

Professional Plans

Written Representations: Appeal Statement

On behalf of:

Mr Manjeet Chopra

Following the refusal of planning permission by:

The London Borough of Hillingdon Council

LPA Reference(s):

15309/APP/2024/326

Permission refused for:

Erection front porch and single storey rear extension

At:

11 Stuart Close

Uxbridge

UB10 9NE

Contents

1. Background.....	Page 2
2. Appeal property and site location.....	Page 3
3. Planning history.....	Page 5
4. Proposal.....	Page 6
5. Relevant planning policy.....	Page 8
6. The appellant's case.....	Page 12
7. Summary and Conclusion.....	Page 14

1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for the 'Erection front porch and single storey rear extension' at 11 Stuart Close, Uxbridge, UB10 9NE.
- 1.2 The planning application (assigned reference number 15309/APP/2024/326) was dated 7th February 2024 and was subsequently refused 11th April 2024 by London Borough of Hillingdon Council. The application was refused for the following two reasons:
1. *The proposed rear extension, by virtue of its excessive size, width, bulk, depth, massing and proximity to the neighbouring boundary, would be detrimental to the amenities of the neighbouring occupiers at 9 Stuart Close, by reason of overdominance, overshadowing, visual intrusion and loss of outlook. Therefore the proposal would be contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).*
 2. *The proposed rear extension, by virtue of its excessive size, width, bulk and massing, would appear as an insubordinate and incongruous form of development that would fail to respect the form and architectural composition of the host dwelling and would be harmful to the character and appearance of the surrounding area. The proposal would therefore be contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).*
- 1.3 Four neighbours and the Pastures Mead Residents Association were consulted regarding the application and by close of consultation one representation had been received by the Council commenting on a overlooking.
- 1.4 It is noted that the Council have not raised any concerns about the proposed erection of the front porch, accordingly; this appeal submission will focus on the single storey rear extension aspect of the proposal, as the Council have accepted that the proposed porch in isolation is acceptable.
- 1.5 Considering the council's reasons for refusal, the following statement will therefore seek to demonstrate why the council's decision is considered unsound on this occasion and why the scheme does not cause any material harm to the appearance of the appeal property or the wider area.

2.0 APPEAL PROPERTY AND SITE LOCATION



11 Stuart Close, Uxbridge, UB10 9NE

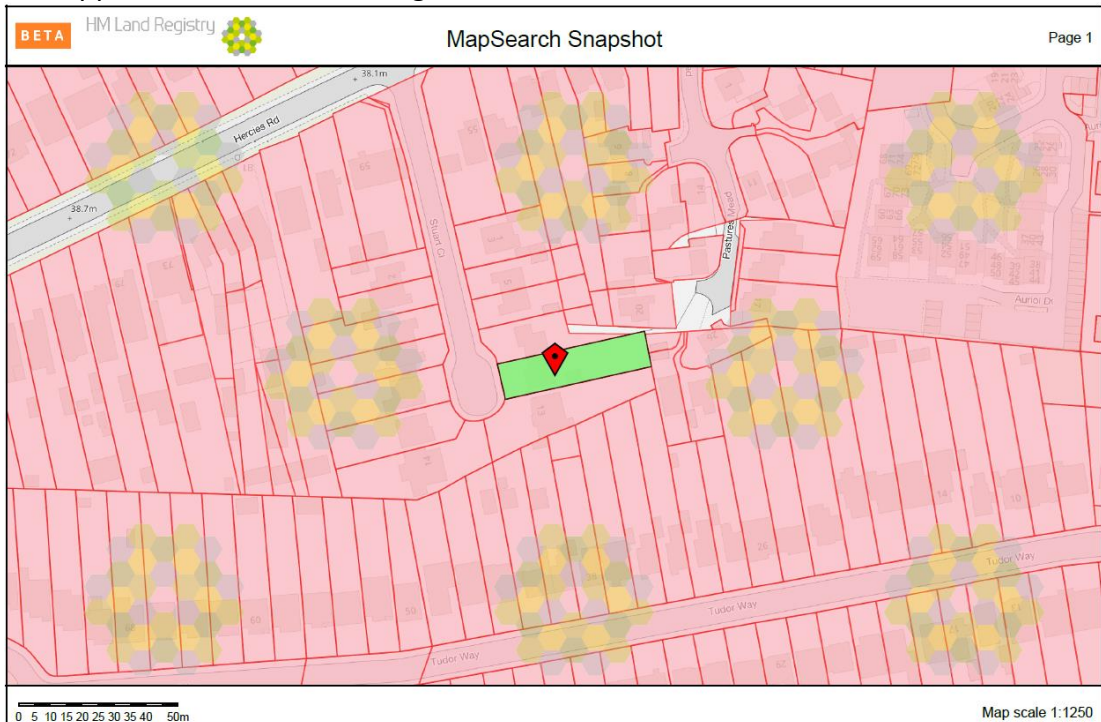
- 2.1 11 Stuart Close is semi-detached, two storey dwellinghouse featuring an integral garage. The property benefits from a vehicle crossover and area of hardstanding forming the front driveway which easily accommodates three off-street parking spaces within the curtilage of the site. There is a large private garden to the rear.
- 2.2 The area is predominantly residential in character comprising two storey detached and semi-detached properties within spacious plots and with gaps to neighbouring properties either side.
- 2.3 The application site is not 'constrained' by any significant planning constraints, as is outside of other planning designations such as the Green Belt. The existing property is not listed or locally listed and not within a designated Conservation Area, or an Area of Special Local Character. There are no trees within the site subject to a Tree Protection Order (TPO).

2.4 Aerial view shows the site and surrounding below:



Source: Google Earth Pro, Imagery Date: 06/13/2021

2.5 The Appeal site and surrounding area:



Source: HM Land Registry Portal

3. PLANNING HISTORY

- 3.1. A full search of the London Borough of Hillingdon's website on the planning history for the appeal site has been carried out in preparation of the appeal statement. The following decisions are relevant to this appeal:

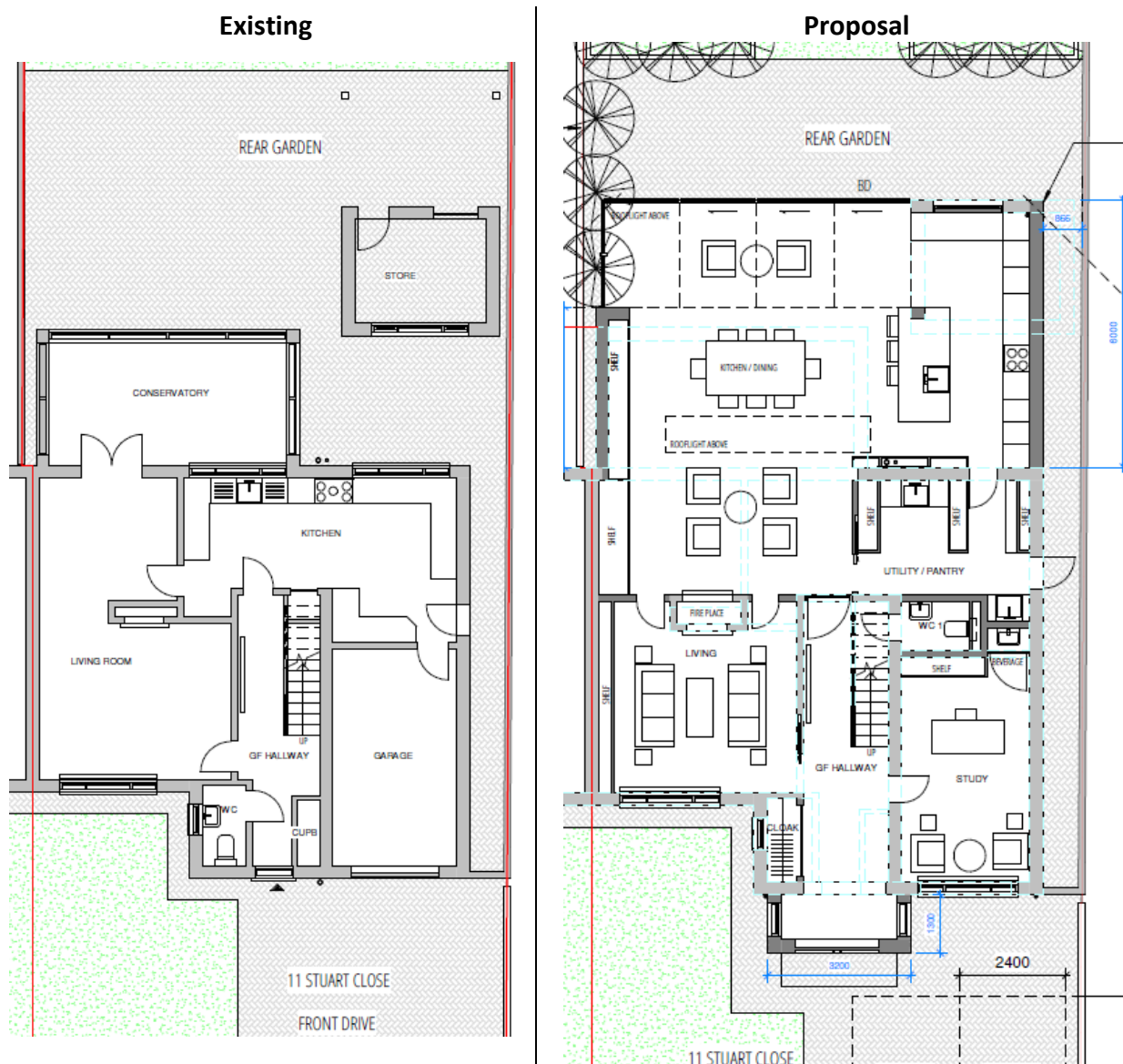
Reference	Proposal	Decision	Status
15309/APP/2022/2339	Erection of a two storey rear extension and alteration to front and side roof form	22/09/2022	Approval
15309/APP/2022/572	Erection of a single storey rear extension with green roof and front porch extension.	10/05/2022	Approval
15309/APP/2021/4301	Erection of a front porch and a single storey rear extension	08/02/2022	Refusal
15309/APP/2021/3515	Conversion of roof space to habitable use to include a rear dormer, 5 front roof lights, 1 rear roof light and conversion of roof from part hipped, part crown roof to gable end (Application for a Certificate of Lawful Development for a Proposed Development)	17/11/2021	Approval
15309/A/88/2645	Erection of a single-storey rear extension to form a conservatory	28/11/1988	Approval

Source: <https://planning.hillingdon.gov.uk/OcellaWeb/planningSearch>

- 3.2 On 8th February 2022, the council refused planning permission for a similar application (15309/APP/2021/4301) for the proposal of a 'Erection of a front porch and a single storey rear extension" (copy attached in **Appendix A**). In that instance, the Council also refused the development based on impacts on character and appearance and visual amenities of the surrounding area.
- 3.3 This application has been sensitively revised following the refusal decision of application ref 15309/APP/2021/4301 and seeks to address the concerns raised.

4.0 PROPOSAL

- 4.1 The scheme seeks planning permission for a for the erection of a front porch and single storey rear extension at no. 11 Stuart Close.
- 4.2 It is noted, that the Council does not have any concerns about the erection of the porch and the Officer report confirms this under section 5, “...the design of the front porch is considered acceptable and would accord with policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020)”.
- 4.3 As a result of the abovementioned decision, this appeal submission will focus on the single storey rear extension aspect of the proposal, as the Council have accepted that the proposed porch in isolation is acceptable.



- 4.4 The existing site contains a conservatory and a small store outbuilding in the rear garden. The conservatory is 5.41m wide and 2.70m deep and is situated to the rear along the boundary line that is shared with the adjoining semi-detached property to the east, No. 9. The store is 3.00m wide and 1.70m deep and is situated to the rear along the boundary line that is shared with the adjoining detached property to the west, No 13. No. 13 is set away from the appeal site.
- 4.5 The single storey rear extension that is proposed would extend beyond the rear wall by 6 metres and spans the full width of the of original house (9.8 metres).
- 4.6 This application has been sensitively revised following the refusal decision of application ref 15309/APP/2021/4301 . Accordingly, to reduce the impact of the proposal to the adjoining semi-detached property at No.9, the proposed single storey rear extension features a part glazed roof and fully glazed walls. It is low in height. At 2.9m, it is much lower than the 4m possible for extensions built using permitted development rights.
- 4.7 As a result, this application has duly altered and is now considered to overcome concerns on adverse impact on the amenity, daylight and sunlight to the adjoining semi-detached property.
- 4.8 The development would provide additional space for a combined kitchen/diner, utility/pantry and a new study to the ground floor for the applicant's family and elderly parents.
- 4.9 All work would be completed in high quality materials which complement the appearance of the existing dwelling including brickwork and roof tiles.

5.0 RELEVANT PLANNING POLICY

- 5.1 Planning law states that decisions on planning applications must be taken in accordance with the statutory development plan unless material considerations indicate otherwise.
- 5.2 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).
- 5.3 The reason for refusal refers to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHD 1, DMHB 11 , DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).
- 5.4 Although not referred to within the decision the National Planning Policy Framework is also considered relevant. The following paragraphs will provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the important of national and local planning policy.

National Planning Policy Framework 2023 (NPPF)

- 5.5 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 5.6 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

Decision-making

- 5.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

- 5.8 Section 12 of the NPPF refers to design, with paragraph 131 describing how the Government attaches great importance to the design of the built environment, stating that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
- 5.9 Paragraph 135 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Hillingdon Local Plan: Part One - Strategic Policies (2012)

- 5.10 Policy BE1 was referred to within the given reason for refusal.

Policy BE1: Built Environment states all new development 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;

Hillingdon Local Plan: Part Two - Development Management Policies (2020)

- 5.11 Policies DMHB 11, DMHB 12 and DMHD 1 were referred to within the given reason for refusal.

Policy DMHB 11: Design of New Development states:

- 5.12 A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:
- i) harmonising with the local context by 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;
- 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) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

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.

Policy DMHB 12: Streets and Public Realm states:

5.13 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.

B) Public realm improvements will be sought from developments located close to transport interchanges and community facilities to ensure easy access between different transport modes and into local community facilities.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings states:

5.14 Planning applications relating to alterations and extensions of dwellings will be required to ensure that (A):

- 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;
- vi) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres;
- vii) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
- viii) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported; and
- ix) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

6.0 THE APPELLANT'S CASE

6.1 The appellant's case will address the concerns raised within the two reasons for refusal, notably:

- a) Whether the proposed single storey rear extension by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the neighbouring occupier at 9 Stuart Close, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook.
- b) Whether the proposed single storey rear extension fails to respect the form and architectural composition of the host dwelling and would be harmful to the character and appearance of the surrounding area

6.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Background
- Character and appearance
- Impact on residential amenity of the neighbouring dwellings

Background

6.3 The council assessed the development in respect of character and appearance, residential amenity, light and outlook for occupiers of the host building, external amenity space provision, and parking and highway.

6.4 The delegated report confirms that all matters, apart from character and appearance, and impacts to neighbours' residential amenity would be acceptable.

6.5 The following statement will, therefore, seek to demonstrate that the Council's assessment of the proposal's character and appearance, and impacts on no. 9 Stuart Close are unwarranted.

Character and appearance

6.6 This revised application has been sensitively amended following the refusal decision of application ref 15309/APP/2021/4301. The previously refused single storey rear extension with traditional brick walls and flat roof has been replaced in part, with a contemporary glazed roof and fully glazed walls.

6.7 Thus allowing natural light into the property and not causing any overdominance, overshadowing, visual intrusion, loss of light or loss of outlook to no. 9 Stuart Close. As a result, the revised scheme has duly altered and is now considered to overcome concerns regarding impact on character and appearance. It is noted, that the officer's report confirms that the proposal has a modest height that accords with the requirements of Policy DMHD1.

Impact on residential amenity of the neighbouring dwellings

- 6.8 The two neighbouring properties effected by this proposal are at No. 9 and No 13 Stuart Close.
- 6.9 The applicant appreciates that policy DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) sets a limit of 3.6m for ground floor rear extensions to houses. However, the purpose of this limit is to protect neighbours, so it follows that a deeper extension may be allowed where it can be shown that there are site specific reasons why neighbours will not suffer any undue harm.
- 6.10 No. 9 is the adjoining semi-detached property to the east and No. 13 is set away from the appeal site to the west. It is noted, the rear property line of No. 13 protrudes the pair of semis at No. 11 and No 9. Consequently, the light received within the habitable room windows and the garden area adjacent to the dwelling at No. 13 would not be unacceptably affected by the relatively minor increase in built form in comparison to the combination of the existing storeroom and the 2m, high boundary fence.
- 6.11 It is noted that 2m high timber fencing runs along the boundary separating Nos. 9 & 11, and the proposed extension's glazed side wall will be higher than the solid fence, but not by much, and the glass wall is not so high in comparison as to give rise to the consequences alleged by the Council. The outlook from the ground floor window of No. 9 closest to the appeal property is already affected by No. 11's existing conservatory, and the new extension, of a slightly higher height, has little or no effect on this aspect due to its translucent appearance and modest height. In reality, the proposed extension will only be marginally higher than the existing fence means that whilst a small section might be seen above the level of the fence from within No. 9 and its garden, its visual impact would be minimal and not unacceptable.
- 6.12 In summary, the proposed single storey rear extension would not have an unacceptable effect on the living conditions of the occupants of no. 9. The proposal is therefore in accordance with the aims of the NPPF and with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) which collectively seek to safeguard the amenities of neighbouring occupiers.

7 SUMMARY AND CONCLUSION

- 7.1 The proposed single storey rear extension by reason of its modest size, scale, depth, low height and translucent appearance would safeguard the residential amenity of the occupiers of no. 9 Stuart Close.
- 7.2 On this basis, the design of the proposed single storey rear extension is considered to be functional and aesthetically appropriate to the original property and surrounding area, in accordance with BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012); Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).
- 7.3 The proposal would not appear overly dominant, create overshadowing, visual intrusion, a loss of light or outlook when taking into account the context of the site, the existing conservatory and a store outbuilding in the rear garden, the proposed translucent appearance from the shared boundary and the existing 2m boundary fence which will be maintained permanently ensuring there is no overlooking or a loss of privacy. As a result, the proposed single storey rear extension would be largely screened from the adjacent properties by existing boundary fences.
- 7.4 The proposal would not appreciably change the appearance of the existing building when viewed from the rear. It would not appear bulky or overbearing given its limited height and the choice of materials and finish, which would aid in integrating the development into the streetscene and local character.
- 7.5 Accordingly, it is considered that the proposal would not cause undue harm to the living conditions of neighbouring occupiers in accordance with Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 7.6 Thus, it is stated that the appeal proposal conforms with the aims of the NPPF and Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 7.7 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.