

# Planning, Design and Access Statement (PDAS) Addendum

32 Kingsend, Ruislip HA4 7DA

November 2023

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## **1. Introduction**

Planning Application 9894/APP/2022/3871 was made on the 21/12/2022 for the demolition of the existing property at 32 Kingsend and the construction of seven purpose-built apartments. On the 12/04/2023 Application 9894/APP/2022/3871 was refused planning permission, after being referred to the Planning Committee Meeting.

This document details changes subsequently made to the scheme as a result of feedback received in the Schedule of Reasons from the LBH Planning Application Decision Notice and the Officer's Report, it also provides clarification of the site's PTAL rating and some further information on several other salient points.

All of the reasons for refusal in both the Schedule of Reasons and the Officer's Report have been thoroughly reviewed and changes have been designed into the revised proposal to rectify, ameliorate, mitigate or nullify them. The result is a revised and improved scheme that comprehensively addresses all concerns in the Schedule of Reasons and adopts the recommendations and suggestions specifically provided in the Officer's Report.

It is felt that this document demonstrates that all of the previous grounds for refusal have now been adequately addressed and that the proposed development should now be approved.

## 2. Supporting documentation

This revised application is supported by the following documentation:

### **Revised documentation:**

Addendum to Planning, Design and Access Statement (PDAS)  
Heritage Note  
PL01 Floor plans and elevations (vii) (existing)  
A101 Floor plans (proposed)  
A102 Elevation plans (proposed)  
A103 Oblique perspectives (proposed)  
A105 Basement plans (proposed)  
CIL Form 1 (Revised) (amended)

### **Documentation previously provided:\***<sup>1</sup>

Block plan  
Location map  
Bat Survey and Report  
Badgers Survey and Report  
Tree Protection Plan  
Tree Survey and Report  
Basement Impact Assessment (BIA)  
Heritage Report  
Planning, Design and Access Statement (PDAS)\*<sup>2</sup>

<sup>\*1</sup> documentation previously submitted as part of Planning Application 9894/APP/2022/3871 and resubmitted with this application as it is still relevant.

<sup>\*2</sup> superseded in parts by the design amendments detailed in this (PDAS Addendum) document.

### 3. Changes to the design of the proposed development

This Section 3 details the design changes made to the scheme to specifically address the feedback received in the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871 and the Officer's Report.

Table 3.0 below summarises the Schedule of Reason listed in the Decision Notice and provides an executive summary of the design changes and mitigation implemented by the Applicant in response.

**Table 3.0**

	<b>Decision Notice Schedule of Reasons</b>	<b>Applicant Design Change, Mitigation or Reasoning</b>
<b>1</b>	Principle of Development	With a total of six (6) redevelopments in the road, this equates to a total of <b>8.45%</b> , this is under the 10% threshold set by Policy DMH4.
<b>2</b>	Lack of justification for the loss of the existing building	The Heritage Note prepared by MOLA in support of the revised application states that the revised proposal improves the local character of the Conservation Area, and that the existing building has no historical significance.
<b>3</b>	Over development of the site and harm to character of the streetscene and Conservation Area	The applicant has reduced the number of units from seven (7) to five (5), reduced the development footprint and massing. The revised development has been redesigned in an Arts and Crafts architectural style in line recommendation in the Officers Report. The applicant has retained an additional twelve (12) mature trees from the previous application minimising the visual impact on the streetscene and Conservation Area.
<b>4</b>	Loss of acoustic and visual privacy within and beyond the boundaries of the development	Revised development re-aligned with build lines of existing property. Removal of windows on side elevations, side-facing dormer windows in the roof, and rear balconies. Removal of basement units to nullify privacy and overlooking concerns.
<b>5</b>	Substandard internal amenity within the two basement flats	The applicant has delivered a net gain in three-bedroom units (Policy S07) and removed the two basement flats in the revised design.
<b>6</b>	Unnecessarily poor location of the cycle storage	Cycle storage has been moved to within the building envelope as suggested in Officers Report, with resulting improvements in security and accessibility.

### **3.1 Retaining the character of the street scene and Conservation Area**

In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason **3** states that:

“By virtue of its excessive scale, form, footprint, building width (including roof ridge) and crown roof, incompatible design, net loss of mature trees and landscaping, and alteration to the natural landform at the rear of the proposed building, the proposed dwelling would result in a development that does not harmonise with the built form and significantly detracts from the character of the area, failing to preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Sections 12 and 16 of the National Planning Policy Framework 2021, Policies BE1, DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan 2020, and Policy D3 of the London Plan 2021.”

The reasons for refusal stated in the above paragraph have been addressed by making amendments to the design of the proposed development. The design changes are summarised below, and each is explained in detail in its corresponding section:

- 3.1.1 Intentionally blank
- 3.1.2 Architectural style changed
- 3.1.3 Reduced footprint and massing
  - 3.1.3.1 Removal of basement apartments and associated garden landscaping
  - 3.1.3.2 Subdivision of the building to create subordinate wings
  - 3.1.3.3 Soffit and ridge heights
- 3.1.4 Development repositioned on the plot
- 3.1.5 Coverage
- 3.1.6 Visually interesting roof
- 3.1.7 Number of dwellings reduced
- 3.1.8 Retention of mature trees

### 3.1.1 Intentionally blank

### 3.1.2 Architectural style changed

The architectural style of the proposed development submitted for planning approval (9894/APP/2022/3871) was in the style of Queen Anne Revival (QAR), as this was the architectural style suggested by the LBH Conservation and Heritage Officer in the Pre-app Report. The drawings below show the design of the previously proposed development.



**Drawings 3.1.2a and 3.1.2b** above show the previously proposed QAR facade.

The Pre-app Report specifically referred to 16 and 18 Kingsend as good examples, which broadly fit the QAR style suggested. Both 16 and 18 Kingsend are locally listed buildings (heritage assets), described in the LBH database as a 'handsome pair.'



**Image 3.1.2c** above shows 16 and 18 Kingsend suggested by LBH as role models

However, in the LBH Officer's Report for 9894/APP/2022/3871 it is now suggested by LBH that an Arts and Crafts based architectural style would be more reflective of the locality as a whole.

### 3.1.2 Architectural style changed Cont/d...

As a result of this redirection, the architectural style of the proposed development has now been changed from QAR to Arts and Crafts.

Transitioning from QAR to Arts and Crafts allows the building to move away from the symmetry and monolithic nature of a QAR based design and instead benefit from the diversity of an asymmetric geometric form.

The remodelled development is shown in the drawings below.



**Drawings 3.1.2d** above shows the newly proposed Arts and Crafts facade from its SE perspective.



**Drawings 3.1.2e** above shows the newly proposed Arts and Crafts facade from its NE perspective.

### 3.1.2 Architectural style changed Cont/d...

The flexibility afforded by the Arts and Crafts facade facilitates the use of differing finishing materials, such as vertically hung tiles and render as well as simply detailed faced brickwork. This enables the proposed development to mirror the finishes seen on local houses and therefore be reflective of a greater number of properties in the road and the broader Conservation Area.



**Images 3.1.2f and 3.1.2g** above show 20 Kingsend and 40 Kingsend with vertically hung tiles



**Image 3.1.2h** above shows the render on 13 & 15 Kingsend (a Locally Listed Building)



**Image 3.1.2i** above shows oriels on 61a & 63 Kingsend

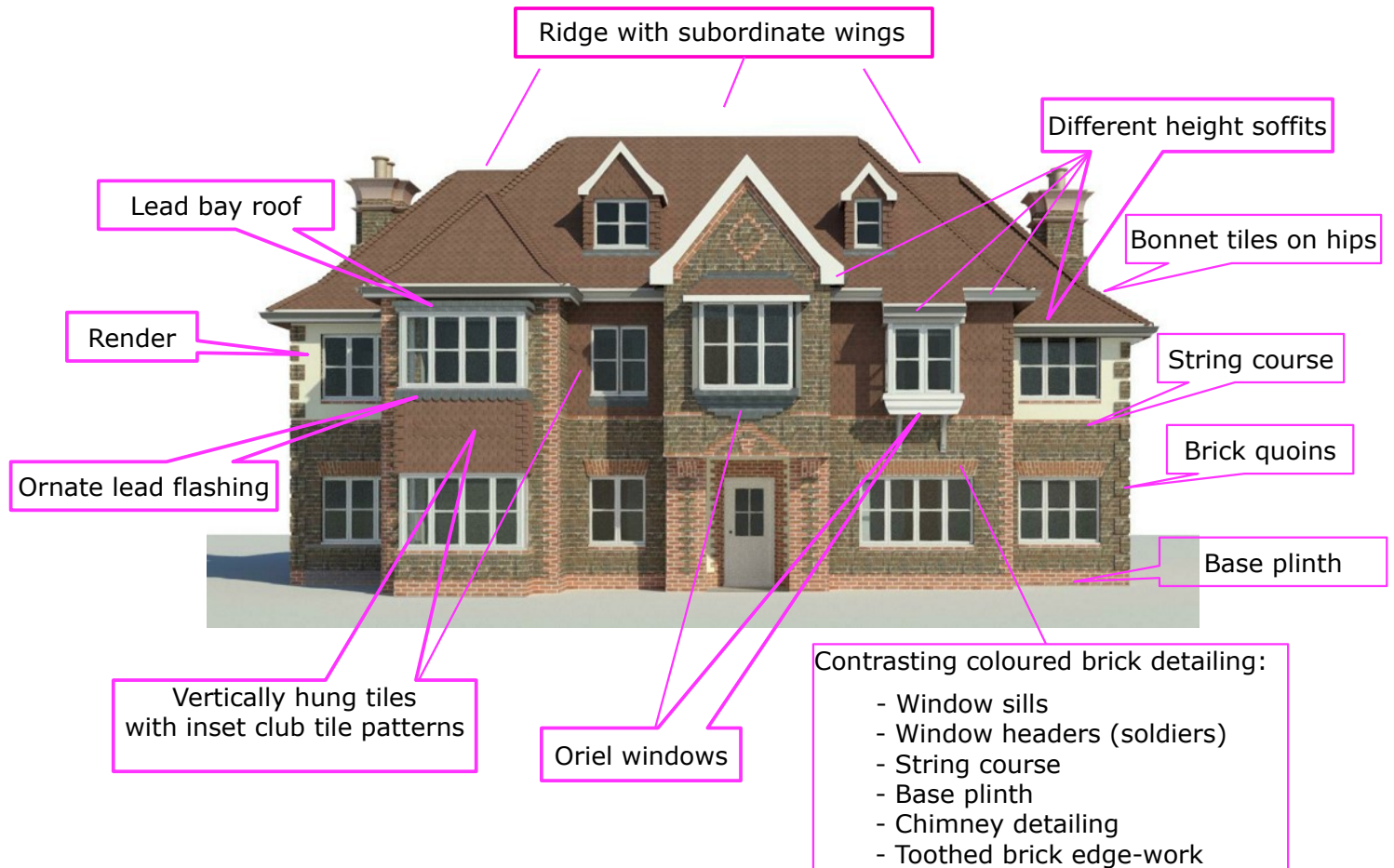


**Images 3.1.2j & 3.1.2k** above show contrasting coloured brickwork on 46 & 48 Kingsend and 16 & 18 Kingsend (Locally Listed Buildings).

### 3.1.2 Architectural style changed Cont/d...

The change in style also enables a broader range of more visually interesting facade features to be used in the design.

Accordingly, the proposed development now benefits from the following facade features and architectural attributes:

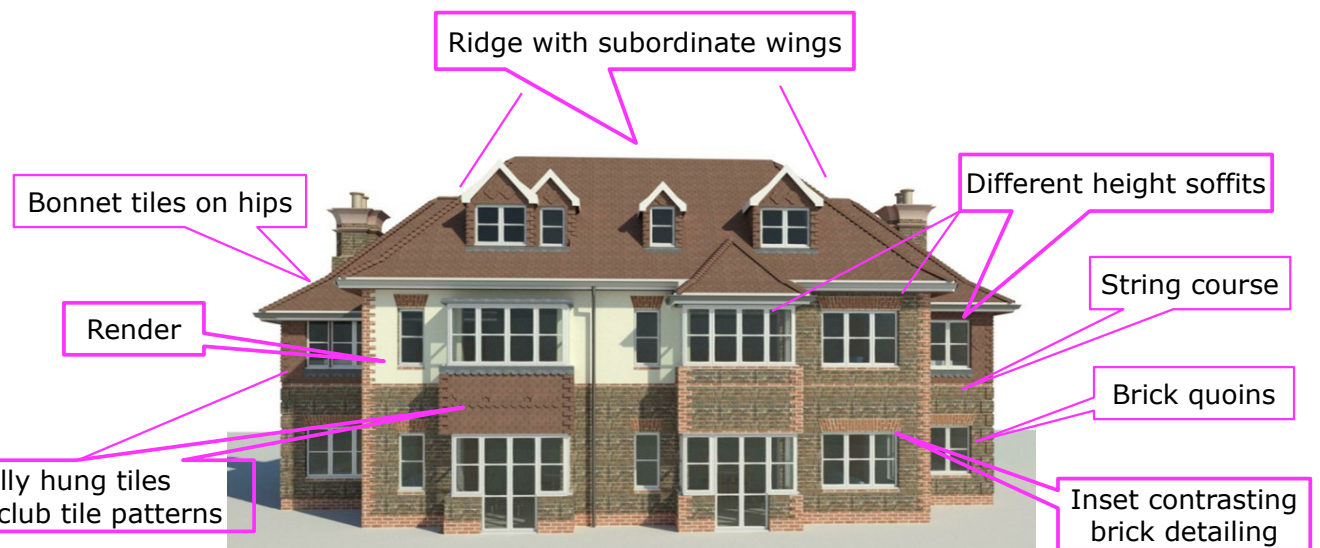


**Drawings 3.1.2l** above shows the front facing features of the proposed development.

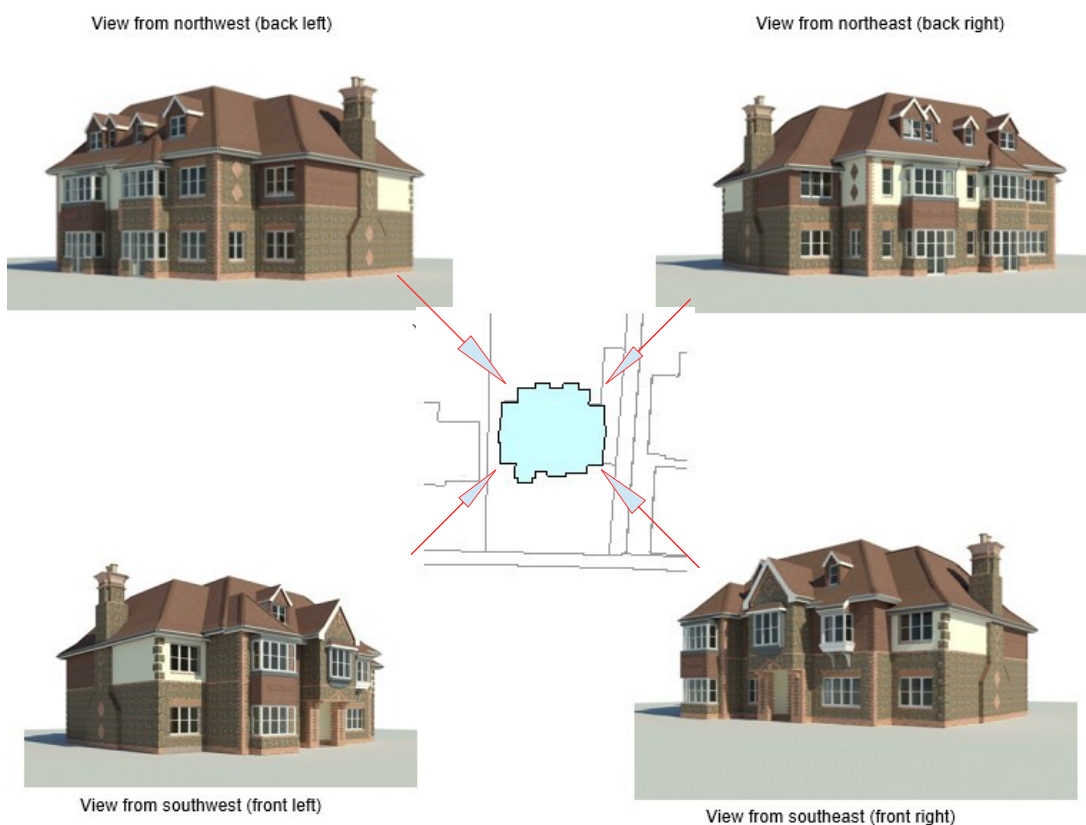


**Drawings 3.1.2m** above shows additional features on the sides of the proposed development

### 3.1.2 Architectural style changed Cont/d...



**Drawings 3.1.2n** above shows the rear facing features of the proposed development.



**Drawings 3.1.2o** above shows the features of the development from NW, NE SW and SE perspectives.

The change in architectural style detailed above addresses the concern that the previous scheme was of an 'incompatible design'.

### **3.1.3 Reduced footprint and massing**

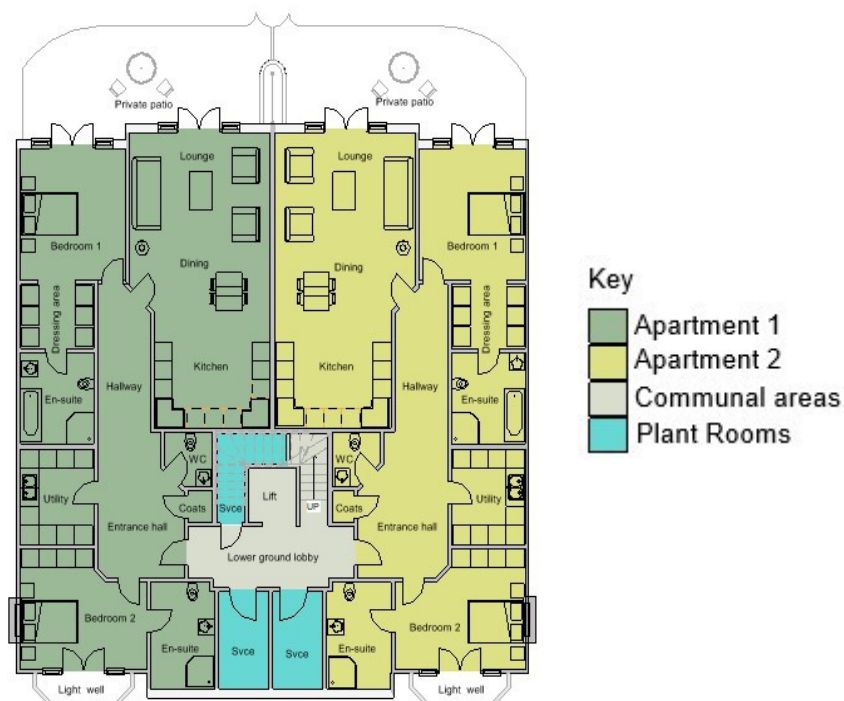
The footprint of the proposed development has been significantly reduced. This has been achieved through three key changes in the design, namely:

- 3.1.3.1 Removal of basement apartments and associated garden landscaping
- 3.1.3.2 Subdivision of the building to create subordinate wings
- 3.1.3.3 Reducing soffit and ridge heights

The three key changes listed above are detailed in their respective sections.

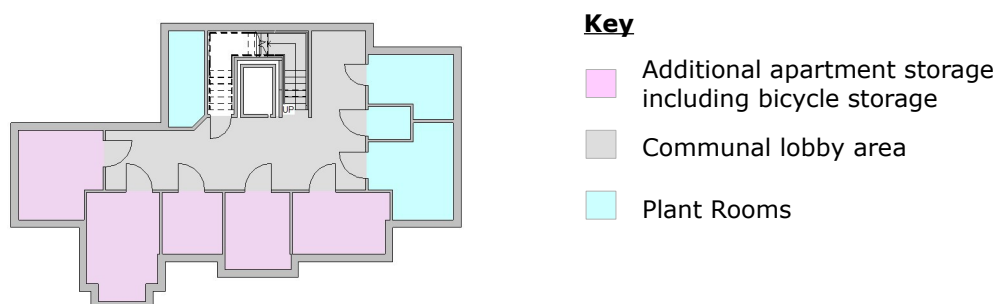
### 3.1.3.1 Removal of basement apartments and associated garden landscaping

The previous proposal contained two apartments in the basement as shown by the drawing below.



**Drawing 3.1.3.1a** above shows the previously proposed floor plan that contained two basement apartments


The two basement apartments contained in the previous scheme have been removed from the revised scheme, the basement now only contains ancillary spaces to provide storage facilities and plant rooms as shown in the drawing below.



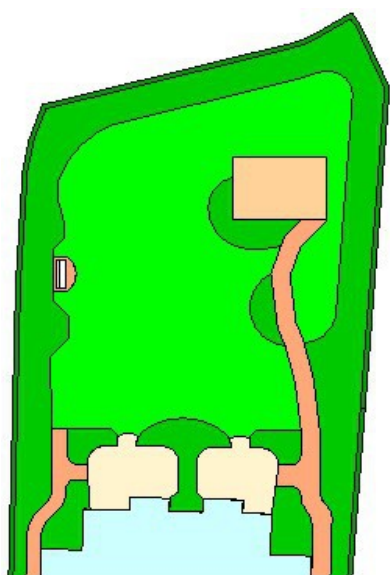
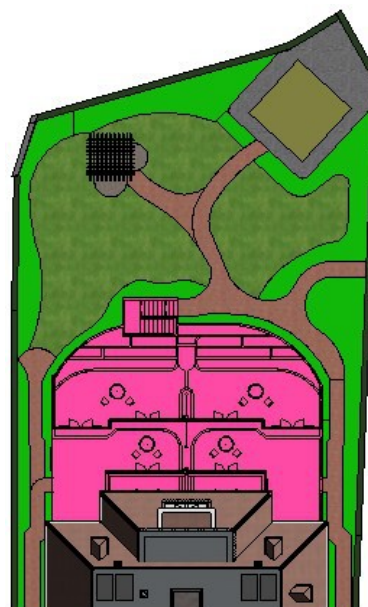
**Drawing 3.1.3.1b** above shows the newly proposed floor plan, all basement rooms being non-habitable

### 3.1.3.1 Removal of basement apartments and associated garden landscaping Cont/d ...

The previously proposed design of the development contained basement apartments and associated lower ground patio and garden areas that required a further twelve (12) metres of the rear garden to be excavated, as shown by the drawing opposite.

 Area previously proposed for excavation of basement and lower ground gardens.

**Drawings 3.1.3.1.c** opposite shows the area of the rear garden previously proposed be excavated to accommodate the basement dwellings and gardens.






**Drawings 3.1.3.1.d** above shows the revised rear garden landscaping, which is practically the same arrangement that serves the existing property.

The revised design, shown opposite, no longer contains basement apartments or their associated patios and gardens.

As a result, the natural landform of the rear garden is unchanged.

The basement is now solely for the provision of ancillary services and is not visible from ground level whatsoever.

This significantly reduces the footprint of the development and thereby also removes the perceived enclosure that the basement's structure was deemed to create to neighbouring property.

-  Large lawn area retained
-  Wide planted borders retained
-  Patio areas at ground floor level

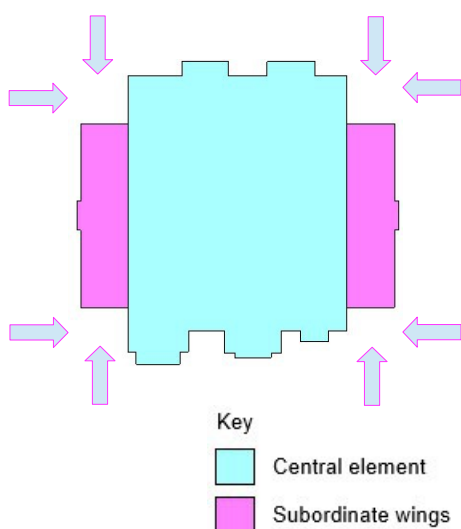
This amendment to the size and purpose of the basement addresses concerns that the previous scheme had an 'excessive footprint' and altered 'the natural landform' of the rear garden.

Other concerns addressed by this change, such as the quality of the basement accommodation, are covered in later sections of this document.

### 3.1.3.2 Subdivision of the building to create subordinate wings

The shape of the previous proposal's footprint, in keeping with the QAR architectural style suggested by LBH in the pre-app, was essentially that of a symmetric, monolithic cuboid, as shown in the drawings opposite.

**Drawings 3.1.3.2a** opposite shows the cuboid nature of the previous proposal designed with QAR in mind.



By changing the architectural style from QAR to Arts and Crafts as now suggested by LBH in the Officer's Report, the constraints of QAR can now be removed, and instead of the previous symmetrical and monolithic footprint, a more visually interesting, asymmetric, geometric form can be utilised. Accordingly, the revised design is now formed from a central element, flanked by two much smaller subordinate wings, one either side, as shown in the drawing opposite.

**Drawing 3.1.3.2b** above shows the proposed development is now comprised of three principal elements

This revised footprint reduces the bulk and mass of the development whilst also facilitating the use of a more complex roof. The revised roof form consists of several integrated hipped and gable roof elements that reduce the width of the building's principal ridge, and minimise the impression of the property having a crown roof. This is due to the roof now being formed from a number of hips and gables, all with lower ridge heights than the core central section of the roof, this is shown in the drawing below.



**Drawing 3.1.3.2c** above shows the roof of the proposed development now formed from multiple elements creating a smaller and more visually interesting roof.

### 3.1.3.2 Subdivision of the building to use subordinate wings Cont/d...

The Officer's Report references the lengthening of the property's ridge as a contributing factor to refusal. The width of the ridge on the existing property is eight (8) metres, which increased to eleven point seven (11.7) metres in the QAR driven design. The width of the ridge of the revised proposal based on Arts and Crafts is now only seven (7.0) metres for the central element.

Again it must be noted that the plot size of 32 Kingsend is considerably larger than nearly every other plot in the road now that contains a house, as nearly all of the plots previously larger than the site in question have either been redeveloped, subdivided or both, as explained in Section 3.3 of the PDAS.

However, there are some other large houses in the street that are still on generous sized plots. Looking at these houses, it can be seen that they exhibit considerably wider ridges than that which is now proposed for the development.



**Drawing 3.1.3.2d** to the left shows 49 Kingsend with a ridge width of circa 16 metres.



**Drawing 3.1.3.2e** to the right shows 53 Kingsend with a ridge width of circa 18 metres.



**Drawing 3.1.3.2f** to the left shows 46 and 48 Kingsend with a combined central ridge width of circa 17 metres.

It is therefore contended that the revised roof form of the proposed development with a primary ridge width of 7 metres is acceptable when compared with the larger houses in the street.

### 3.1.3.3 Soffit and ridge heights

The revised proposed development benefits of several differing ridge and soffit heights to add to the visual interest of the building.

The highest element of the proposed development is the ridge on its central section, this is the same height as the ridge on the existing property.

The ridge heights of each of the subordinate wings of the proposed development are both 400 mm lower than the central ridge and therefore 400 mm lower than the ridge on the existing property.

The soffits on the subordinate wings of the building are 200 mm lower than the soffit on the existing property.

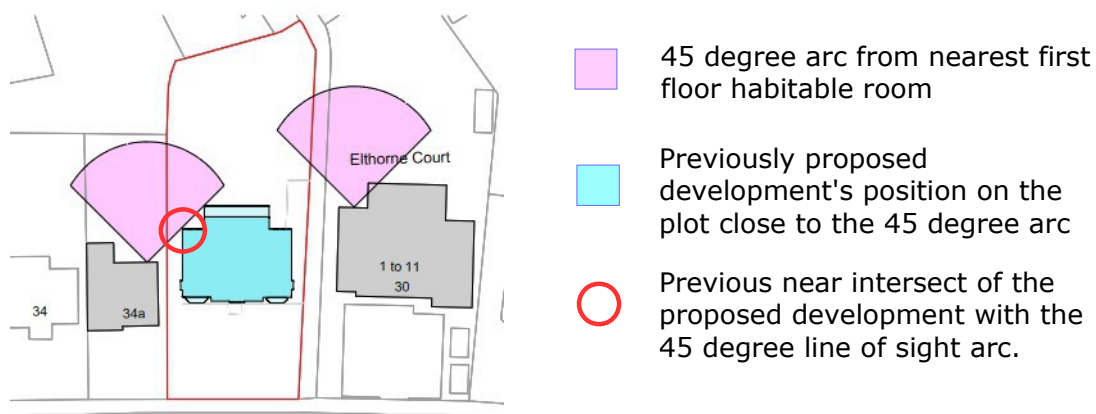


**Images 3.1.2.3** above shows the soffits and ridges on the subordinate wings that are lower than the existing property.

The proposed development shares the same height as the existing property across its central section, whilst benefiting from lower soffit heights and ridge heights on its subordinate wings. This gives the proposed development a more slender look enabling it to blend with the streetscape.

### 3.1.4 Repositioning of the development on the plot

The previous proposal contained seven apartments. To facilitate the integration of seven parking bays into the front garden and retain generous landscaping proportions around them, the proposed development was positioned further back in the plot. The previous repositioning, by circa 2.5 metres, resulted in the rear left-hand corner of the proposed development was close to intersecting the 45 degree sight line arc. This is shown in the drawing below by the red circle.



**Drawings 3.1.4a** above shows the previous proposed development positioned further back in the plot, close to the 45 degree arc.

The revised scheme only contains five apartments and so less parking bays need to be designed into the revised scheme.

As there is ample space at the front of the development to accommodate the parking of the necessary vehicles, and because impact on the back garden has been cited as a reason for refusal, the proposed development no longer benefits from being repositioned.

Accordingly, as part of the revised scheme, the rear of the proposed development has been brought forward, the benefit of this being that the rear left-hand (north west) corner of the proposed development is now over 2.5 metres forward and clear of the 45 degree sight line with its neighbour at 34a, as shown by the drawing below.



**Drawings 3.1.4b** above shows the newly proposed development no longer pushed back in the plot.

### 3.1.4 Repositioning of the development on the plot Cont/d...

With the revised proposed development now repositioned to give over 2.5 metres of clearance from the 45 degree sight line arc, it is practically in the same position as the existing property. This is shown in the drawing below:

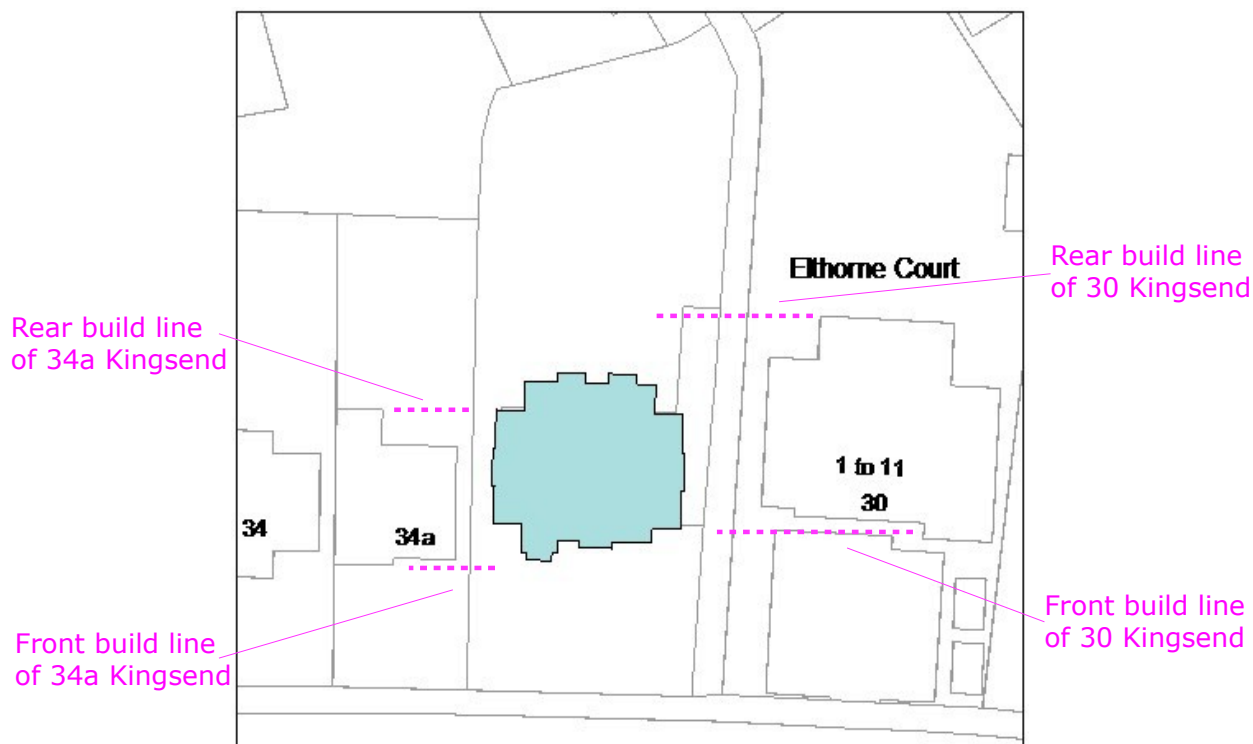


**Drawing 3.1.4c** above shows the footprint of the revised proposed development predominantly within the footprint of the existing property.

### 3.1.4 Repositioning of the development on the plot Cont/d...

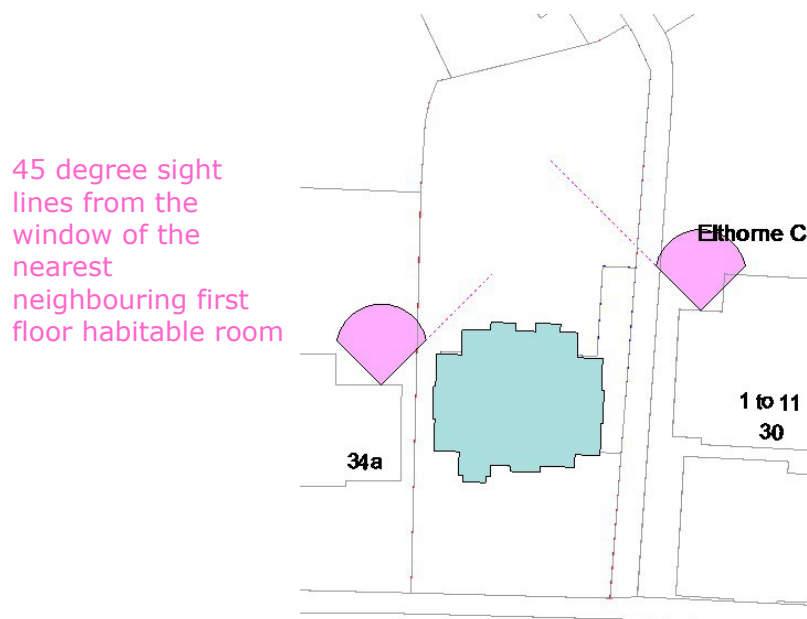
The revised positioning of the development on the plot continues to provide more than adequate clearance both sides of the property, as shown by the drawing below.

The drawing also shows the front and rear build lines of its immediate neighbours and demonstrates that the proposed development is positioned such that it cannot be reasonably be described as creating any containment, neither actual or even perceived.



**Drawing 3.1.4d** above shows the proposed development's location on the plot

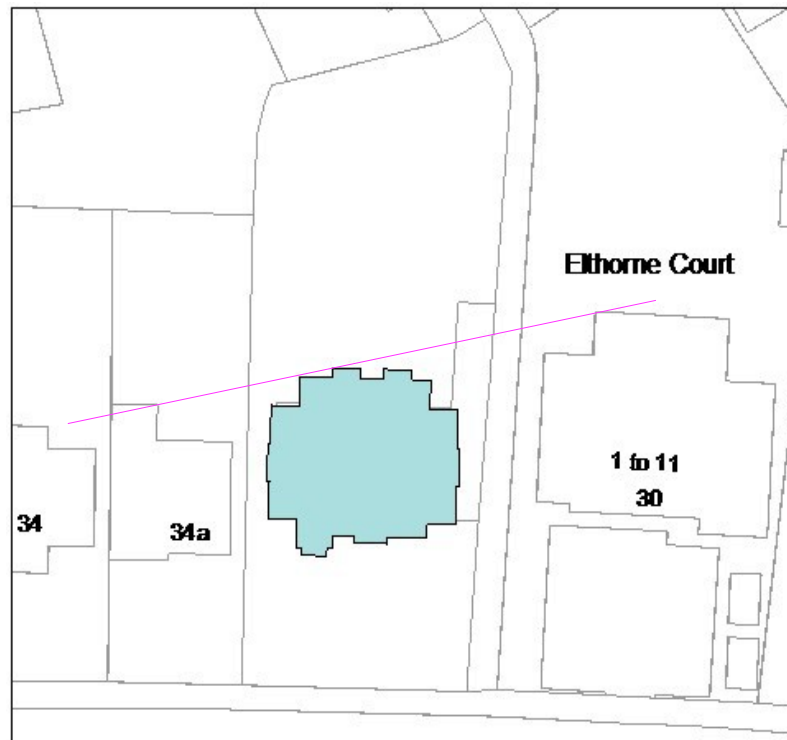
On the drawing below, 45° sight lines from the nearest habitable windows of neighbouring properties are shown. It is clearly evident that the proposed development is compliant with these angles with considerable ease.



**Drawing 3.1.4e** above shows the proposed development's now considerable ease of compliance with 45 degree sight lines.

### 3.1.4 Repositioning of the development on the plot Cont/d...

The revised positioning of the proposed development on the plot also conforms with a notional build line directly between 34a and 30 Kingsend, as shown in the drawing below.



**Drawing 3.1.4f** above shows the proposed development's compliance with a notional build line directly between 34a and 30 Kingsend.

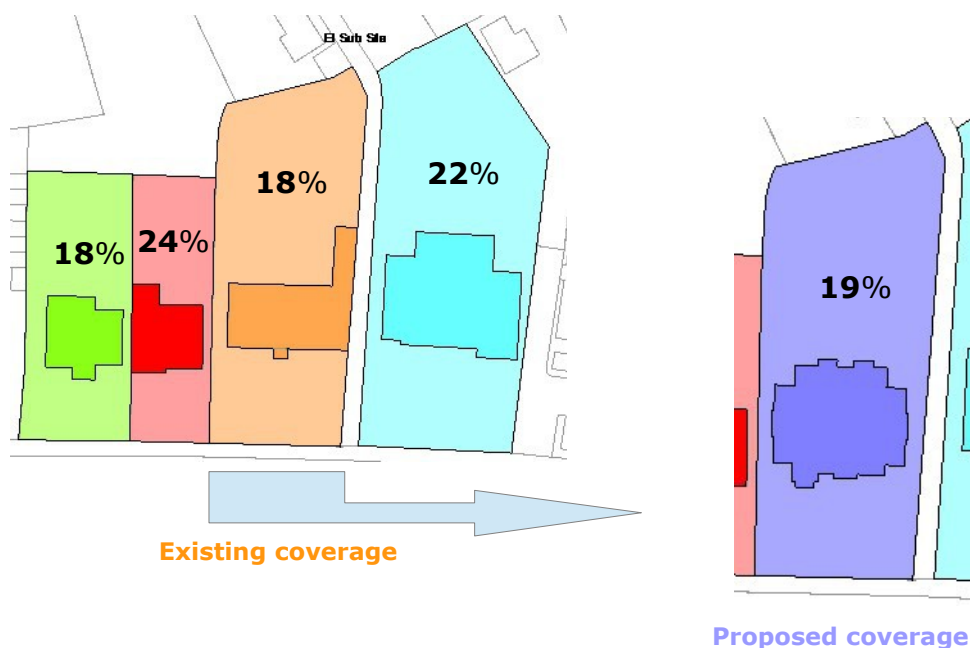
The above drawing demonstrates that the revised proposed development is now optimally positioned in the plot, complying with build lines and sight lines and can no longer be reasonably described as causing perceived enclosure.

### 3.1.5 Coverage

As further context, the site of the proposed development is one of the last remaining larger plots in the road that have not been sub-divided, completely redeveloped or both, as detailed in Section 3.3 of the PDAS.

When looking at site coverage, it can be seen that the ratio between the footprint of the proposed development and its plot equates to significantly less dense coverage than that exhibited by the smaller building and plot to the west. The proposed development's coverage is under one fifth of the total plot area (19%), where as the neighbouring plot at 34a equates to nearly a quarter of the plot being covered (24%).

The coverage of the proposed development is 19%, this is comfortably at the lower end of the spectrum compared to its neighbouring properties. This is shown in the drawing and table below.



Street number	34	34a	32	32	30	
Building footprint (sq M)	128	127	226	232	342	
Area of plot (sq M)	700	523	1224	1224	1528	
Coverage of plot (as a percentage)	18%	24%	18%	19%	22%	
			Existing	Proposed		

**Drawing and table 3.1.5a** above show the proposed development's coverage compares favourably both pre and post development.

In the Officer's Report on Planning Application 9894/APP/2022/3871 it is stated by LBH in Section 7.07 that:

"An increase in built form on the site would likely be acceptable given the larger plot size and width".

### **3.1.5 Coverage Cont/d ...**

Additionally, London Plan Policy H2 Small Sites in paragraph 4.2.4 states that:

"Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station<sup>[47]</sup> or town centre boundary<sup>[48]</sup> is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2. This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs."

It is therefore contended that the modest increase in the building's size is within the bounds of what was meant by the statement in the Officer's Report, is supported by the London Plan and is therefore acceptable given the plot's larger total area and its relatively low ratio of coverage, compared to its neighbours.

### 3.1.6 Visually interesting roof

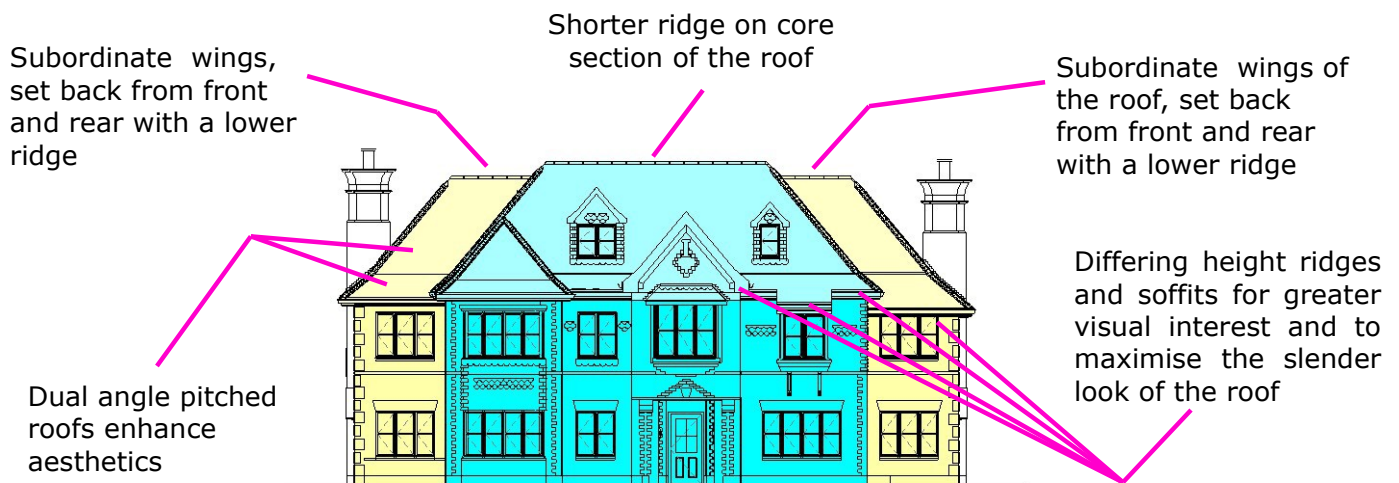
Changing the architectural style of the proposed development from Queen Anne Revival (QAR) to Arts and Crafts, (as detailed in Section 3.1.2), has provided the flexibility to vastly increase the visual interest of the roof's geometric form.

The roof form associated with a QAR inspired buildings exhibit much more of a monolithic nature than that associated with the Arts and Crafts style, which is generally asymmetric.

Accordingly, the redesigned roof, now in an Arts and Crafts style, has a more nimble and slender look to it. The roof has been redesigned to increase visual interest of the property from all viewing angles, this is most appreciable from the proposed development's south eastern and north eastern perspectives, which are the two angles the property will most likely be viewed from.

The redesigned roof now contains several more elements of interest, giving the development considerable visual appeal from the public realm. The roof now consists of a central section that has a gable, a bay, a fully hipped element, two oriel windows and two gabled dormer windows. The central section is flanked to the left and right by subordinate roof elements that are both narrower and lower in height than the central element. The new roof design is no longer monolithic and makes a considerable contribution to concealing the crown roof as well as making the overall roof look smaller. The new roof also has dual hip pitch angles on both the main roof and its dormers that contribute to its Arts and Crafts feel. Ornate chimney breasts on both the west and the more visibly accessible east elevations make positive contributions to the aesthetic.

The features now exhibited in the newly designed roof include:



**Drawing 3.1.6a** above shows the roof now comprising of multiple elements for aesthetics purposes and to ensure minimal massing

### **3.1.6a Crown Roof**

The Officer's Report refers to Policy DMHD 1 stating that crown roof will not be supported. The intention of this policy being it seems to avoid unnecessarily bulky or boxy roofs.

The spirit of the intention of policy DMHD 1 has been acknowledged and addressed by the redesigned roof. The revised roof design changes the previously monolithic roof of the initial QAR design to an Arts and Crafts, more complex and visually interesting form which minimises the impression of a crown roof whilst still enabling the roof space to be utilised as a dwelling.

However, although the spirit of DMHD 1 has been acknowledged and addressed by the redesign, its strict application to this proposal would be misplaced. Within DMHD 1, entitled 'Alterations and Extensions to Residential Dwellings', crown roofs are only referred to in clause B viii, entitled "Rear Extensions". As the proposed development does not constitute a rear extension or any other form of extension, DMHD 1 can not be legitimately applied.

Secondly, clause Viii of DMHD 1 specifically, and only, refers to detached houses, not to a purpose built apartment block.

To strictly apply DMHD 1, and design a roof for a property on a plot this size without any meaningfully usable roof space would create a building that does not make good use of all space within the building envelope, nor that of the land that it sits on, making the building space inefficient.

This would be contrary to the National Planning Policy Framework (NPPF) which in paragraph 119 of Section 11, entitled "Making effective use of land" states that:

**"Planning policies and decisions should promote an effective use of land in meeting the need for homes"**

It would also be contrary to Policy H1 of the London Plan, which in Clause 2 states that boroughs must:

**"optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:**

**a) sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary"**

As the site of the proposed development has a PTAL rating of 4, it plainly satisfies the PTAL rating requirement of the above clause.

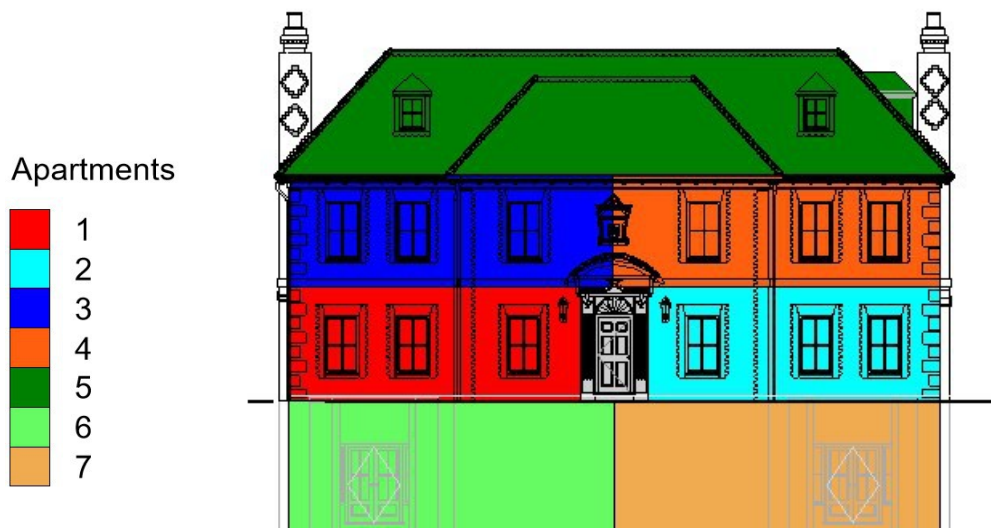
Additionally, as detailed in Section 3.1 of the PDAS, the proposed development is also only circa 320 metres away from the centre of Ruislip High Street, the local town centre, meaning that the site also satisfies the second and optional part of Clause 2a above.

The requirements of the London Plan directive are therefore met in full. It therefore follows that these directives must be applied to the determination of this application.

### 3.1.7 Number of dwellings reduced

The number of dwellings contained in the proposed development has been reduced from seven (7) to just five (5).

The previously proposal consisted of seven (7) apartments, with two apartments in the basement, as shown in the drawing below.



**Drawing 3.1.7a** above shows the previous scheme containing a total of 7 apartments (5 apartments above ground with 2 apartments in the basement).

The revised scheme contains just five (5) purpose built apartments, with all five apartments being above ground level.



**Drawing 3.1.7b** above shows the newly revised scheme with only 5 apartments (with the previous basement apartments removed from the scheme.)

The reduction of the number of dwellings now proposed in the development is a result of the two former basement apartments being removed.

### 3.1.8 Retention of mature trees

#### Overview

The Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, cites 'the net loss of mature trees' as a contributor to Refusal Reason 3.

Although it is true to say that the previous scheme would have resulted in a net loss of mature trees, it doesn't present a full picture of the situation, for it does not consider:

#### **The net gain in total trees proposed for the site**

The replacement and compensatory planting of mature and semi-mature trees around the site, that would have resulted in a net gain of new healthy trees on the site.

#### **The poor condition of existing tree stock proposed for removal**

All of the trees proposed for removal are Category 'C' and 'U' trees and all categorisations are unopposed by the Council's Tree Officer.

#### **Increased ecological value of the site**

The replacement and compensatory planting of semi-mature and young mature trees on the site would significantly increase the currently limited ecological value of the site through the replacement of specimens that are failed, failing or in decline.

#### **Increased amenity value from more visibly accessible trees**

The careful positioning of the new semi-mature trees proposed would provide greater amenity to both residents of the development and to the public realm through their increased visibility.

The retention of trees has been a major contributory factor to the proposed development's redesign, informing the design of both the building and its landscaping. Accordingly, it is now proposed that the vast majority of trees on site are retained, (including some that are visibly in decline or failing).

The table on the next page (Table 3.1.8a) lists all the trees covered by the Tree Report:

Column **F** shows that in the previous proposal (planning application 9894/APP/2022/3871), that all bar one tree on the site were proposed for removal (albeit that considerable replacement planting was also proposed).

Column **G** shows that in the current proposal, all bar three trees on the site will be retained. Furthermore, it proposes that a minimum of seven (7) additional mature and semi-mature trees will be planted on the site, yielding a net-gain of plus four (+4) mature / semi-mature trees.

### 3.1.8 Retention of mature trees cont/d ...

**Table 3.1.8a**

A	B	C	D	E	F	G
UID	T.R. Ref*	Species	Location	Classification	Previous proposal	Current proposal
1	T1	Laburnum	LHS of gate	C1	Remove	Remove
2	T2	Purple plum	Road side	U	Remove	Retain
3	T3	Cypress	O/S front door	C2	Remove	Remove
4	T4	Oak	Front left	B1	Retain	Retain
5	G5	Lime	Front left	C2	Remove	Retain
6	G5	Rowan	Front left	C2	Remove	Retain
7	T6	Ash	Rear left	C1	Remove	Retain
8	T7	Prunus	Rear left	C1	Remove	Retain
9	G8	Laurel	Rear of garden	C2	Remove	Retain
10	G8	Apple (Russet)	Rear of garden	C2	Remove	Retain
11	G8	Cypress	Rear of garden	C2	Remove	Retain
12	G8	Apple (Cox)	Rear of garden	C2	Remove	Retain
13	G8	Purple plum	Rear of garden	C2	Remove	Retain
14	G8	Apple (Cooking)	Rear of garden	C2	Remove	Retain
15	T9	Larch	Cycle Store	C1	Remove	Retain
16	G10	Sycamore	Back right	C2	Retain <sup>#</sup>	Retain <sup>#</sup>
17	G10	Willow	Back right	C2	Retain <sup>#</sup>	Retain <sup>#</sup>
18	G10	Plum	Back right	C2	Retain <sup>#</sup>	Retain <sup>#</sup>
19	T11	Horse Chestnut	Rear lawn	C1	Remove	Remove

\*T.R. Denotes the Tree Reference used in Tree Report.

<sup>#</sup>This group of trees (G10) have been included in the table for completeness, as they are included in the Tree Survey. However, they are outside of the site's boundary and over fifteen metres away from the proposed development. The RPA for each of these trees is therefore unaffected by the proposed redevelopment.

#### Additional mature and semi-mature trees proposed for the site

UID	T.R. Ref*	Species	Location	Proposed
2-1	NT1	TBA	Front garden	New tree
2-2	NT2	TBA	Front garden	New tree
2-3	NT3	TBA	Front garden	New tree
2-4	NT4	TBA	Rear garden	New tree
2-5	NT5	TBA	Rear garden	New tree
2-6	NT6	TBA	Rear garden	New tree
2-7	NT7	TBA	Rear garden	New tree

### **3.1.8 Retention of mature trees cont/d ...**

#### **General arboricultural aesthetics**

The site of the proposed development contains a significant amount of vegetation, a lot of which is attributable to the fact that both the front and rear gardens have been allowed to grow without being suitably tended to for several years now. This has resulted in the previous flower and shrub borders closing in on the gardens with deep and dense foliage that is now heavily intertwined, creating impenetrable thatch in places. Much of the verdancy being attributable to the abundance of Common Cherry Laurel that has considerably advanced in both height and depth. In short, the site is verdant, probably the most verdant in the street, but unmanaged with limited ecological value and an inefficient use of the garden's landscape.

#### **Replacement and compensatory planting**

In the Officer's Report for planning application 9894/APP/2022/3871 it is contended that it would take several years for newly planted trees 'to provide similar cover' on the site and that this contributed to Reason for Refusal 3. This statement is provided in Section 7.07 (Landscape Character) of the report:

"...replacement planting would take several years to provide similar cover. .... when considered collectively ... it forms part of Reason for Refusal 3 for its impact on the Conservation Area."

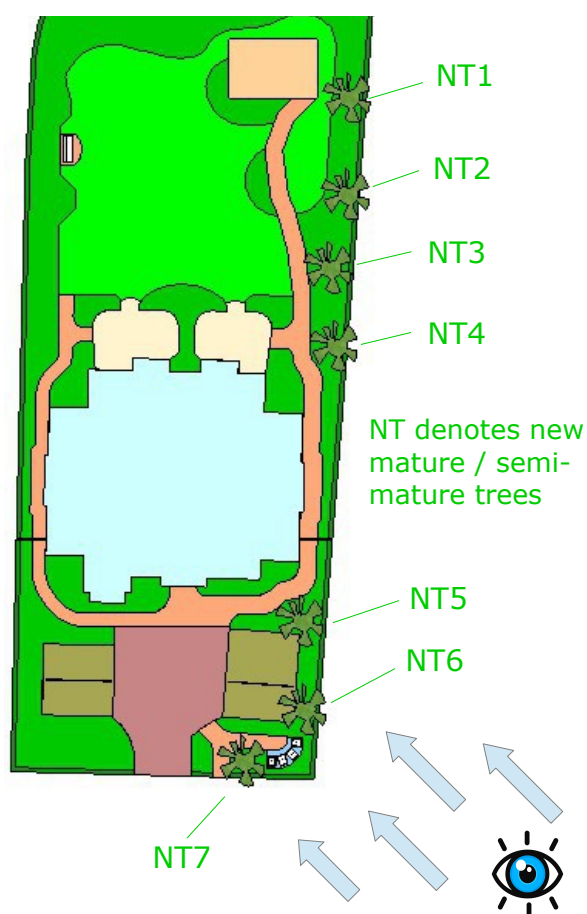
In response to these comments, the revised design has sought where possible to retain existing mature trees. In addition, the landscape and planting strategy has been revised so that the scheme will deliver an immediate positive visual impact from the public realm. These improvements will be achieved by removal of the existing single-storey garage element that forms the boundary to the public footpath and planting of seven (7) new mature and semi-mature trees along the eastern boundary.

### 3.1.8 Retention of mature trees cont/d ...

#### Immediate enhancement to visual amenity

Newly planted trees would immediately enhance the visual amenity provided to the public realm, thereby enhancing the streetscape and the Conservation Area as a whole.

Specifically, the eastern boundary of the property that runs along the public footpath is currently bereft of trees, as shown by Drawing 3.1.8b to the right.



**Drawing 3.1.8c** above shows the replacement and compensatory planting proposed, with a net gain of four (+4) additional trees.

It is therefore contended that the planting of replacement and compensatory mature and semi-mature trees on this site will provide both immediate and significant enhancement to the tree scape and the street scene aesthetic, that when balanced against the three trees proposed for removal, will more than compensate for them and start the process of revitalising the site's landscape in an environmentally sustainable manner.

\* A mature ornamental Rowan standard tree will have an initial height of 5.5 to 6.0 metres and a crown 3.0 to 3.5m wide, source Tendercare Nurseries (<https://www.tendercare.co.uk>)






**Drawing 3.1.8b** above shows the area proposed for new trees on the eastern side of the plot, which is currently bereft of trees.

The site is most visibly accessible from its south-eastern perspective, as the street rises from this direction, and gives the broadest view of the property and its front garden.

The replacement and compensatory planting of the seven (7) new mature and semi-mature trees proposed is therefore focussed on the site's south and eastern aspects.

Planting of new mature\* and semi-mature trees along these boundaries will immediately provide an additional three (3) metres to the height of vegetation.

The enhancements this will bring to the streetscape and the Conservation Area include:

-  Increasing street verdancy in a sustainable manner.
-  Providing screening that will introduce visual intrigue into the street scene.
-  Helping to diffuse and attenuate road noise.

### **3.1.8 Retention of mature trees cont/d ...**

#### **Tree retention round-up**

As shown by Table 3.1.8a it is proposed that just three trees are now removed. These are the Laburnum (T1), the Cypress (T3) and the Horse Chestnut (T11). A detailed rationale for the removal of each of these trees is provided in the relevant following section:

3.1.8.1 Horse Chestnut (T11) to be removed and replaced

3.1.8.2 Cypress (T3) and Laburnum (T1) to be removed and replaced

Table 3.1.8a also shows that compared to the previous proposal, (planning application 9894/APP/2022/3871), twelve (12) further trees are being retained. Full details of how these trees are to be retained is provided in the following sections:

3.1.8.3 Larch tree (T9) to be retained

3.1.8.4 Ash tree (T6) to be retained

3.1.8.5 Purple Leaf Plum tree (T2) to be retained

3.1.8.6 Lime and Rowan trees (G5) to be retained

3.1.8.7 Prunus tree (T7) to be retained

3.1.8.8 Laurel, Apple trees, Cypress, Spruce and Plum (G8) to be retained

Additionally, to reposition the driveway more centrally on the plot, (as detailed in the PDAS Section 5.4.5B on page 101), approximately three and a half metres of the front boundary hedge will also have to be removed and replanted. This final element is detailed in the section below.

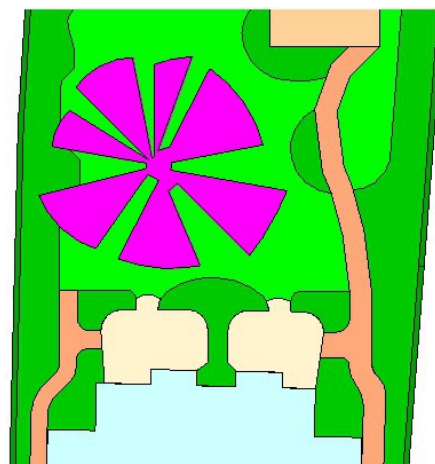
3.1.8.9 Alteration to front boundary hedging

### 3.1.8.1 Horse Chestnut (T11) to be removed and replaced

The Horse Chestnut tree (T11) is in the rear garden, about halfway back and to the left (west) of the centre of the garden, as shown in the drawing opposite.

 Horse Chestnut tree T11

**Drawing 3.1.8.1a** opposite shows the location of the Horse Chestnut tree (T11).



The previous planning application proposed the removal of the Horse Chestnut tree (T11) as this tree is in decline, provides very limited amenity value, has a poor relationship with surrounding property, and its removal and replacement with better positioned trees would be a greater asset to the site and Conservation Area.

The poor condition of the tree is noted in the Tree Report by the arboricultural specialist whose comments and recommendation state that the tree has been:

"Subject to unsympathetic past management. Previously crown reduced. Previously pollarded at 7m - decay present at old pruning wounds. Tree suffering from leaf blotch, leaf miner and bacterial canker. Recommend: to be removed. BS Category C1."

From the specialist's summary above it is clear that the Horse Chestnut is now a poor specimen, owing most probably, to the way it was pollarded circa 50 years ago, prior to the current owner's residence, that has resulted in the decay now present at the old pruning wounds.

This is acknowledged by the Council's Tree Officer in the Officer's Report, which states that:

"The classification and removal of the Horse Chestnut is not opposed by the Council's Tree Officer, subject to further details of proposed landscaping and details of tree protection measures for retained trees being provided"

The relationship between the Horse Chestnut tree and the existing building has been poor for many years. The tree has been cited as the cause of damage to the existing property and it deprives whole swathes of the rear garden from direct sunlight, which also significantly reduces the amount of daylight available to the windows of the rear rooms of the existing property.

### **3.1.8.1 Horse Chestnut (T11) to be removed and replaced Cont/d ...**

For many years, for building insurance reasons, the tree has had to be managed every three years through Conservation Area Notices and planning applications. Additionally, as stated in the specialist's report, the tree is now visibly in decline and suffering from leaf blotch, leaf miner and bacterial canker. Both the ongoing management of the tree and its decline are acknowledged in the Officer's Report wherein the Council's Tree Officer's position on the tree is stated as follows:

"The tree has been subject to TPO approved crown lifting in 2017 and 2020 and the Council's Tree Officer does not oppose its removal (as noted previously), with agreement that the tree is in decline. Any approval would be subject to replacement planting."

From the above extract it is clear that the tree's classification as a Category C tree by the Arbor Specialist and its proposed removal are unopposed by the Council's Tree Officer (subject to suitable replacement planting).

So, whilst mindful of the fact that the net loss of mature trees was cited as a contributory reason for refusal, considering the significant increase in the number of other trees now to be retained, as well as the very significant quantity and quality of replacement and compensatory planting proposed, it is felt that retaining a tree that is in decline, in continual need of management, and that only provides minimal amenity value, is not an astute way forward. Instead, the tree should be removed and compensated for by high quality replacement planting, which as noted previously in this section, would be agreeable to the Council's Tree Officer.

### 3.1.8.1 Horse Chestnut (T11) to be removed and replaced Cont/d ...

#### Poor amenity value

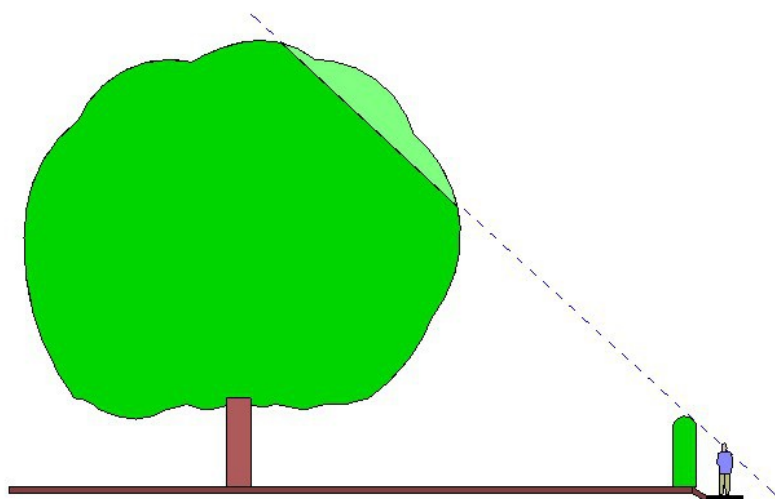
The lack of true amenity value from this tree also needs to be considered. The tree is to the left (west) of the centre of the rear garden. As a result it can not be seen in its entirety from anywhere within the public realm.

However, the Officer's Report states that it is visible from the public footpath that runs adjacent to the site's eastern boundary, as the report declares:

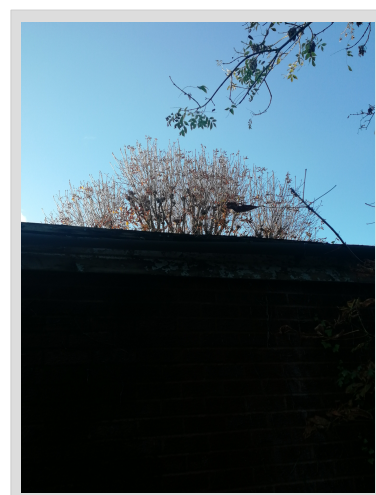
"the TPO protected Horse Chestnut at the rear is proposed for removal. It is noted that the Tree Officer is not opposed to its removal on arboricultural grounds. However, the tree is still a visible feature in the landscape (including from the public footpath to the side)".

Although the top section of this tree is visible from the public footpath, this does not provide the full picture, as all that is visible from the footpath is a very restricted view of the very top of the tree.

Below is a scaled elevation drawing of the site that shows the distance of the Horse Chestnut (HC) tree from the centre of the public footpath and the angle of visibility.



**Drawing 3.1.8.1d** above shows that only a glimpse of the very top of the Horse Chestnut tree is possible from the footpath.



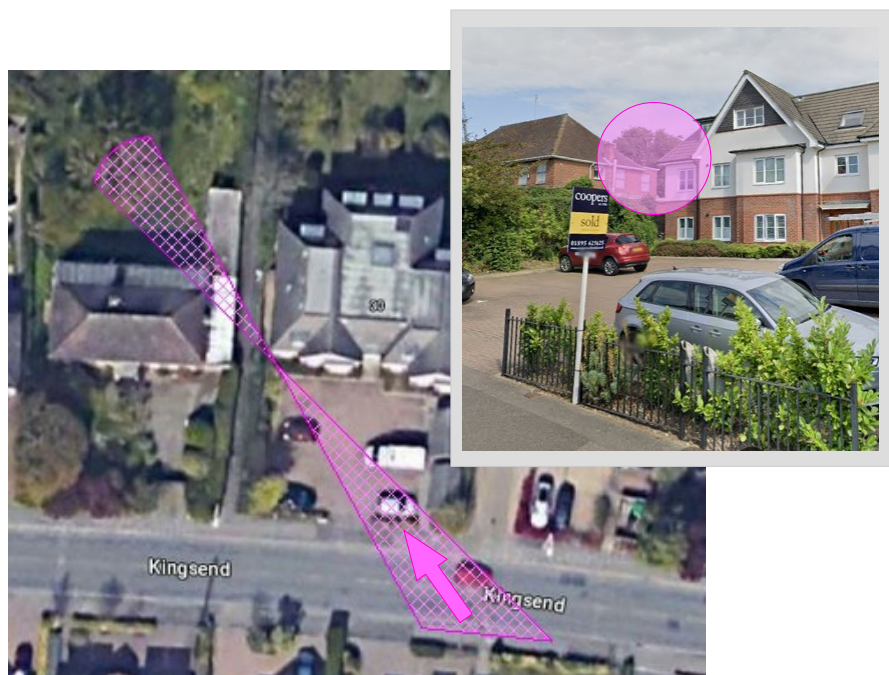
**Image 3.1.8.1e** above shows the glimpse of the HC visible over the garage from the public footpath.

- Tree canopy 14 metres in diameter
- Tree 15 metres high
- Tree trunk 14 metres from the eastern boundary
- Boundary hedge height 2.4 metres
- Eye height of viewer 1.568 metres\*
- Footpath level 200mm lower than nominal site level.

\* Source: <https://www.firstinarchitecture.co.uk/average-male-and-female-dimensions/>  
Average eye height (mean average of 1.505M female and 1.63M male)

### 3.1.8.1 Horse Chestnut (T11) to be removed and replaced Cont/d ...

From the street only the top portion of the tree is visible and this is only available from a very narrow field of view, this acute viewing angle is shown below.



**Images 3.1.8.1f** above shows the very narrow angle of view from the street that the top portion of the Horse Chestnut tree can be seen from.

The narrow view demonstrated in the images above equates to a viewing angle of circa twenty degrees (**20°**). This is in stark contrast to the much broader field of view that the replacement and compensatory planting proposed as part of the redevelopment benefits from, which has a field of view of some one hundred and twenty degrees (**120°**) as shown by the image below.



**Image 3.1.8.1g** above shows the very wide angle (circa 120 degrees) that replacement planting would be visibly accessible from the public realm.

### **3.1.8.1 Horse Chestnut (T11) to be removed and replaced Cont/d ...**

It is fully acknowledged that using quantitative criteria (such as the width of a view) to determine the suitability or otherwise of a subjective subject manner is not always appropriate. However, the use of such an instrument in this instance is perfectly reasonable, as we are simply comparing the level of amenity from two contrasting treescapes. One that contains a single tree that is in decline, that from the public realm can only be seen in part and from a distance, and whose only view from the public realm is framed by negative attributes of the existing property, specifically its flat roofs and ungainly externally mounted flue. This is in stark contrast to the progressive alternative proposed, that contains seven (7) mature and semi-mature trees that are new to the site, each positioned on the site where they will be highly visibly from the public realm, with a viewing angle from the public realm that is many times greater than that of the Horse Chestnut and so provides far greater visual amenity to the streetscape and contribution to the Conservation Area.

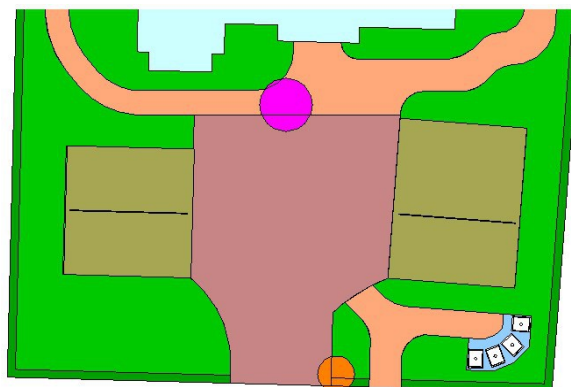
Neither the mere glimpse of the Horse Chestnut tree from the public footpath, nor the narrow view of this tree from the street constitute sufficient visual amenity for this tree to be retained, nor for its removal to be deemed as damage to the Conservation Area when balanced with the decline of the tree and the benefits replacement planting would bring to the site and the streetscape.

It is therefore asserted that this tree's removal, which is unopposed by the Council's Tree Officer, and its replacement with high quality mature and semi-mature trees as outlined earlier in this section (3.1.8) would create far greater amenity value to the development's residents, wildlife habitats, the immediate streetscape and the broader Conservation Area.

### 3.1.8.2 Cypress (T3), Laburnum (T1) to be removed

The Cypress (T3) and the Laburnum (T1) are the only other trees now proposed for removal. The Cypress (T3) is located directly in front of the property and the Laburnum is situated to the right-hand (eastern) side of the proposed driveway entrance, as shown in the drawing to the right.

**Drawing 3.1.8.2a** to the right shows the location of the Cypress (T3) ● and the Laburnum (T1). ●



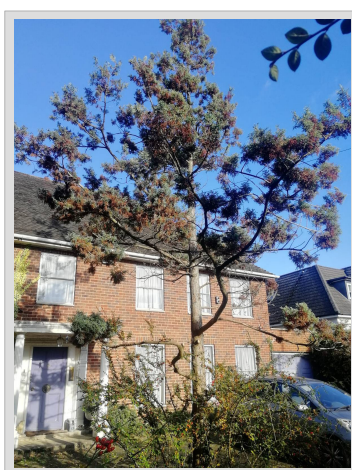
Both the Cypress (T3) and the Laburnum (T1) have been classified as Category C by the Arbor Specialist and both classifications are unopposed by the LBH Tree Officer.

#### Laburnum (T1)

The Laburnum is a tall spindly bush / very small tree, approximately four (4) metres in height, comprising of several thin stems, as shown in Image 3.1.8.2c to the right.

This is a bush / small tree that can be easily replaced with a same sized\* specimen in another location in the front garden.

**Image 3.1.8.2c** to the right shows the Laburnum (T1), which can easily be replaced with a plant of a similar size.



**Image 3.1.8.2d** above shows the Cypress (T3) proposed for removal and replacement.

#### Cypress (T3)

The Cypress tree (T3) is shown in Image 3.1.8.2d to the left, which shows this tree has only a sparse crown.

As shown in Drawing 3.1.8.2a above, this tree can not be retained owing to its location. Its removal was previously proposed in planning application 9894/APP/2022/3871 and was unopposed by the Council's Tree Officer.

It is proposed that the removal of this small to medium sized tree will be compensated for by the planting of several, mature and semi-mature trees on the site as shown in Drawing 3.1.8c.

\* Source Tendercare Nurseries: A mature ornamental Laburnum tree may have an initial height of 3.0 to 4.0 metres, (<https://www.tendercare.co.uk>)

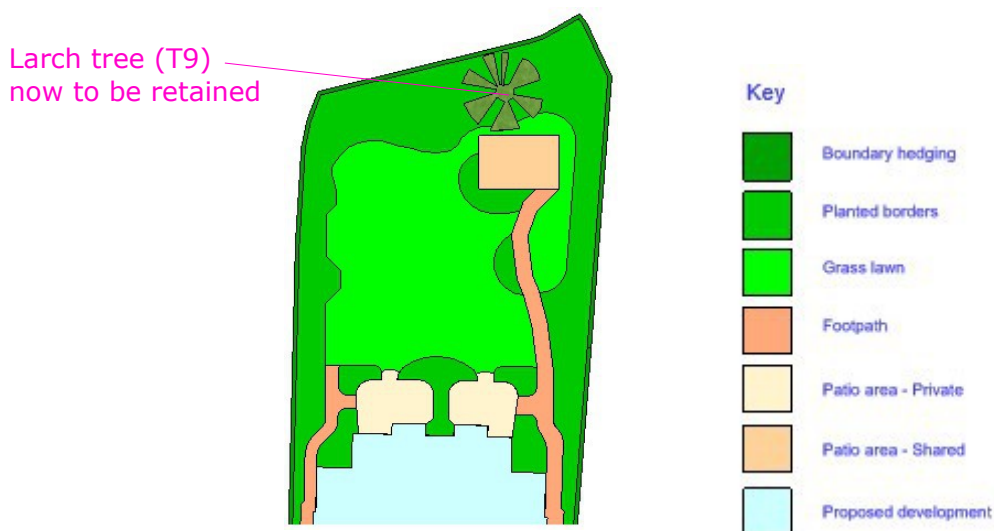
### 3.1.8.3 Larch tree (T9) to be retained

The previous proposal positioned cycle storage in the rear garden, in a position that conflicted with the retention of tree T9 (Larch), as shown in the drawing below.



**Drawing 3.1.8.3a** above shows the previous conflict for space between tree T9 and the Cycle Store.

By relocating the Cycle Store to the basement, as suggested by LBH in the Officer's Report for 9894/APP/2022/3871, the previously proposed store at the end of the rear garden has been removed from the scheme.



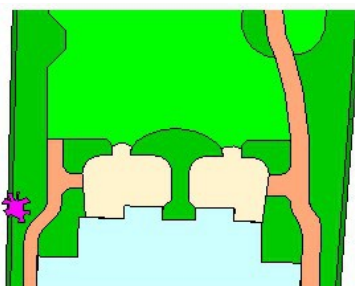
**Drawing 3.1.8.3b** above shows the newly proposed garden plan with the Larch tree (T9) retained.

This amendment to the scheme removes the conflict for space between the originally proposed Cycle Store and the Larch tree (T9), so that the Larch tree (T9) can be retained.

#### 3.1.8.4 Ash tree (T6) to be retained

The previous application proposed the removal of Ash tree (T6). This tree is located at the rear of the property on the left hand (west) side, as shown in the drawing below.

● Ash tree (T6) now to be retained



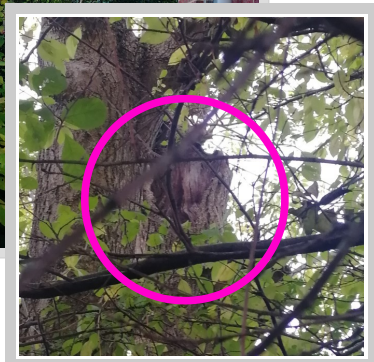
**Drawing 3.1.8.4a** to the left shows the location of Ash Tree (T6).

**Image 3.1.8.4b** below shows Ash tree (T6) at the end of its three year management cycle.



Removal of this tree was proposed as it has been managed every three years (through Conservation Area Notices to the Council), at which times all shoots on it are completely pollarded back to its trunks. It therefore resembles little more than a pair of totem poles with a few top shoots for much of this three year cycle.

**Image 3.1.8.4c** on the left shows the decay and hollowing at the top of the Ash tree stumps (T6).



There is significant decay at the top of these trunks leading to them hollowing.

Accordingly, the tree has been classified as a Category C by the Arbor Specialist and its classification and proposed removal is unopposed by the LBH Tree Officer. This is confirmed in the Officer's Report wherein the Council's Tree Officer's position is stated as:

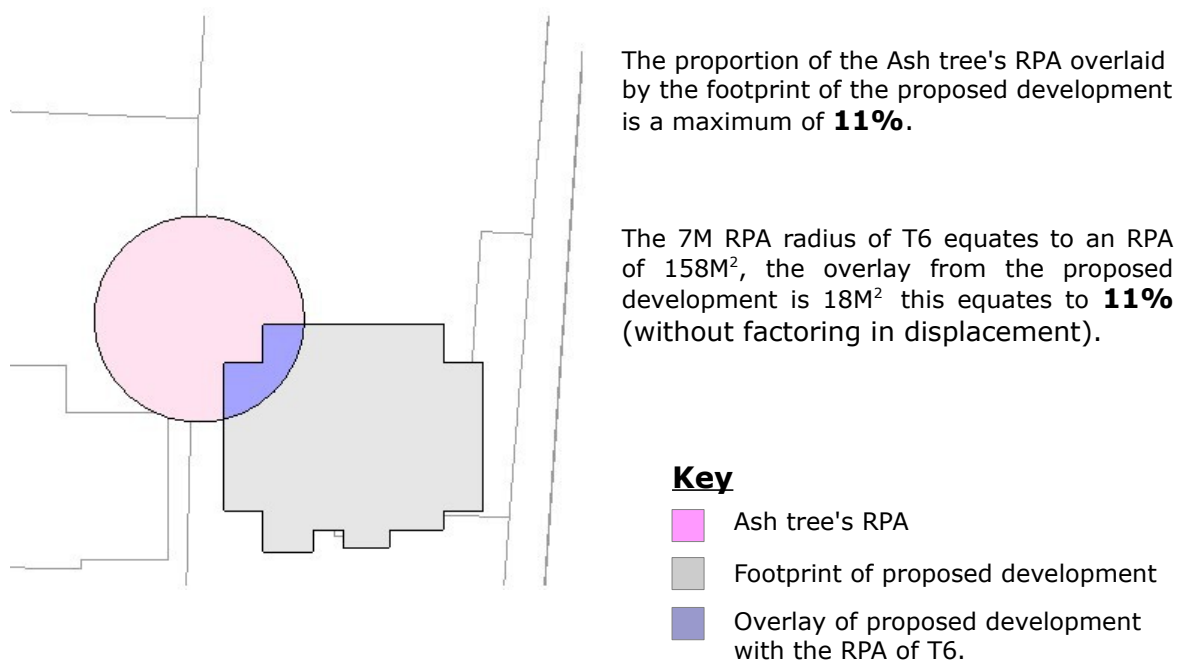
"Even if it is not removed, the proposed basement extends significantly into the 7m root protection area. Regardless, the Council's Tree Officer does not oppose its removal."

It was thought that its removal and compensatory planting of some semi-mature trees (as detailed in Section 5.2.3 of the original PDAS submitted) would have been a better solution, as the newer trees could be better positioned to provide greater amenity value and by not needing to be managed in the same way as the current Ash, would also have been better for wildlife in the garden and the sustainability of the garden's landscape, as well as providing greater aesthetic value.

However, as the retention of this tree doesn't create any restriction on the viability of the proposed development, and the net loss of mature trees has been cited as a contributory reason for refusal (despite proposed compensatory planting of semi-mature trees on the site), it is now proposed that this tree is retained.

### 3.1.8.4 Ash tree (T6) to be retained cont/d...

Drawing 3.1.8.4c below shows the overlay of the proposed development's footprint into the RPA of Ash tree (T6). As can be seen from the drawing, the maximum overlay is eleven percent (11%), which is reduced further when displacement of the RPA is factored in owing to the proximity of the existing house and patio. It is therefore fair to contend that it is acceptable for Ash tree (T6) to be retained.

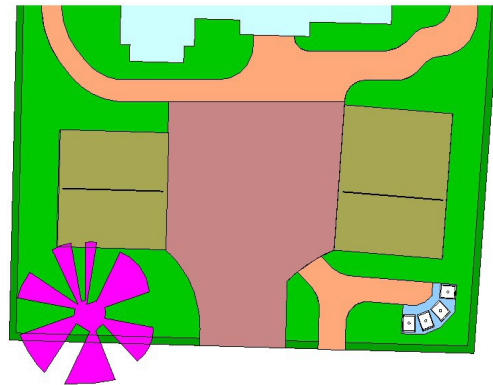


**Drawing 3.1.8.4c** above shows the maximum **11%** overlap of the proposed development's footprint with the RPA of Ash tree (T6)

This amendment to retain the Ash tree (T6) has been made to address concerns over the net loss of mature trees. However, it is still felt that its removal and the compensatory planting of several, new to site, good quality, better shaped and better positioned, semi-mature or mature trees would be a better solution.

### 3.1.8.5 Purple Leaf Plum tree (T2) to be retained

The previous application proposed the removal of the Purple Leaf Plum tree (T2). This tree is located at the front of the property and forms some of the front boundary with the pavement, as shown in Drawing 3.1.8.5a opposite and Image 3.1.8.5b below.



**Drawing 3.1.8.5a** above shows the location of Plum tree (T2).



**Image 3.1.8.5b** above shows the precariousness of the Purple Leaf Plum tree (T2)

This tree is leaning precariously, with the majority of its trunk now growing almost parallel to the ground, (as shown by the Image 3.1.8.5b), which obviously isn't sustainable.

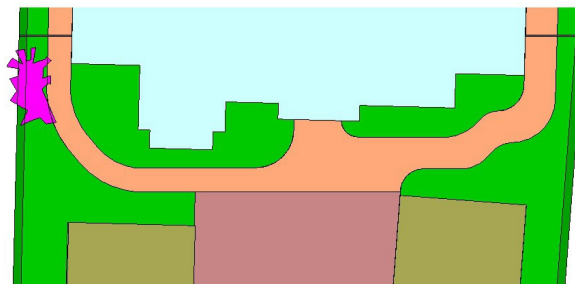
Accordingly, the tree has been classified as a Category U by the Arbor Specialist and its removal is unopposed by the LBH Tree Officer.

Again, it was thought that the removal of this failing tree and compensatory planting of some semi-mature trees (as detailed in Section 5.2.3 of the original PDAS submitted) would have been a better solution, as the newer trees could be better positioned to provide greater amenity value to both the residents of the development and to the public realm and replacement of this tree with healthy, upright specimens would have provided longer term sustainability of the landscape.

However, as retaining this tree does not create any restriction to the viability of the proposed development, subject to a little pruning, and the net loss of mature trees has been cited as a contributory reason for refusal (despite the significant amount of replacement and compensatory planting proposed in the original PDAS), it is now proposed that this Purple Leaf Plum tree (T2) is retained.

### 3.1.8.6 Lime and Rowan trees (G5) to be retained

The previous application proposed the removal of the Lime, Rowan and Hazel trees, collectively referenced as G5 in the Tree Report. These trees are adjacent to the south east corner of the existing property, as shown in the drawing to the right.



**Drawing 3.1.8.6a** to the right shows the location of the Lime, Rowan and Hazel trees (G5).

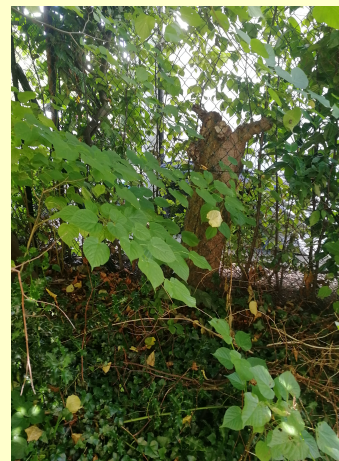


**Image 3.1.8.6b** above shows the Lime tree in G5 now to be retained.

The image to the left shows the Lime tree, which has multiple branches from ground level and is really an overgrown bush.

The image to the right shows the Rowan tree, which is now the other side of the fence that the neighbours have recently had erected. This is a stump, approx. one metre (1M) high with just a few shoots from it.

**Image 3.1.8.6c** below shows the Rowan is a 1 metre stump.



All three trees in group G5 (the Rowan, Lime and Hazel) are classified as Category C by the Arbor Specialist and their removal is unopposed by the LBH Tree Officer.

Subsequent to the previous planning application 9894/APP/2022/3871, the tall thin Hazel was removed through a Conservation Area Notice to the Council, owing to the precarious lean it developed towards the house, so all that now remains of this tree is a ground level stump.

Again, it was thought that the removal of these poor specimens and compensatory planting of some semi-mature trees (as detailed in Section 5.2.3 of the original PDAS submitted) would have been a better solution, as the newer trees could be better positioned to provide greater amenity value to both the residents of the development and to the public realm. Replacement of these tree with new, healthy specimens would also have provided longer term environmental sustainability of the landscape.

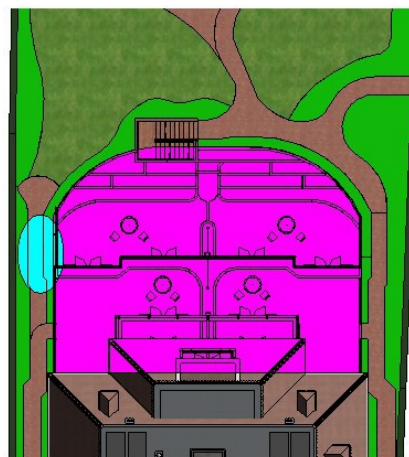
However, as retention of these trees does not create any restriction to the viability of the proposed development, and the net loss of mature trees has been cited as a contributory reason for refusal, it is now proposed that the remaining trees in group G5 are retained.

### 3.1.8.7 Prunus (T7) to be retained

The proposed development's previous design contained habitable basement accommodation together with basement patios and basement gardens that were terraced up to the nominal ground level.

This created a conflict for space between the basement excavation and its surrounding footpaths with the Prunus (T7), as shown in the drawing opposite.

**Drawing 3.1.8.7a** opposite shows the location of the Prunus (T7) and the previously proposed basement excavation.

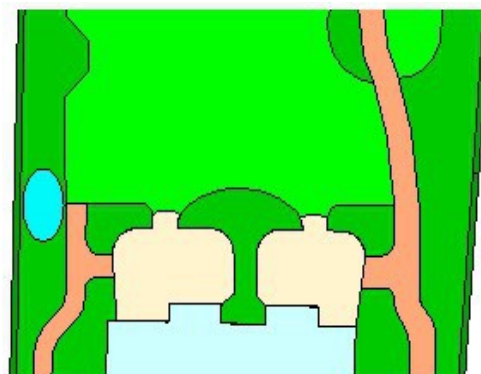


**Image 3.1.8.7b** above shows the Prunus (T7) now to be retained.

However, owing to the removal of the two basement apartments from the revised design, together with their associated lower ground gardens, the proposed development no longer conflicts with the Prunus (T7) for space, as shown in the drawing opposite.

The Prunus (T7) has been classified as Category C by the Arbor Specialist and the classification is unopposed by the Council's Tree Officer.

Again, it is thought that the removal of this overgrown bush / small tree and compensatory planting of replacement bushes and some semi-mature trees (as detailed in Section 5.2.3 of the original PDAS submitted) would be a better solution, as the newer trees could be better positioned to provide greater amenity value to residents of the development.



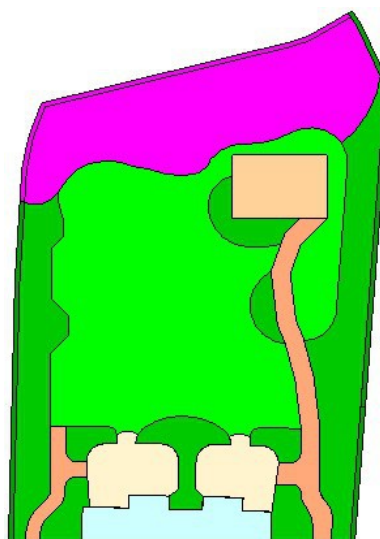
**Drawing 3.1.8.7c** above shows that the Prunus (T7) can now be retained.

Accordingly, as retention of this large bush / small tree does not create any restriction to the viability of the proposed development, and the net loss of mature trees has been cited as a contributory reason for refusal, it is now proposed that the Prunus (T7) is retained.

### 3.1.8.8 Group G8 (Laurel, Apples, Cypress and Plum) to be retained

Group G8 consists predominantly of three Apple trees, a Purple Plum tree, a Cypress tree, a Spruce tree and some Laurel bushes and is located at the back of the rear garden, as shown by the magenta shading on the drawing opposite.

**Drawing 3.1.8.8a** opposite shows the location of group G8.



**Image 3.1.8.8b** above shows the scrubby thatch created by Group G8.

This group of trees are overgrown and have formed a matted thatch, with none of the trees having their own discrete space, shape or identity.

The Spruce tree, which is surrounded by Laurel, rises above the general thatch, but although it is still standing, died several years ago.

Some of these small trees are now also laying over and have branches growing along the ground searching for light. Further adding to the overgrown, crowded and scrubby appearance.

All trees in this group (G8) have been classified as Category C by the Arbor Specialist and their classifications are unopposed by the Council's Tree Officer.

Again, it was thought that the removal of these poor specimens and compensatory planting of some semi-mature trees (as detailed in Section 5.2.3 of the original PDAS submitted) would be a better solution, as the new trees would provide greater ornamental and amenity value. Moreover, replacement of these trees with new, healthy specimens would also provide longer term sustainability of the landscape.

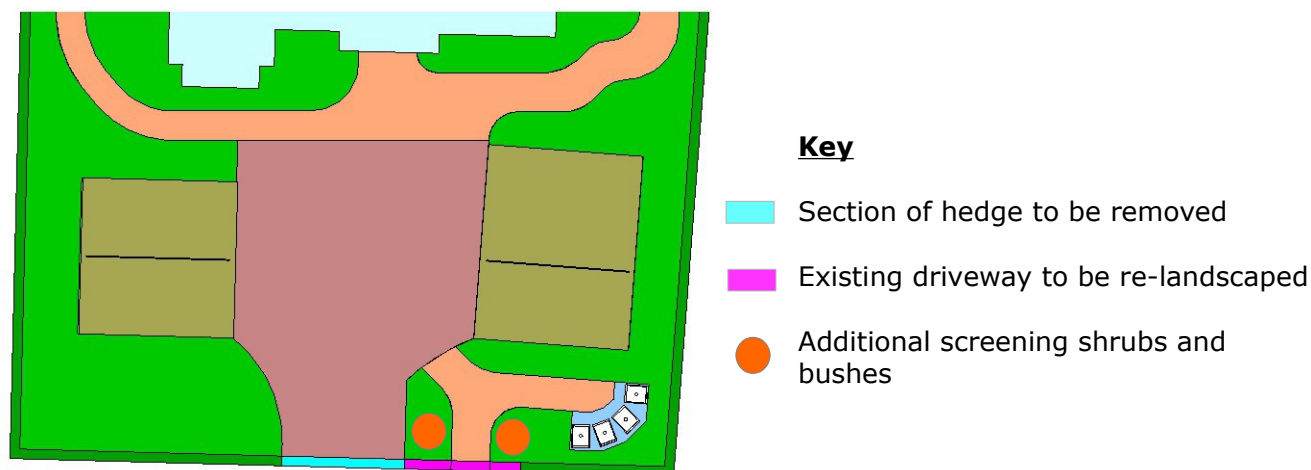
However, as retention of these trees bushes and scrub doesn't create any restriction to the viability of the proposed development, and the net loss of mature trees has been cited as a contributory reason for refusal, it is now proposed that all of the trees in group G8 are retained.

### 3.1.8.9 Alterations to front hedging.

To reposition the driveway cross-over centrally on the plot, a short section of the front boundary hedge will need to be altered.

This involves the removal of a section of hedging to the left (west) of the existing cross-over, where the new vehicular cross-over is to be positioned and the planting of new hedging where the old cross-over was located.

These two sections are shown on the drawing below.



**Image 3.1.8.9A** above shows the layout of the front garden and the sections of the boundary hedge to be altered.

It is felt that this is relatively low impact on the streetscape as the replanting of semi-mature hedging will quickly establish itself and provide screening. Additionally, the shrub borders behind the section of hedge to be re-landscaped will contain additional vegetation that will add to the density of the hedge from an early stage.

### **3.1.8.10 Retention of mature trees conclusion.**

The intention to retain mature trees has considerably informed the revised design of the proposed development and its landscaping.

The redesign has successfully enabled twelve (12) mature trees to be retained on the site and enables a minimum of seven (7) additional mature and semi-mature trees to be added to the site.

Each of the trees proposed for removal have been classified as Category C by the Arbor Specialist. Moreover, both their classifications and their removal are unopposed by the Council's Tree Officer, (subject to satisfactory replacement planting being agreed).

In Section 3.1.8.1 it is demonstrated that neither the mere glimpse of the Horse Chestnut tree from the public footpath, nor the narrow view of this tree from the street constitute sufficient visual amenity for this tree to be retained, nor for its removal to be deemed as damage to the Conservation Area when balanced with the decline of the tree and the benefits replacement planting would bring to the site and the streetscape.

The seven (7) new, healthy replacement and compensatory trees proposed will provide greater amenity value to the public realm than the declining Horse Chestnut tree, Cypress and small Laburnum tree proposed for removal, as they will be far more visually accessible and will therefore make a far greater contribution to the verdancy of the site, the street's treescape and the Conservation Area.

Furthermore, the planting of seven (7) mature trees on the site means that there will not be a loss of mature trees on the site, the proposed development will actually provide a net gain of plus four (+4) mature trees on the site, all of which will make a positive contribution to the Conservation Area.

### **3.2 Preserving acoustic and visual privacy**

In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason **4** states that:

“By virtue of the number, location and siting of side facing windows and rear facing balconies and because of the subterranean nature of the patio areas of the basement, the development will pose unacceptable privacy implications for residents at neighbouring properties to the east and west and within the development. The extension of the building well beyond the rear building line of 34A Kingsend to the west also poses an unacceptable level of dominance to its neighbour. Therefore, the proposal is contrary to Policies BE1 and EM8 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMH 4, DMHB 1 and DMHB 11 of the Hillingdon Local Plan (Part 2) 2020.”

Each of the reasons for refusal stated in the above paragraph have been addressed by making amendments to the design of the proposed development. The design changes are summarised below, and each is explained in detail in its corresponding section:

3.2.1 Side dormers removed

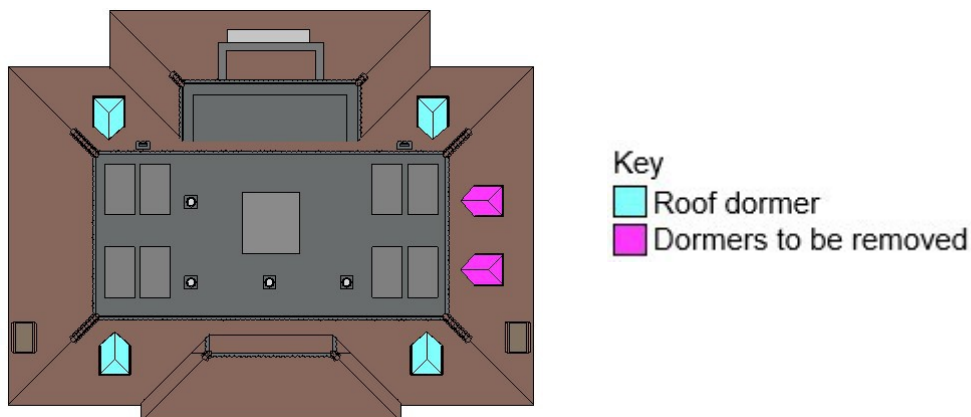
3.2.2 Side facing windows removed

3.2.3 All balconies removed

3.2.3 Repositioning of the proposed development on the plot  
(This subject is covered in Section 3.1.4)

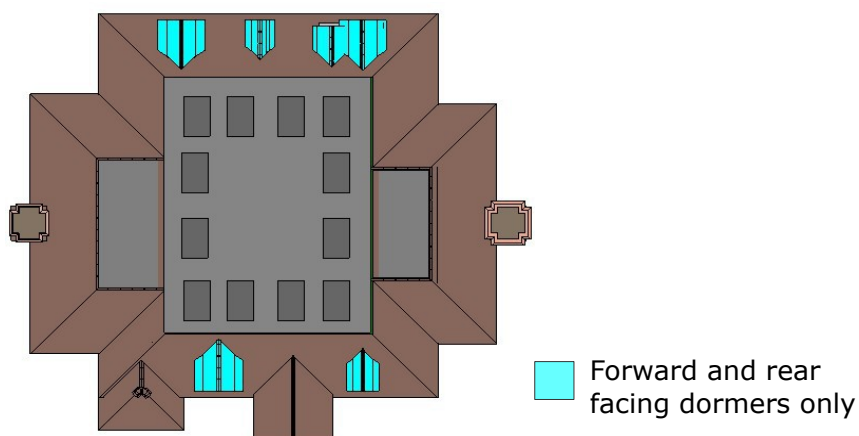
### 3.2.1. Side facing roof dormers removed

The previous proposal contained roof dormers on the east elevation of the proposed development (on the right-hand side, when viewed from the front), as shown by the drawing below.



**Drawing 3.2.1a** above shows the previously proposed roof plan with two roof dormers on the right hand side (east elevation).

The side facing roof dormers (formally on the east elevation) have now been removed from the roof design. There are now only forward or rear facing roof dormers to ensure that there is no overlooking or even perceived overlooking.

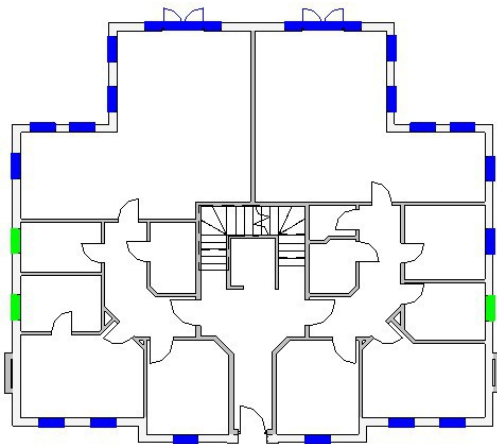


**Drawing 3.2.1b** above shows the currently proposed roof plan with all roof dormers facing either the front or the rear.

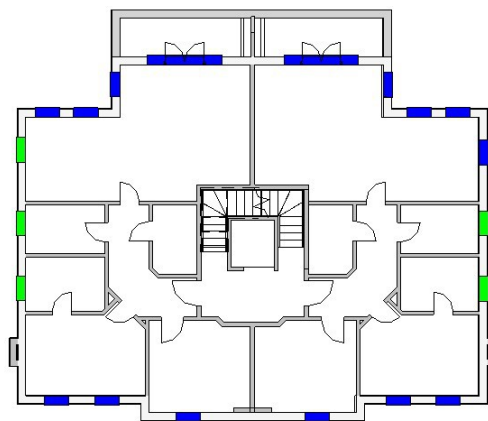
This design amendment has been made to address concerns of overlooking or even perceived overlooking from roof dormers.

### 3.2.2 Side facing windows removed

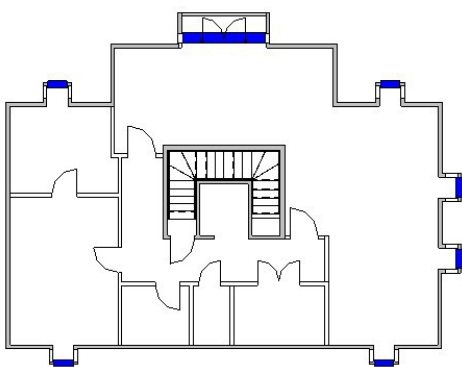
The previously proposed development contained windows on both of its side elevations (the west and the east), as shown by drawings 3.2.2a, b & c below.



**Drawing 3.2.2a** above shows the previously proposed GF window plan



**Drawing 3.2.2b** above shows the previously proposed FF window plan



**Drawing 3.2.2c** above shows the previously proposed SF window plan

#### Key

- Window - Clear
- Window - Obscured

### 3.2.2 Side facing windows removed Cont/d...

As part of the scheme's revision, the previous side facing windows have been removed to ensure that there is no overlooking or even any perceived overlooking.

The interior layout has been redesigned to accommodate all windows now facing either directly forwards or into the rear garden, as shown in the drawing below.



**Drawing 3.2.2d** above shows the newly proposed window plan with all windows only facing either forwards or backwards.

This design amendment has been made to address concerns of overlooking and perceived overlooking from side windows.

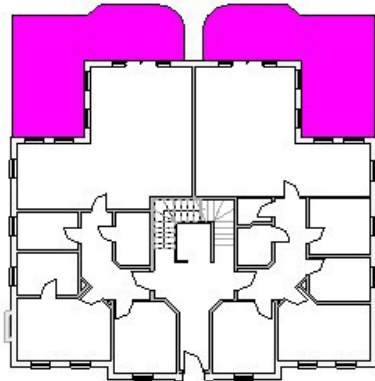
### 3.2.3 Balconies and terraces removed

The previous proposal contained five balconies and terraces, (two on the ground floor, two on the first floor and one in the roof space), as well as two patios on the lower ground, as shown by the drawings below.

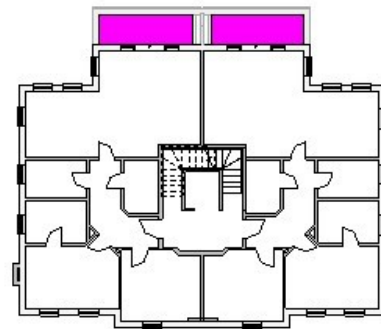


**Image 3.2.3a** above shows the previously proposed rear elevation with balconies and terraces.

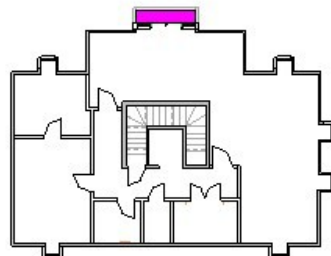
Ground floor



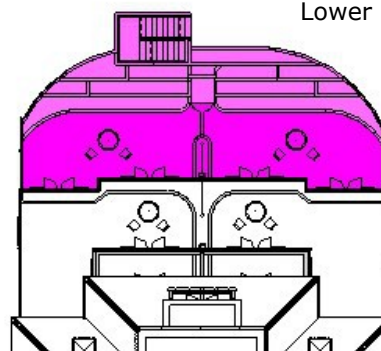
First floor



Roof space



Lower ground



**Drawing 3.2.3b** above shows the previous terraces, balconies and patio area on the LG, GF, FF and SF floor plans.

### 3.2.3 Balconies and terraces removed Cont/d...

All balconies and terraces have now been removed from the design.

On the first floor these have been replaced with windows, whilst the balcony on the second floor, serving the roof space apartment, has been replaced with a small roof dormer. The two terraces on the ground floor have been reverted to patio areas owing to removal of the basement apartments and the associated tiered garden area.

A computer generated image of the revised scheme is provided below showing all balconies and terraces removed.



**Image 3.2.3c** above shows the newly proposed rear elevation with windows, rather than balconies or terraces.

This design amendment has been made to address concerns of overlooking or even perceived overlooking from balconies and terraces.

### **3.3 Maintaining high standards of accommodation**

In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason **5** states that:

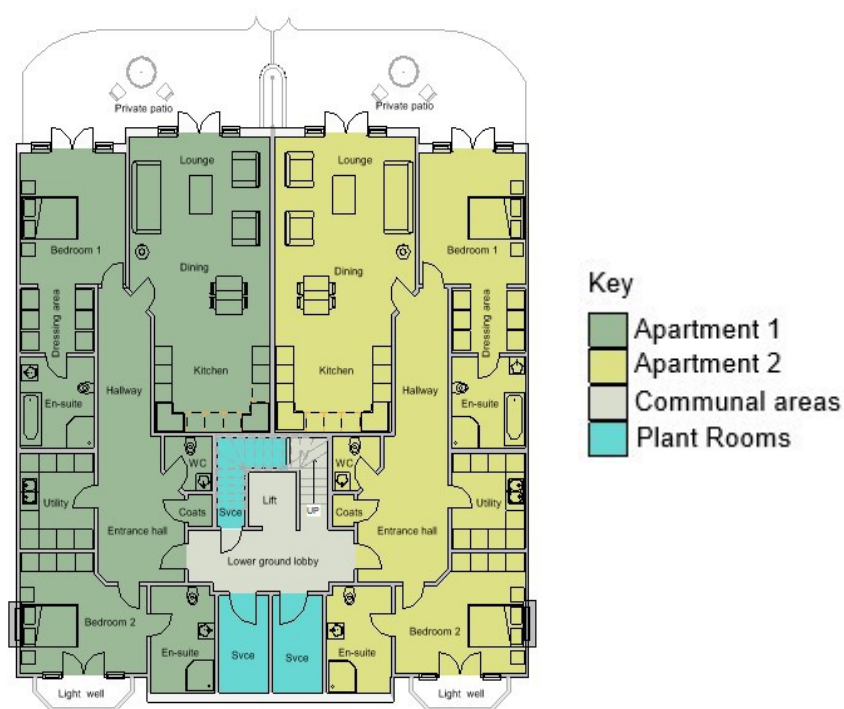
"By virtue of their subterranean location with little to no outlook, access to sunlight or natural ventilation, large number of windowless rooms, no connectivity to the rear garden and significant internal room and unit depth, the level of amenity afforded to the future occupants of the two basement units is very poor and is contrary to Section 12 of the National Planning Policy Framework 2021, Policies D6 and D10 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMH 2 of the Hillingdon Local Plan (Part 2) 2012."

Each of the reasons for refusal stated in the above paragraph have been addressed by making amendments to the design of the proposed development. The design changes are summarised below, and each is explained in detail in its corresponding section:

#### **3.3.1 Habitable basement accommodation removed**

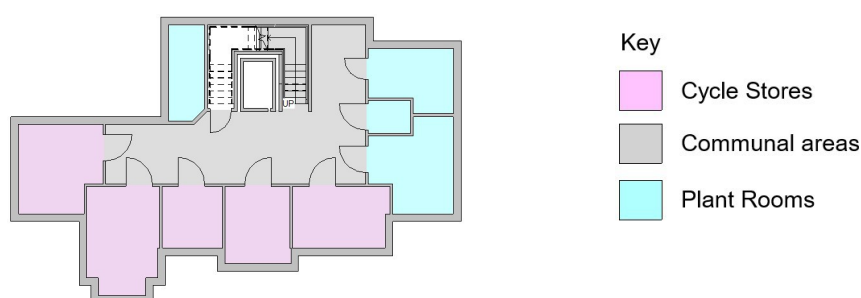
### 3.3.1 Habitable basement accommodation removed

The previous proposal contained two apartments in the basement as shown by the drawing below.



**Drawing 3.3.1a** above shows the previously proposed floor plan that contained two basement apartments

The two basement apartments contained in the previous scheme have been removed from the revised scheme, the basement now only contains ancillary space, such as storage facilities and plant rooms.



**Drawing 3.3.1b** above shows the newly proposed floor plan, all basement rooms being non-habitable

This design amendment has been made to address concerns of the basement patio being overlooked, as well as concerns over the quality of the basement accommodation and concerns over changes to the ground form within the rear garden.

### **3.4 Improving convenience of the Cycle Store location**

In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason **6** states that:

"The siting of the cycle storage shed is ill-considered on account of the significant distances required for residents to move between the shed and the front entrance of the building, the lack of natural surveillance, and the unnecessary removal of Tree 9. This is likely to make cycle usage by residents inconvenient, thus deterring use of cycles and resulting in a less sustainable development, increased potential of theft of bicycles and avoidable and unacceptable landscape and ecological impacts for the site. This is contrary to Sections 9, 12 and 15 of the National Planning Policy Framework 2021, Policies D11, G6, G7 and T5 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMH 4, DMHB 14, DMHB 15, DMT 5 and DMEI 7 of the Hillingdon Local Plan (Part 2) 2020."

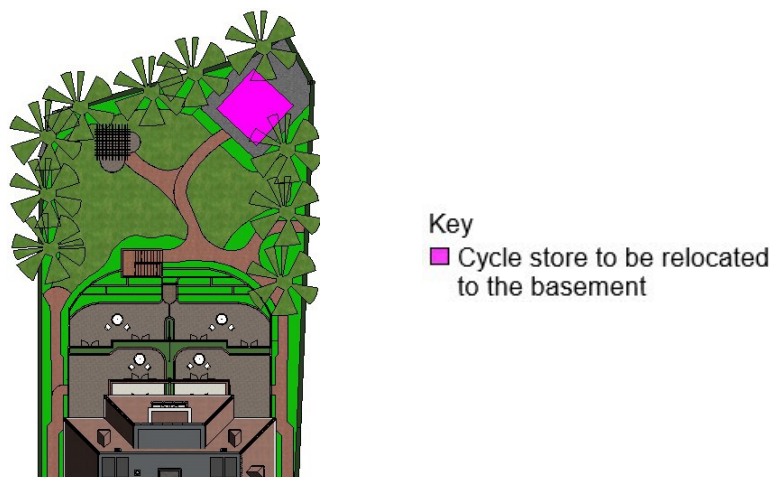
Each of the reasons for refusal stated in the above paragraph have been addressed by making amendments to the design of the proposed development. The design changes are summarised below, and each is explained in detail in its corresponding section:

3.4.1 Cycle storage facilities relocated to the basement

3.4.2 Larch tree (T9) to be retained

### 3.4.1 Cycle Storage Facility relocated to basement

The previous proposal contained a communal cycle storage facility for the residents to share in the rear garden. This was positioned as shown in drawing 3.4.1a below.



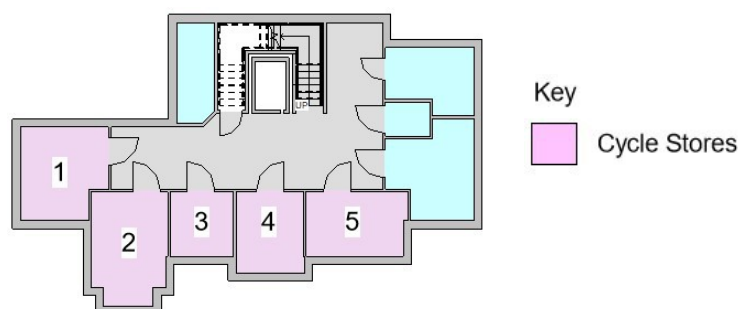
**Drawing 3.4.1a** above shows the previously proposed garden plan with cycle storage at the rear of the back garden.

The Cycle Storage Facility has now been relocated from the rear garden to the completely re-modelled basement, as suggested by the Council in the Officer's Report for 9894/APP/2022/3871, which reads:

"A more favourable design outcome would be for the integration of the storage in the building itself. This is achievable given the ample space within the basement"

To facilitate this change, a slightly elongated passenger lift car has been designed into the system to ensure easy movement of cycles to and from the Cycle Store.

In the newly proposed scheme, the residents of each apartment now have sole use of their own dedicated, lockable Cycle Store. This will increase security and thereby encourage investment in good quality bicycles, which in turn will help promote cycling as a preferred form of local transport.

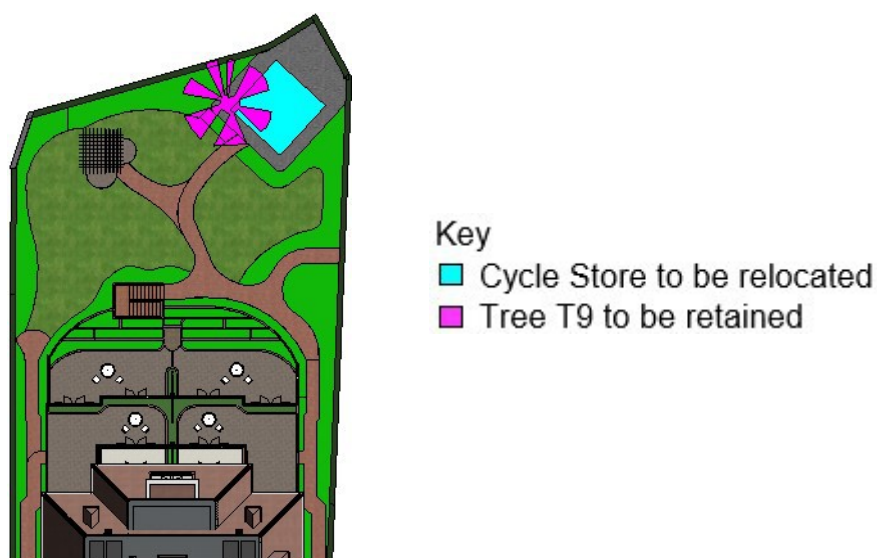


**Drawing 3.4.1b** above shows the newly proposed floor plan of the basement with each apartment being allocated a dedicated, private cycle storage facility.

This design amendment has been made to address concerns over the convenience of using the cycle storage facilities and also removes any concerns over the security of the facility.

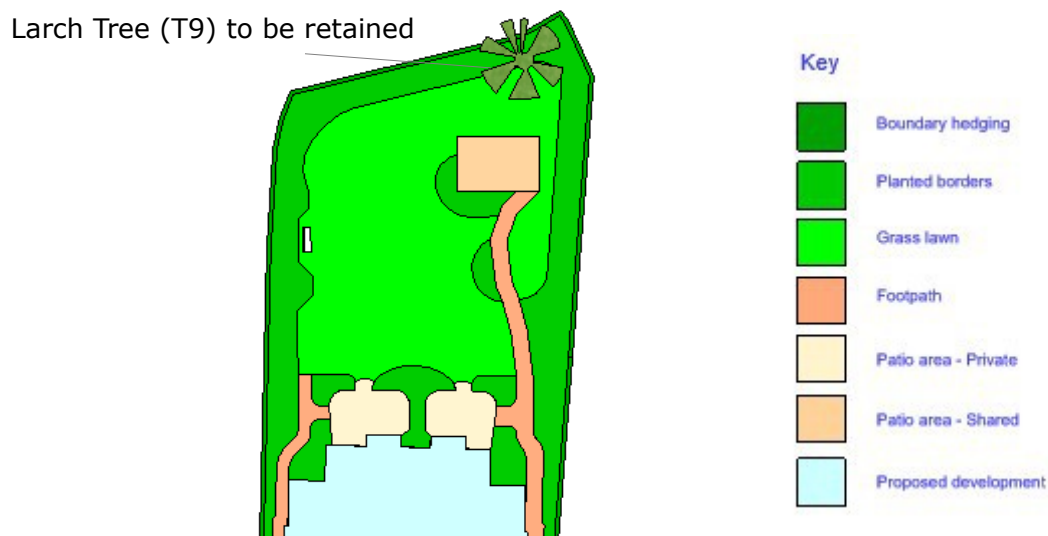
### 3.4.2 Larch tree (T9) to be retained

The previous proposal positioned cycle storage in the rear garden, in a position that conflicted with the retention of tree T9 (Larch), as shown in drawing 3.4.2a below.



**Drawing 3.4.2a** above shows the previous conflict for space between tree T9 and the Cycle Store.

By moving the Cycle Store to the basement, as suggested by LBH in the Officer's Report for 9894/APP/2022/3871, the previously proposed store at the end of the rear garden has been removed from the scheme.



**Drawing 3.4.2b** above shows the newly proposed garden plan with the Larch Tree (T9) retained.

This amendment to the scheme removes the conflict for space between the originally proposed Cycle Store and the Larch tree (T9), so that the Larch tree (T9) can be retained.

## 4.0 Clarifications and further information

### 4.1. Clarification of Public Transport Accessibility Level (PTAL) rating



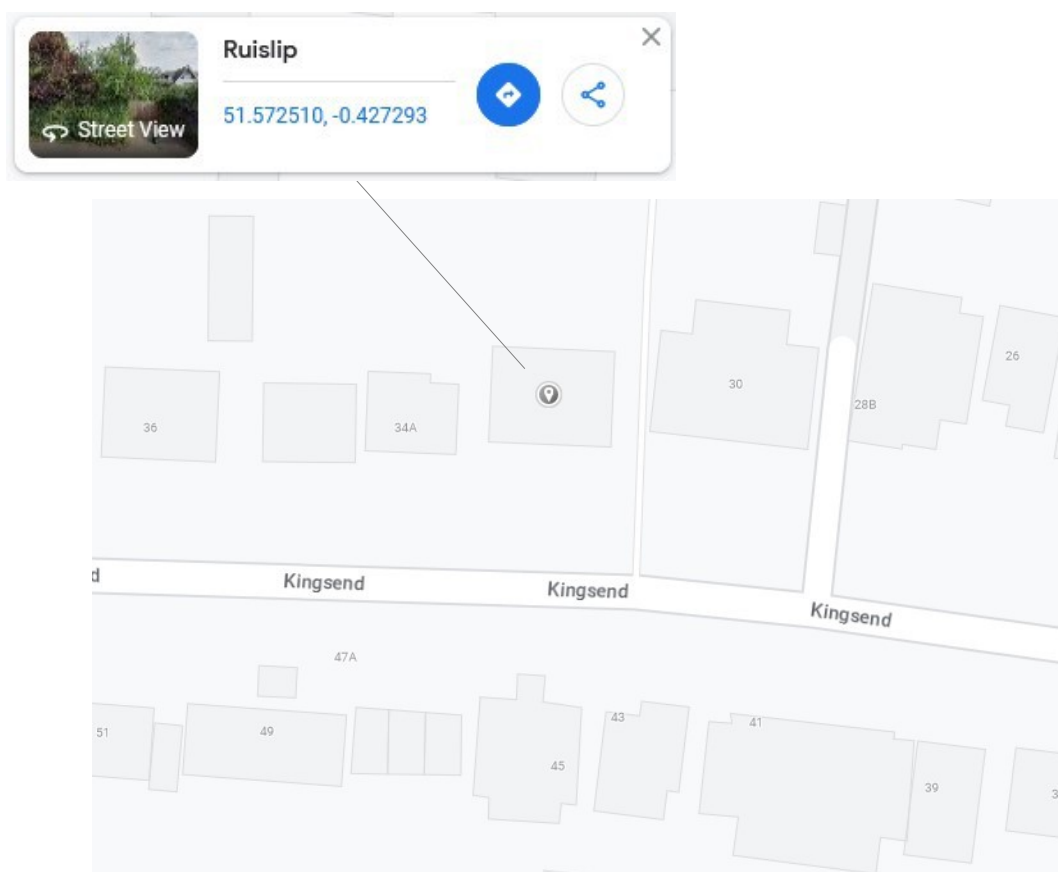
The Public Transport Accessibility Level (PTAL) rating of the site is 4.

Transport for London (TfL) state that a PTAL rating of 4 is 'Good'.

However, there seems to have been some confusion over this, for although the Planning, Design and Access Statement (PDAS) submitted with the previous application (9894/APP/2022/3871) clearly states that the PTAL rating is a 4, the rating LBH attributed to the site of the proposed development in the LBH Officer's Report was a 3.

A possible reason for this discrepancy in classification is clarified below.

The latitude and longitude reference for the middle of the existing building on the site is 51.572510, -0.427293 (as shown in the image below).

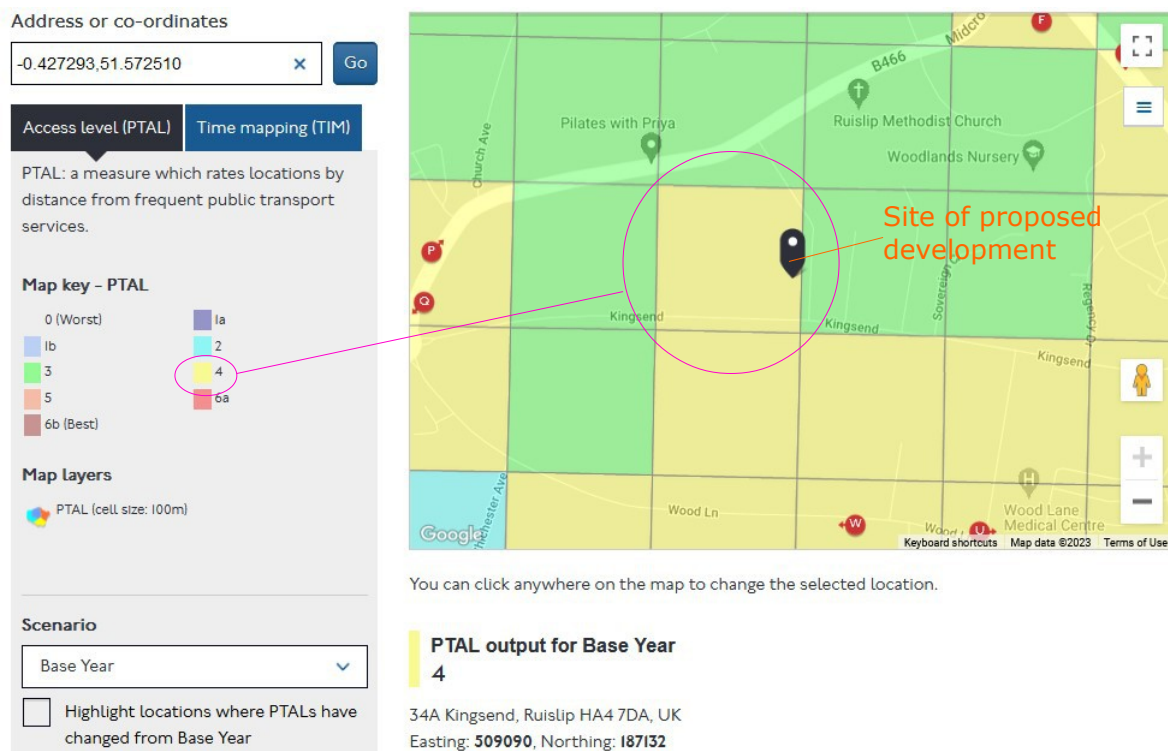


**Image 4.1a** above shows the latitude and longitude of 32 Kingsend, provided by Google Mapping

## 4.1 Clarification of Public Transport Accessibility Level (PTAL) rating Cont/d..

Inputting the latitude and longitude reference for the site of the proposed development into TfL's PTAL planning tool, returns a map of the locality colour coded by grid square to signify the PTAL rating.

The map provided by the TfL PTAL planning tool shows the site of the proposed development in a yellow square. Yellow squares on the PTAL map signify a PTAL rating of 4 (Good). This is shown below:

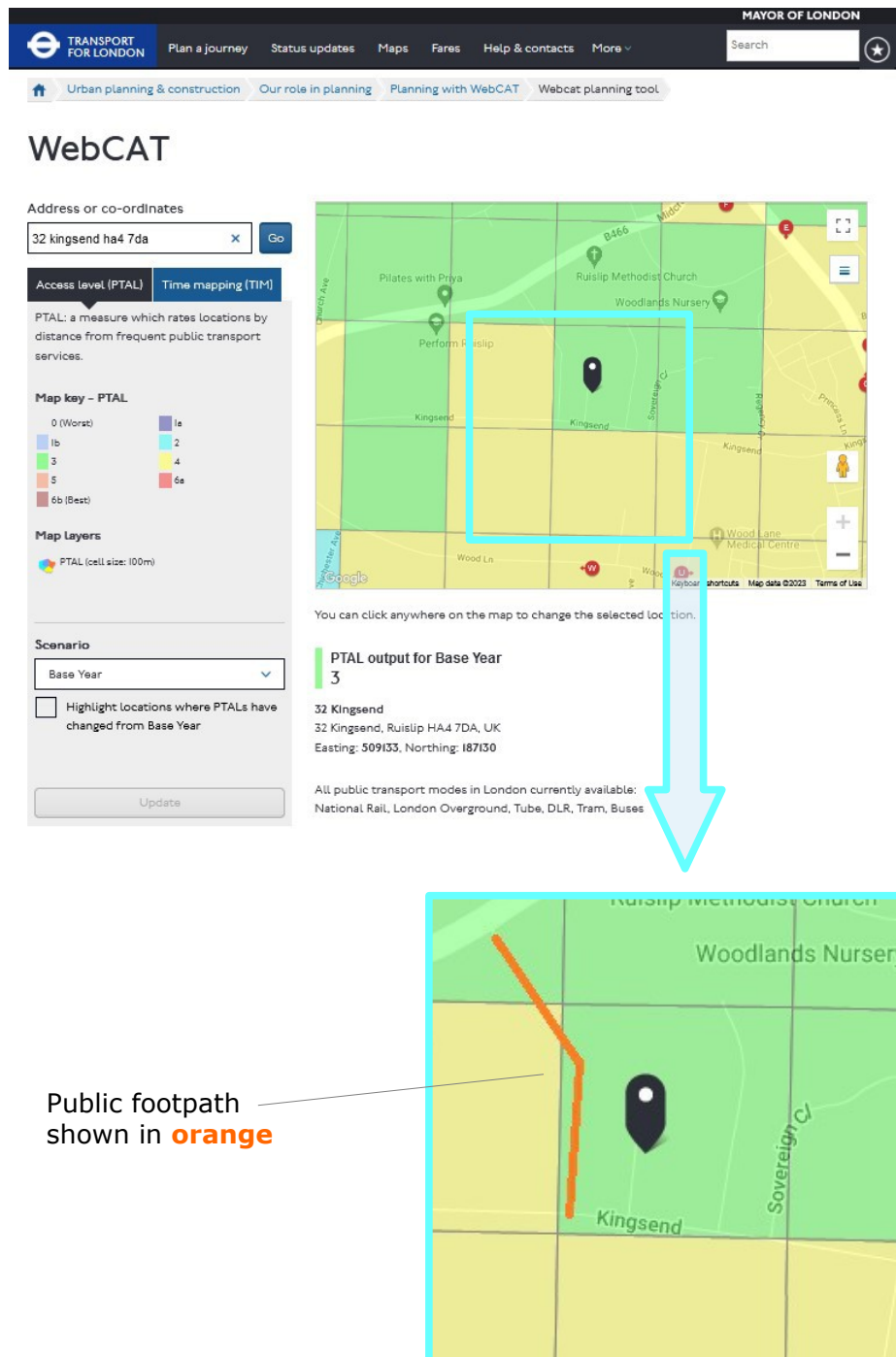


**Image 4.1b** above shows the site in a yellow, PTAL 4 square, when the PTAL tool is queried using the site's latitude and longitude

## 4.1 Clarification of Public Transport Accessibility Level rating Cont/d..

It should however be noted that simply querying the TfL PTAL planning tool by inputting the site's postal address (32 Kingsend, Ruislip UK), results in the planning tool positioning the 'pin' inaccurately.

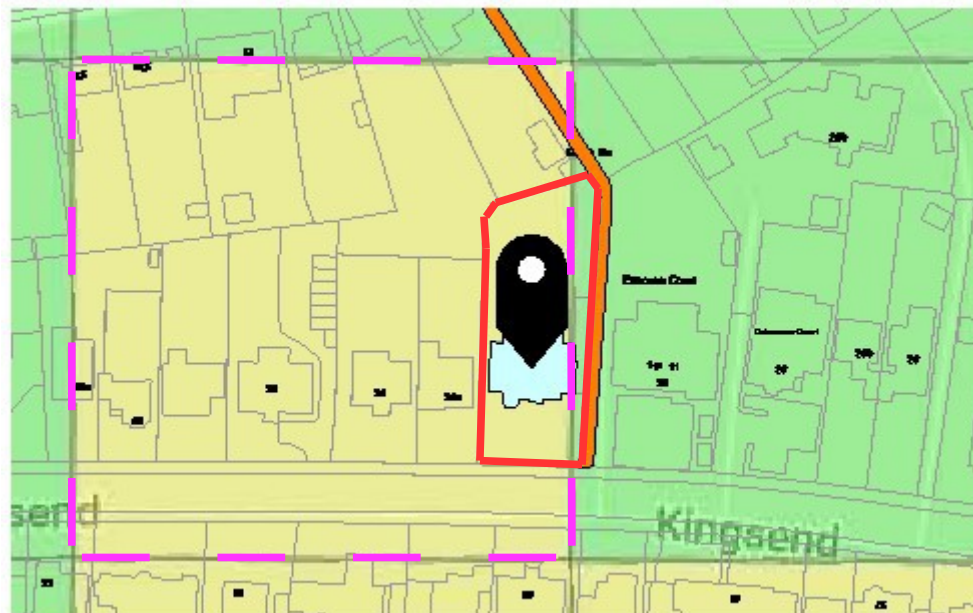
The TfL PTAL tool positions the 'pin' considerably to the east side, (rather than the west side) of the public footpath that runs along the east side of the proposed development site, this is clearly incorrectly positioned. This is shown in the screenshot below.



**Image 4.1c** above shows the PTAL location pin misplaced on the wrong side of the footpath when the PTAL tool is queried simply with the site's postal address.

#### 4.1 Clarification of Public Transport Accessibility Level rating Cont/d..

To further demonstrate that the proposed development site's PTAL rating is four (4) rather than three (3), the colour coded map provided by the TfL PTAL tool has been overlaid with the site's location plan and it is evident that the vast majority of the proposed development site is within a grid square colour coded yellow by TfL, yellow coloured squares signify a PTAL rating of four (4).



- Site boundary
- Public footpath
- Boundary of surrounding PTAL four (4) area
- Proposed Development

**Image 4.1d** above was created by overlaying the site's location plan over the map provided by the PTAL tool. The resulting image clearly shows the site on the west of the public footpath (shown in orange) and that the site is in a predominantly yellow grid square confirming the site's PTAL four (4) rating.

## 4.2 Removal of the existing building



In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason **2** states that:

"In the absence of a robust, thorough and well supported Heritage Assessment advocating for the demolition of the existing dwelling, it has not been adequately demonstrated that the demolition of the existing dwelling would not result in harm to the Ruislip Village Conservation Area; the street scene; and historic character of Kingsend. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework 2021, Policy HC1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMHB 4 of the Hillingdon Local Plan (Part 2) 2020."

It seems that the above stems from a suggestion during the public consultation for planning application 9894/APP/2022/3871 that the existing building at 32 Kingsend had a connection with famous architects (A & J Soutar). The suggestion made during public consultation is provided in Section 6 of the document (Consultations) and reads:

"- Dwelling should be renovated instead  
- Opportunities to restore the original features of this Soutar building would be a positive contribution"

The above suggestion is acknowledged in the Officer's Report, where in Section 7.03 (Impact on archaeology/CAs/LBs or Areas of Special Character), the report states that:

"Neighbour objection instead suggests that there is justification for its retention and renovation because of the significance of the original architect. Whilst Officers do not side with this statement, in the absence of such details, Officers are not satisfied that the demolition of the building is justified, even in its altered form. This forms Reason for Refusal 2."

To determine the legitimacy or otherwise of the above representations, MOLA (Museum of London Archaeology), a pre-eminent consultancy specialising in Heritage and conservation matters was commissioned to investigate.

The remit of MOLA's brief covered two main aspects:

1. Were either of the Soutar brothers (John or Archibald) or any other famous architect(s) involved in the design of 32 Kingsend?
2. Would the removal of the existing property at 32 Kingsend cause harm to, or enhance the Conservation Area?

#### **4.2.1 Were either of the Soutar brothers or any other famous architect involved in the design of 32 Kingsend?**

Following extensive research of a broad range of historic material and sources, (that included London Metropolitan Archives, Local Hillingdon archives, RIBA archives, published sources and internet sources), MOLA are emphatic in their assertion that no evidence could be found that either the Soutar brothers or any other famous architect(s) were involved in the design of 32 Kingsend.

In the Heritage Note produced by MOLA, MOLA state in paragraph 6.1.2 that:

**"During the extensive archive, online, and publications research, no direct evidence was found supporting the statement that the house at 32 Kingsend was designed by Archibald or John Soutar, nor another famous architect."**

Furthermore, in paragraphs 5.1.1 and 6.1.4 MOLA states that:

**"... the building was heavily altered in the 1960s and 1970s, thus losing its original design, character, and any possible significance."**

**"... as the building was so significantly altered, such significance would have been already lost even if the significance was there."**

The full report from MOLA has been included in the documentation supporting this application (please see the Heritage Note). However, from the above extracts it is clear that the existing building at 32 Kingsend does not appear to have any connection to the Soutar brothers nor any other historical relevance.

#### **4.2.2 Would the removal of the existing property at 32 Kingsend cause harm to, or enhance the Conservation Area?**

MOLA are very clear in their report that the removal of the existing building would not affect the significance of the Conservation Area. In paragraph 5.1.1 of the Heritage Note MOLA state that:

**"The demolition of the existing building will have no impact on the significance of the Conservation Area as the building was heavily altered in the 1960s and 1970s, thus losing its original design, character, and any possible significance."**

Moreover, MOLA go on to state that removal of the existing building and its replacement with the Arts and Crafts design now proposed would in fact be beneficial to the Conservation Area. In paragraph 5.1.2 of the Heritage Note, MOLA state that:

**"The existing building was not created to a good design, it is not attractive, it is in poor condition, and it does not reflect the character of the RVCA due to its alterations."**

**"The new design would be a better match to the Conservation Area character and would be an elegant and attractive addition to the streetscape of Kingsend, reflecting the historic context of its high-quality residential buildings."**

**"The construction of the new, high-quality residential building, designed according to the aesthetics of the Arts and Craft would in fact have a positive impact on the significance of the Ruislip Village Conservation Area."<sup>1</sup>**

From the above extracts of MOLA's Heritage Note, it is clear that the existing building at 32 Kingsend does not reflect the character of the Conservation Area, whereas the proposed Arts and Crafts designed replacement would reflect the historical context of the area and make a positive impact on the streetscape and the broader Ruislip Village Conservation Area.

<sup>1</sup> Denotes paragraph taken from the Executive Summary of the Heritage Note produced by MOLA dated 19/9/2023

### 4.3 Increased contribution to Strategic Housing Requirements (Policy SO7)

The previous scheme only contained one three bedroomed apartment. This meant that the scheme previously provided a net neutral contribution to LBH's Strategic Housing Requirements (Policy SO7) with regard to three bedroomed dwellings.

The proposed development now contains two apartments that have three bedrooms, this enables the scheme to make a *net positive contribution of plus one (+1)* to LBH's Strategic Housing Requirements (Policy SO7) for three bedroomed dwellings.

Furthermore, the revised mix of accommodation now means that three bedroomed units now represents 40% of the dwellings to be provided, as compared to the previous 14%.

	Qty of three bedroomed units	Total number of units in the development	Qty of three bedroomed units as a %
Previous proposal	1	7	14 %
<b>Revised proposal</b>	<b>2</b>	<b>5</b>	<b>40 %</b>

In addition to the two, three bedroomed apartments, the proposed development will also provide a further three additional, one and two bedroomed dwellings, as shown in the drawing below.



**Drawing 4.3a** above shows the newly proposed mix of accommodation.

This amendment to the design removes concerns over the mix of accommodation sizes being provided by the proposed development as it now makes a positive contribution to Policy SO7.

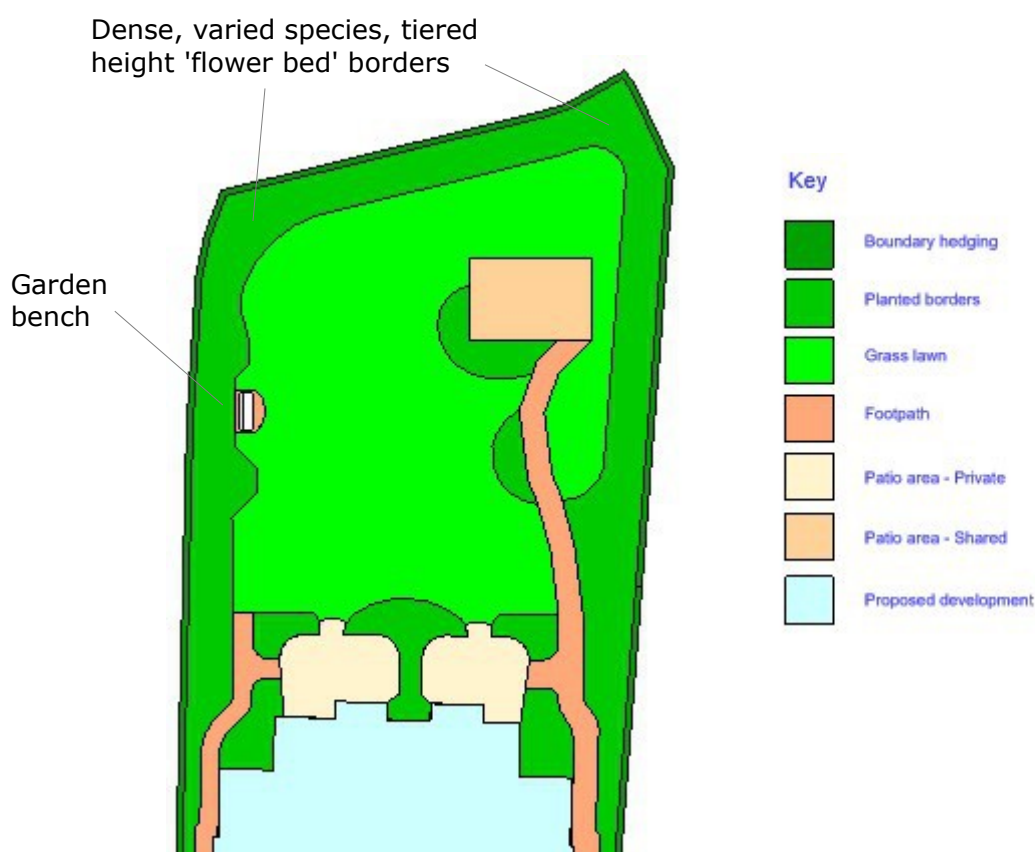
#### 4.4 Private Outdoor Amenity Space

With the removal of the former private balconies and terraces from the rear elevation of the proposed development, the resident's primary area for private outdoor amenity space is now the rear garden.

Additionally, the tiered gardens that were previously proposed to connect the basement gardens to the rest of the rear garden, have also been removed.

The drawing below shows the landscaping now proposed, the salient features being:

- **Private Patios** - The provision of a private patio area for each of the two ground floor apartments, with each patio area being screened from the other and from the shared area of the garden by thoughtfully positioned vegetation.
- **A Shared Patio Area** - The provision of a shared patio area for all residents to use. This area shall be afforded some privacy from other parts of the garden by thoughtfully positioned vegetation that partially screens it.
- **Landscaped gardens** - The rear garden will consist of a large grass lawn surrounded by deep planted borders (flowerbeds). The flowerbeds will be well stocked with a range of seasonal flowering shrubs and bushes, to create a pleasant and tranquil area in which residents may relax throughout the year.



**Drawing 4.4a** above shows the proposed landscaping of the rear garden.

#### 4.4 Private Outdoor Amenity Space Cont/d...

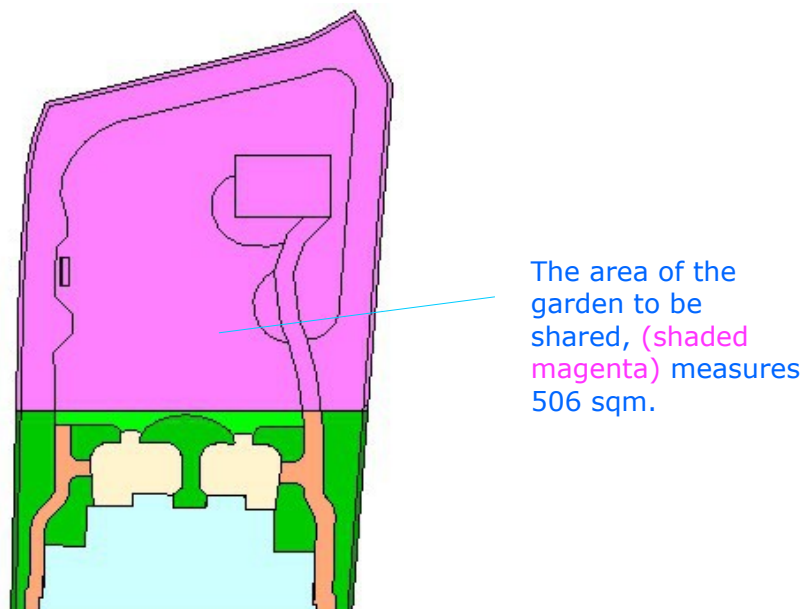
The minimum requirements for Private Outdoor Amenity Space (POAS) is set out in Table 5.3 of LBH's Local Plan Part 2, a summary of which has been reproduced in Table 4.4b below:

**Table 4.4b: Private Outdoor Amenity Space (POAS)**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Bedrooms / Apt</b>	<b>POAS sqm</b>	<b>Qty in scheme</b>	<b>Required (B x C)</b>
1	20	1	20
2	25	2	50
3	30	2	60
	<b>Total</b>	<b>5</b>	<b>130</b>

Table 4.4b above shows that the minimum private outdoor space requirement for the mix of 1, 2 and 3 bedroomed apartments proposed is 130 sqm.

The drawing below shows that the area of the rear garden to be shared between the apartments has an area of over 500 sqm, dividing this area between five (5) apartments equates to a mean average of over 100 sqm of Private Outdoor Amenity Space per apartment, which is over three times the requirement defined in the Local Plan.



**Drawing 4.4c** above shows the area of shared Private Outdoor Amenity Space.

## **4.5 The principle of development.**

The principle of development at this site revolves around Local Plan Policy DMH 4, this needs to be considered from the following perspectives:

- 4.5.1 How the calculation used in DMH 4 is formulated
- 4.5.2 DMH 4 and the London Plan
- 4.5.3 DMH 4 and the National Planning Policy Framework (NPPF)

#### 4.5.1 How the calculation used in DMH 4 is formulated

In the Schedule of Reasons from the LBH planning application Decision Notice for Planning Application Reference 9894/APP/2022/3871, Refusal Reason **1** states that:

"The proposal will result in more than 10% of properties on Kingsend consisting of flatted developments with adverse implications for the character of the streetscene and neighbour impacts, contrary to Policy DMH 4 of the Hillingdon Local Plan (Part 2) 2020."

It does not follow that more than 10% of flatted properties along a road will adversely impact the character of the street scene. Indeed, the proposed building style and architectural features are more in keeping with the RVCA aesthetic than the current building. And as such, will very much make a positive contribution to the street scene of Kingsend.

The proposed development will harmonise with its neighbours by being reflective of local property and their architectural features as detailed in Section 3.1.2.

However, regardless of this, we contend that the calculation being used by LBH to determine compliance with the policy is not in accordance with strict adherence with the policy's wording.

Policy DMH 4 states:

*Policy DMH 4: Residential Conversions and Redevelopments*

*Residential conversions and the redevelopment of dwellings into new blocks of flats will only be permitted where:*

- i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats;*
- ii) on residential streets longer than 1km the proposed redevelopment site should be taken as the midpoint of a 1km length of road for assessment purposes;*
- iii) the internal floor area of the original building to be converted is at least 120 sqm; and*
- iv) units are limited to one unit per floor for residential conversions.*

The section of the policy that specifies the 10% threshold is within paragraphs (i) and (ii) which only refer to properties **redeveloped** into flats. It doesn't make any reference to flat conversions being included in the 10% calculation. This contrasts with paragraphs (iii) and (iv) which specifically refer only to buildings being **converted** to flats.

Some houses can be converted to flats without any external alteration of the house or its curtilage, so it is perfectly appropriate for Policy DMH 4 to treat such conversions differently from residential redevelopment. Section 55 of the Town and Country Planning Act 1990 (as amended) confirms that such conversions do constitute development requiring planning permission:

#### 4.5.1 How the calculation used in DMH 4 is formulated Cont/d...

*"For the avoidance of doubt it is hereby declared that for the purposes of this section -*

*(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used."*

In the Officer's Report for 9894/APP/2022/3871 LBH state that:

*"The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings. This equates to eight properties or 12%. When accounting for the subject application, this increases to 13%."*

However, of the eight (8) properties listed above by LBH, only five (5) of these properties (28, 30, 36, 41 and 45) are actually redevelopments, the other three (3) properties (3, 16 & 18) are conversions.

The July 2021 National Planning Policy Framework (NPPF) confirms at paragraph 47 that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 47 states:

*"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."*

It is the classification of property that is to be included in the calculation of DMH 4 that is important here. To determine the precise meaning of the word redevelopment, as used in DHM 4, we must turn to the Oxford English Dictionary (OED), which is the definitive source used in English courts to provide legal definitions. The OED defines 'Redevelopment' as:

*'The redesigning and the **rebuilding** of an urban area, typically **after demolition of existing buildings**'*

The OED definition of redevelopment does not make any provision for the inclusion of properties converted into flats as it confirms that it cannot involve just redesigning an urban area but "redesigning and rebuilding." It therefore follows that properties converted into flats must be excluded from the 10% calculation.

The calculation for Kingsend must therefore only contain properties that have been redeveloped into flats after rebuilding, of which there are currently five (5). These are the properties at numbers 28, 30, 36, 41 & 45, which with the addition of No 32 Kingsend, would be a total of six (6) properties.

With a total of six (6) redevelopments in the road, using a total of 71 properties along the road, this equates to a total of **8.45%**, this is under the 10% threshold set by Policy DMH4.

We therefore contend that this application is fully compliant with LBH Local Plan Policy DMH4.

#### **4.5.2 The London Plan and DMH 4**

Policy DMH 4 is in conflict with the directives given in the London Plan.

Although the LBH Local Plan Part 2 Management Policies was adopted in January 2020, the new London Plan (adopted March 2021) is more recent and its policies therefore more up to date.

The three key conflicts of DMH 4 with the London Plan are set out below and detailed in the following sections:

- 4.5.2a Focus on sites within 800m of the town centre

- 4.5.2b Housing delivery from small sites is a strategic priority

- 4.5.2c Intensification of housing in existing residential areas

#### **4.5.2a Focus on sites within 800m of the town centre**

The London Plan now places material focus on increasing the intensification of brownfield sites that have a PTAL rating of 3-6 or that are within 800 metres of a town centre.

In paragraph 4.2.4 the London Plan states that:

*'Incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a (tube or rail) station or town centre boundary is expected to play an important role in contributing towards the housing targets for small sites'.*

*'This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs.'*

The site of the proposed development at 32 Kingsend has a PTAL rating of four (4), and is within 480 metres of Ruislip Train and Bus Station, 800 metres from West Ruislip Railway & Tube station, and 320 metres from the centre of Ruislip High Street, making it exactly the type of location that the London Plan seeks to champion.

This application should therefore be supported by LBH.

#### **4.5.2b Housing delivery from small sites is a strategic priority**

The London Plan also states that "increasing the rate of housing delivery from small sites is a 'strategic priority'".

In paragraph 4.2.1 the London Plan states that:

*'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. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.'*

and in Policy H2 of the London Plan we are told:

*Policy H2 Small sites*

*A Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:*

- 1) significantly increase the contribution of small sites to meeting London's housing needs*

The proposed development site has an area of circa 0.12 ha, so it comfortably fits into this category too, the application should therefore be assisted by a positive and proactive planning decision.

#### **4.5.2c Intensification of housing in existing residential areas.**

The London Plan also places material focus on the intensification of housing in existing residential areas, particularly in outer London, and states that there must be recognition that local character needs to evolve over time.

We are told this in paragraph 4.2.5 of the London Plan wherein it states that:

*'The small sites target represents a small amount of the potential for intensification in existing residential areas, particularly in Outer London, therefore, they should be treated as minimums. To proactively increase housing provision on small sites through incremental development, Boroughs are encouraged to prepare area-wide housing design codes, in particular, for the following forms of development: residential conversions, redevelopment, extensions of houses and/or ancillary residential buildings.'*

The above paragraph tells us that the small site targets should be treated as minimums, meaning that additional brownfield sites, such as 32 Kingsend, should also be incorporated when they become available.

London Plan Policy H2 (Small sites) also makes clear that London Boroughs should recognise that local character evolves over time.

Policy H2 of the London Plan states that:

*Policy H2 Small sites*

*B Boroughs should:*

- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites*

It is clear from the above that the London Plan expects local character to evolve over time in appropriate locations and that intensification of housing in existing residential areas has to be recognised to meet London's overall housing needs.

The proposed development site at 32 Kingsend fully qualifies as an 'appropriate location' to accommodate additional housing, as not only is it compliant with the requirements of the London Plan, as ascertained in this Section 4.5.2c and Sections 4.5.2a and 4.5.2b above, it is also located on a street that is designated as a Classified Road\* on the very outskirts of the Conservation Area. Furthermore, the proposed development site currently contains a poorly designed faux Georgian styled property that isn't compatible with the style of property the Conservation Area seeks to protect.

\*Source: London Borough of Hillingdon, List of Classified Roads Aug 2008, Kingsend, Nsg No. 21401101, Auth 'L', Road No. RN4.

### **4.5.3 The National Planning Policy Framework and DMH 4**

The National Planning Policy Framework (NPPF) promotes making “as much use as possible of “previously developed or 'brownfield' land”. We are told this in paragraph 119 of the National Planning Policy Framework which states that:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land <sup>47</sup>.'

DMH 4 creates an artificial barrier to the effective use of “previously-developed or 'brownfield' land”, preventing it from being used to its full potential even when all other local and regional policies are complied with. Policy DMH 4 is therefore in contention with the National Planning Policy Framework (NPPF).

## 4.6 Changes to the internal layout

Changes have been made to the internal layout of the proposed development to facilitate the changes detailed in the above sections, namely:

- Removal of side facing windows
- Removal of roof dormers on the side of the property
- Removal of balconies

Additional amendments to the internal layout also include:

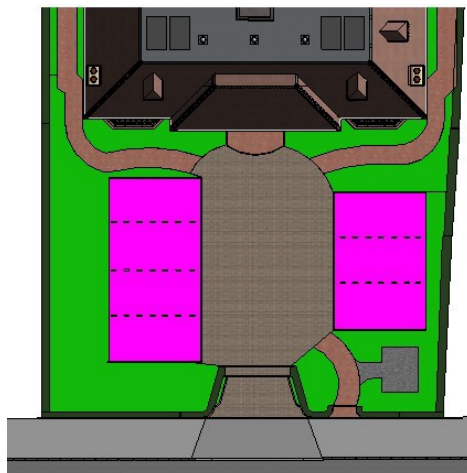
- Re-arrangement to create a second, three bedroomed apartment;
- Re-siting of the Cycle Store from the rear garden to the basement;
- Provision of a slightly larger passenger lift (longer lift car) to enable the easy movement of bicycles to and from the Cycle Storage Area in the basement.



**Drawing 4.6a** above shows the revised proposed floor plans.

## 4.7 Equal access parking and general parking provision

Although the previous proposal contained seven (7) parking bays, no provision was shown on the plans for an equal access parking bay. The previous parking design is shown in Drawing 4.7a below.



**Drawing 4.7a** above shows the previously proposed site plan without an equal access parking bay.

The revised parking plan now for only five, rather than seven apartments, incorporates an equal access parking bay. The parking layout conforms to best practice with clear vision splays and allows forward movement when exiting to the carriageway, as shown in Drawing 4.7b below.



**Drawing 4.7b** above shows the newly proposed site plan with an equal access parking bay designed into the scheme.

Inclusive of this wider, equal access parking bay, there are now four parking bays available to serve the proposed development. All four parking bays will be equipped with active electric vehicle charging points as shown in Drawing 4.7b above.

This amendment to the proposed development's design removes any concerns over the provision of equal access parking.

#### **4.7 Equal access parking and general parking provision Cont/d...**

The London Plan states in its Parking Addendum to Chapter 6, Policy 6.13 Parking, that:

“All developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit”

As ascertained in Section 4.1 of this document, the proposed development site has a PTAL rating of four (4), which Transport for London classify as 'Good'.

As it is clearly stipulated in Policy 6.13 of the London Plan that the policy applies to all development in areas of good public transport accessibility, it therefore applies to this application.

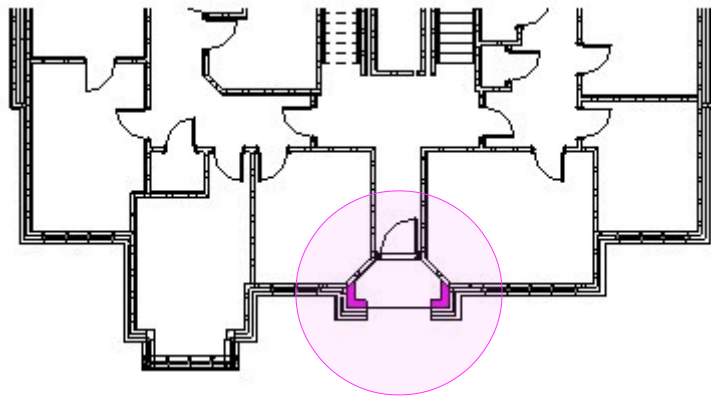
Policy 6.13 of the London Plan (provided above) states that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit. It therefore follows that to be compliant with this policy the maximum number of parking bays required for the proposed development is therefore 3 or 4 parking bays, one of which needs to be an equal access parking bay.

As shown in Drawing 4.7b on the previous page, the proposed development has been designed with four (4) parking bays (one of which is an equal access bay).

#### 4. 4.8 Concealed letter boxes / parcel storage

The design of the new porch surrounding the main entrance to the building now conceals letter boxes and small parcel storage for each apartment. This feature has a dual purpose:

- It increases the security with which parcels may be delivered when the recipient isn't at home or available to receive them.
- It removes one of the last distinguishing features visible from the public realm, that may otherwise be used to determine whether a property contains multiple dwellings or is in fact a large family home.



**Drawing 4.8a** above shows the proposed location for letter boxes and parcel delivery in the ground floor front door porch.



**Drawing 4.8b** above shows the protection that the ground floor front door porch provides letter boxes and parcel delivery.

#### 4.9 Level doorway thresholds now shown on drawings

Level doorway thresholds have now been shown on all relevant elevation drawings, in addition to being specified in the original PDAS.



**Drawing 4.9a** above shows the level doorway threshold to the building's main entrance.



**Drawing 4.9b** above shows the level doorway thresholds to the garden patio

## 5.0 Conclusion

This document demonstrates that the concerns previously cited in the Schedule of Reasons from the LBH Planning Application Decision Notice for Planning Application Reference 9894/APP/2022/3871 and the Officer's Report have been thoughtfully addressed and rectified or nullified by the design amendments made to the revised scheme.

Additionally, it is recognised that being reflective of a locality is to a degree a subjective exercise. The visualisations provided represent the culmination of considerable effort to design and detail the most elegant and visually interesting building that will blend with the locality. However, with the above subjectivity in mind, the colour palette used and the degree of detailing, specifically the polychromatic brickwork, rendering and hung tile elements have all been modelled in a way that could be relatively easily revised for further review if that would help gain broader acceptance.

It is therefore felt that the scheme should now be recommended by LBH for planning approval.

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