



Appeal Statement

Replacement Dwelling
& Rear Outbuilding
AT
27 Eastbury Road,
Northwood HA6 3AJ

Reference:
27ER-2468

Date:
4 July 2024

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr T Shah to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for the erection of a replacement dwelling and rear outbuilding at 27 Eastbury Road, in Northwood.
- b. Following a description of the site and surrounding area, the report describes the development, considers the planning history, sets out an overview of relevant planning policy and outlines 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 13 September 2023, the appellant submitted an application (reference: 75352/APP/2023/2684) to London Borough of Hillingdon for the following development:

Proposed replacement dwelling and outbuilding at rear.

- b. In a decision notice dated 1 May 2024, the Local Planning Authority (LPA) advised that the application had been refused, for the following reasons:

- i. *The proposed replacement dwelling, by reason of its overall design including the use of unsympathetic modern materials and poor fenestration (including excessive proliferation of rooflights) together with the overall scale, siting and poor overall design of the outbuilding, would result in an incongruous, dominant and visually intrusive form of development that would fail to preserve or enhance the appearance and character of the Northwood, Frithwood Conservation Area. The development would lead to less than substantial harm to the significance of the designated heritage asset and would harm the visual amenities of the street scene and the surrounding area. There are no public benefits that outweigh the harm identified. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 1, DMHB 4, DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and HC1 of the London Plan (2021), Paragraphs 135, 140 and 208 of the National Planning Policy Framework (2023) and Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.*
- ii. *The development, by reason of the scale, siting and proximity of the outbuilding, and the positioning and proximity of the dormer window and rooflights in the south facing elevation, would respectively, result in visual intrusion and loss of outlook that would be harmful to the residential amenity of the neighbouring occupiers at No.29, and an unacceptable loss of privacy and overlooking that would be harmful to the residential amenity of the neighbouring occupiers at No.25. The proposal is therefore contrary to Policies DMHB 11 and DMHD 2 of Hillingdon Local*

Plan: Part Two - Development Management Policies (2020), Policy D3 of London Plan (2021) and Paragraph 135(f) of the National Planning Policy Framework (2023).

3. Site Description

- a. The site is a regularly shaped parcel of land on the western side of Eastbury Road. The appeal relates to a new detached house that has been constructed on the site as a replacement dwelling.
- b. The house that was demolished is shown in the image in figure 1, below. It had a tall, triangular roof form with front and rear gables. It had a recessed porch and a forward-projecting garage at ground floor level. There were three dormers on the side roof slopes and rooms in the roofspace. It had a rear ground floor extension with a roof terrace above. There was off-street parking to the front for three cars and a garden to the rear.



Figure 1: Image of the house that was formerly on the site.

- c. The surrounding area is predominantly residential in character, mostly made up of individually designed, detached houses on a roughly consistent building line. Immediately to the south of the site is number 25 Eastbury Road, a large, three-storey detached house in the Arts and Crafts style. It has windows in its side elevation overlooking the appeal site. Immediately to the north is an open area of land to the front of number 29 Eastbury Road, which is set well back from the street and behind the appeal property.

- d. The application building is not listed but it lies within the designated Northwood-Frithwood Conservation Area.

4. Relevant Planning History & Appeal Proposal

- a. On 23 March 2020, the council refused planning permission for the following development at the application site (reference: 75352/APP/2020/183):

Two storey front extension, part two storey part single storey rear extension, conversion of roof space to habitable use to include 3 x side dormers and 3 x roof lights and conversion of garage to habitable use.

- b. The council refused the application for the following reasons:

- i. *The proposed additional dormers would disrupt the well-defined triangular built form of the roof and the two tiered nature of the dormers and scale would fail to remain subservient cluttering the roof slope. As such the proposal would fail to harmonise with the character, proportions and architectural composition of the original dwelling and would have a detrimental impact on the appearance, character and visual amenities of the street scene and the wider designated Conservation area which it would fail to preserve or enhance. As such, the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 4 and DMHD 1 of the Local Plan: Part 2 - Development Management Policies (2020).*
- ii. *The proposed two storey front extension would result in the property projecting further forward and closer to the main road and would dominate the dwelling. As such the proposal would fail to harmonise with the character, proportions and architectural composition of the original dwelling and would have a detrimental impact on the appearance, character and visual amenities of the street scene and the wider designated Conservation area which it would fail to preserve or enhance. As such, the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 4 and DMHD 1 of the Local Plan: Part 2 - Development Management Policies (2020).*

- c. The decision was appealed, and a decision was issued on 29 October 2020 (reference: APP/R5510/D/20/3250793). It was a split decision, granting

permission for the front and rear extensions, but not for the dormers. Copies of the appeal decision and the plans are provided in the appendices.

- d. The appellant sought to implement this approval but, rather than extend the house, he demolished and rebuilt it, incorporating the extensions for which he had approval under APP/R5510/D/20/3250793. The new house, which is nearing completion, is shown in the image in figure 2, below.



Figure 2: Photograph of the new building.

- e. A comparison of the approved plans for APP/R5510/D/20/3250793 and the submitted plans for the replacement dwelling reveals that the new house has the same footprint as the house would have if it had been retained and extended as approved, and it also has the same ridge, height, eaves height and overall architectural design. There is some minor variation in the architectural detailing, use of materials and in the internal layout of the completed dwelling.
- f. This appeal also seeks permission for a detached outbuilding at the end of the rear garden. It measures 7.25m by 4.8m and has a maximum height of 2.7m.

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 (November 2012), the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the London Plan (July 2021).
- b. According to the decision notice, the development fails to comply with policies BE1 and HE1 of the Strategic Policies, policies DMHB 1, DMHB 4, DMHB 11 and DMHD 2 of the Development Management Policies and policies D3 and HC1 of the London Plan.
- c. Policy BE1 (Built Environment) of the Strategic Policies requires all new development to 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 HE1 (Heritage) seeks to conserve Hillingdon's distinct and varied environment, its settings and the wider landscape, including its conservation areas.
- e. Policy DMHB 1 (Heritage Assets) of the Development Management Policies requires that development does not cause harm to the historic environment. Development should *"not lead to a loss of significance or harm to an asset"*.
- f. Policy DMHB 4 (Conservation Areas) states that:

"New development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness."
- g. Policy DMHB 11 (Design of New Development) of the Development Management Policies 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.

- h. Policy DMHD 2 (Outbuildings) requires that residential outbuildings meet the following criteria:

- i. the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;*
- ii. the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;*
- iii. the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and*
- iv. primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.*

- i. The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years.
- j. Policy D3 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."

- k. According to policy HC1:

"Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify

enhancement opportunities by integrating heritage considerations early on in the design process."

- l. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how they should be applied. A revised version was published in December 2023. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.

- m. 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."

- n. 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"*.

- o. 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"*.

- p. 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 *"maintain a strong sense of place"*.

- q. Paragraph 195 states that:

"heritage assets ... are an irreplaceable resource , and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life coexisting and future generations"

- r. For planning applications affecting heritage assets, paragraph 200 requires that applicants must:

"describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"

- s. Paragraph 203 requires that local planning authorities take account of the *"desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation"* as well as *"the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality"*.

- t. According to paragraph 205:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

- u. According to paragraph 206:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

- v. According to paragraph 208:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

- w. Paragraph 209 states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6. Case for the Appellant

- a. The council does not object in principle to the demolition of the building and the construction of a replacement dwelling in the same location, as an alternative to the extension of the original house.
- b. The officer's report acknowledges that the proposal is very similar, in terms of its final design and appearance, to the approval under APP/R5510/D/20/3250793. It notes that:

"The new dwelling proposed 17metres depth same as approved at ground floor level and 15.5metres depth at first floor with a 1.5metres set back at the rear. The height of the dwelling is also the same as the appeal scheme at 9.1metres. The gabled roof is also the same of the same proportions and eaves height as that allowed at appeal."

- c. Although the council accepts that the new dwelling matches the previous approval in terms of its size and siting, it argues that the choice of materials causes unacceptable harm to the character and appearance of the conservation area. It also argues that changes to the internal layout and the addition of rooflights mean that some of the windows give rise to overlooking affecting one of the neighbours. Finally, the council objects to the proposed outbuilding on the basis of its design and appearance and its impact on neighbours.

Impact of the Replacement Dwelling on the Conservation Area

- d. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on decision makers to pay special attention to the desirability of preserving or enhancing the conservation area, a designated heritage asset.
- e. Policy HE1 of the Strategic Policies, policy DMHB 1 of the Development Management Policies and policy HC1 of the London Plan all seek to preserve or enhance the character and appearance of heritage assets, including buildings in conservation areas.
- f. The Northwood Frithwood Conservation Area was designated in 1989 and is characterised by large, individually designed houses in the Arts and Crafts style. The estate was originally developed by Frank Carew following the arrival of the Metropolitan Railway in 1887. Later houses were designed by

architects CHB Quenell, Swanell and Sly and John Markham, a pupil of Lutyens.

- g. The conservation area mostly covers houses along Eastbury Road and Frithwood Avenue (to the northeast). The special character of the conservation area derives from its 19th century houses, most of which have retained their original features and fabric. In addition, the conservation area has a pleasant streetscape, mature trees and landscaped gardens.
- h. The house previously on the site dated from the twentieth century and was infill development. It was architecturally low-grade and had a steep pitched roof design that contrasted with the character and proportions of most of its neighbours. It made a neutral contribution to the special character of the conservation area.
- i. There is no dispute between the parties that the new house is acceptable in terms of its overall siting, size and architectural design. The recent appeal decision established that the pre-existing house could be extended forward, an operation that would have meant that the house presented a new front façade to the street. The approval was subject to a condition that materials used in the construction of the extension match the existing building.
- j. The approved front elevation drawing for appeal APP/R5510/D/20/3250793 is reproduced as figure 3, below (note that the upper dormers shown in this image were not approved as part of the split decision). It can be seen that the extended house would have had a brick front façade, with a band of render as an echo of the original garage. This would have been a departure from the existing front elevation, which was rendered at ground floor level. The matching materials condition on the appeal decision required that the bricks used would be similar to the existing brickwork.



Figure 3: Excerpt from the approved front elevation drawing from APP/R5510/D/20/3250793.

- k. The appellant disputes that what has been built is materially inferior to what was anticipated through the implementation of APP/R5510/D/20/3250793.
- l. The officer's report states that the brickwork is "*somewhat comparable*" to the pre-existing elevations but argues that it has "*a patchy and poor finish*". In the appellant's view, the bricks are similar to what was formerly at the house and the brickwork visible at neighbouring houses. The bricks are mottled and textured, so that they appear older and integrate better with their surroundings.
- m. Had he elected to extend the house, rather than replace it, the appellant would have used the same bricks in the new front elevation, and he does not believe that their use would constitute a breach of the matching materials condition, which allows the homeowner to make their own choice of bricks as long as they are 'similar'.
- n. The photographs in figures 4 and 5, below, show the bricks that were originally on the house. They were cheap, mass-produced bricks, and inferior in quality to the bricks that used in the construction of the new dwelling. There were also mismatched and in poor condition. The original bricks are no longer in production and, even if they were, would not look appropriate on a new-build house.



Figure 4: Photograph of the old bricks on the house.



Figure 5: Photograph of the old bricks on the house.

- o. In any case, the appellant is willing to render the finished house. Since the pre-existing house was rendered at ground floor, a rendered finish would also comply with a condition requiring that matching materials be used.
- p. The officer's report takes account of the fact that the house may be rendered but argues that a rendered finish would not integrate successfully with surrounding buildings. However, render is a common material used in the exterior finish of buildings and many houses have render on some part of their front elevations. Since the appeal property replaced a twentieth-century infill development, the use of render does not cause harm to an older building or conflict with a traditional architectural style.

- q. The council objects to the rooftiles used on the dwelling, arguing that rooftiles of this design and material are not a common feature of the area. However, as the photograph in figure 6, below, shows, they are conventional in design and appearance and have an appropriate dark colour. The appellant contends that they are a reasonably close match for the tiles that were on the original house and that, in any case, they do not look out of place in a way that causes any material harm to the conservation area.



Figure 6: Photograph of the new rooftiles.

- r. The appellant notes that the houses in the immediate area have a wide variety of rooftiles, as shown in the image of numbers 23 and 25 in figure 7, below. In particular, number 25 has three different materials on the main house roof, as well as the right and left sides of the ground floor. The roof style of 27 Eastbury Road closely matches that of 23 Eastbury Road and uses the same type of tiles as those on half of 25 Eastbury Road.



Figure 7: Image of varying roof treatments at numbers 23 & 25 Eastbury Road.

- s. In the event the inspector is minded to conclude that the choice of materials on the front façade or on the roof is unacceptable, the appellant will accept a condition that they be replaced with alternative materials or finishes first submitted to the council for approval.
- t. The council objects to a 'proliferation' of rooflights. The rooflights are on the side rooflights, are conventional in size, design and appearance, are evenly arrayed in a balanced and harmonious fashion, and are low-profile additions to the building. They do not cause any material harm to visual amenities.
- u. The council argues that the windows appear oversized. The appellant accepts that the windows are more contemporary in their size and design but reiterates that this is not a building of any heritage value. It is not one of the grander, older, Arts and Crafts houses that make up the core of the conservation area. On a more modern building, it is possible to use a different palette of materials and altered fenestration.
- v. The council argues that the proposed porch is oversized. It is the same height as approved at appeal but is somewhat wider. The additional width does not cause any material harm to the character and appearance of the area.

Impact of the Replacement Dwelling on Neighbours' Living Conditions

- w. The council does not expect any harm to the northern neighbour, number 29, from the replacement dwelling. It is concerned, however, that the rooflights on the southern elevation would overlook the patio and rear garden of the neighbour's property at number 25.
- x. The case officer references a rooflight serving a prayer room and argues that this room might in fact be used as a bedroom. In any case, since the

room has another window in the rear elevation, a condition may be imposed to ensure that the rooflight be obscure-glazed and non-opening.

- y. This is also true of the rooflight and side dormer window serving the room annotated on the plans as Bedroom 1 – this room has another window in the rear elevation and does not rely on the rooflight or side dormer for outlook or ventilation.
- z. The next rooflight along the southern roofslope on the second-floor level serves a non-habitable room, and so it too can be obscure-glazed and non-opening.
- aa. The two rooflights at the front end of the building on the second-floor level are shown on the approved plans for the previous appeal. Although one served a staircase, that does not mean that it could not give rise to overlooking. The new rooflights (serving the room annotated as Bedroom 5) do not cause any greater harm than the situation envisaged when the appeal was allowed. If one of these two rooflights is determined to cause harm, but not the other, it may be obscure-glazed and sealed shut within harming outlook or ventilation to that room.
- bb. Overall, the appellant points out that rooflights are set onto the roofslope and angled towards the sky. Since they face upwards, they give a view of the sky rather than over garden areas or into the neighbour's windows. Since the property has already been built, the appellant invites the inspector to take a look through these windows on the occasion of the site visit to satisfy themselves that intrusive views of the neighbour's property are not possible.

Proposed Outbuilding

- cc. The outbuilding proposed for the rear garden is 2.6m-2.7m tall, 7.25m wide and 4.8m deep. It is used for domestic storage. It is sited at the end of the rear garden. It is set 1.5m off the rear boundary and 3.1m away from each of the side boundaries. There are solar panels on its roof.
- dd. The council argues that the outbuilding has a floor area of 34.8sqm, in excess of the usual 30sqm limit in policy DMHD 2. However, the difference is relatively minor, and the outbuilding is proportionate to the large site, takes a relatively small area of the garden, is low in height, is set away from all of the boundaries and is also some distance from neighbouring houses.

It is not disproportionately large and does not cause material harm to the special character of the conservation area.

- ee. The council also expresses concern that the outbuilding has an overbearing impact on the neighbouring property at number 29, which is set behind the appeal site. However, the outbuilding is set several metres from the nearest part of the main house at number 29 and there is mature planting on the boundaries between the two sites. Given the moderate height and limited scale of the outbuilding, it does not cause material harm to living conditions at number 29 in terms of visual intrusion.

7. Conclusions

- a. The council accepts that the replacement dwelling has the same size, siting and detailed design as the house if it had been extended as permitted by the recent appeal decision.
- b. It expresses concerns about the final choice of materials, but the original house on this site was a later addition and not of any particular architectural merit. The appeal approval gave the appellant flexibility to choose materials for the new front façade, roof and windows, as long as they were similar to those found on the existing house.
- c. The appellant does not believe that the final materials are such a departure from what was intended that material harm is caused. In the appellant's view, the materials complement the house and cause no harm to the conservation area.
- d. The rooflights that has been added do not look out of place or harm visual amenities. It will be evident from the site visit that they do not allow intrusive views of the neighbour's property. In any case, most of them could be obscure-glazed and sealed shut without harm to living conditions in the appeal property itself.
- e. Finally, the outbuilding is appropriate in size and scale, and proportionate to this large site. It is not large enough to look out of place nor to be overbearing upon any of the neighbouring properties.
- f. For these reasons, it is considered that the development complies with the development plan and national planning policy and the inspector is respectfully requested to allow the appeal.



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