

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
PLANNING AND COMPULSORY PURCHASE ACT 2004
LOCALISM ACT 2011**

MR JOHN QUINN

and

LONDON BOROUGH OF HILLINGDON COUNCIL

WRITTEN REPRESENTATIONS

An appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal of full planning permission for: “demolition of existing two storey detached dwelling and the erection of a two storey apartment building to provide 4 x 2 bed, 4 x 1 bed and 1 x 2 bed penthouse together with associated parking, refuse and recycling provision /storage and landscaping”.

**61 Long Lane
Ickenham
Uxbridge
UB10 8QU**

March 2021

**LPA Ref:26110/APP/2021/1488
Our Ref :1533/19 and 87**

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OCTOBER 2018**

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1. Introduction and Background

- 1.1 This statement is submitted in support of an appeal against a refusal by the Local Planning Authority (LPA), the London Borough of Hillingdon, of an application for full planning permission for: "Demolition of existing two storey detached dwelling and the erection of a two storey apartment building to provide 4 x 2-bed, 4 x 1-bed and 1 x 2-bed penthouse together with associated parking, refuse and recycling provision/storage and landscaping" at 61 Long Lane Ickenham Uxbridge UB10 8QU.
- 1.2 This statement describes the site, its surroundings and relevant planning history. It goes on to examine the relevant planning policies, matters not in dispute, development criteria and other material considerations specifically in relation to the reasons for refusal used by the Council. The points covered are then drawn together as a conclusion that this appeal should be granted.
- 1.3 This statement should be considered in conjunction with the material already submitted with the planning application in relation to the drawings, design and sustainability, heritage, ecology, planning, arboriculture etc and which accompanies this appeal.
- 1.4 This application followed two pre application schemes that have been discussed with the Local Planning Authority (LPA). The planning application is submitted following pre application discussions between the Applicant/Appellant and Ms Diane Verona of the London Borough of Hillingdon. The application is made having regard to the development of similar blocks of flats within the vicinity by others.
- 1.5 It is the Appellant's case that the proposal is in accordance with the development plan and there were no material considerations that warranted refusal. The application was refused under delegated powers following pressure from the local Councillor.
- 1.6 The evidence prepared and provided in this Statement has been prepared and is given in accordance with the guidance of The Royal Town Planning Institute. The opinions expressed are true and professional opinions.

2. The Application Site and Surroundings

The Character of the Locality

- 2.1 The area is predominantly residential in character comprising a mixture of semi-detached and detached houses but with blocks of flats too.
- 2.2 The site falls within the Ickenham Village Conservation Area.
- 2.3 There is a similar development to the one proposed opposite the subject site at 66 Long Lane which was granted permission in July 2014 for the construction of a two storey detached building with habitable roofspace for use as 8 x 2 bed and 1 x 3 bed penthouse flats with associated amenity space and parking, following the demolition of the existing dwelling.
- 2.4 The development of 9 flats at No. 66 Long Lane following demolition of the original dwellinghouse, which was granted planning permission ref. 39319/APP/2014/53 in January 2014 for a "Two storey detached building with habitable roofspace for use as 8 x 2 bed and 1 x 3 bed flats with associated amenity space and parking, involving demolition of existing dwelling" was approved on 8 January 2014. Also planning permission ref. 29164/APP/2016/4622 was granted by the LPA for redevelopment to provide 9 no. flats at No 88 Long Lane. Those sites are also in the Conservation Area and examples where the LPA has accepted the redevelopment of original 1930s dwellings to provide a more intensive form of residential flats. Other examples are given below.

The Application Site

- 2.5 The application site is located on the east side of Long Lane, a busy road leading to the A40. To the south the site is bounded by the rear gardens of Nos. 1, 3, 5, 7 and 9 Edinburgh Drive. To the north is the neighbouring property at 59A Long Lane which would appear to be a 1990's infill dwellinghouse that benefits from a two storey rear extension and a detached garage as the original attached garage has been converted to habitable accommodation.
- 2.6 The site is large and flat, enclosed by mature hedges along its north, east and southern boundaries with an existing detached garage on the southern boundary and a timber framed summer house on the northern boundary

- 2.7 The site comprises a large two storey detached dwellinghouse in a spacious plot. The property has been previously extended which has resulted in it spanning the entire width of the site at ground floor. It also has a large porch addition to the front. The property has an existing carriage driveway with two vehicular accesses from Long Lane. The front boundary comprises a brick wall and timber gates
- 2.8 The site lies within an established residential area where there would be no objection in principle to the intensification of the residential use of the site subject to all other material planning considerations being acceptable and in accordance with development plan policies. The site lies in flood zone 1.

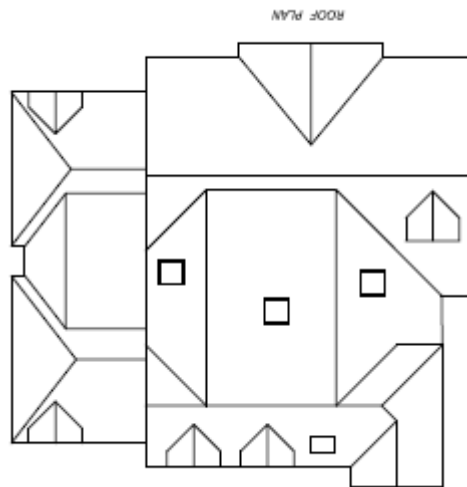
3. Relevant Planning History of the Site and Surroundings

- 3.1 The area is characterised by mainly two storey detached houses on good sized plots but there are redevelopment and infill developments in the area. The development of 9 flats at No. 66 Long Lane following demolition of the original dwellinghouse, which was granted planning permission ref. 39319/APP/2014/53 in January 2014 for a “Two storey detached building with habitable roofspace for use as 8 x 2 bed and 1 x 3 bed flats with associated amenity space and parking, involving demolition of existing dwelling” was approved on 8 January 2014. The decision notice is at **Appendix A**. Since that time various amendments have been made and conditions discharged.

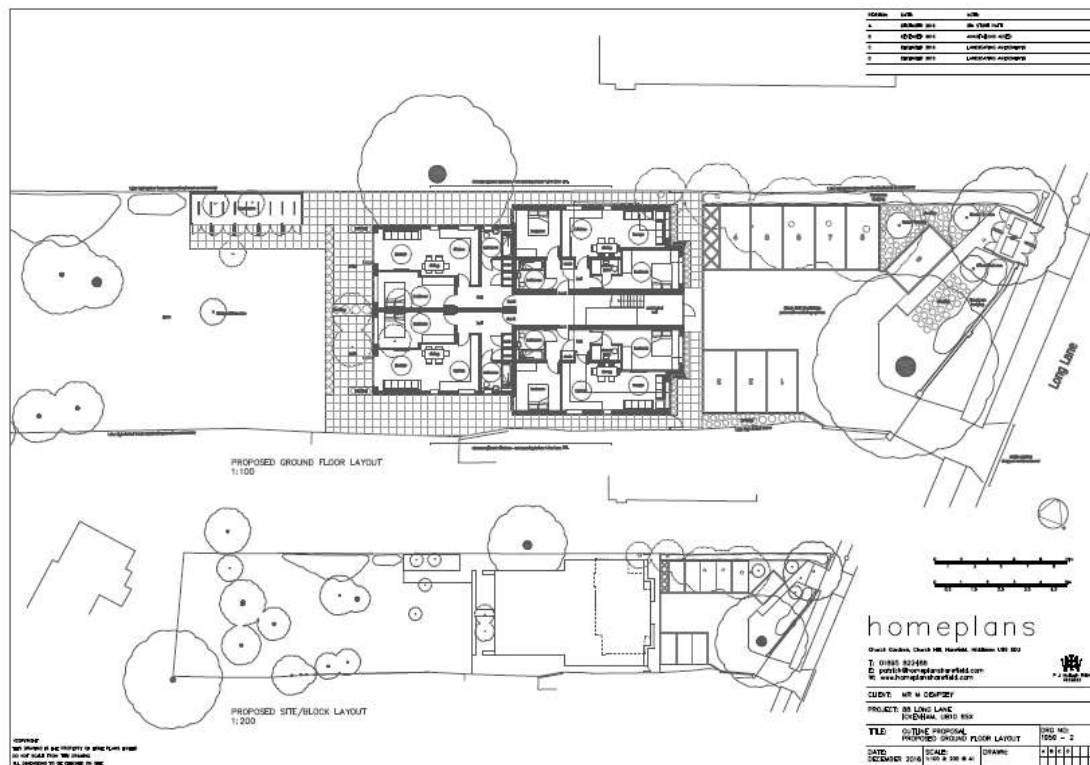


- 3.2 This is a highly relevant example of redevelopment of an original 1930s dwelling to provide flatted developments in the immediate vicinity of the Application site as a means of achieving more intensive forms of housing and meeting objectively assessed needs on previously developed land (PDL) in a sustainable urban location in accordance with development plan policies and national planning policy objectives. The LPA concluded that the development was acceptable in relation to the surrounding form of development and would ensure an appropriate level of development that makes best use of PDL and respects the character of the area and safeguards the Conservation Area.

The LPA's policies have not changed since this permission. The roof incorporates a crown form, see below the consented roof plan :-



- 3.3 The older development of 32 no. flats at Nos 23-33, 35-45, 47-61 and 63-77 Pepys Close, adjacent to No 66 Long Lane, is also relevant in terms of the character of this part of the Conservation Area. Whilst they have a Pepys Close address, the blocks at Nos 35-45 and 47-61 are a continuation of the street scene fronting this part of Long Lane.
- 3.4 Planning permission ref. 29164/APP/2016/4622 was also granted by the LPA for redevelopment to provide 9 no. flats at No 88 Long Lane. That site is also in the Conservation Area and an example where the LPA has accepted the redevelopment of an original 1930s dwelling to provide a more intensive form of residential flats. The application for the erection of a 3-storey building to provide 9no self contained units (7 x 2-bed and 2 x 1-bed) with associated parking, cycle and amenity space following the demolition of existing detached dwelling was approved on 22 December 2016 and the decision notice can be found at **Appendix B**. See below.



- 3.5 At No. 60 Long Lane an application ref. 70282/APP/2017/3656 for a two-storey building containing 8 x 2 bed flats was refused by the LPA on 11 December 2017. The application was refused on the grounds of the harmful impact of the proposed development on the character and appearance of the Conservation Area, the harm due to the demolition of the existing dwelling on the character and appearance of the Conservation Area, harm to the amenities of neighbouring properties due to visual intrusion, over dominance, loss of light and loss of privacy, lack of adequate amenity space for the flats, and potential impact on trees. See below.



- 3.6 A similar application ref. 70282/APP/2018/612 for a two storey detached building with habitable roof space for use as 7 x 2-bed flats with associated amenity space and parking, involving demolition of existing dwelling and installation of vehicular crossover was allowed on appeal. The appeal decision is at **Appendix C**. Ref. APP/R5510/W/19/3221731. See below.



3.7 The Inspector concluded that:-

“13. The development offers potential social benefits in terms of increasing housing supply and the availability of seven smaller units. It would also have economic benefits for local services and facilities once occupied, together with short term and temporary economic benefits in terms of necessary construction works associated with the development. The development also offers environmental benefits through the provision of modern housing, which will be required to meet energy standards through building regulations and offers an opportunity for environmental enhancement through landscaping and management of the on-site trees. The proposal is also located in a sustainable location with sustainable transport options available to future occupiers. I find that the great weight which should be given to the less than substantial harm to the designated heritage asset is outweighed by any public benefits.

14. Overall, I find that the proposal would be consistent with LP11 Policy BE1 which seeks to secure a high quality of design and to improve and maintain the quality of the built environment, LP22 Policy BE13 due to the layout and appearance harmonising with the street scene and LP2 Policy BE19 which

seeks to ensure new development compliments the amenity and character of the area. The proposal would also be consistent with LP2 Policy BE4 due the building being demolished not having been found to make a positive contribution to the area.

15. In addition, the proposal would be consistent with London Plan 2016 Policy 7.4 which seeks to ensure development has regard for the street and scale, mass and orientation of surrounding buildings and is informed by the surrounding historic environment. The proposal would also be consistent with London Plan Policy 7.8 which requires development affecting heritage assets and their settings to be sympathetic to form, scale, materials and architectural detail”.

- 3.8 Since that time an alternative design has been permitted by the Council in 2019 under reference 70282/APP/2019/2773 :-



- 3.9 In conclusion in all these examples, and in view of what follows, the Inspector is asked to note the height, massing, design and in particular the dormers, paths around the buildings etc which are all criticised in the current appeal.

4 Relevant Planning Policy Considerations

- 4.1 At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises :-

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The London Plan – 2021 (adopted since the application was submitted).

A) THE NATIONAL PLANNING POLICY FRAMEWORK

- 4.2 The National Planning Policy Framework (NPPF) was re-published in February 2019 and subsequently amended in 2021, superseding all Planning Policy Guidance and Planning Policy Statements. The NPPF sets out the overarching national planning policy principles and acts as a material consideration in planning decisions.
- 4.3 National Planning Policy Framework (NPPF) continues the pro-growth agenda for the planning system. At its heart remains the presumption in favour of sustainable development that means that development should not be held up unless to approve it would be against the collective interest.
- 4.4 The following national policy is relevant to the application:
- ☐ ☐ To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.5 ☐ ☐ Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: (c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes [68]

- 4.6 □□ Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, such as increased densities.
- 4.7 □□ Heritage assets should be conserved in a manner appropriate to their significance. LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal and seek to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. In determining, LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.8 A detailed assessment of the other pertinent matters, having regard to other relevant policies of the Local Plan is set out below.
- 4.9 It is evident, through an examination of the details of the proposal below, that it accords with both the NPPF and Local Plan policies which support sustainable proposals that are acceptable in relation to the character of the area and in terms of neighbouring development.

B) THE DEVELOPMENT PLAN

- 4.10 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.11 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:
The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The London Plan – 2021 (adopted since the application was submitted).

The London Plan 2021 (For extracts see Appendix D)

- 4.12 The GLA adopted the London Plan in March 2021.
- 4.13 Policy GG2 and D3 impose a requirement to make the best use of urban land.
- 4.14 Policies D4 to D7 inclusive require good inclusive design and accessible developments.
- 4.15 Policies H1 and H2 seek to increase housing supply and use small sites and H10 requires a housing mix.
- 4.16 Policy HC1 seeks to reconcile conservation and growth.
- 4.17 Various T Policies address highways and parking matters.

The Hillingdon Local Plan: Part One Strategic Policies (November 2012) and Part Two Saved UDP Policies (September 1998)

- 4.18 The Local Plan Part 1 – Strategic Policies was adopted in November 2012.

Part 1 Policies (For extracts see Appendix E)

PT1.H1 Housing Growth
PT1.BE1 Built Environment
PT1.HE1 Heritage

- 4.19 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the Borough's Development Plan at Full Council on 16 January 2020. This replaces the Local Plan Part 2 Saved UDP Policies (2012).

Part 2 - Other Policies (For extracts see Appendix F)

DMHB 1 Heritage Assets
DMHB 4 Conservation Areas
DMHB 11 Design of New Development
DMHB 12 Streets and Public Realm
DMHB 14 Trees and Landscaping
DMHB 16 Housing Standards
DMHB 17 Residential Density
DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts
DMT 6 Vehicle Parking

DMH 2 Housing Mix
DMH 4 residential Conversions and Redevelopment

Supplementary Guidance

4.20 Supplementary Guidance includes:-

The Hillingdon Design and Accessibility Statement (HDAS) SPDs on Residential Layouts (July 2006) and Residential Extensions (December 2008), the Mayor's adopted 'Housing SPG' (March 2016) and the 'Technical housing standards – nationally described space standard' (DCLG March 2015).

Conclusion.

4.21 Please note that the full polices which are cited in the reasons for refusal are set out later in this document with a discussion thereon.

5. The Planning Application

The Proposal

- 5.1 The proposal seeks full planning permission for the demolition of the existing detached dwelling and the erection of a two storey apartment building with 4 x 2 bed, 4 x 1 bed and 1 x 2 bed penthouse together with associated parking, refuse and recycling provision and storage and landscaping following demolition of the existing dwellinghouse which is an unlisted building in the Conservation Area.
- 5.2 The proposed development involves the erection of a block of nine flats. These would be three floors but with rooms in the roof spaces. The chalet style designs would be in keeping with the massing and heights of the buildings locally and the two blocks of flats permitted opposite.
- 5.3 The design of the new blocks is similar to those in the locality and has been prepared by Chartered Architects. The scheme is in keeping with the area generally and would not harm the character or appearance of the locality.
- 5.4 The design principles are to produce a building which has the appearance of a large single house and reflects some of the 1930s characteristics of the area. The proposal is similar to the blocks of flats at No's 60, 66 and 88 Long Lane designed by an Architect and using a similar palette of traditional materials - mainly brick elevations with some timber features and render and clay tiles – which were supported by the LPA's Conservation Officer on the other developments on Long Lane.
- 5.5 The Appellant actively sought to engage the Council since early-2019 on the scheme design. Copies of the engagement are provided in Appendix G and Appendix H. Two pre-application discussions were held with an Officer who then played no part in the consideration and determination of the application. Since the pre application discussions Officers have offered little in the way of guidance or advice as to the design parameters within which to comprehensively develop the Appeal Site.
- 5.6 The application was registered on 23 April 2021, given the reference number 26110/APP/2021/1488 and it was determined on 3 December 2021.
- 5.6 The application was given to a second Planning Officer who did nothing with it for many months. Eventually a third Officer was given the application but most technical comments raised within the Officer's Report were only made known to the Appellant on receipt of the Report of Delegation, despite numerous

requests for them during the determination period and because no such comments are posted by this Council on their website. This meant the Appellant did not have the opportunity to engage with Officers to provide clarification or justification for the approach taken or consider the Council's views. By this stage the Applicant was simply relieved to get a determination to see where they actually stood. In addition the Appellants were led to believe that the local Councillor had already made it clear to Officers that if the application were taken to a Committee it would be refused. This follows a pattern which can be seen from the other local schemes detailed in Section 2 of this Statement. The Appellant accepts that it's not for the Council to design the Appeal Proposal. However, it is the responsibility of the Council to engage proactively and positively.

- 5.7 The application did seek to address the LPA's through the two detailed pre app comments' in **Appendix G and H**. Since the second pre app the main changes are:

(1) The size and bulk of the building were reduced to increase the gaps to the neighbouring boundary of No.59, maintaining the open gap features at first floor level along the street scene.

(2) Further very significant reductions were made to the width, depth and roof form.

(3) The bin and cycle stores have been re-positioned away from the building Frontage and the amount of frontage hardstanding area have been reduced.

- 5.8 Nevertheless the application was refused under Delegated powers by Notice dated 3 December 2021. **The Planning Officer's Report is at Appendix I**. The following reasons were used:-

- 1. The proposed development, by reason of its size, scale, massing, height and design (including its uncharacteristic crown roof form, dormers and balconies) would fail to harmonise with the character and architectural composition of the surrounding properties, appearing as a visually dominant, incongruous and bulky form of development which would be detrimental to the visual amenity of the street scene and harmful to the character and appearance of the surrounding Conservation Area. The proposal therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012) and Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies HC1, D1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).*

2. *The proposed development would result in the net loss of a five-bedroom dwelling (i.e., a family sized unit) and fails to provide any three or more bedrooms (family sized) units. Robust justification has not been provided to demonstrate that the provision of family sized units would be unsuitable or unviable. The proposal would therefore not provide a suitable mix of housing to support sustainable, inclusive and mixed communities contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).*
3. *The proposed development, by virtue of the proposed footway directly in front of the main habitable room windows serving Flats 1 and 4 and in the absence of any defensible space, would cause unacceptable overlooking and a loss of privacy (both real and perceived) for the future occupants of these flats. The proposal would therefore result in a substandard form of internal residential accommodation to the detriment of the amenity of the future occupiers of Flats 1 and 4, contrary to Policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).*
4. *The proposed development, by virtue of the raised position of the first and second floor rear balconies, would result in overlooking into the rear gardens of the adjacent neighbouring properties at numbers 59a Long Lane, numbers 2 to 13 Edinburgh Drive and numbers 13 and 15 Edinburgh Close. The proposed balconies would therefore cause an unacceptable loss of privacy to the detriment of the living conditions of neighbouring residential occupiers, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).*
5. *The proposed development, by virtue of its scale, depth and sitting in proximity to shared boundaries would result in an undue loss of outlook from and visual intrusion on the rear gardens of properties on Edinburgh Drive to the detriment of the living conditions of neighbouring residential occupiers, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).*
6. *The proposed development, by reason of the demolition of the existing house which has been identified as a bat roost, fails to meet all the derogation tests detailed in The Conservation of Habitats and Species Regulations 2017 (as amended). The proposal would therefore cause harm to protected species and their habitats, contrary to Policy DMEI 7 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy G6 of the London Plan (2021) and the National Planning Policy Framework (2021).*

6. Matters not in dispute

- 6.1 Before examining the reasons for refusal it is important to summarise those matters which have been agreed as part of the pre application and the application processes and which are extracted and summarised from the Planning Officer's Report at **Appendix I**.
- 6.2 The existing property at No.61 Long Lane is not a statutory listed building, nor is it a locally listed building. Whilst it is agreed with the Council's Conservation Officer that the existing property exhibits attractive features, it is considered that this does not amount to the building being of such considerable importance to the Ickenham Village Conservation Area to warrant its protection from demolition. Over recent years, there has been a limited introduction of flatted developments on Long Lane, most notably at Nos. 66 and 88 Long Lane. These flatted developments would have required the demolition of the former dwellings, which should be taken into account as material consideration. It is therefore considered, on balance, that the demolition of the existing property is acceptable, in principle.
- 6.3 The proposal would contribute to the Council's delivery of housing and provide some economic benefits during the construction stages.
- 6.4 There is no objection, in principle, to the creation of additional residential units in this location in land use terms. However, this would clearly be subject to an appropriate housing mix, density, design, residential amenity and adequate parking provision, and the proposal being in accordance with all of the relevant planning policies and guidance set out in the Development Plan.
- 6.5 In terms of Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. 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 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 of the London Plan (2021) which states that Boroughs should proactively support well-designed new homes on small sites below 0.25 hectares in size.
- 6.6 Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development

should take account of the Residential Density Matrix contained in Table 5.2, which recommends a density range of 105-175 habitable rooms/hectare and 35-50 units/hectare for sites within 800m of a town centre with a PTAL rating of 2. The site is located within 800m of a town centre and has a PTAL rating of 2. Based on a total site area of 0.16 hectares, the proposed scheme would have a density level of 144 habitable rooms/hectare and 56 units/hectare. The proposed density levels fall within the recommended density range set out in Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

- 6.7 The proposed development would not increase the risk of flooding on the site or elsewhere and mains drainage is available in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021)
- 6.8 The proposed building will achieve at least a 10% improvement in energy efficiency beyond Building Regulations 2013. The proposed flats would achieve as a minimum, a water efficiency standard of no more than 105 litres per person per day maximum water consumption. The proposal would be compliant with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021)
- 6.9 The proposed flats (including the penthouse flat) would meet the minimum space standard requirement set out nationally and in Policy D6 of the London Plan (2021).
- 6.10 The proposal would provide adequate provision of accessible and inclusively designed dwellings in compliance with Policies D5 and D7 of the London Plan (2021)
- 6.11 The proposed provision of private amenity space combined with a substantial amount of communal amenity space - which together would far exceed the total requirement of private amenity space set out in Table 5.3 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) - it is considered that the development would provide ample outdoor space for future occupiers' health and wellbeing. The proposed development would provide sufficient quantity and quality of external amenity space to serve the flats proposed, in accordance with the objectives of Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

- 6.12 The Council's Highways Officer has noted that there is an existing access and has commented that the proposal would increase traffic generation from the site as compared to the existing single dwelling unit. However, given that the scheme is for 9 dwellings, this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.
- 6.13 In terms of parking and manoeuvring the Planning Officer concluded: "Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 1- and 2-bedroom flats should be provided with 1 to 1.5 spaces. Based on this, the proposal for 4 x one-bedroom flats and 5 x two-bedrooms flats (including a penthouse) would require a maximum of 9 to 13.5 parking spaces. The proposal would provide 9 on-site car parking spaces (i.e., 1 space per flat), which would conform to the Council's adopted Car Parking Standards. The Council's Highways Officer has raised no objection to the number of on-site car parking spaces. On the above basis, it is considered that the proposal would not exacerbate the demand for street parking to such a significant extent that its effects would result in harm to highway safety or the efficient working of the local highway network".
- 6.14 In addition the Planning Officer concluded: "...it is considered that the proposal would provide secure and accessible cycle parking spaces for future occupants in compliance with Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy T5 of the London Plan (2021)".
- 6.15 With regard to trees the Council's Arboricultural Officer commented: "A method statement and tree protection details have been submitted regarding the safeguarding of the remaining trees. Arboricultural monitoring and supervision have also been specified. The D&AS refers to the landscape proposals in section 5.10. Features include the retention of landscaped boundaries and timber fencing to the side boundaries, the replacement of the overgrown hedges and brick wall on the front boundary, the use of permeable block paving, the retention of the laurel and conifer hedge to the boundary of 589 and the sub-station. To the rear, the ground-floor flats will have private amenity space with shared amenity space available for the other residents. Additional planting and hard landscape detailing to enhance the character and appearance of the site (and Conservation Area) should be conditioned. No objection subject to condition RES8, to include reports of the on-site tree

monitoring/supervision meetings, should be submitted to trees@hillington.gov.uk, RES9 (parts 1, 2, 4, 5 and 6) and RES10".

- 6.16 The Planning Officer concluded:- "Section 2.0 of the report states that construction works would be carried out under an arboriculturist supervision. The report includes a method statement and tree protection details to demonstrate that the health of the retained trees would not be impacted during the construction phases of the development and post-development. The Council's Trees and Landscape Officer has reviewed these details and is satisfied with the information that has been provided. Paragraph 4.8.1 of the report states that the "The proposed flats are positioned to the west of the trees to the rear of the property so the habitable rooms remain unaffected by any undue shading from trees. Furthermore the communal amenity areas at the rear also receive good levels of light during the day and throughout the year." On this basis, it is considered unlikely that future occupiers would be harmed by overshadowing that could result in pressure to remove the retained trees. Whilst the submitted drawings provide indicative details of the hard and soft landscaping, full details would have been secured by condition if this application had been recommended for approval".

7 The Reasons for Refusal

7.1 We deal with each of the reasons for refusal in turn. Before a discussion containing our response to each reason we reproduce the Policies that are referred to in that reason.

1. The proposed development, by reason of its size, scale, massing, height and design (including its uncharacteristic crown roof form, dormers and balconies) would fail to harmonise with the character and architectural composition of the surrounding properties, appearing as a visually dominant, incongruous and bulky form of development which would be detrimental to the visual amenity of the street scene and harmful to the character and appearance of the surrounding Conservation Area. The proposal therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One-Strategic Policies (2012) and Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies HC1, D1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.2 The first reason for refusal can be best described as “overdevelopment” which does not assimilate into the locality.

7.3 Before commenting we must note that the background to this matter is important. This is discussed elsewhere in this statement. However in summary this is a continuing requirement for housing in the Borough, the need to make best use of the site as required by National and Local Plan Policy and the need for the units proposed.

7.4 The site is located within the urban area of Ickenham, where the principle of development is accepted as appropriate by relevant policies of the Development Plan. These include a continued and increasing requirement for dwellings within the built up areas, including Ickenham, for the foreseeable future and making efficient use of land to provide a mix of housing. The location of the site is sustainable. The site is within the recommended walking distance to Hillingdon and Ickenham tube stations. The site is on a bus route and local facilities are close by. Therefore, the site can be comfortably accessed by car, foot and public transport which is a sustainable feature of the location.

7.5 As such, the principles of the development therefore generally accord with the guidance set out within the NPPF for sustainable development.

7.6 The approach to the design and layout of the proposed development is appropriate. It is submitted that the proposal is at an appropriate density,

takes account of, and respects the character of the local area and levels of accessibility and services. This is a sustainable site, especially given proximity to the transportation and services, where the form of development proposed will fit in with the surrounding area.

- 7.7 The site is suitable for housing. The scheme makes effective and efficient use of the land whilst being consistent with the predominantly residential character of the surrounding area. The proposed development is in line with housing objectives of the Council in prioritising land in existing built up areas, reflecting the need and demand for housing in this part of the Borough which has seen similar redevelopment in the area.
- 7.8 The NPPF contains a presumption in favour of sustainable development. Finally, as noted earlier in this statement, the Local Authority confirmed in its responses to the pre app that the development could be acceptable in principle.
- 7.9 The Conservation Area as a designated Heritage Asset would be respected and preserved by this scheme.
- 7.10 Given the location within the urban area and the layout and design of surrounding development, it is suggested that the proposals should be considered acceptable and the principle of development is appropriate.
- 7.11 The quoted policies state:-

Policy HC1 Heritage conservation and growth

A Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.

B Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:

- 1) setting out a clear vision that recognises and embeds the role of heritage in place-making*
- 2) utilising the heritage significance of a site or area in the planning and design process*
- 3) integrating the conservation and enhancement of heritage assets and their*

settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place

4) delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.

C Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

D Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.

E Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use.

Policy D1 London's form, character and capacity for growth

Defining an area's character to understand its capacity for growth

A Boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. Area assessments should cover the elements listed below:

- 1) demographic make-up and socio-economic data (such as Indices of Multiple Deprivation, health and wellbeing indicators, population density, employment data, educational qualifications, crime statistics)*
- 2) housing types and tenure*
- 3) urban form and structure (for example townscape, block pattern, urban grain, extent of frontages, building heights and density)*
- 4) existing and planned transport networks (particularly walking and cycling networks) and public transport connectivity*
- 5) air quality and noise levels*
- 6) open space networks, green infrastructure, and water bodies*
- 7) historical evolution and heritage assets (including an assessment of their significance and contribution to local character)*
- 8) topography and hydrology*

- 9) land availability
- 10) existing and emerging Development Plan designations
- 11) land uses
- 12) views and landmarks.

Planning for growth

B In preparing Development Plans, boroughs should plan to meet borough-wide growth requirements, including their overall housing targets, by:

1) using the findings of area assessments (as required in Part A) to identify suitable locations for growth, and the potential scale of that growth (e.g. opportunities for extensive, moderate or limited growth) consistent with the spatial approach set out in this Plan; and

2) assessing the capacity of existing and planned physical, environmental and social infrastructure to support the required level of growth and, where necessary, improvements to infrastructure capacity should be planned in infrastructure delivery plans or programmes to support growth; and

3) following the design-led approach (set out in Policy D3 Optimising site capacity through the design-led approach) to establish optimised site capacities for site allocations. Boroughs are encouraged to set out acceptable building heights, scale, massing and indicative layouts for allocated sites, and, where appropriate, the amount of floorspace that should be provided for different land uses.

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 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area

3) be street-based with clearly defined public and private environments

4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users

Experience

5) achieve safe, secure and inclusive environments

6) provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest

7) deliver appropriate outlook, privacy and amenity

8) provide conveniently located green and open spaces for social interaction, play, relaxation and physical activity

9) help prevent or mitigate the impacts of noise and poor air quality

10) achieve indoor and outdoor environments that are comfortable and inviting for people to use

Quality and character

11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character

12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well

13) aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy

14) provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.

E Where development parameters for allocated sites have been set out in a Development Plan, development proposals that do not accord with the site capacity in a site allocation can be refused for this reason.

Policy D4 Delivering good design

Design analysis and development certainty

A Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making based on the requirements set out in Part B of Policy D3 Optimising site capacity through the design-led approach.

B Where appropriate, visual, environmental and movement modelling/ assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.

Design scrutiny

C Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.

D The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny, based on the principles set out in Part E if they:

- 1) include a residential component that exceeds 350 units per hectare; or*
- 2) propose a building defined as a tall building by the borough (see Policy D9 Tall buildings), or that is more than 30m in height where there is no local definition of a tall building.*

E The format of design reviews for any development should be agreed with the borough and comply with the Mayor's guidance on review principles, process and management, ensuring that:

- 1) design reviews are carried out transparently by independent experts in relevant disciplines*
- 2) design review comments are mindful of the wider policy context and focus on interpreting policy for the specific scheme*
- 3) where a scheme is reviewed more than once, subsequent design reviews reference and build on the recommendations of previous design reviews*
- 4) design review recommendations are appropriately recorded and communicated to officers and decision makers*
- 5) schemes show how they have considered and addressed the design review recommendations*

6) *planning decisions demonstrate how design review has been addressed.*

Maintaining design quality

F The design quality of development should be retained through to completion by:

1) ensuring maximum detail appropriate for the design stage is provided to avoid the need for later design amendments and to ensure scheme quality is not adversely affected by later decisions on construction, materials, landscaping details or minor alterations to layout or form of the development

2) ensuring the wording of the planning permission, and associated conditions and legal agreement, provide clarity regarding the quality of design

3) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter

4) local planning authorities considering conditioning the ongoing involvement of the original design team to monitor the design quality of a development through to completion.

7.12 In respect of the reason for refusal we would draw the Inspector's attention to the pre application discussions that were carried out prior to submission. This reason is largely a matter for the Inspectors professional judgement. We deal with the component parts of the reason for refusal in turn.

7.13 The Planning, Design and Access Statement and the Heritage Statement of Mr Jamie Preston, Director, Chartered Town Planner & Heritage Consultant, JP Heritage, provide an assessment of the site and its context within the Ickenham Village Conservation Area (IVCA).

7.14 No.61 Long Lane is a detached, two storey dwelling. The property dates from the 1930s and forms part of the suburban development in Ickenham.

7.15 As already set out, some sites within the Conservation Area have recently been redeveloped, benefiting from permission for substantial flatted developments. The eastern street scene of Long Lane has not been altered in such a manner and is defined by detached houses. Previous developments clearly create a precedent and are a material consideration as similar considerations apply.

7.16 Mr Preston considers the house is architecturally and historically plain and does not contribute to the overall character of the Conservation Area. He notes the lack of architectural presence or influence, poor materials and unsympathetic alterations/extensions which have diminished the appearance. He affords low significance and considers it makes a weak contribution to the special interest, character and townscape of the Conservation Area. The loss

of the existing dwelling house would not significantly alter the character of the locality. As an individual site the immediate harm caused to the Conservation Area would be limited. This is accepted by **the Planning Officer's Report at Appendix I.**

- 7.17 In accordance to Hillingdon's Local Plan Part 2 (HLPP2) policy, DMHB 4 (adopted January 2020), the proposed redevelopment has been robustly justified by JP Heritage. The proposed intensified occupation of the site would utilise a replacement building on the eastern side of Long Lane. A flatted block would replicate a single building and other blocks of flats in the locality. The development would be seen amidst the existing cluster of flatted developments along Long Lane, within the IVCA boundary.
- 7.18 The Planning, Design and Access Statement and also Mr Preston highlight the particular considerations given to the scale, design and appearance of the proposed replacement building which has evolved in response to comments from the LPA planning and conservation officers. Mr Preston notes that the proposal retains visual gaps between buildings, follows the prevailing building height and incorporates high quality arts and craft influenced design elements and materials. Mr Preston considers the building is an appropriate scale and reflects architectural values found within the Conservation Area. He concludes that it would make a positive enhancement to the street scene and would not result in harm to the overall character and appearance of the Conservation Area. Issue 2 - The effect of the proposed demolition of the building on the character and appearance of the Ickenham Village Conservation Area.
- 7.19 Mr Preston's assessment of the existing building is that it has no particular distinguishing features or merit and no architectural or historic interest. He does not consider it is a good example of suburban housing from the mid 1930s and it makes a minor contribution to the character and appearance of the Conservation Area.
- 7.20 Mr Preston demonstrates that the proposed replacement building would make a more positive impact. He notes the recent planning permissions for similar developments No's 60, 66 Long Lane and 88 Long Lane within the Conservation Area.
- 7.21 Mr Preston highlights the design qualities of the proposed replacement building which has been designed to reflect the prevailing architectural values and themes of the Conservation Area, such as arts and crafts style, hipped rooflines, chimneys, projecting gables, and adherence to building height and

gaps between buildings. Mr Preston concludes that the replacement building will make a positive contribution to the Conservation Area and that this contribution, together with other public benefits in relation to economic, social and environmental objectives, outweigh the less than significant harm resulting from the loss of the existing house.

- 7.22 The NPPF (2021) and the two Local Plans note the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'
- 7.23 As explained above the design is traditional in the local vernacular using a variety of high quality materials.
- 7.24 In height terms the proposed apartment block has been designed in a manner that respects the local vernacular and those at the rear and sides. The roof form is commensurate with the adjoining dwellings/buildings. It also accords with the two blocks immediately opposite.
- 7.25 Development Plan Policies state that all developments should seek to achieve a high quality design and positively contribute to the overall appearance of the local area. Policies also state that development shall complement and be well integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout, materials and access and architectural design shall reflect high quality local design references in both the natural and built environment and reflect and reinforce local distinctiveness.
- 7.26 The immediate site context is provided by the houses and the blocks of flats opposite.
- 7.27 The building would be located within close proximity to Long Lane but would be 'read' in the streetscene as part of linear development on the road. The building is of an appropriate scale and massing as it also accords with the domestic scale of adjoining development.
- 7.28 Long Lane and the surrounding area is mainly characterised by detached and semi-detached buildings (but with some flats) that are situated within spacious plots consisting of large front and rear gardens with typical spacing between one another. Given the significant setback of the neighbouring property to the north, and the proximity to the road of the immediate dwellings to the south,

the proposal would not deviate from an established front building line. The two storey height would be comparable to the established properties and therefore be compatible with the rhythm of the street scene on the eastern side of the highway.

- 7.29 Local properties are predominantly characterised by hipped roofs with considerable open spacing to either side and between the shared boundaries. The current proposal has been reduced in width to address the proximity to and the effect of the two storey height on the northern boundary. This proposed development would reflect the traditional hipped roofs of the street scene.
- 7.30 The proposed building is set back from the existing foremost front building line by approximately 5 m and is in line with the neighbouring property at 59A Long Lane. It extends beyond the rear wall of 59A Long Lane by 4 m which should be acceptable in terms of maximum depth; this would be for the full height of the two storey building and across the full width of the rear elevation. In addition, balconies are proposed on the rear elevation at first floor level however, any possible increased overlooking has been mitigated by 1.8 m high privacy screens. The proposal would be set in from the northern side boundary and the southern boundary. The footprint of the new building is approximately equal to that of the existing building albeit in a higher and more compact structure.
- 7.31 The external appearance of the building, including materials and detailing, reflects that of the neighbouring buildings and is therefore in character with the local area and the Long Lane Road streetscene.
- 7.32 Overall, the proposed building would be in keeping with local character and sustain urban design quality. It therefore meets the design requirements of the adopted Policies and the design requirements of the NPPF and the Local Plans.
- 7.33 This current design has been revised to address some of the issues raised in the **two pre-application reports under reference 26110/PRC/2019/216 dated 14th February 2020 and also 26110/PRC/2020/213 dated 29th December 2020 at Appendix G and H .**
- 7.34 As a result the scheme would satisfactorily integrate with the character and appearance of the surrounding buildings, the wider street scene and would not adversely affect the significance, character and appearance of the Conservation Area, and not resulting in any material harm.

- 7.35 Therefore the proposed building would respect the character and appearance of the neighbouring properties and the spacious character of the surrounding area. It would also enhance the character and appearance of the Ickenham Village conservation area. Therefore, the proposal would comply with Policies DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2: Development Management Policies (January 2020) and Policies 3.5 and 7.4 of the London Plan (2016).
- 7.36 Specifically in relation to “size, scale and massing” the local area is defined by detached dwellings and blocks of flats with a variety of vernacular styles such as art-deco inspired, mock Tudor examples and mass-produced post-war types. There is no overriding architectural theme in the immediate area. The building lines generally and property heights are the only real consistent feature.
- 7.37 The proposed would be of a traditional design with Arts and Crafts features comprising bay window, gable ends and hipped gables and vertical tile hanging. Further articulation is provided by pitched roof dormers to the front elevation with timber detailing.
- 7.38 The flat roof beyond the principal pitched roof will be finished in a lead grey single-ply membrane which is not visible from the street scene and it is concealed in its entirety by the pitched roof.
- 7.39 The proposed ridge levels of the proposed have taken due consideration of those to the adjacent neighbouring dwelling (no.59A).
- 7.40 Some contemporary elements will be used to the rear but these are considered to be acceptable as they will not be visible from the street scene. The walls will be finished with a multi red/orange brickwork with contrasting brickwork bands and herringbone brickwork with areas of vertical tile hanging. The contrasting brickwork will be used for the flat gauged brick arches over windows & door openings. This will provide an appropriate balance of materials being used to add horizontal emphasis to the elevations together with the scale of the windows and doors.
- 7.41 The penthouse will benefit from pitched roof dormers with windows and an inset balcony. The penthouse suite has been designed to ensure there is no overlooking to adjacent neighbouring properties. To provide natural light into the circulation area of this space flat roof skylights will be utilised plus 2 no. conservation rooflights for the master bedroom and en suite to bedroom 2 at this level.

- 7.41 The materials have been chosen to create a building of high quality which is sympathetic to the varied existing styles and details which exist locally and will provide a building which will stand the test of time.
- 7.42 In terms of “layout” the proposed building faces Long Lane and conforms to the existing building line found along Long Lane. The parking is arranged off the Long Lane access on the site frontage but to the rear of new frontage landscaping.
- 7.43 The proposed new apartment frontage will be positioned on the established building line along this stretch of Long Lane but set back from the main gable position of the current dwelling to provide suitable space for resident’s access and parking. A comparison site plan of the existing outline against the proposed has been shown for clarity (see drawing 87-1106).
- 7.44 Although the proposed footprint is slightly larger than the existing dwelling, it is positioned appropriately away from its adjacent boundaries and these dimensions comfortably exceed recommended design guidelines. Furthermore, its distance from the boundary of No.59A compared with the position of the current dwelling has been determined by considering No.59A’s right to light from their rear habitable windows. This is to ensure that the proposed will sit comfortably in its setting together with the wider streetscape and respect the sighting of neighbouring properties.
- 7.45 The design methodology adopted would be consistent with the Councils policy to ensure new development harmonises with the existing street scene together with daylight, sunlight considerations plus the sitting, bulk and proximity of new buildings/extensions.
- 7.46 Within the pre-application reports, concerns were raised with regards to shadows from the new development onto the roof of No.59A disrupting the PV panels installed here. See drawings 87-1110 and 1111, this is a solar study throughout a single day at intervals which clearly demonstrates the shadows will not be detrimental to the PV panels on No.59a roof.
- 7.47 The Inspector is asked to examine the footprint of the existing house which is clearly shown on the site plan. The proposed building, which conforms to the existing building line on site and within the street has been drawn in from the side boundaries following pre app discussions and the rearwards projection is not excessive and does not cause loss of amenity or dominate its neighbours.
- 7.48 The height of the building accord as with the other dwellings in the street and is clearly shown in the street scene drawing supplied with the application. This was another pre application requirement. The crown roof is not simply a

“block”. It has an interesting and varied form, creating interest through shadows etc. The net result is that the scheme would not be “detrimental to the visual amenity of the street scene”.

- 7.49 The Planning Officer seems to have an objection to crown roof forms. However there is nothing in policy to prevent this and that type of roof form is not evident when viewed from the street. As set out in the previous Section on Planning History it is not an unusual roof form in the locality especially amongst recent flatted developments and causes no material harm whilst making best use of the site at an acceptable overall height.
- 7.50 We are confident that the scheme will not appear as “visually dominant”.
- 7.51 As mentioned above the height is some 8.8 metres. This is not at all unusual for a modern two storey house which falls between 8 and 9 metres. As the street scene drawing shows it directly accords with other houses in the street. The overall height of the scheme causes no material harm.
- 7.52 Lastly on design this architect designed scheme has been the subject to two pre application discussions. It was influenced by advice from the Heritage Consultant. It exhibits elements found in the locality.
- 7.53 We have addressed the elements of the design above.
- 7.54 We have addressed the “uncharacteristic crown roof form” above. This type of design is not unusual either nationally or locally along Long Lane.
- 7.55 Dormer windows are also a common feature on Long Lane and on the recent flatted schemes, as previously noted.
- 7.56 Balconies at the rear are modest and a more honest approach than Juliette balcony windows. They are not generally visible from public points of vantage and no material harm is caused either to the design or to adjoining residents.
- 7.57 The scheme would harmonise with the character and architectural composition of the surrounding properties.
- 7.58 The resultant scheme would not be incongruous or harmful to the character and appearance of the surrounding locality. The proposal would not be harmful to the character and appearance of the Conservation Area, adequately preserving or enhancing the Conservation Area in accordance to the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The proposed development would result in the net loss of a five-bedroom dwelling (i.e., a family sized unit) and fails to provide any three or more bedrooms (family sized) units. Robust justification has not been provided to demonstrate that the provision of family sized units would be unsuitable or unviable. The proposal would therefore not provide a suitable mix of housing to support sustainable, inclusive and mixed communities contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.59 The quoted policies are as follows:-

Policy DMH 2: Housing Mix

The Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need.

Policy H10 Housing size mix

A Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

- 1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment*
- 2) the requirement to deliver mixed and inclusive neighbourhoods*
- 3) the need to deliver a range of unit types at different price points across London*
- 4) the mix of uses in the scheme*
- 5) the range of tenures in the scheme*
- 6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity*
- 7) the aim to optimise housing potential on sites*
- 8) the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock*
- 9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing.*

B For low-cost rent, boroughs should provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs. This guidance should take account of:

- 1) evidence of local housing needs, including the local housing register and the numbers and types of overcrowded and under-occupying households*
- 2) other criteria set out in Part A, including the strategic and local requirement for*

affordable family accommodation

3) the impact of welfare reform

4) the cost of delivering larger units and the availability of grant.

- 7.60 So the Council require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. It does not state that they require a family sized unit within the scheme.
- 7.61 The application of Policy DMH2 of the Local Plan must be seen against the background of Part 1 of the Local Plan and the requirements of the London Plan. The overall amount and broad locations for growth are set out in the Local Plan Part 1. The Site Allocations and Designations document identifies specific sites for residential development, to meet the borough's housing supply target. Part 2 contains detailed policies to deliver housing the right type of housing, in a way that does not have an adverse impact on local amenity or character.
- 7.62 The Council are required to provide some 295 dwellings per annum. No proposal should involve a net loss of housing, hence Policy DMH1.
- 7.63 Policy DMH 4 restricts the proportion of flats in the street to 10%.
- 7.64 At the pre app stage it seemed to be accepted that there was no requirement for a large unit(s) because there was a mix proposed and a limit to the number of flats that could be built in the road and because of the exhortation to make better use of land both in the London Plan and the Local Plan.
- 7.65 It was recognised that the 10% calculation could only be made at the time of the application. This was done and passed by the Planning Officer. **See Appendix I.**
- 7.66 The reason for refusal and Policy DMH2 requires the Applicant to "reflect" local housing need. In other words to "think carefully about it" in accordance with the Oxford Dictionary definition. The supporting text (not part of policy) seeks larger family units, both affordable and open market. Affordable is not relevant in this case. The scheme does include a mix of unit sizes (albeit that these are one and two beds of different sizes).
- 7.77 Before we examine "need" as required by Policy DMH2 we need to assess the Policy background.
- 7.78 The starting point is the NPPF 2021 which sets out Government Policy. Section 5 Paragraph 60 states:- "To support the Government's objective of

significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- 7.79 Paragraph 69 states:- “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a)

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;...”

- 7.80 In Section 11 “Making effective use of land” the NPPF states, Paragraph 119 “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”. land”.

- 7.81 Paragraph 120 continues:- “Planning policies and decisions should:
d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)....”

- 7.82 On density Paragraph 124 states:-

“Achieving appropriate densities

124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

- 7.83 The 2021 London Plan requires higher densities at accessible locations and of course it and the NPPF requires the best use to be made of the redevelopment of urban land.
- 7.84 Policy H1 sets out the requirement for significant amounts of new housing in the Borough. Policy H1 sets out the ten-year targets for London's boroughs. In Table 4.1, 10,830 new homes are required to be delivered between 2019/20 – 2028/29. The Appeal Proposal will make a valued contribution towards meeting this target.
- 7.85 Under Policy H2 Boroughs pro actively are required to optimise the redevelopment of small sites:-

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 housebuilders 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.

- 7.86 Under Part B (2) boroughs are required to optimise the potential for housing delivery on suitable and available brownfield sites. Certain sources of capacity are listed in the policy. Those sources that the Appeal Site fits within are:
- *Sites within existing PTAL 3-6 or located within 800m of a station or town centre;*
 - *Low density site in commercial use;*
 - *Small site (per Policy H2 – which are less than 0.25ha) (Our underlining).*
- 7.87 The policy defines a small site as an area less than 0.25ha. The Appeal Site is a small site and the thus the Appeal Proposal will contribute to the policy objective.
- 7.88 The only other Policy which has relevance is H10 which includes comments on mix. However like Local Plan Policy DMH2 it has to have regard to local need but also to provide mixed neighbourhoods (which of course this does):-
- 7.89 Policy H10 Housing size mix states:-

“ A Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:-

1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment

2) the requirement to deliver mixed and inclusive neighbourhoods

3) the need to deliver a range of unit types at different price points across London

4) the mix of uses in the scheme

5) the range of tenures in the scheme.

7.90 Part 1 of the Hillingdon Local Plan contains the strategic policies but of course pre dates the London Plan from 2021.

“The Council will meet and exceed its minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies. The borough’s current target is to provide an additional 4,250 dwellings, annualised as 425 dwellings per year, for the ten year period between 2011 and 2021. Rolled forward to 2026, this target equates to a minimum provision of 6,375 dwellings over the period of the Hillingdon Local Plan: Part 1- Strategic Policies. Sites that will contribute to the achievement of this target will be identified in the Hillingdon Local Plan: Part 2- Site Specific Allocations LDD”.

7.91 Strategic Policies H2 and H3 relate to Affordable Housing and Gypsy Pitches and are not relevant to this proposal.

7.92 Lastly the Policy background in the Local Plan Part 2 which contains Policy DMH2 also contains DMH4, referred to above which limits flatted redevelopments to 10% of properties in a 1km length of road as follows:-

“Policy DMH 4: Residential Conversions and Redevelopment

Residential conversions and the redevelopment of dwellings into new blocks of flats will only be permitted where:

i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats;

ii) On residential streets longer than 1km the proposed redevelopment site should be taken as the midpoint of a 1km length of road for assessment purposes;

iii) the internal floor area of the original building to be converted is at least 120 sqm; and
iv) units are limited to one unit per floor for residential conversions.”

- 7.93 As stated Policy DMH2 requires proposed housing mix to reflect the Council's latest information on housing need. The Council lacks up to date data on housing need by mix (the last OAN report, of which cross-tenure housing mix is not identified being published in October 2018). **See Appendix J.** However, the proposed mix is appropriate for its sustainable location with access to buses, tube stations and facilities.
- 7.94 The LPP2 (20 20) Policy DMH 2 also outlines that residential development proposals are required to provide a mix of housing units of different sizes in terms of bed spaces and floor areas to reflect the Council's latest information on housing need.
- 7.95 The Council's Strategic Housing Market Assessment (SHMA) (2016) outlines a borough-wide requirement for private market units and affordable housing. The latest Update is from July 2018. **See Appendix J.**
- 7.96 It contains considerable detail on the overall housing requirement numbers (Chapter 3 – Objectively Assessed Need) and Affordable Housing Need in Chapter 4.
- 7.97 The most relevant extract for need at this site is in Chapter 5 – Needs of Different Groups.
- 7.98 The population will increase from 293,300 to 366,300 persons from 2014-36.
- 7.99 Households will increase from 107,300 to 144,700 over the same period, an increase of 37,400.
- 7.100 The Report also makes a number of other points of relevance. It refers to older people in larger dwellings which are underused. Such is the case here. Also in the Section on Affordable Housing it rightly notes there are overcrowded households, newly formed households, households climbing out of need, concealed need (such as older children still living at home) and a significant number of younger single and young couple wanting to take a first step on to the housing ladder into lower cost but not affordable housing..
- 7.101 In Figure 41 it explains that the number of families with children will increase by 13,100. However there is an even greater need for accommodation for single persons and couples without children at 14,700. It is these cohorts that the scheme will accommodate.

7.102 However, Policy H10 also outlines that the nature and location of the site needs to be taken into account, with a higher proportion of one and two bed units generally more appropriate in locations with higher public transport access and connectivity.

7.103 The Report also makes a number of other points of relevance. It refers to older people in larger dwellings which are underused. Such is the case here. Also in the Section on Affordable Housing it rightly notes there are overcrowded households, newly formed households, households climbing out of need, concealed need (such as older children still living at home) and a significant number of younger single and young couple wanting to take a first step on to the housing ladder into lower cost but not affordable housing..

3. The proposed development, by virtue of the proposed footway directly in front of the main habitable room windows serving Flats 1 and 4 and in the absence of any defensible space, would cause unacceptable overlooking and a loss of privacy (both real and perceived) for the future occupants of these flats. The proposal would therefore result in a substandard form of internal residential accommodation to the detriment of the amenity of the future occupiers of Flats 1 and 4, contrary to Policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.104 The relevant policies state:-

Policy DMHB 15: Planning for Safer Places

The Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement.

Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;*
- ii) maximising natural surveillance;*
- iii) ensuring adequate defensible space is provided;*
- iv) providing clear delineations between public and private spaces;*
- and*
- v) providing appropriate lighting and CCTV.*

Policy DMHB 16: Housing Standards

All housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

To achieve this all residential development or conversions should:

- i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and*
- ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.*

Policy D6 Housing quality and standards

A Housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

B Qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 sets out key qualitative aspects which should be addressed in the design of housing developments.

C Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

D The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

E Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.

F Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.

Private internal space

1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1.

2) A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.

3) A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.

4) A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m..

5) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (If the area under the stairs is to be used for storage, assume a general floor area of 1 sq.m. within the Gross Internal Area).

6) Any other area that is used solely for storage and has a headroom of 0.9- 1.5m (such as under eaves) can only be counted up to 50 per cent of its floor area, and any area lower than 0.9m is not counted at all.

7) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. Any built-in area in excess of 0.72 sq.m. in a double bedroom and 0.36 sq.m. in a single bedroom counts towards the built-in storage requirement.

8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the

Gross Internal Area of each dwelling.

Private outside space

9) Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This does not count towards the minimum Gross Internal Area space standards required in Table 3.1

G The Mayor will produce guidance on the implementation of this policy for all housing tenures.

7.105 The Appellants submit that the catch all policies above have little relevance to this reason for refusal and that whether or not there is material harm is a matter for the Inspector to apply a professional judgement.

7.106 The proposed development provides adequate living conditions for future occupiers of the flats.

7.107 Policies in the London Plan Policy 3.5. The Mayor's 'Housing SPG' (March 2016) and 'Housing Standards – Minor Alterations to the London Plan' (March 2016). 'Technical housing standards – nationally described space standard' (DCLG March 2015) are all complied with.

7.108 The units would be mainly single aspect with outlook either to the front or rear of the site. Side elevation windows are proposed at ground and first floor levels to the habitable rooms. They are proposed to be obscure glazed, then the main access to light and outlook would be to either the front or the rear of the building.

7.109 The ground and first floor units would have open plan kitchen and dining area facilities and these main living spaces would have access to light via the front or rear elevations and be single aspect as stated above giving rise to limited access to light and outlook towards the rear of each of the living spaces. The proposed top floor flat would have sufficient light to main living area and the kitchen area has been amended to have light to the front.

7.110 The proposed balconies to the rear at first floor and second floor levels would have 1.8 m high side privacy screens to prevent loss of privacy and overlooking to the neighbouring property at 59A Long Lane.

- 7.111 The proposed habitable rooms would have an adequate outlook and sources of natural light and would therefore comply with the requirements of the Residential Layouts SPD (Para. 4.9).
- 7.112 The proposal is set in a large plot and the Pre Application advice confirms that the proposed amenity space is in excess of the minimum guidelines in the HDAS Residential Layouts (Para. 4.17).
- 7.113 We therefore conclude that the proposed development would provide adequate living conditions in accordance with the nationally described space standards and the Mayor's housing standards and therefore would comply with London Plan Policy 3.5.
- 7.114 In addition the building was designed to meet secure by design standards and there is no objection from any policy or security liaison Officer.
- 7.115 The main entrance to the building is in the centre of the frontage. Therefore pedestrians using the paths in front of Flats 1 and 4 would be very limited. See drawing 87/1105A and the extract below.

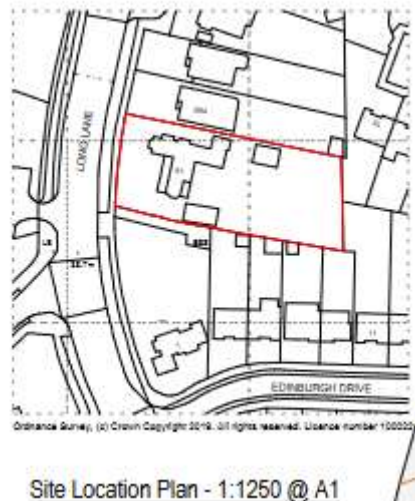


- 7.116 Both bedrooms to Flats 1 and 4 are recessed from the path. There is space for defensive shrub planting if required. This arrangement of paths is not unusual in the other scheme already referred to and which have been permitted in Long Lane.
- 7.117 The 1.8 metre wide path past Flat 4 only serves a Riser cupboard.
- 7.118 The path past the living room of Flat 1 may receive more use but not to a harmful degree. The Planning Officers Report considered that the bins should be moved despite apparently accepting these at pre app stage. If this path were to be a problem then it could be conditioned to be relocated as part of moving the bin store and should not have warranted a reason for refusal.
- 7.119 On any reading of DMHB 15: Planning for Safer Places the scheme complies being both attractive and safe.
- 7.120 Policy D6 Housing quality and standards is not relevant to this consideration. There is ample attractive external amenity space as the Planning Officer agrees in her Delegation Report.
- 7.121 Therefore we conclude that Flats 1 and 4 have high standards of amenity and would not be materially harmed by the layout, especially as this layout would be apparent to any purchaser.

4. The proposed development, by virtue of the raised position of the first and second floor rear balconies, would result in overlooking into the rear gardens of the adjacent neighbouring properties at numbers 59a Long Lane, numbers 2 to 13 Edinburgh Drive and numbers 13 and 15 Edinburgh Close. The proposed balconies would therefore cause an unacceptable loss of privacy to the detriment of the living conditions of neighbouring residential occupiers, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).

7.122 For policies see Reason 1 above.

7.123 The relative location of adjoining is as follows:-



7.124 When designing the scheme the principal considerations were to require the design of the new development to protect the amenity and privacy of neighbouring dwellings. Also the proposed development should not breach the 45 degree guideline when taken from the rear elevation of the neighbouring dwelling, ensuring no significant loss of light, loss of outlook of sense of dominance and that development proposals should not adversely impact on the amenity of adjacent properties and open space.

7.125 The rear elevation of the proposal is as follows:-



Proposed Rear Elevation - 1:100 @ A1

7.126 The proposed development would not result in unacceptable loss of privacy to neighbours for the following reasons:

- (1) The proposed building is set at a significant distance from the rear boundary with the neighbouring properties. This exceeds the LPA's implied minimum standard of 10.5 metres based on the 21 metres separation distance required between facing habitable room windows in HDAS Residential Layouts (4.12).
- (2) The overall separation distances would meet the HDAS requirements.
- (3) The proposed building has been carefully designed and sited to respect the neighbouring properties and as such would not result in loss of privacy to the occupiers of those properties.
- (4) The submitted tree protection plan to the Arboricultural Impact Assessment and Method Statement) shows the retention of the mature most boundary planting and, together with new trees and planting, will maintain an effective screening to neighbouring properties.
- (5) The proposed windows have been carefully designed and sited so as to preclude overlooking and loss of privacy to the neighbours. Any windows facing the boundary will be obscure glass

(6) The proposed building would maintain the front building line and would not compromise a 45 degree line of sight to the rear thereby meeting the HDAS Residential Layouts standard [4.9 to 4.11] and as such it would not have a significant impact on the amenities of neighbours by virtue of loss of light, overbearing or loss of outlook.

7.127 At second floor level the two dormer windows on the rear are inset. One is to a bedroom and the other to a kitchen with a sink preventing a view out of it.

7.128 The balcony is set within the slope of the roof.

7.129 At first floor level the existing house has first floor windows and so would any replacement housing or flats. This is not an unusual situation within a town and an urban area. This aspect was discussed within the pre app and that is why the 1.8 metre high obscure balcony side screens were incorporated and shown on the drawings (87/1305 refers). This aspect can also be conditioned.

7.130 We would also ask the Inspector to view this aspect on site as we are unclear as to whether the Planning Officer has done. The Inspector will see that any views over the rear of No.59A are oblique. Because of the rear wall of the proposed flats being set .set 4 metres in from the boundary and some 4.8 metres further to the rear of 59A there is no prospect of the immediate private area at the rear of No.59A being materially overlooked. Again it would not be unusual to see across the rear of the rear garden of 59A within a town/urban area.

7.131 From the rear of the block to the rear boundary is some 38 metres minimum. This is more than adequate in an urban environment for a two and a half storey development not to overlook or be overbearing to the properties at the rear, principally No.15.

7.132 To the south the rear boundaries of properties at any of 1 to 13 Edinburgh Drive warrant similar considerations. They are at a distance, at an oblique angle and a principally two storey development would not be unusual in this location.

7.133 Lastly both the previous considerations are affected by existing screening on site. This remains largely unaffected by the development. The existing trees at the rear are dense and there is a 4 metre high leylandii hedge on the southern side boundary.

7.134 The Arboricultural Report by Merewood and the Tree Protection Plan (see also Appendix 2 of that Report) show all that these trees are protected and to stay.

7.135 In conclusion we cannot agree that the proposed development, by virtue of the raised position of the first and second floor rear balconies, would result in overlooking into the rear gardens of the adjacent neighbouring properties at numbers 59a Long Lane, numbers 2 to 13 Edinburgh Drive and numbers 13 and 15 Edinburgh Close such as to cause material harm to their amenities.

5. The proposed development, by virtue of its scale, depth and siting in proximity to shared boundaries would result in an undue loss of outlook from and visual intrusion on the rear gardens of properties on Edinburgh Drive to the detriment of the living conditions of neighbouring residential occupiers, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).

7.136 For policies see Reason 1 above.

7.137 The proposed building is set back from the existing foremost front building line by approximately 15 m and is in line with the neighbouring property at 59A Long Lane. It extends beyond the rear wall of 59A Long Lane by some 4 m which is considered acceptable in terms of maximum depth. The proposal would be set in from the northern side boundary by some 5 m and some 2m on the southern boundary. The footprint of the new building is approximately equal to that of the existing building albeit in a more compact structure.

7.138 As already stated the proposal would not intersect the 45 degree line of sight when viewed from the nearest first floor habitable room windows in the rear elevation of this neighbouring property. This revised design following the pre apps, with the increased set in from the side boundary, has mitigated any affect on the residential amenities of 59A Long Lane by reason of over dominance and overshadowing. The proposed balconies to the rear would have privacy screens to prevent overlooking and loss of privacy to 59A Long Lane.

7.139 The neighbouring properties at 1 to 9 (odds) Edinburgh Drive have rear gardens that adjoin the southern side boundary of the subject site. Nos 1 and 3 would be the most likely to be affected by the proposal. However, No. 1 is located in excess of 32 m from the shared boundary and No. 3 in excess of 20 m from the shared boundary. The currently existing boundary treatment of a mature high hedge is to be retained therefore it is considered that these neighbouring properties would not be adversely affected by the proposal.

7.140 The site is adjoined to the rear/east by existing houses to east and south. The development will be a reasonable distance from the site boundary and the boundaries are formed by existing fences, hedges and trees. Matters of overlooking and/or loss of privacy have been addressed by the correct orientation of habitable rooms, opaque glazing and the layout.

- 7.141 Given the topography of the site and the existing screening, there will be minimal impact on the adjoining properties from the proposed development. Proposed properties will retain views over the main road and open space to the rear, so will neither overlook them, nor be overlooked. Given the distances involved and the design of the block, there will be no other adverse impacts. The scheme compares favourably to the other flatted schemes already examined in Long Lane.
- 7.142 Policies state that sustainable development should be permitted provided that the proposal does not result in any material loss of amenity to adjoining neighbours, among other considerations. The NPPF requires a high standard of amenity for existing and future users .
- 7.143 Accordingly, by virtue of the proposed siting and orientation of the proposed building, separation distances and elevational treatment, and subject to appropriate planning conditions, there would be no material impact on residential amenity and the proposal meets the requirements of and Local Plan: Part Two Saved UDP Policy BE24. Residential Extensions SPD and the NPPF in residential amenity terms.

6. The proposed development, by reason of the demolition of the existing house which has been identified as a bat roost, fails to meet all the derogation tests detailed in The Conservation of Habitats and Species Regulations 2017 (as amended). The proposal would therefore cause harm to protected species and their habitats, contrary to Policy DMEI 7 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy G6 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.144 The relevant policies are:-

Policy DMEI 7: Biodiversity Protection and Enhancement

A) The design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on-site. Where development is constrained and cannot provide high quality biodiversity enhancements on-site, then appropriate contributions will be sought to deliver off-site improvements through a legal agreement.

B) If development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

C) All development alongside, or that benefits from a frontage on to a main river or the Grand Union Canal will be expected to contribute to additional biodiversity improvements.

D) Proposals that result in significant harm to biodiversity which cannot be avoided, mitigated, or, as a last resort, compensated for, will normally be refused

Policy G6 Biodiversity and access to nature

A Sites of Importance for Nature Conservation (SINCs) should be protected.

B Boroughs, in developing Development Plans, should:

1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks

2) identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them

3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans

4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context

5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.

C Where harm to a SINCE is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

1) avoid damaging the significant ecological features of the site

2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site

3) deliver off-site compensation of better biodiversity value.

D Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

E Proposals which reduce deficiencies in access to nature should be considered positively.

7.145 The Applicants were aware of the need to survey the property from the outset as they knew demolition was proposed to establish presence or otherwise of European Protected Species (EPS) and make sure these were properly addressed. See *R (on the application of Simon Woolley) v Cheshire East Borough Council and others* [2009] EWHC 1227 (Admin), of 5 June 2009.

7.146 The Applicants took the following steps:-

Step 1 Determined early on in the process, before design and master planning issues have been resolved, the presence of EPS on or adjacent to the development site.

Step 2 Determined the likely impacts of the proposed scheme on EPS and consider whether there are favourable alternatives to the proposed development that avoid harm.

Step 3 Where it is not possible to avoid harm ensure there is a case for an overriding need that is in the public interest or is a reason of public health and safety.

Step 4 If necessary develop mitigation measures that will maintain the species affected in a favourable conservation status.

Step 5 Ensure the case for the three tests is clearly set out as part of the planning application documentation. Present sufficient information for the

planning officers to ensure that their report contains the necessary information. Ensure that the planning authority can demonstrate that it does fully understand its statutory duty under Regulation 3 (4) and has taken this into account in making a planning decision.

7.147 This work was undertaken by AEWC and the Inspector (and the Council) were provided with a copy of their Report addressing these matters.

7.148 So far as the Inspector's tests are concerned there is a reasonable likelihood of legally-protected species being present and being adversely affected by the development proposals if not addressed.

7.149 The ecology report, essentially a Phase 1 Habitat Assessment and bat surveys, that accompanied the application, has identified that the main building has high potential for roosting bats and that a licence from Natural England (NE) will be necessary to enable the development to proceed.

7.150 NE's [standing advice](#) includes a section on where protected species are likely to be found.

7.151 Standard surveys have been provided which are adequate for assessing the effects of the proposals. The LPA accepted these and did not draw attention to any perceived deficiencies.

7.152 NE's standing advice explains what they regard as acceptable survey methods for particular species. This publication is frequently updated, timing of the surveys and the age of survey data. If surveys are inadequate, then appeals should normally be refused as it will not be possible to ascertain the likely impact on the species. The Applicant/Appellant is not seeking to rely on conditions requiring survey as they have presented a survey.

7.151 The surveys that have been carried out show that there could be adverse effects on identified protected species (bats). However the Applicant/Appellant's report explains how the significance of effects on protected species has been evaluated.

7.152 Also mitigation is being proposed to avoid adverse effects. A bat roost is incorporated into the roofspace. The measures have been specifically designed to deal with those effects. It is possible to secure the mitigation through the design which is being approved which if necessary can be secured through the imposition of conditions to ensure such measures are

implemented. Conditions may be imposed to secure mitigation measures or to safeguard avoidance measures, for example the sensitive timing of certain works.

7.153 NE's standing advice describes what they regard as acceptable mitigation measures.

7.154 The mitigation measures are clearly feasible, by way of compensation measures such as the creation of new habitat through the roof roost.

7.156 This follows NE's standing advice for suggestions on suitable compensation measures.

7.157 The Natural Environment and Rural Communities Act 2006 requires that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Damage or destruction of a breeding site would be an offence under the Conservation of Habitats and Species Regulations 2010 (the 'Regulations') unless a Natural England (NE) European Protected Species (EPS) licence is issued prior to commencement of works or confirmation is received from NE that the development would not require such a licence.

7.158 The Habitats Directive requires that member states establish a system of strict protection for EPS, setting out the offences that may be committed. Derogations from this strict protection are only allowed in certain limited circumstances. When determining whether or not to grant a licence, Natural England must be satisfied that the following three tests have been met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) There is no satisfactory alternative; and (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

7.159 An application for an EPS Licence usually follows the grant of planning permission. Regulation 9(3) of the Regulations to have regard to the requirements of the Habitats Directive in the determination of this appeal.

7.160 The question is whether there would be a reasonable prospect of a licence being granted by applying the three tests.

7.161 In so far as the first test is concerned, the public interest generated by the proposal can be of a social, environmental or economic interest. If the

Inspector finds for the Applicant/Appellant in favour of the proposal on environmental and social grounds, the first test can be passed.

- 7.162 In relation to the second test, any alternative to make better use of the site in terms of increasing the number of dwellings would involve demolition and replacement and pass the second test.
- 7.163 With regards to the third test, the Appellants have undertaken a bat survey/ ecology report which includes a series of recommendations for further action and mitigation. Such a strategy can include provisions such as the appropriate timing of works to avoid disturbance, supervision by a licensed bat worker, provision of replacement roosting facilities and other undertakings designed to avoid damage to and protection of existing habitats. Accordingly, in relation to the third test that the proposed development could be implemented in such a way as to ensure no harm would occur to the protected species.
- 7.164 Interference with bats has the potential to effect an EPS, (which can lead to an offence under the Habitats Regulations), however with the measures proposed. There is no reason assume that a license would not be granted.
- 7.165 The proposal therefore complies with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), Policy G6 of the London Plan (2021) and Section 15 and in particular Paragraph 180 the National Planning Policy Framework (2021).

8 Conclusions and The Planning Balance

- 8.1 In conclusion this full application is considered to accord with national and local planning policy and follows pre application discussions and the previous applications for similar proposals opposite the site. The application proposal benefited from various constructive pre application discussions, comments made in respect of the other flats and it has been carefully designed to ensure a high-quality development which is respectful of neighbouring uses and enhances the surrounding area.
- 8.2 The NPPF is a material consideration which supports sustainable development and the provision of new housing generally. The development proposals comprise sustainable development both in terms of location and content, and also in terms of the three prongs of sustainability, Social, Economic and Environmental set out in the NPPF.
- 8.3 The appeal proposals comply with planning requirements for sustainable development. The policy requirement is that planning permission should be granted unless material considerations indicate otherwise. Further, the proposal is considered to comprise sustainable development as defined by the NPPF making a valuable contribution to the Borough's housing, contributing to economic growth both through employment generation during the construction period and through the spending generated by future residents; and enhancing the environment through good design, landscaping and ecological enhancement.
- 8.4 The appeal site also lies in a sustainable location within an urban area, with easy access to everyday facilities and services and non-car modes of travel. The site is considered to be accessible, being close to the Stations, on a bus route, close to secondary and primary schools and centres where a wide range of facilities and services can be found.
- 8.5 Given the amount of flatted development that has occurred opposite the site the principle of development is therefore acceptable in accordance with the general pattern of housing distribution as required and it falls within the 10% ceiling for flatted developments in the road.
- 8.6 The accompanying statement of Mr. Jamie Preston of JP Heritage, Heritage Consultant, provides an assessment of the site and its context within the Ickenham Conservation Area. Mr Preston notes the existing building has no distinguishing features or merit and no architectural or historic interest. He considers it is not a good example of suburban housing from the mid 1930s

and makes little contribution to the character and appearance of the Conservation Area. The proposed building is an appropriate scale and reflects architectural values found within the Conservation Area. Mr. Preston highlights the design qualities of the proposed replacement building which has been designed to reflect the prevailing architectural values and themes of the Conservation Area, such as arts and crafts style, hipped rooflines, chimneys, projecting gables, and adherence to building height and gaps between buildings. He also notes the recent examples of similar apartment developments in the Conservation Area at No's 60, 66 and 88 Long Lane.

- 8.7 Mr. Preston concludes that the proposal would make a positive enhancement to the street scene and would not result in harm to the overall character and appearance of the Conservation Area. He concludes that the replacement building would make a positive contribution to the Conservation Area and that this contribution, together with other public benefits, outweighs the less than significant harm resulting from the loss of the existing house. He therefore concludes that the proposal complies with national and local plan policies and the statutory duty in S72 of the Listed Buildings and Conservation Areas Act 1990 to pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.8 The proposal would be an attractive and proportionate development which would respect the character and appearance of the neighbouring properties and the spacious character of the surrounding area. It would preserve or enhance the character and appearance of the Ickenham Village Conservation area. Therefore the proposal would comply with Policies DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2: Development Management Policies (January 2020) and Policies 3.5 and 7.4 of the London Plan (2016)
- 8.9 The principle of the development is acceptable and there would be no adverse impact on the character of the area or on neighbouring amenities. The proposal would exceed the LPA's minimum separation distances between the proposed building and habitable windows and gardens to neighbouring properties. The existing mature tree and hedge screening on the boundaries of the site would be retained and there are additional trees and hedging in neighbouring gardens and further planting to be undertaken on site. The proposed development therefore would not result in any harmful impact in relation to loss of privacy to occupiers of neighbouring properties and as such would comply with Local Plan: Part Two Saved UDP Policy BE24.

- 8.10 The internal room layouts fully accord with the nationally described space standards and the Mayor's housing standards and would provide adequate living conditions and therefore would comply with adopted Policies.
- 8.11 Adequate parking is provided and there should not be any highway implications.
- 8.12 In their pre app the LPA raises no objections in relation to the principle of a more intensive form of residential development on the site, traffic impact, car/cycle parking or pedestrian safety matters, trees, landscaping and ecology considerations.
- 8.13 The application proposals are in broad compliance with the criteria for the location of development set out in the Development Plan, the proposals being consistent with the character, accessibility and provision of infrastructure and services in the area.
- 8.14 We have explained in details why there is no harm to the internal amenities of Flats 1 and 4, neighbouring properties, or the character of the area generally through height, size, ,massing and design.
- 8.15 Adequate mitigation is provided for protected species (bats) through the provision of a roost in the roof space.
- 8.16 Without prejudice, the Applicants agree to make contributions in accordance with the CIL Regulations.
- 8.17 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and when considering "the Planning Balance" requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.18 The benefits of this proposal are merely related to the provision of eight additional units without causing any detrimental harm to the existing built environment.
- 8.19 It is concluded, therefore that, cumulatively, that the minor provision of housing without causing undue harm to the locality or neighbours or the heritage asset, is a positive element. Hence in conclusion, the proposal should be an acceptable development that is compliant with the development plan and to the relevant strategic objectives of the NPPF.

8.20 In accordance with the NPPF, the proposal accords with the development plan and therefore it is requested that planning permission for the appeal scheme is granted.

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

SCHEDULE OF PLANS

1100 – received 14 Apr 2021
1105A – received 14 Apr 2021
1106 – received 14 Apr 2021
1110 - received 14 Apr 2021
1111 - received 14 Apr 2021
1200 – received 14 Apr 2021
1205 - received 14 Apr 2021
1206 - received 14 Apr 2021
1207 - received 14 Apr 2021
1210 - received 14 Apr 2021
1300 - received 14 Apr 2021
1305 - received 14 Apr 2021
1306 - received 14 Apr 2021
1310 - received 14 Apr 2021
1315 - received 14 Apr 2021

Covering Letter (dated 13/04/2021) - received 14 Apr 2021
Bat Survey Report (dated September 2020) - received 14 Apr 2021
Heritage Statement (dated April 2021) - received 14 Apr 2021
Plan of Tree Constraints (dated February 2021) - received 14 Apr 2021
Tree Protection Plan (dated March 2021) - received 14 Apr 2021
Planning, Design and Access Statement (dated March 2021) - received 14 Apr 2021
B.S. 5837 Arboricultural Report, Implications Assessment and Method Statement (dated 16/03/2021) - received 14 Apr 2021
Energy Statement (dated 7th April 2021) - received 14 Apr 2021

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
4. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

shall be completed before the building is occupied in accordance with the approved details and thereafter maintained as such.

6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and surface material for parking areas hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. The dwellings shall not be occupied until the access, on site parking, bin storage facilities and cycle storage has been provided in accordance with the submitted plans. Thereafter these facilities shall be maintained as approved and retained for the benefit of the development hereby permitted.

LIST OF APPENDICES

APPENDIX A – 66 LONG LANE LPA REF. 39319/APP/2014/53

APPENDIX B – 88 LONG LANE LPA REF. 29164/APP/2016/4622

APPENDIX C – 60 LONG LANE APPEAL REF. APP/R5510/W/19/3221731

APPENDIX D – EXTRACTS FROM LONDON PLAN

APPENDIX E – EXTRACTS FROM LOCAL PLAN PART 1

APPENDIX F – EXTRACTS FROM LOCAL PLAN

APPENDIX G - - PLANNING OFFICER'S REPORT

APPENDIX H – PRE APP 1 - 26110/PRC/2019/216 dated 14th February 2020

APPENDIX I – PRE APP 2 - 26110/PRC/2020/213 dated 29th December 2020

**APPENDIX J – STRATEGIC HOUSING MARKET ASSESSMENT UPDATE
OCTOBER 2018**