

Lavata Group

Erection of two storey attached dwelling with associated parking, amenity space and widening of existing dropped kerb (following demolition of single storey side extension and outbuilding)

11 Carnarvon Drive, Hayes, UB3 1PU

Appellant – Mr and Mrs Ram

LPA Reference: 35377/APP/2021/3311

Statement of Case – Written Representations
January 2022

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Appendices

Appendix 1 – Decision Notice for 35377/APP/2021/3311

Appendix 2 – Officer's Report for 35377/APP/2021/3311

Appendix 3 – Officer's Report for 35377/APP/2021/1523 and Ground Floor Plan

Appendix 4 – Inspectors Report for no.96 Bourne Avenue Reference APP/R5510/W/21/3271124

Appendix 5 – Site Location Plan

1.0 Introduction

Overview

- 1.1 Lavata Group Limited (LL) have been instructed Appellant, Mr and Mrs Ram, with respect to a planning appeal lodged against the refusal of planning permission by the London Borough of Hillingdon (LBH), the Local Planning Authority (LPA).
- 1.2 On 31st August 2021, the Appellant submitted a planning application (the 'Proposed Development') 35377/APP/2021/3311 for:
- “Erection of two storey attached dwelling with associated parking, amenity space and widening of existing dropped kerb (following demolition of single storey side extension and outbuilding)”***
- 1.3 The application was made valid on 31st August 2021, and was refused on 26th October 2021 under delegated powers by LBH on 26th October 2021 (**Appendix 1**).
- 1.4 The Proposed Development is situated on land next to 11 Carnarvon Drive (the 'Appeal Site') and is within the curtilage of the existing residential dwelling.
- 1.5 A detailed description of the development is set out in the application documentation and summarised in Section 2 of this Statement of Case.

Purpose

- 1.6 The purpose of this Statement of Case is to address in greater detail the Reason for Refusal (RfR) advanced by LBH for the planning application and to provide additional evidence and justification as to why planning permission should now be granted by the Inspector.

Basis for the Appeal

- 1.7 Planning permission was refused under Delegated Powers (**Appendix 2**) on 26th October 2021, with the following single Reason for Refusal:

RFR1: *The proposed development, by reason of its siting in this visually prominent position, projection forward of the recognised established return building line along Carnarvon Drive, size, scale, layout, width and detailed design would constitute an incongruous and cramped form of development resulting in the loss of the open aspect of this prominent corner plot. The proposal would therefore represent an overdevelopment of the site to the detriment of the character and the visual amenities of the area and to this existing open area of the street scene. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies, Policies D3, D4 and D6 of the London Plan (2021) and the NPPF.*

Planning Policy

- 1.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning decisions must be made in accordance with the Development Plan unless other material considerations indicate otherwise.

The Development Plan

- 1.9 In this case, the Development Plan comprises:
- LBH Local Plan Part 1 – Strategic Policies (November 2012)
 - LBH Local Plan Part 2 – Development Management Policies (January 2020)
 - LBH Local Plan Part 2 – Site Allocations and Designations (January 2020)
- 1.10 The relevant Development Plan policies including those cited in the Council’s Decision Notice that form the basis for this appeal are:

Hillingdon Local Plan Par 1 – Strategic Policies

- PT1.BE1 (2012) Built Environment
- PT1.H1 (2012) Housing Growth

Hillingdon Local Plan Part 2 – Development Management Policies

- DMHB 11 Design of New Development
- DMHB 12 Streets and Public Realm
- DMHB 14 Trees and Landscaping
- DMHB 16 Housing Standards
- DMHB 18 Private Outdoor Amenity Space
- DMT 1 Managing Transport Impacts
- DMT 2 Highways Impacts
- DMT 5 Pedestrians and Cyclists
- DMT 6 Vehicle Parking

London Plan (March 2021)

- GG2 Making the best use of land
- GG4 (2021) Delivering the homes Londoners needs
- D3 (2021) Optimising site capacity through the design-led approach
- D4 (2021) Delivering good design
- D5 (2021) Inclusive design
- D6 (2021) Housing quality and standards
- D7 (2021) Accessible housing
- T6 (2021) Car parking
- T6.1 (2021) Residential parking

Other Material Considerations

National Planning Policy

- 1.11 The national policies set out in the National Planning Policy Framework (NPPF) (February 2019) are themselves material considerations as paragraphs 2 and 212 of the NPPF identify.

1.12 Relevant paragraphs of the NPPF include the following:

- 7, 8, 9, 10 and 11 – the purpose of the planning system, definition of sustainable development and the thread running through all planning decisions; the presumption in favour of sustainable development;
- 38 - 42 - early engagement to improve the effectiveness of the planning system and resolve issues at the pre-application stage; local authorities should approach decisions on Proposed Development in a positive, proactive and creative way;
- 47 – requiring applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise;
- 126 - 130 – ensuring good design and optimising the potential of a site; and considering design quality throughout the evolution and assessment of individual proposals;
- 134 – refusing poor design but also ensuring that design should not be used by the decision-maker as a valid reason to object to development where the design accords with clear expectations in plan policies.

2.0 Site and Scheme Proposals

Site, Location and Context

- 2.1 The application property comprises a two-bed terraced dwelling located on the eastern side of Carnarvon Drive on a prominent corner plot with Glamis Crescent to the north. The property has been extended to the side/rear by way of a single storey extension. The property has converted its roof space with a hip to gable extension and rear dormer. A detached garage is cited to the side alongside the boundary with No. 13 Carnarvon Drive.

Planning History

- 2.2 The Site has an extensive planning history made up of the following applications:

Application Reference	Decision, Date and Description
35377/B/88/2675	Approved 25/01/1989 - Erection of a single-storey side & rear extension
35377/APP/2007/645	Refused 30/04/2007 - ERECTION OF PART TWO-STOREY, PART FIRST FLOOR SIDE AND REAR EXTENSION AND INSTALLATION OF PITCHED ROOF TO FRONT OF EXISTING SINGLE STOREY SIDE EXTENSION
35377/APP/2020/3089	Refused 30/11/2020 - 1-bed detached dwelling with habitable roofspace, parking and amenity space and installation of vehicular crossover to front
35377/APP/2021/1523	Refused 30/06/2021 - Demolition of existing side/rear extension, detached garage and sheds and erection of 1 x 2-bedroom dwelling house with associated parking, involving the installation of vehicular crossover extension to front and amenity space

- 2.3 The last application made in 2021 (35377/APP/2021/1523), had the same first reason for refusal as well as an additional one with regards to the absence of a Tree Survey and Arboricultural Implication Assessment being submitted therefore the application failed to demonstrate that the existing trees would be safeguarded and the long term survival of trees would be unaffected by the development (**Appendix 3**).

- 2.4 The application refused in 2020 (reference 35377/APP/2020/3089) again had the same first reason for refusal as well as four additional one around subdivision of the garden and openness, lack of sufficient amenity provision, siting of car parking would increase hardstanding and loss of a hedge and no demonstration of sufficient parking/manoeuvring/access arrangements resulting in substandard parking provision.
- 2.5 It should be noted that the Appeal Proposals dealt with all other matters highlighted in the first 2021 refusal and is now dealing with the single remaining reason of design.

Pre-Application Advice

- 2.6 The Appellant did not undertake any formal pre-application advice with the LPA and referred to the planning case as set out in the 2021 Officer's Report (reference 35377/APP/2020/3089 **Appendix 3**), as the reference point for the Appeal Proposals. As a result of this thee only remain a single reason which we considered was dealt with as part of the Appeal Proposals.

3.0 Assessment of the Council's Reasons for Refusal

Introduction

- 3.1 This section is concerned with addressing LBH's Reason for Refusal (RFR) as set out in the formal Decision Notice (**Appendix 1**) and setting out areas of common ground/agreement.

Common Ground

- 3.2 The Appeal submission is made on the basis of the single Reason for Refusal as set out in the Officer's Report (**Appendix 2**).
- 3.3 There are no TPO's or Conservation Area designations on the Appeal Site. There were no objections made by the Landscape Officer with regards to the Appeal Proposals subject to the suitable planning conditions being attached to the planning permission. It was agreed that the Appeal Proposals could be implemented without any adverse impacts on existing trees or any accidental damage to trees and existing hedge. All comments were based in the details as submitted in the Arboricultural Assessment.
- 3.4 There are no objections by the Highways Officer to the Appeal Proposals. The provision of 1 car parking space is acceptable when comparing the minor differences in parking requirements at a local level (Policy DMTP6) and the London Plan (PTAL rating of 1b). The Appeal Proposals will also provide a single EVCP in the car parking space allocated or the proposals, which is also London Plan compliant (this provision has already been agreed by the Appellant and would be secured through a planning condition). Cycle parking provision of 2 spaces within the garden shed is also accepted by LBH. There is no objection with regards to increase in traffic/trip generation.
- 3.5 There is no 'in principle' objection to the vehicle crossing off Carnarvon Drive which would facilitate replacement car parking for the existing dwelling and the Appeal Proposals. The revised crossing details would need to be dealt with post permission and at the Appellant's expense. This can be secured via a planning condition or a suitable alternative arrangement.

- 3.6 Refuse collection is not a matter of objection and as an observation needs to meet the Council's maximum distance collection parameter of 10m – the distance from a refuse vehicle to the point of collection.
- 3.7 Highways overall were satisfied with the Appeal Proposals as they would not exacerbate congestion or parking stress and would not raise any measurable highways safety concerns.
- 3.8 There was no objection set out in the Officer's Report (**Appendix 2**) with regards to the principle of a new dwelling on the Appeal Site. The Officer's Report for the 2020 proposal (**Appendix 3**) set out that there was no objection to the creation of 4 terraced properties "*as these are characteristic within the streetscene, and the design of the new house would be sufficiently similar to the size, width and design of the adjoining terraced properties.*"
- 3.9 The Appellants has reviewed the two Officer's Reports and considers that they are almost identical as the two schemes are in principle the same. The Officer's Report for the Appeal Proposals appears to have deleted this paragraph from the assessment but, has not categorically stated it is unacceptable, it is assumed that the principle is acceptable.
- 3.10 We note that the principle of permitting additional dwellings attached to end of terraced is accepted elsewhere locally to the Appeal Site, specifically at no.96 Bourne Avenue. In 2014 planning permission was granted to convert the existing side extension at no.98 Bourne Avenue into a self-contained studio flat which included a rear extension and cross over. It is unclear when or if planning permission was granted for the single storey extension but given the time passed and subsequent permissions granted it is assumed everything is now lawful.
- 3.11 In 2021, an appeal was allowed following refusal by LBH, to convert the roof space of this self-contained studio into habitable space by increasing the ridge height, the addition of a pitched roof where there was a flat roof and a rear dormer. The Inspector's Report is included in **Appendix 4**.

- 3.12 It is agreed that the only neighbour that may have been impacted by the Appeal Proposal would be no.13 Carnarvon Drive, through the introduction of rear facing windows being closer to the shared boundary. However, no.11 as existing already overlooks most of the rear garden of no.13 within a 21m distance. The Appeal Proposals would be screened by the existing dwelling at no.13 so would not on balance create any additional overlooking issues.

RFR1: Impact on Streetscene and Over Development

***RfR1** - The proposed development, by reason of its siting in this visually prominent position, projection forward of the recognised established return building line along Carnarvon Drive, size, scale, layout, width and detailed design would constitute an incongruous and cramped form of development resulting in the loss of the open aspect of this prominent corner plot. The proposal would therefore represent an overdevelopment of the site to the detriment of the character and the visual amenities of the area and to this existing open area of the street scene. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies, Policies D3, D4 and D6 of the London Plan (2021) and the NPPF.*

- 3.13 Part of RFR1 states that the appeal Proposals by reason of its size, scale layout, width and detailed design would constitute an incongruous and cramped development. Appendix 2 contains the Officer's Report for the Appeal Proposals, does not raise any objections on these matters in detail. Under Section 7.5 Urban Design, Access and Security Considerations, the assessment by the Case Officer clearly sets out that the private amenity space provision is compliant with Policy DMHB10 of the Local Plan Part 2 as it provides 60sqm of usable outdoor space. The existing dwelling will lose a nominal amount of space (6sqm) from the 100m requirement for a 4-bed dwelling. However, Policy DMHB 18 is specifically for the development of new dwellings, and the policy nor the supporting text refers to the need to retain these areas for existing dwellings. The shortfall in space did not warrant a separate reason for refusal.
- 3.14 Policy DMHB16 requires new housing development to provide adequate provision of internal space and should meet or exceed the most up to date internal space standards as

set out in Table 5.1 (these are the National Minimum Space Standards 2015 which is also the same as the space standards as set out in Table 3.1 of the London Plan 2021 and Standard 24 of the Mayors Housing SPD 2016). The requirement for a 2 bed 3 person dwelling of 2 storeys (ground and first) is 70sqm GIA. The Officer's Report refers to a figure of 83sqm, however we have checked this figure and it is actually 73sqm (we note that the application form sets out that it is 83sqm – which is an error but makes no difference/material impact on the Appeal Scheme). The reduction in GIA is a result of the front of the Appeal Proposals being pushed back (a matter which is dealt with later on with regards to impact on the streetscene). The Appeal Proposals are compliant with Policy DMHB 16 and 18 of the Local Plan Part 2 (2020).

- 3.15 It should be noted that the Officer's Report in **Appendix 2** did not look at the internal layout of the Appeal Proposals, but in the Officer's Report for the previous 2021 scheme (**Appendix 3**) they referred to the fact that whilst the total GIA for the dwelling was over the minimum requirements one of the double bedrooms was below the required threshold. The Appeal Proposals now reduced the occupancy to 3 persons with the front double bedroom now becoming a single room, which is compliant with the threshold. The Appeal proposals are also maintaining the same width as the previous proposals in 2021, which therefore also maintains the distance separation from the shared boundary with no.13 Carnarvon Drive which is considered to be acceptable.
- 3.16 It is the Appellant's position that the issue of size, scale, layout and width are matters which the Appeal Proposals are policy compliant with and do not constitute an overdevelopment of the Appeal Site and should not have formed part of the non-standard reason for refusal.
- 3.17 If the above parts of the reason for refusal are dealt with/taken away, then the single-issue left is the '*recognised return building line along Carnarvon Drive*'. In the Case Officer's Report for the Appeal Proposals (**Appendix 2**), this issue is dealt with under Section 7.2 Impact on Street Scene. Within this section, reference is made to the fact that the existing 3 terraces were originally built to be orientated at 45-degree angles leaving clearly defined distance separations. However, the Appeal Site has already changed this original principle by virtue of the development of the single storey side extension which has already reduced the distance separation (approved in 1989) reference 35377/B/88/2675. It unclear if the

garage/outbuilding is part of the original house, however this will be removed as part of the Appeal Proposals.

- 3.18 The previous proposals submitted in 2021 (**Appendix 3**) were proposing a dwelling which would have project further forward than the existing dwelling at no.11 Carnarvon Drive. The Appeal Proposals sought to address this by moving the front of the dwelling back so it sits more comfortably within the established return building line; the proposed front elevation is now in line with where the current single story side extension is located.
- 3.19 The Officer's Report for the Appeal Proposals (**Appendix 2**), as well as the Officer's Report for the first set of proposals in 2021 (**Appendix 3**), state that 'typically' dwellings along this part of Carnarvon Drive are set back some 7m from the road, which allows a uniform building line. This statement the Appellant believes is misleading as this typical set back simply cannot be uniform across dwelling on a curve/junction/bend. It is clear looking at the submitted Site Location Plan for the Appeal Proposals (**Appendix 5**) that the only dwelling along this section which has a setback which is consistent across the width is that at no. 75 Glamis Crescent. Dwellings either side of this (73 Glamis Crescent and 11. Carnarvon Drive) both have setbacks which reduce as you go around the curve/bend. This is how the building line remain consistent. The depth of the setback has to change and a recue about as you come out of the bend is a perfectly normal and expected characteristic.
- 3.20 The existing single storey extension at the Appeal Site is approximately 5.2m from the furthest corner away from no. 11 Carnarvon Drive to the redline boundary, which is the established building line. This measurement is approximately the same distance as where the middle point of the Appeal Proposals bay window will be located. This point is the most 'furthest' point with the rest of the Appeal Proposal being set back further, so the existing building line is not breached. The placement of the Appeal Proposals in this way visually when looking towards the Appeal Site from Carnarvon Drive does not impact on the perceived space, which is already obscured by the existing hedges along the boundary of the Appeal Site. The Appeal Proposal are seeking to provide more soft landscaping/hedges along the boundary of the car parking areas.

- 3.21 The immediate area has clearly changed over time and the established return building line must also include the single-storey side extension on the Appeal Site; what may have been intended has now changed. The Appeal Proposals are not located in a conservation area, where building lines and boundary treatment clearly make up part of an area's special architectural heritage and character and are significant enough to warrant additional planning controls.
- 3.22 This is further supported by the development which has taken place at no.96 Bourne Avenue which is located two streets/road away from the Appeal Site. In the Inspector's Report (**Appendix 4**), the impact of the raising of the ridge line as well the introduction of a pitched roof where there was a flat roof, was not considered to result in a top-heavy appearance. It was also considered overall that the proposals would be in keeping with general appearance of the roofs and dwellings in the terrace/area.
- 3.23 The Appellant considers that this appeal decision is relevant to the Appeal Proposals as it further supports the principle of allowing an additional dwelling to be introduced in a terrace, and by virtue of the conversion permission in 2014 supports the Appellant's position that the existing single storey side extension on the Appeal Site is clearly part of the established building line. It also supports the Appellant's position that setbacks/driveways must all be consistent. The development at no.98 Bourne Avenue clearly cannot provide the same set back as the rest of the terrace as it is located on a corner.
- 3.24 The Appellant's position is that the impact on the street scene in this particular area of Carnarvon Drive is minimal as it uses the existing building return line as set by the single storey side extension as existing on the Appeal Site. The Appeal Proposals will not project any further forward when view from any corner around the Appeal Site, and therefore are in compliance with Local Plan Part 1 Policy BE1 (2012) and Local Plan Part 2 Policy DMHB11 and Policies D3 and D4 of the London Plan (2021).
- 3.25 The Appeal Proposals do not negatively impact on the street scene as set out in RfR1 as they maintain the existing building return line. They continue to maintain a generous separation distance at the shared boundary with no.13 Carnarvon Drive (the existing detached garage/outbuilding is to be removed and used for off-street parking). They will continue to

maintain the distinctive 45 degree angle of the dwellings along this part of Carnarvon Drive and as a result will no create any issue with overlooking or loss of privacy.

- 3.26 The Inspector is respectfully requested to allow the appeal and grant planning permission for this sustainable development accordingly.

4.0 Conclusions

4.1 Lavata Group Limited (LL) have been instructed Appellant, Mr and Mrs Ram, with respect to a planning appeal lodged against the refusal of planning permission by the London Borough of Hillingdon (LBH), the Local Planning Authority (LPA).

4.2 On 31st August 2021, the Appellant submitted a planning application (the 'Proposed Development') 35377/APP/2021/3311 for:

"Erection of two storey attached dwelling with associated parking, amenity space and widening of existing dropped kerb (following demolition of single storey side extension and outbuilding)"

4.3 The application was made valid on 31st August 2021, and was refused on 26th October 2021 under delegated powers by LBH on 26th October 2021 (**Appendix 1**).

4.4 There are no objections raised from landscape, arboriculture and highways and the principle of the cross over is accepted subject to amended details being submitted prior to the construction.

4.5 There was no objection set out in the Officer's Report (**Appendix 2**) with regards to the principle of a new dwelling on the Appeal Site. The Officer's Report for the 2020 proposal (Appendix 3) set out that there was no objection to the creation of 4 terraced properties *"as these are characteristic within the streetscene, and the design of the new house would be sufficiently similar to the size, width and design of the adjoining terraced properties."*

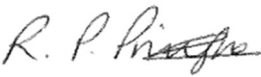
4.6 It is the Appellant's position that the issue of size, scale, layout and width are matters which the Appeal Proposals are policy compliant with and do not constitute an overdevelopment of the Appeal Site and should not have formed part of the non-standard reason for refusal.

4.7 If the above parts of the reason for refusal are dealt with/taken away, then the single-issue left is the 'recognised return building line along Carnarvon Drive'. In the Case Officer's Report for the Appeal Proposals (**Appendix 2**), this issue is dealt with under Section 7.2 Impact on Street Scene.

- 4.8 The Appellant's position is that the impact on the impact on the street scene in this particular area of Carnarvon Drive is minimal as it uses the existing building return line as set by the single storey side extension as existing on the Appeal Site. The Appeal Proposals will not project any further forward when view from any corner around the Appeal Site, and therefore are in compliance with Local Plan Part 1 Policy BE1 (2012) and Local Plan Part 2 Policy DMHB11 and Policies D3 and D4 of the London Plan (2021).
- 4.9 The Appeal Proposals do not negatively impact on the street scene as set out in RfR1 as they maintain the existing building return line. They continue to maintain a generous separation distance at the shared boundary with no.13 Carnarvon Drive (the existing detached garage/outbuilding is to be removed and used for off-street parking). They will continue to maintain the distinctive 45 degree angle of the dwellings along this part of Carnarvon Drive and as a result will no create any issue with overlooking or loss of privacy.
- 4.10 The Inspector is respectfully requested to allow the appeal and grant planning permission for this sustainable development accordingly.

5.0 Signed Declaration

- 5.1 We confirm that, insofar as the facts stated in this Householder Appeal Statement are within our own knowledge, we have made clear which they are and that we believe them to be true, and that the opinions we have expressed represent our true and complete professional opinion.
- 5.2 We confirm that the Statement includes all facts which we regard as being relevant to the opinions which we have expressed, and that attention has been drawn to any matter which would affect the validity of those opinions.
- 5.3 We confirm that we have no conflicts of interest of any kind other than any already disclosed.
- 5.4 We confirm that our Statement complies with the requirements of the Royal Town Planning Institute, as set down in the Royal Town Planning Institute “Code of Professional Conduct” (February 2016).

Signed: 

Dated: 13th January 2022

Renu Prashar Prinjha BSc (Hons) MSc MRTPI

Director, Lavata Group Limited.