



APPEAL STATEMENT

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AGAINST THE DECISION OF LONDON BOROUGH OF HILLINGDON TO REFUSE
PLANNING PERMISSION FOR:

‘Erection of rear outbuilding following demolition of existing structure.
(REF: 66020/APP/2021/4369)

AT: 51a The Drive, Ickenham, UB10 8AG

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CONTENTS

1.0	INTRODUCTION.....	2
2.0	SITE AND SURROUNDINGS.....	3
3.0	PLANNING HISTORY.....	4
4.0	PROPOSED DEVELOPMENT.....	4
5.0	PLANNING POLICY.....	5
6.0	PLANNING CONSIDERATIONS.....	7
7.0	CONCLUSION.....	11

1.0 INTRODUCTION

- 1.1 These Grounds of Appeal have been submitted in support of an appeal against London Borough of Hillingdon's decision to refuse planning permission for the **'Erection of rear outbuilding following demolition of existing structure'**, at **51a The Drive, Ickenham, UB10 8AG** (Ref 66020/APP/2021/4369).
- 1.2 The Council's decision notice cited two reasons for refusal, as:
- *The proposed outbuilding would represent a discordant and harmful addition to the character of the surrounding area. The proposal is therefore considered contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHD2 and DMHB11 of the Hillingdon Local Plan - Part Two (2020), The London Plan (2021), and the National Planning Policy Framework (2021).*
 - *In the absence of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, the application has failed to demonstrate that the proposed outbuilding could be constructed without undue harm to significant trees, including trees protected by Tree Preservation Order number 287, where the site is located. The potential harm caused to the protected trees would undermine the character and visual amenity of the area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policy DMHB 11 and DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) and the National Planning Policy Framework (2021).*
- 1.3 As is the appellant's prerogative, this appeal is submitted under Section 78 (Section 2) of the Town and Country Planning Act (1990).

Key Matters

- 1.4 Within this appeal submission, we will address the reason for refusal and issues raised by the Council in the Officer's report. We identify the following key issues for consideration in this appeal are:
- Whether the proposed outbuilding by virtue of its design would be harmful to the setting of the area

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The appeal site is located on the western side of The Drive and comprises a large plot currently under going construction works with regards to the implementation of planning permission for the erection of 3 self-contained flats.

- 2.2 To the rear of the application site sits a substantial detached outbuilding of a timber construction. The outbuilding has a floorspace of marginally over 130 sq.m and was used for ancillary activities to the previous dwelling located on the land. As part of the re-development of the site the appellant seeks to replace this structure with a more sympathetic design which reflects the building under construction. It is proposed that the building and its internal use would be available to the occupants of all three units for their enjoyment.
- 2.3 It is recognised that dwellings within the vicinity benefit from largely open frontages which are screened by high level fenestration, or vegetation. This is consistent to the rear of the respective sites as well as the appeal site, which benefits from a substantial garden depth which are largely laid to lawn. Detached structures and outdoor pools are an established form of development within the road, and are consistent with dwellings of this size in the area.
- 2.4 The site falls within the developed area as identified in the local development plan. The site is not within a Conservation Area or statutorily or locally listed.

3.0 PLANNING HISTORY

- 3.1 The appeal site benefits from limited relevant planning history. The most recent and relevant of those are set out below. However for the Inspectors ease other relevant planning history at the site is set out within the Councils delegated report.
- **66020/APP/2020/3720** - Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 66020/APP/2019/733 dated 07/05/2019 (Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to remove the basement level and reconfigure the internal arrangement to create 3 x 2 bed self contained flats (Approved)

4.0 PROPOSED DEVELOPMENT

- 4.1 The appeal proposal seeks planning permission for a the erection of a detached outbuilding to be used ancillary to the enjoyment of the three self-contained flats currently under construction at the site.
- 4.2 It is intended for the proposed structure to replace an existing outbuilding previously used as a swimming pool and games room when the building was used as a single family unit (now demolished).
- 4.3 The proposed outbuilding would be located in the same portion of the site as the building it seeks to replace, and on the same level of land which is set lower than the

main plot. It is intended that the use of materials matches that of the new building which were approved subject to a planning condition.

- 4.4 As part of the proposed design of the structure consideration was given to other forms of development within the area, recent appeal decisions and the consideration of the character of the area.

5.0 PLANNING POLICY

National Planning Policy

- 5.1 The Government published the revised National Planning Policy Framework in 2021. The NPPF which is the overarching planning document in England, continues to seek to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations.
- 5.2 The NPPF (2021) attaches importance to the design of the built environment, which is seen as a key aspect of sustainable development, indivisible from good planning, that should contribute positively to making places better for people.
- 5.3 Chapter 12 of the NPPF (2021) reiterates that good design is a key aspect of sustainable development. It then states that planning policies and decisions should ensure that developments.
- 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.
 - Are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
 - 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).
 - 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.
 - 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

- 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.

Local Planning Policy

- 5.4 Sitting underneath the NPPF is the London Plan (2021), Development Management Policies Part One (2012) and Part Two (2021), and Supplementary Planning Documents.

London Plan (2021)

- D6 - Housing quality and standards
- SI2 - Minimising greenhouse gas emissions
- HC1 - Heritage conservation and growth
- T6 - Car parking

Development Management Policies

- DMHB 11 -Design of New Development
- DMHB 12 – Streets and Public Realm
- DMHB 18 – Private Outdoor Amenity Space
- DMHB 14 – Trees and Landscaping
- DMHD 1 – Alterations and Extensions to Residential Dwellings
- DMT6 – Vehicle Parking
- LPP D4 - Delivering good design
- LPP D6 – Housing quality and standards

The above documents are, therefore, material considerations in the determination of this appeal.

6.0 PLANNING CONSIDERATIONS

Reason for Refusal One

Character and Appearance

- 6.1 The Council's first reason for refusal stems around the perceived impact of the outbuilding to the character of the area. It is worth highlighting that the Council's decision notice refers solely to the impact on the surrounding area, and not the impact on the building on site or the site within which the proposed building would sit.
- 6.2 The application site comprises a development of three self-contained flats (66020/APP/2020/3720) which are currently under construction. The proposed outbuilding is sought to replace an existing structure within the rear of the plot which was used as a swimming pool/games room by the previous owners of the site.
- 6.3 In the first instance it is considered appropriate to consider the comments raised by the case officer within their delegated report. The case officer was of the following opinion in their assessment which led to the initial grounds of refusal:
- 'There is an existing substantial outbuilding at the site which accommodates a pool. This building has a shallow pitched roof and footprint of approximately 140 square metres. The current proposed outbuilding would be L-shaped, finished with a flat roof of 3.5m in height with roof lanterns and have a footprint of 180 square metres. The outbuilding is shown to be split into 3 large rooms which are annotated as a gym, games room and what appears to be a pool with additional sauna, steam room, shower room and WC. The proposed increased scale of the outbuilding is considered unacceptable in that it would compete with the host building and result in an unacceptable increase to the built up appearance of the site. It is noted that the site drops away from the rear boundary.'*
- 6.4 The existing outbuilding is sizable owing to its previous use but its siting is less sensitive in the context of the setting because it is located towards the rear of the site, at a lower level than the main building which shields it from a majority of vantage points. The proposed replacement structure is larger than the building it seeks to replace but on balance it is considered that the outbuilding remains proportional in size to the plot, and the intended relationship to the three self-contained flats. In achieving this design the structure has been designed to provide a multi-use complex for the benefit of three separate family units in the form of the three self-contained flats which has resulted in the uplift in floorarea of the replacement building. The planning officer's assessment and intent to link the size of the building to the size of the building is unreasonable as at the time of the submission of the application the original building on site had been demolished. Had the officer sought to apply the size of the

outbuilding as a narrative to comparing it to the size of the primary building on site (under construction) than the building would have been adequately considered to be parasitic and secondary in appearance. For proportions, the proposed outbuilding would amount to 20% of the size and scale of the three self-contained flats and have a ground coverage within the site of less than 10%.

- 6.5 Having regard to the Council's suggestion that the development would be a harmful and discordant addition, the appellant raises concerns that in reaching this decision that the Council have given limited weighting to the existing structure and its established position. The proposed structure would be of a size, scale and appearance that would harmonise with the proposed development and its siting in the same area as the existing structure would retain a like-for-like form of development in this corner of the site.
- 6.6 Notwithstanding this, an analysis of the wider vicinity and the character of rear gardens within 'The Drive' demonstrates that ancillary structures are a prevailing form of development. These outbuildings/pool enclosures are typically located towards the rear of their respective sites and are 'square' in appearance often spanning the width of their respective plots. As previously identified the appeal site benefits from a similar arrangement and the introduction of an ancillary structure in the exact same location following its demolition would not be against the grain or pattern of development within the area.
- 6.7 The proposed appearance of the outbuilding through its use of matching materials, being set on the same level as the existing structure as well as having a flat-roof modest height would ensure that its size in terms of floorspace would be negated by limited views of its appearance from the public realm or wider area. On balance it is considered that the outbuilding as a replacement structure would not appear obtrusive or of an appearance which would harm the setting of the wider area where substantial buildings exist within larger plot and the additional benefit of ancillary buildings to complement them.

Reason for Refusal Two

- 6.8 The Council's second reason for refusal raises concerns about the absence of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. In the absence of this the Council were unable to establish whether the proposed development would cause undue harm to significant trees protected by Tree Preservation Order 287.
- In the interests of transparency for the Inspector the trees subject to the order are located forward of the host building on site within the front driveway.

- 6.9 In support of this appeal the appellant has prepared treer reports, although accepts that these would not have been seen by the Council prior to a decision being issued. However, as the size of the structure is in disagreement between both parties it is considered appropriate to provide these to be considered and assessed under the appeal procedure.
- 6.10 The context of the reports is set out in the supporting documents prepared by SJA trees. The report concludes that the proposed development would not result in any undue harm or significant loss of mature trees which are considered to be of significant amenity value to the wider area.
- 6.11 As such, in light of this information it is considered that the proposal would not result in the harm or loss of trees which contribute to the character of this suburban setting. The proposal is considered to comply with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) and the NPPF (2021).

7.0 CONCLUSION

- 7.1 In conclusion, it has been demonstrated that the appellant has worked proactively to deliver a scheme that satisfactorily harmonises within the immediate setting and wider street scene.
- 7.2 It has been satisfactorily demonstrated that the Council have considered the impact of the proposal on a technical basis, and not site specifics. The proposal has given significant weight and consideration to other similar forms of development within the area as well as the context of the existing arrangement of the site. On balance, the proposal would ensure the development successfully harmonises with the character of this site and wider area.
- 7.3 Overall, the proposal satisfies the context of the NPPF, the London Plan, Development Management Policies and supporting Supplementary Planning Documents.
- 7.4 In light of the above, we respectfully request the Inspector allows the appeal, subject to any planning conditions they considered appropriate to the development.

