



Appeal Statement

Householder Extensions
AT
23 Daymer Gardens,
Pinner HA5 2HW

Reference:
23DG-2610

Date:
1 February 2025

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr Vikas Suresh to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for extensions and alterations to 23 Daymer Gardens, in Pinner.
- b. Following a description of the site and surrounding area, the report will 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 6 November 2024, the appellant submitted a planning application to London Borough of Hillingdon for the following development (reference: 45997/APP/2024/2944):

Erection of part single storey, part double storey rear and side extensions including roof extensions and amendment to fenestration.

- b. In a decision notice dated 28 January 2025, the Local Planning Authority (LPA) advised that the application had been refused for the following reason:

1. *The proposed side extension, by virtue of its siting and scale would give rise to unacceptable loss of outlook, overbearing impact and sense of enclosure to the occupiers at 25 Daymer Gardens, resulting in harm to residential amenity. Therefore, the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*

3. Site Description

- a. The appeal property is a two-storey, detached house located on the northern side of Daymer Gardens, a mostly crescent-shaped cul-de-sac leading from Catlins Lane.
- b. The house is part-brick, part-rendered and has a tiled, hipped roof. It is a modern house with some traditional detailing, including a shallow front bay window and a fanlight and pillars surrounding the front door.
- c. It has a rear conservatory extension and there is a detached garage in the rear garden, close to the rear elevation of the house. There is a car port to the front of the garage. There are front and rear gardens and a crossover from Daymer Gardens. The front of the house is shown in the image in figure 1, below.



Figure 1: Image of the appeal property.

- d. The house is set well back from the street. The building line is uneven with the result that, though it roughly aligns with its western neighbour, number 21, the

house sits behind its eastern neighbour, number 25, as shown in the satellite image in figure 2, below.

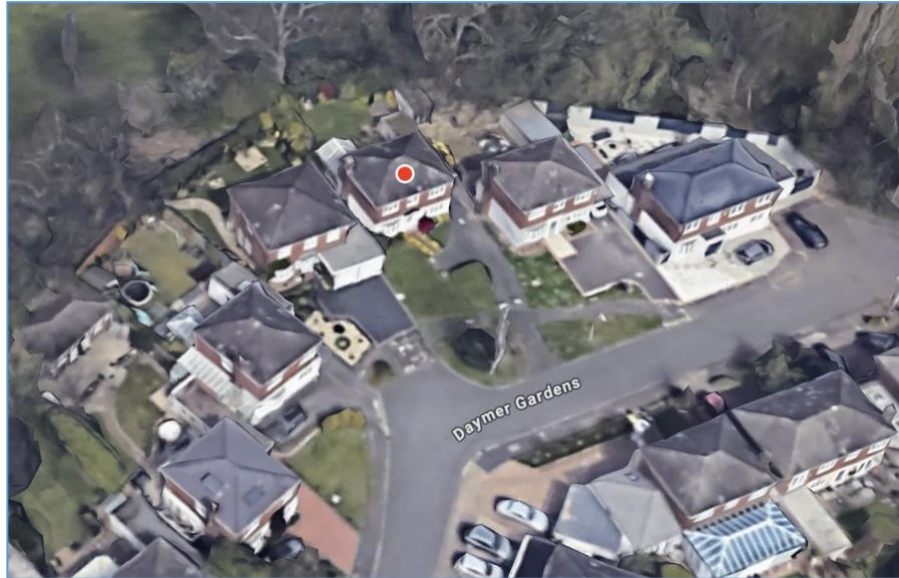


Figure 2: Satellite image of the appeal property showing its relationship with close neighbours.

- e. The surrounding area is suburban and residential in character with a wide mix of housing types. It has a verdant character. Cuckoo Hill Recreation Ground lies immediately to the rear of the site.
- f. The property is not listed and it is not located in a designated conservation area.

4. Application Proposal

- a. The application proposal is for part-single, part-two-storey side and rear extensions to the house in order to enlarge and improve its living accommodation.
- b. A two-storey side extension aligns with the existing front elevation of the house and is set 250mm off the shared boundary with number 25.
- c. At ground floor level, it wraps around to form a rear extension with a depth of 4m. The construction of this rear extension requires the demolition of the existing conservatory, car port and garage.
- d. At first floor level, the side projects no deeper than the rear wall of the existing house. There is a first-floor element above the ground floor rear extension, to the rear the original part of the house. It steps away from the boundary with number 25.
- e. The roof over the extensions replicates the existing, hipped roof form. A new hip is created over the side extension and a rear hip over the rear extension.
- f. The extensions will be built in materials to match the existing house.
- g. Solar panels are proposed for the roof.
- h. The proposal allows the creation of more generous and better configured ground floor living spaces, along with larger and more comfortable bedrooms and bathrooms on the first floor. It will make a meaningful contribution to the quality of accommodation that the property offers to the appellant and his family.
- i. The appellant notes that, as originally submitted, his proposal included a front extension forming part of the side extension. This element of the proposal was removed on the advice of the planning officer that it would not be supported.

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.
- b. 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).
- c. According to the decision notice, the development fails to comply with policies DMHB 11 and DMHD 1 of the Development Management Policies.
- 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 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"

- f. 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.
- g. 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"*.
- h. For ground floor rear extensions, it recommends they do not exceed a depth of 4m (for detached houses on plots wider than 5m).
- i. The revised National Planning Policy Framework (NPPF), adopted on 12 December 2024, 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.
- j. According to paragraph 39:

"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."

- k. Chapter 11 encourages developers and local planning authorities to *"make effective use of land"*. Part (d) of paragraph 125 promotes *"the development of under-utilised land and buildings"*.
- l. 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"*.
- m. Paragraph 130 requires that densities be maximised, to *"ensure that developments make optimal use of the potential of each site"*.
- n. 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.
- b. It does not believe that development would cause any harm to the character and appearance of the area, pointing out in the officer's report that *"there are multiple examples within the street scene of similar side extensions"*.
- c. Although the appellant's side extension is not set back from the front nor in from the boundary as recommended by policy DMHD1, this is also true of a similar extension at number 22.
- d. The council accepts that sufficient garden space is retained, and that the development will not cause any harm in terms of parking or highway safety, flood risk or trees and ecology.
- e. The officer's report also acknowledges that a proposed array of solar panels *"offers a benefit in terms of sustainability"*.
- f. The council's concern is that the development would have an overbearing impact on the neighbour at number 25, creating a sense of enclosure and causing a harmful reduction in outlook.
- g. The council does not expect there to be any harm to any of the other neighbours and does not believe that the development would harm number 25 in terms of a loss of noise and disturbance, a loss of light or a loss of privacy.
- h. The application was accompanied by a daylight and sunlight assessment report prepared by Blue Sky Surveyors. The assessment was conducted in October 2024 using 3D laser scan data and computer modelling, following the guidelines set out in the BRE Report 209 (2022 edition).
- i. The assessment examined three main factors: Vertical Sky Component (VSC) for daylight, Daylight Distribution (DD), and Annual Probable Sunlight Hours (APSH) for sunlight. The results show that the proposed extension fully complies with all BRE standards.
- j. The report includes detailed technical data, site plans, 3D views, and numeric results in its appendices to support these conclusions. The analysis specifically looked at both ground floor (living room) and first floor (bedroom) windows of 25 Daymer Gardens, with all measurements meeting the recommended BRE targets.

- k. The officer's report acknowledges that *"it has been demonstrated that the impact on daylight and sunlight is acceptable"*.

- l. The case officer nevertheless argues that:

"Given the staggered footprints of the properties, the first floor side element would project past neighbour by in excess of 6m in the depth. This new two storey flank wall would impact the neighbours outlook and create a sense of enclosure. It would appear rather imposing from their main rear windows and direct private amenity space. For these reasons, it is consider to impact the neighbours amenity to an harmful extent."

- m. The appellant notes that there is currently a garage and car port along the common boundary, and that the proposed first floor side extension is not as deep as the proposed ground floor side extension – it is set back from the rear.
- n. The council's conclusion about an overbearing impact appears subjective and isn't supported by the quantitative evidence. Although the light report refers explicitly to expected levels of daylight and sunlight, the BRE guidelines are also a useful indication of whether a development will be overbearing. In other words, if a development meets all technical daylight/sunlight criteria, it's difficult to justify how it could be considered overbearing in terms of its impact on living conditions.
- o. There is a direct relationship between daylight/sunlight tests and an overbearing impact, due to how the BRE tests are designed. The key daylight test - Vertical Sky Component (VSC) - specifically measures how much of the sky is visible from a window. This is calculated using what's called the '25-degree rule' - if a new building sits below a 25-degree angle when measured from the centre of the neighbour's window, it's generally considered acceptable. This angle wasn't chosen arbitrarily - it represents decades of research into when buildings start to feel imposing or overbearing to occupants.
- p. If one thinks about what makes a building feel overbearing, it's typically when it looms over you, blocks your view of the sky, or creates a sense of enclosure. The VSC test directly measures these factors by calculating the portion of sky visible from each window. In this case, the windows at 25 Daymer Gardens retain 89-96% of their original sky visibility. This means that from inside these rooms, the occupants would barely notice any change in their outlook or sense of space.
- q. The Daylight Distribution test provides further evidence. It shows that virtually the entire floor area of both rooms (99%+) still maintains a direct view of the

sky. This means the rooms won't feel enclosed or hemmed in - they maintain almost exactly the same sense of openness they had before.

- r. So while 'overbearing' might seem like a subjective judgment, the BRE tests actually provide objective measurements of the very factors that make a building feel overbearing - sky visibility, outlook, and sense of enclosure. When a development passes these tests with such comfortable margins (as in this case), it's difficult to justify how it could be considered overbearing in terms of its impact on living conditions.
- s. The appellant points out that the neighbouring house at number 25 is large property on a generous plot. The neighbours will retain a clear and unimpeded outlook down over their own rear garden, and over the recreation ground to the rear.
- t. Although they will be aware of the presence of the extension next door, it is not unexpected in a built up, suburban area for there to be other built form close by. In fact, number 25 itself sits behind number 27, presenting a two-storey structure close to its rear garden and rear-facing windows, as shown in the satellite image below. Being able to see a building or extension is not the same as suffering an unacceptably harmful impact from it.



Figure 3: Satellite image of the relationship between number 25 and its neighbour at number 27.

7. Conclusions

- a. The council does not object in principle to the appeal proposal and does not anticipate any harm to visual amenities. It accepts that the proposal passes the BRE daylight and sunlight tests but argues that it nevertheless represents a harmfully overbearing impact on number 25.
- b. However, the light assessment also indicates that the development will not be overbearing. The BRE guidelines were specifically developed to measure when a building starts to have an unacceptable impact on its neighbours.
- c. The 25-degree guideline is particularly relevant - this angle wasn't arbitrarily chosen but represents extensive research into human perception of buildings and when they start to feel imposing.
- d. The Vertical Sky Component (VSC) test measures exactly how much sky remains visible from each window. In this case, the windows retain 89-96% of their original sky visibility. This means that when looking out of these windows, the occupants would barely notice any change in their outlook - the extension simply isn't prominent enough in their field of view to create a dominating or overbearing presence.
- e. The Daylight Distribution (DD) test goes even further. It measures how deep into each room the sky remains visible. Here, over 99% of both rooms maintain their sky visibility. This is crucial because it tells us that the rooms won't feel enclosed or hemmed in - people will be able to move around these spaces and still maintain almost exactly the same sense of openness they had before.
- f. These measurements tell us something very important about the mass and position of the extension - it simply cannot be creating an overbearing impact if it's blocking less than 11% of the sky visibility from any window and affecting less than 1% of the room's daylight distribution. The geometry and positioning required to achieve these excellent results means the extension must be sitting at an angle and distance that prevents it from appearing dominant or oppressive.
- g. The sun-on-ground study for the garden shows that 88% of the original sunlit area is retained. This high retention rate indicates that the extension isn't creating an oppressive shadow or sense of enclosure in the outdoor space either.
- h. When we have measurements showing such minimal impact on sky visibility, daylight penetration, and sunlight, it becomes very difficult to sustain an argument that the development is overbearing - the objective evidence demonstrates that it cannot be creating the kind of dominant, enclosing, or oppressive impact that the term 'overbearing' implies. The council's conclusion

appears to be based on subjective impression rather than the clear technical evidence that the impact falls well within acceptable parameters.

- i. For these reasons, the appellant contends that the development represents sustainable development, and the inspector is respectfully requested to allow the appeal.



Just Planning Limited
Email: info@just-planning.co.uk

Just Planning HQ
42 Hampstead House
176 Finchley Road
London NW3 6BT

www.just-planning.co.uk

 [justplanning](https://www.facebook.com/justplanning)
 [@JustPlanning](https://twitter.com/JustPlanning)

© Just Planning 2025