

**Planning Appeal Statement on behalf of the Appellant for
11 Warwick Road**

Erection of a two-storey extension above the existing commercial ground floor building for residential purposes comprising of 4 x 1-bed 2 person units.

Appellant: John Fenton

03/11/21

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1. Introduction

The application which is the subject of this appeal was refused by the local planning authority ("the LPA") by decision notice dated 18 August 2021. A delegated officer report accompanied the decision notice.

This statement should be read in conjunction with the documentation and plans submitted to the LPA as part of the formal application together the amended plans submitted in response to the LPA's concerns over the accuracy of the drawings. This statement and the evidence will seek to address the areas of difference between the parties.

The application site consists of a range of single-storey commercial buildings constructed of brick and concrete panel under sheet concrete roof coverings. The buildings are of no special architectural merit. To the South of the site is a terrace of four Victorian terraced properties which front Warwick Road. To the North lies a site is the 4story flatted building known as Pullman Court. The site lies within the Hayes/West Drayton Corridor as identified within the Hillingdon Local Plan Part 2.

During the processing of the original planning application 9746/APP/2017/3485 a number of developments were either being constructed or was in the process of being assessed at application stage by the Local Planning Authority (65480/APP/2015/1862, 5 Station Road & 18218/APP/2017/371, Kitchener House, appendix x and x respectively). It is understandable that the impact of these developments could not be fully foreseen until they had all been constructed. However, upon submission of this appeal application the LPA has simply relied upon the Inspectors comments and subsequent appeal decision for 9746/APP/2017/3485 & APP/R5510/W/18/319206 without properly assessing the impact of the proposed development now that the aforementioned neighbouring developments have been fully constructed. This statement will demonstrate how the LPA has failed to properly assess the impacts and the merits of the scheme.

Furthermore, this statement will demonstrate that the LPA has failed to consider new London Plan Policies in determining the appeal scheme. It is acknowledged that there is an error within the plan pack, and this will be addressed in section x of this statement

2. Planning History

9746/APP/2017/3485 - Extension to existing offices at ground floor and creation of two additional floors to create 4 x 1-bed self-contained flats with associated parking was refused for the following reason:

(1) The proposed extended building, by virtue of its excessive, height, scale and bulk would result in a cramped overdevelopment of the site, which would be visually incongruous and over dominant, therefore failing to harmonise with the established character of the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

(2) The proposed extended building, by virtue of its excessive, height, scale and bulk would result in an unacceptably oppressive and overbearing form of development which would result in an unacceptable loss of light and outlook to the occupants of Number 9 Warwick Road. As such the proposal would result in an un neighbourly form of development in conflict with policies BE19, BE20 and BE22 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

3. Reasons for refusal and Appellant rebuttal

Refusal Reason 1: *“The proposal, by virtue of its siting, height, scale and bulk would result in a cramped overdevelopment of the site, which would be visually incongruous, discordant and over dominant, therefore failing to harmonise with the established character of the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan - Part Two (2020), Policies D4 and D8 of the London Plan (2021) and the NPPF.”*

3.1 Design

3.1.1 The Inspectors response to the previous appeal scheme is particularly relevant in the appellants argument against the Councils decision to refuse the current application.

3.1.2 In assessing the appeal scheme (APP/R5510/W/18/3192706) the inspector dismisses the Council’s refusal relating to the impact the proposed development would have upon the visual amenities of the neighbouring property (No.9 Warwick Road). However, reason for refusal (1) relating to the impact the scale height and bulk would have upon the character and appearance of the street scene was upheld. The inspector states in the concluding paragraph;

“Whilst the development would not have a harmful effect on the living conditions of the occupiers of No 9 Warwick Road, with particular regard to light and outlook, the development would have a harmful effect on the character and appearance of the area. Therefore, for the reasons given and having regard to all other matters raised, I conclude that the development would be contrary to the development plan when taken as a whole and the Framework. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.”

3.1.3 In forming this opinion, the inspector states that the main point of concern is the front building line of the proposed extension which would extend up to and beyond the front bay window of No.9. The inspector goes on to state that the impact of this would be exasperated by the rectangular form of the proposed extension and the suggested material pallet.

3.1.4 It should be noted that this was not raised as an issue during the assessment of application 9746/APP/2021/2542 and it not referenced anywhere with the Case Officer’s report.

3.1.5 As shown in the image below the existing building line already sits further forward than the neighbouring property at No.9 thus any impact which is to be attributed to the extension upon the street scene would already exist. Whilst the appellant does not agree that the forward projection of the extension to beyond the front bay window of the neighbouring property would result in undue harm to the character and appearance of the street scene, the assessment should be restricted to whether the extension would exasperate this issue to a point where it can be considered significant.



3.1.6 Moreover as described within the planning statement submitted to the Council in support of the proposal, the new block at Pullman Court (see above images) sits much further forward than No.9 and in line with the front building line of the existing office at No.11. The only part of the existing building which sits further forward than Pullman Court is the small section of flank wall which helps create the overhang for the recessed frontage and shutters. The principle front elevation cannot be considered the small section of flank wall. It is the elevation which sits within them that is the front elevation and this does not sit further forward than the elevation at Pullman Court.

3.1.7 The front façade at Pullman Court features a number of protruding bays to the front which extend beyond the aforementioned section of flank wall which is closest to the adjoining boundary of the application site. This is a very similar scenario to the relationship between No.9 and the proposed extension. As such the impact upon the street scene attributed to the construction of a building/extension further forward than the established building line at No.9 is already in existence. The proposed extension would not extend beyond the neighbouring building line at Pullman Court and in fact would sit behind a large proportion over it thus would not result in additional or significant impacts.

3.1.8 In addition, the inspector stated that the blank elevations (presumably the side elevation) would result in some harm to the character and appearance of the street scene. Notwithstanding the inspectors point on this the Council has not raised this as a concern in the assessment of this appeal scheme. However, the planning statement submitted in support of the planning application provides some indication of the materials which would be used. These include a contrasting brick work finish which would help break up the bulk and massing of the elevations. The appellant would be happy to agree to the materials being secured by way of an appropriately worded condition.



3.2 Policy

3.2.1 As stated within the opening section of this appeal statement the appellant is of the opinion that the LPA has failed to properly, if not at all, consider the London Plan 2021 policies in assessment of the application.

3.2.2 The London Plan 2021 requires LPAs to identify suitable sites to meet and exceed ten-year housing targets and places importance on the diversification of supply, addressing fundamental constraints and encouragement of new entrants to the market in order to meet the delivery of the housing targets. More importantly in this case, Policy H2 states the role in which small sites has in intensification of housing delivery by expanding the supply of these underutilised sites particularly within existing built-up areas. Small sites are defined as being below 0.25 hectares and provision between 1-25 new homes according to the London Plan 2021.

3.2.3 Whilst the London Borough of Hillingdon can produce a statement and evidence to demonstrate a 5year Land Supply it does not extend to the 10 years required by the London Plan 2021.

3.2.4 It should be noted that during the examination phase of the London Plan 2021 the secretary of state raised disappointment with London's poor delivery of housing and more specifically its lack of support for residential developments within small sites.

“Every part of the country must take responsibility to build the homes their communities need. We must build more, better and greener homes through encouraging well-planned development in urban areas; preventing unnecessary urban sprawl so that we can protect the countryside for future generations. This means densifying, taking advantage of opportunities around existing infrastructure and making best use of brownfield and underutilised land.”

3.2.5 In conclusion, the appellant has submitted an application for residential development within a small site which there is clear support for within the London Plan 2021 of which the Mayor, Government and Secretary of State have stated Local Planning Authorities should be doing what they can to ensure these sites are brought forward in order to address the country wide housing need.

3.2.6 Policies GG1, GG2 and GG4 of the London Plan 2021 relate to building strong and inclusive communities, making the best use of land and delivering homes that Londoners need. The appellant proposes a unit mix which is acceptable by the Council according to the Case Officers report. The location of

the site near good transport links makes it a sustainable location and on the edge of the Yiewsley and West Drayton Town Centre make this an appropriate location for smaller sized units (1 and 2 beds).

3.2.7 The appeal scheme complies with the Good Growth Objectives. The development proposal site fits into this category of redeveloping surplus land sites and efficiently utilising existing places for intensification in outer London while respecting local character.

3.2.8 The appeal site is a small site as it meets the London Plan definition. The appeal scheme proposes a set of 1 bed units in a sustainable location and on the edge of Town Centre where it is generally considered there should be a focus for a higher concentration of smaller sized units.

3.2.9 It should be noted that whilst Hillingdon is not an inner London Authority Paragraph 2.0.3 states *"If London is to meet the challenges of the future, all parts of London will need to embrace and manage change. Not all change will be transformative – in many places, change will occur incrementally. This is especially the case in **outer London**, where the suburban pattern of development has significant potential for appropriate intensification over time, particularly for additional housing."*

3.2.10 Policy D1 relates to the requirement for LPAs to undertake an assessment to define areas of capacity for growth.

3.2.11 Furthermore Paragraph 3.1.7 states *"As change is a fundamental characteristic of London, respecting character and accommodating change should not be seen as mutually exclusive. Understanding of the character of a place should not seek to preserve things in a static way but should ensure an appropriate balance is struck between existing fabric and any proposed change. Opportunities for change and transformation, through new building forms and typologies, should be informed by an understanding of a place's distinctive character, recognising that not all elements of a place are special and valued."*

3.2.12 Policy D3 states the requirement for Optimising site capacity through the design-led approach. It should be noted that there is a specific link to Policy H2 C fitting the locational context of the appeal site.

3.2.13 The most relevant part of the London Plan 2021 to this appeal scheme is Policy H2 which states:

3.2.14 Policy H2 Small sites

A. Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilder
- 4) support those wishing to bring forward custom, self-build and community-led housing
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

B. Boroughs should:

- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional

housing on small sites

3) identify and allocate appropriate small sites for residential development

3.2.15 Paragraph 4.2.1 states *“For London to deliver more of the housing it needs, small sites below 0.25 hectares in size must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.”*

3.2.16 Paragraph 4.2.2 states *“Increasing housing output of this scale can also help to support a number of related housing and planning policy objectives. This includes: • reviving the role of small and medium-sized developers in delivering new homes in London • diversifying the sources, locations, type and mix of housing supply and the type of sites available in addition to large brownfield sites • increasing housing provision in accessible parts of outer London to help address the substantial housing need in these areas and deliver market homes in more affordable price brackets • providing opportunities for custom-build housing and community-led housing projects • supporting town Centre economies • as with large sites, providing opportunities to support the use of modern methods of construction.”*

3.2.17 Paragraph 4.2.3 states: *“The small sites minimum targets in Table 4.27 are informed by the 2017 London SHLAA and show the potential capacity for additional housing on sites of less than 0.25 hectares in size. The targets are based on trends in housing completions on sites of this size and the estimated capacity for net additional housing supply from intensification in existing residential areas, taking into account PTAL, proximity to stations and town centres, and heritage constraints. The small sites targets are a component of, and not additional to, the overall housing targets. The relative contribution from large and small sites in each borough may fluctuate across the target period, providing the overall 10year borough target is met in a way that is consistent with the policies in the Plan. The small sites target can be taken to amount to a reliable source of windfall sites which contributes to anticipated supply and so provides the compelling evidence in this respect required by paragraph 70 of the National Planning Policy Framework of 2019.”*

3.2.18 Paragraph 4.2.6 states (emphasis added): *“The small sites target represents a small amount of the potential for intensification in existing residential areas, **particularly in Outer London**, therefore, they should be treated as minimums. To proactively increase housing provision on small sites through incremental development, Boroughs are encouraged to prepare area-wide housing design codes, in particular, for the following forms of development: residential conversions, redevelopment, extensions of houses and/or ancillary residential buildings.”*

3.2.19 The extracted London Plan 2021 policies and supporting paragraphs above clearly identify the role in which small sites such as the appeal site have to play in the delivery of much needed homes both for inner and outer London. Not only does the site meet the definition of a small site but it is also considered to represent an opportunity to redevelop a site within a sustainable, built-up location for which the London Plan seeks to support. The unit mix proposed is considered to be acceptable within this location also.

3.2.20 In terms of the design, section x of this statement responds to the concerns which were raised by the LPA and concludes that not only did they fail to deal with the application on its own merits (by simply relying on the previous

appeal inspector's decision) but also failed to properly assess the application by not taking into consideration the significant policy support for developments such as the one proposed for this appeal scheme.

3.2.21 The above policies and supporting text clearly state that LPAs should do what they can to ensure small sites such as these are brought forward. The Case Officer failed to engage with the appellant despite contact being made prior to the decision being issued which the Case Officer did not respond to. Had the LPA proactively engaged with the appellant concerns such as the accuracy of the submitted plans could have been addressed.

4. Other matters

4.1 As stated in paragraph x of this appeal statement the Officers report refers to a discrepancy between the planning statement and more specifically the measurements for the height of the proposed extension in comparison with the measurements of the neighbouring development at Pullman Court.

4.2 Section 7.2 of the Officers report states "The submitted plans fail to accurately reflect the as built development at adjacent Pullman Court. The approved eaves height of 7.9m and ridge height of 10.4m is not accurately plotted. The proposed building would have an overall ridge height of 12m. and eaves height of 9.3m which would not create the required transitional impact as referred to previously by both the Council and the appeal Inspector."

4.4 The Case Officers comments on this are correct in terms of the plans submitted, they did show an inaccuracy between the approved plan for Pullman Court and the proposed plans submitted as part of original planning application which is subject to this appeal. However, it should be noted that the appellant has taken measurements on site which indicate that Pullman Court has not been constructed in accordance with the approved plans and measurements detailed in 4.2 above. The eaves height at Pullman Court as measured on site is 8.6m and the ridge height as measured on site is 11.1m. As such the appellant would like to request that drawing No's SES-000-1-NWE & SES-000-1-ESE be superseded by drawing No's SES-000-1-NEW Rev 1 & SES-000-1-ESE Rev 1 which present the correct scaled as built building heights. A site visit may have uncovered this issue but as far as the appellant is concerned no site visit was undertaken. This leads back to the fact a proper assessment of the character and appearance of the area and the newly constructed built form was not undertaken and the new application was not assessed on its own merits.

4.5 Whilst the appellants interpretation of the Officer Report and the Decision Notice is that the inaccuracy mentioned above was not the specific reason for refusal if the inspector is of the opinion that this is a reason to uphold the Councils decision to refuse the case the appellant would ask that option 2 as shown in drawing No's SES-000-1-NEW Rev 2, SES-000-1-ESE Rev 2 & SES-000-1-RF Rev 1 be reviewed which illustrates a slightly amended roof design which would take it below the eaves line of Pullman Court therefore maintaining a transition between the heights of No.9 up to the flatted development at Pullman Court.

4.6 Given that this could have been resolved if the LPA would have been co-operative and proactive and engaged with the Appellant's agent, then this would easily have narrowed down the issues and areas of difference by way of a straightforward amended set of elevations. But the LPA unreasonably ignored the

applicant's approach and request for engagement as set out within the planning statement. Taking this point into consideration we do not feel it is an unreasonable request for the amended plans to be assessed if required.

5. Planning balance

5.1 Each proposal and appeal ought to be considered on its own merits at the time the decision maker makes his judgment. In the push/pull factors weighing in the overall planning balance, the Appellant submits that the proposal 4no 1 bed properties which meet minimum space standards and other standards in this infill location achieves several development plan policies aims.

5.2 As stated in the above sections of this statement it is the purpose of national, regional, and local policies to promote good well-designed sustainable development. Understandably design guidance will be incorporated within local plans to restrict inappropriate design which could result in potential harm. The decision makers responsibility is to assess whether the proposal results in potential harm, whether the harm identified is material and balance these findings against the benefits of the scheme.

5.3 In this case the appellant is of the opinion that the benefits of the proposal which include the bringing forward of an underused site within a highly sustainable location for housing which the London Plan clearly states there to be a requirement for would outweigh the potential harm which is now restricted to the impact the development could have upon the character and appearance of the street scene.

5.4 The appellant is of the opinion that the revised scheme as presented minimizes the potential impact to the character and appearance of the street scene and therefore the planning balance should be tipped in favor of allowing this appeal. The policies and content of this appeal statement support this.

6. Conclusion

6.1 This appeal statement sets out two main reasons to be considered. The first being that the Council has failed to assess the application on its own merits. Given the change in the streetscape since the previous approval and the appellant is of the opinion that this is an important material planning consideration which has been ignored. The Case Officer has simply relied on the assessment of the previous application and the subsequent appeal decision.

6.2 The second is the LPA's failure to assess the proposal in line with London Plan 2021 policies which state significant support for developments of this nature.

6.3 After the inspector has taken all the above matters and the accompanying evidence submitted in the overall planning balance, it is respectfully requested that this appeal be allowed and planning permission for the application be granted for this small site housing proposal.

Appendices

Appendix 1 – Case Officer report 9746/APP/2021/2542

Appendix 2 – Decision notice 9746/APP/2021/2542

Appendix 3 – Case Officer report 9746/APP/2017/3485

Appendix 4 – Decision notice 9746/APP/2017/3485

Appendix 5 – Appeal decision APP/R5510/W/18/319206

Appendix 6 – Views Assessment Warwick Road

Appendix 7 – Approved drawing No.106 F (Block B elevation, Pullman Court)

Appendix 8 – Revised option elevations (a) flats-ESE-REV-2 (b) flats-NWE-REV-2 (c) flats-RF-REV-1

Appendix 9 – Amended original plan (a) flats-ESE-REV-1 (b) flats-NWE-REV-1