



## Planning Statement (Section 73 – Variation of Condition: Approved Plans)

Fernfield Homes Ltd

Land at Summerhouse Lane, Harefield, Uxbridge UB9 6HS

Application under Section 73 of the Town and Country Planning Act 1990 to vary the approved plans to replace four contemporary flat-roofed dwellings with four traditionally designed, pitched-roof dwellings.

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## 1. Introduction

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This Planning Statement accompanies a Section 73 application that seeks to substitute a consented contemporary housing development with a setting-sensitive traditional architectural design which employs pitched roofs and a darker, recessive materials palette. The amended scheme keeps the approved quantum, plot arrangement and footprint parameters broadly intact (four dwellings; same number of bedrooms; houses in largely the same positions) while delivering a design that is considered to be more attuned to the site's woodland setting positioned within the Green Belt.

The applicant acknowledges that the introduction of pitched roofs results in a modest increase in built volume when compared with the approved scheme and (to a lesser extent) the equestrian baseline. This conscious design choice is necessary to achieve a character-led traditional design, which responds directly to the case officer's finding that the flat-roof typology *'does not correspond to the wider area characterised by traditionally designed buildings with hipped roofs'*.

This traditional design should be assessed on its own merits under NPPF paragraph 154(g) (redevelopment of previously developed land in the Green Belt). The proposal would not cause substantial harm to openness, as clarified in *Turner v SSCLG* [2016] EWCA Civ 466 and endorsed by the Supreme Court in *Samuel Smith* [2020] UKSC 3 confirming that openness has both spatial **and** visual aspects, and must be judged holistically, not by volume alone. While the adoption of pitched roofs delivers a modest increase in built volume relative to the approved scheme, the site's lower topography and surrounding tree cover limits visibility, and the revised house types and recessive materials palette materially reduces visual presence. Taken together, the visual improvements outweigh the limited spatial uplift and provide a significant improvement to the approved white-box fallback position.

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## 2. Site Description and Planning History (the Fallback Position)

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The site is located on Summerhouse Lane, beyond Belleview Terrace, within an enclave on the edge of Harefield. The site has been historically occupied by utilitarian equestrian buildings with extensive hardstanding. Planning permission for four dwellings was refused by the Local Planning Authority but allowed on appeal (Ref. APP/R5510/W/24/3341154). The Inspector confirmed the land as Previously Developed Land (PDL) and accepted redevelopment under NPPF 154(g) on the basis that it would not cause substantial harm to the openness of the Green Belt, noting explicitly that openness has “a spatial as well as a visual aspect.”

The Appeal Scheme is extant and implementable, and for commercial reasons, construction work needs to begin shortly. The approved Appeal Scheme therefore represents the fallback against which this variation should be considered.

### Assessment of available options

- The approved scheme was judged acceptable at appeal, but the LPA's own officer criticised its flat-roof contemporary typology as not corresponding to an area characterised by traditionally designed buildings with pitched and hipped roofs.
- This Section 73 application proposes a more traditional, pitched-roof typology that directly addresses that critique while keeping the approved quantum and layout logic.

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### 3. The Proposed Development (Section 73 Variation)

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#### 3.1 The proposal

- **What changes:** substitution of the consented stark white boxy flat-roof house types with more traditionally designed dwellings comprising pitched/hipped roof forms, articulated gables, and a recessive material palette (multi-tonal stock brick; dark grey natural slate/clay tiles; dark, low-gloss window and door frames; textured brick detailing).

Natural brown and black vertical timber cladding is proposed in place of the approved white render. The strong vertical grain and muted tones create a recessive façade that visually harmonises with the surrounding woodland. The deliberate emphasis on upright lines, together with the triangular gable peaks, subtly mirrors the verticality and tapering forms of the surrounding trees. This reduces reflectance and contrast while reinforcing the architectural language of the woodland edge, ensuring the scheme reads as a contextual response rather than an imposition.

The amended layout provides three off-street parking spaces per dwelling, now arranged side-by-side rather than in tandem. This delivers a clear functional benefit as each vehicle can enter/leave independently avoiding car shuffling and reducing the likelihood of overspill and short-term on-street parking. This will improve day-to-day convenience and safety and accords with the NPPF objective to secure safe and suitable access for all users.

- **What remains the same:** four dwellings; same bedroom counts; plots in largely the same positions; footprints are directly comparable to the approved scheme, **Plot 1**- 78.2 SQM, **Plot 2** - 61.6 SQM, **Plot 3** - 79.1 SQM, **Plot 4** - 66.4 SQM totaling the ground floor area to **285.3 sqm**, ensuring no greater site coverage. Furthermore, the landscaping in the revised application has been enhanced rather than diminished.

It's important to recognise that whilst it is clear the pitched roofs introduce a modest uplift in overall volume, "Turner v SSCLG [2016] EWCA Civ 466" confirmed that Green Belt 'openness' is an open-textured policy concept with both spatial and visual aspects. Relevant factors include how built-up the area would be if redevelopment occurs and the degree of visual impact, so a modest increase in volume is not determinative where visual effects are reduced. Applied here, the site's enclosure and

the recessive, broken roofscape mean the limited spatial uplift is convincingly outweighed by the material reduction in visual impact when assessed holistically.

Judged on its own merits under NPPF paragraph 154(g), the proposal would not cause substantial harm to Green Belt openness because the site is visually contained and the revised house types materially reduce visual presence through form, colour, texture and landscaping.

### 3.2 Development Metrics

<b>Metric (Footprint)</b>	<b>Existing Equestrian (Baseline)</b>	<b>Approved (Fallback)</b>	<b>Proposed (S73)</b>
Total Footprint (m <sup>2</sup> )	435.8	285.3	285.3
% vs Existing (m <sup>2</sup> )		-34.6%	-34.6%

<b>Metric (Volume)</b>	<b>Existing Equestrian (Baseline)</b>	<b>Approved (Fallback)</b>	<b>Proposed (S73)</b>
Total Volume (m <sup>3</sup> )	1,621	1,496	1,850
% vs Existing (m <sup>3</sup> )		-7.7%	+14%

The 14% volume uplift from the equestrian facility is directly and wholly a result of adopting a traditional built form, directly addressing the officer's observation in paragraph 7.3 of the officer's report that the flat-roof approach did not correspond with the area's traditionally hipped roofs.

The reduction in visual impact as a result of the pitched roof forms, softer silhouettes and a recessive palette within a contained woodland setting means the overall effect on Green Belt openness is not substantial and, in perceptual terms, a significant improvement to the approved fallback.

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## 4. Planning Policy & Context

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- **National Planning Policy Framework (Dec 2024)** paragraph 154(g) confirms that the redevelopment of previously developed land in the Green Belt is not inappropriate where it would not cause substantial harm to openness, recognising that openness has a visual as well as spatial aspect. In this case, the Inspector found the site's contribution to openness to be limited because it sits at a lower level than Summerhouse Lane, is enclosed by mature tree belts/woodland that filter and shield views, and affords only short, oblique and heavily screened public views. On that basis, a modest uplift in roof volume is not determinative where the visual component of openness is materially softened by the proposed darker palette, broken pitched roofscapes and strengthened planting. Taken together, the proposal would not cause substantial harm to Green Belt openness.
- **Hillingdon Local Plan** - Policies BE1 and DMHB 11 require context-appropriate, high-quality design that enhances local distinctiveness; DMHB 14 supports robust landscaping and tree protection; DMEI 4 seeks to protect the Green Belt from inappropriate development and, for the redevelopment of previously developed land, requires proposals to demonstrate they would not cause substantial harm to openness, considering both bulk/height/footprint (spatial) and how development is perceived (visual) in line with the NPPF.
- **London Plan** - Relevant green infrastructure and design policies (including G1/G6) are addressed through the reinforced planting strategy.

Taken together, the amended house types and landscape proposals accord with the policy framework above. Under **NPPF 154(g)**, the scheme would not cause substantial harm to Green Belt openness. At local level, it accords with **BE1/DMHB 11** in respect of scale, form and materials. The proposal complies with **DMEI 4** because, assessed across both spatial and visual dimensions, openness is not harmed to a substantial degree; and meets **DMHB 14** by retaining/protecting key trees and reinforcing the green structure with native planting. At London Plan level, the proposed landscaping plan and tree retention align with policies **G1/G6**.

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## 5. Planning Assessment

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### 5.1 Design and Character

It is considered that the more traditional built-form of the revised proposal represents a clear improvement over the already approved fallback scheme within this wooded and contained setting:

- **Breaking up massing:** Pitched and hipped roof forms subdivide each building into perceptually smaller elements, avoiding the monolithic parapet lines of the flat-roof boxes. Varied ridge heights, eaves levels and gables create graduated roofscapes that step down towards boundaries, diminishing apparent bulk at oblique angles.
- **Softer silhouettes against the canopy:** Deep eaves, gable verges and chimneys generate shadow lines that visually soften the roof-sky edge. Against the dark, textured backdrop of mature woodland, the resulting silhouettes are more diffuse than the sharp, rectilinear profiles of white-rendered cubes.
- **Recessive, woodland-friendly palette:** Replacing stark white render with multi-tonal stock brick and dark grey natural slate/clay tiles reduces light reflectance and surface glare, helping the dwellings to recede in long and mid-range views. Low-gloss frames and deeper reveals further curb reflectivity. The materials pick up the browns, charcoals and greens of bark, understory and canopy, harmonising the built form with its setting.
- **Local vernacular fit:** The proposed roof pitches, proportions, window pattern and materials take their cue from Harefield/Uxbridge, introducing traditionally designed, hipped-roof homes in place of the previously approved flat-roofed houses.

On this basis, the amended scheme is considered to represent a design which is more compatible with policies BE1 and DMHB 11, enhancing local distinctiveness through a design that is both sensitive to its setting and context-led.



## **5.2 Green Belt Openness - Substantial Harm Test**

For previously developed land in the Green Belt, the question is whether the proposal would cause substantial harm to openness (NPPF 154(g)), recognising that openness has “a spatial as well as a visual aspect.” As confirmed in *Turner v SSCLG* [2016] EWCA Civ 466 and endorsed by the Supreme Court in *Samuel Smith* [2020] UKSC 3, openness is a broad policy concept to be assessed holistically, not by volume alone. Decision-makers may weigh how built-up the site would be (height, bulk, distribution) alongside how it would be perceived (visibility, screening, duration of effects). Accordingly, a modest increase in volume is not determinative where the visual effects are neutral or improved; the question is whether, taken together, the spatial and visual effects amount to substantial harm.

### **Application to this scheme.**

- Spatial aspect: The introduction of pitched roofs results in a measured increase in volume over both the approved scheme and the equestrian baseline, however the footprints remain significantly below the existing structures.
- Visual aspect: Within a site that is topographically lower than the lane and heavily enclosed by mature trees, the replacement of white parapets with articulated pitched roofs and a recessive palette materially reduces the legibility and contrast of built form in public views. Softer silhouettes and darker, matte finishes absorb light rather than reflecting it, and the enhanced planting scheme further subdues visibility at eye-level along Bellevue Terrace. This substantial reduction in visual intrusion is robustly demonstrated by the comparative photomontages from Viewpoint 2 on Bellevue Terrace in the accompanying LVIA.

### **Conclusion on the test**

Taking the visual and spatial considerations together, it is considered that the proposal does not cause substantial harm to Green Belt openness. While the spatial metric rises modestly, the visual impact is significantly reduced; taken together, the overall adverse impact on the perceived openness of the Green Belt is not substantially greater than either the existing equestrian facility or the approved fallback, and is convincingly mitigated by the significant visual improvements, ensuring the proposal does not cause substantial harm.

### **5.3 Landscaping, Arboriculture and Biodiversity**

The enhanced landscape strategy included with this application reinforces the site's green structure with native canopy and understorey, gap-infill hedgerows and shade-tolerant species along the woodland edge. Tree protection is carried forward; replacement planting secures a defensible, layered screen that assists in reducing visual prominence year-round. Habitat structure and nectar sources are increased, moving the site decisively beyond the utilitarian equestrian baseline and supporting London Plan G-policies and DMHB 14.

### **5.4 Residential Amenity**

Separation distances and window placements comply with the Local Planning Authority's standards. The previously identified overlooking issue remains addressed within the substituted house types, securing high levels of internal and external amenity in accordance with the Hillingdon Local Plan and relevant SPD guidance.

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## **6. Conclusion**

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### **6.1 The Fallback versus The Pragmatic Choice**

An extant permission for four dwellings exists following the allowed appeal. In determining this Section 73 variation, the Planning Authority is invited to consider whether to keep the approved contemporary house types, or to approve the proposed traditionally designed alternatives which respond to previously identified design concerns, without altering the established principle or quantum of development.

The LPA can either

1. Refuse this more traditional proposal, in which case the consented stark, flat-roofed houses which the Officer criticised as out of keeping will be built; or
2. Approve the more traditional proposed pitched-roof variant that aligns with the LPA's stated design preferences while remaining within the established development envelope and not causing substantial harm to openness.

The Section 73 route enables the Authority to secure the better design outcome without reopening the principle of four dwellings already endorsed at appeal.

## **6.2 Permitted Development Rights (offer of restriction)**

Although the appeal decision did not remove householder Permitted Development (PD) rights, the applicant is willing to accept a Condition withdrawing Part 1 Classes A–E of the GPDO for the new dwellings should this Section 73 Application be approved. This proactive commitment offers the LPA an opportunity to prevent incremental extensions or outbuildings, providing assurance that the approved scheme will be delivered and maintained as assessed, and that its effects will not intensify without express permission.

## **6.3 Final Conclusion**

This Section 73 proposal offers the authority a straightforward, policy-sound improvement on the permitted scheme. It acknowledges a small, transparent increase in volume as the necessary corollary of delivering the traditional, pitched-roof architecture that the LPA has previously indicated is appropriate. In return, it delivers a measurably reduced visual presence through softer silhouettes, darker, low-reflectance materials and strengthened planting within a visually contained site.

Accordingly:

- On its own merits, the revised proposal does not cause substantial harm to the openness of the Green Belt (NPPF 154(g)).
- In comparative terms (against the fallback), the adverse effect on perceived openness is not substantially greater, and is convincingly mitigated by significant visual improvements, while materially improving design quality and local fit.
- It is therefore considered to represent a fuller compliance with the Council's key design policies (BE1, DMHB 11), while remaining fully compliant with Green Belt policy (DMEI 4) when openness is assessed holistically, as required by the NPPF and confirmed in both the Court of Appeal and the Supreme Court as to the correct interpretation of openness in the Green Belt.

Approval under Section 73 is respectfully sought, with relevant conditions rolled forward and updated to reference the substituted drawings, materials schedule and landscape plans.