



APPEAL BY:
Mr Ian Cook (Ian Cook & Co)

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

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

AT:

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

London Borough of Hillingdon Council's Reference: 54817/APP/2022/2568

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

July 2023

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Ian Cook (Ian Cook & Co), in support of the appeal lodged against the refusal of planning application reference 54817/APP/2022/2568.

1.2 The application was dated 15th August 2022 and sought planning permission for the *'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'* on land adjacent to no. 1a Nicholls Avenue in Hillingdon. The application was refused under delegated authority on 27th January 2023 for the following reasons:

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 street scene 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 paragraph130 (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 This grounds of appeal will address the central concerns raised within the council's reasons for refusal, notably:

- Whether the development by reason of depth, bulk and scale would appear detrimental to the visual amenities of the street scene and the character and appearance of the surrounding area; and,
- Whether the proposed first floor side elevation bedroom window facing no. 1a Nicholls Road would lead to a loss of amenity for the occupiers of the property; and,
- Whether the development fails to consist of a suitable housing mix; and,
- Whether the proposal would fail to promote sustainable forms of transportation and endanger pedestrians and vehicles entering and exiting the site.

1.4 The following planning history is relevant to the case:

- 54817/APP/2000/433: Erection of a four bedroom detached house. Approved 25/07/2000
- 73146/APP/2017/3154: Two storey, detached dwelling with habitable roof space, single storey building to rear for use as a multi car garage and a store with associated access and amenity space. Refused 09/03/2018
- 54817/APP/2018/4476: Two storey building comprising of 2 x 1-bed and 1 x 2-bed self-contained flats with associated parking and amenity space and detached double garage to rear. Refused 15/02/2019
- Appeal APP/R5510/W/19/3232504: Dismissed 21st October 2019 (Details attached in **Appendix A**)

1.5 Taking into account the concerns raised on previous applications the scheme has evolved in order to address those issues.

1.6 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

- 2.1 The appeal site is located on the northern side of Nicholls Avenue. The site is within a predominantly residential area although it is not within a conservation area or within the curtilage of a listed building.



Aerial view of the appeal site and surrounding area

- 2.2 The land adjacent to No. 1a Nicholls Avenue comprises of a vacant and overgrown plot. The development proposes to transform the plot with a two-storey detached property comprising three self-contained flats.



Land Adjacent To No. 1a Nicholls Avenue

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3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for the '*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*' on land adjacent to no. 1a Nicholls Avenue.
- 3.2 The proposed two-storey building would measure 8.90m wide x 12.59m deep with additional single storey front porch of 4.49m wide x 1.8m deep; the building would be set in from the western boundary by 3.04m and the eastern boundary by 1m. The dwelling would have a butterfly roof with an approximate height to the eaves of 5.1m and a maximum height of 7.2m. The building would be constructed from high quality materials which respect the prevailing character.



Fig3: Proposed Dwelling

- 3.3 The ground-floor would be sub-divided into two self-contained, 1-bedroom/2 person flats with a GIA of 54.86m². The space would comprise a combined living/kitchen/dining room with separate bathroom/shower room and a bedroom. Both flats would allow wheelchair access and both flats would have access out into the communal garden.
- 3.4 The first floor would comprise a 2-bedroom(4P) flat with a total GIA of 96.65m² which would accommodate a kitchen and utility room, living room, dining room, WC, store cupboard, bedroom 1 with ensuite bathroom, bedroom 2 with en-suite shower room. The first floor flat would benefit from a private outdoor amenity space of 17sq.m with 1.6m ornate steel railing around the perimeter. Access would be provided through the dining area.
- 3.5 To the rear of the property 4x parking bays with cantilever canopy would be built, with cycle and waste storage. Vehicular access would be to the left side of the building and pedestrian access to the right.

4.0 RELEVANT PLANNING POLICY

4.1 The reasons for refusal refer to policies D1, D3, H10, T4 and T6 of the London Plan (2021), policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), policies DMHB 11, DMHB 12, DMH 2, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Framework.

4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF) 2021

4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way.

Delivering a sufficient supply of homes

4.6 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”.

Achieving well-designed places

- 4.7 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.8 Paragraph 130 states that 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.*

The London Plan (2021)

- 4.9 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level taking full account of the borough’s character. Policies D1, D3, H10, T4 and T6 were mentioned in the given reasons for refusal.

Policy D1: London’s form, character and capacity for growth

- 4.10 Policy D1 provides criteria and guidance to allow for boroughs to make a concise and thorough area assessment to ensure developments are not subservient to the character of the area.

Policy D3: Optimising site capacity through the design-led approach

- 4.11 Policy D3 concerns the optimisation of site capacity, ensuring that development is of the most appropriate form and use of land.

Policy H10: Housing size mix

- 4.12 Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to robust local evidence or need where available, the requirement to deliver mixed and inclusive neighbourhoods, the need to deliver a range of unit types at different price points and the range of tenures in the scheme.

Policy T4: Assessing and mitigating transport impacts

- 4.13 The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated. Development proposals should not increase road danger.

Policy T6: Car parking

- 4.14 Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

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

- 4.15 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough. Policy BE1 was referred to within the given reason for refusal.

Policy BE1: Built Environment

- 4.16 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.

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.17 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. Policies DMH2, DMHB 11, DMHB 12, DMT 2 and DMT 6 were referred to within the given reasons for refusal.

Policy DMH 2: Housing Mix

- 4.18 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.

Policy DMHB 11: Design of New Development

- 4.19 All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design.

Policy DMHB12: Streets and Public Realm

- 4.20 Development should be well integrated with the surrounding area and accessible.

Policy DMT 2: Highways Impacts

- 4.21 Development proposals must ensure that:
- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
 - ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
 - iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
 - iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
 - v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking

- 4.22 A) Development proposals must comply with the parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:
- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
 - ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reasons for refusal, notably:

- a) Whether the development by reason of depth, bulk and scale would appear detrimental to the visual amenities of the street scene and the character and appearance of the surrounding area; and,
- b) Whether the proposed first floor side elevation bedroom window facing no. 1a Nicholls Road would lead to a loss of amenity for the occupiers of the property; and,
- c) Whether the development fails to consist of a suitable housing mix; and,
- d) Whether the proposal would fail to promote sustainable forms of transportation and endanger pedestrians and vehicles entering and exiting the site.

5.2 The main considerations in the determination of this appeal are:

- Background
- Impact on the amenities of occupiers of neighbouring residential properties
- Impact on street scene
- Traffic impact/pedestrian safety
- Principle of development

Background

5.3 To recap, the appeal application was a resubmission following two previous applications and a recent appeal decision. The appeal was dismissed due to harm caused to the character and appearance of the area, the local highways network and pedestrian safety.

5.4 The current scheme differs from the previous appeal scheme by virtue of:

- Design of proposed building including reduction in height by approximately 1m, alterations to front elevation, change from crown roof to valleyed butterfly roof and external materials now proposed to be brick and render instead of just brick;
- Rear garage replaced with parking bays and front parking space removed to create improved access.



Oakes proposal 9215mm wide x 8113mm high

Current proposal 8990mm wide x 7266mm high

5.5 Whilst the council acknowledge that the current scheme is an improvement on the previous proposal, they still consider it would be harmful to the character and appearance of the area, detrimental to neighbours' amenity, provide excessive parking and an unacceptable housing mix.

5.6 The following paragraphs will, therefore, demonstrate that the council's objections are unfounded. In addition, the appellant submits a site plan with additional information (copy attached in **Appendix B**) to assist with the decision making process.

Impact on the amenities of occupiers of neighbouring residential properties

5.7 Paragraph 130 point f) of the NPPF seeks to 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

5.8 Policy DMHB 11 (Design of new development) further seeks to ensure that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

5.9 The council refused the scheme citing that the first floor side elevation bedroom window facing no. 1a 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.

5.10 In response, the appellant states that the layout of the proposed flats has been carefully considered to ensure that it would not unacceptably affect the residential amenities of neighbouring occupiers.

5.11 The following plan excerpt illustrates the proposed first floor layout and the position of windows within the flank elevations. From the plan layout it is evident that the flank windows are secondary windows to the habitable rooms they serve. As a

harmonise with the established character of the area and appearance of the street scene and locality.

- 5.18 Nicholls Avenue is characterised by a mix of dwellings which vary considerably in their design and scale and provide a diverse and interesting street scene. The section of the avenue containing the appeal site comprises a mix of two-storey detached and semi detached dwellings as well as bungalows and chalet style bungalows.
- 5.19 Thus, the appellant states that the two-storey scheme currently proposed with its gable roof appearance would assimilate in the street scene without compromising its character.



Neighbouring properties



Semi-detached pair at nos. 2a and 2b Nicholls Avenue

- 5.20 The council further argue that the roof is overcomplicated and contrasts with the design of other roofs in the area and due to the depth of the property the roof would be clearly visible when travelling along Nicholls Avenue.
- 5.21 However, the appellant disagrees and states that the roof form has been designed to minimise the vertical emphasis of the building and to create a building form that would not appear out of keeping with the prevailing character. The relatively shallow roof

pitch of the new building would respect the design of the roofs at nos. 1a, 2a and 2b Nicholls Avenue which are shown in the images above.



Proposed building

- 5.22 There are differing roof designs on properties in the locale with many properties having been extended since their original construction which has resulted in the simple roof forms the council refer to evolving over time.
- 5.23 In this instance the flank elevation of the proposed building would also only be visible for a short distance along Nicholls Avenue being mainly hidden from view by the adjacent dwellings. Therefore, the council's suggestion that the proposal would cause adverse harm to the street scene is unwarranted.

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Olive Tree House restricts views of the appeal site on approach from the west

- 5.24 The proposed front porch gable also respects the scale and form of the proposed property as well as the front gables on nearby bungalows and thus, the appellant asserts that the scheme has successfully combined different elements of the built environment to produce an attractive high-quality building that would enhance Nicholls Avenue.
- 5.25 Regarding the proposed first floor roof garden, given its position to the rear of the property it would not unduly affect the surrounding area. The railings would also be of a modest scale and thus this element would not appear prominent within views in or around the locale.
- 5.26 Moreover, the appellant states that the site is not within a conservation area or area of special local character and the neighbouring buildings are not locally or nationally listed and as a result the area is not so sensitive that it could not accommodate the changes proposed.
- 5.27 In summary, the proposed development would have a positive impact on the site and would appear as a high-quality addition that harmonises with the architectural form of neighbouring dwellings and thus, complements the character and appearance of the street scene and surrounding area. Therefore, the development would comply with the aims of the NPPF, the London Plan and policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012) and policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two: Development Management Policies (2020).

Parking and Highway

- 5.28 The NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

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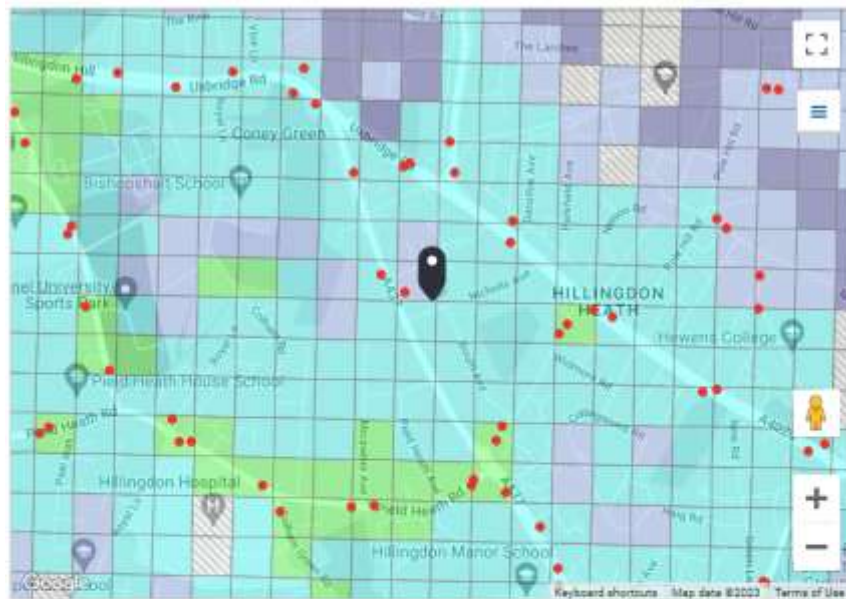
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- 5.29 London Plan policy T4 (Assessing and mitigating transport impacts) states that development proposals should not increase road danger and the cumulative impacts of development on public transport and the road network capacity should be taken into account and mitigated.
- 5.30 Policy T6 (Car parking) states that parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.
- 5.31 Hillingdon Local Plan Part 2 policy DMT 6 (Vehicle parking) states that development must comply with the parking standards outlined in Appendix C Table 1. The council may agree to vary these requirements if the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

DWELLINGS WITH CURTILAGE	
2 spaces per dwelling	(a) 1 per 1 or 2 bed unit. (b) 2 per 3 or more bed unit
FLATS	
3 - 4 or more bedrooms - 2 spaces per unit	(a) 1 per studio, 1 or 2 bed unit.
1 - 2 bedrooms - 1.5 - 1 spaces per unit	(b) 2 per 3 or more bed unit.
Studio - 1 space per 2 units	
(a) Proposals must also accommodate visitor's car parking on-site additional to the above	
(b) Car parks must be allocated to dwellings.	

Hillingdon Local Plan: Part 2 - Appendix C Table 1

- 5.32 The council refused the scheme citing that the development includes an over provision of vehicle parking and therefore, fails to promote sustainable forms of transport.
- 5.33 The appeal site has a PTAL rating of 2 thus indicating poor access to public transport. According to Appendix C Table 1 the appeal development, which proposes 2 x 1-bedroom flats and 1x 2-bedroom flat should provide 4.5 – 3 spaces overall and as per criterion (a) '***Proposals must also accommodate visitor's car parking on-site additional to the above***'.



You can click anywhere on the map to change the selected location.

PTAL output for Base Year

2

1A Nicholls Ave

1A Nicholls Ave, Uxbridge UB8 3JL, UK

Easting: **507384**, Northing: **182390**

- 5.34 The appeal scheme proposes 4x car parking spaces to the rear of the property and 1x car parking space to the front which could potentially be allocated to a ground floor, disabled compliant flat.
- 5.35 Therefore, a total provision of 5x car parking spaces would not be excessive given the poor access to public transport. The council highlight that one side of Nicholls Avenue has double yellow lines restricting parking and therefore, by providing sufficient on-site parking the proposal would not be detrimental to current on-street parking conditions.
- 5.36 The appellant also rejects the council's claims that the development would not promote sustainable modes of transport given that 4x electric vehicle charging points would be provided as well as sufficient storage for 8x cycles to the rear of the proposed parking spaces. The proposed provisions upon the site would encourage future occupants to more sustainable modes of transport.
- 5.37 The council argue that the provision of 4x passive electric vehicle charging points contradicts London Plan policy T6.1 (Residential Parking) which requires that 20% of spaces should have active charging facilities with passive provision for all remaining spaces.

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- 5.38 In this case the appellant states that the development could provide 1x active electric vehicle charging point to comply with policy T6.1 and further details relating to this could be secured by condition.
- 5.39 The council also refused the scheme as they consider the proposed additional vehicle crossover would endanger pedestrians crossing the site as well as vehicles users entering and exiting the site.
- 5.40 The site currently has an existing crossover and the scheme proposes to extend an existing crossover at no. 1a to provide an additional vehicular access into the site to access a visitor parking bay.
- 5.41 The council argue that the extension of the existing crossover would exceed the 5m width recommendation set out within the council's Domestic Vehicle Footway Crossover Guidance and therefore, pedestrians would have no safe island or place of refuge when walking across the oversized crossover.
- 5.42 However, we consider that the council have misinterpreted their own guidance as section 4.2.2 (Shared Crossover/Shared Access) states (our emphasis):

*"Subject to 4.3 below, where applicants are applying for two adjoining crossovers (e.g., for 2 adjoining properties), **or where a new crossover will join an existing one (e.g., a neighbour's crossover), a maximum of 5m flat section will be allowed for each new crossover (refer to Fig 5).** This requirement will also apply where the occupiers of two adjoining properties share a driveway and wish to build a double width crossing to serve the two sites or if one owner only requires an extension."*

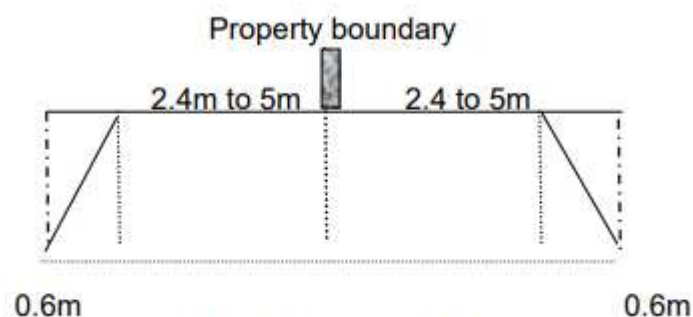
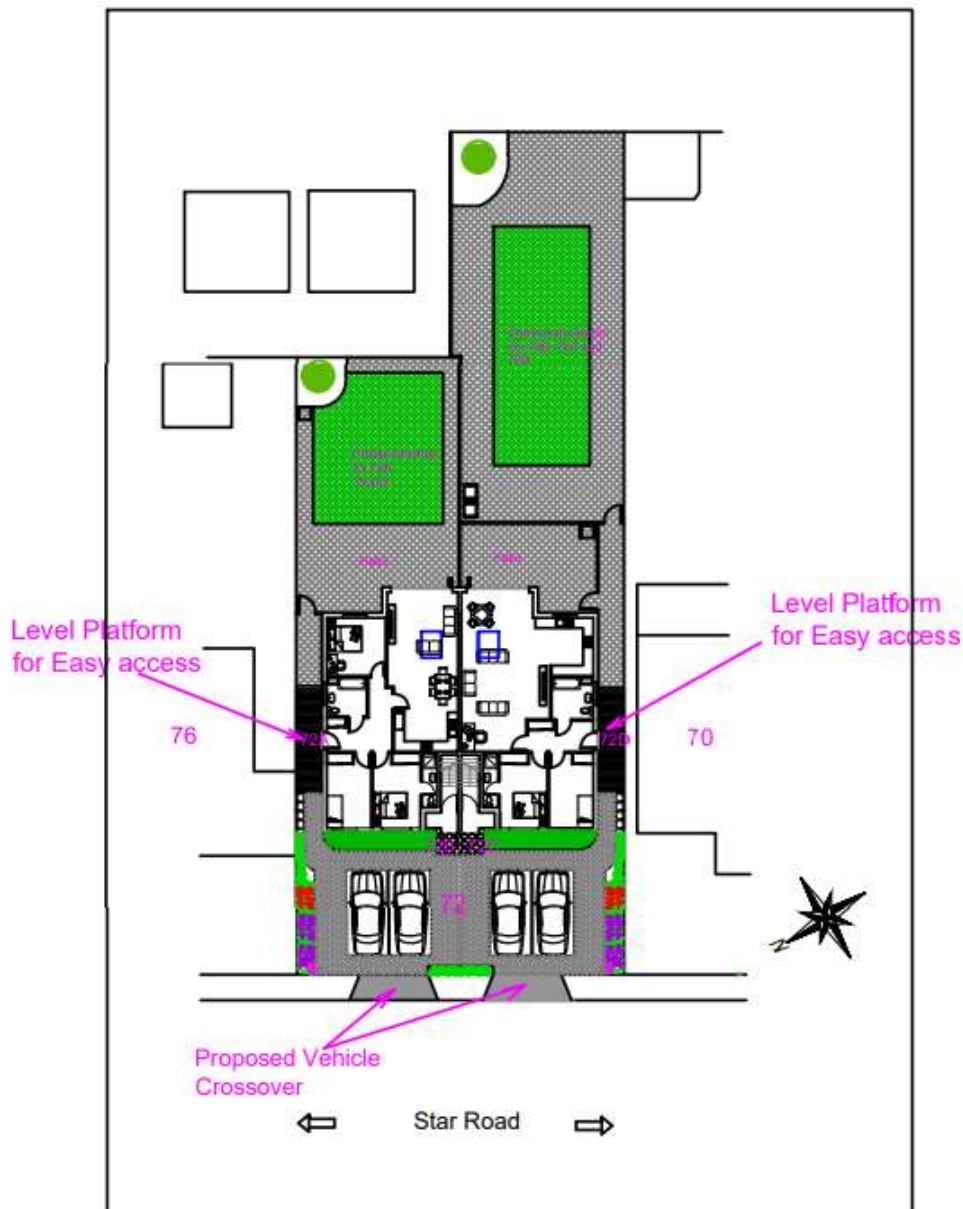


Fig 5 -Two adjoining crossovers

- 5.43 The proposed existing crossover at no. 1a is 3.4m wide (without tapers) whilst the proposed crossover for the new development would be approximately 2.5m wide (without tapers), thus complying with the guidance above.

- 5.44 The combined crossover width of 5.9m would be well within the expected guidance of between 4.8 and 10m. Furthermore, sightlines along Nicholls Avenue are good and any approaching pedestrians would have time to anticipate an approaching/exiting vehicle and act accordingly and therefore, an additional pedestrian island is not necessary. Front boundary treatments would also be set below 0.9m to ensure good visibility for all.
- 5.45 Regarding access onto the single front parking space the council object stating that there is no room to allow a car to enter and exit the site in a forward gear.
- 5.46 However, drivers emerging from the proposed crossover in either a forward or reverse gear would have a reasonable view of oncoming traffic. The lack of street furniture and other obstacles in combination with the proposed boundary treatments would combine to allow a good line of sight in both directions.
- 5.47 Due to the road layout vehicles are likely to be travelling at relative low speeds along this section of Nicholls Avenue and therefore, drivers approaching the property would have time to anticipate an emerging vehicle and react accordingly.
- 5.48 The council have not put forward any evidence to suggest that crash statistics are unusually high in this location. As such, the development would be unlikely to adversely affect the flow of traffic in the highway or result in conflict with other road users given these matters and as the number of vehicle movements associated with the parking space would be low.
- 5.49 In further support of the proposal the appellant submits details relating to an approved application at no. 72 Star Road, Uxbridge, UB10 0QN.
- 5.50 Application ref 494/APP/2022/1428 proposed '*Construction of a two-storey building with roof accommodation comprising 4 self-contained flats (following demolition of existing bungalow and garage); new crossovers to accommodate parking (following reinstatement of existing); hard and soft landscaping; boundary treatment; cycle and refuse storage and private and communal amenity spaces*' at no. 72 Star Road and was approved on 14th October 2022. (Details attached in **Appendix C**)
- 5.51 The following plan excerpt shows the approved parking arrangement for no. 72 which indicates that vehicles cannot enter and leave in a forward gear. It should be noted that Star Road is much busier than Nicholls Avenue yet it was not deemed essential for vehicles to be able to manoeuvre within the confines of the site to exit in a forward gear. In addition the council allowed a second crossover, which they currently object to at the appeal site. This scheme demonstrates that the council do not approach like for like proposals in the same manner.



Approved Block Plan – 72 Star Road: Drawn by ART CONSULTANTS (UK) LIMITED

- 5.52 The NPPF states that permission should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is clear from the information provided that the scheme on land adjacent to no. 1a Nicholls Avenue should not be prevented or refused on highways grounds.
- 5.53 In summary, the proposal adheres to the aims of the London Plan which seeks to promote sustainable transport measures and the provision of adequate parking whilst protecting highway safety for all users. Therefore, the proposed scheme would not be detrimental to public and highway safety and would comply with the aims of the

NPPF, London Plan policies T4 and T6 and Hillingdon Local Plan Part Two – Development Management policies DMT2 and DMT6.

Principle of development

- 5.54 In accordance with the aims of the National Planning Policy Framework (NPPF) the council is committed to the supply of new dwellings and sets out ways in which this can be achieved. The London Plan 2021 further supports the essential need for more homes and currently has a target set for the delivery of a minimum of 1,083 new dwellings per annum in Hillingdon of which 295 should be delivered from small sites.
- 5.55 The London Plan 2021 proactively encourages the intensification of existing residential areas which are expected to play an important role in contributing toward housing targets for small sites which can take a number of forms including conversions.
- 5.56 The precursor to London Plan policy GG2 (making the best use of land) states in the following relevant paragraphs:
- 1.2.1 London's population is set to grow from 8.9 million today to around 10.8 million by 2041. As it does so, employment is expected to increase on average by 49,000 jobs each year, reaching 6.9 million over the same period. This rapid growth will bring many opportunities, but it 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, this Plan proposes more efficient uses of the city's land.*
- 1.2.2 The key to achieving this will be taking a rounded approach to the way neighbourhoods operate, making them work not only more space-efficiently but also better for the people who use them. This will mean creating places of higher density in appropriate locations to get more out of limited land, encouraging a mix of land uses, and co-locating different uses to provide communities with a wider range of services and amenities.*
- 1.2.5 All options for using the city's land more effectively will need to be explored as London's growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London. New and enhanced transport links will play an important role in allowing this to happen, unlocking homes and jobs growth in new areas and ensuring that new developments are not planned around car use.*
- 1.2.8 Making the best use of land will allow the city to grow in a way that works for everyone. It will allow more high-quality homes and workspaces to be*

developed as London grows, while supporting local communities and creating new ones that can flourish in the future.

- 5.57 Criterion C of policy GG2 states that LPAs should proactively explore the potential to intensify the use of land to support additional homes and workspaces.
- 5.58 London Plan 2021 policy H2 (Small sites) states that boroughs should pro-actively support well-designed new homes on small sites and for London to deliver more of the housing it needs, small sites below 0.25 hectares in size must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority.
- 5.59 London Plan policy H10 (Housing size mix) states that schemes should generally consist of a range of units.
- 5.60 Hillingdon Local Plan: Part Two policy DMH 2 (Housing mix) also requires 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.
- 5.61 The council refused the scheme as there was not provision of a family sized residential unit (3 bedrooms or more) and therefore the proposal, in their opinion, consists of an unsuitable housing mix.
- 5.62 In response the appellant states that a 3-bedroom unit was not included as this was not raised as an issue on earlier schemes. However, as the floor area of the first floor flat is 96.65m² it would be sufficient to accommodate a 3-bedroom/6-person unit and it would only be necessary to change one of the proposed living spaces into an additional bedroom and the flat would comply.
- 5.63 In fact, the applicant submitted details that the floor area of the first floor flat was sufficient for conversion to a 3-bedroom dwelling if necessary, stating that it maximised sustainability by being of a readily adaptable design that has the potential to be simply converted and considered as a 3-bedroom dwelling.
- 5.64 Nevertheless, the scheme currently proposes to provide 2 x 1-bedroom units of which both would be disabled compliant and a 1x 2-bedroom unit. Smaller units of accommodation are still in demand in the Hillingdon Borough and thus, the proposal would provide a suitable mix of units at the site.
- 5.65 In summary, the principle of development accords with the aims of national, regional and local planning policy and therefore, should be considered acceptable.

6.0 CONCLUSION

- 6.1 The proposed development would have a positive impact on the site and would appear as a high-quality addition that harmonises with the architectural form of neighbouring dwellings and thus, complements the character and appearance of the street scene and surrounding area.
- 6.2 The residential amenities of the neighbouring occupiers at no. 1a Nicholls Avenue would be safeguarded through the use of obscure glazing in the first floor side elevation bedroom window. Details in relation to this could be secured by condition.
- 6.3 The proposal would provide a mix of residential units with the capacity for the top floor flat to be altered to a 3-bedroom unit if required. Thus, the development would provide a suitable mix of housing in accordance with council requirements.
- 6.4 The proposed development would also provide adequate on-site parking to meet the needs of future occupants and visitors to the site. The additional crossover would also not endanger pedestrian or vehicular safety whilst a condition of approval could ensure that sufficient active electric vehicle charging points are provided on site.
- 6.5 In addition to the information set out above, the appellant submits his own personal statement, copy attached in **Appendix D**.
- 6.6 Thus, it is stated that the appeal scheme is consistent with the aims of the National Planning Policy Framework, policies D1, D3, H10, T4 and T6 of the London Plan (2021), policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and policies DMHB 11, DMHB 12, DMH 2, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).
- 6.7 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed development would not be contrary to national, regional or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.