



Town planning and development



72 Harefield Road, Uxbridge, UB8 1PL

Demolition of existing dwelling and erection of building to provide 2 x 1-bed, 6 x 2-bed and 1 x 3 bed flats with associated parking and amenity space

APPELLANT'S STATEMENT OF CASE



Submitted on behalf of Twiglets Developments Ltd.

Our Ref: OTP2045

LPA Ref: 25767/APP/2022/3190

6th January 2023

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1.0 INTRODUCTION

- 1.1 My name is Paul Anthony Robinson. I am a Chartered Town Planner and a member of the RTPI since January 2001, having worked as a professional planner since September 1997. I have spent 15 years as a senior development management officer in the public sector and 10 years as director of Orbis town planning, providing expert planning consultancy services. I have been involved in many written appeals, hearings and public inquiries in that time.
- 1.2 This document forms the appellant's Appeal Statement in respect of an appeal against the failure of the London Borough of Hillingdon (The LPA) to determine a planning permission for the demolition of the existing dwelling and erection of building to provide 2 x 1-bed and 6 x 2 and 1 x 3 bed flats with associated parking and amenity space, at 72 Harefield Road, Uxbridge.
- 1.3 The application was submitted to the council on 18th October 2022, with the statutory deadline for determination being stated as being the 13th December 2022. No decision has been issued in that time or as of the date of this appeal submission. The council has since asked for an extension of time to determine the application (until March 2023), but has failed to offer any feedback on their assessment of the application. No extension of time has been agreed. Given the recent history of refusals by this council and in particular, by their planning committee, the appellant is of the opinion that the application is highly likely to be refused by members in any case and therefore, in the absence of any meaningful feedback, an appeal against non-determination is more preferable in this instance. This would also have the benefit of potentially allowing this appeal here to be determined alongside an existing, as yet undetermined appeal at the site for a comparable level of development (Planning Inspectorate ref: APP/N5090/W/22/3307584).
- 1.4 This Statement sets out the context of the appeal proposal and demonstrates that the scheme here has addressed the matters previously raised by the Council's and previous inspectors. It concludes, with appropriate evidence

and justification, that the proposal is in accordance with the adopted development plan and that planning permission should be granted.

2.0 SITE AND SURROUNDING AREA

- 2.1 The appeal site is located on the east side of Harefield Road, about 1km from Uxbridge town centre, but within a suburban area of Uxbridge. The area is populated by a mix of house types with large detached houses from the first half of the 20th Century together with later infill and some modern flatted developments. To this end, Inspectors have agreed that there is a variety of built forms and styles present in the area.
- 2.2 The site comprises of a significantly extended two-storey detached house, but is dominated in scale by two dominant pairs of four storey Victorian townhouses to the north and a three-storey linear block of flats to the south, the latter dating from about the 1960s. Opposite, the built form tends to comprise of two-storey 1930's semis, though later 20th century housing has been built off Fairlight Drive opposite the appeal site. It is also notable that both nos. 74-76 and the adjacent flats to the south have parking and garages located in their rear gardens, with the rear parking at no.74-76 accessed via a driveway running along the northern edge of the appeal site boundary. To the rear, it is notable that the rear of the site abuts the very rear gardens of no.2 Cambridge Road and no. 24A Fairfield Road, and as such, there are no actual houses located directly to the rear (east) of the site and no aspects of overlooking in this direction at all.
- 2.3 The above context means that there is no set building type, form or layout in the local area, though immediately opposite the appeal site, development tends to be between 3 and 4 storeys in height, comprising of flats, or former houses converted to flats. As such, the area is suburban but of a very mixed character, which would tend to suggest that 'harmonising' with this would allow for an equally varied response. The area is also in a state of transition, with new flatted blocks being developed to both the south and north of the site

as developments seek to make better use of sometimes wasteful suburban sites.



No.72 viewed from Fairlight Drive to the west, with nos. 74-76 and adjacent flats flanking it at a greater mass and height.

- 2.4 The boundaries of the site are formed by a mix of fencing and hedges, whilst there are a number of taller trees in groups, or individually significant in surrounding plots that help frame the site, as well as provide a significant amount of screening between properties. In the case of the flats at nos. 26-60 Harefield Road, a large Lime sited to the south of the appeal site is subject to TPO. A medium-sized Yew within the appeal site is site next to this, but is retained in the current appeal proposals. The Inspector dealing with the previous appeal here noted that this gave the site and area a verdant character. However, as can be seen in the photograph above, the appeal site

itself does not contribute significantly to this, other than the Yew (above), sited in its southwestern corner. No other trees are sited within the frontage of the appeal site.

- 2.5 It is noted that whilst the area could broadly be considered to have been subject to few material changes over the last 20-30 years, there have been several significant built changes more recently that alter the overall expectation of development and change.



Development of the former Abrook Arms PH

- 2.6 Firstly, located about 200m to the north of the appeal site, the redevelopment of the former Abrook Arms PH has recently been completed, where a development of 18 new flats over three storeys was granted, replacing the significantly more modest, 1930s-built public house formerly located there. The new development includes significant increases in height, depth and width over the original pub, as well as significant a crown roof expanse that allows a more traditional roof slope to skirt each elevation. This clearly represents a significant change in the mass, form and typology of the surrounding area, which is primarily comprised of two-storey houses like the appeal site here. More recently, and a little further to the north, the site at no.178 Harefield Road is also under development to replace the former two storey house there with a three storey block of 7 flats. Just to the south, planning permission has recently been granted on appeal for the

redevelopment of no.47 Fairfield Road, for the erection of a new residential building including duplex basement, first and roof accommodation for one replacement dwelling and 5 new dwellings with associated parking, cycle store and bin store.

- 2.7 Whilst suburban in nature the site has reasonable access to local facilities and transport connections. The site is located about 1km from Uxbridge centre and is served by local bus routes (U9 from Uxbridge Station to Harefield Hospital and return; U10 Uxbridge station - Ickenham Station – Ruislip Station – Glenhurst Ave). The PTAL of the site is 1 so in the lower categories, but this is in regard to London as a whole – the site itself is reasonably well-located to access local facilities and connections to wider destinations, and the site is located a short distance from the M40 giving speedy access to the wider motorway network.
- 2.8 The site is not in a Conservation Area and there are no listed buildings nearby. The site is in Flood Zone 1, according to the Environment Agency's classification.

3.0 PLANNING HISTORY

- 3.1 The current appeal follows two other recent proposals for development at this site, both of which have been refused by the council with the latter currently at appeal.
- 3.2 In 2021, an application for the demolition of the existing dwelling on site and erection of a new 4-storey dwelling comprising 9 flats (6x2 bed and 3x3 bed) was refused. This previous refusal went through two rounds of pre-application submissions with the council, with officers being generally supportive of the proposal. Notwithstanding, despite the stated support of officers during the application, this was reversed towards the end of the process and the application was refused at committee on 5th August 2021 (Ref: 25767/APP/2021/491). The reasons for refusal were stated as being its excessive size, scale, bulk, design including the very large crown roof and

significant site excavation would result in a cramped, unduly intrusive, visually prominent over-development of the site, and alleged impacts upon the amenities of the adjoining occupiers at 56-60 Harefield Road and 74 Harefield Road by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook.

- 3.3 A subsequent appeal was lodged (APP/R5510/W/21/3283640), but was dismissed (see Appendix A for Inspector's decision notice). In considering the first reason for refusal, the inspector considered that the site is situated in a particularly verdant part of the road and that the scale and height of the proposed development would result in an overly large and bulky feature within the context of the surrounding townscape. In forming this conclusion, he (somewhat unjustly in our view) considered that the scale and four-storey nature of the neighbouring Victorian Villas is something of an anomaly in this part of Harefield Road (please refer to aerial below showing 4-storey developments). He determined that whilst the proposed development had taken some of its design cues from No 74, the scale of these features, which included front bays and a 'stretched' dual pitch roof arrangement, was in excess of and out of proportion with, these neighbouring properties.



Aerial view showing developments having 4
Floor levels in local streetscene

- 3.4 Notwithstanding, the inspector accepted that the use of a crown roof in itself

was not an issue of concern in this case, but this did not override his other concerns.

- 3.5 In respect of the second reason for refusal, the inspector determined that the depth proposed to the rear would have an adverse impact upon the outlook of neighbouring residents to the north within 74 Harefield Road. In doing so, we consider that the inspector wrongly concluded that some of these windows were the sole windows serving habitable rooms in the south-facing outrigger of no. 74, which is not the case. Notwithstanding the inspector also concluded that the proposal would have an adverse impact upon the enjoyment of amenity space attached to the rear of no.74, and dismissed the appeal on this basis.
- 3.6 With respect to the flats to the south at nos. 56-60, whilst it was acknowledged that the relationship between the site and Nos 56-60 would change as a result of the proposed development, the inspector concluded there would be no harmful impacts arising here due to the position of these properties and given that no side facing windows would be affected by the proposed works.
- 3.7 In April 2022 a second planning application was submitted to the council seeking to address the above appeal refusal (LPA Ref: 25767/APP/2022/1400). This proposed a smaller building on site with the erection of 3 x 1-bed and 6 x 2-bed flats with associated parking and amenity space. Principally the proposed development was narrower and would have less depth into the site, whilst the overall design had been significantly altered to provide a building of less 'presence' than that proposed and refused previously - the narrowing of its built width addressing the inspector's concerns over the proportions of proposed bay windows etc. The height of the proposal had also been reduced from the previously refused scheme, with the upper level now comprising of a swept roof/mansard level, with shallow hipped section above minimise mass at the upper levels (the upper section of the roof would not be visible from the street outside the site). This would mean that both the eaves and ridge height of the proposal would be some distance below that of the neighbouring Victorian houses at 74-80 Harefield Road, with the ridge height being some 1.5m lower. Further consideration

was also made to the retention of more greenery at the site, with an existing Yew tree in the front garden, previously scheduled for removal, retained in the revised scheme. No other trees proposed to be removed to the front of the site, addressing the previous inspector's views on its impact upon 'verdancy'.

- 3.8 Nonetheless, this application was refused on 15/07/2022 by the Hillingdon Planning Committee, with 3 reasons for refusal. These cited impacts upon scale and character, the amenity of neighbours at no.74 Harefield, and the loss of a family-sized unit of accommodation without adequate replacement. On 23/09/2022 an appeal was lodged against this refusal (PINS Ref: APP/N5090/W/22/3307584) and this appeal is currently awaiting determination. Plans of this scheme are included at Appendix B, though are also included in full in the appeal ref: APP/N5090/W/22/3307584.

Other developments nearby

- 3.9 In lodging the appellant's previous 2021 and 2022 appeals for this site the inspector's attention was directed to a number of recent developments, all within reasonable proximity to the scheme, put forward as a supporting consideration when considering the merits of the appeal proposal. Whilst the inspector noted that the circumstances of the two main example sites (The Former Arbrook Arms PH, next to 169 Harefield Road, and no. 178 Harefield Road) were different to that of the appeal then before him, we nonetheless include reference to these two sites again for comparative purposes, since we maintain a strong view that both these demonstrate firstly that the broader area is experiencing a state of transition and moreover, that this transition is introducing new forms and increased scales of development which are nonetheless considered to be acceptable, and which still *'harmonise within the surrounding area'*, as required by policy BE1 of the Hillingdon development plan. We also note that since the previous appeal was determined, a further planning approval has been issued for the extensive redevelopment of the existing detached houses at no.47 Fairfield Road to 5 flats over 4 levels, which is located only 70m from the site to the south. For

ease of reference, these local examples are included at Appendix C to this appeal.

Summary of the consideration of neighbouring sites

- 3.10 Whilst we fully accept that each proposal and site must and will be judged on its relative merits, we must still submit that the fact that the three schemes highlighted in Appendix C have been granted permission whilst containing almost identical considerations as the appeal proposal here, questions the approach to assessing the appeal site and its application of policy. All the above developments have sought to make optimal use of previously under-developed sites. In the case of those at nos. 178 Harefield Road and 47 Fairfield Road, these replaced older houses that stood out as being ‘anomalies’ within their surroundings by virtue of their small scale set within much larger, or more dense development. In the most recent appeal case at 47 Fairfield Road (determined after the most recent appeal at no.72), the inspector there swiftly dismissed the unsubstantiated concerns of both the council and residents that the increased scale, footprint and proximity to Harefield Road would render the scheme to be over-dominant and unacceptable. Moreover, these three approved developments are testament to the fact that again, the general area is in a period of transition, where new buildings of greater mass and plot coverage can sit quite comfortably within their existing, lower rise environment, whilst still *‘harmonising with their surroundings’* - the mainstay of Hillingdon council policy, balanced with a general need to increase housing densities on appropriate redevelopment sites as advocated in the new London Plan and NPPF.

4.0 PROPOSED DEVELOPMENT

- 4.1 The appeal proposal seeks the demolition of existing dwelling and erection of building to provide 2 x 1-bed, 6 x 2-bed and a 1 x 3 bed flat with associated parking and amenity space.

- 4.2 The appeal proposal here has been redesigned again since the refusal of the last proposal here in 2022 and again, proposes a much reduced scale to those previously submitted. This is achieved with a proposed new ‘mansion-house’ style, providing 3 levels of brick façade and a smaller upper level entirely contained within a mansion-type mansard roof, set behind a brick parapet. A further significant alteration is the omission of the previously proposed undercroft through the building, which provided access to the rear car park. Instead, access to the rear is now proposed via an open driveway, running up through the site to the northeast of the main building. In doing so this mimics the arrangement next door at no.74, whilst also increasing the separation distance between the new building and no.74. The streetscene elevation extract below shows this relationship, as well as the general lower mass of the proposal in comparison with its far taller neighbours. This has also allowed for a narrower opening to the highway and more and contoured landscaping to be retained and proposed to the front of the building, retaining even more greenery fronting Harefield Road.
- 4.3 the configuration of the building has also been altered so as to provide a larger, 3-bedroom family-sized flat on the lower ground floor, addressing reason 3 of the council’s July 2022 refusal.



5.0 POLICY BACKGROUND

- 5.1 The relevant policy background for this submission includes at the National level, the NPPF (2021), NPPG, The London Plan and the local documents and saved policies together making up the Hillingdon development plan.

5.2 The NPPF will be well known to the Inspector and LPA. We would only highlight that on matters of design the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It advises that planning decisions should aim 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; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; and, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Planning authorities are also encouraged to consider the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

5.3 A new London Plan was recently adopted, replacing the previous LP from 2016. The LP provides the strategic basis for planning in London. In broad terms this follows the general advice of the NPPF on matters of optimising the use of land, provision of housing to meet the needs of Londoners, amenity, transport and design, Increased housing growth such as that at motion will inevitably increase development densities and the scale of buildings in this very connected location. With respect to the current appeal the following policies are particularly relevant to consider:

GC1 Building strong and inclusive communities

GC2 Making the best use of land

CG3 Creating a healthy city

GG4 Delivering the homes Londoners Need

D1 London's form, character and capacity for growth

D2 Infrastructure requirements for sustainable densities

D3 Optimising capacity through a design-led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality standards

H1 Increasing housing supply

H2 Small sites

H10 Housing size mix

5.4 Policy GC2 of the new London Plan acknowledges that London's population as a whole is growing – it is set to grow from 8.9 million today to around 10.8 million by 2041. The LP acknowledges that such growth will also lead to increasing and competing pressures on the use of space. To accommodate growth while protecting the Green Belt, and for this growth to happen in a way that improves the lives of existing and new Londoners, the LP recognises and proposes more efficient uses of the city's land. This is clearly not just focused on large-scale regeneration areas but within the suburbs too, where this is most likely to involve the incremental redevelopment of sites in areas that are best suited for this, particularly those that are well-connected and in sustainable locations.

5.5 New London Plan Policies H1 and H2 are also considered very relevant to considering the principle of the development proposed here. Policy H1 seeks to reinforce the objective of increasing London's housing supply and sets out the methods to achieve this, whilst policy H2 specifically looks to enhance the significant role that smaller sites can play in achieving the necessary growth. Policy H2 states that smaller sites within London will play a significant role in providing for London's housing need and meeting a range of other desirable objectives. To this end Policy H2 (Small sites) advises that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs

2) diversify the sources, locations, type and mix of housing supply^[SEP]3) support small and medium-sized housebuilders^[SEP]4) support those wishing to bring forward custom, self-build and community led

housing

5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

To this end, the London Plan advises that Boroughs should recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

- 5.6 London Plan policy D3 also introduces the newer concept of the ‘Design-led approach’ to housing and built development in the city. This advocates a design-led approach to the intensification of development, where *‘a design-led approach to optimising site capacity should be based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site’*. Ultimately, developments should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 5.9 Relevant Hillingdon UDP (Saved Policies) include policy BE1 (Built Environment), policies DMH 2, whilst DMHB 11 and 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) are also relevant.
- 5.10 Saved policy BE1 states that the Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. Amongst other criterion, all new developments should: 1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community

cohesion and a sense of place; 2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;

5.11 Policy DMHB 11 (Design of New Development) states that 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

In addition, development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

5.12 Policy DMHB 12 concerns Streets and Public Realm. This requires that 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.

5.13 Policy DMH 2 concerns housing mix and states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. In general, family-sized housing units (3 beds or more) will be retained.

6.0 PLANNING CONSIDERATIONS

6.1 The LPA has previously stated there is no objection to the principle of redeveloping this site for residential purposes, and there have been no highways issues raised, regarding either access or the level of parking proposed or its location to the rear of the site. Amenity space provision is above London Plan requirements. The two previous refusals have focused solely on the impact of these upon the visual character and appearance of the streetscene from both its size, scale, bulk and design, the impact of the proposal upon the amenities of neighbouring occupants, and the 2022 refusal, the proposed housing mix failing to retain a family-sized unit. The current scheme here directly responds to those matters, and in doing so proposes a significant change in the form and scale of development proposed and its layout at the site from previous iterations. In our view, the matters for consideration in this appeal therefore remain the same as those previously cited by the council in their consideration of (and refusal) of earlier proposals.

Housing mix and family-sized accommodation

- 6.2 On the matter of family sized units, the appeal scheme subject to this non-determination appeal includes a 3-bedroom dwelling within its housing mix. This is of good proportions and amenity and would have direct access to appropriate open space. It would provide a high quality family unit here and as such, this meets the requirements of policy DMN2 of the development plan.

Visual Impact, Design, Character

- 6.3 The LPA has previously contended with earlier schemes that the proposed developments would have failed to ensure that the replacement building would be of a suitable scale and design within the streetscene. In respect of the second proposal also now at appeal, the LPA considered this had failed to address the previous inspector's concerns over the 'stretched' nature of proposed bay windows and general proportions, and an overly large and bulky proposal within the context of the surrounding streetscape. The LPA further considered that the second proposal would still reduce the verdant nature of this part of the streetscape.
- 6.4 In terms of scale this proposal now clearly demonstrates and even greater reduction in height and scale over previous iterations. Moreover, as can be seen in the streetscene elevations above (para. 4.3), the height of the resulting building would in effect be akin to the three storey flats to the south, whilst increased open gaps to each side would ensure that the setting of the proposed building is logical and within keeping with the pattern and rhythm of development in this part of the streetscene. Increased landscape and tree retention at street level will assist in grounding the building within its existing setting, reducing visibility and prominence of the front façade within the street. In our view the design and form proposed now has clearly addressed the concerns raised by the previous inspector in refusing the initial proposal here in 2021 (APP/R5510/W/21/3283640), producing a building of significantly

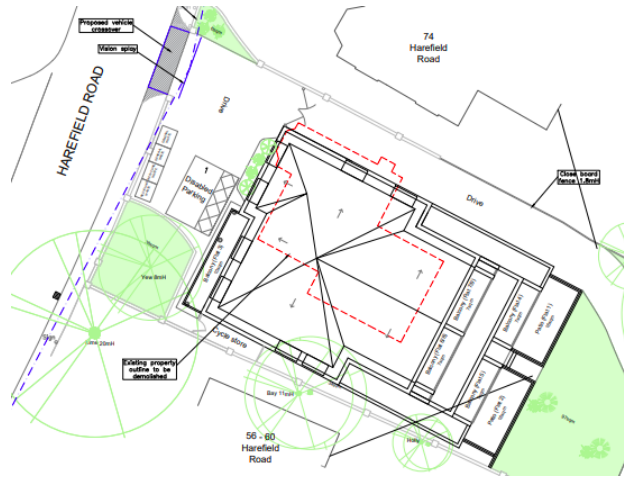
lower mass than its grander neighbours to the north and assimilating with existing flats to the south.

- 6.5 In terms of width, the building has also been stepped in from the most visible side boundary (to no.74), with the separating access drive mimicking the arrangement there. Proposed bays have also been removed and the front façade has also been ‘de-cluttered’. A vertical emphasis is gained from the staggered front walls which also helps to break up the visible width of the building. Taken together we would submit these changes assists in assimilating the proposal within its setting, whilst providing a significant enough gap to allow the change in typology to be appreciated without jarring with its neighbours.



Mass and setting of current appeal proposal (far right) in comparison to the previous refused scheme (right and centre)

- 6.6 Alterations to its width and in particular, the method of access through to the rear of the site, have also allowed for a rationalisation of the frontage area in the proposal. Providing highway access at its north boundary focusses new open areas here, whilst retaining far greater greenery and landscaping to the south side of the frontage, including a relatively important Yew tree and open space around it, as well as a greater amount of front boundary wall. This all assists in maintaining a sense of enclosure and verdancy that was identified as an issue by the inspector considering the 2021 appeal refusal, as well as retaining a green link in to the established row of trees adjacent which would of course be maintained in any case. Indeed, this would mean that tree cover to the front of the site would remain as existing, leaving the greenery identified previously unaffected.



Block plan, showing retained Yew, garden space and front boundary wall to Harefield Road

- 6.7 Overall therefore (and as seen above in comparing the proposed and previous refusals together at the same scale), it is clear that the overall proportions of the building proposed now do represent a significant reduction in scale and general appearance from that refused previously on appeal. Moreover, the scheme would be in keeping with the general pattern of development locally, including its scale and the rhythm/grain of development evident in this part of the Harefield Road.
- 6.8 Turning to the proposed detailed form, the proposal is now put forward in a 'mansion-house' style, which is the result of numerous architectural studies of the site and various iterations proposed previously. The significant benefit of this approach is that it allows for reductions in the overall mass and height of the proposal, whilst still optimising the number of units to be delivered here – a key element of the 'design-led' agenda set out in the new London Plan. Whilst we would accept that this form is not an especially common form locally, it is nonetheless present in this part of Uxbridge and across north London as a whole, and it is therefore not an alien suburban housing form in any way. In the case here, it is our view that the proposed form will provide an appropriate transition between the already differing styles of the rather more utilitarian 1960s flats to the south and the more elaborate and grand Victorian villas to the north. To a large extent this is facilitated and enhanced by the provision of appropriate gaps between buildings and its lowered form. This will allow harmonisation within its setting and an appropriate transition between buildings without visual harm.

6.9 Moreover, given that the surrounding streetscene does in fact display a wide variety of building styles, it must be accepted that there is no common built form evident locally. Styles range from Victorian cottages and grander villas, 1930s suburban house forms (including some noticeable art-deco examples), 1950s, 60s and 70s houses and flats, to more recent, more 'generic' additions from the very later 20th Century and those within the last 20 years or so. Within this wider context the proposed form put forward for this appeal site would be appropriate and whilst different, it would nonetheless harmonise within its setting and against its immediate neighbours. Indeed, as set out in our appeal against the June 2022 refusal, there are in fact examples of mansard and similar roof forms locally, the terrace of houses at nos. 81-87 Harefield Road (just to the south of the site, opposite the new appeal approval at 47 Fairfield Road) being an example of where differing suburban forms are juxtaposed against each other locally, but do not conflict with the overall character and appearance of the streetscene.



Terrace of mansard-roofed houses at nos. 81-87 Harefield Road, some 50m to the south of the appeal site

6.11 Given this wide variety of built forms locally, we would argue that taking any particular design cue from these is unnecessary, provided the resulting built form is legitimate and in scale and form with its suburban character and surroundings. The use of a mansion-block type mansard roof here provides a coherent design response that would clearly fit within this context. It is noted that the previous appeal proposal here sought to take its main cues from the Victorian townhouses next door and this was deemed to be inappropriate in a modern context. Instead, the issue of managing the evident change in building styles and heights here between the taller Victorian townhouses to the north and the 3 storey block of flats to the south is proposed by

introducing a form of suburban architecture that is relatively common across the borough. It is not an alien or harmful form of development, and has the significant advantage of managing the transition down between the two sites either side, whilst reducing the apparent mass of the building's upper levels.

- 6.12 Saved policy BE1 and policies DMHB 11 and 12 of the local plan all seek to achieve 'high quality of design and to enhance local distinctiveness and sense of place'; 'development that harmonises with the existing street scene'; and, development that 'improves or complements the character of the area'. The council has cited this policy in its previous reasons for refusal but on detailed analysis, has failed to demonstrate how the proposal is in clear conflict with these aims. By contrast, our appraisal above demonstrates that in all respects, when considered against the accepted tests to appraise the characteristics of a proposal, the appeal development would increase the density of development of the site, raising this from one that is clearly an under-utilised use of urban land, to an efficient use that will optimise the site for housing whilst still respecting its suburban context. In our conclusion, we would submit that the appeal proposal is a well-designed and appropriate response to this site and to the issues raised by the Inspector in considering the previous, refused proposal here.

Impact upon Residential Amenity

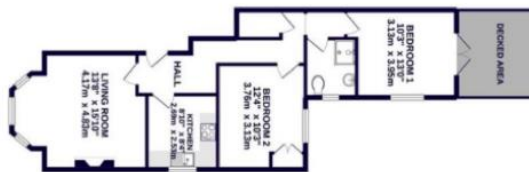
- 6.13 In the council's previous assessments of proposed development here the council has maintained a position that the scale of development proposed would harm the amenities of neighbouring occupants to no.74 Harefield Road in respect of over-dominance, overshadowing, visual intrusion and loss of outlook. This was deemed to be due to the proposed size, scale, bulk, depth and proximity of these two previously proposed developments to neighbours at no.74 Harefield Road and those at 56-60 Harefield Road.
- 6.14 Notwithstanding, in considering the previous appeal here in 2021 the Inspector was quite clear in stating that in his view that the larger development proposed then would not harm the amenities of residents in the flats to the south at nos. 56-60. The proposed development subject to his

appeal now is a much smaller building than that proposed in 2022 and has reduced the extent of mass at the rear even further. It therefore follows that there can be no material impacts to these flats to the south arising from the current proposal.

- 6.15 As for the impacts to no.74 to the northeast, the proposal here has been altered again in order to address the stated concerns of the council, which were repeated in their 2022 refusal of application Ref: 25767/APP/2022/1400 (also now at appeal - PINS Ref: APP/N5090/W/22/3307584). In their 2022 refusal, whilst the council acknowledged that changes had been made to the scale of development proposed to the rear in the current proposal, officers still deemed the resulting relationship would be harmful. In doing so the council sought to bolster its view by referring to the previous inspector's conclusions on this matter, but this has two specific issues when applying it directly to both the 2022 appeal proposal and the appeal case here.
- 6.16 In the first instance the Inspector took the view that within the south façade of the rear outrigger at no.74 there are windows facing the appeal site which solely serve habitable rooms. As stated, this is not the case. As the photographs below show, there are 6 south-facing windows in the rear outrigger of no.74. The extract of sales plans for the first floor flat at no.74 below (this arrangement is mirrored in the second floor) shows that the three closest side windows to the main dwelling serve bathrooms, whilst those closest to the rear garden serve habitable rooms. However, these side windows are purely secondary windows, with larger windows looking out to the rear.



Views of the side and rear elevations of no.74 Harefield Road, showing number and nature of side windows evident



Plan extract of first floor flat at no.74, showing layout of this flat

- 6.17 As a result, the development proposed adjacent could not be deemed to have a material adverse impact. Notwithstanding, having been reduced in depth by 3m (from that subject to the previous Inspector's decision), the proposal now at appeal here has further reduced again the scale and depth of the rear element of the scheme and in siting the proposed driveway alongside that of no.74, the distance between 'outrigger' elements has increased to almost 12m. The general scale of the building has been reduced and the design and location of side windows has been rationalised and reduced. The fact that the external ground level at no.74 would be approximately in line with the top of the lower ground windows in the appeal proposal, impacts on scale and outlook from no.74 would be further limited. This, combined with a general reduction in overall mass and height across the appeal proposal, means that the secondary outlook from these windows would not be materially harmed in any case, but to refuse a development at this distance due to a marginal reduction in outlook to a secondary window would be entirely illogical and unjustified.

6.18 Whilst there are also rear-facing windows in no.74, these do not look directly out onto the site of the appeal proposal. The appellant has demonstrated that any proposed development would be well outside the 45 degree ‘rule of thumb’, and therefore any incursion into the outlook from these properties would be incidental at worst, and in any case, what would have been expected had no.72 been developed with an exact replica of the Victorian Villa at no.74 in the first place. In our view, the relationship between the rear sections of the appeal proposal and no.74 present as a logical approach to allowing at least some development to the rear of main buildings and in a manner that is generally mirrored across the country, with no materially harmful effects arising. Thus, whilst an element of the appeal proposal would extend beyond the existing rear building lines, this is done with clear consideration for the outlook and amenity experienced from the rear of these properties and clearly with the intention of addressing the previous inspector’s concerns. We would submit that it must follow that some level of development would be acceptable at the rear here, since this would follow the sameform of development already evident at nos. 74-80, and that the relationship that would result in the case here would be appropriately within this context.



Comparison of alterations to rear projection, as represented in the proposed north elevations of 2021 appeal refusal (left), scheme refused in 2022 and currently at appeal (centre) and current appeal proposal (right), showing significance in reduction of mass when viewed from no.74 Harefield Road. It should also be noted that no.74 sits on a higher level than the appeal proposal – its ground floor FFL being level with the lower ground floor sills, whilst the driveway serving no.74 is set at just below the top of these windows.

6.19 In summarising the amenity impacts of the proposal, the plans and arguments above demonstrate that the scheme proposed now would not lead to adverse amenity impacts. The building would be of significantly less scale than the scheme proposed initially here, and has taken into account the concerns of

residents, the council and a previous planning inspector. The resulting proposal is commensurate with its setting and the pattern of development locally, and we therefore conclude that the proposal meets the stated objectives of the adopted development plan and NPPF.

7.0 SUMMARY

- 7.1 The appeal site comprises a not unattractive but nonetheless undistinguished dwellinghouse which is set between two far taller buildings that are each in use as flats. The appeal proposal puts forward a scheme that utilises the slope and scale of the site to provide a building that would optimise development on this plot whilst paying due regard to its surroundings. Notwithstanding, the scheme proposed now has been through several design iterations in order to address issues raised by the previous inspector in considering a larger development at this site and the latest refusal by the council.
- 7.2 Whilst the appeal proposal would increase the scale of built development on this plot, progressive reductions in scale and alterations to its form and layout have now produced a building that would sit comfortably on this site whilst providing an appropriate and considerate transition between neighbouring buildings of different heights. We have demonstrated that its detailed design is justified locally, whilst key amendments have been made to the front forecourt area in order to preserve all existing trees and a large amount of the open greenery here. The site and building would function well, and we have demonstrated that it would safeguard the material amenities of neighbouring residents. To this end we have demonstrated that the proposal could not therefore be considered to be over-development.
- 7.3 In terms of housing mix, the proposal includes a larger, three-bedroom dwelling within it, and so there is an adequate replacement provided for the loss of the extant, poorly equipped existing house.

- 7.4 The proposals will lead to an appropriate intensification in the use of this site, delivering 9 new high quality flats and providing level access to this site which is presently lacking. This will inevitably involve some change to the form and appearance of this site but one that we submit would now be appropriate here, bearing in mind the advice of the London Plan that LPA's must accept that change is inevitable in many, non-designated suburban environments, and the conclusions of the previous inspector.
- 7.5 In light of the above we submit that the proposals here represent sustainable development in accordance with the NPPF and adopted, extant London-wide and local policies. We submit that there is no good reason to refuse planning permission for this well-considered scheme and we respectfully submit that this appeal succeeds.

End.

Paul Robinson BA(Hons) BPL MRTPI

Orbis town planning – 06 January 2023