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4th June 2021

London Borough of Hillingdon
Residents Services
Development Control
3 North Civic Centre
High Street
Uxbridge
UB8 1UW

Dear Sirs,

5 Nicholas Way, Northwood, Middlesex HA6 2TR

Section 73 Planning Application TCPA 1990 for:

Amendment to Condition 2 of Planning Permission 2443/APP/2019/4085. The proposed Condition to read:

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing numbers 1326/P/1 Rev. F, 1326/P/2 Rev. F, 1326/P/3 Rev. F, 1326/P/5 Rev. E, 1326/P/7 Rev. D, 1326/P/8 Rev. D and Arboricultural and Planning Integration Report dated 12th May 2021 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

Condition 2 currently reads:

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing numbers 1326/P/1 Rev. C, 1326/P/2 Rev. C, 1326/P/3 Rev. C, 1326/P/5 Rev. B, 1326/P/7 Rev. A, Tree Protection Plan Rev. B and Arboricultural and Planning Integration Report dated 11 March 2020 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2016).

PLANNING STATEMENT

BACKGROUND

- 1.1** Application No 2443/APP/2019/4085 was Permitted on 19th December 2019. The Permission contains a Condition (2) which, quite properly, specified the drawings which accompanied the Application.
- 1.2** Subsequent to the Permission, S73 Application 2443/APP/2021/1216 was Refused, on three grounds, disputed by the Applicant, for a variety of reasons.
- 1.3** This Application (which is one of two such Applications) seeks to:
 - resolve various issues,
 - to correct some technical inadequacies with 2443/APP/2021/1216, and also to
 - directly and logically challenge the LPA's RfR1 of 2443/APP/2021/1216.
- 1.4** Condition 2 of 2443/APP/2019/4085 states the specific drawings involved. This Application seeks to substitute the proposals drawings, for subsequent revisions. Note: Actual drawing titles remain unchanged. The amendments are due to the Applicant's instructions to make some amendments to the drawings, as discussed below. These are in respect of the specific practical / technical requirements related to the detailed design of the proposals. It is considered that these, singly or taken as a whole, are acceptable in Planning terms.
- 1.5** This Application involves drawings:
 - 1326/P/1 Rev. F,
 - 1326/P/2 Rev. F,
 - 1326/P/3 Rev. F,
 - 1326/P/5 Rev. E,
 - 1326/P/7 Rev. D,
 - 1326/P/8 Rev. D and
 - Arboricultural and Planning Integration Report dated 12th May 2021.
- 1.6** In practical terms, the drawn changes summarise as:
 - Front projections to be gable ended
 - Increase to rear single storey and first floor projection
 - Removal of frontage gates, railing and piers
 - Indicating the oak tree to the immediate rear of the house has been removed
 - Indicating the position of the new replacement oak tree.
- 1.7** In making these changes, the Applicant has considered if anything has affected the Council's key considerations in the extant Permission. I have done this by reference to the Case Officer Report).
- 1.8** I consider that the proposal continues to respect the street scene and the wider Copsewood Estate Area of Special Local Character. It also safeguard the trees.
- 1.9** In particular, I have considered in detail the considerations as stated in the Case Officer Report as regards: 'Main Planning Issues'.
- 1.10** In terms of 'Residential Amenity' and other such matters, these revised proposals present no new issues.
- 1.11** The proposals are specifically designed to address every aspect of all three RfRs in 2443/APP/2021/1216, and are justified in all respects in the following text.

ADDRESSING RfR1 of 2443/APP/2021/1216

1.12 RfR1 states:

NON2 Non Standard reason for refusal

The proposed dwelling, by virtue of its excessive scale and bulk and the gabled roof design of the forward projecting gables would result in a visually intrusive feature in the street scene, to the detriment of the character, appearance and visual amenity of the street scene and the wider Copsewood Estate Area of Special Local Character. Therefore the proposal is contrary to Policies DMHB 1, DMHB 5, DMHB 6, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).

1.13 This RfR is solely regarding the front gabled roof design. It can be seen from drawing 1326/P/3 Rev. E that this feature is not replicated in this Application, therefore, notwithstanding the Applicant's disagreement with the LPA in this matter, RfR1 is no longer sustainable.

1.14 In the Case Officer Report to 2443/APP/2021/1216 it is stated:

The amendment to the approved plans would introduce gable ends along the front elevation. The alteration of the approved hipped roof forms to gables would increase the bulk of the building. The additional bulk to the frontage of the replacement dwelling is considered unacceptable in that it would appear as an incongruous addition to the streetscene which lies within the Copse Wood Estate ASLC.

1.15 The Applicant directly challenges this RfR. Therefore, should the LPA repeat its Refusal RfR1, then the Applicant will proceed to Appeal accordingly. His Architect has worked for many years on proposals in this road and the immediate vicinity, and asserts that there are no issues involved in the design, either in principle or in detail.

1.16 The Architect has further stated that this gabled feature is repeated at various points on dwellings along Nicholas Way, and therefore the feature is entirely contextual.

1.17 The *Hillingdon Townscape Character Study* simply says of the Copse Wood Estate:

'A leafy green estate of large suburban residencies are found on Duck's Hill Road, Copsewood Way and Linksway'.

1.18 Aside from an Estate Map, there is no other detail given as to what is expected or otherwise of designs in the; *Copse Wood Estate ASLC*, aside from the point that; *They are non-designated local heritage asset, which have a character and identity local residents value and the council wishes to preserve and enhance.*

1.19 It is noted that there is no specific 'area guidance' in relation to Copse Wood Estate. From the *Hillingdon Townscape Character Study* that the word 'gable' only appears six times, mostly to identify points such as: *'elaborate gables and bays associated with Metroland development'.*

- 1.20** In terms of 'large suburban development', the *Study* states as regards house designs: *Whilst the design approach can vary significantly, there are common themes. These evoke a rural rather than urban character, often through informal overall composition, wide proportions and incorporation of features such as dormer windows, substantial gables and chimney stacks* (my underlining).
- 1.21** In fact, the term 'gable' is only mentioned detrimentally in terms of modern hip to gable conversions, largely related to Permitted Development, rather than bespoke designs. This is clearly unrelated to the proposals.
- 1.22** Given the lack of evidence to the contrary, and the acknowledged expertise of the Architect in this specific area, I conclude that the gables cause no offence to the *Copse Wood Estate ASLC*.
- 1.23** The gable design clearly work well in the context of the design of the proposed roof itself. Again, the acknowledged expertise of the Architect in this specific area is fully recognised. It is simply untrue for the LPA to allege that the gables would be an intrusion into the street scene, when clearly that is not the case.
- 1.24** Turning to the specific cited Policies, I will address these in the order in which the LPA presents them in RfR1.
- 1.25** Policy **DMHB 1**, *Heritage Assets*, states:

A) The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:

i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;

ii) it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the NPPF;

iii) it makes a positive contribution to the local character and distinctiveness of the area;

iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;

v) the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials;

vi) buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and

vii) opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.

Points B and C are not relevant.

- 1.26** In order to offend this Policy, the gables would need to cause some type of significant and demonstrable harm to the heritage asset that is *Copse Wood Estate ASLC*, taken as a whole.

1.27 This is clearly not the case here, either given the design of the subject house in its own right, or in its context. I would venture to suggest that, were this a Householder Application which subsequently went to Appeal, the LPA would be hard-pressed to find a Planning Inspector prepared to agree with it.

1.28 A key feature of Nicholas Way is the wide variety of styles of new housing, including unique features. Having designed houses in the area for Decades, the Architect here would not expect to be queried on this design.

1.29 Therefore, if the LPA is to repeat a Refusal based on this Policy, then it must be prepared to be very fully challenged as part of a subsequent Planning Appeal.

1.30 Policy **DMHB 5**, *Areas of Special Local Character*, (only the first part of point A being relevant) states:

A) Within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area.

1.31 The proposals clearly reflect the layout and character, with the LPA's only objection being in respect of the proposed gables.

1.32 In view of the fact that fairly large gables are a common feature of new and older buildings in the area, there is no conceivable way in which their present as an integral part of this design can offend this Policy.

1.33 For the sake of completeness, the second part of DMHB 5 A states: *Alterations should respect the established scale, building lines, height, design and materials of the area.* However, these are not 'alterations', they are a variation on a new building design, and must obviously be treated as such.

1.34 Therefore, if the LPA is to repeat a Refusal based on this Policy, then it must be prepared to be very fully challenged as part of a subsequent Planning Appeal.

1.35 Policy **DMHB 6**, *Gatehill Farm Estate and Copse Wood Estate Areas of Special Local Character* states:

Within the Gatehill Farm and Copse Wood Estates, new houses should:

i) be constructed on building plots of a similar average width as surrounding residential development;

ii) be constructed on a similar building line (formed by the front main walls of existing houses) and be of a similar scale, form and proportion as adjacent houses and reflect the materials, traditional roof design, design features and architectural style predominant in the area;

iii) ensure that boundary treatment is unobtrusive and of the natural materials appropriate to the character and appearance of the estate;

iv) ensure that new dwellings retain an absolute minimum of 1.5m distance to side boundaries;

v) preserve the mature trees including boundary planting to reinforce existing landscaping and Estate settings;

- 1.36** In the context of this Policy, the LPA is only concerned with the proposed gables, and therefore only the final part of point *ii*) is potentially relevant. All of the other matters within the Policy have been agreed within the extant Permission.
- 1.37** There is nothing in Policy which forbids or in any way discourages gables, and as we have seen herein, they are a common feature of such areas as this. The Architect, who has designed houses in this specific area for Decades, is perfectly content with the proposals.
- 1.38** Further, there is nothing in Policy, at any level, which requires replication or near-replication in any locality in terms of roof design.
- 1.39** As has been demonstrated in countless Appeal Decisions, the key point in Policy terms is clearly whether proposed design features can be regarded as contextually acceptable. The NPPF has shown that design is very much in the hands of the designer. In this case, the proposed roof design offends nothing in contextual terms. Therefore, the proposals meet with Policy.
- 1.40** Therefore, if the LPA is to repeat a Refusal based on this Policy, then it must be prepared to be very fully challenged as part of a subsequent Planning Appeal.
- 1.41** Policy ***DMHB 11, Design of New Development***, is a general Policy which relates to the design of new development. In respect of this policy, the proposals are designed to the highest standards and incorporate the principles of good design. This includes harmonising with the local context by taking into account the scale of development, considering the height, mass and bulk, building plot size and width, plot coverage and established street pattern. It also considers building lines and setbacks, rooflines, streetscape rhythm, gaps between existing and proposed structures and other streetscape elements, including the degree of enclosure.
- 1.42** The proposals are professionally designed and the architectural composition, quality of detailing and relationship with local topography work well in terms of views both to and from the site and impact upon the neighbouring area. The proposals utilise high quality building materials and finishes. The internal design and layout of the development maximises sustainability and is adaptable to different activities, including home and office working.
- 1.43** The proposals protect the features of positive value related to the site and include green infrastructure. The proposals do not adversely impact on any aspect of amenity related to adjacent properties and open space. The proposals have no effect on the redevelopment of any adjoining site. The proposals make sufficient provision for storage in all respects, including external secure bin stores.
- 1.44** Therefore, if the LPA is to repeat a Refusal based on this Policy, then it must be prepared to be very fully challenged as part of a subsequent Planning Appeal.
- 1.45** Policy ***DMHB 12, Streets and Public Realm***, is another general Policy. In this regard the proposals are well integrated with the surrounding area and fully accessible. They are acceptable in terms of routing and wayfinding and take account of the character and quality of the surrounding area. They include landscaping treatment suitable to their location. They provide safe and direct pedestrian and cycle movement.

- 1.46** The proposals incorporate appropriate hard landscaping, to a high standard and are designed inclusively. Although the proposals are not related to a public transport network, they do not require public realm improvements.
- 1.47** Therefore, if the LPA is to repeat a Refusal based on this Policy, then it must be prepared to be very fully challenged as part of a subsequent Planning Appeal.
- 1.48** Policy **DMHD 1**, *Alterations and Extensions to Residential Buildings*, clearly indicates where the LPA is misjudging these proposals, which are for alterations to the design of a new house, and not changes to a house which has already been constructed, as very specially envisaged by the Policy. The LPA's quoting of this Policy demonstrates professional naivety in the extreme.
- 1.49** In Local Plan Policy context terms, Policy **DMHD 1** forms part of Local Plan Policy Part 2, Appendix A, specifically entitled: 'Householder Development Policies'. The proposals are simply not 'Householder Development', and in the ultimate, would not be accepted as such by the Planning Inspectorate. They are clearly seeking an amendment to the design of a new house, and they must be seen purely and specifically in that context.
- 1.50** In section E of Policy **DMHD 1** it can be seen why the Policy became a temptation for the LPA, not least because it forbids front elevation roof extensions. However, this is an entirely new roof design, as part of a new house, and so cannot fall within the purview of Policy **DMHD 1**.
- 1.51** Therefore, if the LPA is to repeat a Refusal based on this Policy, then it must be prepared to be very fully challenged as part of a subsequent Planning Appeal, with Costs sought by the Appellant accordingly.
- 1.52** In summary, it is proposed by the Applicant that the roof design is acceptable in Policy terms, in all respects, both in its own right and in its context.

ADDRESSING **RfR2** of 2443/APP/2021/1216

- 1.53** RfR2 states:

NON2 Non Standard reason for refusal

The proposed 1.5m high railings and brick piers, by reason of their siting, design and appearance, would result in a visually intrusive feature in the street scene, to the detriment of the character, appearance and visual amenity of the street scene and the wider Copsewood Estate Area of Special Local Character. Therefore the proposal is contrary to Policies DMHB 1, DMHB 5, DMHB 6, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

- 1.54** It is to be noted here that Permitted drawing 7 Rev a, the hard and soft landscaping, very clearly indicates the 1.5m high railings and brick piers, and in the proposed siting. Perhaps the LPA would now care to explain why it considers RfR 2 of 2443/APP/2021/1216 is actually necessary or reasonable.
- 1.55** This RfR is solely regarding the 1.5m high railings and brick piers. Here it should be noted that the feature indicated on the Refused drawing replicates that in the extant Permission, and we consider that Policy has not changed to the extent that this RfR is in any way reasonable.

- 1.56** It can be seen from the Application drawings that this feature is now removed. Therefore, notwithstanding the Applicant's disagreement with the LPA in this matter, RfR2 is no longer sustainable.

ADDRESSING **RfR3** of 2443/APP/2021/1216

- 1.57** RfR3 states:

NON2 Non Standard reason for refusal

In the absence of a Tree Survey and Arboricultural Impact Assessment to BS5837: 2005 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for long-term retention of the trees. The proposal is therefore contrary to Policies DMHB 5, DMHB 6, DMHB 11, DMHB 12 and DMHB14 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).

- 1.58** This matter is purely regarding the accuracy of Submitted tree information.

- 1.59** In the Case Officer Report is stated:

The tree officer has advised that the submitted plans are inaccurate and fail to represent the current site condition. The existing oak 'to be retained and protected' was T12 on the original tree survey, a tree protected by TPO. Despite the approved layout being redesigned in order to safeguard this tree, it was subsequently removed without permission. The issue is the subject of ongoing enforcement action. As previously noted the installation of railings along the front boundary, supported by brick piers remains unacceptable. The construction of brick piers in close proximity to third party / off-site oaks will be detrimental to these valuable trees. The application fails to satisfy DMHB11 and DMHB14 of the Hillingdon Local Plan - Part Two (2020).

- 1.60** Whilst it is fair to say that the Submitted information was slightly inaccurate, it was open to the LPA to be proactive, in accordance with NPPF 2019, and query the Submitted information. That it chose not to so is, I must state, testament to the LPA's lack of customer service.

- 1.61** However, this Application contains up to date and accurate documentation, which resolves the matter of RfR3.

- 1.62** Whilst addressing the Tree Officer's comments, I must also draw the LPA's attention to my paragraph 1.51 above, and the fact that the drawing to which the Tree Officer refers is in point of fact a Permitted drawing, under Permission 2443/APP/2019/4085.

SUMMARY

- 1.63** The three matters of contention in 2443/APP/2021/1216, with the assumption that they are sustainable in Planning Policy terms, have been resolved in this Application, which also does not generate any new issues. The LPA is requested to issue a Permission accordingly.

Should any further information be needed, can the Council let the Agent know as soon as possible please?

Yours faithfully,

Bob Newell

Dr. R. J. Newell MRTPI