



TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL

FULL STATEMENT OF CASE

by **Robert Young Associates (Hungerford) Ltd**
on behalf of **Mr P Singh**

in respect of refusal by **London Borough of Hillingdon** to grant outline
planning consent in respect of application reference
42629/APP/2021/3946

for:

Erection of two storey 2-bedroomed dwellinghouse plus front porch and 2
parking spaces and bin store on land at:

**193 Coldharbour Lane,
Hayes,
Middlesex,
UB3 3EH**



Robert Young Associates

4th February 2022



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This Statement has been prepared in accordance with Annexe J of the
Procedural Guide Planning Appeals - England, (13th October 2021)

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1 INTRODUCTION

- 1.1 No. 193 Coldharbour Lane is set in a plot of c. 40m depth set inside the corner between Orchard Road and Coldharbour Lane. Due to the corner position the property has a wide frontage of c. 25m, with the plot width tapering rearwards.
- 1.2 The appeal site makes use of the generous property width, to form a plot of land between No's 193 and 195 Coldharbour Lane, with a depth of 25 metres.
- 1.3 The planning application sought outline consent for the erection of a single dwelling on the plot, with matters of access, appearance, layout and scale to be considered. Landscaping is a reserved matter.
- 1.4 Permission was refused by notice dated 17th December 2021 for 5 reasons relating, in short, to the following:
 1. The impact on the character and appearance of the area
 2. The impact on neighbouring residential amenities
 3. Car and cycle parking provision
 4. The standard of internal accommodation in the new dwelling
 5. The size and quality of the garden for the new dwelling
- 1.5 A copy of the Council's decision notice is submitted with the appeal form.
- 1.6 The application comprised the following drawings and details:

<u>Ref</u>	<u>Title</u>
001	Location Plan & Block Plan
002	Proposed Ground Floor
003	First Floor & Roof Plan
004	Front & Rear Elevations
005	3D Views
Application form	
Design and Planning Supporting Statement	

- 1.7 This Statement considers the planning policies and guidance of relevance to the proposal, and considers the detail of the proposal against the refusal reasons in turn.

2 DEVELOPMENT PLAN POLICIES

2.1 The development plan so far as relevant comprises:

- The London Plan 2021,
- Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
- Hillingdon Local Plan: Part Two - Development Management Policies (January 2020),

2.2 Policies as cited in the decision notice are as follows:

2.3 The London Plan 2021

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D6 Housing quality and standards

2.4 Hillingdon Local Plan: Part One

- BE1 Built Environment

2.1 Hillingdon Local Plan: Part Two

- DMHB11 Design of New Development
- DMHB12 Streets and Public Realm
- DMHB14 Trees and Landscaping
- DMHB16 Housing Standards
- DMHB18 Private Outdoor Amenity Space
- DMT2 Highways Impacts
- DMT6 Vehicle Parking

3 OTHER MATERIAL POLICIES AND GUIDANCE

3.1 The following advice and guidance are material considerations in the application of the policies above.

- National Planning Policy Framework
- National Planning Policy Guidance

Copies of current policies will be forwarded to the Inspectorate by the local planning authority with its questionnaire.

4 GROUND OF APPEAL

4.1 REASON 1

“The proposed development, by reason of its siting, size, scale, bulk, design, layout, site coverage would result in a cramped development of the site, which is visually incongruous and would fail to harmonise with the existing context of the surrounding area. The principle of intensifying the residential use of the site in the form proposed would have a detrimental impact on the character and appearance of the residential area as a whole. The proposal would be detrimental to the visual amenity, character and appearance of the site and surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies D3, D4 and D6 of the London Plan (2021), and the National Planning Policy Framework (2021).”

- 4.2 The impact of the development on the character of the area is considered in section 7.2 of the Council’s Officer Report. The Report however does not consider the varied character, form and layout of development the local area. No. 193 forms the ‘right hand’ end of a mid-20th century terrace with gabled front projections, with painted finish to the walls under a tiled roof. The neighbouring property is at the end of a linear terrace with brick walls and a hipped linear roof form. On the opposite side of Coldharbour Lane are later pairs of bay-fronted semi-detached properties with a wide variety of extensions and wall and roof finishes, as well as an electricity sub-station occupying a prominent position at the junction with Precinct Road. There is thus little defining consistency to the form and layout of development in the local area, although properties generally adhere to a building line set-back from the street, with housing set in traditional perimeter blocks.
- 4.3 The proposed dwelling would be set back from the street in-line with the face of the terrace at No. 195. The dwelling would maintain a good separation of c. 2.9m from the side elevation of No. 195 Coldharbour Lane. The front corner of the dwelling would also maintain 3m separation from the side elevation of 193 clx. The height of the dwelling has been carefully considered and would be the same height as the

terrace at No. 195 and c. 2m lower than the height of No. 193. The hipped roof form would further contribute to a visual separation with the neighbouring buildings. As such it is the Appellant's case that the design, layout and massing of the development would not appear 'cramped' to any degree that would harm the character of the area as is suggested in the reason.

- 4.4 The reason cites the development as being in conflict with policy BE1. This is a strategic policy promoting design quality that clarifies that "This policy will be implemented [...] through [...] the preparation of the Hillingdon Local Plan: Part 2- Development Management Policies [...].Policy BE1 identifies that the success of the policy (and thus by inference the subsidiary policies under Local Plan Part 2) will be measured by 'Public satisfaction with visual character of the built environment'. With this in mind it is noted that the application attracted no objections in respect of the character of the area.
- 4.5 Considering the policies of Local Plan Part 2, the reason cites conflicts with policies DMHB 11, DMHB 12 and DMHB 14. DMHB 12 however refers to 'Streets and Public Realm'. DMHB 14 concerns 'Trees and Landscaping'.
- 4.6 DMHB 11 (Design of New Development) is of direct relevance however. It requires proposals to incorporate principles of good design so as to harmonise with the local context, principally in respect of:
- scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and • impact on neighbouring open spaces and their environment.
- 4.7 For the reasons outlined above the development would substantially comply with these requirements, whilst at the same time making efficient use of land to deliver

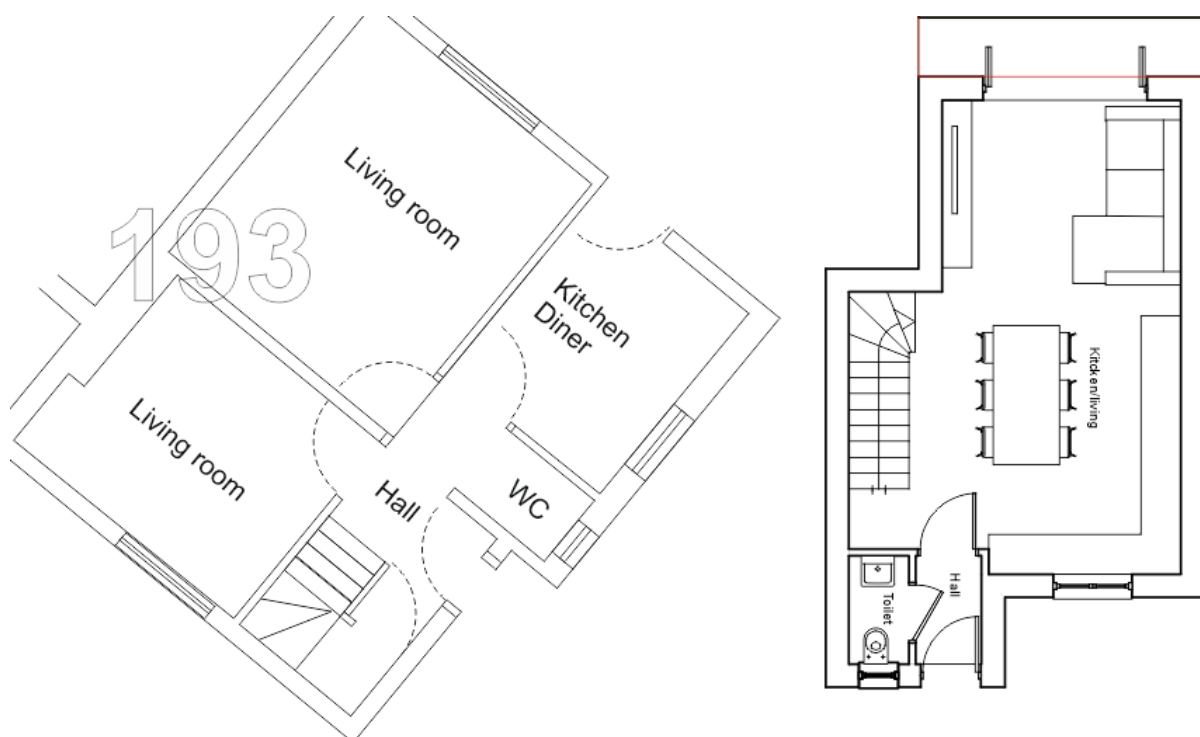
an additional 2-bedroom dwelling to the local housing stock. As such it is respectfully suggested that Reason 1 would not support dismissal of the appeal.

4.8 REASON 2

“The proposed development, by reason of its siting, scale, bulk, design and proximity, would be detrimental to the amenities of the occupiers of the original dwelling at 193 Coldharbour Lane and those at No. 195 Coldharbour Lane by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore, the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).”

193 Coldharbour Lane

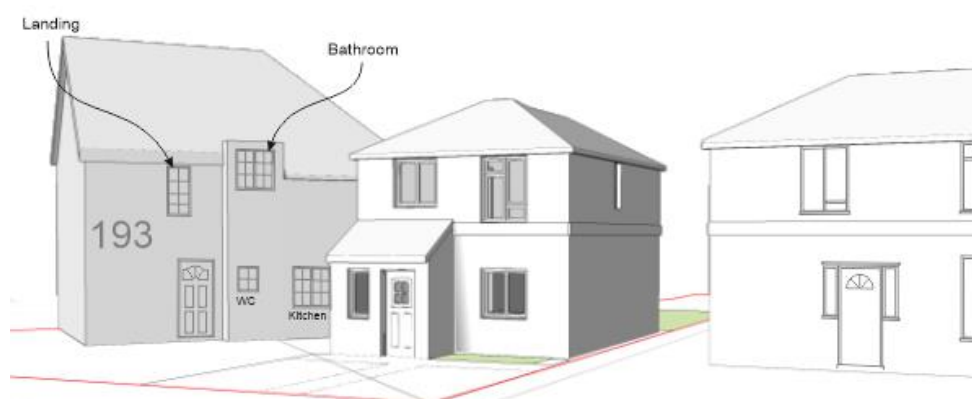
- 4.9 The reason suggests impacts in terms of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook.
- 4.10 The main aspects from the living accommodation at No. 193 are from the living rooms that face to the front and rear:



- 4.11 A kitchen/ diner window and WC window in the side elevation at No. 193 would have an angled aspect towards the new dwelling, but these are not main living

rooms, and the angled relationship between the buildings would retain a field of view and angles of daylight from No. 193. There would doubtless be some loss of daylight to the side kitchen window at No. 193, but given that it is not a main living room and that it has a rear glazed door also into the rear garden, the impact of light loss would not materially impact on the residential amenity of the property.

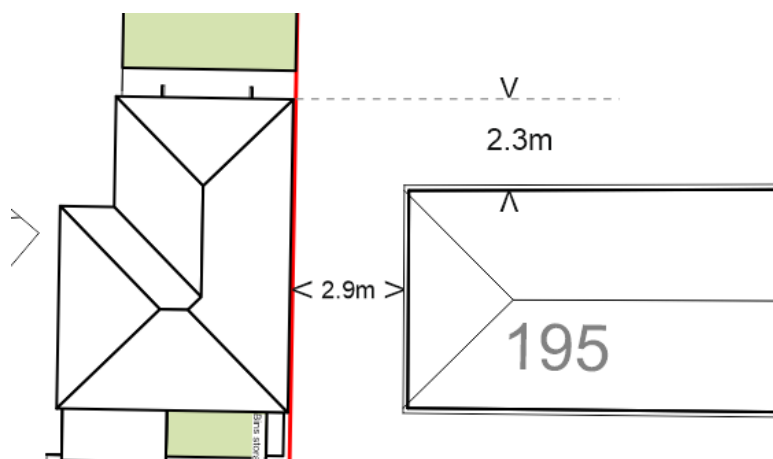
- 4.12 The windows at first floor level serve the landing and a bathroom and again are not main living room windows.



- 4.13 In summary, the main aspect of the property that contributes to residential amenity is through the main windows that face to the front and rear. Windows in the side elevation are of a secondary nature that do not serve main living rooms. The layout between no. 193 and the new dwelling would allow for continued angles of light and a field of view such that there would not be any material impact on amenities in terms of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. As such it is respectfully suggested that the impact on 193 Coldharbour Lane would not, with reference to policy DMHB11(B), 'adversely impact on the amenity, daylight and sunlight' to any extent that would support dismissal of the appeal.

195 Coldharbour Lane

- 4.14 There are no side-facing windows at No. 195 Coldharbour Lane.
- 4.15 Section 7.1 of the Officer Report suggests that the main concern is in relation to the rear garden space at No. 195. The proposed dwelling however would project by only 2.3m relative to the main rear wall at No. 195 however:



- 4.16 Considering the relatively large garden at No. 195, the minimal relative rearward projection of the new dwelling and its sideward separation, there would not be any material impact on the amenities at No. 195 in terms of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook and thus no conflict with policy DMHB11(B).

4.17 REASON 3

“The applicant has failed to demonstrate a satisfactory policy-led approach to the car and cycle parking provision and layout which could be prejudicial to all road users safety, contrary to policy DMT2 and DMT6 and the London Plan.”

Cycle parking

- 4.18 As set out in the submitted Design & Planning Supporting Statement, cycle storage will be provided for the property. Side access would be shared with No. 193. Section 7.3 of the Officer Report acknowledges the proposed cycle parking, but does not give any indication of its unsuitability or how it would prejudice the safety of road users. The Appellant would be happy for details of the cycle storage to be secured by way of a suitably worded planning condition.

Car parking

- 4.19 There is on-street parking along Coldharbour Lane and the existing property has off-street parking space for 1+ vehicles.
- 4.20 The Officer Report identifies that the London Plan sets a maximum parking standard of 0.75 spaces per dwelling. If both the existing and new dwelling were new, this would give rise to a parking requirement for 1.5 spaces. The standard does not

readily lend itself to small developments and half spaces are not practicable. The 2 spaces proposed on the site thus represent a realistic application of the standard. The Appellant would be happy if considered necessary, for one of the spaces to be allocated by way of planning condition for use by the occupants of the existing dwelling.

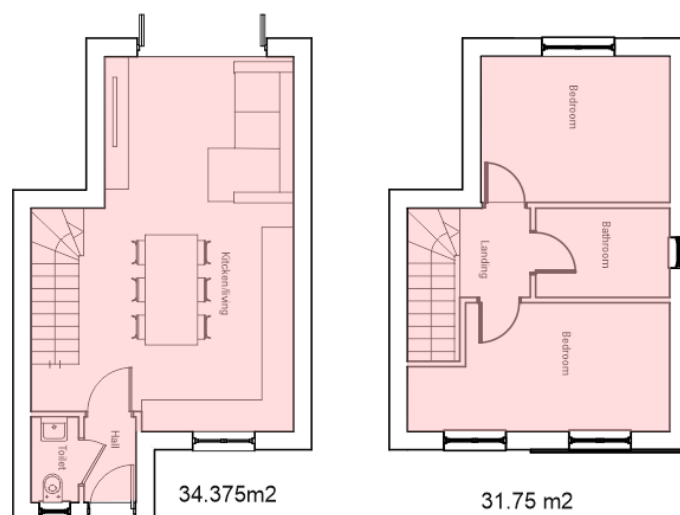
- 4.21 As such it is respectfully suggested that the 3rd reason does not support dismissal of the appeal.

4.22 REASON 4

“The proposal would provide a dwelling of insufficient size and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 and Table 3.1 of the London Plan (2021), and the Technical Housing Standards - Nationally Described Space Standard (March 2015).”

- 4.23 This issue is addressed in section 7.5 of the Officer Report.

- 4.24 The dwelling would have a gross internal floor area of 66.125m²:



- 4.25 The Officer Report highlights the Nationally Described Space Standard of 70m² for a 3-person, 2-person dwelling. The policy requirement of Policy DMHB16 is that development should have an adequate provision of internal space in order to provide an appropriate living environment, and that for this developments *should*

meet the national space standard. The Appellant acknowledges that the dwelling would not provide a Gross Internal Floor Area of 70m² and recognises a degree of conflict with the development plan in this respect. The open plan ground floor layout maximises the useable floor space however and it would connect well with the outdoor garden space. Overall the Appellant considers that the development meets the aims of Policy DMHB16 of providing for an adequate level of amenity whilst at the same time making a valuable contribution to the local housing stock in the form of a modest 2-bedroom dwelling such that a mathematical shortfall against the standard would not suggest that the house should not be built.

4.26 REASON 5

“The proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the proposed dwelling. As such the proposal would provide a substandard living conditions for future residents contrary to Policy DMHB11 and DMHB18 of the Hillingdon Local Plan - Part Two (2020).”

- 4.27 Policy DMHB18 seeks good quality and useable private outdoor amenity space for new dwellings. For this the development should have 60m² of amenity space.
- 4.28 The development would include a private rear garden of 45m². In terms of its quality it would be a typical rear garden space set immediately to the rear of the house; being well connected to the internal accommodation and with a typical level of privacy. Whilst quantitatively it does not meet the 60m² suggested by policy DMHB18 (with reference to Table 5.3), the Appellant considers the garden space to be proportionate to the size of the dwelling so as to offer a good quality of outdoor amenity space, with additional (although less private) outdoor amenity space also available to the front of the property. As such it is also suggested that Reason 6 does not support dismissal of the appeal.

5 CONCLUSION AND PLANNING BALANCE

- 5.1.1 In consideration of the above, the Appellant considers that he has demonstrated that the development would both have an acceptable impact upon the character of the area and the amenities of the neighbouring and the proposed properties, whilst making optimal use of the site and providing for appropriate parking provision.
- 5.1.2 The emerging London Plan identifies the need for a significant increase in housing, with an emphasis¹ on the need for 2-bedroom houses to allow down-sizing to free up larger family homes, and with an emphasis on ‘densification’ and small sites².
- 5.1.3 In considering the proposal against the 3 spheres of sustainable development, the development would not have any material environmental impacts, and subject to a scheme of landscaping and appropriate boundary treatments and appropriate detailing of the house, the development would have a positive impact on the local environment. The development would also be of social benefit in contributing to the housing needs of the capital. There would also be economic benefits in terms of construction work and thereafter in terms of the occupation of the property.
- 5.2 It is thus respectfully suggested that the appeal should be allowed, subject to appropriately worded conditions.

Mr Robert Young

February 2022

Robert Young Associates (Hungerford) Ltd

¹ Para 4.10.3 (see Appendix 1)

² Policy D3 (see Appendix 2)

From: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

191 **The London Plan 2021 – Chapter 4 Housing**

- site. Boroughs are encouraged to set out the preferred housing size mix (for all tenures) as part of a site allocation, ensuring that the housing size mix is determined in accordance with Parts A and B. It should be noted that in terms of delivering mixed and inclusive communities, a neighbourhood may currently have an over-concentration of a particular size of unit and a new development could help redress the balance.
- 4.10.3 Well-designed one- and two- bedroom units in suitable locations can attract those wanting to downsize from their existing homes, and this ability to free up existing family stock should be considered when assessing the unit mix of a new build development.
- 4.10.4 One-bedroom units play a very important role in meeting housing need, and provision in new developments can help reduce the pressure to convert and subdivide existing larger homes. However, one-person and one-bed units are the least flexible unit type so schemes should generally consist of a range of unit sizes.
- 4.10.5 As part of their housing strategy functions, local authorities are required to have an understanding of housing needs in their area (for example, as set out in a Strategic Housing Market Assessment) and this, along with their local Housing Register, will provide the evidence for the size of low-cost rented homes (in terms of number of bedrooms) required to meet identified need. Combined with the considerations set out in Part A, this information should inform local policy or guidance about the size (in terms of number of bedrooms) of low-cost rented units expected on a development. This clarity about the unit size mix for affordable homes, taken together with the threshold approach to affordable housing, will help ensure that applicants and landowners understand the cost implications of overall affordable housing requirements when formulating development proposals and purchasing land. Boroughs should take account of the availability of grant funding when producing guidance or policy on this issue.
- 4.10.6 The impact of this policy on the mix of homes in terms of numbers of bedrooms approved across London will be carefully monitored and assessed as part of the Annual Monitoring Report process. This will highlight any adverse impacts and identify if any revisions are necessary to the policy.

- 3.2.6 In order to support the Healthy Streets Approach, development proposals should take account of the existing and planned **connectivity of a site via public transport and active modes** to town centres, social infrastructure and other services and places of employment. Opportunities to improve these connections to support higher density development should be identified.

Policy D3 Optimising site capacity through the design-led approach

The design-led approach

- A All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in [Policy D2 Infrastructure requirements for sustainable densities](#)), and that best delivers the requirements set out in Part D.
- B Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with [Policy D2 Infrastructure requirements for sustainable densities](#). Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.
- C In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of [Policy H2 Small sites](#).
- D Development proposals should:

Form and layout

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions