



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Ms Kay Chagger

Proposal:
Part single; part two storey side and rear extension (following demolition of existing ground floor side extension) to form an attached dwellinghouse; demolition of side and rear outbuildings; sub-division of the rear to form private amenity space; hard and soft landscaping; car parking; boundary treatment and cycle and refuse storages.

Appeal Site:
49 Apple Tree Avenue, Yiewsley, UB7 8BY

Our Ref:
Your Ref:

38364/APP/2021/3545
APP/R5510/W/22/3290754

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.49 Apple Tree Avenue, Yiewsley for 'Part single; part two storey side and rear extension (following demolition of existing ground floor side extension) to form an attached dwellinghouse; demolition of side and rear outbuildings; sub-division of the rear to form private amenity space; hard and soft landscaping; car parking; boundary treatment and cycle and refuse storages.' The LPA refused planning permission on 15/11/2021, for the following reasons (as stated on the decision notice):

1. **The proposed dwelling, by reason of its size, scale, bulk, height, width and design in this open prominent position, would fail to appear as a subordinate addition and would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character, appearance and symmetry of the small terrace of dwellings of which it forms a part and to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be 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 - Development Management Policies (2020) and Policies D4 and D8 of the London Plan (2021).**
2. **The proposed development, by virtue of its size, scale, bulk, design and proximity, would be detrimental to the amenities of the adjoining occupier at 16A Birch Avenue by reason of overdominance, visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).**

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 Chapter 1 – Property and Planning History (pages 3-5) of the Appellants Statement of Case discusses the proposal and previously refused scheme (38364/APP/2021/2253). The Appellant notes 'no.16a Birch Avenue, which is itself a new infill dwelling building around 2010, which we refer to in respect of our case.' As mentioned in the officers report, this is a historic example and the proposal has been

largely assessed in the context of the site, locality (corner plots) and against the London Plan (adopted in 2021) and the Councils Local Plan (adopted in 2020). This historic example or 'precedent' is therefore not relevant and holds very limited weight.

- 2.2 The Appellant on page 5 – (last paragraph) states that 'this revised application was drawn up in order to overcome these four reasons and indeed it was considered the application does overcome all issues.' This is in reference to the first refusal on site for a new dwelling (38364/APP/2021/2253). Officers within the proposed scheme section (3.2) of the delegated report have actually listed the differences between the previously refused and this current appeal scheme. It is clear that there has been no attempt to address the character and appearance and neighbouring amenity reasons for refusal as the built form and massing remains identical. Only very minor changes were made which in itself addressed refusal reason 2 (quality of accommodation) and 4 (parking) of the previous refusal (38364/APP/2021/2253).
- 2.3 Chapter 2 – Sustainable Location (pages 6-7) of the Appellants Statement of Case shows the site taken from google maps and lists the transport network of the area.
- 2.4 Chapter 3 – Planning Policies (page 8) of the Appellants Statement of Case lists the 'relevant' policies of which have been referred to in the officers delegated report.
- 2.5 Chapter 4 – Planning Considerations (pages 9-15) of the Appellants Statement of Case discusses the Appellants view of the proposal. The Appellant considers that the proposal would retain 'symmetry' and is of a design that would follow the formation and appearance of the existing terrace row. Officers have already acknowledged that whilst the new dwelling architecturally would not be intrusive in design form, it is the general infill nature that would result in inappropriate and cramped development, one that would be squeezed into this parcel of space to the side of the host dwelling. Officers would also like to draw the Planning Inspector on the commentary made on page 11 of the Appellants Statement of Case that the 'principle' of expanding dwellings in this residential setting would be acceptable. Whilst the principle of expanding is acceptable, this has to be assessed (on this occasion of the refused scheme) against character and appearance grounds alongside ensuring the nearby occupiers are not detrimentally impacted. In this case, the harm would be excessive which is why officers have refused two schemes (new dwellings applications) on site on identical grounds – noting the massing of the built form has been identical on both cases.
- 2.6 The Appellant references Policy DM HD1 of the Local Plan in terms of two storey side extensions needing to be set back by a minimum of 1m from the established front building line to detached and semi-detached properties. Officers note the host dwelling is terraced and no part of the delegated report has included reference to the lack of set backs. The main and highlighting concern is the enclosing of the characteristic and open gap which defines these corner plots in the area. A dwelling of this massing would ultimately result in a dominating and excessive form of development that would erode the prevailing pattern and character and appearance of the context.
- 2.7 Page 12 of the Appellants Statement of Case refers to refusal reason 2 – neighbouring amenity grounds. Officers maintain their view that the siting of the

proposed dwelling would be too close to the occupiers of no.16A Birch Avenue – of which has a very small angled garden to the rear (facing the side of the host site).

- 2.8 The Appellants states that 'if neighbours had indeed had any concerns regarding proximity they would have written and objected; they did not.' The point of public consultation is to make nearby occupiers aware of proposals and invite them to express their views. Regardless of any comments being received, it is for officers to make an assessment on whether the proposal would pose a threat to nearby occupiers. In this case, the proposal would cause undue harm. The Appellant has failed to understand that it is the siting and proximity of the proposal which would result in excessive harm to the occupiers of no.16A Birch Avenue.
- 2.9 Overlooking and loss of privacy to nearby occupiers is not the element of concern – so any conditions the Appellant is referring to on page 15 in the Statement of Case is not relevant to mitigate the harm officers have identified.
- 2.10 Chapter 5 – Precedents (pages 15-19) of the Appellants Statement of Case refers to examples of 'similar' developments in the borough. All examples provided pre-date the Local Plan and therefore do not hold any significant weight. Furthermore, these examples apart from no.16A Birch Avenue which was a 2010 scheme are not in proximity to the host site and therefore not relevant as part of assessing the wider character and appearance of the subject area.
- 2.11 Chapter 6 – Conclusion (page 20) of the Appellants Statement of Case gives a summary of their position to which officers do not agree with. Pages 21-26 are appendices which include parts of the Councils Local Plan Policies.
- 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 size, scale, bulk, height, width and design in this open prominent position, would fail to appear as a subordinate addition and would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character, appearance and symmetry of the small terrace of dwellings of which it forms a part and to the visual amenities of the street scene and the surrounding area. Furthermore, given the proposed massing and proximity, the proposal would be detrimental to the amenities of the adjoining occupier at 16A Birch Avenue by reason of overdominance, visual intrusion and loss of outlook.

3. Conclusion

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