



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Pradeep Mehta

Proposal:

Demolition of an existing outbuilding and erection of a 2 storey office outbuilding, including
2 parking spaces

Appeal Site:

103 Hillingdon Hill, Uxbridge, UB10 0JQ

Our Ref:
Your Ref:

2699/APP/2021/2808
APP/R5510/W/22/3300805

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission.
- 1.2 The LPA refused planning permission on 17.01.2022 for the following reasons (as stated on the decision notice):
 1. Due to its design, bulk, height and proximity to neighbouring properties, the proposed office building would lead to significant visual intrusion as well as a loss of views and light from the habitable windows of No.101A Hillingdon Hill (first floor flat). The proposal would also have an overbearing and overshadowing impact on the garden of No.101A , whilst also causing a loss of light to the space and leading to a loss of views from the space. Views from the garden of 103A and 105 Hillingdon Hill would also be adversely impacted by the proposal, users of the gardens would be subject to significant visual intrusion and an adverse overbearing impact. Furthermore, due to its height the building would lead to a loss of views from the habitable room windows of No.103A and 105A Hillingdon Road (flats sited above the shops) as well as from the rear windows of No.101 Hillingdon Hill. For the reasons mentioned above the proposed development would be detrimental to the amenities of the adjoining occupiers and is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report has been sent separately, as have copies of relevant planning policies. Appendix 1 of this statement contains the approved plans and associated documents for an extant permission at the site (App No. 2699/APP/2021/2807). Appendix 2 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 Within their statement of case the appellant has raised the following summarised comments:
 - The proposal would cause no harmful loss of light to the habitable rooms of properties 101, 103 and 105 Hillingdon Hill. This is supported by Day and Sunlight Assessment (Ref: 1895/JN) which has been submitted as part of this appeal.
 - The proposal would not have any significantly adverse overshadowing impacts on the amenity spaces of 101, 103 and 105 Hillingdon Hill. This is supported by Day

and Sunlight Assessment (Ref: 1895/JN) which has been submitted as part of this appeal.

- Neighbouring properties and their occupiers have no right to a view. Furthermore, the proposal would cause no significant harm to the views currently achieved from neighbouring properties.
- The proposal would have no adverse overbearing impact on neighbouring properties or their amenity spaces.
- The benefits of the scheme (office provision, reuse of derelict brownfield land, and reductions in anti-social behaviour caused by redevelopment of the site) would outweigh its adverse impacts. Planning permission should therefore be granted for the proposed development and this appeal should be upheld.

- 2.2 The day and sunlight report (Ref: 1895/JN, dated 07/06/22) submitted as part of this appeal, was not submitted as part of the original application and was therefore not available to the LPA on the date that the application was refused.
- 2.3 The day and sunlight report (Ref: 1895/JN, dated 07/06/22) concludes that the windows and habitable rooms of No's 101, 103 and 105 Hillingdon Hill, would have sufficient access to day and sunlight, if the appeal were to be allowed. It also concludes that the rear amenity spaces of those properties would not be subjected to any harmful loss of light or overshadowing impacts. The results of the report are accepted, and it is agreed that the proposal would have an acceptable impact on the mentioned neighbouring properties in terms of overshadowing and access to light.
- 2.4 Notwithstanding the above, the day and sunlight report (Ref: 1895/JN, dated 07/06/22) does not include an assessment of the proposals impact on light reaching the first-floor bedroom window of No.101A Hillingdon Hill. The proposal is still considered to have an significantly adverse impact on light reaching the room (to the detriment of its occupiers), as mentioned in the officers delegated report, the decision notice and paragraph 1.2.1 of this report.
- 2.5 Furthermore and as mentioned in the officers delegated report, the decision notice and paragraph 1.2.1 of this report, the proposal would be visually intrusive and significantly harmful to views currently achieved from the first-floor bedroom window of 101A Hillingdon Hill. It would also be harmful to views from the rear windows of No's 101, 103A and 105A Hillingdon Hill and harmful to views from the gardens of 103A and 105A, to the detriment of those neighbours amenities.
- 2.6 Whilst it is noted that Policy DMHB 11 and paragraph 130 (f) of the NPPF (2021) do not specifically protect neighbouring properties access to views or outlook, the policies seek to protect neighbouring amenities and it is considered that the amenities of the mentioned neighbours would be adversely impacted by the proposal for the reasons set out in the decision notice, the Officers Delegated report and section 1.2.1 of this report.
- 2.7 The harm which the proposed development would cause to neighbouring amenities is not considered to be outweighed by the perceived benefits of the scheme. Additionally, planning permission has been granted for a smaller office at the site

(Appendix 1). The permission is extant and is therefore a material consideration. Implementation of the extant permission would achieve all of the perceived benefits of this scheme without adversely impacting on neighbouring properties. The perceived benefits of this proposal should therefore be given less weight in the determination of this application as they can be achieved without harming neighbouring amenities.

3. Other Matters

- 3.1 The officers delegated report and relevant legislation (to the determination of the application) have been sent separately.

4. Conclusion

- 4.1 For the reasons set out in the delegated report, the decision notice and this statement, it is considered that the appeal should be dismissed.
- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 2.

Appendices

Appendix 1 – Approved plans and associated documents for App.
No.2699/APP/2021/2807

Appendix 2 – The LPA's Recommended Conditions