

Appeal Statement

Site: Crescent Parade, Uxbridge Road, Hillingdon, UB10 0LG

Proposal: Erection of three staircases at the rear. Roof extensions and alterations to facilitate the provision of 8 dwellings. Reconfiguration of seven flats at first and second floor level. Provision of refuse, recycling and cycle storage at the rear

Reasons for refusal:

"1 Due to its excessive number of dormers, ridge height increases, resulting scale, prominent location, and 3x 3 storey, flat roofed rear extensions to create stairwells, it is considered that the proposed development would result in a poorly designed, top heavy, unduly prominent and uncharacteristic building which would fail to harmonise with the established scale, character and appearance of the area. Subsequently the proposal would cause harm to the appearance of the street scene, visual amenities of the wider area and the setting of the adjacent Hillingdon Village Conservation Area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as Policies D1, D3 and HC1 of the London Plan (2021) and paragraphs 130 (a) and (c) of the NPPF (2021).

2 The proposal would fail to provide a sufficient level of off-street parking, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), London Plan Policies T4 and T6 and paragraph 109 of the NPPF (2021).

3 New stairwell 3 would allow for residents of proposed Apartment G to have direct, short distance views into the living room of the first floor flat below, adversely impacting on the amenities of the properties existing occupiers and the amenities of future residents of the property by reason of privacy loss. The proposed development would therefore be contrary to Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4 No pedestrian footpath/cycle route will be provided for future residents leading from the dwellings to Crescent Parade Road/Uxbridge Road. As such new residents would have to walk or ride through the busy service yard and car park, to the mentioned roads. This could put them in danger from vehicles entering and existing the site. 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)."

1.0 Appeal Site

1.1 The appeal site is located on the northern side of Uxbridge Road on the junction with Long Lane. The building is a mainly two storey building with a curved footprint, with gable roof form at the ends. Where the building faces the junction between Uxbridge Road and Long Lane the building has a mansard roof design incorporating several small dormers.

1.2 On the ground floor the building contains 17 commercial units and above the ground floor there are a number of flats. Within the application site boundary to the rear is a service yard and access to the existing upper floor flats is by way of several external staircases. There are number of pre-paid parking bays in front of the site for customers of the commercial units.

1.3 Beyond the site to the north-west is 1-9 Highgrade Court, a flatted development. Northeast of the site is No. 15 Long Lane a two storey residential dwelling. To the west is a large area of green covered in mature trees which are subject to a Tree Preservation Order.

1.4 The appeal site is not located within a conservation area but is on its periphery of the Hillingdon Village Conservation Area.

1.5 With the exception of the petrol station the area surrounding the site is predominantly residential.

2.0 Relevant Planning History

2.1 Planning permission was refused 9th December 2020 (planning ref: 75416/APP/2020/3194), for: *“Creation of 2 x 2-bed and 3 x 1-bed self-contained flats within the roof level of the existing building involving alteration to the roof to include raising of ridge height, 16 dormers to front, 2 x 3 storey rear extensions to provide staircase access and associated external works.”*

3.0 The Planning Proposal

3.1 Erection of three staircases at the rear, two of which would be enclosed by a brick structure.

3.2 Mansard roof extensions including dormer roof extensions at the front and the provision of roof lights.

3.3 Reconfiguration of seven flats at first and second floor level.

3.4 Provision of 8 dwellings as follows:

APT A - 85.8sq.m, 2-Bedroom, 3-person

APT B - 78.2sq.m, 2-bedroom, 3-person

APT C - 45.1sq.m, 1-bedroom, 3-person

APT D - 62.7sq.m, 1-bedroom, 1-person

APT E - 45.0sq.m, 1-bedroom, 1-person

APT F - 78.5sq.m, 2-bedroom, 3-person
APT G - 77.7sq.m, 2-bedroom, 3-person
APT H - 93.3sq.m, 2-bedroom, 3-person

3.5 No off street car parking is proposed.

3.6 Provision of refuse, recycling and cycle storage at the rear.

4.0 Relevant Planning Policies

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires planning proposals to be considered against planning policies *“unless material considerations indicate otherwise”*.

4.2 National Planning Policy Framework (NPPF) 2021

Paragraph 10 of the National Planning Policy Framework Document (NPPF) states; *“So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).”*

Paragraph 11 states; *“Plans and decisions should apply a presumption in favour of sustainable development.”*

Paragraph 60 states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Paragraph 61 states: *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

Paragraph 62 states. *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.”*

Paragraph 69 states: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”*

Paragraph 111 advises that planning proposals should only be refused on highway grounds if the non-provision of a car parking space would; *“be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Paragraph 119 states: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions'*

Paragraph 124 states: *"Planning policies and decisions should support development that makes efficient use of land...."*

Paragraph 130 states: 'Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

4.3 London Plan 2021

London Plan policies for housing encourage, inter alia: • housing in sustainable locations; • increase in housing supply; • make efficient use of land to provide more housing; • increase in housing mix.

The London Plan was adopted in March 2021, therefore its policies should be given significant material weight.

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design led approach
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- S1 2 Minimising greenhouse gas emissions
- T5 Cycling
- T6 Car parking

4.4 The Local Plan comprises *Hillingdon Local Plan: Part One - Strategic Policies (November 2012)* & *Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)*

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Policy BE1

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

DMHB 4 - Conservation Areas

DMHB 11 - Design of New Development

DMHB 12 - Streets and Public Realm

DMT 2 - Highways Impacts

DMT 6 - Vehicle Parking

5.0 Planning Considerations

5.1 The main issues for consideration in this case are:

- Impact the proposal would have on the character and appearance of the property and the area
- Impact the proposal would have on the setting on the neighbouring conservation area
- Impact the proposal would have on neighbouring amenity
- The standard of accommodation provided and amenities of future occupiers of the proposed units
- Highway and parking matters
- Refuse and recycling storage
- Energy assessment
- Other material planning considerations

6.0 The impact the proposal would have on the character and appearance of the area.

6.1 Policy BE1 of the Hillingdon Local Plan: Part One - Strategic policies states that a high quality design should be achieved in all new buildings, alterations and extensions, and states that schemes should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas.

6.2 The existing building is of a traditional design. Its key features include it's curved footprint and staggered roof form with the presence of a mansard roof form on the middle of the building which directly faces towards and addresses the junction between Uxbridge Road and Long Lane.

6.3 The proposal provides for the raising of the existing ridge of the roof on the two main flanks by 400 mm to allow for mansard roof extensions to be provided at the rear.

6.4 The two main flank mansard roof extensions sit either side of the corner part of the property and these will be higher than the two flank parts to ensure the corner part has the larger height with the two flanks elements being subordinate in height to this corner element. This ensures the resultant-built form respects and maintains the street pattern, its context and creates townscape interest.

6.5 The height and position of the new heights have been very carefully articulated to respect and respond to the context and to ensure its scale and massing is appropriate when considered alongside the surrounding townscape forms.

6.6 The proposed mansard roof extensions will have clays tiles and the dormer windows will be provided lead coverings and the windows will be white timber framed.

6.7 The proposed front dormers have been carefully designed to reflect the window designs of the windows on the first-floor level. Overall, the dormer windows add visual interest to the building and the street scape and will be made of high-quality material.

6.8 It is accepted the rear mansard roof additions would add additional bulk to the property. However, it is the appellants case the resultant building would not result in demonstrable harm to the character ad appearance of the building or locality which is mixed in character. And the use of clay tiles ensures the overall impact is softened.

6.9 Two of the three proposed three staircases would be enclosed by a brick structure to match the material in the existing building. The proposed staircases at the rear are important to provide access, but care has been taken to ensure the staircases are the minimum size required and that the structures blend in with the prevailing brick form. The extent of the proposed staircases are shown in the plan below.



6.10 The built form at the rear is cluttered and has a negative impact on the character and appearance of the area. The provision of the staircases at the rear and mansard roof extensions are not considered to result in a design form which would cause demonstrable harm to the character and appearance of the building and the immediate area, as seen from the rear. Therefore, the proposal would be compatible with the character ad appearance of the locality.

Conclusion

6.11 The proposal would continue to provide a focus on views from Uxbridge Road and Long Lane and will not block or harm any key views in the district.

6.12 Overall, it is considered that the proposals will provide:

- High quality design and use of appropriate materials.
- Careful positioning of the built form that respects and maintains the street pattern, its context and creates townscape interest.
- The height and position of the extended building has been very carefully articulated, to ensure its scale and massing are appropriate when considered alongside the surrounding townscape forms.
- The proposal respects the context of the surroundings and provides a new townscape feature that benefit both the site itself and townscape areas in close proximity to the site.

7.0 Impact the proposal would have on the setting on the neighbouring conservation area

7.1 Although the site is not located within a conservation area it is adjacent to Hillingdon Village Conservation Area. The appeal sites location in proximity to the conservation area is shown by the red dot in the image below.



7.2 The Council object to the proposal because they consider it would harm the setting of the adjacent conservation area. The Council's conservation area policy (*DMHB 4*) does not refer to the setting of conservation areas. Notwithstanding this, it is the appellants case that for the same reasons outlined why the proposal would not harm the character and appearance of the area, the proposal would not harm the setting of the adjacent conservation area.

8.0 Impact on the amenity of neighbouring occupiers

8.1 Local Plan Policy DMHB 11 sets out design guidance for all new development in the borough. Part B of the policy states 'development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space'.

8.2 Guidance for Policy DMHB 11 states 'The Council will aim to ensure that there is sufficient privacy for residents, and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary'.

8.3 Guidance for Policy DMHB 11 also states ' For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook. Single aspect dwellings should be avoided'.

8.4 The Council's planning report (appendix 1) confirms the proposal would not result in any harmful overlooking or loss of privacy to neighbouring properties. The report goes on to say that "the rear windows face the buildings rear service and court yard area, which is already overlooked, and the new front windows would be approximately 32m from the properties on Uxbridge Road and 40m from those on Long Lane. The significant separation distance would ensure the development causes no harmful overlooking or loss of privacy to those properties."

8.5 The Council's planning report also states the following:

"Additionally due to the siting of the proposed extensions and dormers (within the roof of the building), they would cause no loss of light or outlook to neighbouring dwellings, nor would they be overbearing or visually oppressive.

Staircases 1 and 2, as well as the proposed refuse and cycling facilities have been carefully sited away from the habitable room rear windows of existing flats, ensuring that they cause no loss of light or outlook to those properties."

8.6 The Council though consider the new stairwell 3 would allow for residents of proposed Apartment G to have direct, short distance views into the living room of the first floor flat below. It is accepted that the proposed staircase would allow some limited views into the kitchen of the flat below. However, this window is not required for outlook because the kitchen and living room are open plan and served by windows at the front. Therefore, the kitchen window in this flat (in the control of the appellant) could be obscure glazed to ensure privacy is protected – this could be required as a planning condition.

9.0 The standard of accommodation provided and amenities of future occupiers of the proposed units.

9.1 The proposed resultant dwellings exceed the minimum space standards for new development, as set out in the London Plan.

9.2 Proposed flats A & H are dual aspect.

9.3 Proposed flats B – E are single aspect, south facing.

9.4 Proposed flats F-G are single aspect, east facing.

9.5 The proposed new dwellings will not be provided external amenity space because the site constraints make this impossible – planning policies allow flexibility on amenity space provision where site constraints make such provision difficult. This position has been accepted by the Council.

9.6 The Councils planning report confirms the Council consider the standard of accommodation to be acceptable, except they consider the pedestrian access at the rear to be dangerous for pedestrians.

9.7 Existing tenants enter and exit their dwellings from the rear and the Council has not provided any accident data which demonstrates the access arrangements are incompatible with vehicles that use the rear service area.

9.8 In reality, the rear service area has low levels of vehicle movements and vehicles would move slowly. Therefore, it is not considered the proposal would be dangerous for new residents.

9.9 Weight also needs to be attributed to the fact it is not possible to provide access from the front.

10.0 Highways and parking matters

10.1 The proposal would provide no off street car parking provision.

10.2 Secured cycle storage for 13 cycles will be provided meeting London Plan standards.

10.3 Paragraph 111 of the NPPF advises that planning proposals should only be refused on highway grounds if the non-provision of a car parking space would; *“be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

10.4 The London Plan (2021) advises that a maximum 6 car parking spaces should be provided for the proposed 8 residential units.

10.5 The Council consider that the non-provision of off street car parking spaces and the absence of a legal agreement to restrict access to car parking permits would give rise to conditions that would be prejudicial to pedestrian and highway safety. However, the Councils planning report does not explain how any demand for on street car parking would result in any harm.

10.6 The surrounding residential roads have ample overnight car parking capacity to cater for any overspill car parking demand on neighbouring streets. This is demonstrated by the car parking survey submitted as part of the application documents – please refer to car parking survey and commentary.

10.7 Therefore, there is no justification to require off street car parking provision or the restriction of car parking permits.

11.0 Refuse and Recycling Storage

11.1 Communal Bin stores would be provided to the rear of the building in its service yard area amongst other refuse collection areas. Details and dimensions of the bins could be secured via condition to ensure they cause no harm to the appearance of the site/area and are fit for purpose.

12.0 Energy assessment

12.1 The sustainability statement submitted with the application documents stated the proposal will be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target omission Rate requirements of the 2010 Building Regulations. This is compliant with the requirements of Policy SI of the London Plan 2021.

12.2 The building regulations have since been updated (June 2022), which requires new development to achieve an improvement in carbon dioxide emissions of a minimum of 35%, when compared to the requirements of the 2010 Building Regulations.

13.0 Other material planning considerations

13.1 The provision of eight additional dwellings will help deliver much needed housing of which there is a known shortage in the borough and London wide.

13.2 Policy H1 of the London Plan (2021) sets new housing delivery targets for London LPA's. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required.

13.3 Policy H2 states that small site housing developments will be the strategic priority (paragraph 4.2.1) to deliver housing. Part A of the policy states that "small sites should play a much greater role in housing delivery..." Part B, 1, recognises that planning decisions should accept that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments. The policy also includes a new housing delivery target solely for the number of dwellings approved for applications of small sites.

13.4 The proposal ensures an efficient use of brown field land in compliance with sustainability policies.

13.5 Therefore, significant weight should be afforded to the provision of eight much needed additional dwellings in a sustainable location.

13.6 The proposal would lead to the contribution of significant community infrastructure level (CIL) monies.

13.7 The proposal ensures an efficient use of brown field land in compliance with sustainability.

14.0 Conclusion

14.1 The proposal does not cause demonstrable harm to the character and appearance of the building or general locality – it is the appellants case the proposal enhances the character and appearance of the locality.

14.2 The proposal would not cause demonstrable harm to neighbouring amenity.

14.3 The proposal provides good quality housing.

14.4 The proposal represents an opportunity to put the site to its best and most efficient use in a sustainable location.

14.5 The provision of an eight additional dwellings to help meet a shortage of housing is a significant benefit.

14.6 The Inspector is therefore respectfully requested to allow this appeal.