



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr and Mrs Curteis

Proposal:

Erection of 1 no. detached 4-bed dwelling house and 2 no. semi-detached 4-bed dwelling houses (following demolition of existing dwelling)

Appeal Site:

34 Acacia Avenue, Ruislip,
HA4 8RG

Our Ref:
Your Ref:

1788/APP/2021/3141
APP/R5510/W/21/3286382

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.
- 1.2 The LPA refused planning permission on 25.10.2021 for the following reasons (as stated on the decision notice):
 1. By reason of their narrow front elevations, narrow plot widths, excessive height next to neighbouring bungalows and close proximity to one another, the proposed dwellings would form an oversized and visually cramped addition to the street scene, harming its character and appearance. Due to the mentioned features, as well as the fact that the proposal would provide inadequate amenity space for plot 3 and substandard internal layouts for future occupants of all dwellings, the proposal is considered to be an overdevelopment of the site. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and D6 of the London Plan (2021), as well as paragraphs 130 (a) and 130 (c) of the NPPF (2021).
 2. Each of the 4 bedroom semi-detached dwellings (Plot 2 and 3) fails to provide a twin/double bedroom with a minimum internal floor space of 11.5sqm. Furthermore, the smallest bedroom within each of the properties is below the single bedroom minimum internal space requirement (7.5sqm). Additionally, Plot 1 of the proposed development includes a study/bedroom which fails to provide 7.5sqm of internal floor space for its occupants. The proposed dwellings are therefore considered to be of poor design and are contrary to policy D6 (F) of the London Plan (2021).
 3. The entrance level W/C's within each of the dwellings fails to meet the requisite space standards set out in Diagram 27 of Approved Document M to the Building Regulations. They also fail to provide the required clear access zones set out in Diagram 27 of Approved Document M to the Building Regulations. The proposal is therefore contrary to Policy D7 A(2) of the London Plan, which requires all houses (which are created via works to which Part M volume 1 of the Building Regulations applies) to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
 4. Plot 3 would provide 91sqm of private amenity space for future occupants of the 4 bedroom dwelling, it would therefore fail to comply with Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and is considered to provide a substandard level of private amenity space for future occupants of the property.

- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report 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 Within their statement of case the appellant has raised the following summarised points:

- The proposed development would make better use of the site. The site is brownfield land and redevelopment of brownfield land is supported by the NPPF
- The proposed dwellings would be lifetime homes and would provide a higher standard of living accommodation for residents when compared with the existing dwelling
- The proposal is in keeping with the character and appearance of the area
- The development site is in a sustainable location and future occupiers of the dwellings would be provided with good quality services and amenities
- The shortfall in amenity space provisions for Plot 3 would not be harmful to the amenities of future occupiers
- The NPPF advises that LPA should guide the overall design and scale of development, rather than imposing design objectives, as such the substandard size of bedrooms mentioned in refusal reason 2 should not be a reason for refusal, especially as the sites existing aged dwellings is being replaced with higher quality residential accommodation
- Similar schemes have been approved planning permission in the area, by the LPA or at Appeal

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

- 2.2 It is agreed that this brownfield site has scope for alternative residential accommodation, however the proposed development is contrary to other objectives set out in the Local Plan and NPPF as stated in the 4 refusal reasons which are outlined in section 1.2 of this report, as well as the delegated officers report and decision notice. The proposed development does not provide high quality residential accommodation, nor does it best optimise the use of this brownfield site as set out in the refusal reasons and delegated report.
- 2.3 The proposed development is not in keeping with the character and appearance of the area for reasons set out in section 1.2.1 of this report, as well as the delegated officers report and decision notice.
- 2.4 The appellant has advised that similar schemes have been approved in the area:

- 7-9 Hawthorne Avenue (61379/APP/2005/3356 and 61379/APP/2006/2030) – 3 dwelling scheme
- 53 Hawthorne Road (15248/APP/2018/3353) – 3 dwelling scheme
- 59 Elm Avenue (60130/APP/2019/1369 and APP/R5510/W/19/323295) – 2 dwelling scheme

All of the schemes listed above were approved prior to adoption of the London Plan (2021). The London Plan is part of the development plan for the London Borough of Hillingdon and seeks to achieve accessible, sustainable development of high-quality design. The proposed development falls short of key standards in the plan despite being a wholesale redevelopment scheme where there is an opportunity to deliver higher quality. The failings are set out in the refusal reasons outlined in section 1.2 of this report.

Additionally, each of the previously approved schemes (mentioned above) are on a different road's to the appeal site, as such their street scenes and character are different and therefore the types of development which are acceptable on each respective road varies. Furthermore, their plot sizes are not the same or similar to the appeal scheme.

It is also important to highlight that 7-9 Hawthorne Road was approved in 2005/2006, planning policies and design standards have improved since then and have become more restrictive; requiring high quality design and internal accommodation standards. With regards to 59 Elm avenue, this scheme was for 2 dwellings, rather than 3 dwellings and is therefore not directly comparable.

Overall for the reasons mentioned above the referenced schemes are not considered to be comparable and therefore should not be taken into consideration when determining the acceptability of this appeal.

- 2.5 The amenity space standards set out in Policy DMHB 18 of the Local Plan (2020) are in place to ensure that residential amenity space provisions are commensurate to the size of each new residential unit and to ensure that occupiers of new units are provided with high quality amenity space. Deviance from the standards would be unjustified in this case as the proposal is for the wholesale redevelopment of the site and therefore provides opportunity to provide high quality residential accommodation (which meets relevant standards set out in the Local Plan and London Plan). Failure to meet the standards would result in the provision of a substandard level of accommodation for future occupiers of the development (as explained in officers delegated report and the refusal reasons set out in section 1.2 of this report).
- 2.6 The net provision of 2 additional residential units (alongside minor economic benefits caused by the construction of the properties and material sales) would not outweigh the schemes significant harm to the character and appearance of the area and amenities of future occupiers.

3. Other Matters

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

4. Conclusion

- 4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 4.2 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