

WRITTEN APPEAL STATEMENT

AGENT: ART CONSULTANTS

LPA: LONDON BOROUGH OF HILLINGDON

APPLICATION NUMBER: 2773/APP/2023/2559

DECISION DATE: 13-10-23

SITE LOCATION:

60 East Avenue

Hayes

Hillingdon

UB3 2HP

APPELLANT

Mr A Bhargava

1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for the erection of a two storey front extension and raising of roof ridgeline.
- 1.2 The appeal application 2773/APP/2023/2559 was received on 30-08-23 and subsequently refused on 13-10-23 by the London Borough of Hillingdon, with the decision notice stating the following reason for refusal:

'The proposed development, by reason of its cumulative width, size, scale, bulk and design, would fail to harmonise with the architectural composition of the original property and would be detrimental to the character, appearance and visual amenities of the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).'

- 1.3 Having taken into account the reasons given for refusal and the individual circumstances of this case, the appellant has concluded that the most appropriate course of action would be to appeal to the Planning Inspectorate, in the hope that approval may be granted for the proposed development. This statement has been prepared in support of the appeal and to clarify the appellants position on the refused development.

2.0 CONSULTATIONS

- 2.1 The Officer report states:

'15 neighbouring properties were consulted on 4th September 2023, consultation expired on 25th September 2023. No objections received.'

- 2.2 The neighbouring residents have not shown concerns regarding the development in any regard. The design, impact to the wider area or more localised amenity issues have raised no issues.

3.0 PLANNING HISTORY

- 3.1 The application had a previous approved permission under planning ref: 2773/APP/2023/1283 for the erection of a two storey extension to the side and part single, part two storey extension to the rear. This has been attached as Appendix 1 for reference.

4.0 APPEAL SITE

- 4.1 The application site comprises a small rectangular detached two-storey dwelling located on the south-eastern side of East Avenue. The building has a single-storey rear extension. There is a side gap between nos. 60 and 62.
- 4.2 The nearest four properties along this part of East Avenue tend to vary in their form, proportion and appearance. Notably the building that is subject of this appeal is sat both further back and down from both of the adjacent properties, appearing incongruous within the uniformity of the row of buildings. The building lines are disrupted through this set back and set down.
- 4.3 The site is not the subject of heritage policies.
- 4.4 The surrounding area is residential in character and appearance, with varied forms of buildings along East Avenue. The two buildings adjacent to the subject of the appeal are sat forward of the appeal site, with varied roof forms that are substantially higher. Whilst these two properties sit more forward than a number of properties within the wider street, it is likely due to the absence of any front off road parking provision which is prevalent within the street.
- 4.5 The pictures attached below demonstrate the differences in height and the set back of the building that is the subject of this appeal against the two adjacent properties.









5.0 APPELLANTS CASE

5.1 The decision notice issued by London Borough of Hillingdon, stated the following reason for refusal:

'The proposed development, by reason of its cumulative width, size, scale, bulk and design, would fail to harmonise with the architectural composition of the original property and would be detrimental to the character, appearance and visual amenities of the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (January 2020).'

The relevant policies highlighted within the decision notice are:

- *Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.*
- *Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that alterations and extensions of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling.*
- *Policy DMHB 12: Streets and Public Realm A) Development should be well integrated with the surrounding area and accessible. It should: i) improve legibility and promote routes and wayfinding between the development and local amenities; ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area; iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement*

through the space; iv) provide safe and direct pedestrian and cycle movement through the space; v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard; vi) where appropriate, include the installation of public art; and vii) deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.

- 5.2 It should be noted that within the Delegated Officer report, the Planning Officer has included the Policy DMHB 4 of the Hillingdon Local plan - Part Two (2020), Policies D3 and HC1 of the London Plan (2021) and the NPPF (2021) under the assessment of the proposal. In light of the absence of these from the decision notice, this has been taken as a mistake within the report and that the Policies are not relevant to the assessment of this development.
- 5.3 As stated within the Officer's Delegated Report *'the proposed two storey front extension would measure approximately 1.3m (d) x 9.8m (w) x 7.3m (h). At roof level, the existing roof ridge would be raised by 0.5m.'*
- 5.4 In terms of scale, this would be a minor alteration, with minimal impact on the footprint of the building within its plot.
- 5.5 The report states: *'the proposed two storey front extension would extend across the entire width of the principal elevation and with the absence of any set-back from the front elevation or set-in from the flank walls, would mean that the proposed two storey front would appear overly dominant'.*
- 5.6 What this has failed to consider, is how the proposal has been designed to minimise the impact on the host dwelling as well as the wider area. This has been demonstrated below, with the existing and proposed elevations.



5.7 The proposal would not appear 'over dominant' as stated by the Officer, as it would harmonise with the existing form of the building, replicating the existing rhythm of fenestration and architectural integrity. Whilst they have highlighted that there is no set back or set in, it is considered that a proposal that is set in or set back would appear completely incongruous with the host building and wider area.

5.8 When the proposal would replicate the form of the existing building, it is odd that a proposal could be considered 'over dominant' given that its integration to the host building would be seamless to the existing form.

5.9 The Planning Officer goes on to state: *'This would be seen from both direct and long views on East Avenue. Due to the substantial bulk and mass to the front elevation and particularly at roof level, the development proposal would radically alter the design and appearance of the existing dwelling, resulting in bulky and incongruous addition that fail to harmonise with the architectural composition of the existing dwelling. It is considered that this harm should be given significant importance and weight.'*

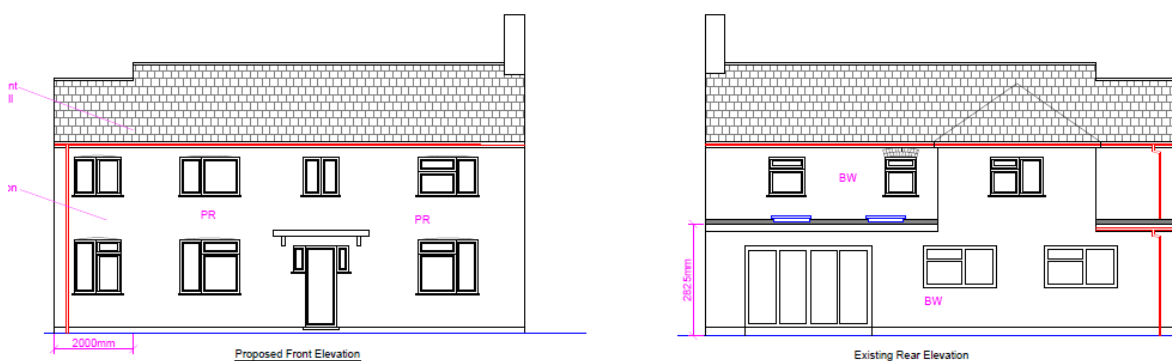
5.10 This assessment is confused, as it refers to the impact on the street scene in reference to the long views, however goes on to then state that the reason it is unacceptable is due it 'radically' altering the design and appearance of the building.

5.11 As stated earlier within the appellants case, the form would respect the architectural integrity of the host dwelling, given that it would mimic the existing form in appearance, albeit marginally larger. However, the proposal would not be so large as to alter the character of the dwelling substantially.

5.12 The proposal, as highlighted by the pictures included within this report, show that that proposed final form would respect the existing building lines. This would result in a form that is not harmful or disruptive within the street scene, regardless of long views on East Avenue. The roof line would also respect the roof ridge lines already established on the two adjacent properties.

5.13 In this, it is considered that the proposal would comply with the overarching aims of Policies DMHD1, DMHB11 and DMHB12 of the Hillingdon Local Plan Part Two (2020), respecting the architectural integrity of the host dwelling, respecting existing building and roof lines as well as not being over dominant to either the host building or the wider area.

5.14 The Planning Officer has justified refusing this proposal on the basis of that it would be harmful to the character and appearance of both the host dwelling and wider area. However, it should be noted that a much larger proposal for a two storey side and two storey rear extension has been approved recently on site under reference 2773/APP/2023/1283, as shown below:



5.15 Large scale alterations have already been deemed acceptable to the character and appearance of the building, with the proposal that is the subject of this appeal is significantly more respectful of the architectural integrity of the host building. Whilst it is appreciated that this is a different proposal, it is considered that matter of fact that large scale changes have been assessed and approved on site is a material consideration. Application 2773/APP/2023/1283 has been included as Appendix 1 for the Inspectors Reference.

6.0 CONCLUSION

6.1 The proposal would meet the aims of Policies DMHD1, DMHB11 and DMHB 12 of the Hillingdon Local Plan Part Two (2020), respecting the architectural integrity of the host dwelling, respecting existing building and roof lines as well as not being over dominant to either the host building or the wider area.

6.2 Accordingly, the Inspector is respectfully requested to allow the appeal, with appropriate conditions regarding appropriate materials to match the existing building.

APPENDIX 1: 2773/APP/2023/1283

Mr R Dhingra
Art Consultants (UK) Ltd
113
Long Lane
Stanwell
TW19 7AL

Application Ref: 2773/APP/2023/1283

Date of Decision: 11th August 2023

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **GRANTS** permission for the following:-

Application number: 2773/APP/2023/1283

Date your planning application was submitted: 2nd May 2023

Site location: 60 East Avenue Hayes

Description:
Erection of a two storey extension to the side and part single storey and part two storey extension to the rear.

Application submitted by: Mr R Dhingra

Plans that this decision was based on: See attached Schedule of Plans

Permission is subject to the condition(s) listed below:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing Nos. ART/2023/RE60EA/PL Rev C and ART/2023/DSSRE60EA/PL Rev C

REASON

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 58 or 62 East Avenue.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with policy policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

INFORMATIVES

1. On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.
2. The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good

any damage caused.

STANDARD INFORMATIVES

1. The decision to **GRANT** planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Part 1 Policies

PT1.BE1 (2012) Built Environment

Part 2 Policies

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

2. The decision to **GRANT** planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
3. You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
4. You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.
5. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of

use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).

6. You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
7. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.
8. Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
9. Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you

anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

10. You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.
11. To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
12. The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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Date of Decision: 11th August 2023

R Johnson

Roz Johnson
Head of Development Management and Building Control

END OF SCHEDULE

Address:
Development Management
Directorate of Place
Hillingdon Council

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

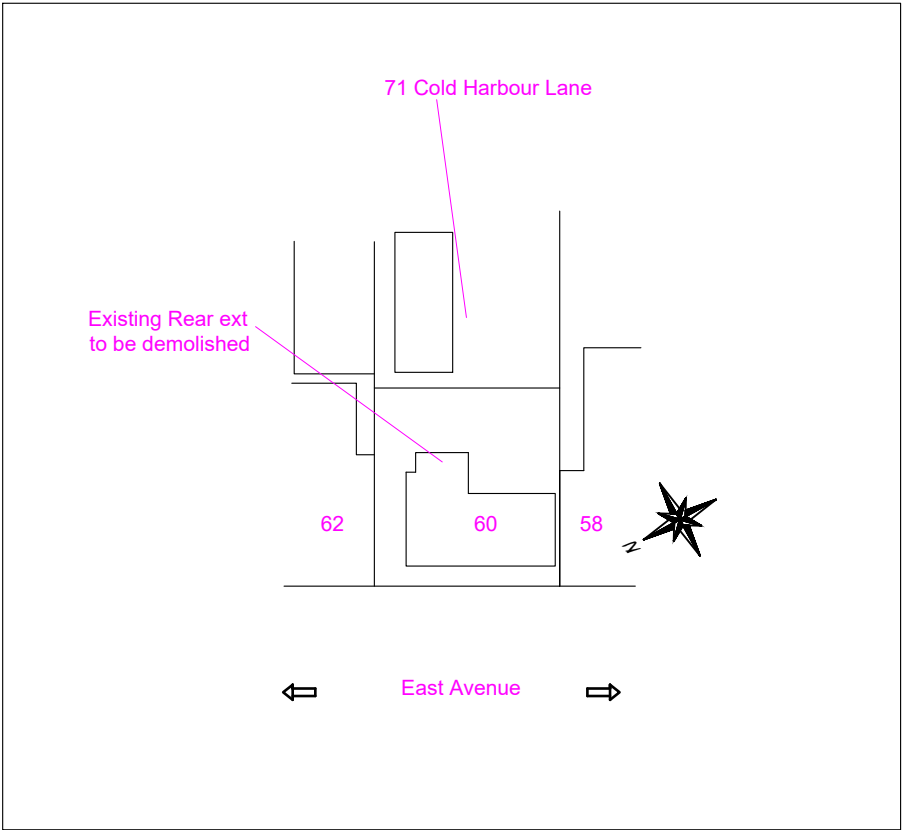
GRANT OF PLANNING PERMISSION

Application Ref: 2773/APP/2023/1283

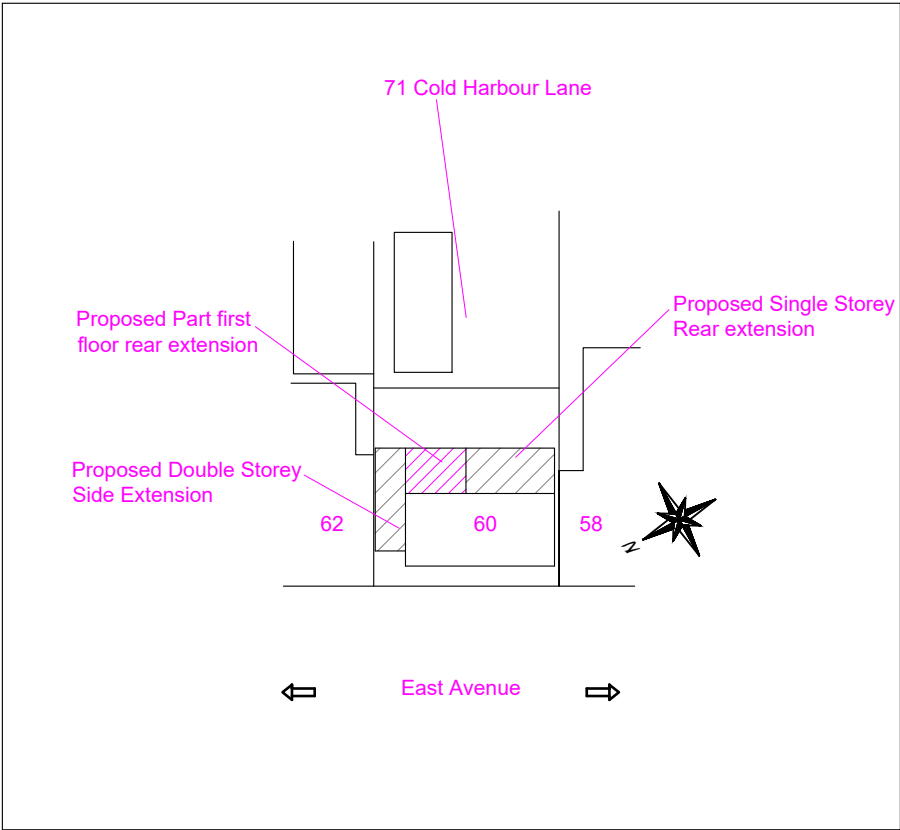
SCHEDULE OF PLANS

ART/2023/DSSRE60EA/EE elevations.	Received	03-05-2023
ART/2023/RE60EA/SPLP Rev C.	Received	11-07-2023
ART/2023/DSSRE60EA/PL Rev C.	Received	11-07-2023
ART/2023/RE60EA/PL Rev C.	Received	04-08-2023
ART/2023/DSSRE60EA/EL floor plan.	Received	03-05-2023

Note: This Drawing is for planning purpose and should not be used for construction.
All dimensions should be confirmed on site and any deviation should be reported back to designer.



Existing Site Plan@
1:500



Proposed Site Plan@
1:500



Location Plan@
1:1250

Proposed Development:

Double Storey Side Extension,
single storey rear extension and
part first floor rear extension

Site Address:

60 East Avenue
Hayes
UB3 2HP

Revisions:

Rev	Date	Description
A	22/02/2023	
B	16/04/2023	Side extension extended to boundary
C	27/06/2023	Side extension recessed 1M from front

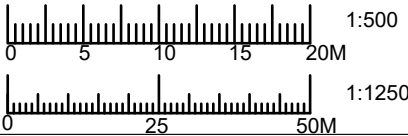
Drawing Description:

Site and Location Plan

Drawing No:

ART/2023/RE60EA/SPLP Rev C

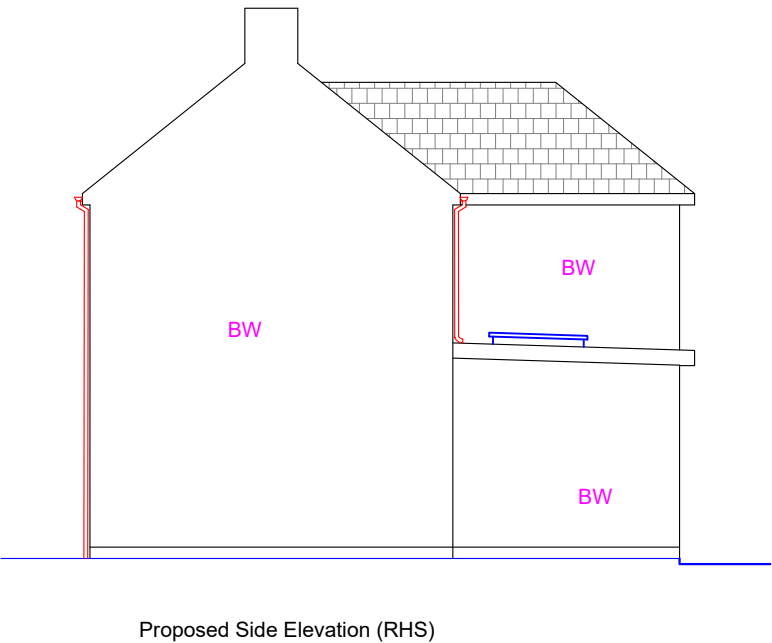
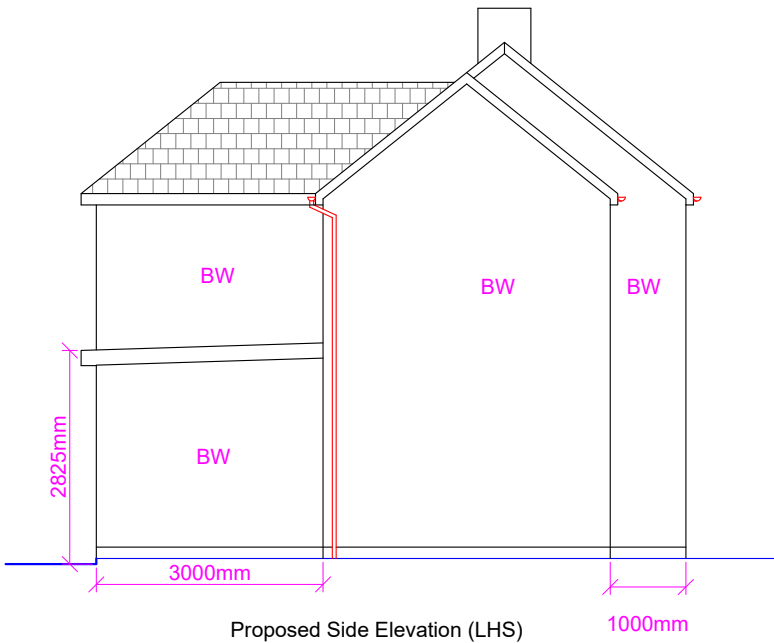
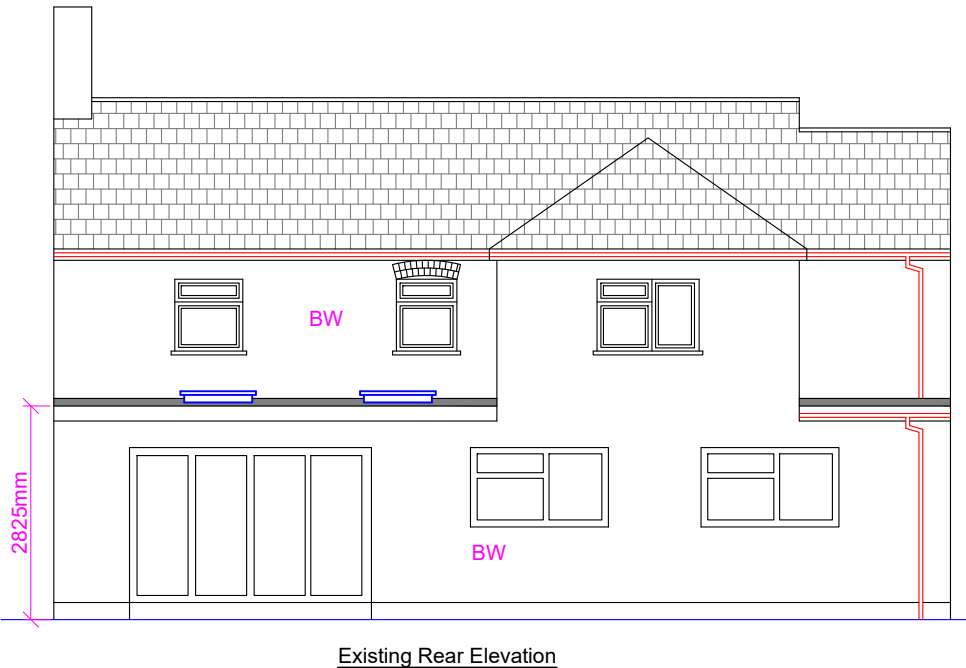
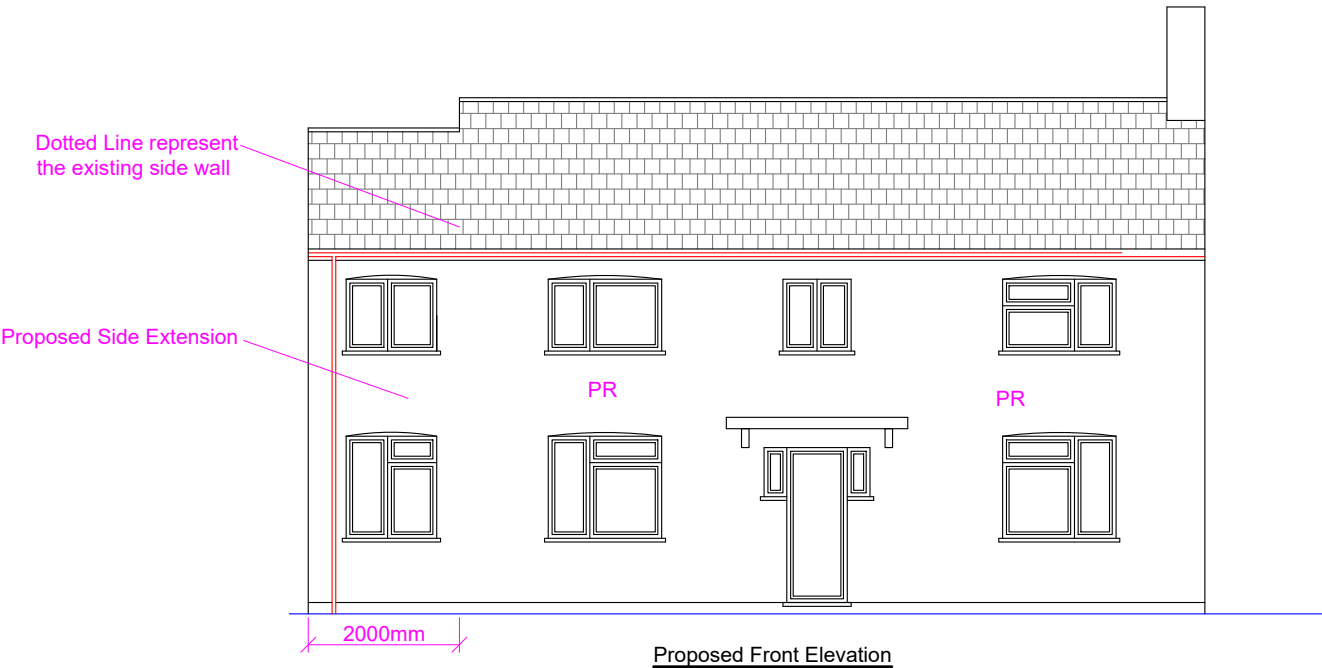
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Sheet No: 5 of 5



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PR: Painted Render
BW: BrickWork

Note: This Drawing is for planning purpose and should not be used for construction.
All dimensions should be confirmed on site and any deviation should be reported back to designer.



Proposed Development:

Double Storey Side Extension,
single storey rear extension and
part first floor rear extension

Site Address:

60 East Avenue
Hayes
UB3 2HP

Revisions:

Rev	Date	Description
A	06/01/2023	
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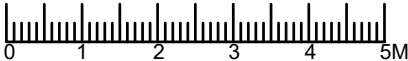
Drawing Description:

Proposed Elevations

Drawing No:

ART/2023/RE60EA/PL Rev C

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Paper Size: A3
Sheet No: 4 of 5

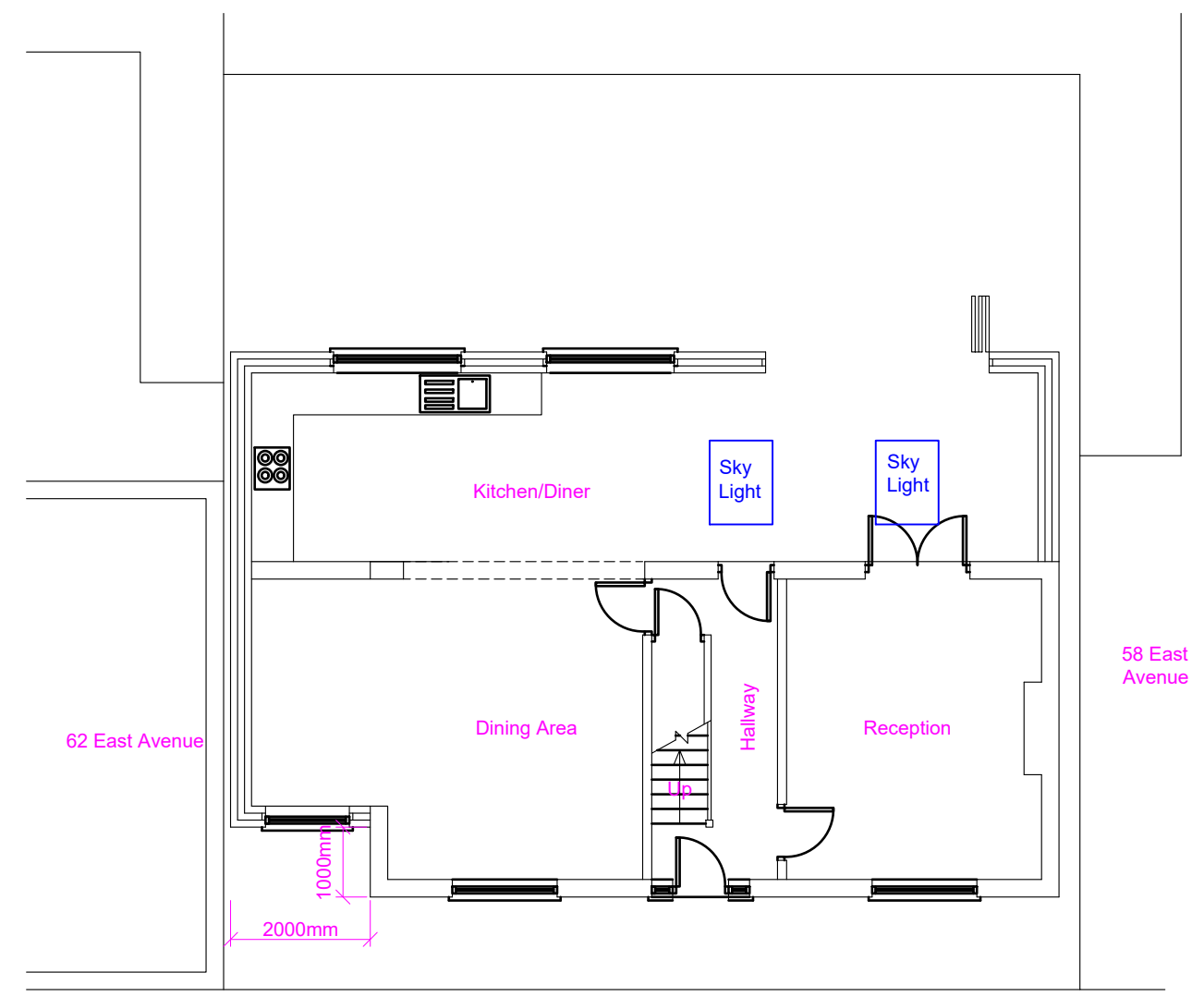


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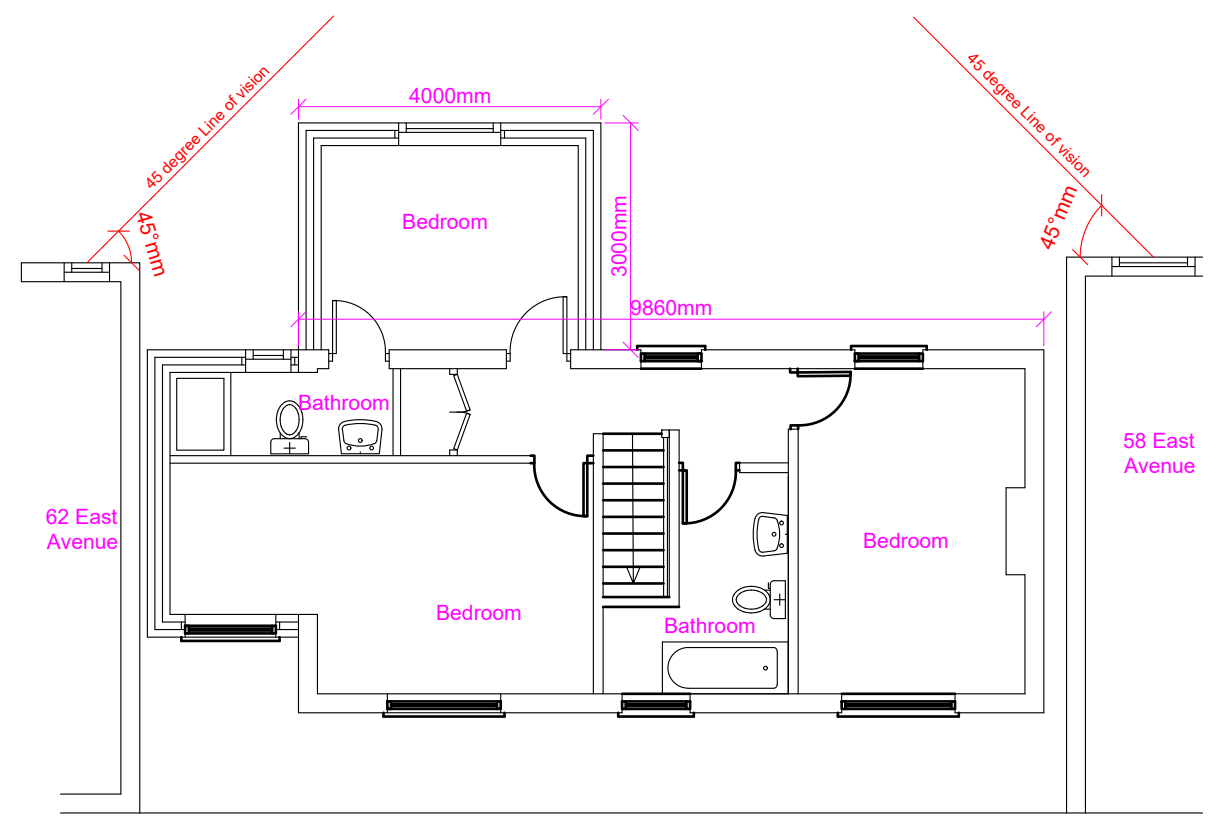
Notes:

- 1) Both 58 and 62 East Avenue are larger buildings which extend beyond the rear elevation wall of 60 East Avenue.
- 2) The proposed double storey side extension is less than half of property width and retains 1M gap between 60 and 62 East Avenue.
- 3) The proposed double storey side or Part first floor rear extension doesn't encroach the 45 degree line of vision.
- 4) Single storey rear extension has already been approved with planning ref: 2773/APP/2023/64.

Note: This Drawing is for planning purpose and should not be used for construction.
All dimensions should be confirmed on site and any deviation should be reported back to designer.



Proposed Ground Floor Layout



Proposed First Floor Layout

Proposed Development: Double Storey Side Extension, single storey rear extension and part first floor rear extension	Site Address: 60 East Avenue Hayes UB3 2HP	Revisions: <table><thead><tr><th>Rev</th><th>Date</th><th>Description</th></tr></thead><tbody><tr><td>A</td><td>22/02/2023</td><td></td></tr><tr><td>B</td><td>16/04/2023</td><td>Side extension extended to boundary</td></tr><tr><td>C</td><td>27/06/2023</td><td>Side extension recessed 1M from front</td></tr></tbody></table>	Rev	Date	Description	A	22/02/2023		B	16/04/2023	Side extension extended to boundary	C	27/06/2023	Side extension recessed 1M from front	Drawing Description: Proposed Floor Layouts Drawing No: ART/2023/DSSRE60EA/PL Rev C	Scale: 1:100 Paper Size: A3 Sheet No: 2 of 5	ART CONSULTANTS (UK) LTD 113 LONG LANE STANWELL TW19 7AL M:07960071377 E: ARTCONSULTANTSUK@GMAIL.COM
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