



Appeal Statement of Case

Permission Refused for:

Creation of an additional storey (Application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)).

Address:

71 Marshall Drive, Hayes, UB4 0SN

LPA Reference:

78778/APP/2024/2378

Appeal Dated:

March 2025

Contents

1. Introduction	Page 3
2. Site & Surroundings	Page 4
3. Relevant Planning History	Page 5
4. Planning Policy Context	Page 7
5. The Appellant's Case	Page 13
6. Conclusion	Page 23

1. Introduction

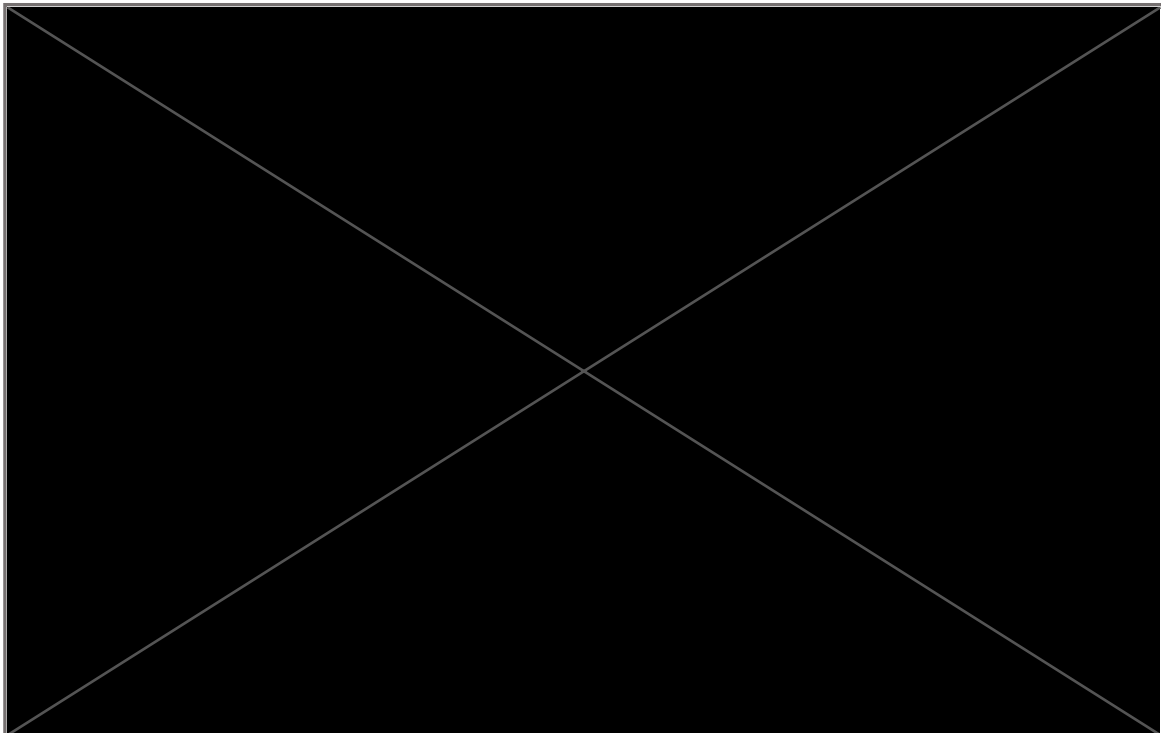
1.1. This Appeal Statement has been prepared in support of a planning appeal against the refusal by Hillingdon Borough Council for the "Creation of an additional storey (Application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) (ref:78778/APP/2024/2378) refused on 24th October 2024.

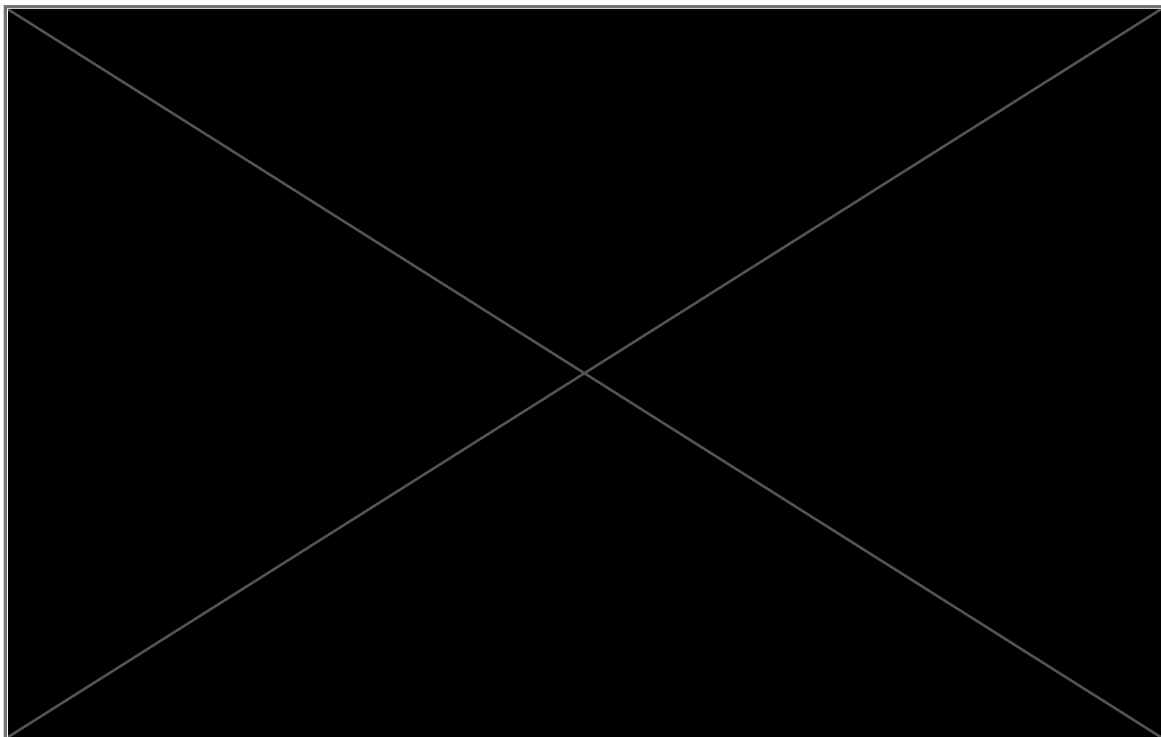
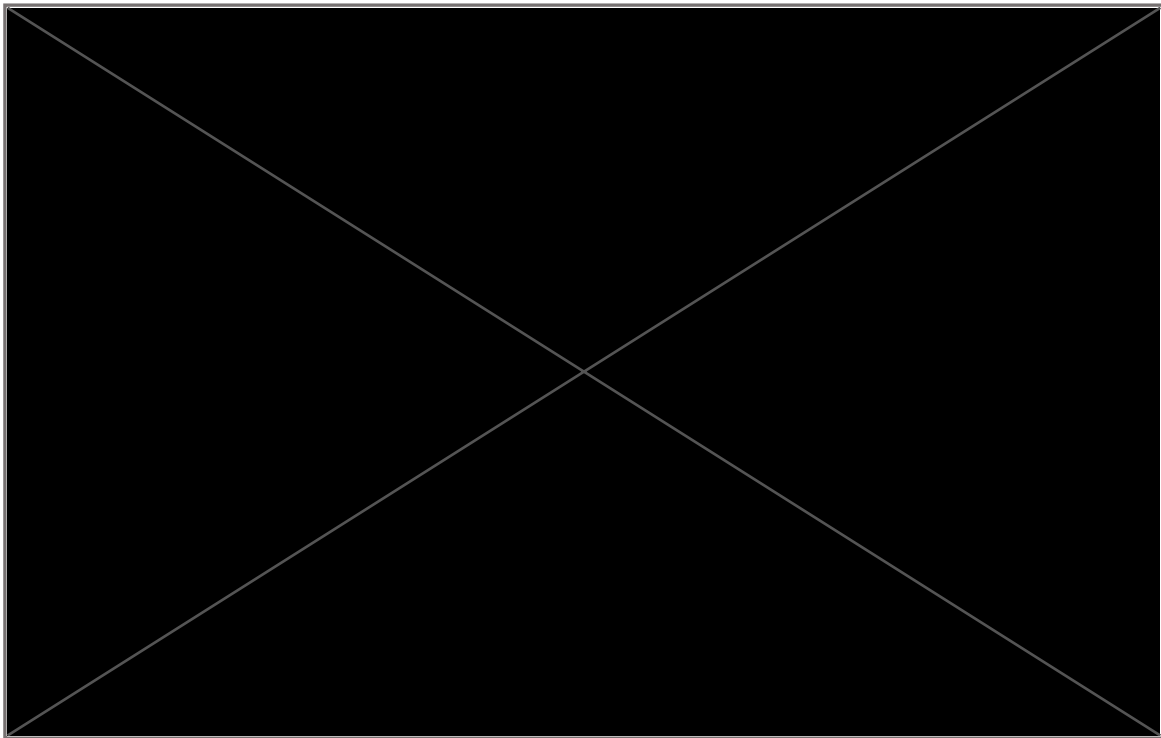
1.2. The application was refused permission for the following reason:

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended) as the proposal, by reason of its siting, height, scale, bulk, and design, which would fail to harmonise with the character and architectural composition of the existing property and surrounding area. It would be detrimental to the visual amenity of the street scene and harmful to the character and appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020) and prior approval is refused under Condition AA.2.(3)(a)(ii).

2. Site & Surroundings

- 2.1.** The appeal site is located on the western side of Marshall Drive, Hayes, within a well-established residential area in the London Borough of Hillingdon. Marshall Drive is accessed from surrounding roads such as Yeading Lane and forms part of a dense suburban network of housing typical of this part of west London.
- 2.2.** The site comprises a two-storey terraced dwelling, positioned at the end of a row of similar properties, with a small front garden and a rear garden abutting adjacent terraces. The dwelling features brick elevations and a pitched roof, with an existing eaves height of 4.93m and a ridge height of 6.17m, reflecting its slightly elevated ground level compared to the adjoining terrace.
- 2.3.** Marshall Drive is characterised by a mix of two- and three-storey residential buildings, predominantly arranged in terraces with occasional semi-detached dwellings and townhouses. The streetscape features a staggered pattern of rooflines, reflecting variations in ground levels and building heights. The immediate surroundings include the adjoining terrace to the south (with an eaves height of 7.6m and ridge height of 8.57m) and duplex flats at Nos. 25 and 26 Marshall Drive to the north, contributing to a dense yet varied residential environment. Front gardens are modest, often with minimal boundary treatments such as low walls or open lawns, while rear gardens are typically enclosed by timber fencing and include modest landscaping.
- 2.4.** The property is not located within a Conservation Area, is not a listed building, and is not situated near any designated heritage assets. It holds no special architectural or historical significance that would warrant heritage-related constraints.





3. Relevant Planning History

3.1. A full search of planning history for the application site has been carried out in preparation of the appeal statement.

3.2. The following planning applications at the subject site (71 Marshall Drive) are considered relevant in this case:

- Application Number: 78778/APP/2024/2477 - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.00 metres, for which the maximum height would be 3.00 metres, and for which the height of the eaves would be 3.00 metres.
- 78778/APP/2024/1265 - Erection of a part two storey, part single storey extension to rear and a single storey extension to front. Decision: 22-07-24 Withdrawn.

4. Planning Policy Context

- 4.1.** This section of the statement provides a summary of the planning policy context in which the proposed development should be considered in accordance with the relevant planning legislation and national policy guidance.
- 4.2.** Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.3.** The statutory development plan for London Borough of Hillingdon consists of:
- London Plan (2021)
 - The Local Plan: Part 1 - Strategic Policies (2012)
 - The Local Plan: Part 2 - Development Management Policies (2020)
 - The Local Plan: Part 2 - Site Allocations and Designations (2020)
 - The West London Waste Plan (2015)
- 4.4.** While not forming part of the statutory development plan, the following documents remain important material considerations for the determination of planning applications in Hillingdon:
- National Planning Policy Framework [NPPF] (2021)
 - Supplementary Planning Guidance and Documents; and
 - Local Plan Evidence Base.
- 4.5.** The most relevant extracts of these documents are analysed in more detail below.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2023)

- 4.6.** On 27th March 2012, the government adopted the National Planning Policy Framework (NPPF). The document provides a consolidated framework of planning policy which replaces most of the previous national Planning Policy Statements and Planning Policy Guidance Notes. This has most recently been superseded by five revisions, the first on 24th July 2018, the second on 19th February 2019, third in July 2021, the fourth 20th December 2023 and most recently 12th December 2024.
- 4.7.** The NPPF outlines the presumption in favour of sustainable development. It further states that permission should be granted for development where a plan is absent, silent, indeterminate or where relevant policies are out of date.
- 4.8.** The framework indicates that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes a material consideration in determining applications.
- 4.9.** Paragraph 39 states that 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.

4.10. Paragraph 124 notes that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.11. Paragraph 125 outlines that planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

4.12. Paragraph 135 of the NPPF (2023) outlines that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short-term, but over the lifetime of the development.

4.13. Paragraph 137 states that design quality should be considered throughout the evolution and assessment of individual proposals, whilst Paragraph 139 recognises that permission should be refused for development of poor design which fails to improve the character and quality of an area and the way it functions.

4.14. The local planning authority must have regard to the National Planning Policy Framework “NPPF” so far as relevant to the subject matter of the prior approval. In particular to the NPPF advice on making effective use of land and achieving well-designed places.

REGIONAL PLANNING POLICY

London Plan (2021)

4.15. The London Plan forms part of the development plan for the site. The Plan was the subject of Minor Alterations in 2015 and these were adopted in April 2016. The latest version of the Plan was adopted on 2nd March 2021. It provides the strategic direction for development in the Greater London area. The relevant policies are discussed below.

4.16. Policy D1 ‘London’s form, character and capacity for growth’ states that boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas’ capacity for growth. Development plans should identify suitable locations for growth and should follow a design-led approach.

4.17. Policy D3 ‘Optimising site capacity through the design-led approach’. Part D states “*Development proposals should: Form and layout 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”.

- 4.18.** Policy D4 ‘delivering good design’ identifies that design should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials which should be maintained throughout the course of developments.

DEVELOPMENT PLAN POLICIES

Local Plan Part 1 - Strategic policies (2012)

- 4.19.** The Council adopted the Core Strategy in November 2012 and it forms part of the development plan for the area.
- 4.20.** The Strategy sets out the spatial vision which supports the overarching vision and goals for Hillingdon. The following Policy is considered relevant to the determination of the application.
- 4.21.** Policy BE1 ‘Built Environment’ states “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, where people enjoy living and working and that serve the long-term needs of all residents”.

Local Plan Part Two - Development Management Policies.

- 4.22.** This document sets out the Council’s Development Management Policies for the different types of planning related development, it was adopted in January 2020.
- 4.23.** Policy DMHB 11 ‘Design of New Development’ states “All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design”, the policy sets out a set of criteria for design, layout scale and so on.
- 4.24.** Policy DMHB 12 ‘Streets and Public Realm’ states “Development should be well integrated with the surrounding area and accessible. It should improve legibility and promote routes and wayfinding between the development and local amenities; ensure public realm design takes account of the established townscape character and quality of the surrounding area; 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; provide safe and direct pedestrian and cycle movement through the space; incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard; where appropriate, include the installation of public art; and deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.
- 4.25.** Policy DMHD 1 ‘Alterations and Extensions to residential Dwellings’ states “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; a satisfactory relationship with adjacent dwellings is achieved; new extensions appear subordinate to the main dwelling in their floor area, width, depth and height; new extensions respect the design of the original house and be of matching materials; there is no unacceptable loss of outlook to neighbouring occupiers; adequate garden space is retained; adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C; trees, hedges and other landscaping features are retained.

Schedule 2 Part 1 Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 4.26.** The application is a prior approval notification relating to the addition of one storey to a semi-detached dwellinghouse under Schedule 2 Part 1 Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class AA of Schedule 1, Part 2 reads as follows:

Class AA - enlargement of a dwellinghouse by construction of additional storey Permitted development AA.

The enlargement of a dwellinghouse consisting of the construction of —

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. Development not permitted

AA.1. Development is not permitted by Class AA if —

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class [F2G,] M, [F3MA,] N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the dwellinghouse is located on — (i) article 2(3) land; or (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than —
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
 - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
 - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of —
 - (i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions AA.2.— (1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3). (2)

The conditions in this sub-paragraph are as follows —

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows —

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to —

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light (ii) the external appearance of the dwellinghouse, including the design and architectural features of —

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and

(e) that notification must be in writing and include —

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

- (iii) the date of completion. The application site is a two-storey, semi-detached dwelling seeking to add an additional storey with this application.

4.27. It therefore falls within the development type set out in part AA above. The proposal meets all the requirements of AA.1 (a) to (k). With regards to AA.2 (2), the proposal is compliant. In relation to subparagraph 3 the assessment required by part (a) is provided below:

Impact on Amenity of Adjoining Premises:

The proposed extension does not result in an undue impact on the amenity of neighbouring properties. The additional storey is designed to be in proportion with the existing dwelling and maintains an appropriate separation distance from adjacent properties. Given the orientation and positioning of the proposed extension, there is no significant loss of daylight, sunlight, or privacy to neighbouring dwellings. The proposal also adheres to the 45-degree rule, ensuring minimal overshadowing.

External Appearance of the Dwellinghouse:

The design incorporates materials and architectural features that match the existing dwelling, ensuring a seamless integration with the character of the host property. The upward extension maintains the roof pitch and overall symmetry of the building, ensuring the development does not appear as an incongruous addition. The proposal is in keeping with the scale, massing, and form of the surrounding properties and does not disrupt the visual continuity of the streetscene.

Air Traffic and Defence Asset Impacts:

The site is not located within an area subject to air traffic safeguarding restrictions, nor is it in proximity to any defence assets. Therefore, the development does not pose any conflict in this regard.

Protected Views and Vistas:

The site does not fall within a designated protected view or vista as identified in the Directions Relating to Protected Vistas (2012) issued by the Secretary of State. Consequently, the proposed extension does not impact any strategic or locally significant views.

4.28. The proposal fully complies with the requirements of Class AA, meeting all necessary conditions to be considered permitted development under the GPDO (General Permitted Development Order).

5. The Appellant's Case

Context

- 5.1.** This Appeal Statement supports an appeal against the refusal by Hillingdon Borough Council for the "Creation of an additional storey (Application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended))" (ref: 78778/APP/2024/2378) refused on 24th October 2024.
- 5.2.** The consideration arising from this application is whether the proposal complies with GPDO and its impact on character and amenity.

Impact on Amenity

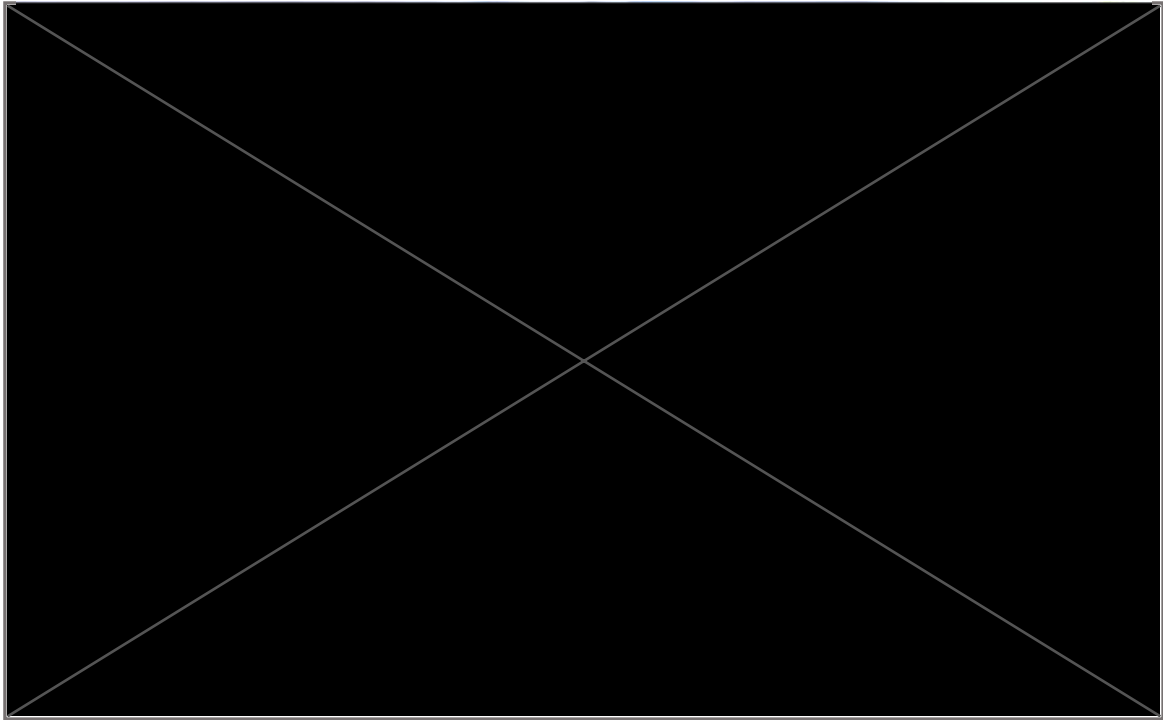
- 5.3.** The Council's reason for refusal of planning permission is worded as follows:

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended) as the proposal, by reason of its siting, height, scale, bulk, and design, which would fail to harmonise with the character and architectural composition of the existing property and surrounding area. It would be detrimental to the visual amenity of the street scene and harmful to the character and appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020) and prior approval is refused under Condition AA.2. (3)(a)(ii).

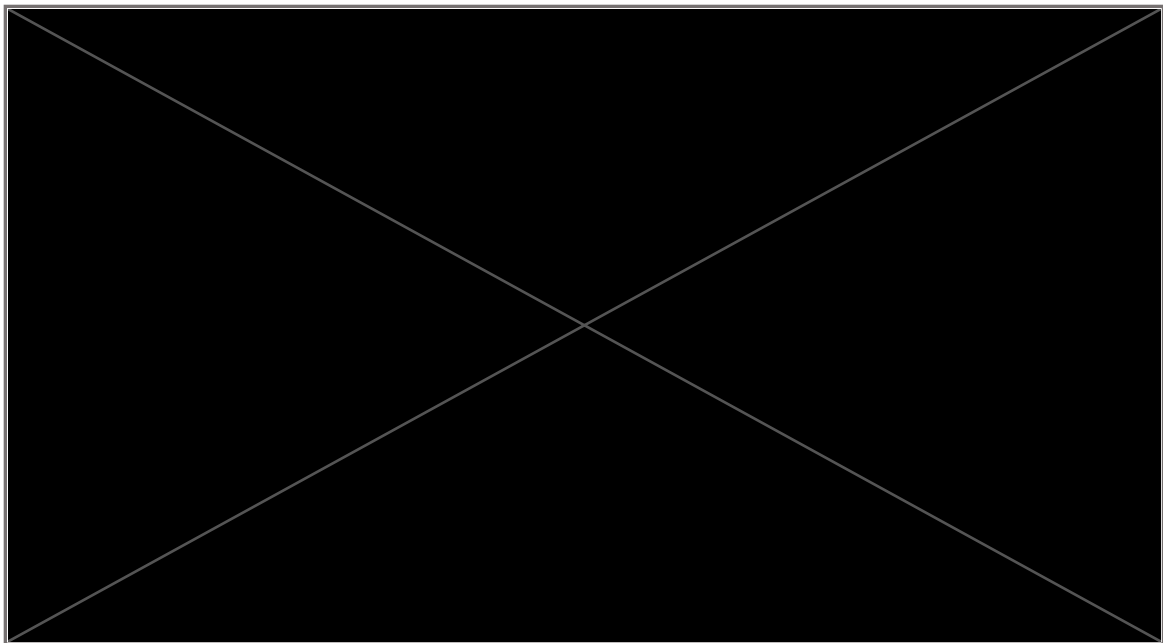
- 5.4.** It is the Council's view that the appeal scheme would be of a design, scale, bulk, and positioning that would not respect the built form of the existing area and amenity and would have an incongruous and obtrusive appearance.
- 5.5.** However, it is the appellant's view that the appeal scheme would be of significantly high-quality, and exemplar design that would optimise the use of the subject property/appeal site whilst also enhancing its overall appearance and contribution to the streetscene.
- 5.6.** The Council state in their delegated report that:

"Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that 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 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. In addition, Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that extensions will be required to ensure no adverse cumulative impact of the proposal on the character, appearance, or quality of the existing street scene."

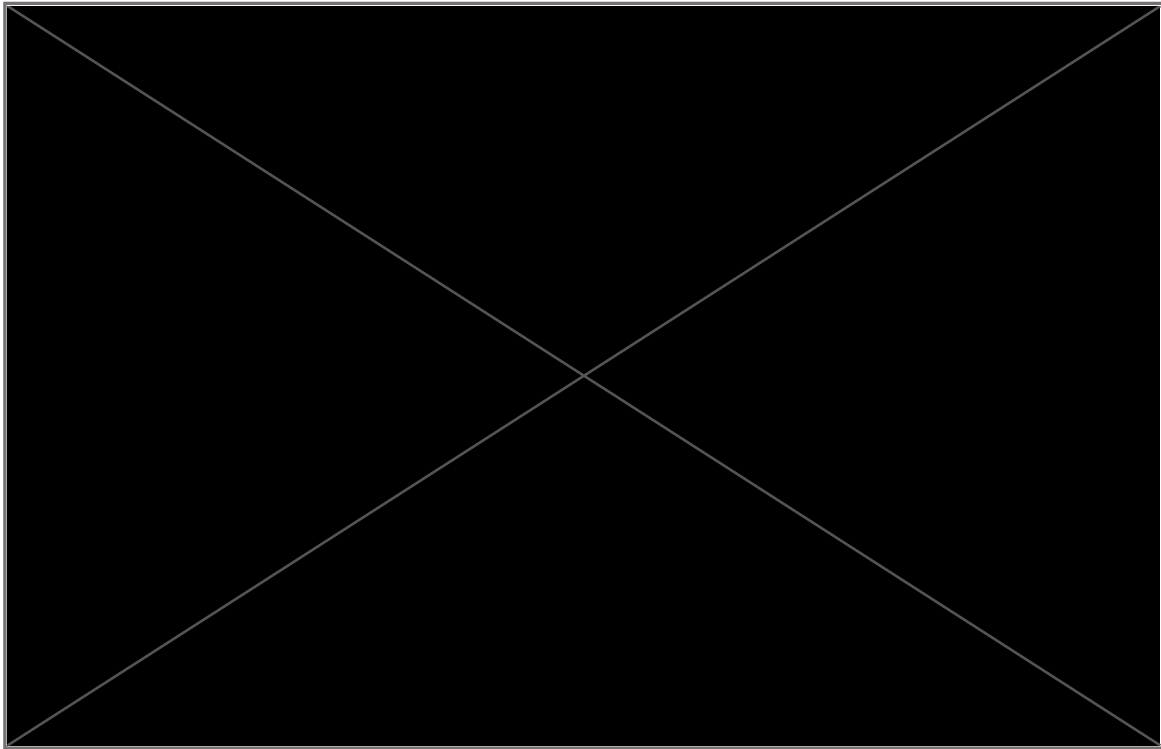
- 5.7.** The appellant notes that Local Plan policy generally does not directly apply to decisions made under the General Permitted Development Order (GPDO), as the GPDO is a national set of rules that allow certain developments to occur without the need for planning permission from the local planning authority, meaning the Local Plan's policies are not relevant in those situations. Refusing the application against these policies whilst noting in the report that the development is compliant with Class AA is misleading and thought to be an incorrect interpretation of how to apply the order, it is not determinative and should be made clear in all appeal decisions that whilst the below legal decision has been made it is not inclusive of Local Plan policy.
- 5.8.** The appellant notes that it was held in *CAB Housing Ltd v SSLUHC & Broxbourne BC (2023)* that external appearance is not limited to the effect on the dwellinghouse and can include the effect on adjoining and nearby properties. This will be discussed in context of the site below.
- 5.9.** It is the appellant's case that the cumulative impact of the increase in scale and mass and the modernisation of the subject property would enhance the appearance of the appeal site and would be coherent with existing and emerging character of the immediate area and neighbouring property. The design would not look out of place with the existing character. The design is a proportional and balanced addition, the upward extension is modest in scale and reflects the overall character of the host property. The use of materials in keeping with the existing property ensures a cohesive and visually sympathetic addition. The development of an additional storey, with its resultant increase in overall height and bulk, would not be excessive and as such it would not appear as an incongruous feature upon the property or within the surrounding area.
- 5.10.** The Council further states *"The development site is located within a dense residential area comprising three-storey townhouses in terraces and two-storey terraces. The terraces have a staggered layout with perceived and existing staggered rooflines. The application property is a two-storey dwelling in a prominent position at the end of the terrace adjacent to the road. The application dwelling has a higher ground level with an eaves height of 4.93m and a ridge height of 6.17m. The adjoining terrace has an eaves height of 7.6m and a ridge height of 8.57m. The proposed extension would increase the eaves height of the application property to 7.6m and ridge height to 8.8m. Given the rising ground floor level, however, this would appear as a dwelling that would be 0.6m higher at both eaves and ridge height than the dwellings within this terrace."*
- 5.11.** The Appellant notes that there are many other properties in the locality similar to the appeal building. Nonetheless, there is also considerable variation in building style and scale. This variation in building heights in the immediate vicinity of the appeal building is a positive feature of the character of the area, adding interest in the streetscene.
- 5.12.** In addressing the Council's concern that the proposal would disrupt the visual symmetry of the surrounding dwellings, it is important to clarify that the proposed eaves and ridge heights of the extended dwelling at No. 71 will align precisely with those of the adjacent three-storey townhouses to the south, which measure 7.6m and 8.57m respectively. This alignment will, in fact, enhance the visual coherence of the streetscape by bridging the existing gap in scale and restoring continuity between flanking terraces. The extension would therefore bolster, not undermine, the visual rhythm of Marshall Drive. Furthermore, although the Council raised concerns about window positioning in relation to the new eaves height, this too is a non-issue: the new windows will be set out with the same proportional spacing from the eaves as both the existing windows and those found on the adjacent townhouses. The proposed flank wall would also not appear overly dominant; its massing is modest and, crucially, the scheme complies with the 45-degree rule, as acknowledged in the officer's delegated report. This ensures no loss of light to No. 69 and reinforces the proposal's acceptability from both a design and amenity standpoint.



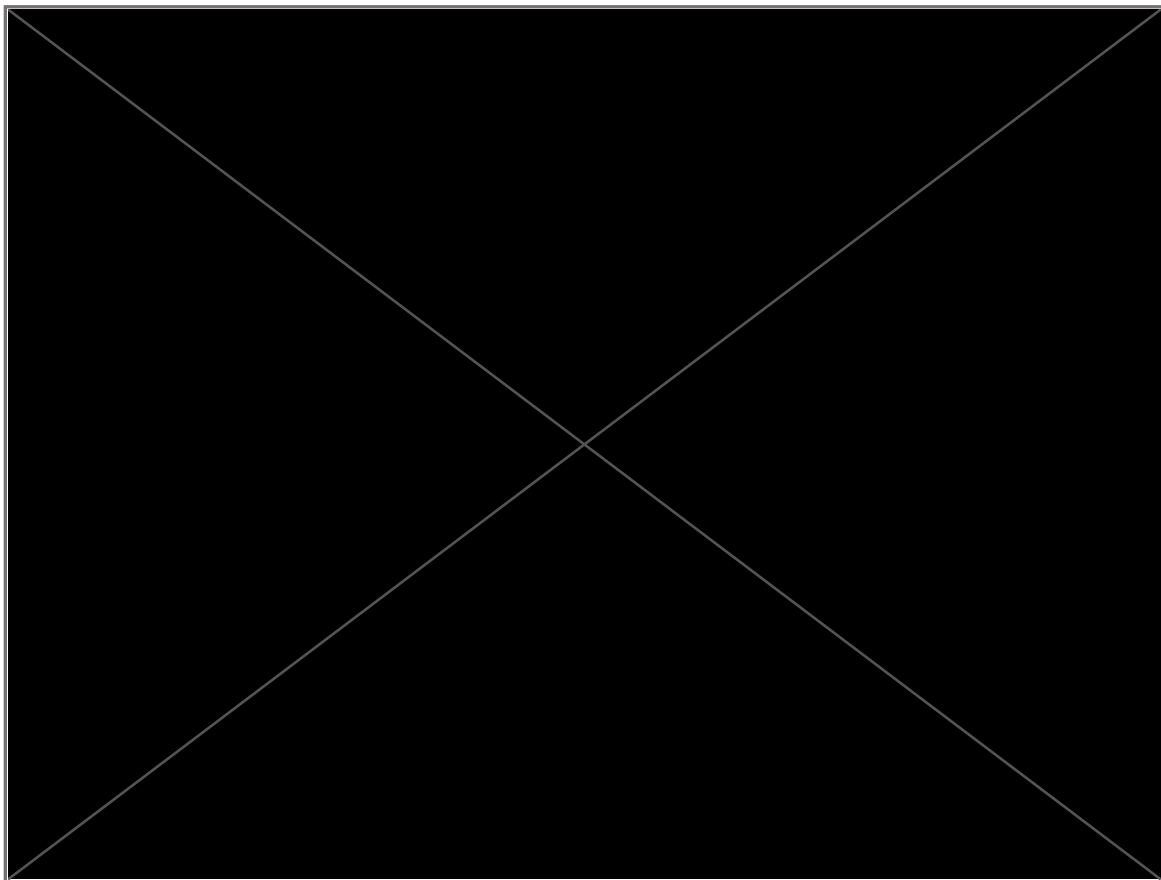
5.13. As such, the appeal proposal would be seen in the context of the diversity of building heights in the locality. Therefore, in the particular circumstances of this case, the proposed additional storey would not appear out of place. No. 71 is an end-of-terrace house and currently the only two-storey property in a row of three-storey buildings. Due to a 600mm ground level difference, it already sits significantly lower than the terrace.

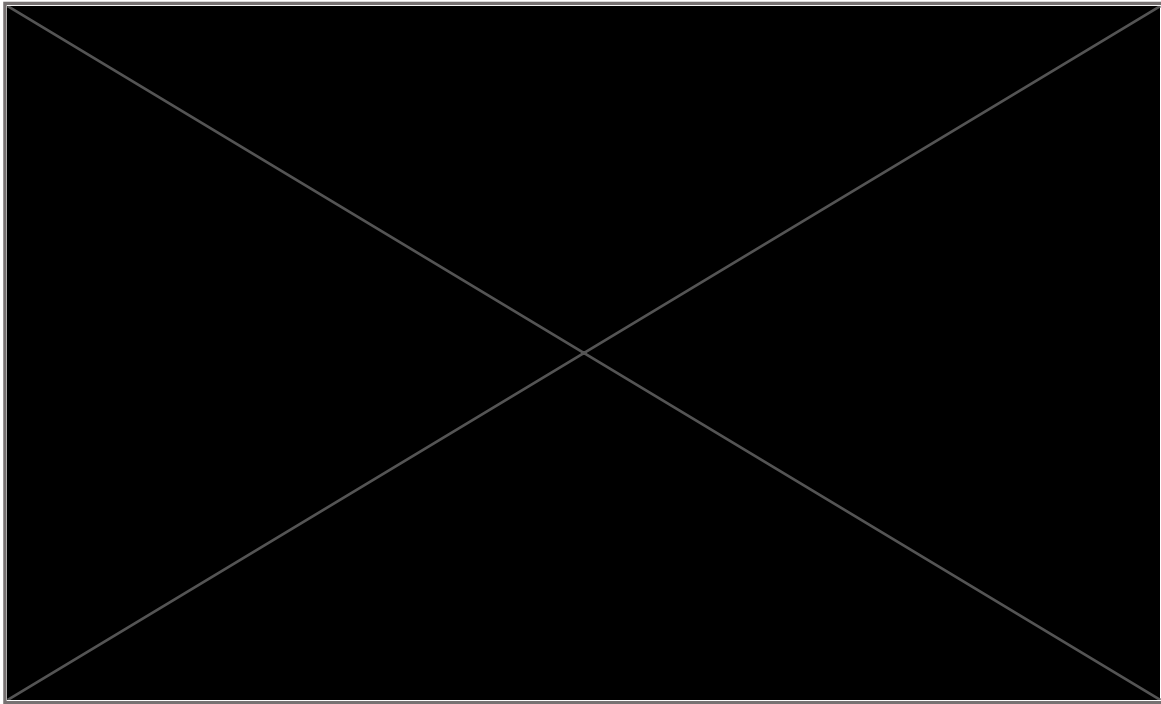


5.14. Furthermore, No. 71 is an end-of-terrace house and currently the only two-storey property in a row of three-storey buildings. Due to a 600mm ground level difference, it already sits significantly lower than the terrace. The extension would result in No. 71 being 600mm higher than the rest of the terrace, reversing its current lower position but still not aligning exactly. This minor variation is unlikely to cause significant harm. However, the wider estate already includes variations in roof heights due to topography, making the stepped effect a characteristic design feature rather than an anomaly.



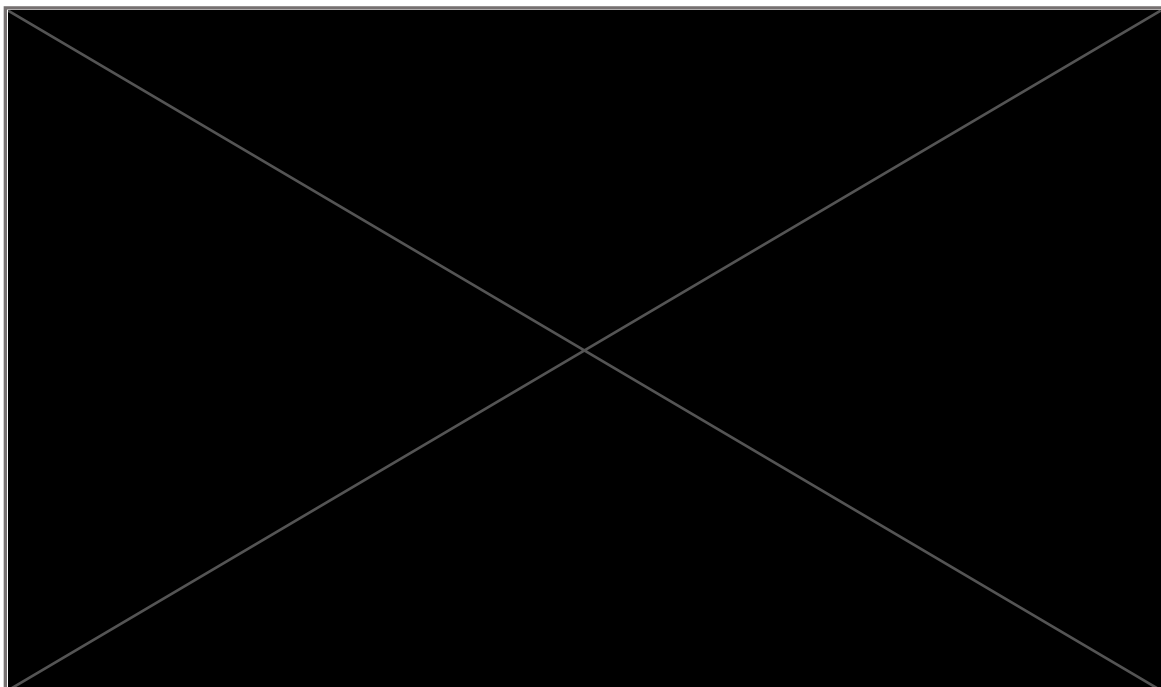
5.15. The surrounding area has varied character and scale, height and design.

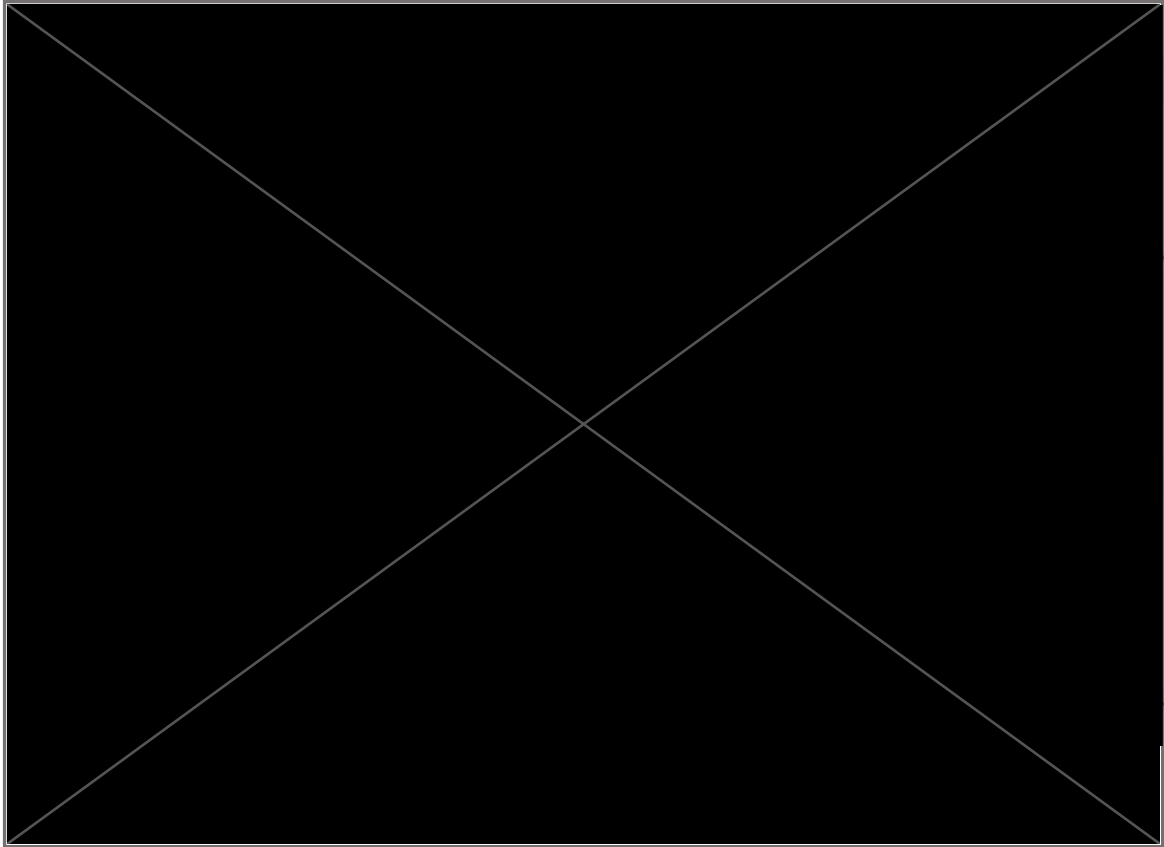




5.16. The Council took issue with increase in height and bulk, however it is the appellants view that this addition would be modest and would be acceptable in terms of its effect on the character and appearance of the appeal building and its surroundings. As such, it would not conflict with the Framework which, amongst other things, seeks well designed places.

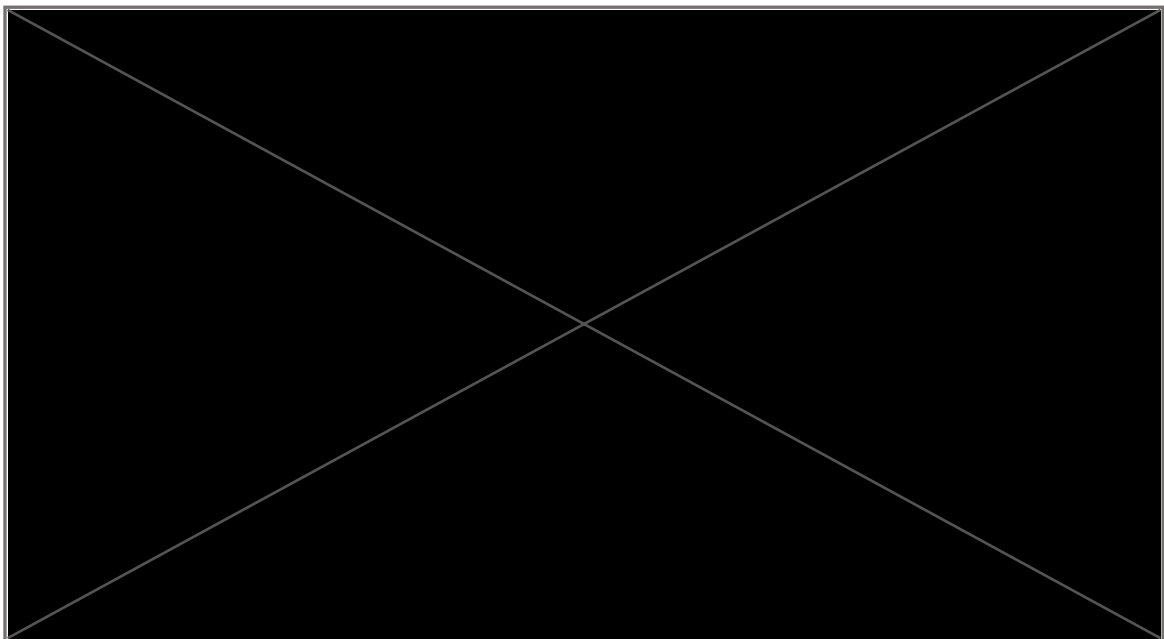
5.17. The design of the appeal scheme would not be obtrusive or harmful to the appearance of the wider streetscene. The design would blend with the host property with no notable obtrusion to character from passers-by; Matching materials and finishes ensure seamless integration with the host property. It would not detract from the appearance of the wider context. It would present itself as a piece of design that is coherent and compatible with the wider context and the host property. An illustrative example is shown below.

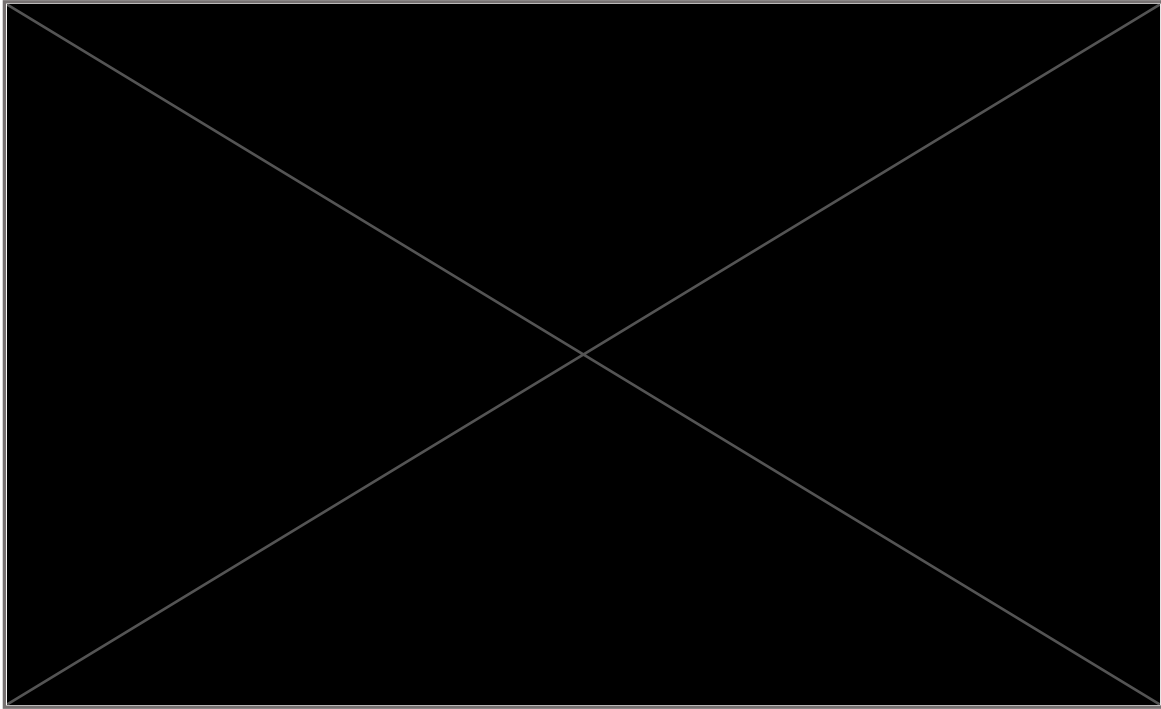




5.18. Alterations proposed in this scheme are deemed to be subordinate given the size of the property and the overall plot. The scheme is considered to be a good use of the available space by designing a well-matched scheme with the host property. The proposal complies with the specific guidance laid out in Class AA.

5.19. The below pictures demonstrate the minimal impact to the surrounding area and properties:





- 5.20.** It is considered that the proposed development would not affect outlook and/or the amount of light received in the adjacent properties. Given the level of mutual overlooking currently prevailing within the context the additional overlooking from the extension would not be significant to warrant a reason to refuse planning permission.
- 5.21.** The Council did not raise objections regarding overlooking, loss of light, or privacy, and no objections were received from neighbours during the consultation process
- 5.22.** The appellant considers that in this instance the proposals design would satisfactorily fulfil the need to provide privacy to neighbours and avoid any harm to the streetscene in this respect. With limited massing and overbearingness caused. The design is a proportionate scale. The application, when judged in context of its landholding, is reasonable and proportionate and provides a negligible impact on the host dwelling and the neighbourhood in general. There is minimal harm caused by this proposal.
- 5.23.** Overall, the appeal scheme is considered to avoid material and unacceptable harm to the living conditions of neighbouring properties. In accordance with The *National Planning Policy Framework (NPPF)* (DLUHC, 2023); *Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)* and *Policies DMHB 11, DMHB 12, and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020)* and prior approval is refused under *Condition AA.2.(3)(a)(ii)*.

Precedent

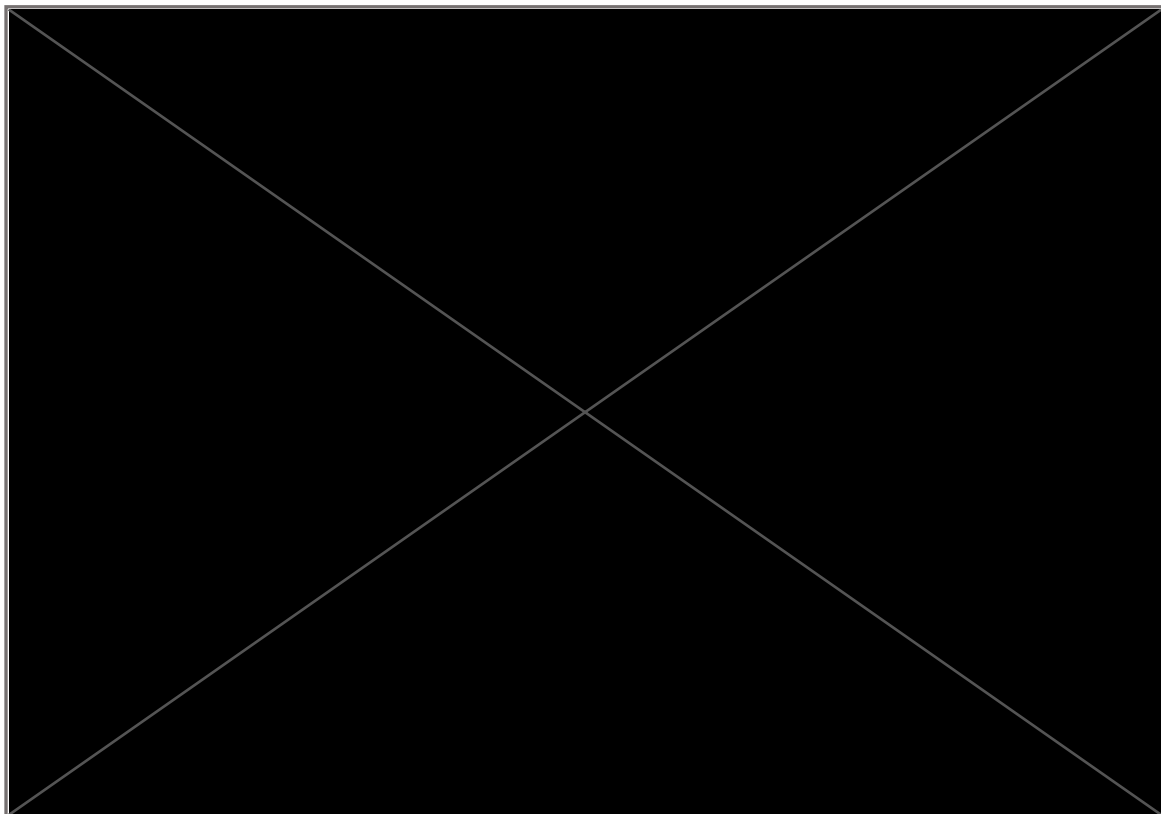
- 5.24.** The Council states that the appeal scheme, by virtue of its design, bulk, scale, and appearance, would be an incongruous form of development that would harm the appearance of the streetscene and neighbouring amenity. However, it is the appellant's view that these properties present themselves with an overall similar scale, identity, elevational treatment, and materiality to that proposed by the appeal scheme. As such, it is the appellant's case that the following precedents are examples of appropriate development within the area surrounding the appeal site.

5.25. Upward extensions are now a common feature across the borough. While many may have been approved through either planning permission or prior approval, the method of approval is secondary to the clear and established pattern of development they represent. The appeal proposal simply seeks to reflect a comparable level of extension, and in doing so, aligns with the evolving character of the local area.

5.26. Two examples of Class AA upward extensions which were allowed at appeal are shown below. These cases demonstrate a clear precedent for development of a similar nature to that which is proposed at 71 Marshall Drive in terms of size, scale, and use.

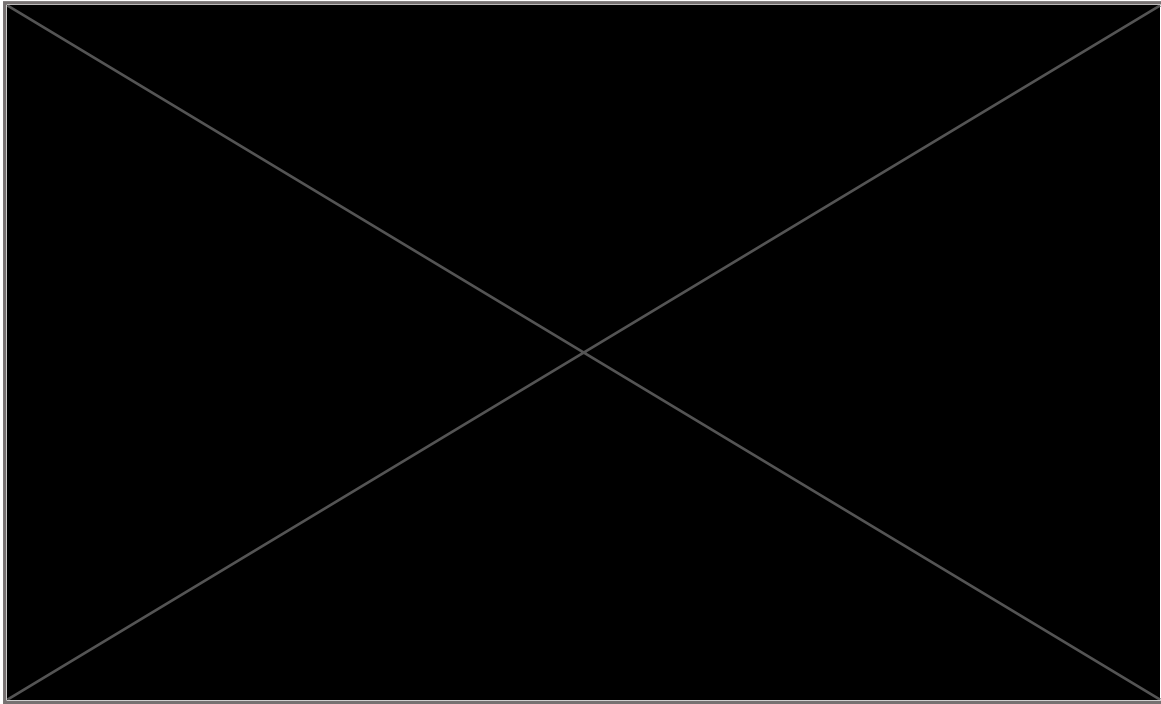
5.27. The appeal allowed at 139 North Hyde Road, Hayes, UB3 4NR (Ref: APP/R5510/D/24/3337188), granted permission to add an additional storey to an area that had predominantly one storey higher than the site which hosted a bungalow. This scheme is thought to represent a more significant and substantial addition to the appeal scheme. The inspector noted that for 139 Hyde Road:

"The additional storey would increase the height of the existing bungalow. However, as the scene is predominantly characterised by two storey properties, the depth, width and height of the dwelling would result in an acceptable massing that would not be inconsistent or disproportionate with other buildings in the street scene. As such, the proposal would not appear incongruous in its surrounding context. The gaps to the side boundaries are generous, as the bungalow is surrounded by outdoor space and the proposal would not increase its footprint. Therefore, some views across the junction would remain through the existing side gaps. Consequently, the proposal would sit comfortably in its surrounding context. For the reasons above, the proposed development would conform with the requirements and criteria of Article 3 and Schedule 2, Part 1, Class AA, paragraph AA.2.(3)(a)(ii) of the GPDO."



5.28. The appeal at 10 Hartshill Close, Uxbridge, UB10 9LH (Ref: APP/R5510/W/23/3321565) sought permission for an upward extension to a detached two storey dwelling that faces onto Hartshill Close. 10 Hartshill Close is sited near the end of the property line of similar two-storey properties with front facing gables, which are positioned close together. In the final decision report the Inspector stated that:

"Whilst the proposal would make the appeal property higher than the properties nearby, including those with similar front facing gables, it would not be significantly higher. From its front elevation, there would be no openings at second floor level. In view of this, and the existing variety of the frontages of properties along Hartshill Close, the proposal would not appear out of scale with them, nor would it appear incongruous. Although there would be some effect on the regular pattern of the front facing gabled properties along this side of the road, due to the proposal's limited increase in height, and it being at one end of the line of this style of property, it would not harmfully disrupt this symmetry, when viewed in either direction along Hartshill Close. Consequently, I find that the external appearance of the proposal would be acceptable in terms of its effect upon the dwellinghouse and the area, and the proposal would accord with the requirements of paragraph AA.2.(3)(a)(ii) of Class AA of the GPDO".



- 5.29.** The precedent is set by these approvals, which involved Class AA upward extensions. In these cases, the development was permitted for similar development within the London borough of Hillingdon.
- 5.30.** As such, the appellant argues that the proposed development at No. 71 has been unfairly assessed in this respect. The impact on the host property, streetscene and neighbouring properties is minor, and the appeal scheme should therefore be allowed, as it adheres to principles of good design and respects neighbourly relationships.
- 5.31.** Overall, it is the appellant's case that these precedents demonstrate that the appeal scheme would not appear dominant or incoherent within the context of Marshall Drive and would avoid unacceptable harm to the appearance of the wider area.

Further Considerations

- 5.32.** It is essential to note that the National Planning Policy Framework (NPPF) promotes sustainable development, which includes the effective use of land by reusing land that has been previously developed. The proposed development aligns with this principle, as it seeks to make optimal use of the existing property whilst safeguarding the appearance of the appeal site and wider area.

5.33. The National Design Guide emphasises the importance of buildings that are well-designed and contribute positively to their surroundings. The proposed development adheres to these guidelines by incorporating high-quality materials and a design that respects and enhances the existing character of the area.

In Summary

5.34. The development should therefore be deemed acceptable as it would improve the character and quality of the host property and would avoid harm to the appearance and amenity of the wider area. The appeal scheme would be an appropriate, high-quality proposal that has been specifically designed to meet the constraints of the appeal site and to complement the design and style of the host property whilst taking account of its context, improving the quality of accommodation, and avoiding harm to neighbouring properties, meeting the 45-degree rule required.

5.35. Therefore, the appellant asserts that the proposed development aligns with the requirements of *The National Planning Policy Framework (NPPF) (DLUHC, 2023)*; *Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)* and *Policies DMHB 11, DMHB 12, and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020)* and prior approval is refused under Condition AA.2.(3)(a)(ii).

5.36. As such, the appellant respectfully urges the Inspector to consider these policy alignments favourably and grant permission for the appeal.

6. Conclusion

- 6.1.** This appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended). It sets out the Appellant's Case against the refusal of application (ref: 78778/APP/2024/2378) by Hillingdon Borough Council.
- 6.2.** The Council's refusal is based on the perceived scale, bulk, and design of the proposal and its alleged impact on the streetscene and neighbouring amenity. However, the appellant has demonstrated that the proposal fully complies with the requirements of Class AA under the General Permitted Development Order (GPDO) and meets all necessary conditions. The design has been carefully considered to ensure proportionality, subordination to the host dwelling, and visual coherence with the surrounding area. The use of matching materials, alignment with the roof profile, and integration into the existing built environment all ensure that the extension does not result in an incongruous or obtrusive addition.
- 6.3.** The Council's concerns regarding visual impact and character have been effectively refuted through reference to similar approvals in the area, the precedent for upward extensions, and the gradual variation in building heights along Marshall Drive due to topography. The appellant has further illustrated that the proposal would not cause undue harm to neighbouring properties in terms of light, privacy, or outlook, and that any potential concerns regarding massing have been adequately mitigated by the careful design and positioning of the extension.
- 6.4.** Furthermore, the National Planning Policy Framework (NPPF) promotes sustainable development and the efficient use of land, which this proposal directly aligns with. The London Plan (2021) and Hillingdon Local Plan support high-quality design, but these policies are not determinative in GPDO applications. The refusal has been misapplied in this context, as the proposal adheres to permitted development rights and should be assessed accordingly.
- 6.5.** Given the compliance with Class AA of the GPDO, the lack of demonstrable harm to neighbouring properties or the wider streetscape, and the alignment with national planning objectives, the appellant respectfully requests that the Inspector allows this appeal and grants prior approval for the proposed upward extension.