

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

ON BEHALF OF

Mr Pervinder Brar of:

72 WINDSOR AVENUE, HILLINGDON, UB10 9AV.

**AGAINST THE DECISION OF
LONDON BOROUGH OF HILLINGDON,**

**TO REFUSE PLANNING PERMISSION FOR A
SINGLE STOREY SIDE/FRONT EXTENSION.**



**FASTRACK HOUSEHOLDER APPEALS SERVICE (HAS):
WRITTEN REPRESENTATIONS APPEAL**

1. BACKGROUND TO THE APPEAL:

1.1 We are making this planning appeal within the terms of Section 78 of the Town and Country Planning Act 1990, by way of the recently introduced fast – track Householder Appeals Service, and the Written Representations procedure. The appeal will be lodged on – line, using the Planning Portal website, and the relevant documents attached to the on – line forms:

- Decision Notice;
- Planning Application forms.

1.2 A complete set of drawings (including any Amended drawings) associated with this application will be provided by the London Borough of Hillingdon (herein called the Local Planning Authority – LPA) as part of their questionnaire they are required to complete. The original planning application relating to this appeal was submitted to the LPA, The London Borough of Hillingdon on 13th October 2014, and was allocated Planning Application file reference: 27737/APP/2014/3643.

1.3 The Agent who submitted the original application was Ramesh Pankhania, a locally based and experienced Building Surveying Company, and we have been asked to prepare and lodge this HAS Fast-track appeal, on behalf of the Appellant, Mr Pervinder Brar.

Unfortunately, you will see that the application was subsequently refused by the London Borough of Hillingdon, on 4th December 2014 and was refused for the two reasons, as shown on the Decision Notice, which will be forwarded to the planning Inspectorate, as part of this appeal on-line. To summarise, the Decision Notice contained the following Reasons for Refusal:

1 "The proposed development, by reason of its size, scale, bulk, and design in this open prominent position would result in the closing of an important gap characteristic to the area, resulting in a cramped appearance. The proposal therefore represents an overdevelopment of the site to the detriment of the character and visual amenities of the street scene and the wider area.

The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions”.

2 “The proposed extension, by virtue of its siting, size, scale, bulk, and width would fail to appear subordinate addition and would thus be detrimental to the appearance of the original and adjoining properties the visual amenities of the street scene, and the character and visual amenities of the wider area.

The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions”

- 1.4 This appeal is made on the grounds that development could take place without conflicting with (1) the National Planning Policy Framework, (2) the Adopted Local Plan and the associated saved policies in the Hillingdon’s Adopted Unitary Development Plan (UDP), and (3) the Supplementary Planning Guidance (SPG) in relation to *Residential Extensions*.
- 1.8 However, for the reasons set out in this statement, we would also counter the Reasons for Refusal highlighted above, and suggest that the proposed side extension has been designed as a comprehensive design solution, which would be ‘subordinate’ to the original core of the house, clearly being lower in height to the main ridge and creating a logical step – down in ridge height from the main ridge,. down to the side – front right – hand side of the property.
- 1.9 In addition, in this case, we would also add that (A) there is an existing prominent flat roof which extends further out than the proposed extension and (B) there are numerous other similar side extensions on corner plots such as this, which we will refer to in making this appeal case shortly.

2. THE APPEAL PROPERTY:

- 2.0 No72 Windsor Avenue is the right hand half of a pair of semi – detached houses, in this relatively attractive low – density post – war housing area, which falls under the administrative authority of the **London Borough of Hillingdon**, on the north western side of London, being one of the ‘outer – boroughs’ of the Metropolis.
- 2.1 The properties in the area are characterised by predominantly semi – detached houses, set in relatively large plots, although No72 is on the corner of (facing) Windsor Avenue, but with its side – flank wall facing a road to the side – Ryefield Avenue, and there are a number of matching corner plots, which have either been extended or remain ‘open – plan’.
- 2.2 This relationship is shown below:



- 2.3 So, No72 Windsor Road faces south east, with its rear garden facing north west, and a low brick wall partially screening the front garden from both roads. The area is characterised by similar properties on “linear” streets, many of which have turned their respective front gardens into car parking, so hard – paved them over, with little or no landscaping. It has a detached single garage which is accessed via Ryefield Avenue.

This appeal is made on the basis that the side extension would not result in the *“closing of an important gap ”* or indeed a *“cramped appearance”* for a number of reasons:

1. The “gap to the side” is already closed to a degree by the existing single storey flat roof side extension;
2. The “replacement” side extension is single storey, and therefore still clearly “subordinate” and would not be dominant or visually intrusive;
3. By comparison to the existing flat roof, then the new roof would be more attractive with its pitched – tiled roof, and;
4. There are numerous other examples (precedents) in the area, on similar corner plots, as referred to and acknowledged in the Planning – Case Officers report, set out below;
5. None of the neighbouring properties or the local Residents Association felt sufficiently concerned to write and object;

3. RELEVANT PLANNING POLICY:

- 3.1 The new **National Planning Policy Framework (NPPF)** came into force on 27 March 2012 and this has replaced national Planning Policy Guidance (PPG's) and Statements (PPS's) and other documents, and therefore we will be referring to this revised guidance in our forthcoming case shortly.
- 3.2 The current Adopted Development Plan of the London Borough of Hillingdon comprises the ***Hillingdon Local Plan (Adopted November 2012)***. Part 2 of the adopted plan incorporates saved policies from the ***London Borough of Hillingdon Unitary Development Plan (Adopted 2007)***.
- 3.3 The relevant policies referred to in the reasons for refusal are **Policy BE1** (Built Environment) of the Hillingdon Local Plan, Part 1, and Policies **BE13, BE15, BE19, and BE22** which are saved policies (November 2011) from the London Borough of Hillingdon Unitary Development Plan.
- 3.4 The decision notice also makes mention of the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document (SPD): ***Residential Extensions***, which provides detailed guidance to Applicants upon design of house extensions within the Borough. Therefore we will also refer to this guidance as part of this appeal.

4. PLANNING CONSIDERATIONS:

- 4.1 We wish to start by referring to the relatively new, and therefore relevant Government Guidance, in the form of the **National Planning Policy Framework (NPPF)** March 2012 which reaffirms the previous PPS1 objectives regarding 'design', at Paragraphs 59, 60 and 61, stating respectively:

"...design codes should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings.....",

"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."

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

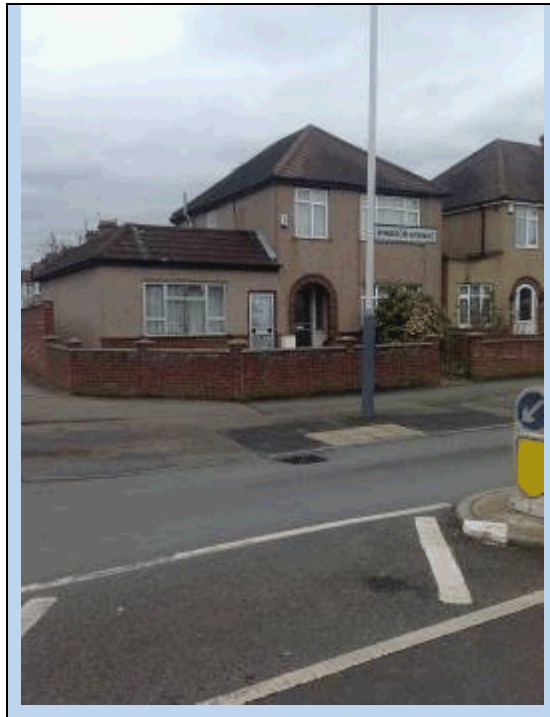
- 4.2 Surely in this case, the Appeal scheme would actually represent an improvement in terms of the visual – impact (design) of the extension, as it would replace a wider and flat roof extension, which extends right up to the side boundary. So, how quite it would either close the gap or indeed represent overdevelopment or cramped is difficult to understand; the "gap" to which the Council refer is presumably the gap between the flank wall, the side boundary with Ryefield Avenue, the road itself and then a further "gap" to the side of the property opposite.
- 4.3 So, even with this modest single storey side extension, then the remaining gap would be significant, so even with this modest side extension then surely it could in no way "close the gap" or result in a "cramped appearance."
- 4.4 We also note that the Case Officers delegated report specifically states:

“5 neighbouring properties were consulted by letter dated 13.10.14 and a site notice was displayed which expired on 17.11.14 .”

- 4.5 We notice that absolutely no objections were received to the application, which in our view reflects the general apathy towards this application, and genuinely reflects the overall view that this modest extension would neither close an imaginary “gap” or result in a “cramped” appearance.
- 4.6 So, also without prejudice to the outcome of this appeal, the Appellant is willing to adhere to a condition requiring the approval of materials by the Local Planning Authority, on this corner plot, and also in accordance with an appropriately worded planning condition, imposed upon a Planning Permission – as suggested by Circular 1/95, *‘The Use of Planning Conditions.’*
- 4.7 We shall now refer to the local policy documents in greater detail below.
- 4.8 The design features, mentioned in the above paragraph, are compliant with what is expressed in the **Hillingdon Design and Accessibility Statement; Supplementary Planning Document (SPD)** entitled ***‘Residential Extensions’***. This document provides detailed guidance on extensions within the Borough.
- 4.9 Firstly, **Section 4** of the SPD specifically refers to single storey side extensions, whilst **Section 8** refers to single storey front extensions, and as this scheme effectively involves both, we will refer to each section where relevant.
- 4.10 We should therefore like to refer to the specific paragraphs which demonstrates how the proposed extensions would meet all SPD requirements, as they clearly demonstrate that the extensions are well thought and considered by the Agent, providing a simple matching yet clearly ‘subordinate’ design solution.

- 4.11 Section 4, paragraph 4.2 refers to side extensions, and suggests roofs should not exceed 3.4m but at the same time suggests 'dummy pitched roofs' may not be appropriate in Conservation Areas. Clearly the appeal property is not within a Conservation Area, and therefore we considered that, in this case, a shallow pitched roof without any dummy element would best match the main roof, and therefore, even at 3.6m, it would accord with this section of the SPD .
- 4.12 As a Planning Consultant, rather than an Architect, our professional view is that this design approach, with a proper ridge, with shallower angle of pitched roof, reflects the design of the main roof, and is considerably better than the existing flat roof, which is clearly visible from both Windsor Avenue and Ryefield Avenue.
- 4.13 Paragraph 4.3 and 4.4 are not really relevant other than to say we meet this criteria. Paragraph 4.5 refers to width, and any extension not being more than two thirds the width of the main frontage, however in this case the EXISTING extension would be 5.950m wide, whilst the proposed extension 4.950m, so actually the extension would be smaller (narrower) than the existing one. So, again, we do not share the concern about the *"closing of the gap."*
- 4.14 The final elements of Section 4 are either met by this extension or irrelevant.
- 4.15 In this case, we remain of the opinion that the proposed side extension is compliant with the SPD and subsequently the adopted Local Plan.

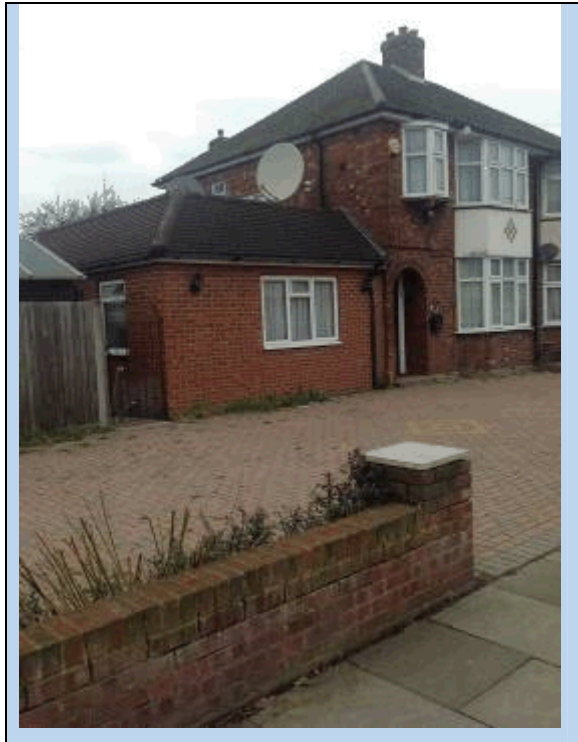
- 4.16 So, finally, then we must include details of the precedents. Indeed directly diagonally opposite the appeal property is this identical extension, at No107 Windsor Avenue, with matching pitched roof, extending up to the side boundary:



- 4.17 Then further similar examples, which are either the same width or indeed wider includes these following examples. The example below is particularly interesting as it clearly is a wider – pitched roof extension, which can be seen from the fact it has a wide bay window and garage alongside, with just a 1m passageway:



4.18 A further example is here at No70 Windsor Avenue:



4.19 We appreciate that the Inspector will visit and see many of these examples, but clearly the ones above are most pertinent (similar) to what our client is proposing. With regards to the question of the roof, we believe that the roof design at 3.6m height appears better as it has a ridged roof, however, without prejudice to this appeal, then we would reduce this to 3.4m maximum, in order to meet the SPD maximum, if indeed the Inspector sees this as an issue. We would therefore submit to the Inspectorate or indeed the LPA, via an appropriately worded condition, if indeed the appeal were allowed.

4.20 This would require a small area of “crown roof” to be created, and we are aware of Hillingdon’s views with regards to Crown roofs, however this design would be identical to those shown above. Another example of a single storey extension is shown below, although in this case this is a flat roof example:



4.21 Further examples of 2 storey “development” on corner plots are shown below:



4.22 It is for the above mentioned reasons that we maintain that the proposed extensions subject to this appeal statement are compliant with BE1 of Part 1 of the adopted plan, and saved policies BE13, BE15 and BE19 of part 2 of the Adopted Plan which state respectively:

“....All new development should: Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area....be designed to be appropriate to the identity and context of Hillingdon’s buildings,

....and make a positive contribution to the local area in terms of layout, form, scale and materials...”

(BE1)

“Development will not be permitted if the layout and appearance fail to harmonise with the existing street scene....”

(BE13)

“Proposals for alterations to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original dwelling.”

(BE15)

“...new development within residential areas compliments or improves the amenity and character of the area.”

(BE19)

4.23 So, this modest pitched, rather than dummy “Crown” pitched roof design solution/approach would not in our view either “close the (significant) gap” to the side and the road beyond – Ryefield Avenue. Nor would it result in a cramped appearance either, and as such would clearly *“harmonise with the existing street scene”*, as required by Policy BE13 or BE15. In this case, there are indeed numerous other precedents in the vicinity of No72 Windsor Avenue, which in our view demonstrate that this design of side extension do not detract from the street scene – they harmonise.

4.24 Finally, we can reaffirm that the Appellant would (without prejudice to the outcome of this appeal) adhere to an appropriately worded condition or conditions requiring submission & approval of materials, windows and other details PRIOR to commencement, in accordance with Circular 11/95, ‘*The use of Planning Conditions*’.

So, we respectfully ask that the Inspector agrees with the arguments put forward in this appeal, and allows the appeal as submitted to the London Borough of Hillingdon.

5. DOCUMENTS:

Copies of the forms and Decision Notice will be attached electronically, along with this statement using the Planning Portal and Householder Appeal Service (HAS).

6. APPENDICIES:

I – Extract from part 1 of the adopted Hillingdon Local Plan (Strategic Policies) –
Policy BE1

II – Extract from part 2 of the adopted Hillingdon Local Plan (UDP saved Policies) –
Policies BE13, BE15, BE19, BE20, and BE21

APPENDIX I: PLANNING POLICIES:

Policy BE1: Built Environment

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. All new developments should:

1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;
2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;
3. Be designed to include "Lifetime Homes" principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly, 10% of these should be wheelchair accessible or easily adaptable to wheelchair accessibility encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people's lives;
4. In the case of 10 dwellings or over, achieve a satisfactory assessment rating in terms of the latest Building for Life standards (as amended or replaced from time to time);
5. Improve areas of poorer environmental quality, including within the areas of relative disadvantage of Hayes, Yiewsley and West Drayton. All regeneration schemes should ensure that they are appropriate to their historic context, make use of heritage assets and reinforce their significance;
6. Incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services;
7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife, encourage physical activity and where appropriate introduce public art;
8. Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standards and address resilience to terrorism in major development proposals. Not result in the inappropriate development of gardens and green spaces that erode Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standard and address resilience to terrorism in major development proposals.
9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas;
10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero

carbon technologies. Where the required reduction from on-site renewable energy is not feasible within major developments, contributions off-site will be sought. The Council will seek to merge a suite of sustainable design goals, such as the use of SUDS, water efficiency, lifetime homes, and energy efficiency into a requirement measured against the Code for Sustainable Homes and BREEAM. These will be set out within the Hillingdon Local Plan: Part 2- Development Management Policies LDD. All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill;

11. In the case of tall buildings, not adversely affect their surroundings including the local character, cause harm to the significance of heritage assets or impact on important views. Appropriate locations for tall buildings will be defined on a Character Study and may include parts of Uxbridge and Hayes subject to considering the Obstacle Limitation Surfaces for Heathrow Airport. Outside of Uxbridge and Hayes town centres, tall buildings will not be supported. The height of all buildings should be based upon an understanding of the local character and be appropriate to the positive qualities of the surrounding townscape.

Support will be given for proposals that are consistent with local strategies, guidelines, supplementary planning documents and Hillingdon Local Plan: Part 2- Development Management Policies.

APPENDIX II:

BE13 DEVELOPMENT WILL NOT BE PERMITTED IF THE LAYOUT AND APPEARANCE FAIL TO HARMONISE WITH THE EXISTING STREET SCENE OR OTHER FEATURES OF THE AREA WHICH THE LOCAL PLANNING AUTHORITY CONSIDERS IT DESIRABLE TO RETAIN OR ENHANCE.

BE15 PROPOSALS FOR ALTERATIONS AND EXTENSIONS TO EXISTING BUILDINGS WILL BE PERMITTED WHERE THEY HARMONISE WITH THE SCALE, FORM, ARCHITECTURAL COMPOSITION AND PROPORTIONS OF THE ORIGINAL BUILDING.

BE19 THE LOCAL PLANNING AUTHORITY WILL SEEK TO ENSURE THAT NEW DEVELOPMENT WITHIN RESIDENTIAL AREAS COMPLEMENTS OR IMPROVES THE AMENITY AND CHARACTER OF THE AREA.

BE20 BUILDINGS SHOULD BE LAID OUT SO THAT ADEQUATE DAYLIGHT AND SUNLIGHT CAN PENETRATE INTO AND BETWEEN THEM AND THE AMENITIES OF EXISTING HOUSES ARE SAFEGUARDED.

BE21 PLANNING PERMISSION WILL NOT BE GRANTED FOR NEW BUILDINGS OR EXTENSIONS WHICH BY REASON OF THEIR SITING, BULK AND PROXIMITY, WOULD RESULT IN A SIGNIFICANT LOSS OF RESIDENTIAL AMENITY.