



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY

Ms Neelam Bharadava

FOLLOWING THE REFUSAL OF PLANNING PERMISSION BY

The London Borough of Hillingdon Council

REF:

76940/APP/2022/1691

FOR:

Installation of a metal railing at parapet level as a protection edge

AT:

23 Norwich Road, Northwood, HA6 1ND

August 2022

1.0 BACKGROUND

1.1 This appeal relates to the refusal of planning permission for the '*Installation of a metal railing at parapet level as a protection edge*' at no. 23 Norwich Road in Northwood.

1.2 The planning application was dated 24th May 2022 and was subsequently refused on 18th August 2022 by the London Borough of Hillingdon Council, with the decision notice stating two reasons for refusal, as noted below:

1. *The proposed railings by reason of their design and siting would fail to respond to the established character and appearance of the host property and respond to its architectural integrity. The railings would appear as an incongruous addition as viewed from the street, harming the Norwich Road Street scene and established group value of properties in the group. The development would be contrary to Policies DMHD1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two (2020).*
2. *The proposed railings by reason of their height and siting would facilitate the use of the existing flat roof as a roof terrace and would subsequently result in harmful overlooking to both Number 21 and 25 Norwich Road, resulting in a harmful loss of privacy, all contrary to Policies DMHD1 and DMHB 11 of the Hillingdon Local Plan Part Two (2020).*

1.3 By way of background to the case, two neighbouring properties and the Northwood Hills Residents Association were notified of the proposal and by close of consultation the council had not received any comments.

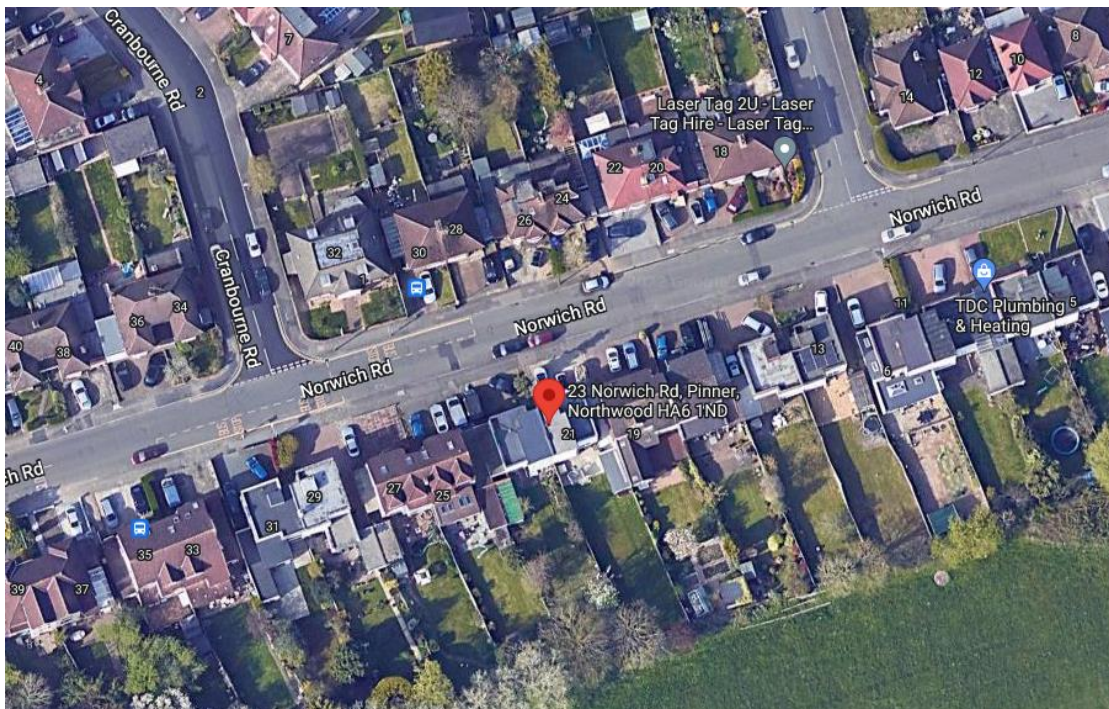
1.4 Taking into account the council's reasons for refusal the following statement will therefore seek to demonstrate why the council's decision is considered unsound on this occasion and how the scheme conforms to the aims of national and local planning policy.

2.0 APPEAL PROPERTY AND SITE LOCATION



No. 23 Norwich Road

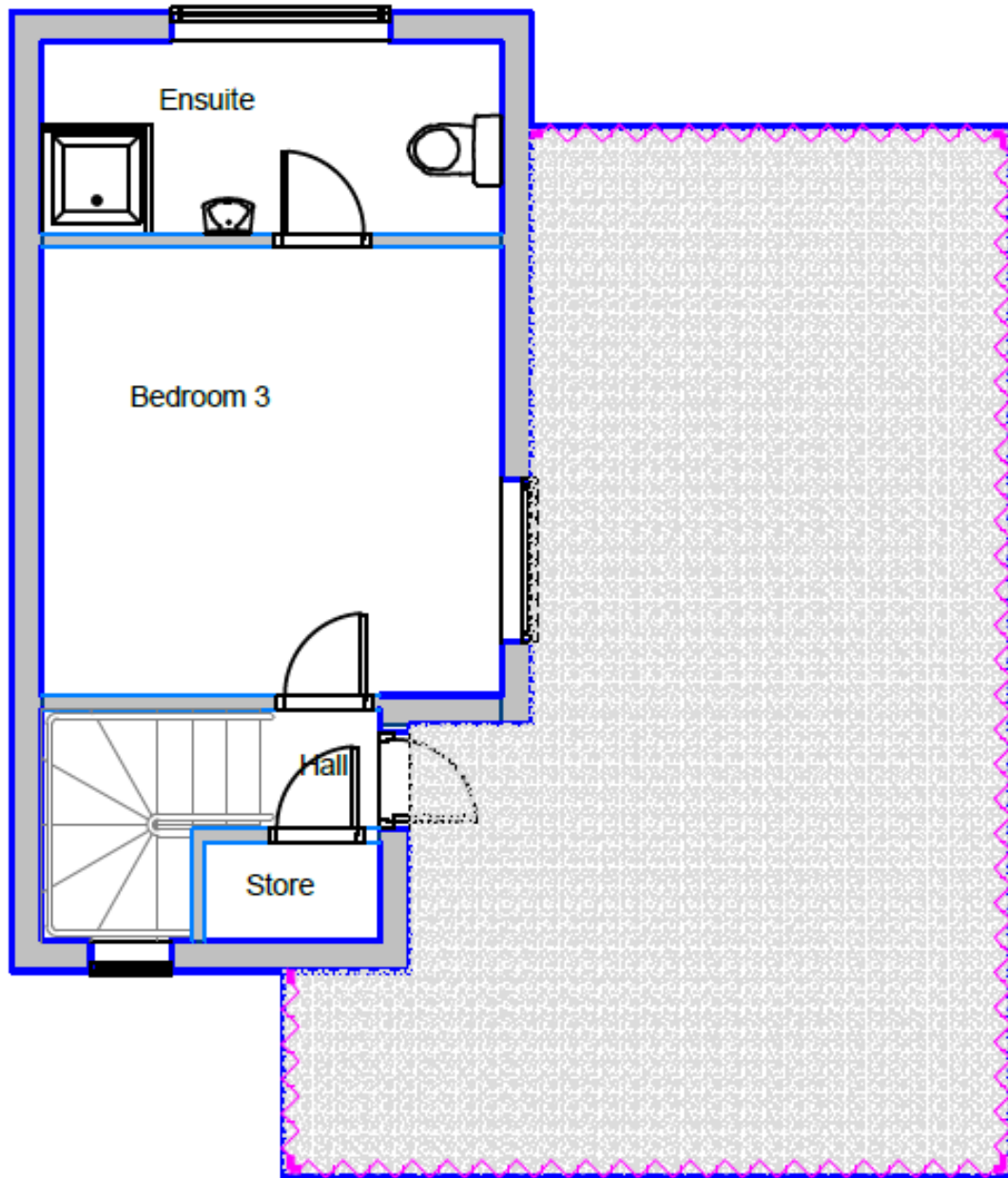
- 2.1 No. 23 is a 3-storey semi-detached dwelling which is currently undergoing improvements. The property is set in a modest plot with off-street parking space available to the front.
- 2.2 The property sits to the southern side of Norwich Road in a predominantly residential location. The site is not within a conservation area or within the curtilage of a listed building.



Appeal site and surrounding area

3.0 PROPOSAL

- 3.1 The proposal is for the erection of a 0.84-metre-high metal fence at second floor level which would sit on top of the existing parapet wall.



Proposed plan with metal railing to parapet wall

- 3.2 All work would be completed to a high standard utilising high quality materials to match existing.

4.0 RELEVANT PLANNING POLICY

4.1 The reasons for refusal refer to policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

4.2 Although not referred to within the decision the National Planning Policy Framework is also considered relevant. The following paragraphs will provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

4.3 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

- 4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“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.”*

- 4.7 Paragraph 130 states 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.

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.8 This Development Management Policies document forms part of Hillingdon's Local Plan Part 2. Policies DMHD 1, DMHB 11 and DMHB12 were referred to within the given reasons for refusal.

DMHD 1: Alterations and Extensions to Residential Dwellings

- 4.9 Planning applications relating to alterations and extensions of dwellings will be required to ensure that:

- i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area;
- ii) a satisfactory relationship with adjacent dwellings is achieved;
- iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height;
- iv) new extensions respect the design of the original house and be of matching materials;
- v) there is no unacceptable loss of outlook to neighbouring occupiers;
- vi) adequate garden space is retained;
- vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C;
- viii) trees, hedges and other landscaping features are retained

Policy DMHB 11: Design of New Development

- 4.10 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.

Policy DMHB12: Streets and Public realm

4.11 Development should be well integrated with the surrounding area and accessible. It should:

- i) improve legibility and promote routes and wayfinding between the development and local amenities;
- ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area;
- iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;
- iv) provide safe and direct pedestrian and cycle movement through the space;
- v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard;
- vi) where appropriate, include the installation of public art; and
- vii) deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.

5.1 GROUNDS OF APPEAL

5.2 The appellant's case will address the concerns raised within the reasons for refusal, notably:

- a) Whether the proposed railings by reason of their design and siting would fail to respond to the character and appearance of the host property; and,
- b) Whether the railings would appear as an incongruous addition harming the streetscene and established group value of properties; and,
- b) Whether the railings by reason of the height and siting would facilitate the use of the existing flat roof as a roof terrace resulting in harmful overlooking to both nos. 21 and 25 Norwich Road.

5.3 The following planning considerations are deemed relevant in the determination of this appeal:

- Design and impact on the character of the existing property and the street scene
- Impact on residential amenity

Design and impact on the character of the existing property and the street scene

5.4 Paragraph 126 of the NPPF states that *"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."*

5.5 Paragraph 130 of the NPPF (2019) requires Local Planning Authorities to 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 and 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).

5.6 Local Plan policy DMHD 1 (Alterations and extensions to residential dwellings) recommends that there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area whilst policy DMHB 11 (Design of new development) seeks to ensure that development harmonises with local context taking into account the surrounding scale of development.

5.7 The appeal development proposes to install 0.84m high metal railings to the top of the parapet wall which borders the flat roof. Access is available onto the flat roof

through an existing doorway. Although not indicated on the plans the railings would be painted to match the external colour of the host property to ensure that they respect its architectural quality and detail in accordance with the criteria of policy DMHB 11. Details regarding colour and materials could be secured by a condition of approval if deemed necessary.

- 5.8 The council refused the scheme citing that the railings would fail to respond to the character and appearance of the host property and would appear incongruous when viewed from the street, harming the Norwich Road streetscene and the established group value of properties.
- 5.9 In response, the appellant states that the group value of properties to the southern side of the road has already been altered significantly over time as several roofs have been changed to pitched and extensions have been added, as shown in the following images.



Street scene of Norwich Road



Street scene of Norwich Road

- 5.10 In addition, other properties appear to have already increased the height of their original parapet walls. The example shown below is at no. 5 Norwich Road.



Nos. 5 and 7 Norwich Road

- 5.11 Nos 5 and 7 both utilise their rooftops as additional garden space as shown in the following image. No. 5 has fake grass installed whilst there is patio furniture to the rooftop of no. 7.



Nos. 5 and 7 Norwich Road

- 5.12 Given the information above it is clear that the original uniformity and rhythm of properties to the southern side of Norwich Road has altered quite significantly and

consequently, the scheme proposed at no. 23 could not be considered to be harmful to the street scene or the group value of properties or out of character.

- 5.13 Furthermore, whilst it is acknowledged that there are no other railings in a rooftop position along Norwich Road, the appellant states that by virtue of their semi-open appearance and proposed colour which would match the colour of the external render of the property they would not appear prominent within the street scene.
- 5.14 Moreover, the railings would respect the sleek lines and geometric form of the art deco house and therefore, the council's comments that the choice of material would be unsympathetic to the architectural style of the host building is, in our opinion, inaccurate.
- 5.15 The following image illustrates that metal railings can be a characteristic feature of an art deco home and therefore, the proposed works at no. 23 would not look out of place.



Example Art Deco house with railings

- 5.16 Furthermore, Norwich Road is characterised by a mix of dwellings which vary in their design that as a result provide a diverse and interesting street scene. The host property and neighbouring dwellings are not nationally or locally listed, and the property is not within a conservation area. Consequently, it is stated that the area is not so sensitive that it could not accommodate the changes proposed which would assimilate within the locality without having an adverse impact on the character, appearance or quality of the existing street and wider area.

- 5.17 In summary, the proposal would harmonise with the existing building and would preserve the character and appearance of the street scene and wider area. As such, the development is consistent with the aims of the NPPF and the requirements of policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020).

Impact on residential amenity

- 5.18 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments 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.
- 5.19 Local Plan policy DMHD 1 (Alterations and extensions to residential dwellings) seeks to ensure that there is no unacceptable loss of outlook to neighbouring occupiers and that schemes do not result in loss of privacy.
- 5.20 DMHB 11 (Design of new development) further seeks to ensure that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 5.21 The scheme proposes to install 0.84m high railings to the top of the existing parapet wall at no. 23 Norwich Road. Access onto the flat roof is already available through a doorway at second floor level.



Existing access onto flat roof

- 5.22 The council refused the development citing that the new railings would facilitate the use of the flat roof as a roof garden and due to the position of the railings it would allow overlooking into the gardens of both neighbouring properties.
- 5.23 Whilst the delegated officer's report acknowledges the existing rear windows at second storey level, they consider the use as a roof garden would result in additional overlooking with a markedly different impact.
- 5.24 In response the appellant states the roof can already be used as a roof garden and does not require the installation of the railings to facilitate this use. The railings are purely to provide a protective edge to the rooftop to ensure users safety.
- 5.25 Views are already available from the roof of the appeal property over neighbouring gardens. In addition, as adjacent properties have existing windows at second floor level the appellant states that in combination with the height and position of the roof its continued use even with railings installed would not result in any unacceptable impacts on neighbouring amenity.



Aerial view of adjacent properties

- 5.26 Furthermore, as evident from the above image no. 25 has a single storey rear extension and large outbuilding which increases the distance between the roof and the neighbouring garden whilst the design of the host semi-detached pair by reason of the projecting rear wing lessens views over the neighbouring patio and garden.

- 5.27 The appellant rejects the council's claims that as the users of the space would be able to safely use the roof area right up to the boundaries that this would be harmful given the size of the roof area. Sitting close to the railings on a small balcony could be expected but it is anticipated that even with railings in place users would still stay back from the edge to allow for wider views to be appreciated.
- 5.28 The negligible impact of the development is further emphasised by the lack of neighbour objection to the development and although not determinative it is nonetheless a material consideration in favour of the proposal.
- 5.29 In summary, the proposed scheme would represent a neighbourly form of development which would comply with the aims of the NPPF with the relevant criteria of policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020).

6.0 CONCLUSIONS

- 6.1 The proposed railings would respect the architectural integrity of the host building and by reason of their materials, design and colour they would be a complementary addition to the host building which would assimilate within the locality without compromising its character.
- 6.2 The appellant has also demonstrated that the appeal scheme would be a neighbourly form of development which, when taking into account the context of the site, would not result in a harmful loss of privacy to the neighbours at nos. 21 and 25 Norwich Road.
- 6.3 Thus, it is stated that the appeal proposal conforms with the aims of the NPPF and policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).
- 6.4 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

31st August 2022