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**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPULSORY PURCHASE ACT 2004)
SECTION 78 APPEAL.**

**STATEMENT OF CASE ON BEHALF
OF THE APPELLANT**

APPELLANT : MR JOHN PHILIP

**APPEAL SITE : LAND REAR OF 56 BRIARWOOD DRIVE
NORRHWOOD
HA6 1PW**

OUR REF : TPLA5062AP

LPA REF : 19486/APP/2021/3500

DATE : 18TH MARCH 2022

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1.0 INTRODUCTION

- 1.1 The London Borough of Hillingdon refused planning permission at Land Rear Of 56 Briarwood Drive Northwood HA6 1PW for the Construction of a two storey detached house with associated parking and landscaping on 23 December 2021, application reference 57783/APP/2020/24, for the following reason:

- 1. The proposed development, by reason of its siting (in rear gardens), uncharacteristically small plot, unusually narrow front elevation, and layout would result in a development of the site, which would fail to harmonise with the appearance of other properties in the area and the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site as proposed, as well as the proposed loss of existing private rear garden areas would have a detrimental impact on the street scene and character and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D6 of the London Plan (2021), as well as paragraphs 71, 124 and 130 of the NPPF (2021)**
- 2. The proposed development, by virtue of the site layout, access arrangements, internal design of the building, and absence of details to show that the internal layout would comply with Building Regulation requirement M4(2), fails to demonstrate that adequate provision would be provided to meet the needs of people with disabilities. The proposed development therefore**

conflicts with Policy D7 of the London Plan (2021) and the National Planning Policy Framework (2021).

- 3. The proposed development by virtue of its height, bulk and close proximity to neighbouring properties, would be detrimental to the amenities of the adjoining occupiers at 56 and 56a Briarwood Drive by reason of visual intrusion and loss of outlook. Therefore the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020**

2.0 THE SITE LOCATION AND DESCRIPTION

- 2.1 The appeal site relates to a piece of land rear of 56 and 56A Briarwood Drive, the host property is a two storey detached property located on the eastern side of Oakdale Avenue. The property is characterised by a two storey gable ended front projection with a square bay single storey feature with a pitched roof. To the side of the building is a single storey porch/hall and there are additional bay features on the side elevation all with hipped roofs
- 2.2 The surrounding area and streetscene characterised by two storey semi-detached dwellings finished in brick and render, and set beneath hipped roofs with two storey bay features to the front. To the west is the commercial area of Joel Street and the Northwood Hills shopping area. Northwood Hill tube station is situated further along Joel Street to the south. This site lies within a critical drainage area and has a PTAL score of 2.

- 2.3 The site is not located within a Conservation Area, the building is not listed nor does it sit close to a listed building, neither is there any restrictions on the site e.g. Article 4 Direction.





The photo shows the site of the proposed development

3.0 THE APPEAL PROPOSAL

- 3.1 The appellant sought planning permission for Construction of a two storey detached house with associated parking and landscaping.
- 3.2 Copies of the planning application forms submitted to the Council are enclosed in Appendix B. The existing and proposed layout plans are illustrated on drawings attached. The photographs of the site are enclosed in Appendix D.

4.0 POLICY CONSIDERATIONS

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 gives priority to the provisions of development plans in determining planning applications and appeals as well as all other material considerations
- 4.2 The Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. **The National Planning Policy Framework (July 2021) must be taken into account in preparing the development plan, and is a material consideration in planning decisions.** Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 4.3 Advice in Paragraph 38 of NPPF highlights that Local planning authorities should approach decisions on proposed development in a **positive and creative way**. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. **Decision-makers at every level should seek to approve applications for sustainable development where possible.**
- 4.4 Advice in Paragraph 51 states that **Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable**, and in particular where this would promote economic, social or environmental gains for the area.
- 4.5 Advice in Paragraph 55 of NPPF underscores that, Local planning authorities should consider whether otherwise **unacceptable development could be made acceptable through the use of conditions or planning obligations**. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

- 4.6 Advice in Paragraph 69 states that **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:
- 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; and
 - d) **work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.**
- 4.7 Advice in Paragraph 70 highlights that Neighbourhood **planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites** (of a size consistent with paragraph 69a) suitable for housing in their area.
- 4.8 Advice in Paragraph 119 states that **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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁷.
- 4.9 Advice in Paragraph 120 advocates that Planning policies and decisions should:
- a) **encourage multiple benefits from both urban and rural land, including through mixed use schemes** and taking opportunities to

achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

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)

4.10 Advice in Paragraph 124 underscores that **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;

4.11 Advice in Paragraph 125 states that Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, **it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.** In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible.

c) **local planning authorities should refuse applications which they consider fail to make efficient use of land,** taking into account the policies in this Framework.

4.12 Paragraph 126 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. **Good design is a key aspect of sustainable development, creates better places in which to live and**

work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

4.13 Paragraph 130 underscores that Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) 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);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.14 **The London Plan 2021**

- Policy GG2- Making the best use out of land

- Policy D1-London's form, character and capacity for growth
- Policy D4- Delivering good design
- Policy D3- Optimising site capacity through the design-led approach
- Policy D6 –
- Policy D7-

4.15 **Hillingdon Local Plan: Part One - Strategic Policies (November 2012)**

- Policy BE1: Built Environment

4.16 **Hillingdon Local Plan – Part two - Development Management Policies (2020).**

- Policy DMHB11:
- Policy DMHD12:

5.0 THE PLANNING CONSIDERATIONS

5.1 This section considers the planning issues relating to this planning application and demonstrates – with reference to relevant Development Plan policies and other material considerations - that this appeal should be upheld.

- Under the provisions of S.38 (6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine planning applications in accordance with the policies of the Development Plan, provided they are up to date and relevant, unless material considerations indicate otherwise.

- The relevant policies quoted in the decision notice in relation to the Development Plan Document provide only general guidance, each case is to be judged on its own individual merits, having regard to the circumstances at the site and the design of the proposal.

5.2 In refusing planning permission the Council raised the following concerns and objection which will be discussed strand by strand:

- 1- Principle of the development
- 2- Design considerations (impact on character and appearance of the area)
- 3- Poor internal layout
- 4- Impact on the amenities of the adjoining occupiers at 56 and 56a Briarwood Drive by reason of visual intrusion and loss of outlook

5.3 Principle of the development

Although the refusal did not raise any issue with the principle of the development, notwithstanding, it is the view of this appeal that the principle of the development should be taken into consideration.

The principle of the development is supported by Paragraph 119, 120, 124 and 125 of the revised NPPF July 2021. Paragraph 119 advice that 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; while Paragraph 120 highlights that **Planning policies and decisions should encourage multiple benefits from both urban and rural land**.

And Paragraph 124. states that Planning **policies and decisions should support development that makes efficient use of land**.

5.4 Furthermore paragraph 125 highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, **it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site**. In these circumstances: a) plans should contain **policies to optimise the use of land in their area and meet as much of the identified need for housing as possible**; and that **local planning authorities should refuse applications which they consider**

fail to make efficient use of land, taking into account the policies in this Framework.

- 5.5 Paragraph 130(e) stressed Planning policies and decisions should ensure that developments **optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development** (including green and other public space) and support local facilities and transport networks. More importantly, Policy GG2 of the London Plan 2021 advocates that to **create successful sustainable mixed-use places that make the best use of land**, those involved in planning and development must:
- A-enable the development of brownfield land, particularly in **Opportunity Areas**, on surplus public sector land, and sites within and on the edge of town centres, as well as **utilising small sites**
 - B **prioritise sites which are well-connected by existing or planned public transport**
 - C **proactively explore the potential to intensify the use of land** to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling and
 - D applying a **design-led approach to determine the optimum development capacity of sites.**

- 5.6 Moreover, Policy GG2.c of the London Plan 2021 advice that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must: proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

- 5.7 In this case, the Appellant considers the existing land previously used as a garden to be grossly underdeveloped and underutilised and seek to erect a detached two storey building to maximised the site density; the proposed development would optimise the potential of the site plus ensure the site is put in effective use as encouraged by Paragraph 119, 120, 124, 125 and 120 of the NPPF 2021 which urge LPAs to support such developments; and Policy GG2 of the London Plan 2021 which advocates that those involved in planning and development must proactively explore the potential to intensify the use of land to support additional homes

The principle of development is a material consideration in this case and it should be given heavy weight.

- 5.8 **Reasons for refusal 1:** The proposed development, by reason of its siting (in rear gardens), uncharacteristically small plot, unusually narrow front elevation, and layout would result in a development of the site, which would fail to harmonise with the appearance of other properties in the area and the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site as proposed, as well as the proposed loss of existing private rear garden areas would have a detrimental impact on the street scene and character and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D6 of the London Plan (2021), as well as paragraphs 71, 124 and 130 of the NPPF (2021).

5.9 **Design considerations: Impact on the character, appearance and visual amenities of the street scene and the area**

The Council claimed that the proposed development by reason of its siting would be detrimental to the character, appearance and visual amenities of the street scene and the area.

The Appellant ground of appeal is that the proposed development would not be detrimental to the character, appearance and visual amenities of the street scene and the area.

5.10 **Guidance on Policy BE 1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods**

Furthermore, guidance on Policy DMHB 11 of the Hillingdon Local (2020) highlight that:

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory redevelopment of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

5.11 The proposed development is sited on a piece land formally a garden space for 56 Briarwood Drive, over the years the appellant subdivided the garden following the grant of planning permission for an annex extension 56A.

It is considered that the remaining part of the garden which front Oakdale Avenue following the subdivision is quite large and remain unused and the proposed two storey 3 bedroom dwelling will fit in comfortably. The proposal is considered an infill development which will optimise the potential of the land by increasing the density of the site.

5.12 **The Council claimed that the proposed development, by reason of its siting (in rear gardens), uncharacteristically small plot, unusually**

narrow front elevation, and layout would result in a development of the site, which would fail to harmonise with the appearance of other properties in the area and the existing local and historic context of the surrounding area

The ground of this appeal is that the appeal site is not a typical rear garden as the site has a direct access and front a street. Concerning the size of the plot, this appeal argues that the site is of a reasonable size that is capable of accommodating the development with reasonable setbacks and separation distance /gaps

- 5.13 In terms of design, this appeal argues that the proposal is a two storey detached dwelling with a pitched and a front elevation that face the street. The design and scale of the proposal is congruous to site context and relates to the surrounding built form.

The design of the proposed development is aimed at optimising the site capacity while at the same time improves the quality of the site, the proposal would be of appropriate form of development that responds to a site's context, it would respect the character of the area in terms of materials, architectural details, form and scale and therefore the proposal would not have a harmful impact on the character and appearance of the wider area.

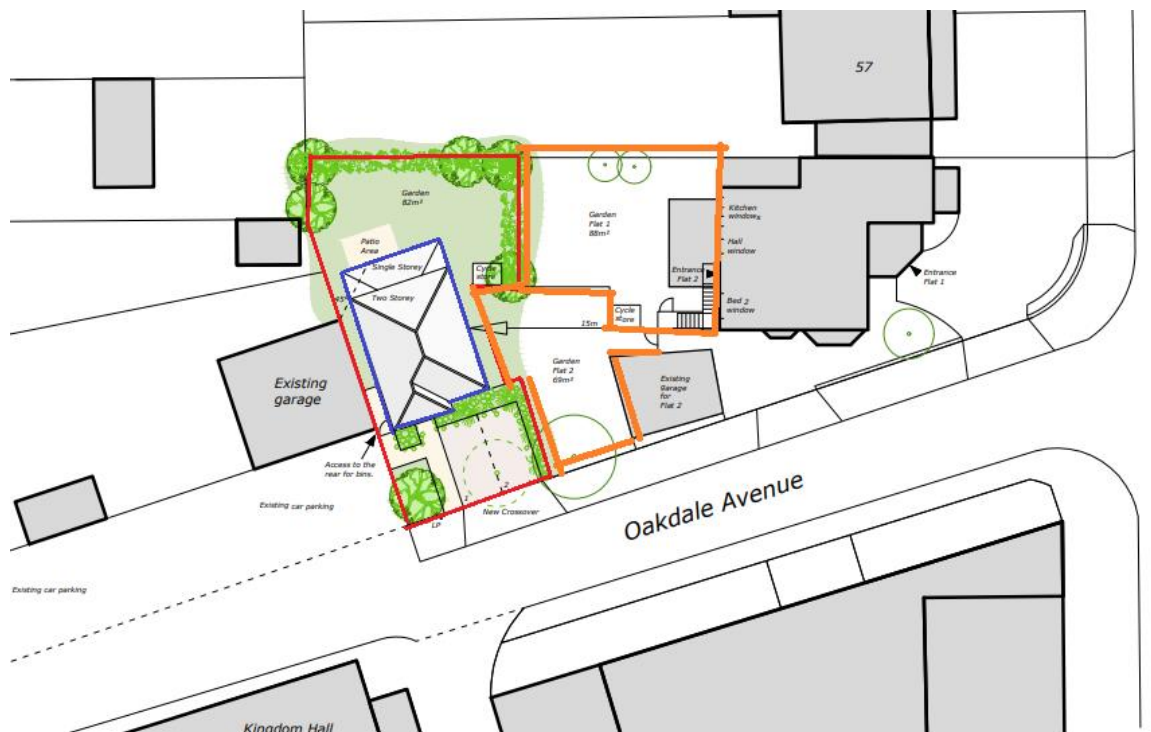
The Council claimed that the proposal would fail to harmonise with the appearance of other properties in the area and the existing local and historic context of the surrounding area.

- 5.14 The Appellant ground of appeal is that the appeal proposal would provide an infill development that would appear subordinate and congruous by virtue of its position, height, scale and mass. The proposal would provide a high quality modern structure that reduces carbon footprint by virtues of its sustainable design. The proposal will harmonize and respect the pattern of development in the area, moreover, the proposal would be sympathetic to the existing

neighbouring buildings and will sit comfortably and will be consistent with neighbouring property in the immediate area in terms of height. The development will comply with Policy DMHB 11 which underpinned that all development should harmonise with the local context by taking into account the surrounding scale, considering the height, mass and bulk of adjacent structures; and paragraph 126 of NPPF 2021 which underscores that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. **Good design is a key aspect of sustainable development**, creates better places in which to live and work and helps make development acceptable to communities.

- 5.15 The Council raised concerns about the principle of intensifying the residential use of the site as proposed, as well as the proposed loss of existing private rear garden areas would have a detrimental impact on the street scene and character and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area

The main material consideration in this case is that the proposal would not result to loss of existing private rear garden as the subject appeal site has been demarcated and fenced off from the private garden areas of No. 56 and 56A Briarwood Drive. Moreover, the site analysis shows that No. 56 and 56A Briarwood Drive have large rear garden/amenity space that is functional and active which meets the needs of the occupiers, in this case the proposal will not result to loss of garden space.



The photo and proposed site plan show that the proposal would not result to loss of existing private rear garden as the subject appeal site has been demarcated and fenced off from the private garden areas of No. 56 and 56A Briarwood Drive. The highlighted portion on the plan shows that No. 56 and 56A Briarwood Drive have large rear garden/amenity space that is functional and active which meets the needs of the occupiers, in this case the proposal will not result to loss of garden space.

- 5.16 Regarding the intensification of the site, this appeal argues that the principle of intensifying the residential use of the site is supported by Policy GG2 of London Plan which emphasised that to create successful sustainable mixed-use places that make the best use of land, that planning and development must proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

Moreover, the principle of intensifying the residential use of the site and the concept of making effective and potential use of land is the main focus of Section 11 of the National Planning Policy Framework and the main interest is on previously developed land; and the proposed development seek to make the best of the existing land by erecting a detached dwelling on a plot of land that is underdeveloped and unused.

- 5.17 Furthermore, the principle of intensifying the residential use of the site is encouraged by the following NPPF:

Paragraph 123 states that Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low

densities, and ensure that developments make optimal use of the potential of each site,

paragraph 122 states that Planning policies and decisions should support development that makes efficient use of land,

paragraph 124 underscores that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities while **paragraph 130** highlights 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, taking into account any local design standards or style guides in plans or supplementary planning documents and subsequently

paragraph 131 highlights that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area

The proposed development will accord with the objectives of the national planning policy framework and local policies and most importantly, the proposal will enhance the character and appearance of the area and the visual amenities of the street scene.

- 5.18 The Council claimed that the proposal would have a detrimental impact on the street scene and character and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area

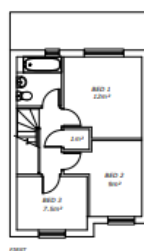
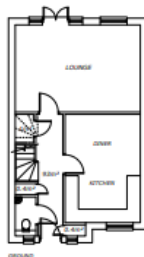
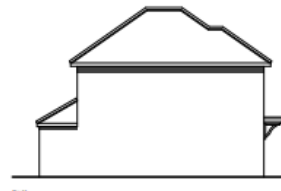
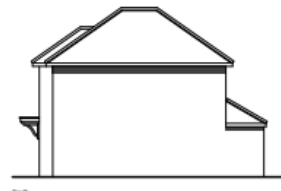
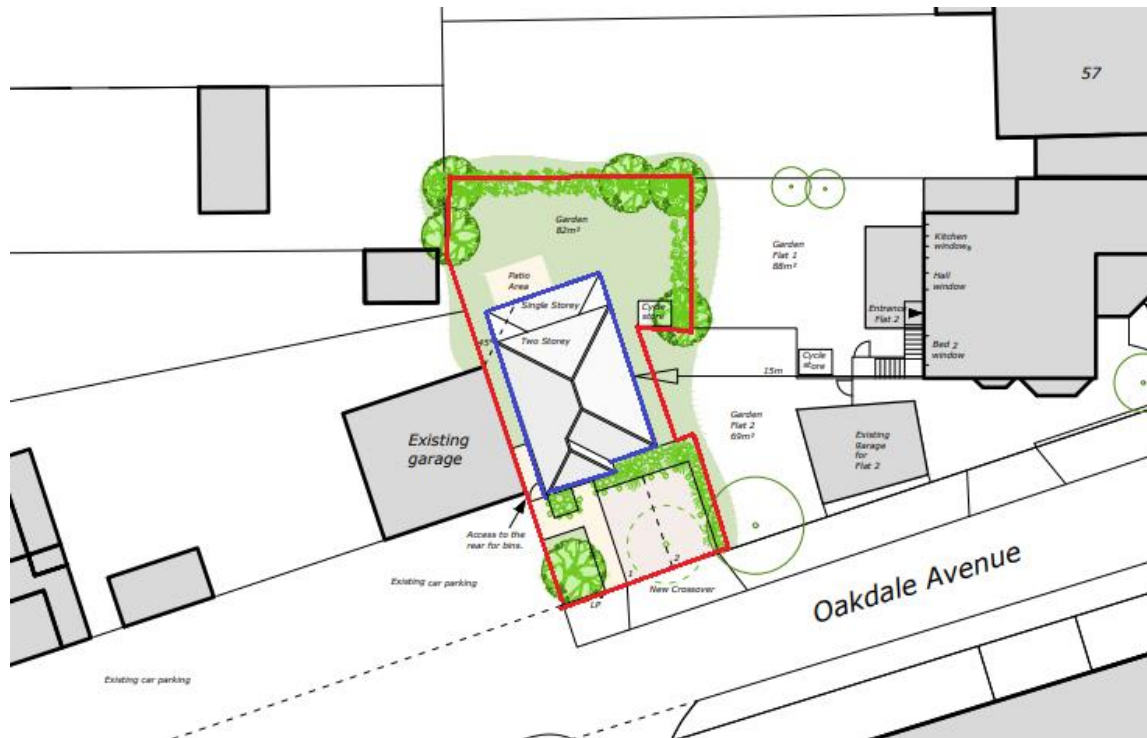
This claim is unfounded as there is overwhelming evidence that the proposal would retain reasonable setbacks and open spaces between the site and

adjoining neighbouring developments and therefore the proposal will not erode the sense of space or have an impact on the street scene.

5.19 This appeal argues that the proposed development is design to both fit well on the site, maximize the number of units on site and create a beautiful design that that replicate and harmonise with neighbouring development in the surrounding area. The proposed development with its moderate size, scale and height is considered as an enhancement and improvement of the site that will not detract from the the character, appearance and visual amenities of the street scene and the surrounding area. The proposal would comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies D3 of the London Plan (2021) and the NPPF.

5.20 Concerning the visual amenity and character of the surrounding area, this appeal argues in very strong terms that the proposal will not detract from the visual amenity and character of the surrounding area.

This appeal argues that the surrounding area is characterised by properties with different, designs, styles, heights, sizes, scale and bulk which are an established feature and contribute greatly to the character of the area. It is therefore considered that the proposed development would not have a significant impact on the visual amenity of the street scene nor would it detract from the character of the surrounding area, the proposal relates satisfactorily to the residential use of the streetscene in accordance with relevant various policies.



The drawing shows that the proposed development is design to both fit well on the site, maximize the use site and create a beautiful design that would enhance and improves the visual amenities of the street scene and the character of the area.





The photos show that surrounding streets are characterised by properties with different, designs, styles, heights, sizes and scale bulk, and at close proximity to each other and narrow gaps which are an established feature and contribute greatly to the character of the street scene and area.

- 5.21 **Reasons for refusal 2:** The proposed development, by virtue of the site layout, access arrangements, internal design of the building, and absence of details to show that the internal layout would comply with Building Regulation requirement M4(2), fails to demonstrate that adequate provision would be provided to meet the needs of people with disabilities. The proposed development therefore conflicts with Policy D7 of the London Plan (2021) and the National Planning Policy Framework (2021).

5.22 The Council claimed that the proposed development, by virtue of the site layout, access arrangements, internal design of the building, and absence of details to show that the internal layout would comply with Building Regulation requirement M4(2), fails to demonstrate that adequate provision would be provided to meet the needs of people with disabilities

The appellant ground of appeal is that the proposed development has been designed taking into consideration inclusive users from every background.

The proposal would ensure that everyone can access the essential parts of the building unassisted.

Guidance in Policy M4(2) requires that:

1. Reasonable provisions must be made for people to;
 - a. gain access to; and
 - b. use, the dwelling and its facilities
2. The provision made must be sufficient to-
 - a. meet the needs of occupants with differing needs including some older or disabled people and
 - b. to allow adaptation of the dwelling to meet the changing needs of occupants over time.

Policy D7 states that to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

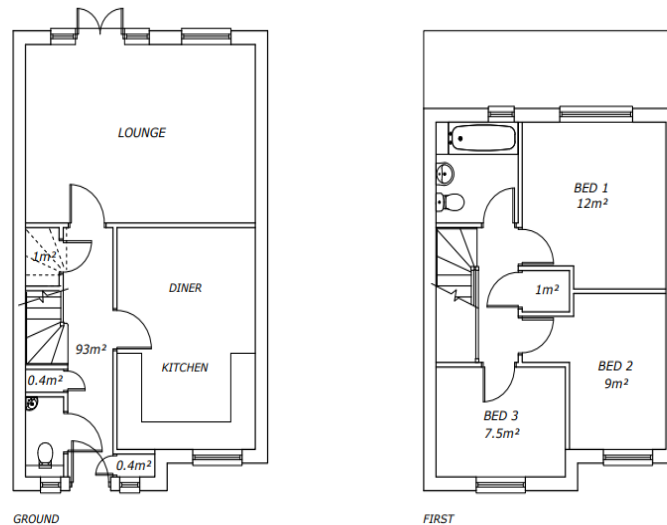
5.23 The proposed development, by virtue of the site layout, access arrangements, internal design of the building would allow everyone to use it independently without assistance or additional effort. The internal and external parts of the building are step free, high-level obstructions in the building are eliminated. The internal section of development would meet the highest standards in terms of access and inclusion, creating a building which meet the needs of the existing and future population in compliance with Policy D5.3 of the London Plan 2021 which emphasised that new development should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation, or special treatment.

5.24 The design of the internal layout shows that there is step free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey. The design would enable a wide range of people, including older and disabled people and some wheelchair users. The proposal would have wall-mounted switches, socket outlets and other controls that are reasonably accessible to people who have reduced reach

The explanatory notes in Policy M4(2), section d. states that features are provided to enable common adaptations to be carried out in future to increase the accessibility and functionality of the dwelling. It is considered that the building is designed in such away that changes and adaptation are easy to be implemented in the future should there be need and therefore the development would incorporate inclusive design as required by Policy D5 (inclusive design).

5.25 If the Council consider that the current design falls short of the minimum requirements for inclusive users, then further adaptations could be secured through planning conditions or planning obligations as advised by Paragraph 55 of NPPF 2021 which underscores that Local planning authorities should consider whether otherwise **unacceptable development could be made acceptable through the use of conditions or planning obligations.**

Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.



The drawing shows that, the proposed ground floor plan will be step free and therefore the proposal will meet the inclusive users requirements

5.26 Reasons for refusal 3: The proposed development by virtue of its height, bulk and close proximity to neighbouring properties, would be detrimental to the amenities of the adjoining occupiers at 56 and 56a Briarwood Drive by reason of visual intrusion and loss of outlook. Therefore the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

The Council claim that the proposed development by virtue of its height, bulk and close proximity to neighbouring properties, would be detrimental to the amenities of the adjoining occupiers at 56 and 56a Briarwood Drive by reason of visual intrusion and loss of outlook.

The appellant ground of appeal is that the proposal will not have a significant impact on adjoining occupiers at 56 and 56a Briarwood Drive.

- 5.27 The proposed scheme has been designed taking into consideration neighbouring development, the proposal is a two storey detached dwelling with a reasonable scale and bulk, the proposal would be consistent in height with the neighbouring properties No. 56 and 56a Briarwood Drive.

This appeal acknowledges that the proposal would be at close proximity to the shared boundary with neighbouring properties No. 56 and 56a Briarwood Drive, but argues that No. 56 and 56a Briarwood Drive is separated by a garden, detached garage, a tall matured tree and a high closed boarded timber fence, it is considered that the boundary treatment and separation distance between the developments would mitigate any loss of outlook, overbearing and visually intrusion on neighbouring properties No. 56 and 56a Briarwood Drive

- 5.28 This appeal acknowledges that most developments within a built up or urban areas would have a significant level or degree of loss of outlook and visual intrusion. The main material consideration is the degree of impact caused by the development.

In this subject appeal case, it is acknowledged that the proposal would have an accepted level of impact on neighbouring property, however, the degree of impact would not be significantly harmful such as to cause a detrimental impact on the neighbouring property No. 56 and 56a Briarwood Drive.

- 5.29 Policy DMHB highlights that

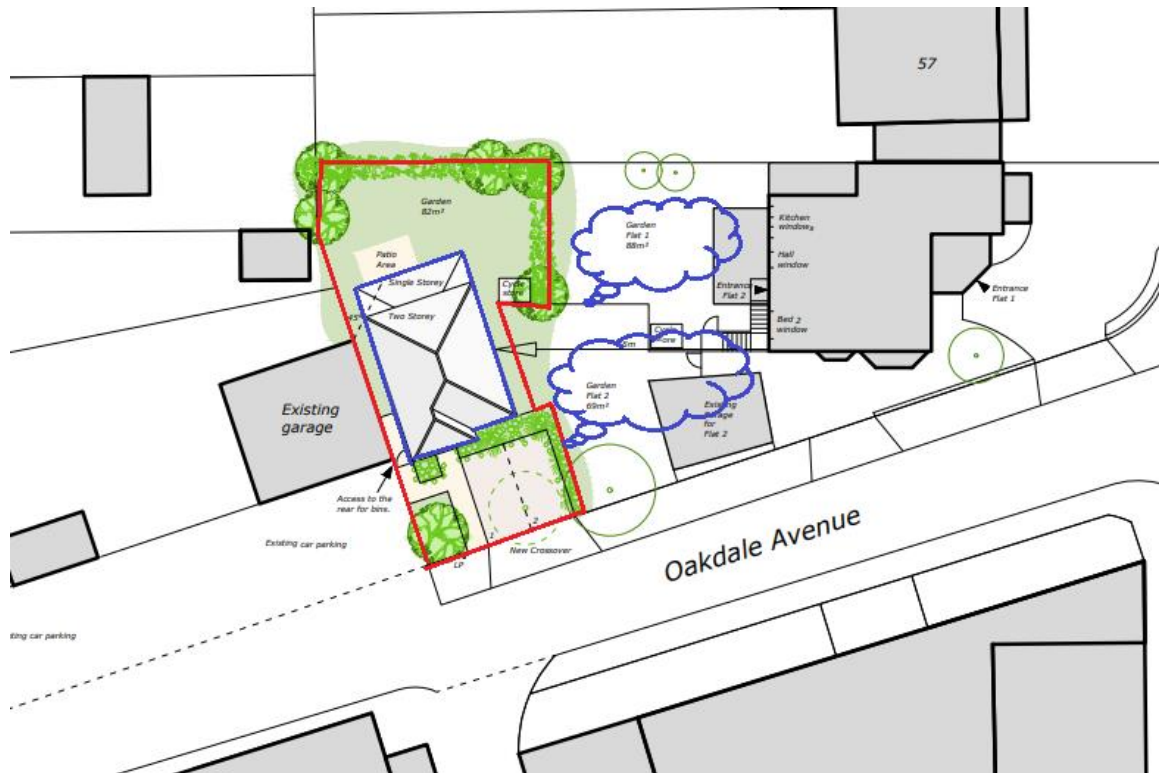
A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including;

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Regarding loss of light, this appeal argues the proposal by virtue of its orientation, scale and height will not cast a shadow over neighbouring properties and therefore the proposal will not result to loss of light to adjoining occupiers at 56 and 56a Briarwood Drive

5.30 The Council claim that the proposal would appear visually obtrusive to adjoining occupiers at 56 and 56a Briarwood Drive.

This claim is unfounded, the proposal by virtue of its scale, height and reorientation would retain adequate setbacks, open spaces and separation distances from neighbouring development and therefore the proposal would not pose any harmful impact on neighbouring amenity, nor would it appear visually intrusive when view from the habitable room windows and rear gardens of adjoining occupiers at 56 and 56a Briarwood Drive.



The blue symbols on the drawing shows that the proposal has retained adequate setbacks and separation distances from neighbouring development No. 56 and 56A Briarwood Drive and therefore the proposal would not pose any harmful impact on neighbouring amenity

6.0 **APPEAL PRECEDENT**

6.1 Each appeal should be determined on its own merits and the similar appeal precedent enclosed in our Appendix E is offered as material considerations in the instant case.

6.2 The following are examples of similar developments that have been granted planning permission by the Council in the Borough:

Example 1

Planning ref: 70895/APP/2015/4349

Address: LAND REAR OF CRESCENT PARADE UXBRIDGE ROAD HILLINGDON

Proposal: Erection of three storey building to create 6 x 2-bed and 3 x 1-bed self contained flats, with associated parking, cycle and bin stores, and landscaping involving demolition of existing builders yard

Dated granted: 06-04-16

Example 2

Planning ref: 71295/APP/2017/481

Address: WEST WAY CHAPEL WEST WAY RUISLIP HA4 8HS

Proposal: Erection of a three storey building to create 3 x 2-bed self-contained flats, 1 x 1-bed self-contained flat and 1 x studio flat with associated parking, involving demolition of existing chapel).

Dated granted: 21-11-17

Example 3

Planning ref: 71035/APP/2018/4401

Address: 1380 UXBRIDGE ROAD HILLINGDON UB10 0NQ

Proposal: Erection of 3 storey building to provide 5 x 2-bed self-contained flats with associated parking, cycle and waste storage (Outline planning with some matters reserved)

Dated granted: 09-05-19

Example 4

Planning ref: 7796/APP/2016/2758

Address: 107 WEST DRAYTON ROAD HILLINGDON

Proposal: Erection of three storey building to create 5 x 2-bed self-contained flats with associated parking, involving demolition of existing dwelling

Dated granted: 26-09-16

7.0 CONCLUSIONS

- 7.1 Taking into account the above, it is considered that the proposals would not harm any interests of acknowledged importance. The development would not harm the character, appearance, and the visual amenity of the streetscene and surrounding area
- 7.2 The proposed development by virtue of its design, height, size, mass and bulk would not be over dominant, visually intrusive nor would it constitute a form of development that would have a detrimental impact on the on the character and appearance of the street scene and the surrounding area.
- 7.3 The Appellant ground of appeal is that the appeal proposal would provide an infill development that would appear subordinate and congruous by virtue of its position, height, scale and mass. The proposal would provide a high quality modern structure that reduces carbon footprint by virtues of its sustainable design. The proposal will harmonize and respect the pattern of development in the area, moreover, the proposal would be sympathetic to the existing neighbouring buildings and will sit comfortably and will be consistent with neighbouring property in the immediate area in terms of height. The



development will comply with Policy DMHB 11 which underpinned that all development should harmonise with the local context by taking into account the surrounding scale, considering the height, mass and bulk of adjacent structures

- 7.4 The grounds of this appeal are that, the internal section of development would meet the highest standards in terms of access and inclusion, creating a building which meet the needs of the existing and future population in compliance with Policy D5.3 of the London Plan 2021 which emphasised that new development should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation, or special treatment.
- 7.5 This appeal acknowledge that the proposal would be at close proximity to the shared boundary with neighbouring properties No. 56 and 56a Briarwood Drive, but argues that No. 56 and 56a Briarwood Drive is separated by a garden, detached garage, a tall matured tree and a high closed boarded timber fence, it is considered that the boundary treatment and separation distance between the developments would mitigate any loss of outlook, overbearing and visually intrusion on neighbouring properties No. 56 and 56a Briarwood
- 7.6 In these circumstances, the Inspector is respectfully requested to uphold the appeal and grant planning permission.

