

10 The Greenway Ickenham UB10 8LS

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**APPEAL BY MR AND MS L AND T P REDDEN AND FERNANDES UNDER
SECTION 78(1) OF THE TOWN AND COUNTRY PLANNING ACT 1990
AGAINST THE DECISION OF THE LONDON BOROUGH OF
HILLINGDON TO REFUSE PLANNING PERMISSION FOR THE
ERECTION OF A NEW GROUND FLOOR PORCH AND FIRST FLOOR
EXTENSION AT 10 THE GREENWAY, ICKENHAM UB10 8LS**

LPA REFERENCE: 79332/APP/2025/1943

12 December 2025

WRITTEN REPRESENTATION

CONTENTS

SECTION 1	The Appeal Site and its Location
SECTION 2	The Planning Application
SECTION 3	Relevant Planning History
SECTION 4	Relevant Planning Policies and Supplementary Guidance
SECTION 5	Grounds of appeal
SECTION 6	Conclusions

1.0 THE APPLICATION SITE AND ITS LOCATION

- 1.1 The application site lies to the southeast of the Y-junction of The Greenway and is attached to Number 12 on its northeast elevation with which it forms a pair of semi-detached dwellings. The property shares a common boundary with Number 8 to the southeast.



Figure 1:Site Location

2.0 The Planning Application

2.1 The Application, the subject of this Appeal, was submitted to and registered by the Local Planning Authority (LPA) on the 30th July 2025.

2.2 The application was refused on the 6th October 2025 for one reason stated in the Decision Notice submitted with this appeal statement.

3.0 Relevant Planning History

3.1 None recorded.

4.0 RELEVANT PLANNING POLICIES AND EXPLANATORY

COMMENTS

4.1 National Planning Policy Framework (NPPF) (07 February 2025)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision Making
- Chapter 7: Requiring good design
- Chapter 12: Achieving well-designed places

4.2 The Development Plan

The statutory Development Plan for the London Borough of Hillingdon is constituted by a number of separate documents, and the following together constitute the statutory Development Plan:

The London Plan (GLA, March 2021).

- Policy D1: London's form, character and capacity for growth

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- Policy D3: Optimising site capacity through the design-led approach
- Policy D4: Delivering Good Design
- **Hillingdon Local Plan Part 1 (2012) and Part 2 (2020)**
- DMHB 11 Design of New Development
- DMHB 18 Private Outdoor Amenity Space
- DMHD 1 Alterations and Extensions to Residential Dwellings
- DMT 2 Highways Impacts
- DMT 6 Vehicle Parking
- LPP D4 (2021) Delivering good design
- LPP D3 (2021) Optimising site capacity through the design-led approach
- LPP D6 (2021) Housing quality and standards

Supplementary Planning Guidance (SPG)- (Adopted 01 February 2018)

Altering And Extending Your Home SPD

Other Design Guidance

- National Design Guide (2019)

5.0 GROUNDS OF APPEAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined according to the development plan unless other material considerations indicate otherwise, and this approach is repeated in the National Planning Policy Framework. This statutory presumption is reinforced by paragraphs 2, 11 and 135 of the NPPF, which emphasise proportionate, evidence-based decision-making.

5.2 The LPA's refusal does not demonstrate a conflict with the Development Plan when read as a whole and does not properly apply the relevant SPD. This represents a material error in policy interpretation and application. In this case, the relevant development plan policies and national advice are listed in section 4.0 of this report.

5.3 The Development Plan must be read as a whole. Even if minor tension with one policy were identified, the Development Plan must be considered in its entirety. In this case, the proposal:

- optimises site capacity (London Plan D3),
- delivers good design (London Plan D4),
- respects local character (DMHB 11),
- protects amenity (DMHD 1), and
- complies with the SPD.

The Appellant, therefore, contends that there is no conflict of sufficient magnitude to justify a refusal

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- 5.4 The application was refused for one reason reproduced below for ease of reference:

The development, by reason of the cumulative size, scale, and design would result in a visually dominant form of development that would be detrimental to the neighbouring amenities of No 12 Greenway creating an overbearing impact on the main habitable rooms and private amenity space serving this property which results in loss of outlook and sense of enclosure and therefore conflicts with 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 Paragraph 135 of the National Planning Policy Framework (2024).

- 5.5 Following on from this reason for refusal to grant planning permission, the Appellant considers that the main issue in this appeal relates to the impact of the proposed development on the amenities of the neighbouring property occupiers at 12 The Greenway. The Appeal Statement should be read in conjunction with the Appellant's summary included in Appendix 1.

5.6 Impact on residential amenity

- 5.7 Notwithstanding its acknowledgement of the findings of the daylight assessment¹, the LPA maintains its concerns regarding the overall depth of the extension and its proximity to the common boundary with No. 12 The Greenway. The LPA considers that the projection beyond the neighbouring property would lead to a sense of enclosure and a dominant form of development from this neighbour's space, leading to an oppressive living environment for the adjoining

¹ Appendix 2: Daylight and Sunlight Assessment

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residents due to its height, depth and proximity to the boundary. It is further claimed that, given the overall limited depth of the rear garden serving No. 12 The Greenway, the extension would exacerbate this sense of enclosure and dominance. As such, the LPA concludes that the proposed extension would result in undue harm to the amenity of the occupants of this property.

5.8 The Appellant refutes the LPA's claims for the following reasons:

- i. Paragraph 5.10 of the SPG states that the width and height of the extension in relation to the original house should be considerably less than that of the original house and be between half and two-thirds of the main house width, depending on the plot size and character of the area. In this case, the width of the proposed first-floor extension would be 4 metres compared to that of the existing dwelling, which is approximately 8.2 metres, and its height would be set below the existing ridge by approximately 1 metre, thus satisfying the limits set in the SPG. The importance of design guides is stressed at Paragraph 133 of the NPPF, which makes it clear that, '...To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences...' The Inspector is therefore requested to give significant weight to the fact that the proposed first-floor extension would comply with the SPG.
- ii. Where a proposal accords with adopted design guidance, the LPA must provide clear and compelling evidence to justify a departure. No such evidence is provided.

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iii. The LPA's assessment relies on assertions of "dominance" and "enclosure" but does not substantiate these claims with:

- measurable harm,
- objective assessment, or
- reference to BRE daylight/sunlight standards.

Whilst the LPA acknowledges the daylight assessment, it nevertheless disregards its conclusions without justification. This is procedurally flawed and contrary to established planning practice.

iv. The Inspectorate has consistently held that perceived dominance is insufficient without demonstrable harm.

v. Regarding the loss of outlook, Case law (including *Mansell v Tonbridge & Malling BC [2017]* and *South Oxfordshire DC v SSE & G [1981]*) establishes that:

- "Outlook" relates to the ability to see the sky and open space,
- Not to the attractiveness of the view,
- And not to subjective feelings of enclosure.

The proposal:

- is set back 1m from the boundary,
- is set down from the ridge,
- does not breach the 45-degree or 25-degree tests,
- does not obstruct primary windows, and

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- does not enclose the patio area.

The legal threshold for “material loss of outlook” is therefore not met.

- vi. Furthermore, there would still be outlook from the southeast.
- vii. The LPA incorrectly treats the small patio at No. 12 as a primary amenity area. In reality:
 - The main garden extends significantly to the northwest.
 - The patio is a secondary, ancillary space.
 - Appeal precedent confirms that harm to secondary amenity areas carries limited weight.
- viii. The LPA’s failure to distinguish between primary and secondary amenity space is a material misdirection. As shown in Figure 2, the Appellant contends that the adjoining outdoor space at Number 12 is a patio area which complements the more extensive garden to the northwest and hence, performs a secondary function.



Figure 2: Extensive garden and patio

- ix. In any event, contrary to the LPA’s claim, this patio area would not be enclosed.

- x. The adjacent first-floor window at Number 12 is set in from the shared boundary with the appeal property.(Figure 3).



Figure 3: Window locations relative to the shared boundary

- xi. The ground floor extension at Number 12 has large windows on two elevations. (Figure 4).



Figure 4: Views from the southeast and north

5.9 Taking these factors into account, the Appellant contends that the proposed first-floor extension would not result in adverse harm to the residential amenities of the occupiers of the neighbouring property at Number 12 The Greenway and hence, conforms with the development plan in this respect.

5.10 In the Appellant's opinion, material considerations weigh strongly in favour of approval and these include:

- Full compliance with the SPD
- Absence of demonstrable harm
- BRE-compliant daylight impacts
- Subordinate design
- Preservation of outlook
- Retention of neighbour amenity

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- Consistency with national policy on proportionate decision-making

These considerations outweigh the LPA's unsubstantiated concerns.

6.0 CONCLUSIONS

- 6.1 The proposal accords with the Council's SPD on two-storey extensions and is demonstrably subordinate in scale and design.
- 6.2 The evidence shows that the development would not cause adverse harm to the residential amenity of neighbouring occupiers.
- 6.3 The refusal misapplies policy, lacks an evidential basis, and conflicts with the NPPF's requirement for proportionate, consistent, and design-led decision-making.
- 6.4 Having regard to the foregoing appraisal, the Planning Inspector is respectfully requested to allow the appeal.