



Town and Country Planning Act 1990
Section 78 Planning Appeal

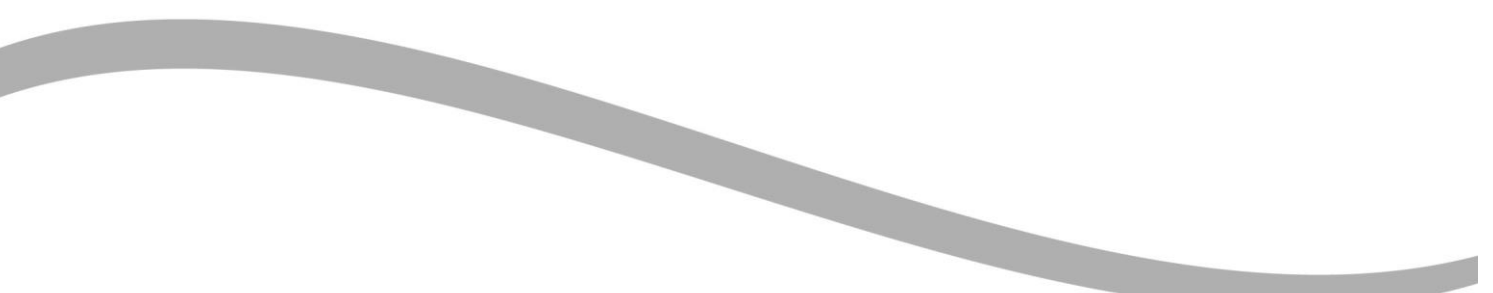
London Borough of Hillingdon Appeal Statement

Proposal:

Raising of roof to add 2 x studio flats, ground floor infill extension, single storey front extension and conversion of 2 x 1-bedroom flats into 2 x studio flats

Appeal Site:

128D & 130D Manor Way, Ruislip, HA4 8HR



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 for the raising of the roof to add 2 x studio flats, a ground floor infill extension, a single storey front extension and conversion of 2 x one-bedroom flats into 2 x studio flats.
- 1.2 The LPA refused the application on 4th March 2022 on the following reasons (as stated on the decision notice):
 1. The proposed development, by virtue of the position of the front habitable windows and Juliet balcony of Flats 2 and 4 and their close proximity to the blank facade side wall at number 42 Windmill Hill, would result in poor outlook, overbearing impact and an oppressive living environment for the future occupants of these flats. The proposal would therefore result in substandard forms of residential accommodation to the detriment of the amenity of future occupants of the proposed development, contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).
 2. The proposed development, by virtue of the position of the front habitable windows serving Flats 1 and 2 in relation to the existing service road and proposed cycle/refuse stores together with the proposed demolition of the existing boundary wall, would result in poor outlook, a loss of privacy and unacceptable noise and disturbance for the future occupants of these flats. The proposal would therefore result in substandard forms of residential accommodation to the detriment of the amenity of future occupants of the proposed development, contrary to Policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).
- 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 (refer to Appendix 1).
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

LPA Comments on Appellant's Statement of Case

- 1.5 The Council is of the opinion that the subject Appeal case has failed to adequately address the previous concerns raised by the Inspector in the dismissed Appeal Decision for application 73728/APP/2018/2718, in terms of the substandard form of accommodation that would be afforded to future occupiers of the proposed development (refer to Appendix 2 for a copy of Appeal Decision APP/R5510/W/19/3221140).
- 1.6 The changes that have been made to the scheme since the dismissed Appeal Decision are acknowledged in the Officer Report (refer to Appendix 1). However, as discussed in Section 7.2 of the Officer Report, these amendments fail to address the issues in respect to:
 - The unacceptably poor outlook that would be afforded to proposed ground floor flat 2 and upper floor flat 3.
 - The oriel bay windows serving Flats 1 and 2 would face directly towards the bin and cycle store, which further compromises the level of outlook afforded to future occupiers.
 - The proposed removal of the boundary wall introduces additional issues in respect to users

of the private service road being able to look directly into the windows of the proposed ground floor flats 1 and 2. Thus, resulting in a loss of privacy.

- 1.7 Moreover, the ground floor flats would be more susceptible to noise and disturbance associated with the private service road due to the proposed increase in depth, the position of the oriel bay window and the removal of the boundary wall.
- 1.8 The Appellant's Statement refers to the planning application to the rear of 42-48 Windmill Hill which involved the erection of a five-storey building to create Use Class B8 floor space at ground and first floor levels, and 2 x studio flats with associated amenity space (ref: 74574/APP/2019/431). The Council is of the view that the scheme allowed at 42-48 Windmill Hill is materially different, and should therefore only be afforded very limited weight. In any event, each planning application must be assessed on its own individual merits.

Conclusion

- 1.9 To conclude, the Appeal scheme conflicts with national, regional and local planning policies and guidance.
- 1.10 The Inspector is therefore respectfully requested to dismiss the appeal.

Appendices

Appendix 1 – Officer Report for application 73728/APP/2021/3884

Appendix 2 – Dismissed Appeal Decision 128D and 130D Manor Way (LPA ref: 73728/APP/2018/2718, Appeal ref: APP/R5510/W/19/3221140)

Appendix 3- Drawings for application ref: 73728/APP/2018/2718