



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Gary Eaton

Proposal:
Conversion of roofspace to habitable use to include a rear dormer and 3no. front roof
lights. conversion from hip to gable end

Appeal Site:
5A Barnard Gardens
Hayes

Our Ref:
Your Ref:

78396/APP/2023/3233
APP/R5510/W24/3340843

1. Introduction

1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeals against its refusal to grant planning permission for: the conversion of roofspace to habitable use to include a rear dormer and 3no. front roof lights. conversion from hip to gable end.

1.2 The LPA refused planning permission on 19-01-24 for the proposed development for the following reason (as stated on the decision notice):

The proposed development, by reason of the design and excessive size, scale and bulk of the hip to gable and rear dormer would result in an incongruous and visually obtrusive form of development which would fail to respect the architectural composition of the original dwelling and would be detrimental to the character and appearance of the street scene and surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

1.3 The LPA's case is set out in the Planning Officer's delegated reports, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. It is understood that copies of relevant planning policies have been sent to PINS with the Appeal Questionnaire.

1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

2.1 Before responding to the appellants statement of case (SOC) it is important to note that the agent submitted the incorrect application form for this development. A householder form should not be used to apply for planning consent for a flat, it should be a full planning application form. However, due to the length of time the application was with the LPA and the need to re-allocate the case as well as the recommendation to refuse the application it was not considered a requirement to request an updated application form be submitted.

2.2 Turning to the appellants SOC which relies heavily on examples which the appellant considers are relevant to the consideration of this application. Whilst examples have been provided it should be noted that these are located on a different street to Barnard Gardens.

2.3 Whilst each application should be determined on its own merits the LPA will respond to the examples which have been provided which are inherently different from the application site. The first is 8 Chatsworth, this is a two-storey single family dwellinghouse which benefits from permitted development rights unlike the appeal site which is an upper floor flat and does not benefit from PD rights. A CLD

(54398/APP/2023/337) for “*Erection of single storey side/rear extension including conversion of integral garage to habitable room. Conversion of roof space to habitable use to include a rear dormer with Juliette balcony, 1 front roof light and conversion of roof from hip to gable (Application for a Certificate of Lawful Development for a Proposed Development)*” which was refused. However, the loft conversion and rear dormer complied with the GPDO and the application was refused due to the rear and side extension not according with Class A. As such it is considered that there is a valid fall-back position established at it would be unreasonable for a householder application to be refused.

- 2.4. The second example is 11 Chatsworth Road in the same street as the first example. The SOC refers to the application which was approved including the change of use from a single dwelling to 2 dwellings (76956/APP/2022/3602) however as demonstrated within the description of development, the application site benefited from a CLD (76956/APP/2021/4636) for the conversion of the loft space which was approved dated 16-02-22. As such there was a valid fall-back position established and it would be unreasonable for an application to be refused.
- 2.5 The important material consideration to note about the above examples is that clearly rear dormers are established within the character of Chatsworth Road, but these are constructed in accordance with the GPDO and in a completely separate street to the appeal site.
- 2.6 It is also important to note that the LPA does not disregard the potential for the loft space to be extended completely. It refers to the requirement for the proposal to accord with the criteria set out within DMHD 1. The appellant’s SOC does not refer to the rear dormer at No.3A. No.3A is distinctly similar to the application site as it is an upper floor maisonette with a hipped tiled roof. The rear elevation features a modest rear dormer set well within the centre of the roof and away from the roof margins. Taking this modest structure into consideration and the fact no hip to gable end conversion has taken place, the extension at No.3A would confirm with Policy DMHD 1 of the Local Plan.
- 2.7 The character of this street seems to have been disregarded in the appellants SOC as it is not mentioned within the document. Large full width rear dormers may form part of the character of another street in Hayes but the example/s within Barnard Gardens are much more modest and conform with the Local Plan Design Policy. As such this development would present a departure from the prevailing character within the street and would be visible from street level given the large separation distance between No.3 and No.5.

3. Conclusion

- 3.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council’s case, a list of recommended planning conditions is included at Appendix 2.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – The LPA's Recommended Conditions and List of Relevant Planning Policies

Appendix 2

Time Limit

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.

Accordance with approved plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing references:

The location plan 19 Sep 2023
Proposed Plans and Elevations 03/09/2023
Block plan 19 Sep 2023

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).

Materials

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).

No Roof Gardens

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 DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

No Additional Windows or Doors

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.

REASON

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