



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
H Yadav

Proposal:
Replacement of existing car park with new residential building housing a mix of 9 dwellings with car park and associated cycle and bin provision.

Appeal Site:
Land rear of 800 Uxbridge Road,
UB4 0RS

Our Ref: 75956/APP/2022/1527
Your Ref: APP/R5510/W/22/3309245

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 15.09.2022 for the following reasons (as stated on the decision notice):
 1. Due to its excessive height, bulk and poor design, the proposed building would form an oversized, uncharacteristic and visually incongruous form of development which would fail to harmonise with the established character of the area and appearance of the street scene. The proposal would therefore be detrimental to the visual amenities of the streetscene and the character and appearance of the surrounding area, all contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and paragraphs 130 (a) and (c) of the NPPF (2021).
 2. Due to its excessive height, bulk, poor design and position within the setting of the locally listed building and Hayes Village Conservation Area, the proposed building would form an oversized and unduly prominent form of development which would fail to harmonise with the established character of the area, whilst also detracting from the setting of the locally listed building and lessening its contribution to the areas appearance. The less than substantial harm caused to the setting of the heritage assets would not be outweighed by public benefits. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraph 201, 203, 207 of the NPPF (2021), Policy HE1 and BE1 of the Local Plan Part 1 (2012), Policy DMHB 1, DMHB 3, DMHB 4 and DMHB 11 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020) and Policy HC1 of the London Plan (2021).
 3. No pedestrian footpath/cycle route will be provided for future residents leading from the building to Warley road. As such new residents would have to walk or ride through the busy commercial car park, to the main road. This could put them in danger from vehicles entering and existing the site, especially as the access route from Warley Road is narrow. It is therefore considered that proposed development would create a dangerous, unwelcoming and hazardous environment for future residents of the scheme. The proposal is therefore considered to be contrary to paragraph 130 (f) of the NPPF (2021), D3 and T4 of the London Plan, DMHB 11, DMHB 12 and DMT2 and of the of the Hillingdon Local Plan : Part Two - Development Management Policies (2020)
 4. The applicant has failed to demonstrate the proposal would provide adequate parking for both existing commercial occupiers nearby as well as future occupiers of the proposed development. No legal agreement is in place to resolve this issue by prohibiting future residents of the proposed development from parking in the retained parking spaces, noted as allocated for commercial business users within the area. In the absence of a satisfactory legal agreement, future residents could

park in the spaces allocated for commercial use. This would lead to displacement of parking on to surrounding roads and areas, which would not be in the best interests of Highway safety. Consequently, the proposal would be contrary to Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy T4 of the London Plan (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. Appendix 1 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 points:

- The proposed development would cause no harm to the character and appearance of the area, the setting of the conservation area or the setting of the nearby locally listed building.
- Outline Planning permission was sought for a larger scheme at the site (75956/APP/2020/3400). That scheme included no refusal reason regarding the safety of residents and cyclists entering and existing the site. Refusal reason 3 should therefore fall away, as the previous scheme is material planning consideration.
- We are willing to enter into a legal agreement to restrict future residents from parking in the commercial parking spaces which would remain on site, therefore overcoming refusal reason 4.
- Other approved developments in the area weigh in favour of this proposal.

Taking into consideration these points the appellant believes that the proposed development is acceptable and that the appeal should be allowed. The LPA's responses are set out below.

- 2.2 The proposed development would have an adverse impact on the character and appearance of the area, the setting of the Hayes Village Conservation Area and the setting of the nearby locally listed building for the reasons set out in section 1.2.1 and 1.2.2 of this report, as well as the Planning Officer's delegated report and decision notice. Refusal reason 1 of this appeal statement should therefore be upheld.
- 2.3 It is noted that outline planning permission was sought at the appeal site for 'the redevelopment of the existing car park, comprising of the construction of a new residential building to provide 19 units, associated access, parking, refuse and cycle provision' under application no. 75956/APP/2020/3400. The application was refused and dismissed at appeal. The appellant has suggested that issues regarding safe access for residents in and out of the site (across the car park) was not a refusal

reason on the larger scheme and therefore refusal reason 3 should fall away from this scheme. Whilst the point is noted, the layout of this appeal scheme is different to the previously refused scheme, and it is considered that more space existed on the previously refused scheme to allow residents to enter and exit the site safely on foot. Furthermore, the previous scheme was for outline planning permission and details regarding safe pedestrian and cyclist paths in and out of the site could have been addressed at the reserved matters stage. Additionally, when compared with the refused scheme, this proposal includes more parking, which means more vehicle movements in and out of the site and more chance of collision with pedestrians and cyclists entering and existing the site. It is therefore considered that the previous refusal at the site bares no weight in favour of the proposed development and that refusal reason 3 should be upheld.

- 2.4 Planning permission was approved in 2020 for 'Part demolition of existing properties and redevelopment to create a 4 storey building comprising 1 x 3-bed, 1 x 2-bed, 7 x studio self-contained residential apartments with associated amenity space and landscaping and retention of two commercial units under application No.74992/APP/2019/3668. The appellant believes that the approval of the 4 storey building supports this appeal scheme. However, the approved 4 storey building would be sited directly next to other 4 storey buildings on Uxbridge Road. It would therefore be in keeping with its surroundings and the scale of other buildings fronting Uxbridge Road. The appeal scheme involves the development of car park, it represents back land development and should be lower in scale to frontage properties, it is not. Furthermore the mentioned approved scheme was not located within the setting of a locally listed building nor the Hayes Village Conservation Area. The schemes are therefore not comparable in terms of considerations and constraints. It is also worth noting that the London Plan (2021) and NPPF (2021) had not been adopted at the time of approving the mentioned application. Those documents have now been adopted, and place more stringent guidance on achieving high quality design and protecting heritage assets and their settings. The approval of No.74992/APP/2019/3668 is therefore considered to provide no weight in favour of this appeal scheme.
- 2.5 No legal agreement is in place to restrict future residents from parking in the commercial parking spaces shown to be retained as part of the proposed development. If a satisfactory legal agreement were to be in place. Refusal Reason 4 could be overcome. As the agreement is not in place, refusal reason 4 should be upheld.
- 2.6 The net provision of 9 additional homes, alongside economic benefits associated with the development, is not considered to outweigh the developments harm to the safety of future residents, the local highways network, the character and appearance of the area and the setting of the Hayes Village Conservation area and locally listed building.

3. Other Matters

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

4. Conclusion

- 4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 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 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions