

Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Ian Cook

Proposal:

Erection of a single building encompassing three self-contained, independent dwellings over two levels (two 1-bedroom ground floor units and a second floor two-bedroom unit) plus associated access, parking and landscaping.

Appeal Site:

Land Adjacent To 1a Nicholls Avenue, UXBRIDGE, UB8 3JL

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission.

- 1.2 The LPA refused planning permission on 07.01.2023 for the following reasons (as stated on the decision notice):
1. Due to its design, depth, bulk and scale, the resulting building, including its roof, would form an oversized, uncharacteristic and visually incongruous form of development which would fail to harmonise with the established character of the area and appearance of the street scene and locality. The proposal would therefore be detrimental to the visual amenities of the streetscene and the character and appearance of the surrounding area, all contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and paragraphs 130 (a) and (c) of the NPPF (2021).
 2. The proposed first floor side elevation bedroom window facing No.1a at Nicholls Avenue would lead to an unacceptable loss of privacy to users of the space, adversely impacting on the amenities of the occupiers of the property. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and paragraph 130 (f) of the NPPF (2021).
 3. The proposal includes no provision of family sized residential units (3 bedrooms or more) nor justification as to why such units cannot be included in the proposed development. The proposal therefore consists of a unsuitable housing mix contrary to Policies DMH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).
 4. The proposed development includes an over provision of vehicle parking and therefore fails to promote sustainable forms of transportation. The proposed additional vehicle crossover would endanger pedestrians crossing the site as well as vehicle users entering and exiting the site. Insufficient electrical vehicle charging points would be provided for the proposed development. For these reasons, the proposal would be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy T4 and T6 of the London Plan (2021).
- 1.3 The LPA's case is set out in the Officer's report, which should be read in conjunction with this statement. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 Within their statement of case the appellant has raised the following summarised points:
- The proposed development would cause no harm to the character and appearance of the area and therefore this appeal should be allowed.
 - A 3 bed property could be provided at first floor by amending the internal layout of the proposed development.

- The adverse impact on the privacy of the neighbouring property could be overcome by obscure glazing the properties first floor side windows.
- The proposed development provides an acceptable level of car parking spaces (5), it would provide 4 EV charging spaces and the crossovers would cause no harm to pedestrian safety. The proposal would have an acceptable highways impact.

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

- 2.2 The proposed development is not in keeping with the character and appearance of the area and it is considered to be harmful to the visual amenities of the streetscene, for reasons set out in section 1.2.1 of this report, as well as the Officer's Report and Decision Notice. The refusal reason should therefore be upheld.
- 2.3 It is agreed that if the first floor side elevation bedroom windows were obscure glazed the development would not have an adverse impact on the amenities of No.1a Nicholls Avenue (in terms of privacy loss).
- 2.4 The proposed development is considered to have an adverse impact on highway and pedestrian safety for the reasons set out in set out in section 1.2.4 of this report, as well as the Officer's Report and Decision Notice. Notwithstanding this point, it is agreed that appropriate levels of EV charging could be secured via condition. The refusal reason should therefore be upheld, although issues regarding EV charging could be removed from the refusal reason.
- 2.5 The addition of a 3 bedroom dwelling is welcomed and supported. However, the council would need to see the amended plans to ensure that they comply with internal floor space standards, and that all rooms have access to natural light and outlook. New windows would also have to cause no harm to the privacy of neighbours. This being the case, the council would want to see such details upfront and does not believe that they could be secured via condition. The refusal reason relating to the provision of family sized dwellings should therefore be upheld.

3. Other Matters

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

4. Conclusion

- 4.1 For the reasons set out in the Planning Officer's Report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions