



APPEAL BY:
Ms Sophia Hawrylczak

AGAINST THE COUNCIL OF THE LONDON BOROUGH OF HILLINGDON'S REFUSAL TO GRANT
PLANNING PERMISSION FOR:

"Erection of a single storey front, rear and side extension including infill of front porch and patio to rear, following demolition of existing rear conservatory. Conversion of roof space to habitable accommodation including roof extension with conversion of roof from hip to half gable end, rear dormer and roof lights. Alterations to front driveway, fenestration and materials."

AT

43 Rochester Road, Hillingdon, Northwood, HA6 1NJ

The Council of the London Borough of Hillingdon Reference: 78160/APP/2024/2562

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

December 2024

RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk
RJS Planning. 15 Vale Court, Ealing Road, Brentford, TW8 0LN

1. Introduction

Background

- 1.1 This appeal is made on behalf of Ms Sophia Hawrylczak in relation to development at 43 Rochester Road, Hillingdon, Northwood, HA6 1NJ.
- 1.2 The planning application was submitted on 24 September 2024. It was given reference 78160/APP/2024/2562 and sought permission for the erection of a single storey front, rear and side extension including infill of front porch and patio to rear, following demolition of existing rear conservatory. Conversion of roof space to habitable accommodation including roof extension with conversion of roof from hip to half gable end, rear dormer and roof lights. Alterations to front driveway, fenestration and materials.
- 1.3 The development was refused on 19 November 2024 for the following reason:
- 1. The proposal, when viewed as a whole, by reason of its overall size, scale, bulk, and design, would result in a prominent and incongruous development that would be detrimental to the character and appearance of the original dwelling and the wider street scene. The proposal is therefore contrary to 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), Policy D3 of the London Plan (2021), and Chapter 12 of the National Planning Policy Framework (2023).***
- 1.4 This Statement addresses this reason for refusal. It concludes that the appeal proposal would be acceptable in planning terms and accords with the Council's Development Plan. The scheme would not cause harm to the character and appearance of the host building or area. It would therefore accord with the provisions of the National Planning Policy Framework (henceforth referred to as 'the Framework'). It is sustainable development for which the Framework advocates a presumption in favour.

Revised Plan

1.5 The appellant is seeking to submit revised plans with this appeal in the interest of clarity. This is in the form of revised plan Ref. 644/P3/1 Rev. A included at Appendix A to this Statement.

1.6 Consequently, the principles outlined at *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]* have been considered.

1.7 The key element of this Court decision is outlined below:

“Of course, in deciding whether or not there is a substantial difference the local planning authority or the Secretary of State will be exercising a judgement, and a judgement with which the courts will not ordinarily interfere unless it is manifestly unreasonably exercised. The main, but not the only criterion on which that judgement should be exercised is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.”

1.8 The proposed scheme has not been materially changed in nature. The amendment simply removes the front facing dormer windows from the roof plan, which were added in error. This amendment has been made for clarity. The site itself remains the same and is within the appellant’s ownership. The proposal has not been altered in any other way and remains identical in size and form compared to that originally proposed. No new legal notification needs to be carried out.

1.9 Consequently, the development would not be so changed so that, were this appeal allowed, it would not deprive those who should have been consulted the opportunity of such consultation. Neither would it prejudice the interests of any interested party.

1.10 Overall, the revised plan would not evolve the original scheme, and this would still be essentially that which was considered by the local planning authority, and on which people’s views were sought. As such, it is a valid appeal and all parties have had a fair opportunity to comment upon its determining issues. It is therefore requested that the amended plan be accepted in the interest of clarity.

2. The Site

- 2.1 The appeal site is located on the western side of Rochester Road. It accommodates No. 43, a single storey dwelling constructed of facing brickwork under a hipped roof. This is shown at Figure 1 below.



Figure 1: Appeal property.

- 2.2 The site is located within an unremarkable residential area characterised by dwellings constructed in a range of architectural compositions using a mixed materials palette. There are many examples of visually prominent box dormer windows. This includes at properties directly opposite to the appeal site that front Cranbourne Road, as well as other properties along this street. Examples of large, highly visible, dormer windows are shown below at Figure 2.



Figure 2: Examples of prominent box dormer windows in the immediate area (dwellings fronting Cranbourne Road).

RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk
RJS Planning, 15 Vale Court, Ealing Road, Brentford, TW8 0LN

3. The Proposed Development

- 3.1 The appeal proposal is simple in that it is for the erection of a single storey front, rear and side extension including infill of front porch and patio to rear, following demolition of existing rear conservatory. Conversion of roof space to habitable accommodation including roof extension with conversion of roof from hip to half gable end, rear dormer and roof lights. Alterations to front driveway, fenestration and materials. Existing and proposed floor plans and elevations are shown at Figures 3 and 4 respectively for ease of reference.

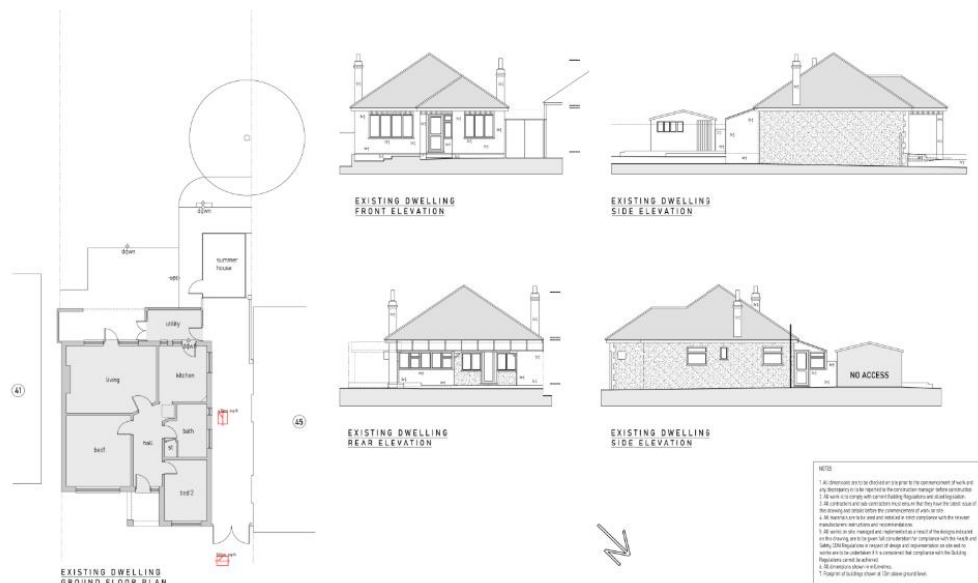


Figure 3: Existing floor plans and elevations.

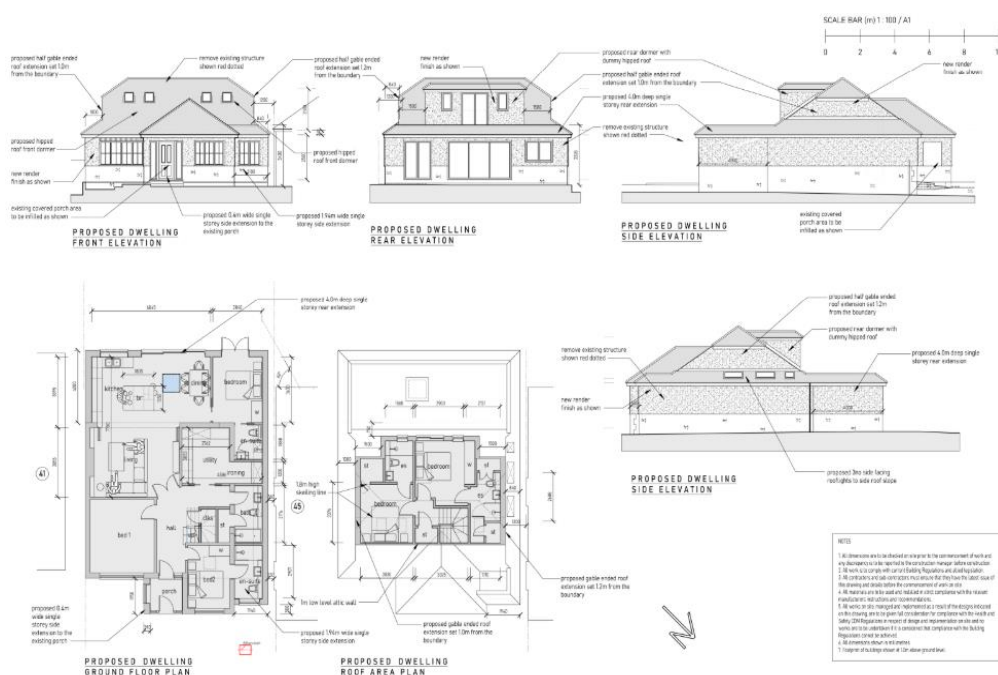


Figure 4: Proposed floor plans and elevations.

RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk

RJS Planning, 15 Vale Court, Ealing Road, Brentford, TW8 0LN

- 3.2
- It should also be noted that this proposal follows a similar development that was approved at the appeal site under application Ref. 78160/APP/2023/2113. The proposed single storey front, rear and side extensions would be as approved. The key difference between this appeal scheme and that approved is the enlargement of the width of the rear dormer window. As approved, this feature would have been set around 2m away from the side elevations of the roof. As proposed, the dormer would be around 1.5m away from the sides of the roof.
- 3.3
- To assist the Inspector, the approved elevation plans are shown at Figure 5 below.

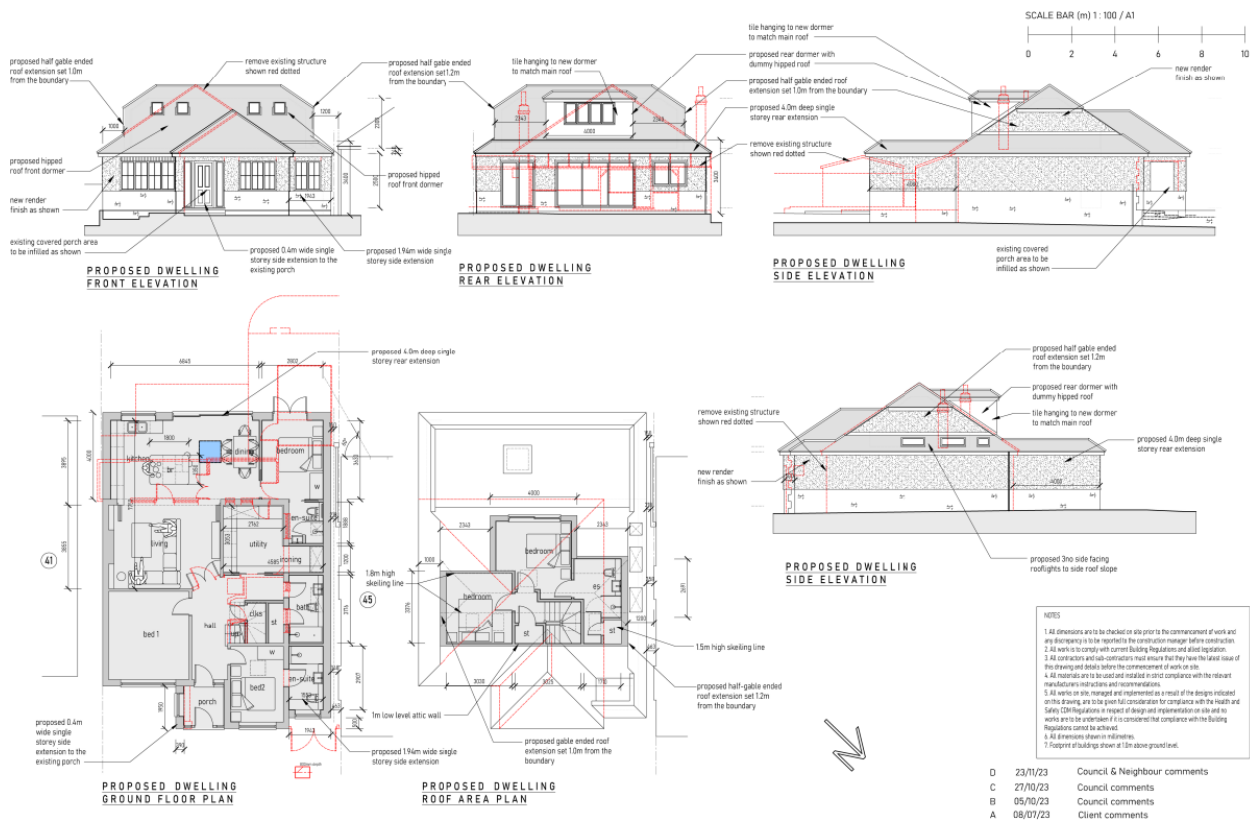


Figure 5: Similar development approved under application Ref. 78160/APP/2023/2113.

4.
- Relevant Planning Policy, Legislation and Law
- 4.1
- To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the plan unless there are material considerations that indicate otherwise as directed by Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.2 For the purposes of this appeal, the relevant parts of the Council's development plan are the Hillingdon Local Plan Part 1 – Strategic Policies 2012 (LPP1), the Hillingdon Local Plan: Part 2 – Development Management Policies 2020 (LPP2) and the London Plan (LP). Other material planning policy considerations include the Framework and Planning Practice Guidance (PPG).

4.3 Policies referred to in the Council's decision notice, together with relevant sections of the Framework, are set out below.

Hillingdon Local Plan Part 1 – Strategic Policies

4.4 **Policy BE1: Built Environment** - Amongst other things, the Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. New development should 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.

Hillingdon Local Plan: Part 2 – Development Management Policies

4.5 **Policy DMHB 11: Design of New Development** - All development, including extensions, alterations and new buildings will be required to be designed to the highest standards. Development should harmonise with its local context, taking into account the scale of development and the height, mass and bulk of adjacent structures.

4.6 **Policy DMHB 12: Streets and Public Realm** - Development should be well integrated with the surrounding area.

4.7 **Policy DMHD 1: Alterations and Extensions to Residential Dwellings** - Amongst other things, planning applications relating to alterations and extensions of dwellings will be required 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.

London Plan

- 4.8 **Policy D3: Optimising site capacity through the design-led approach** – Amongst other things, development should 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 proportions.

Relevant National Planning Policy Framework

Approach to Sustainable Development

- 4.9 **Paragraph 7** of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.10 **Paragraph 8** states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 4.11 **Paragraph 9** states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.12 **Paragraph 10** states that, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This is then detailed at **Paragraph 11**.
- 4.13 **Paragraph 39** makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

Design

- 4.14 **Paragraph 131** states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.15 **Paragraph 135** seeks to ensure that developments add to the overall quality of the area.

5. The Appellant's Case

- 5.1 This section of the Statement addresses the Council's reason for refusal. This will be done by consideration of one main issue which is the effect of the proposal on:
- The character and appearance of the host property and wider area.

1) Character and Appearance

- 5.2 The only difference between this appeal scheme and the development approved under application Ref. 78160/APP/2023/2113 is the minor enlargement of the rear dormer window.
- 5.3 A revised plan has been submitted showing the removal of front facing dormer windows that were added in error. Consequently, the only element of concern with this scheme therefore appears to be the size of the rear dormer window, together with the materials used for this feature.

- 5.4 As approved, the rear dormer would have been set around 2m away from the side elevations of the roof. As proposed, the dormer would be around 1.5m away from the sides of the roof. This is not a significant increase in width. In any event, the proposed dormer would be set well away from the side elevations of the host unit and stepped down from the roof ridge. As such, it would not occupy an excessive amount of the rear roofscape.
- 5.5 It follows that the proposed dormer window would not be an unduly large, bulky, feature, particularly when seen in context with the approved rear dormer. On the contrary, it would occupy a proportionate amount of the rear roofscape and would not dominate or unbalance the host unit. It cannot be seen as anything other than 'subordinate' and the proposed balanced fenestration would assist in breaking up its limited bulk and mass.
- 5.6 In any event, to the rear of the host property, views of the dormer window would be entirely restricted from the streetscene. Given the presence of established trees along the rear boundary of the appeal site, views from other locations further afield, such as vantage points along Heatherfold Way, would also be restricted. The dormer simply would not readily apparent from the public domain. When glimpsed from the private domain (a limited number of adjacent premises), the dormer would be seen as a small, logical, addition that is an entirely typical feature of residential properties in the area. Indeed, rear dormer windows of all types are prevalent in the area.
- 5.7 Furthermore, as identified in Section 2 to this Statement, there are a myriad of examples of box dormer windows in the area that are highly visually prominent and are larger than that proposed. Regardless of how these were permitted, they form part of the established character of this unremarkable area. They also demonstrate that large rear dormers are not in any way harmful to the architectural composition of host properties and do not appear intrusive.
- 5.8 It follows that not only would the proposed rear dormer be seen as a proportionate addition to No. 43, but it would also integrate successfully into the rhythm of development in the wider area. It cannot be seen as an alien or discordant feature, particularly noting the presence of larger box dormer windows nearby.

- 5.9 The appellant also notes that the Council has raised concern with regard to the materials used for the dormer window. It is proposed that the dormer window's walls would be rendered. This would be entirely acceptable, noting the mixed materials palette in the area and the discreet positioning of the dormer.
- 5.10 Nevertheless, should the Inspector conclude that this small amount of render (a material used throughout the immediate area) would be unacceptable, the appellant is willing to accept a condition requiring details of materials for the dormer window to be submitted to and approved by the Council prior to its construction. Under this mechanism, the appellant could discuss the materials palette and, if the Council is reluctant to alter its stance following further evidence, hanging tiles could be agreed.
- 5.11 There are therefore available mechanisms to entirely alleviate the Council's concerns in terms of materials used. On this basis, it is not clear why the Council raised any concern in this regard. Materials can be suitably managed post-decision. Consequently, there can be no objection to the materials used. The Council's concern in this regard is bordering on unreasonable.

Overall Conclusion – Character and Appearance

- 5.12 Taking everything together, the proposed rear dormer would not be significantly larger than that approved under application Ref. 78160/APP/2023/2113. Set away from the side elevations of the host property and stepped down from its roof ridge, it would be seen as a modest, proportionate, addition to the roofscape. The rear elevation would not appear 'top heavy' or dominated by this feature.
- 5.13 Furthermore, views of the proposed dormer would be largely, if not entirely, restricted from the public domain. When glimpsed from the private domain, the dormer would be seen as a logical addition consistent in nature and size with other rear roof alterations in the area. Indeed, the proposed dormer would be notably smaller than other sizeable box dormer windows that are highly apparent in the streetscene. The proposed would not be an alien feature and would not disrupt the architectural rhythm of this unremarkable estate.

- 5.14 It follows that the proposal would not cause harm to the character and appearance of the host property or wider area. This is in accordance with Policy BE1 of the LPP1, Policies DMHB 11, DMHB 12 and DMHD 1 of the LPP2 and Policy D3 of the LP.

Other Material Consideration – Government Support for Dormer Windows

- 5.15 Clearly an application for a Lawful Development Certificate has not been submitted. Nevertheless, sizeable rear dormer windows can be constructed under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO').
- 5.16 Indeed, the GPDO permits additions and alterations to the roofs of dwellings under Schedule 2, Part 1, Class B. This includes large dormer windows that do not exceed the content of the original roof space by more than 50 cubic metres in certain circumstances.
- 5.17 Consequently, large rear dormer windows, greater in overall size than that proposed, are typically permitted under the GPDO. The Government has given these deemed consent. This clearly illustrates that they are acceptable features at residential properties such as No. 43, reinforcing the appellant's assertion that this proposal would be acceptable.

6. Conclusion

- 6.1 Taking all of the above into account, the proposal would preserve the character and appearance of the host property and wider area.
- 6.2 As such, the proposal should be approved without delay as it is in accordance with the development plan as a whole and there are no other considerations which outweigh this finding.

Overall Conclusion

- 6.3 It is concluded that the proposal represents sustainable development for which the Framework advocates a presumption in favour. It is therefore respectfully requested that the appeal be allowed.