



Woolf Bond Planning

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PINS Ref: APP/R5510/W/21/3285016
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31 January 2022

Adam Hill
The Planning Inspectorate
3C Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Hill,

Planning Appeal (APP/R5510/W/21/3285016)
18 West Avenue, Hayes, UB3 2EY
Appellant Response to Council Statement

Thank you for forwarding the Council's statement and suggested conditions. Further to our Appeal Statement, we note that to respond on a point by point basis at times risks unnecessary repetition. However, we do summarise a few points in response to the Council's comments in relation to the reasons for refusal and the suggested conditions below.

Comments of LPA Statement of Case

We note that the Council's statement confirm at paragraph 2.3 confirms their acceptance that architecturally the proposal would complement the appearance of the built form in the area. Thus, the appellant's position suggests the sole reason for the Council's objection is narrowed down to 'character'.

With reference to paragraph 2.4, it is acknowledged that the No. 20A West Avenue example and others referenced within the Appeal Statement were not approved after the January 2020 adoption of the Local Plan Part 2. However, the relevant test relating to whether a scheme is appropriate in character and appearance terms has not changed with the adoption of the 2020 Local Plan Part 2 document and the referenced examples now form an established part of the immediate area's character on the ground. If anything, the adoption of the recent London Plan now places a yet greater emphasis upon the need to develop small sites inside settlement boundaries in sustainable locations so to meet challenging minimum housing requirements. The suggestion therefore that a previous planning policy context in any way "necessitated" the Council to approve schemes in character terms whereby the present policy framework does not is incorrect and unsubstantiated. The prevailing character test remains the same. The recently constructed developments form a

fundamental component of the character of the area and further re-affirm the appropriateness of the proposed scheme. If any policy context has changed, it would be a positive one given a yet greater reliance upon sites of this type as advocated within the new London Plan.

At paragraph 2.7, there is a suggestion that No. 20A West Avenue has a front to rear plot depth that is longer than that proposal. Due to the tapering of the proposed garden to the proposed new dwelling at No. 18A West Avenue, the proposed front to rear plot depth on the proposed plot's long boundary is actually longer than found at No. 20A. The angle of the side garden area to No. 20A is slightly less steep but then that plot's reliance on the side garden is greater because the rear garden is smaller. Ultimately, we refer in particular to the annotated context plan included at page 30 of our statement. The existing gap between No. 18's existing flank elevation and Rowan Place is 24 metres. By comparison, the similar proposal relating to the extended 20 West Avenue now has a gap of circa 17.5 metres. The proposed dwelling's width is circa 6 metres such that the gap that would result between the new dwelling's flank elevation and Rowan Place would reduce to circa 18 metres. This distance is similar to (or actually slightly greater) than the immediate example at 20A West Avenue. Further, the new dwelling's side elevation would lie comfortably inside the rear building line defined by 2 Rowan Place in a similar form of relationship to that found between the new dwelling at 20A West Avenue and 1 Rowan Place. 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. Rather than reduce the gap to something that is inappropriate, instead a spacious gap of circa 40 metres would be retained and no harm would result. As detailed within the Appeal Statement, this separation compares favourably to other examples in the immediate locality.

At paragraph 2.10, the planning officer does acknowledge the points raised regarding their previous suggestion of an unacceptable terracing effect. It is clear that the proposal will result in a wider building. However, this is not the relevant test. The key consideration is that the scheme reflects the prevailing pattern and character of the area. As discussed throughout the evidence there are many examples of building widths of the same or considerably greater widths in the immediate area surrounding the site. This is particularly illustrated on the annotated context plan at page 29 of our statement. The Council's "to some degree" agreement on this point is welcomed.

The Council suggest that the harm caused by the proposed development would be substantial. Respectfully, the Council's approach towards this proposal is a highly negative one in their application of development plan policies and consideration of the site's immediate site context.

Finally, it is noted that consistency in decision making is a tenet of good planning¹. The permitted and constructed scheme at 20 West Avenue (and others) results in a very strong indication that the subject proposal should also be approved.

In summary, the proposal is entirely appropriate to the character and appearance of the area, having regard to its prevailing characteristics and nearby examples and in addition, offers the benefit of an additional residential dwelling on an appropriate settlement site. We therefore retain the clear judgment that the proposal complies with the development plan policies referenced in the reason for refusal and the development plan as a whole.

¹ Mr. Justice Holgate in *St Albans* [2015] EWHC 655 (Admin). (Paragraphs 25-26)

Planning Conditions

The conditions suggested in the Council's statement are generally agreeable to the appellant. However, the planning practice guidance² does state that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. We therefore question the necessity for conditions 4 and 8 accordingly and whether they could either be omitted or reduced in scope. If considered necessary by the Inspector they are however accepted.

Summary

We would be grateful if the above comments could be forwarded to the Inspector. The appellant has no further comments on this appeal and therefore awaits a decision following the site visit.

Yours sincerely,

Woolf Bond Planning

Woolf Bond Planning LLP

² Paragraph: 017 Reference ID: 21a-017-2019072