

APPEAL BY MR S BISWAS

Proposal: Erection of a two storey side extension at 44 Reservoir Road, Ruislip, Middlesex HA4 7TU

Plans/Drawings: Drawings number MD/1076 – 01/MP, 02/FP Rev A, 03/FP Rev A, 04/FP Rev A and 04/FP Rev A (including 1:1250 Location Plan)

Local Authority: London Borough of Hillingdon

APPEAL STATEMENT

Location of the Appeal Site

1. The 0.02 hectare (approx.) appeal site is located on the southern side of Reservoir Road, east of the junction with Abercorn Grove. It is occupied by a two storey detached house built of brick with a plain tile roof, of utilitarian design and appearance, with a gable roof and an existing rear dormer window. The appeal site is not within a conservation area nor is the area otherwise designated. To the east of the site is Ruislip Lido, which is identified as a Metropolitan Park by the Council.
2. The following photograph shows the appeal site and property.



44 Reservoir Road, Ruislip

3. The area is residential in character and contains a variety of two storey terraced, semi-detached and detached dwellings and flats in a variety of designs in small size plots. Many other dwelling houses in the area have been extended or otherwise altered.

Relevant Planning History

4. An application for a similar development at 44 Reservoir Road, including a slightly deeper two storey side extension with a higher ridge, was refused by the Council in August 2014, Council application reference 11644/APP/2014/2129.

The Appeal Proposal

5. The appeal application was submitted in September 2014. The proposed two storey side extension would provide a family room, lounge extension and a bedroom. It would be approximately 3.8m wide and 6.8m deep, reduced from the application refused in August 2014, with a gable roof and sited approximately 1.0m from the side boundary with 42A Reservoir Road. 42A Reservoir Road is set in approximately 4.0m from the boundary with 44 Reservoir Road. The extension would be sited approximately 0.55m behind the front elevation and its ridge would be approximately 0.2m lower than the existing house. The extension would be constructed in brick and tile to match the existing house.
6. It is also proposed to provide two parking spaces, sited to the north of the proposed extension, which would be accessed from Reservoir Road. Each of the parking spaces would be approximately 2.4m wide by 4.8m long.
7. The Ruislip Residents Association was consulted regarding the application. No objections were made to the proposed extension by Ruislip Residents Association.
8. The appeal proposal will provide a well-designed extension to be built in matching materials that is sustainable development. It will optimise the potential of the site to accommodate development and preserve the character and appearance of the existing property, the street scene and development in the area. However, the Council refused planning permission on 14 November 2014.
9. The Council's reasons for refusal are as follows:
 1. The proposal results in the removal of existing/potential parking provision and fails to provide adequate replacement off street parking. The proposal is thus likely to result in additional on street parking in an area where such parking is at a premium, to the detriment of highway safety contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.
 2. The proposal would result in the provision of an excessively wide crossover, when combined with the existing crossovers, to the detriment of highway and pedestrian safety contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.
 3. The proposal would result in damage to or possible removal of an existing mature street tree to the detriment of the visual amenity of the street scene and the wider area, contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.
 4. The proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the extended property. As such the proposal would provide a sub-standard form of accommodation for current and future residents contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.
10. We consider planning permission should have been granted for the appeal proposal. The proposed two storey side extension will provide a well-designed extension to be built in matching materials that is sustainable development. It would be sited approximately 0.55m behind the front elevation and its ridge would be approximately 0.2m lower than the existing house. The proposed development includes the provision

of two parking spaces, sited to the north of the proposed extension, which would be accessed from Reservoir Road. Each of the parking spaces would be approximately 2.4m wide by 4.8m long. The proposed two storey side extension meets a housing need for the appellant. It will optimise the potential of the site to accommodate development and preserve the character and appearance of the existing property, the street scene and development in the area.

11. It should be noted that the Report of the Head of Planning, Sport and Green Spaces confirms in Section 5 that the proposed extension will not detract from the visual amenities of the existing dwelling and the surrounding area and therefore would be in compliance with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Policies BE13, BE15, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions. The Report of the Head of Planning, Sport and Green Spaces also confirms in Section 5 that the proposed extension will not harm the residential amenities of the occupiers of the adjacent property, would not be an unneighbourly form of development and would be in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 3.0 of the Council's adopted Supplementary Planning Document HDAS: Residential Extensions as well Policy 7.4 of the London Plan 2011.

The Main Appeal Considerations

12. Based on a review of the Council's reasons for refusal, the main appeal considerations appear to be: off street parking provision; the widening of the existing crossover; alleged damage to or possible removal of an existing mature street tree; and the provision of amenity space of sufficient size and quality.

Why Planning Permission Should Have Been Granted

Off Street Parking Provision

13. With regard to the provision of off street parking, it is respectfully submitted that 2 off street parking spaces can be provided in front of the existing house as permitted development under the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). If the Planning Inspector considers it necessary, the provision of 2 off street parking spaces in front of the existing house can be conditioned.
14. The submitted block plan and drawing number MD/1076 – 02/FP Rev A show the provision of 2 off street parking spaces. Each of the parking spaces would be approximately 2.4m wide by 4.8m long. We do not consider that the off street parking spaces provided are inadequate. It is clear that the off street parking spaces shown on the submitted block plan can be used to park cars off street. Therefore, we do not agree that there will be any detrimental impact on highway safety contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The Council have not submitted any evidence to demonstrate that proposed off street parking spaces cannot be used or will have a detrimental impact on highway safety.
15. It should be noted that parking is only controlled by double yellow lines on the southern side of Reservoir Road. Parking on the northern side of Reservoir Road is not controlled. This level of parking control does not support the Council's comment in Section 5 of the Report of the Head of Planning, Sport and Green Spaces that "at the time of the site visit there was no available on street parking". In our experience, including recent visits to the appeal site, there is normally on street parking available in Reservoir Road.

16. The Planning Inspector should also be aware that at the eastern end of Reservoir

Road, a short walk east of the appeal site, there are two large car parks serving Ruislip Lido that provide hundreds of off street parking spaces. In our experience, including visits to Ruislip Lido, there is always off street parking available in these car parks.

The Widening of the Existing Crossover

17. We do not agree that the appeal proposal would result in the provision of an excessively wide crossover. The appeal proposal will not result in the provision of a wider crossover. It is not proposed to widen the existing crossover.
18. It is respectfully submitted that the 2 proposed off street parking spaces can be served by the existing crossover at 44 Reservoir Road. The 2 spaces will be used in the same way that 2 spaces are used in the many dwellings in the local area with 1 garage and 1 car parking space in front of / in tandem with the garage. It should also be noted that the existing crossover at 44 Reservoir Road joins with the existing crossover at 42A Reservoir Road.

Damage to or Possible Removal of an Existing, Mature Street Tree

19. For all the reasons stated in the previous paragraph we do not agree that the appeal proposal would result in damage to or possible removal of an existing mature street tree. The Council have not submitted any evidence to demonstrate that the existing mature street tree will be damaged or may have to be removed.
20. It is not proposed to widen the existing crossover. It is respectfully submitted that the appeal proposal will not result in the provision of a wider crossover. The 2 proposed off street parking spaces can be served by the existing crossover at 44 Reservoir Road. The 2 spaces will be used in the same way that 2 spaces are used in the many dwellings in the local area with 1 garage and 1 car parking space in front of / in tandem with the garage. Therefore, the appeal proposal will not result in damage to or possible removal of an existing mature street tree.

The Provision of Amenity Space

21. With regard to the provision of amenity space, we do not agree that amenity space of sufficient size and quality has not been provided. The submitted block plan shows the provision of over 88 square metres of amenity space in the rear garden of 44 Reservoir Road. The front garden of 44 Reservoir Road also provides over 47 square metres of amenity space. The front garden of 44 Reservoir Road is bounded by a 1.8 metre fence. Therefore, it is respectfully submitted that the appeal proposal will provide over 135 square metres of amenity space of sufficient size and quality, far in excess of the 100 square metres requirement in Paragraph 5.13 of the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.
22. It should also be noted that appeal site adjoins the western edge of the Ruislip Lido site, which is identified as a Metropolitan Park by the Council, and provides many thousands of square metres of high quality, amenity space within very close walking distance.

National and Regional Planning Policy

23. The *National Planning Policy Framework (NPPF)*, published in March 2012, sets out Government planning policies for England and how these are expected to be applied. It states in paragraph 14 that the purpose of the planning system is to contribute to the achievement of sustainable development and that a presumption in favour of sustainable development is at the heart of the NPPF.
24. For decision-taking, paragraph 14 of the NPPF states that this means:

- approving development proposals that accord with the development plan without delay;
 - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
25. Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision-taking. The second and fourth principles state that planning should:
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; and
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
26. Section 7 of the NPPF is headed "Requiring good design". However, there are no specific policies or guidance relating to extensions to houses. Indeed, paragraph 60 of the NPPF states "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".
27. Paragraph 58 of the NPPF states, inter alia, that planning policies and decisions should aim to ensure that developments optimise the potential of the site to accommodate development (my underlining) and respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging innovation.
28. The appeal proposal will be constructed in materials to match the existing house. It is considered to optimise the potential of the site to accommodate development. It will preserve the character and appearance of the existing property, the street scene and development in the area and will optimise the potential of the site to accommodate development. Therefore, it will fully meet the requirements of NPPF planning policies and will achieve sustainable development.
29. The appeal proposal will contribute to the very important NPPF objective and the *Mayor's London Plan (2011)* objective of maximizing the use of previously developed land in urban areas, thereby securing the full and effective use of land within the developed area for housing and increasing the density of development in this particularly sustainable location. Maximum use must be made of such sustainable urban sites if greenfield sites are to be protected from development.

Development Plan Policy

30. The development plan for the site is the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The Hillingdon Local Plan (HLP) emphasises the importance of securing the full and effective use of land within the developed area for housing.
31. The Report of the Head of Planning, Sport and Green Spaces confirms in Section 5 that the proposed extension will not detract from the visual amenities of the existing dwelling and the surrounding area and therefore would be in compliance with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Policies BE13, BE15, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved

UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions. The Report of the Head of Planning, Sport and Green Spaces also confirms in Section 5 that the proposed extension will not harm the residential amenities of the occupiers of the adjacent property, would not be an unneighbourly form of development and would be in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 3.0 of the Council's adopted Supplementary Planning Document HDAS: Residential Extensions as well Policy 7.4 of the London Plan 2011.

32. Policy AM7 seeks to ensure, inter alia, that planning permission is not granted for development that will prejudice conditions of general highway or pedestrian safety. It is considered that the proposed extension will not result in the provision of a wider crossover. It is not proposed to widen the existing crossover. The proposed extension includes the provision of 2 off street parking spaces that can be used to park cars off street and therefore meet the Council requirements for off street parking. Therefore, the proposed development will not prejudice conditions of general highway or pedestrian safety.
33. Policy AM14 requires that new development is only permitted where it is in accordance with the Council's adopted car parking standards. The proposed extension includes the provision of 2 off street parking spaces. Each of the parking spaces would be approximately 2.4m wide by 4.8m long. As described in the above section "Why Planning Permission Should Have Been Granted" the parking spaces can be used to park cars off street and therefore meet the Council requirements for off street parking. Therefore, the proposed development is in accordance with the Council's adopted car parking standards.
34. Policy BE23 seeks to ensure that new residential development or extensions provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is useable in terms of its shape and siting. The proposed development will provide over 135 square metres of amenity space of sufficient size and quality (far in excess of the 100 square metres requirement in Paragraph 5.13 of the Council's adopted Supplementary Planning Document HDAS: Residential Extensions). The Report of the Head of Planning, Sport and Green Spaces confirms in Section 5 that proposed extension will also not harm the residential amenities of the occupiers of 42A reservoir Road. It is considered that the proposed extension will maintain high quality external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is useable.
35. Policy BE38 seeks to ensure that development proposals retain and utilise topographical and landscaping features of merit. As described in the above section "Why Planning Permission Should Have Been Granted", it is considered that the proposed extension will not result in the provision of a wider crossover. Therefore, it will not result in damage to or possible removal of the existing mature street tree.
36. It has been clearly shown in this statement that the proposed extension will fully meet the requirements of national, regional and HLP policy and the Council's Design Guidance.

Appeal Proposal Merits

37. The proposed two storey side extension is well designed. It is designed and sited to be subordinate to and preserve the design of the existing house. It will harmonise with the scale, form, architectural composition and proportions of the existing house; the visual amenities of the street scene and surrounding area; and will respect the amenities of the occupiers of adjoining and nearby properties.
38. The proposed extension is sustainable development and complies with the NPPF,

regional planning policy, all the relevant policies of the HLP and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions (December 2008).

39. The proposed extension will meet a housing need for the appellant, contribute to the very important policy objective of securing the full and effective use of land within the developed area for housing and increase the density of development in this sustainable urban location. Therefore, in the absence of any material considerations that would indicate otherwise, a presumption in favour of the extension clearly exists.

Conclusions

40. The appeal proposal is considered to fully meet the provisions of the development plan, in accordance with the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.
41. Therefore, in the absence of any material considerations that would indicate otherwise, a presumption in favour of the appeal proposal clearly exists. In particular, the proposed extension is sustainable development and accords with national, regional and local planning policies to achieve sustainable development and secure the full and effective use of previously developed land.
42. The Ruislip Residents Association made no objections to the proposed extension.
43. For the reasons set out in this statement, it is respectfully submitted that this appeal is allowed, subject to conditions that the Inspector considers to be necessary and appropriate.
44. The appellant reserves the right to comment upon any further submissions made by the local planning authority and third parties as appropriate.

JW/44/R/2014

10 December 2014