



Appeal Statement

Householder Extensions
AT
34 Leybourne Road,
Uxbridge UB10 9HD

Reference:
34LR-2406

Date:
28 March 2024

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Ms Fengzhu Zhou to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for extensions and alterations to 34 Leybourne Road, in Uxbridge.
- b. Following a description of the site and surrounding area, the report will review the planning history, set out an overview of relevant planning policy and outline the case for the appellant.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 15 January 2024, the appellant submitted a planning application to London Borough of Hillingdon for the following development (reference: 7946/APP/2024/98):

Erection of a front porch, single storey rear and a double storey side extension. Conversion of roof space to habitable use to include a hip to gable end extension, rear dormer and front roof lights.

- b. In a decision notice dated 7 March 2024, the Local Planning Authority (LPA) advised that the application had been refused for the following reason:

1. *The proposed development by reason of its combined hip to gable extension, double storey side extension and resultant roof form would be unduly prominent, visually incongruous and unsympathetic to the original architectural composition of the host dwelling, resulting in a detrimental impact on the character and appearance of the original dwelling and would be out of keeping with the character and appearance of the immediate street scene and surrounding area. The proposal thereby fails to comply with Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies D3 and D4 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2023).*

3. Site Description

- a. The appeal property is a two-storey, semi-detached house facing onto the junction of Leybourne Road and Grosvenor Close. It has a front gable with double-storey, curved bay window, a front porch and a shallow side projection. It is rendered with a hipped roof form. There is a detached garage in the side garden served by a crossover from Leybourne Road. The house is shown in the image in figure 1, below.



Figure 1: Image of the appeal property.

- b. The attached neighbour to the south is number 189 Grosvenor Crescent. As originally built, it was a mirror image of the appeal property, but it has been extended to the side and rear, as shown in the image in figure 2, below.



Figure 2: Image of the adjoining neighbour at 189 Grosvenor Crescent.

- c. The semi-detached pair sit on wedge shaped sites looking onto the junction, as shown in the satellite image in figure 3, below.



Figure 3: Satellite image of the appeal property (red dot) and its attached neighbour.

- d. The immediate surrounding area is residential and suburban in character. It is mostly made up of modest, terraced houses on even rows. Many have been extended and altered in various ways, contributing to a diversity in the streetscene.
- e. The property is not listed and is not located in a designated conservation area.

4. Relevant Planning History & Application Proposal

- a. On 29 December 2021, the council issued a certificate of lawfulness for the following development (reference: 7946/APP/2021/4068):

Erection of infill single storey rear extension and conversion of roof space to habitable use to include a rear dormer, 3 front roof lights and conversion of roof from hip to gable end.

- b. On 27 November 2023, the council granted planning permission for the following development (reference: 7946/APP/2023/2960):

Erection of a single storey front porch and rear extension, a double storey side extension and conversion of roof space into a habitable space including rear dormer with amendments to fenestration.

- c. Copies of the decision notices, officer's reports and approved plans for these two applications are provided in the appendices.
- d. The current proposal is a resubmission of 7946/APP/2023/2960 with the addition of a hip-to-gable roof extension and an enlarged rear dormer. Rooflights are proposed for the front roofslope.
- e. The existing porch is demolished and replaced with a new porch to match the porch at the neighbouring property.

5. Planning Policy

- a. Planning law states that decisions on planning applications must be taken in accordance with the statutory development plan unless material considerations indicate otherwise. The relevant parts of the development plan for the area are the Hillingdon Local Plan: Part One - Strategic Policies (2012), the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2021).
- b. According to the decision notice, the development fails to comply with policy BE1 of the Strategies Policies, policies DMHB 11, DMHB 12 and DMHD 1 of the Development Management Policies, policies D3 and D4 of the London Plan and Chapter 12 of the National Planning Policy Framework (2023).
- c. Policy BE1 (Built Environment) of the Strategic Policies requires that all new development improve the quality of the built environment in order to create successful and sustainable neighbourhoods. Among other things, the policy states that development proposals should be sensitive to local identity, landscapes, townscapes and views, improve areas of poor environmental quality, improve the quality of the public realm, and not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.
- d. Policy DMHB 11 (Design of New Development) requires that all new development exhibit a high quality of design. Development should harmonise with its surroundings in terms of its scale, size and detailed design. It should use high quality materials. It should not unacceptably harm the residential amenity of close neighbours.
- e. Policy DMHB 12 (Streets and Public Realm) relates to the public realm design and improvements and does not appear to be relevant to the application proposal, which is confined to the curtilage of the dwelling only.
- f. Policy DMHD 1 (Alterations and Extensions to Residential Dwellings) sets out criteria for extensions. It seeks to ensure that there is:

"no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area"
- g. It requires that extensions are subordinate to the host dwelling *"in their floor area, width, depth and height"*. It recommends the use of matching materials. It requires that adequate garden space and parking is retained.

- h. For side extensions, it recommends that they do not exceed half the width of the original property, should be set back 1m from the front elevation and should be set in 1m from the side boundary *"in order to maintain adequate visual separation and views between houses"*.

- i. According to the part C(ii) of the policy:

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

- j. According to C(vi):

"where hip to gable roof extensions exist, a two storey side extension will not be supported"

- k. Policy D3 of the London Plan requires development to make the best use of land by following a design-led approach that optimises the capacity of sites. It requires that developments:

"enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportion."

- l. Policy D4 is a strategic design policy.

- m. The revised National Planning Policy Framework (NPPF), adopted on 19 December 2023, sets out the government's national planning policies and how these policies should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.

- n. According to paragraph 38:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

- o. Chapter 11 encourages developers and local planning authorities to "*make effective use of land*". Part (d) of paragraph 124 promotes "*the development of under-utilised land and buildings*".
- p. Chapter 12 requires good design. Paragraph 131 describes the "*creation of high quality, beautiful and sustainable buildings and places*" as "*fundamental to what the planning and development process should achieve*".
- q. Paragraph 129 requires that densities be maximised, to "*ensure that developments make optimal use of the potential of each site*".
- r. According to paragraph 135, developments must "*function well add to the overall quality of the area*", be "*visually attractive as a result of good architecture*", be "*sympathetic to local character and history, including the surrounding built environment*" and provide "*a high standard of amenity for existing and future users*".

6. Case for the Appellant

- a. The council does not object in principle to the appeal proposal and it does not believe that there will be any harm to living conditions at neighbouring properties. It is satisfied with the design and appearance of the single-storey rear extension, which is low in height and moderate in depth, and with the front porch, which matches a similar development next door. It accepts that sufficient garden space is retained and that the development will not cause any harm in terms of parking or highway safety.
- b. The appellant has a certificate of lawfulness under 7946/APP/2021/4068 confirming that a hip-to-gable roof extension and rear dormer are permitted development and do not require planning permission.
- c. She also has an extant planning permission under 7946/APP/2023/2960 for a two-storey side extension, single-storey rear extension and front porch. These are her fallback positions and thereby material planning considerations. The consents allow her to build either development, but not both at the same time.
- d. The key question in this appeal is whether, though both proposals must be considered acceptable in isolation, their combination would cause unacceptable harm to the character and appearance of the building and the wider area.
- e. The council's position is that policy DMHD1 of the Development Management Policies discourages two-storey side extensions *"where hip to gable roof extensions exist"*. However, in this case, the hip-to-gable roof extension does not yet exist – it is proposed as part of the development.
- f. In any case, the council does not explain why DMHD1 does not allow side extensions to houses with a gable roof design – it is not clear what unacceptable harm it anticipates from this form of development, and why that harm is expected in all circumstances where gable ends are combined with side extensions.
- g. In various appeal decisions in the borough, inspectors have been reluctant to agree that there should be a moratorium on side extensions to houses with previous hip-to-gable extensions. In appeal decision APP/R5510/D/23/3316279, for example, made in June 2023, the inspector considered the case for a two-storey side extension to a house with an existing hip-to-gable roof extension. She noted that:

"The policy states that two storey side extensions will not be supported where hip to gable extensions exist, though the reasoning behind this is unclear, unless it is to avoid an undesirable cumulative effect."

- h. She went on to conclude that:

"I consider that the proposal would be subordinate in size, height and scale to the existing house and that it would not appear incongruous in the street scene. It would not adversely affect the open character of the corner siting of the pair of semis and any cumulative effect on either the house itself or the wider area would not be unacceptable in the context of the variety of extensions and other alterations to houses in the immediate surroundings."

- i. A copy of this appeal decision is provided in the appendices.
- j. In this case, both elements of the proposal are well designed. Hip-to-gable roof extensions are a very common form of householder development. They are permitted development (under Class B, Part 1, Schedule 2 of the General Permitted Development Order 2015, as amended) on the basis that they are a minor and uncontroversial form of development that should usually be considered acceptable on a standard family home. The roof extension continues the existing ridge line and builds up the existing flank wall.
- k. The side extension is modest in width and set back from the front elevation. It projects no deeper than the existing rear wall of the house and has a hipped roof form that complements the character and proportions of the house as a whole. The roof has a low profile and sits lower than the roof over the main part of the house.
- l. The officer's report describes the extensions as "*disproportionate*" and "*overly large*", arguing that they harm the original architectural design of the house and that they are excessively prominent because of the house's siting on a prominent corner.
- m. However, the extensions have been assessed and approved under previous applications. The side extension complies with the council's policy limits and the extended house will sit comfortably on a large site with generous spacing to the boundaries. The key original architectural form of the house – including its front gable and bay windows, will be clearly discernible. The extensions are proportionate to the house and respect its original architectural design.
- n. The appellant notes that this area is diverse in character and appearance. The adjoining neighbour at number 189 Grosvenor Crescent has large-scale side extensions, including a two-storey element with a crown roof, as shown in the satellite image in figure 4, below.



Figure 4: Satellite image of side extensions at 189 Grosvenor Crescent.

- o. To the east of the appeal site, along Leybourne Road, there is a row of terraced houses (numbers 24 to 32) of which one has a hip-to-table roof extension and all but one has rear dormer roof extensions, as shown in the satellite image in figure 5, below.



Figure 5: Satellite image of rears of numbers 24 to 32 Leybourne Road.

- p. On the junction on the other side of the road from the appeal site, both of the semi-detached houses have large-scale side extensions, as shown in the image in figure 6, below.



Figure 6: Image of large side extensions to houses on the other side of Leybourne Road.

- q. To the south of the site, along Grosvenor Crescent, side gable roofs are a common feature, as shown in the image in figure 7, below.



Figure 7: Image of houses with gabled roofs along Grosvenor Crescent.

- r. In the appellant's view, the appeal proposal will fit in comfortably in the context of surrounding development.

7. Conclusions

- a. The council does not object in principle to the appeal proposal and does not anticipate any harm to neighbours' living conditions. It does not object to either part of the development in isolation (the roof extensions or the two-storey side extension) but argues that their combination fails to comply with policy DMHD1 and would harm the character and appearance of the property and the wider area.
- b. The various elements are designed to comply with the council's guidance and to remain proportionate to the host building. The hip-to-gable and rear dormer are conventional forms of extension that are permitted development when considered in isolation.
- c. The side extension is moderate in height, depth and width and is set back from the front of the building. It has a sympathetic roof form. The extended house will be set away from the site boundaries. The development will integrate well with character and proportions of the existing house.
- d. The surrounding area is varied in character and appearance, with a variety of house designs and roof forms and a mix of more recent extensions. The proposal will integrate well with a diverse streetscene.
- e. For these reasons, the appellant contends that the development represents sustainable development, and the inspector is respectfully requested to allow the appeal.



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