



Statement of Case

Development at:

**Land at Rear of 44 and 45
Zealand Avenue,
Harmondsworth UB7 0BW**

Prepared By

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Introduction & Background

- 1.1 Planning Base Ltd are instructed to prepare a planning appeal following the refusal by the London Borough of Hillingdon Council for the ***erection of 2no. bungalows with associated parking, landscaping and boundary treatments*** at the land and property known as rear of 44 and 45 Zealand Avenue, Harmondsworth UB7 0BW (LPA Refers 76673/APP/2021/3132).
- 1.2 There are four reasons for refusal and these are set out below for ease of reference.

SCHEDULE OF REASONS

- 1 - Due to their irregular size, design, lack of streetscene frontage and backland location the proposed dwellings would form an uncharacteristic and incongruous form of development which would fail to harmonise with the established character of the area. Furthermore the resulting gardens would be unusually small, when compared with other properties in the area to the detriment of the areas character. Overall it is considered that the proposal would be detrimental to the character of the area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021), as well as paragraphs 124 and 130 of the NPPF (2021).
- 2 - Both of the new 2 bed, 3 person dwellings would fail to provide 61sqm of internal floor space for their future occupiers. The properties would therefore provide an indoor living area of an unsatisfactory size for their future occupiers, giving rise to a substandard form of living accommodation to the detriment of the amenity of their future occupiers. The proposed development is therefore contrary to the requirements of Policy D6 A of the London Plan (2021), Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the Technical Housing Standards - Nationally Described Space Standard (2015).
- 3 - The proposed development fails to demonstrate that the proposed parking plan functions and is fit for purpose. Failure to provide a functional parking arrangement would result in vehicles being displaced onto the local highways network. Roadside parking would create a more hazardous environment for road users and pedestrians. It would also have an adverse impact on the free flow of traffic on the local highways network. The development is therefore considered to be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policy T4 of the London Plan (2021).
- 4 - The proposed development would lead to harmful increase in people and vehicle movements in and out of the site which would subsequently cause noise, nuisance and disturbance to the occupiers of No.44 to No.45 Zealand Avenue. The development is therefore considered to be contrary to Policies DMH 6 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as paragraph 130 (f) of the NPPF (2021).

Site and Surroundings

- 1.3 The appeal site is situated very close to London Heathrow Airport in the village of Harmondsworth. This locality has a number of facilities and services that would be expected in such close proximity to a major airport, with hotels, restaurants and trading parks located all along Bath Road (A4) which runs along the northern perimeter of Heathrow.
- 1.4 Zealand Avenue itself is part of a 'square' of residential development bounded by Bath Road to the south and Hatch Lane to the west. Harmondsworth contains a school, two churches, convenience stores, two public houses and a whole range of restaurants within easy walking distance of the appeal site (less than 1km). This is a highly accessible and sustainable location to introduce additional dwelling units without reliance on the private motor car for most journeys. The proposed dwellings would appeal to persons employed in the travel industry given the close proximity of the airport and the transport links of rail and bus that are therefore within easy reach of Zealand Road.

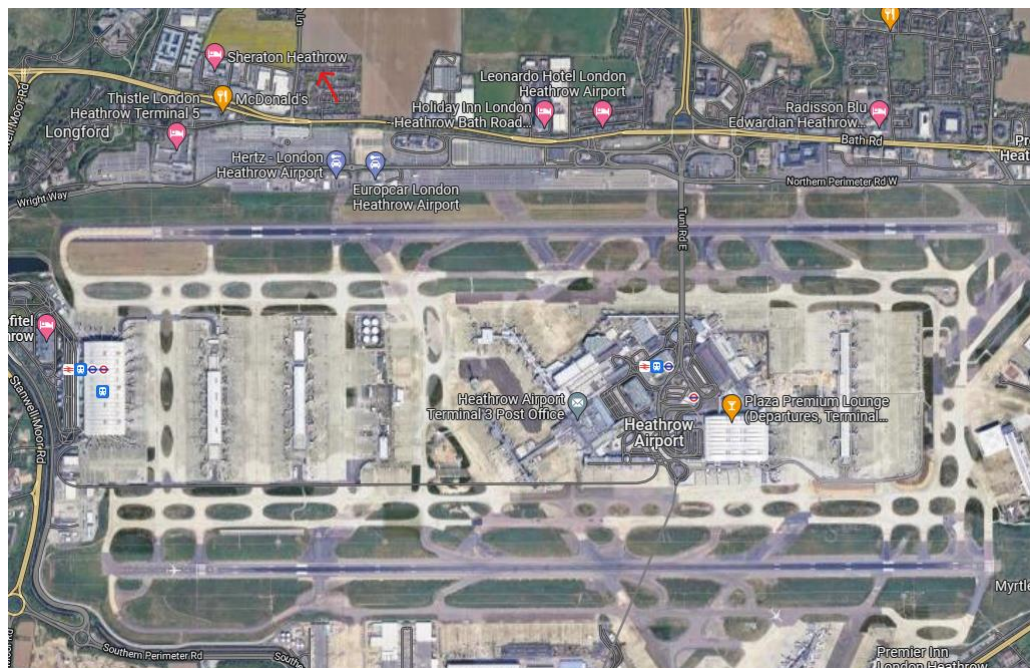


Figure 1 - Red arrow indicates appeal site close to airport



Figure 2 - Red arrow indicates appeal site with village of Harmondsworth to the north

- 1.5 The Hatch Lane/Bath Road 'square' of development has its own character and there are multiple examples of backland residential dwellings throughout the housing estate. Figure 3 shows the appeal site and it is evident that, together, 44 and 45 Zealand Avenue are one of the largest plots in the 'square' and the blue circles highlight the many examples of backland residential developments in this area. The Inspector will note the existence of these at the site visit.



Figure 3 - Red arrow is the appeal site; blue circles show backland dwellings and development

- 1.6 Whilst the properties along Zealand Avenue appear as houses, many are subdivided into flats. Taking those properties in close proximity to the appeal site, 34 Zealand Avenue obtained permission to be divided into 2no. flats in 2019 (LPA Refers 54098/APP/2019/2036) and 47 Zealand Avenue was converted into 2no. flats in 2011 (LPA Refers 34013/APP/2011/3029). In terms of built form, Figure 3 shows that buildings to the rear of the main dwellings are commonplace in this area of Harmondsworth and therefore the severing of the plots at 44 and 45 Zealand Avenue would not create an alien feature – indeed given the location of the proposed dwellings to the rear and their single storey nature, there would be only a neutral impact upon the existing street scene.



Figure 4 - May 2022 street scene view of appeal site

- 1.7 Looking elsewhere in this part of the borough, it is noted that the local planning authority approved a backland development at land at 1 Poplar Avenue in January 2020 (LPA Refers 75125/APP/2019/3206) for 2no. new dwellings and the approved Site Plan is produced below.



Figure 5 - Approved Site Plan 1 Poplar Avenue

- 1.8 1 Poplar Avenue is located approximately 2km north of the appeal site and further away from the excellent public transport links that the Zealand Avenue appeal site benefits from. The purpose of referring to this site at Poplar Avenue is that the local planning authority are recently approving backland development that does not quite fit in with the prevailing pattern of development. Given the contents of Figure 3, the lack of any built form to the rear of 44 and 45 Zealand Avenue is more out of character than would be the case if the appeal proposal was actually approved and built!

Reason For Refusal (1)

· Due to their irregular size, design, lack of streetscene frontage and backland location the proposed dwellings would form an uncharacteristic and incongruous form of development which would fail to harmonise with the established character of the area. Furthermore the resulting gardens would be unusually small, when compared with other properties in the area to the detriment of the areas character. Overall it is considered that the proposal would be detrimental to the character of the area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021), as well as paragraphs 124 and 130 of the NPPF (2021).

- 1.9 The proposed appeal dwellings have the same issues as 1 Poplar Avenue – a lack of a street scene frontage and backland location. However, as can be noted in Figure 4, there is an unusually wide gap between 44 and 45 Zealand Avenue which will enable vehicles to pass between the properties with plenty of room to spare and access the individual parking space for each proposed dwelling to the rear of 44 and 45 Zealand Avenue.
- 1.10 The proposed dwellings will sit comfortably to the rear of 44 and 45 Zealand Avenue and each of the four building plots created will be within a largely rectangular site as is the case currently at 44 and 45 and as can be noted from the existing and proposed Site Plans over the page.



Figure 6 - Existing and Proposed Site Plans

- 1.11 It is important to note that this is one of the largest plots on the 'square' and is the longest and widest plot on either the northern side or southern side of Zealand Avenue. Therefore, this isn't a case of creating new dwellings on a small plot, each dwelling will have a sizeable rear garden which is south-facing and there will be no loss of amenity or privacy given the single storey nature of the proposed bungalows and the separation distance between 44 and 45 Zealand Avenue.

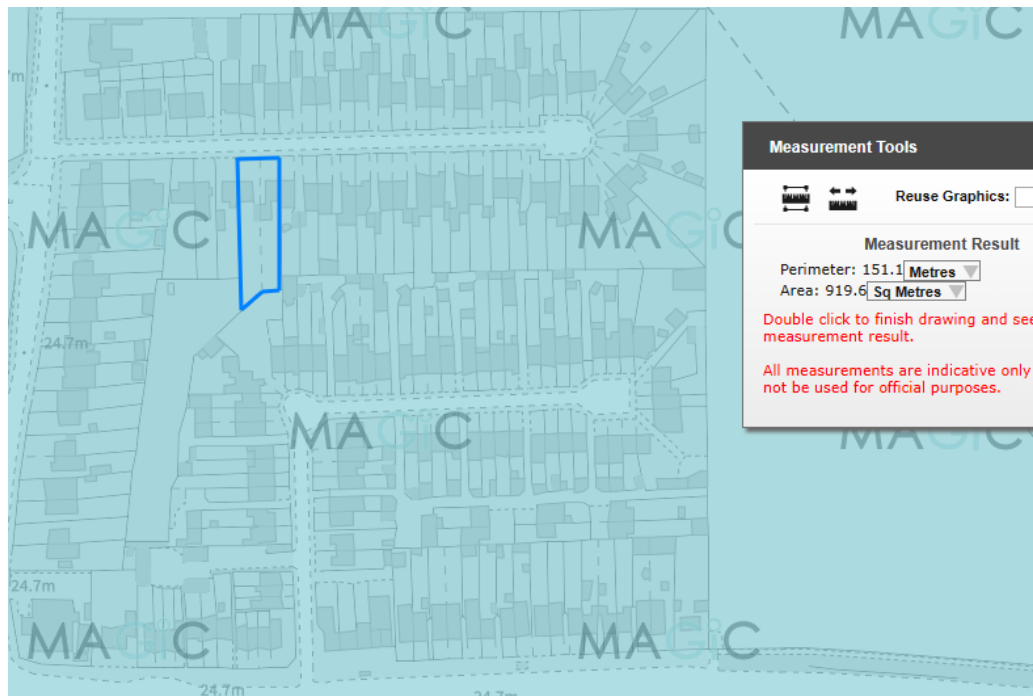


Figure 7 - Blue line indicates appeal site

- 1.12 Overall the plot measures just under 920 sqm and so the dwelling per hectare ratio is between 40 and 50 dph which is what would be expected in such a sustainable and accessible location.
- 1.13 The reason for refusal suggests that the proposed gardens would be 'unusually small, when compared with other properties in the area. This simply isn't the case as proven by Figure 8 – the size of each garden would be comparable with a number of properties found in Pinglestone Close.



Figure 8 - Similar sized gardens to the appeal proposal at Pinglestone Close

- 1.14 The garden for each property would be a more than adequate size and would be south-facing thus obtaining good levels of sunlight throughout the day. In addition, the proposed dwellings are bungalows and so won't create shading onto the gardens of 44 and 45 Zealand Avenue and the gardens of the new bungalows back on to other gardens and so there are no large buildings to create shading. Each of the four gardens would be practical and private and represent good levels of amenity commensurate with the size of the property which they serve. The size of the gardens complies wholly with D6 of the London Plan with regards to outside amenity space as set out below.

Private outside space

- 9) Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This does not count towards the minimum Gross Internal Area space standards required in [Table 3.1](#)

- 1.15 It is considered that the proposal will have a neutral impact upon the street scene; the size and shape of the 4 plots created are all perfectly acceptable and not out of keeping with other similar development in the 'square'.

Reason For Refusal (2)

Both of the new 2 bed, 3 person dwellings would fail to provide 61sqm of internal floor space for their future occupiers. The properties would therefore provide an indoor living area of an unsatisfactory size for their future occupiers, giving rise to a substandard form of living accommodation to the detriment of the amenity of their future occupiers. The proposed development is therefore contrary to the requirements of Policy D6 A of the London Plan (2021), Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the Technical Housing Standards - Nationally Described Space Standard (2015).

- 1.16 The proposal provides for 55sqm of internal floor space for both of the proposed developments. The London Plan Policy D6 states that 61 sqm is required for a two bedroom and three person dwelling. However, the proposal over-provides for internal storage space and the whole of the dwellings provide for over 2.5 metres head height throughout. All bedrooms are of a good size with enough room for sizeable wardrobes as shown on the proposed floor plans.
- 1.17 Furthermore, both proposed dwellings are dual-aspect which is championed in Policy D6 as being required in order to maximise solar gain and the rear of both dwellings has a covered area measuring 6sqm which is ideal for additional storage of items and an external seating area covered from the elements.
- 1.18 There is more than sufficient and accessible storage space both internally and externally which will allow for the storage and collection of recyclable waste, food waste and residual waste.

- 1.19 All of these elements taken together, as well as the amount of external space, results in the overall living conditions to be at a good level and cannot be classified as a substandard form of living accommodation.

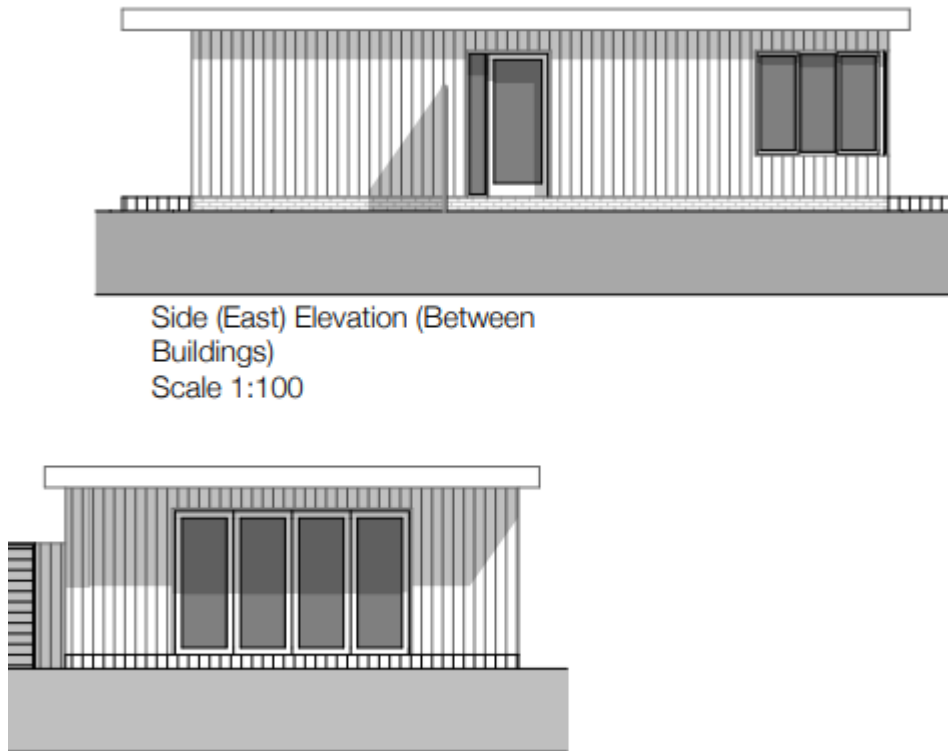


Figure 9 - Rear 6sqm covered area with decking on both properties - south-facing

Reason For Refusal 3

The proposed development fails to demonstrate that the proposed parking plan functions and is fit for purpose. Failure to provide a functional parking arrangement would result in vehicles being displaced onto the local highways network. Roadside parking would create a more hazardous environment for road users and pedestrians. It would also have an adverse impact on the free flow of traffic on the local highways network. The development is therefore considered to be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policy T4 of the London Plan (2021).

- 1.20 The Hillingdon Local Plan: Part 2 Development Management Policies (2020) states that in this location there should be 0.75 parking spaces per dwelling

provided. The appellant has offered 1 parking space for each new dwelling (and the parent properties at 44 and 45 Zealand Avenue will have two parking spaces each). There is therefore considered an over-supply of parking. The comments from the Highways and Traffic Officer are noted – the parking bays as shown on the plan do not allow for 2 x 4.8 metre length bays. However, as noted in the officer's report, the width of the site at the rear is around 17 metres and therefore there is plenty of scope within the site to accommodate one parking space for each dwelling in accordance with the guidance.

- 1.21 Similarly, the appellant indicates the location of the cycle stores on the proposed Site Plan. Both the cycle store provision and the parking bays for each dwelling could be dealt with via a planning condition attached to the permission should this appeal be allowed. As such, it is considered that reason for refusal (3) can be overcome.

Reason For Refusal (4)

The proposed development would lead to harmful increase in people and vehicle movements in and out of the site which would subsequently cause noise, nuisance and disturbance to the occupiers of No.44 to No.45 Zealand Avenue. The development is therefore considered to be contrary to Policies DMH 6 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as paragraph 130 (f) of the NPPF (2021).

- 1.22 Reference is made to Appendix 1 and Appendix 2 which is a recent appeal decision at 92A Dawley Road and is marked with a red teardrop in Figure 10 over the page. It is approximately 3km north-east of the appeal site.

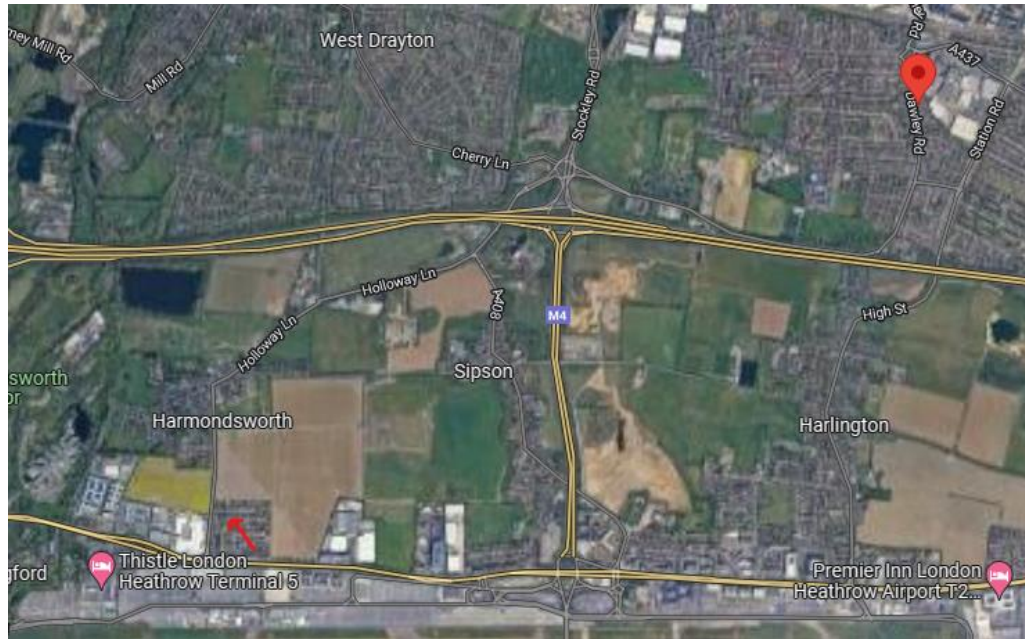


Figure 10 - 92A Dawley Road noted by red teardrop in relation to appeal site indicated by red arrow

- 1.23 The appeal proposal at 92A Dawley Road was for a backland development very similar to what is proposed at 44 and 45 Zealand Avenue. Reading the Inspector's decision, it is noted that there were also issues with parking and a pragmatic approach was given in favour of the appellant in that instance.
- 1.24 In relation to reason for refusal (4), the 92A Dawley Road proposal also involved persons accessing the new dwelling to the rear and the effect that would have on the living conditions of the parent (frontage) properties).
- 1.25 As noted in Figure 4, there is no boundary fence between 44 and 45 Zealand Avenue and both of those dwellings have their main entrance to the front. As such, there are already persons accessing the side of both properties currently. The rear gardens of both 44 and 45 Zealand Avenue will contain a two metre high boundary to ensure that reciprocal privacy and amenity is protected. This could be in the form of fencing or softer landscaping and a condition could be attached to the grant of any planning permission to the satisfaction of the local planning authority.

- 1.26 Given such boundary treatments, the comings and goings associated with the new dwellings will be at a low frequency and will be at a level to be expected within an urban environment. Any excessive noise and nuisance caused by neighbours is outside of the planning regime and is controlled by Environment Health legislation. Reason for refusal (4) is therefore considered excessive and the Inspector is respectfully asked to reach the same conclusion as reached at 92A Dawley Road.

Summary

- 1.27 Each of the reasons for refusal has been assessed. The proposal is not considered to be out of keeping with the general pattern of development in the area and there is considered no harm caused to the character or appearance of this area as a result of the introduction of these two modest single storey dwellings.
- 1.28 Whilst the internal floorspace doesn't strictly comply with the 61sqm required in the London Plan, if the covered decking area is taken into account then the proposal does comply. In addition, there is excellent provision of internal storage space; excellent outside amenity space and storage; both dwellings are dual-aspect and there is a consistent head height of 2.5 metres throughout the properties which, when taken in combination, ensures that there will be a good level of living conditions for future occupants of the dwellings.
- 1.29 In terms of parking, one off-road space for each new dwelling is considered acceptable in this location with excellent public transport links and services and facilities on the doorstep and within easy walking distance. A condition is proposed ensuring that the car parking bays for both properties and the cycle storage areas are compliant but there is plenty of room to ensure that is the case.

- 1.30 Finally, the living conditions of 44 and 45 Zealand Avenue will not be materially harmed. There is already an element of a communal access at the front and side of the property with no boundary treatments. Given that only two dwellings are proposed at the rear then the comings and goings associated are going to be minimal throughout the day and additional landscaping can be provided to ensure privacy is maintained.
- 1.31 It is respectfully requested that this appeal be allowed.