



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Proposal:

Demolition of existing dwelling and erection of two storey detached building with habitable roof space to provide 8 x 2-bed flats and 1 studio flat with associated amenity space and parking.

Appeal Site:

60 Long Lane, Ickenham UB10 8SZ

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 demolition of the existing dwelling and erection of a two storey detached building with habitable roof space to provide 8 x 2-bed flats and 1 studio flat with associated amenity space and parking at No.60 Long Lane, Ickenham.
- 1.2 The LPA refused the application planning permission on 14th December 2021 on the following reasons (as stated on the decision notice):
1. The proposed development, by reason of its size, scale, massing and design (including its uncharacteristic crown roof profile and lack of detail in respect to the height of the proposed sky lights) , would fail to harmonise with the character and architectural composition of the surrounding properties, appearing as a visually dominant, incongruous and bulky form of development which would be detrimental to the visual amenity of the street scene and would neither preserve or enhance but harm the character and appearance of the surrounding Conservation Area. The proposal therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012) and Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies HC1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).
 2. The proposed development, by virtue of the substandard internal floor area of the single bedrooms, would result in substandard forms of residential accommodation to the detriment of future occupants of Flats 1, 2, 5 and 6. 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).
 3. The proposed development, by virtue of the internal layout of the loft space and position of the proposed rear dormer, skylights and roof lights, would result in poor outlook and an oppressive living environment for the future occupiers of Flat 9. 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).
 4. In the absence of an updated Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, the application has failed to demonstrate that the proposed development could be constructed without undue harm to the trees at and adjoining the site which are protected by Tree Preservation Order number 5. The potential harm caused to the protected trees would undermine the verdant character and visual amenity of the surrounding Conservation Area. The proposal therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012) and Policies DMHB 1, DMHB 4, DMHB 11 DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies HC1, D3, D4 and G7 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.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

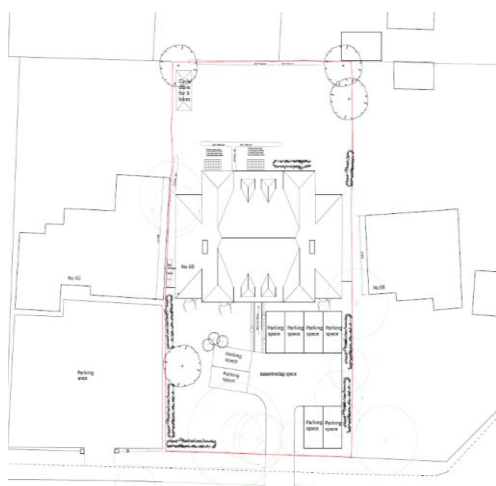
LPA Comments on Appellant's Statement of Case

Reason for refusal 1 (Harm to the character and appearance of the area)

- 1.5 Section 4 of the Appellant's Statement argues that there is 'very little difference' between the design of the subject Appeal scheme and the 2019 scheme allowed at Appeal (LPA ref. 70282/APP/2018/612, Appeal Decision APP/R5510/W/19/3221731). However, this is stance is not supported by the Council.
- 1.6 The allowed Appeal scheme contained a hipped roof profile, whereas the subject Appeal proposal contains a crown roof profile (see screenshot below and Appendix A). This material change to the roof profile would have a detrimental impact to the character and appearance of the Conservation Area (CA). It is also considered that this resulting harm cannot be fully appreciated by the 2D elevation screenshots contained within the Appellant's Statement. Instead, a more accurate assessment on the impact to the CA can be made using the proposed site plan drawings -as shown below.

Screenshot of the 2019 allowed scheme and the subject Appeal scheme.

Allowed 2019 Scheme



Proposed Scheme

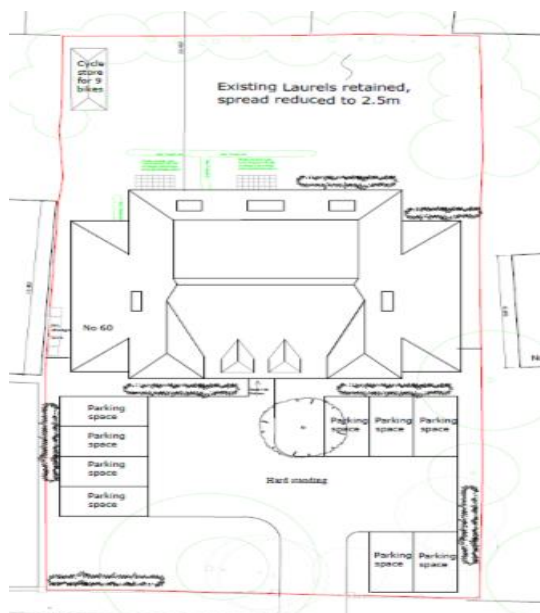


- 1.7 As highlighted in the delegated report, a previous scheme where the proposed building contained a crown roof profile was dismissed by the Secretary of State on 1st March 2021 (LPA ref. 70282/APP/2020/2522, Appeal Decision ref. APP/R5510/W/20/3261227. The Inspector for this 2021 Appeal states the following in respect to the previous proposal's harm

to the character and appearance to the surrounding CA (refer to the Appendix B for a copy of the dismissed Appeal Decision).

“9. The current appeal scheme proposes a very wide 2 storey rear element with a large crown roof and 3no second floor rear dormer windows, which would create a bulky and dominant feature to the rear of the building. The crude form of this element would not reflect the considered design approach of the front elevation, and it would appear out of keeping with the pitched roof forms and massing of neighbouring dwellings. I note that the block of flats at No 66 Long Lane features a crown roof, however, this is anomalous in the area as the dwellings generally have modest ridge apex roofs. Whilst there would be limited views of the rear elevation in the street scene, it would nevertheless be visible from neighbouring dwellings and gardens within the CA. Furthermore, the lack of visibility from the public realm does not obviate the need to achieve good design.”

Screenshot of the proposed site plan for the dismissed 2021 Appeal Scheme



(Refer to Appendix C for scaled drawing)

- 1.8 Except for the proposed crown profile, the architectural style of the dismissed 2021 Appeal scheme was similar to the scheme allowed in 2019. Nevertheless, the Inspector for the dismissed 2021 considered that the crown roof profile would be crude in form. Furthermore, it should be noted that the Inspector makes a point that the “lack of visibility from the public realm does not obviate the need to achieve good design”.
- 1.9 With the Inspector’s above views in mind, it cannot be argued that the crown roof profile being proposed as part of the subject Appeal would be acceptable due to its limited visibility from the street scene. The proposed crown roof profile would be readily visible from the neighbouring site where it would appear as a bulky and incongruous feature within the CA.

Reason for refusal 2

- 1.10 Since the allowed 2019 scheme, the 2021 version of the London Plan has been adopted and forms part of the Development Plan. It is therefore considered that substantial weight should be afforded to Policy D6 of the London Plan (2021), which requires single bedrooms to have a floor area of at least 7.5 sqm.

Reason for refusal 3

- 1.11 The allowed 2019 scheme was for seven flats in total, with the proposed units only being located at ground and first floor level (refer to Appendix D for the approved floor plans). This subject Appeal scheme seeks to provide 9 flats by utilising the loft space (which effectively serves as second floor level). It cannot therefore be argued that the outlook for the future occupiers of proposed flat 9 (located on the second-floor level) would be similar to the scheme previously approved.

Reason for refusal 4

- 1.12 A Tree survey, Arboricultural Impact Assessment and Method Statement report dated September 2017 and last amended in January 2018 was accompanied with this current application. The contents of this report are considered to be no longer valid due to the substantial period of time that has lapsed since the report was produced (four years since its last amendment). Trees are living organisms which develop positively over time, but can also go into decline. In the absence of a valid tree report, to BS 5837: 2012, the proposal has failed to demonstrate that protected trees would not be harmed by the proposed development. Furthermore, no provision has not made provision for their long-term protection.
- 1.13 The proposal therefore conflicts with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy G7 of the London Plan (2021).

3. Conclusion

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

Appendices

Appendix A – Proposed site plan attached to the 2019 scheme allowed at Appeal (LPA ref. 70282/APP/2018/612, Appeal Decision APP/R5510/W/19/3221731)

Appendix B – Dismissed 2021 Appeal Decision (LPA ref. 70282/APP/2020/2522, Appeal Decision ref. APP/R5510/W/20/3261227)

Appendix C – Proposed site plan attached to the dismissed 2021 Appeal Decision (LPA ref. 70282/APP/2020/2522, Appeal Decision ref. APP/R5510/W/20/3261227)

Appendix D- Proposed Floor Plans attached to the 2019 scheme allowed at Appeal (LPA ref. 70282/APP/2018/612, Appeal Decision APP/R5510/W/19/3221731)