to the host plot is of differing context as mentioned previously. Reference to the dwelling of no.40 West Avenue was approved in 2009 and again retains much more side gap than the proposal.

- 2.9 Paragraph 6.15 states that *‘The key point is that a large spacious gap of approximately 40 metres would be retained between the flank elevations of the new dwelling and the constructed dwelling at 20 West Avenue with a large area of side garden serving the properties on both sides of Rowan Place in-between.’* There is not direct comparison or relevance of this point as the Appellant has not established the constraints of the site and that the proposal would be squeezed into a narrow parcel of land. The key point to consider is would the proposed dwelling retain enough space to the side boundary (not the land adjacent which forms part of 2 Rowan Place). The answer is no. It is appreciated that no.18A has a side ground floor extension but officers can clearly see a sufficient gap to the side at no.18A (at first floor level and to the front of the ground floor side extension).
- 2.10 To some degree, officers do agree with the points raised under paragraph 6.16 about officers concerns with terracing impact. However, the host site and no.16 are a semi-detached pair and whilst noting the terraced properties of the context, this is a contributing issue to the wider concerns raised within the officers report and as above. However, the point officers would like to raise is that the width of the new dwelling would fail to replicate the width of the existing semi-detached pair and if to compare the proposal to no.18A, the width of this proposed ‘infill’ would fail to match the width of no.18A (in terms of the building). It is clear that the width of no.18A (two-storey level) reflects those of the attached original dwellings to which the proposal, by reason of its narrower plot width would fail to reflect the prevailing pattern and character of the context and as such comfortable place a new building. The lack of plot width to the side of the current dwelling further demonstrates the cramped and overdeveloped nature of the proposal.
- 2.11 Paragraph 6.19 references a 2018 approved scheme on site for a part single; part two storey side/rear extension. It is clear, in terms of the side element that this was much more proportionate to the dwelling and acted as a clear householder extension (with its set backs and overall smaller width). The proposal would be larger and would constitute a new dwelling tightly crammed into the side of the host site.
- 2.12 Officers have not repeated the assessment which is within the officers report. This gives a breakdown of why the proposal, by reason of its siting in this open prominent position, its size, scale, bulk, depth, width and proximity to the side boundary, would result a cramped form of overdevelopment that would also reduce/close an important gap characteristic to the area. This would be of detriment to the character and appearance of the context and visual amenities of the streetscene.

3. Conclusion

- 3.1 For the reasons set out in the delegated report and this statement, the proposal would be unacceptable on design grounds.

- 3.2 Whilst the backdrop need of housing is valued highly, the harm that the proposed development would bring is substantial. Any minor benefits resulting from the provision of one residential dwelling would not outweigh the demonstrated harm.
- 3.3 The Inspector is respectfully asked to dismiss the appeal. 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

Planning Officer's Committee Report and Copies of the Relevant Planning Policies have been provided with the Appeal Questionnaire.