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London Borough of Hillingdon, Planning Services
Civic Centre
High Street
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6 September 2021
Ref: PP-19182199

Dear Sir/Madam

**Re: Land Rear of 71-73 Hercies Road
Demolition of Existing Dwellings and Construction of a Single Chalet Bungalow Dwelling and Car Port**

On behalf of the applicant, Mr Antony Gray, please find enclosed an application for full planning permission for the demolition of existing buildings and the construction of a single chalet bungalow dwelling and car port.

This letter provides an overview of the site's local context and surroundings, relevant planning history, planning policy consideration and an assessment of the appropriateness of this development.

In addition to this letter, this application, submitted via the Planning Portal (ref: PP-09523117), is accompanied by the following information:

1. Completed application form;
2. Site Location Plan;
3. Proposed Site Layout;
4. Proposed Floor Plans
5. Proposed Elevations;
6. Proposed Site Sections;
7. Proposed Car Port;
8. Proposed Entrance Gates and Cycle Store;
9. CIL Additional Information Form; and
10. Previous Appeal Decision.

A payment of £462 in respect of the requisite application fee will be made to the Council on submission of the application through the Planning Portal.

The site is the subject to an enforcement appeal for which an Inquiry is set to take place in November. The applicant would like to seek a mutually acceptable alternative form of development which, if approved, would cease the continued delays and forthcoming costs related to the enforcement appeal. This involves the demolition of all buildings on site and the replacement with a single dwelling.

This approach has been discussed with James Rodger prior to this submission, who noted that if the application was to be considered favourably then the applicant would need to provide a mechanism that would ensure the existing buildings would not continue to be used as dwellings prior to their demolition and redevelopment.

**Planning, Environment &
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In response, we confirm that the applicant would be happy to enter into a legal agreement with the Council that requires the use of the existing buildings to be ceased as dwellings (with the interior fixtures and fittings stripped out) within an agreed period following the grant of permission.

Such a grant of permission would result in the applicant withdrawing the enforcement appeal.

The correspondence also confirmed that it was in both parties' interest to expedite the determination of the application as much as possible considering the impending inquiry.

Site and surroundings

The Site is located to the south of Hercies Road, within a predominantly residential area of the Hillingdon East Ward.



It represents a spacious area to the rear of the site of 1,220 sqm, with access via a gated entrance between nos. 71 and 73 Hercies Road.

Four dwellings are distributed across the site, with the remainder being covered in hard surfacing.

The four dwellings are broadly consistent with each other in terms of size and style, being c. 10 m x 5 m and single storey; containing a single kitchen/living room, bedroom and separate bathroom. An image of the external appearance of one of the dwellings is shown below. The other dwellings have a similar form and appearance.



Hercies Road is a typical mid-1930s suburban street. It comprises one and two storey dwellings with a broadly linear street pattern. There is a variety of materials used on the street, including brick, render/stucco, timber, clay tiles and a few examples of slate roof tiles.

Long rear gardens have allowed a number of later back-land development schemes, including Stuart Close and Pastures Mead.

Planning History

Between 2011 and 2012 the four detached buildings were constructed on the Site by the applicant. Prior to this, the site was used as a builder's yard.

The applicant applied in outline for the *“erection of 2 x 4 bedroom detached dwellings involving demolition of existing buildings”* in October 2013 (ref: 69536/APP/2013/3083). The application was refused on 19 December 2013 for the following our summarised reasons:



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1. The inappropriate development of gardens and would be out of character with the established residential street pattern. Additionally the size and scale of the houses in this location would appear over-sized, imposing and overly dominant when viewed from near by properties.
2. The siting of the proposed dwellings represent an inappropriate form of backland/tandem development out of keeping with the surrounding residential development.
3. The proposal for two additional dwellings using a shared, sub-standard in terms of its width which is not sufficient to allow two vehicles to pass, resulting in the potential for vehicle(s) queuing on Hercies Road to enter the site, would be detrimental to highway safety and the free flow of traffic on the adjoining highway.
4. The lack of a legal agreement for contributions towards education provision.

This decision was appealed, which was dismissed on 21 July 2014.

Key points that the Inspector raised were as follows:

1. *"The dwellings shown on the indicative plans are two storeys and would be sited in close proximity to each other. The development would therefore appear as a tall, cramped and dense development which would be an unexpected addition to the rear of neighbouring properties"* (para 7);
2. *"However, that the appeal site may be brownfield land does not overcome my concerns regarding the unacceptable harm to the character and appearance of the area"* (para 9);
3. *"I am not persuaded that the proposed residential use of the appeal site would give rise to unacceptable levels of noise and disturbance."* (para 12);
4. *"Given the constraints of the site, such as the positioning of nos 71 and 73 which create a pinch point along the access road, a passing place would be difficult to provide. The proposed arrangement would therefore result in occasions when a vehicle would have to reverse back out on to Hercies Road obstructing the highway if met with a vehicle travelling in the opposite direction. The proposal would therefore be detrimental to highway safety..."* (para 15 and 16); and
5. *"I have not been provided with any persuasive evidence that demonstrates that it would be feasible to accommodate the two dwellings proposed on the appeal site without causing harm to the character and appearance of the surrounding area and without having a detrimental impact on highway safety. For these reasons I conclude that the appeal should be dismissed."* (para 22).

On 22 May 2018 the Appellant applied for a *"Lawful Development Certificate for Existing Use for the four dwellinghouses (Class C3)"* (ref: 69536/APP/2018/1864). Statutory declarations were provided from the Appellant, occupants and people visiting the site demonstrating the continuous residential occupation of the four dwellings between the relevant period of 22 May 2014 to 22 May 2018.

The Certificate of Lawful Use application was refused on 30 November 2018 for the following reason: *"...the Applicant has not demonstrated that, on the balance of probability, the use has existed and has been continuous for at least a period of four years, prior to the date of this application."*

An Enforcement Notice (ref: HS/ENF/014679) was served on 18 January 2019 requiring the residential use to cease and internal fixtures and fittings to be removed within three months of the Notice taking effect from 21 February 2019. The reasons for issuing the notice was given as *"Under the provisions of Section 55 (1) of the Town and Country Planning Act 1990 (as amended) the material change of use of the four outbuildings into four self-contained residential units constitutes a change of use for which planning permission has not been granted."*

This Enforcement Notice has been appealed and an Inquiry has been arranged to take place in November 2021.



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The Proposed Development

Layout and Scale

The proposed development involves the demolition of the four dwellings on the site and their replacement with a single chalet bungalow (with accommodation in the roof space) and associated car port.

The applicant is willing to enter into a s106 agreement that requires the end of the use of the four existing dwellings for residential use along with the strip out of domestic fixtures and fittings following an agreed period after the grant of permission will be entered into. A draft of the s106 agreement will be submitted to the case officer during the application period. This will ensure that the existing buildings could not be used as dwelling indefinitely.

The new dwelling is centrally sited within the plot, well set in by at least 2 m from the boundary but increasing to 3.6 m. The proposed dwelling will provide a total Gross Internal Area of 236 sqm with four bedrooms. A simple, contemporary appearance has been designed using a white rendered façade and a slate roof.

Access

To the north of the dwelling a two car garage is proposed, providing direct access to Hercies Road via the existing access route, but with the addition of a vehicle passing point. A secure, covered cycle store is also proposed, adjacent to the access.

Landscaping

Across the remainder of the site, the existing hard surfacing will be replaced by soft landscaping. A boundary planting scheme will also be developed, the details of which will be secured by condition.

Relevant Planning Policy

In accordance with Section 38(6) of the Planning Compulsory Purchase Act 2004, an application must be considered against the provisions of the adopted Statutory Development Plan, unless material considerations indicate otherwise.

The development plan relevant for this site comprises the following:

- London Plan: Spatial Development Strategy for Greater London (March 2021)
- The Hillingdon Local Plan: Part 1 – Strategic Policies (2012)
- The Hillingdon Local Plan: Part 2 – Development Management Policies (2020), and
- The Hillingdon Local Plan: Part 2 – Site Allocations & Designations (2020).

Assessment of the Proposed development

Following on from the refused application for two dwellings and the subsequent dismissed appeal, the key areas for consideration are the impact of new built form on the character of the area and whether suitable access can be achieved. Furthermore, as this application is submitted in detail rather than outline, the design and appearance of the proposed dwellings is a matter for consideration.



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LB Hillingdon has since adopted a CIL charging schedule and there is resultingly no longer a need for a s106 agreement to cover education contributions.

Impact on Character and Appearance of the Area

In comparison to the dismissed scheme, the reduction of height from two to one stories, together with the reduction from two to one dwellings and increased boundary separation will notably lessen any impact on the surrounding area.

Hercies Road is characterised by several 'back land' developments, including the immediately adjacent properties on both sides, as well as the site itself, which comprises four dwellings. Policy DMH 6 of the Local Plan Part 2 sets a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity.

In this case, the existing site condition being predominantly hard standing/previously developed land, there will be no loss of garden land. This is recognised by the appeal Inspector (para 9 of appeal decision). The modest form of the dwelling will complement the layout and character of the immediate area.

Policy DMH 6 sets a number of criteria that would make garden and back land development acceptable. Consistent with this:

1. There will be no impact on the residential amenity and privacy of existing homes, including light spillage which will be avoided;
2. Vehicular access and car and cycle parking will not have an adverse impact on neighbouring in terms of noise or light (as confirmed through the dismissed appeal);
3. The building will be more modest in mass, form and scale and lower than the front properties (71 and 73 Hercies Road); and
4. Features such as trees and shrubs will be substantially enhanced.

The proposed development will be consistent with the surrounding context and will have an arguably lower impact compared with the existing situation on the site, being better sited than the four existing dwellings. The proposed new dwelling will also be set well back from 73 Hercies Road at 26.4 m away (about 4 m further back than the nearest existing dwelling) which will increase the privacy of that dwelling and is beyond the 18-21 m separation distance typically required for windows of habitable rooms facing each other.

Overall, the impact of the proposed development on the character and appearance of the area are deemed to be acceptable.

Access and Highway Safety

The existing site access is currently used by four dwellings. Previous concern with highways safety revolved around the lack of a passing space for vehicles negotiating between 71 and 73 Hercies Road.

This has been resolved through the introduction of a vehicle passing space, ensuring cars will not have to reverse back onto Hercies Road if they engage another vehicle leaving when entering the site. The reduction in the number of dwellings from four to one will also result in a reduction of vehicle movements and reduce the use of the existing access.

The provision of two car parking spaces, along with a covered cycle store is in line with the requirements of the LB Hillingdon Local Plan Part 2.

Design

Policy DMHB 11 of the Local Plan Part 2 expects all development to be designed to the highest standards that harmonises with the local context.

The architectural composition and detailing of the propose dwelling has been designed to reflect the surrounding properties, including the white render used at 73 Hercies Road. It is a high quality design, that will be a substantial improvement in design terms when compared with the existing buildings on the site.



FRONT ELEVATION

The dwelling itself will also provide a substantially improved standard of accommodation, meeting the nationally described amenity standards and benefitting from a large private garden of 486 sqm, which will be landscaped with amenity grass and boundary planting. This is in excess of the 100 sqm minimum requirement set by policy DMHB 18.



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Conclusion

This application has been submitted seeking permission to replace the four existing dwellings, subject to an enforcement appeal, with a single chalet bungalow. This will result in an overall improvement in the previously developed use of the site, providing a well designed, modest residential family dwelling and a significant enhancement in landscaping.

The reasons for the previous appeal dismissal have been robustly addressed and therefore planning permission should be granted, which would trigger the applicant's withdrawal of the enforcement appeal.

We trust that the enclosed provides sufficient information for the application to be validated and determined within the statutory 8-week period. In the meantime, please do not hesitate to contact me or my colleague Richard Henley if you have any queries.

Kind regards

A handwritten signature in black ink, appearing to read 'Alfie Yeatman', with a long, sweeping horizontal line extending from the end of the signature.

Alfie Yeatman