



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Peter Domb
Pershing Properties Limited

Proposal:

Conversion of roof space to habitable use to include a rear dormer and front roof lights, erection of additional storey over the existing rear outrigger and installation of external staircase, to facilitate the creation of a one-bedroom flat at second floor level.

Appeal Site:

73 Victoria Road
Ruislip Manor
Hillingdon
HA4 9BH

Our Ref:
Your Ref:

76505/APP/2022/586
APP/R5510/W/22/3307666

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 for the conversion of roof space to habitable use to include a rear dormer and front roof lights, erection of additional storey over the existing rear outrigger and installation of external staircase, to facilitate the creation of a one-bedroom flat at second floor level.
- 1.2 The LPA refused planning permission on 20 April 2022 for the following reasons (as stated on the decision notice):
 1. By virtue of its siting, size, scale, bulk, massing, height, design and external finish, the proposed additional storey, together with the rear dormer and extended external staircase, would result in a dominant, incongruous and visually obtrusive form of development. The proposal would therefore cause significant harm to the character, appearance and visual amenities of the host building and the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan and the National Planning Policy Framework (2021).
 2. The proposed development, by reason of its proximity, size, scale, bulk, massing, height and design, would cause harm to the living conditions of the neighbouring residential occupiers at numbers 73a and 75a Victoria Road, in terms of outlook, light, overbearing impact and sense of enclosure. 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 Two- Development Management Policies (2020) and the National Planning Policy Framework (2021).
 3. The proposed development, by virtue of its poor outlook, poor levels of natural light and inadequate external amenity space provision would result in a substandard form of residential accommodation to the detriment of the amenity of future occupants. The proposal would therefore be contrary to Policies DMHB 16 and DMHB 18 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 refuse and cycle store provision, by reason of its proximity and siting, would cause unacceptable harm to the residential amenities of the neighbouring residential occupiers at number 73a Victoria Road, in terms of loss privacy, noise and disturbance. Also, due to the constrained nature of the site, it is questioned whether the refuse and cycle store could be re-located to an alternative location that would not prejudice the quality of accommodation for existing or future occupiers at the site. The proposal would therefore conflict with Policies DMHB 11 and DMT 5 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policy T5 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. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.
- 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 points in response to the four reasons for refusal, excerpts below:

- In my opinion, any such minimal harm would be more than outweighed by the benefits to be obtained for the town centre and the local community by the provision of a much-needed good quality residential unit within this accessible and sustainable town centre location. (paragraph 5.2)

- Any minor harm to the living conditions of neighbours must surely be viewed in the context of the expectations of town centre dwellers and indeed within the context of providing additional, much needed, residential accommodation within an accessible and sustainable location. (paragraph 5.4)

- In my view, the benefits of providing a good quality flat within such a location, outweigh any minor inconveniences which may be perceived. In this instance, the opportunity should be taken to provide this much-needed and affordable residential accommodation. (paragraph 5.6)

-I can understand that, particularly for refuse storage, it might be preferable to find space at ground floor level, but cycle storage, in my view is better located at balcony level for security. The proposed refuse storage facility would adequately contain refuse and, as in many such town centre locations, residents will, I'm sure, make it work. (paragraph 5.8)

- 2.2 It is clear from their grounds of appeal, that the appellant acknowledged that the development does indeed result in harm as identified by the Council. The appellants have offered no detailed counter assessment to demonstrate that the harm is not justified. Instead, the appellants statement of case relies on an opinion-based rebuttal that simply attempts to play down the harm resulting from the appeal proposal.
- 2.3 The crux of the appellants statement of case rests primarily on the provision of a new residential flat in a sustainable town centre location. It is worth highlighting that whether the site is sustainably located is not disputed.
- 2.4 The appellant considers the provision of a residential flat in this location outweighs any harm identified. Notwithstanding, the Council can demonstrate a 5year housing land supply, therefore the provision of what is a speculative residential development is given limited weight.
- 2.5 In the conclusion of their grounds of appeal, the appellants suggest that the appeal proposal would deliver a 'much-needed unit of affordable residential accommodation'

(Paragraph 6.5). This is despite the application form clearly stating that the proposal does not include affordable housing. Clearly a misleading statement.

- 2.6 The Council is of the opinion that the appellants grounds of appeal has failed to adequately address the reasons for refusal. The Council does not accept that the material harm identified is just the inconveniences of town centre living.

3. Conclusion

- 3.1 For the reasons set out in the decision notice, the case officer's delegated report and this statement, the appeal proposal would result in a dominant, incongruous and visually obtrusive form of development; cause harm to the living conditions of the neighbouring residential occupiers at numbers 73a and 75a Victoria Road; result in a substandard form of residential accommodation to the detriment of the amenity of future occupants and the proposed refuse and cycle store provision; by reason of its proximity and siting, would cause unacceptable harm to the residential amenities of the neighbouring residential occupiers at number 73a Victoria Road and prejudice the quality of accommodation for existing or future occupiers at the site.
- 3.2 The appeal proposal would be harmful for various reasons, as detailed in the decision notice.
- 3.3 To conclude, the Appeal scheme conflicts with national, regional and local planning policies and guidance.
- 3.4 The Inspector is therefore respectfully requested to dismiss the appeal.
- 3.5 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 3.

Appendices

Appendix 1 – Planning Officer’s Delegated Report (please see attached)

Appendix 2 – Copies of Relevant Planning Policies (already provided)

Appendix 3 – The LPA’s Recommended Conditions (appended below)

Appendix 3 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the officers’ delegated report, the Inspector is respectfully requested to dismiss the appeal. In the event that the Inspector is minded to allow the appeal, the Council ask that the following conditions be considered for inclusion on any planning permission:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers A-02 A, A-03, A-04, A-05, and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved development.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5) No part of the development hereby permitted shall be occupied until details of covered and secure cycle storage have been submitted to, and approved in writing by, the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter shall be permanently retained and kept available for their intended use at all times.

REASON

To provide adequate cycling facilities in compliance with policies DMT 5 of the Hillingdon Local Plan Part 2 (2020).

6) No part of the development hereby permitted shall be occupied until details of refuse and recycling storage have been submitted to, and approved in writing by, the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter shall be permanently retained and kept available for their intended use at all times.

REASON

To provide adequate waste facilities in compliance with policies DMHB 11 of the Hillingdon Local Plan Part 2 (2020).