

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

**FULL STATEMENT OF CASE IN SUPPORT OF
SECTION 78 APPEAL**

Erection of first floor side and rear wraparound extension

On Behalf of Ms Nita Champaneri

30 Rodmell Close, Hayes, London, UB4 9RS

Our ref: YM/Champaneri/0923/ch
LPA ref: 48130/APP/2023/2047

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1 SITE AND SURROUNDINGS

- 1.1 The appeal site is located on the eastern side of Rodmell Close in Yeading towards the eastern edge of London Borough of Hillingdon. The property is an end terraced 2 storey dwelling – effectively 1 and half-storey due to accommodation built into pitch roof – with gabled front dormer and no previous extensions.
- 1.2 The surrounding area is residential in character with a wide range of built form in a modern housing estate context.
- 1.3 The appeal site is not located in a conservation area and there are no statutorily listed buildings on or near the appeal site. According to the London Borough of Hillingdon Local Plan, there are no relevant designations further to the site being within the settlement limits of Yeading.

2 RELEVANT PLANNING HISTORY

- 2.1 Further to the application subject of this appeal, there is a record of other relevant applications at the property as follows:
 - 48130/APP/2008/2970 – Single storey side and rear extension – Approved 04/12/2008
 - 48130/93/1025 – Erection of a front garden wall (retrospective application) – Approved 22/09/1993
- 2.2 It is noted that the London Borough of Hillingdon Council website does not allow search inputs for specific kinds of development (eg extensions, roof alterations) to research comparison decisions.

3 APPEAL PROPOSAL

- 3.1 The application subject of this proposal was registered by LB Hillingdon Council as Application no: 48130/APP/2023/2047 for 'Erection of first floor side and rear wraparound extension'. It was refused on 5th September 2023 for the following single reason:

1. *The proposed first floor side and rear extension, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjacent occupiers at No. 34 Rodemell Close by reason of overdominance, visual intrusion and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).*

4 PLANNING POLICY

- 4.1 MHCLG National Planning Policy Framework (2021)
- 4.2 MHCLG National Planning Practice Guidance (2022)
- 4.3 Hillingdon Local Plan: Part 1 – Strategic Policies (2012)
- 4.4 Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

5 AMPLIFICATION OF THE APPELLANT'S GROUNDS OF APPEAL

- 5.1 The decision notice and case officer report indicate that LB Hillingdon Council found the planning application subject of this appeal unacceptable on the following grounds:

- *Size, siting and design in relation to adjacent occupier amenities*

As such, the remainder of this statement focuses on the above main issue.

Size, siting and design in relation to adjacent occupier amenities

- 5.2 The proposal involves erecting a side and rear wraparound first floor extension above an existing ground floor side and rear extension across the depth of the property. On the rear elevation the first floor extension would have a hipped roof projection with rear facing window. This would be added to the ground floor where there is an existing bathroom. Primarily, the purpose of the first-floor element is to provide an enlarged double bedroom and landing cupboard. As proposed, the external side wall would have inbuilt side guttering so that this would not exceed the plot boundary.

- 5.3 The local authority in question, LB Hillingdon Council, consider that the design of the proposal conflicts with local planning policies and have refused the application despite the presence of a variety of extensions of the type proposed in the immediate vicinity of the dwelling. These include roofs alterations, 2 storey and various sizes of rear/side extensions to several nearby houses.
- 5.4 The Council raise concerns around the proposal's size siting and design, particularly the southern flank facing No 34 despite the existing house's distance from this property. The impact on light here would be very limited given the direct north-south axis and having only limited visibility from the street scene and public view. The appellants wish to extend upwards only to the side and rear, whilst avoiding any additional ground floor footprint whatsoever in relation to neighbouring dwellings. There are precedents of side extensions and living accommodation built into extended catslide roofs nearby but there is no reference to these in the case report. Indeed, the only references made to living/amenity standards, which includes those at adjacent houses, includes acknowledgement that *"all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Housing quality and standards of the London Plan (2021)"*. This suggests that the application has been dealt with from a negative standpoint.
- 5.5 Currently the main dwelling is rectangularly shaped and one and half-storey height due to the upper floor being built into the roof. In common with other nearby houses, the dwelling is of late 20th century origin in a street outside any conservation or nationally listed status. In terms of layout, the dwelling is not excessively sized in terms of footprint with ground floor lounge and kitchen. At first floor level, there are 2 bedrooms and a small WC. In order to meet the family's needs, the proposal seeks to achieve improved accommodation involving provision of extended bedroom upstairs, remaining subordinate and below the main house height and reflecting the pitched roof and brick material.
- 5.6 In considering whether the proposal would result in an out of character development, the lack of reference in the Council report to the variety of dwellings/roof forms in the surrounding area prevents objective analysis of the surrounding estate development. The absence of any reference to

extensions at other nearby properties, whose side 1.5-2 floor high elevations must have been viewed in any site visit, brings into question whether analysis of the site's context was completed. It would have been reasonably expected that an assessment would give detail on particular aspects raising perceptions of conflict with prevailing character. There are no such details to assist with an understanding of the refusal especially as the existing maximum height of the roof would not even be reached by the extension. Indeed, the case report excludes mention of any verifiable evidence by which adjacent occupiers would suffer adverse effects on their amenities as alleged.

- 5.7 As proposed, the main front roof would remain at the same height, with the extended part being 0.3m lower and thus immediately recognisable as a later addition. In addition to the subordinate height, the catslide-type roof slope would replicate the existing roof with the added benefit of a 1m set back, emphasising the smaller size and lack of domination. Consequently this wraparound design would not be unduly prominent or out of character as justified by the lack of quantified effects on neighbour amenities identified in the officer report. Only existing built footprint would be built upon with the extension being wholly within the side boundaries. The 0.9m additional width proposed evidences the existing situation of there not being 1m to the boundary. This is substantially below any ordinary policy threshold for unacceptability on scale grounds.

- 5.8 Within the LB Hillingdon Local Plan Local Plan: Part 1 – Strategic Policies (2012), Policy BE1 'Built Environment' is a broad level and generic policy where it is difficult to discern any particular contradiction. It is highlighted that that the proposal involves efficient use of land and the extension at issue is reflective of its surroundings in terms of design quality and prominence. It matches the existing design of similar types in the immediate locality very closely. The policy reads:

The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:

- 1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;*
- 2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties...*

5.9 Within the LB Hillingdon Local Plan Local Plan: Part 2 – Development Management Policies (2020), Policy DMHB11 'Design of New Development' sets out a number of broad policy criteria, where it is difficult to discern any particular contradiction, among them the following:

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest quality standards and, incorporating principles of good design including:

i) harmonising with the local context by existing street scene and setting taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;*
- building plot sizes and widths, plot coverage and established street patterns;*
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;*
- architectural composition and quality of detailing; and*
- local topography, views both from and to the site; and*
- impact on neighbouring open spaces and their environment.*

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) N/a

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

5.10 Policy DMHB12 'Streets and Public Realm' is also cited but no conflict identified. It would be expected that the proposal would be seen to align with precedents and area character, design and quality/protection of residential amenities through provision of adequate distances and making efficient use of land by respecting scale, width, building lines and wider character etc – specific points within the above guidance.

5.11 Within the same document, Policy DMHD 1 'Alterations and Extensions to Residential Dwellings' reads:

A) Planning applications relating to alterations and extensions of dwellings will be required to ensure that: i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area; ii) a satisfactory relationship with adjacent dwellings is achieved; iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height; iv) new extensions respect the design of the original house and be of matching materials; v) there is no unacceptable loss of outlook to neighbouring occupiers; vi) adequate garden space is retained; vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C; viii) trees, hedges and other landscaping features are retained...

B) Rear Extensions

i) single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more;
ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;

iv) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet;

v) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;

C) Side Extensions

i) side extensions should not exceed half the width of the original property;

ii) extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded;

iii) garages should reflect the size guidelines set out in Appendix C Parking standards;

iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary or in the case of properties in the Copse Wood and Gatehill Estates, at least 1.5 metres, but more if on a wider than average plot, in order to maintain adequate visual separation and views between houses;

v) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation;

vi) where hip to gable roof extensions exist, a two storey side extension will not be supported; and

vii) in Conservation Areas, single storey side extensions may be required to be set back.

Again, no specific conflicts are clearly identified with the policy. As the existing house's upper floor is not even 1m from the side boundary it is not physically possible to work within this criterion – a material consideration that should have been acknowledged in the officer report.

- 5.12 The existing dwelling's relationship with the neighbouring property and with a first floor already within 1m of the boundary in terms of this alleged policy conflict is not even acknowledged by the Council – and would not change. This is because the established gap to the boundary is less than the distance cited, therefore it serves no purpose in the respective orientations of other properties. The mass of the existing side roof is replicated very closely and the house's built form fully respected in the proposal. Decisions should not ignore clear precedents of existing first floor built form allowed by the same Council in the same street.

- 5.13 Whilst issues of "*scale, bulk and proximity*" and "*overdominance, visual intrusion and loss of outlook*" are cited, the application site, No 30 Rodmell Close, is an end-terrace 20th century house with pitch roof in a street of considerable variety in character and appearance. Along the road there are examples of pitch, hipped and flat roof ridge lines already present. None of these are acknowledged by the case report, especially the similar roof extensions. It is therefore unreasonable to claim that the character and appearance of the area is harmed by the proposal.
- 5.14 It should be particularly emphasised that the street is highly varied and surrounding houses of 1.5-2 storey height feature several examples of loft conversions/roof alterations and rear/side extensions. The absolute minimal nature of the extension to practically achieve additional accommodation warrants consideration against the particular situation at this plot. The rear elevation of the appeal site only faces other rear elevations. No aspect of the proposal is not already present on the street, contributing to established character and appearance where it cannot be claimed that any particular dominance would be caused.
- 5.15 In support of this assertion, it should be highlighted that the height of the extension is lower than the existing roof line. By virtue of being an end-terrace property, the application simply seeks to maximise build on the footprint of an existing ground floor extension. Given the existing dwelling's size, no overshadowing or other issue around scale would affect amenities including visual or outlook at either adjoining house to a harmful extent. Indeed, precedents of full 2 storey height and similar side additions appear to have been completely overlooked and no attempt made to compare to other similar alterations in the vicinity.
- 5.16 Privacy is maintained given lack views into windows or overlooking as shown by the fact that there were no objections in response to neighbour consultation. This suggests that the Council have approached the application in a negative way, something demonstrated in the assessment of the proposal's relationship with adjacent dwellings in relation to the 1m gap to boundary despite compliance with all other aspects of the policy, including distances between windows and 45-degree angle of light criteria etc. Therefore, the decision has been reached without identifying any defined or measured detrimental impacts

upon any specific amenity – light, privacy etc. This confirms that the scale of the extension is being subject to a particularly harsh analysis.

- 5.17 Consequently, it can be considered that the proposal integrates with other similar developments, with no harmful effect upon amenities. There are no conflicts with stated light, overlooking thresholds etc or particular symmetry or character and appearance issues arising with regard to policy/guidance identified and little evidence of positive treatment of the application. Instead the decision appears to misread the proposed extension's minimal nature. Therefore, the Council appear to have based the decision on subjective opinion on size, visual dominance and outlook. The Council have reached negative conclusions without the opportunity to discuss with corroborated evidence nor justified by the necessary detail. This has overlooked demonstrable compliance with policy, guidance and the presence of precedents in a highly varied setting along Rodmell Close and adjacent streets.

6 CONCLUSION

- 6.1 In conclusion, the case report and reasons for refusal refer to scale and relationship between adjacent properties without acknowledging matching/ similar built forms in the immediate surroundings. It is therefore submitted that the Council have lacked justified reasoning in refusing the application. It is clear that such additions/alterations have been made to other houses without issues around bulk and proximity. Despite these equating to the proposal's overall design and visual form – the decision did not show consistency of approach with these clear precedents which is illogical.
- 6.2 The appeal proposal concerns roof and first floor extensions in keeping with the dwelling's overall architectural style and replicating built forms seen in the immediate vicinity without involving a cramped appearance, as confirmed by the Council's own case report. The first floor would be wholly built on existing built form with no increase in footprint involved. Indeed, the extension would be lower than the existing roof height, contrary to claims of undue dominance.
- 6.3 No unacceptable effects on light and privacy or visual overbearance are identified according to the case report. The Council's conclusion on the extension is not evidence-based in relation to light or privacy criteria and the necessary analysis highlighting relationships with existing precedents was overlooked. The proposal can therefore be accommodated on the site without discernible detriment to the amenities of occupiers of the immediately adjacent dwellings.
- 6.4 The proposal should be considered acceptable in relation to specific guidance on extensions. By omitting reference to the exact nature of the policy conflicts there is an overall ambiguity, lack of explanation and unclear reasoning that suggests prejudged intent at refusal on highly subjective grounds.
- 6.5 Therefore, the proposal is fully compliant with the relevant policies and aims of the Council's Local Plan and relevant guidance and the Inspector is respectfully requested to allow this appeal.