



Town and Country Planning Act 1990
Section 78 Planning Appeal

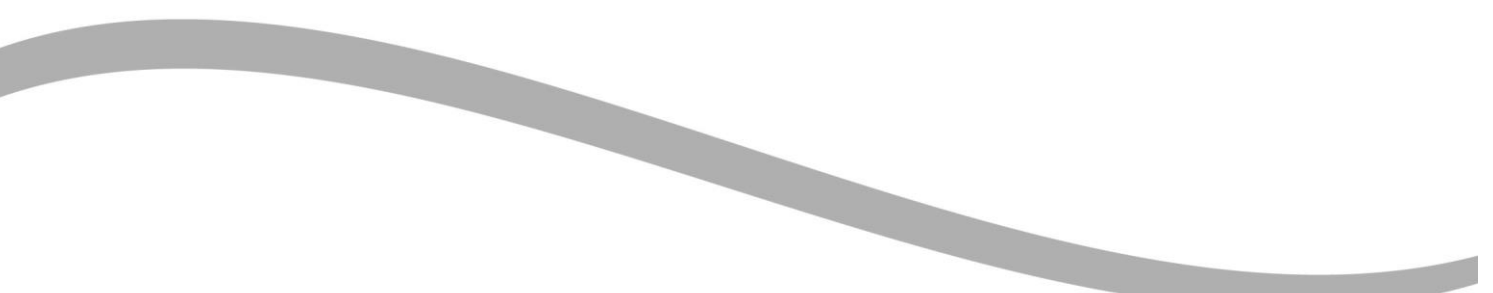
London Borough of Hillingdon Appeal Statement

Proposal:

Erection of a 1-bedroom bungalow with parking and amenity space

Appeal Site:

Land at the rear of 12 Whitethorn Avenue, Yiewsley



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 erection of a 1-bedroom bungalow with associated parking and amenity space.
- 1.2 The LPA refused the application on 14th January 2022 on the following reasons (as stated on the decision notice):
 1. The proposed development, by reason of its inappropriate siting in a rear garden, plot size, scale and design (including the uncharacteristic 1.8 metre high fencing along the site frontage), would result in an incongruous and visually obtrusive form of development which would fail respect the established pattern of development in the local area and the surrounding street scape. As such, the proposal would have a detrimental impact on the character, appearance and visual amenities of the existing street scene and the residential area as a whole. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).
 2. The proposed development, by virtue of its proximity, siting, size, scale, bulk and height, would cause harm to the residential amenities of the private rear garden of number 10 Whitethorn Avenue, in terms of loss of outlook, sense of enclosure and overbearing impact. The proposal would therefore be 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).
 3. The proposed development, by virtue of the siting of the proposed 1.8 metre high fencing, bin store and cycle store in such close proximity to front habitable room windows of the proposed dwelling would result in a substandard form of residential accommodation to the detriment of future occupants, in terms of poor levels of outlook. The proposal would therefore be contrary to Policy 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 substandard pedestrian access, and a proposed new vehicle crossover being located at an acute angle, on the inside bend of Edgar Road and adjacent to proposed 1.8 metre high fencing would have a harmful impact on the safe use of the highway and impede the free flow of traffic. Also, no evidence has been submitted to demonstrate that adequate visibility splays could be achieved. The proposal would therefore be contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policies T6 and T6.1 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

Ground for refusal 1

- 1.5 The Council does not share the Appellant's stance that the proposal is in line with the advice received in the pre-application advice written response. As can be seen in Appendix 2, the written response was clear that the proposed chalet style bungalow would have a detrimental impact to the character and appearance of the area. This same position has been taken as part of the formal assessment of planning application 10697/APP/2021/4279.
- 1.6 Section 7.2 of the Officer Report for application 10697/APP/2021/4279 highlights that the proposed dwelling would be cramped and would fail to respect the prevailing pattern of development in the local area. Furthermore, it is considered that the splayed site boundary would exacerbate the forward projection of the proposed dwelling. As a result, the proposed dwelling would represent an incongruous built form when viewed from the public realm.
- 1.7 The Appellant's Statement argues that the "mass and scale of the proposed dwelling is of a similar nature as of any outbuilding proposed either through permitted development or under full planning." The Council contests this claim. A Certificate of Lawfulness Development (CLD) application has not been granted for an outbuilding of the size and height of the dwelling being proposed. In any event, it is well established through case law that the outbuilding must be incidental to the enjoyment of a dwellinghouse and reasonably required. It is therefore considered that the Appellant's argument that an outbuilding could be built under permitted development rights lacks merit.
- 1.8 The proposed front elevation drawing that was submitted as part of application 10697/APP/2021/4279 shows that 1.8 metre high fencing is being proposed along the frontage of the site (refer to drawing number PF-12 WA-03). As highlighted in the Officer Report, the 1.8 metre high fencing would appear as a visually obtrusive feature within the street scene.

Ground for refusal 2

- 1.9 The Appellant's Statement refers to the two-storey side extension that has been approved at No. 63 Edgar Road. However, this approved two-storey side extension adjoins the rear boundary of No. 10 Whitethorn Avenue. As such, it is considered that the relationship this approved extension has with No.10 is not directly comparable to the Appeal case. As stated in Section 7.1 of the Officer Report, the proposed dwelling would be positioned hard up against the mutual boundary shared with No.10 Whitethorn Avenue for a distance of 10.5 metres. Consequently, the proposed development would be unacceptably overbearing for the occupiers of the rear garden at No.10 and would be visually intrusive.

Ground for refusal 3

- 1.10 It is disagreed that the ground floor front elevation window serving the primary living space of the proposed dwelling is a secondary window (this window is referred to as being a side window in the Appellant's Statement). This ground floor window would directly face the bin and cycle stores and beyond that a 1.8 metre high fence. The outlook from the windows and bi-folding doors leading to the garden would only be positioned 4.7m from the proposed 1.8 metre high fence along the boundary of No. 12 Whitethorn Avenue. It is therefore considered that the proposal would create an oppressive living environment for future occupier and an unacceptably poor level of outlook.

Ground for refusal 4

- 1.11 The Council notes that the area of hard standing at the end of the garden of No. 12 Whitethorn Avenue has been used for car parking in the past. However, this parcel of land is not served by an existing vehicle crossover, which means that drivers were illegally driving over the kerb to access this space. Furthermore, the existing opened chain fence and unbuilt garden at No. 12 Whitethorn Avenue provides a degree of visibility to on-coming vehicles and pedestrians. This level of visibility would not be afforded to future vehicles accessing the proposed on-site car parking spaces due to the position of the proposed dwelling and 1.8 metre high close boarded fence.
- 1.12 The Appellant's Statement includes photographs and 3D images of the site. However, a swept path analysis was not submitted as part of the application to demonstrate that vehicles could safely access and egress from the site.

Conclusion

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

Appendices

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

Appendix 2- Pre-application written response letter 10697/PRC/2021/72

Appendix 3- List of recommended conditions