



APPEAL BY:
Mr Kalbir Bains

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

*First floor side extension, conversion of existing garage to habitable room, single
storey rear extension and detached garage involving demolition of existing rear
extension*

AT
16 Blacklands Drive, Hayes, Middlesex, UB4 8EU

The London Borough of Hillingdon Council's Reference: 9067/APP/2016/1141

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

August 2016

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Kalbir Bains, in support of the appeal lodged against the refusal of planning application 9067/APP/2016/1141.

1.2 The application was received by the Council on 5th April 2016 and sought planning permission for a first floor side extension, conversion of the existing garage to a habitable room, a single storey rear extension and a detached garage involving demolition of the existing rear extension at No. 16 Blacklands Drive in Hayes, Middlesex. The application was refused under delegated authority on 24th May 2016 for the following reasons:

1. *The proposed first floor side extension, by virtue of its siting, scale, bulk, width and design including the lack of a set back from the front building line of the existing dwelling and lack of a set down of the ridge from the main ridge of the roof, would fail to appear as a subordinate addition and would thus be detrimental to the appearance of the original dwellinghouse, the character, appearance and symmetry of the pair of semi-detached dwellings of which it forms a part and the 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 UDP Policies (November 2012) and the adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions.*
2. *The proposed first floor side extension, by reason of its close proximity to the western side boundary and siting in this open prominent corner position, would result in the loss of vegetation along that boundary and an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an over-development of the site to the detriment of the character and the visual amenities of the area and to this existing open area of the street scene. Therefore the proposal is 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 UDP Policies (November 2012) and the adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions.*

1.3 This grounds of appeal will address the central concerns raised within the Council's reasons for refusal, notably:

- Whether the proposed first floor side extension, by virtue of its siting, scale, bulk, width and design would be detrimental to the appearance of the original dwellinghouse, and;
- Whether the proposed first floor side extension, by reason of its proximity to the western side boundary would result in the loss of a gap characteristic to the area , and;
- Whether the development would unbalance the pair of semi-detached dwellings at a detriment to the visual amenities of the area.

1.4 To set some context, this statement will first provide a description of both the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the Council's concerns.

2.0 THE SITE



- 2.1 No. 16 is situated to the northern side of Blacklands Drive, adjacent to the junction with Meadow View Road to the west. The appeal site is not within a Conservation Area and the appeal dwelling and the neighbouring properties along Blacklands Drive or Meadow View Road are not listed buildings.
- 2.2 The appeal dwelling is a two-storey semi-detached property, which has a main hipped roof, front bay features, front porch and a flat roof attached garage to its western side, it has recently been extended with a 3m deep flat roof single storey rear extension. The front garden is partly hard surfaced to provide a parking area, whilst the rear garden is mainly laid to lawn with mature shrubbery and non-protected trees.

Appeal Dwelling



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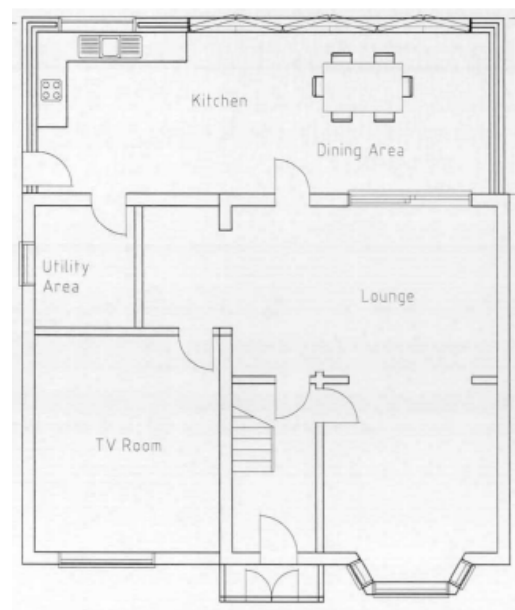
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3.0 THE PROPOSED DEVELOPMENT

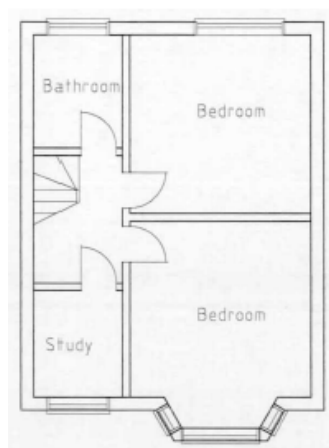
- 3.1 The appeal proposal sought planning permission for a first floor side extension, conversion of the existing garage to a habitable room, a single storey rear extension and a detached garage involving demolition of the existing rear extension at No. 16 Blacklands Drive.
- 3.2 As the plan excerpts below illustrate the ground floor side/rear extension will allow a reconfiguration of the internal layout, to extend the lounge into the existing dining room and kitchen space, the kitchen and dining room will be relocated into the rear extension, whilst the side extension will provide a TV room and utility area. To the first floor the side extension will provide a master bedroom with ensuite. The proposed development will increase the overall footprint of the property by only 18m² but will provide additional internal floor space of approximately 45m².



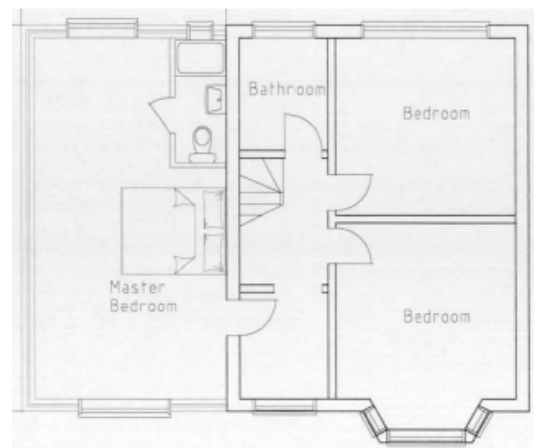
Existing Ground Floor Layout



Proposed Ground Floor Layout



Existing First Floor Layout



Proposed First Floor Layout

- 3.3 The eaves height, ridge height and pitch of the roof will match that of the host dwelling and will therefore not be detrimental to the character and appearance of the property or the visual amenity of the neighbouring properties or the wider street scene.
- 3.4 The proposed extension will be constructed from materials that match the original property to ensure the proposal complements the original dwelling and harmonises old with new. The style, proportion and positioning of the fenestration has been chosen to match those on the host dwelling, with an emphasis on vertical and horizontal lines being followed through into the extension with the proposed installation of double glazing.

4.0 RELEVANT PLANNING POLICY

- 4.1 The reasons for refusal refer 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 UDP Policies (November 2012) and the adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions.
- 4.2 Although it is not referred to within the reasons for refusal, the National Planning Policy Framework is also considered to be of relevance to this appeal. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

- 4.3 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 4.4 Paragraph 14 of the NPPF sets out that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework with paragraph 187 stating that local planning authorities should approach decision making in a positive way and should look for solutions rather than problems. The NPPF also advises that decision takers at every level should seek to approve applications for sustainable development where possible.
- 4.5 For decision making 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 in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Core Planning Principles

- 4.6 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 bullet points 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”.*
- *“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.*

Requiring good design

- 4.7 Section 7 of the NPPF refers to design, however there are no specific policies or guidance relating to residential development. Indeed paragraph 60 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”.

- 4.8 Paragraph 58 states that planning policies and decisions should aim to ensure that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Decision-taking

- 4.9 Paragraph 196 reiterates that the planning system is “plan led” stating that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 196 clarifies that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Hillingdon Local Plan: Part One – Strategic Policies (November 2012)

- 4.10 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough.

Policy BE1

- 4.11 Policy BE1 is a general policy which states that 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. Criterion 1 of the policy states that new developments 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 and which contributes to community cohesion and a sense of place. Criterion 9 of the policy states that proposals should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas.

Hillingdon Local Plan: Part Two – Saved Unitary Development Plan Policies

- 4.12 Policies BE13, BE15 and BE19 of the old Unitary Development Plan are referred to within the reasons for refusal.

UDP Policy BE13 – Design of New Developments

- 4.13 Policy BE13 states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area.

UDP Policy BE15 - Design of New Developments

- 4.14 Policy BE15 states that 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.

UDP Policy BE19 – Residential Amenity

- 4.15 Policy BE19 states that the Council will seek to ensure that new development within residential areas complement or improve the amenity and character of the area.

Supplementary Planning Document HDAS: Residential Extensions

- 4.16 Although the Case Officer's report and the reasons for refusal make reference to the Residential Extension SPD, the Council do not refer to any specific guidance or sections within the document.

5.0 THE APPELLANT'S CASE**Introduction**

- 5.1 The Appellant's case will focus on the central concerns of the reasons for refusal, notably:
- (a) Whether the proposed first floor side extension, by virtue of its siting, scale, bulk, width and design would be detrimental to the appearance of the original dwellinghouse, and;
 - (b) Whether the proposed first floor side extension, by reason of its proximity to the western side boundary would result in the loss of a gap characteristic to the area, and;
 - (c) Whether the development would unbalance the pair of semi-detached dwellings at a detriment to the visual amenities of the area.

Design and Impact on the Host Dwelling

- 5.2 The Appellant and his Architect have designed a high quality residential extension that will enhance both the appearance and character of the existing house and also improve the appearance and character of the street as a whole, whilst not impacting upon the amenity of neighbouring residents. The construction will maintain harmony with the original property through its complementary design, size and shape which respects the size and shape of adjacent and nearby buildings in accordance with Policy BE15 – Design of New Developments of the Hillingdon Local Plan: Part 2.

- 5.3 As the plan excerpts below illustrate the side and rear extension have been sympathetically designed and the scale carefully considered due to its corner location adjacent to the highway. The proposed side extension would be set in from the western side boundary with Meadow View Road by 1.1m, which complies with the guidance in paragraph 5.1 of the SPD HDAS – Residential Extensions. The host property is approximately 6m wide and the proposed side extension adds an additional width of 4m whilst still retaining 1.1m to the side boundary adjacent to Meadow View Road. The two storey element of the side extension extends 7.59m to the rear of the property before altering to single storey which projects to a depth of 3.6m across the full width of the property. The width of the extension along the front elevation ensures that the proposal does not overwhelm the original dwelling and confirms that the extension relates well to the host property and the addition of the single storey rear extension protects the occupiers of nearby dwellings from suffering any excessive loss of residential amenity.



Existing Front Elevation



Proposed Front Elevation

- 5.4 The proposal mirrors the existing front elevation to provide cohesion between the old and new elements to produce an attractive design with a high quality finish. The proposal therefore could not be considered to result in an addition that is detrimental to the original property, by reason of its siting and scale, given its minimal additional proportions of only 4m in width when the existing property is 6m in width.
- 5.5 The Appellant has chosen a scheme which is fully integrated with the original dwelling, in accordance with Policy BE13 – Design of New Developments as the proposal matches the pattern of development within the locality, in particular a 2 storey side extension which has been constructed at No. 18 Blacklands Drive, which also harmonises well with the original appearance of the house.
- 5.6 The proposed single storey rear extension would be 9.8m wide, 3m to the eaves and 3.8m to the ridge and project to a depth of 3.6m along the shared boundary with No. 14. Although a height of 3.8m exceeds the maximum of 3.4m for a pitch roof rear extension, as the adjoining property No. 14 also has a single store rear extension the Council have stated within the Case Officer's Report:

“The degree of the sloping pitch of the proposed rear extension relative to the flat roof height of the extension at attached No. 14 is such that it would not constitute an unduly bulky and/or overbearing addition to the application dwelling. As such, it is considered that the proposed single storey rear extension, in and of itself, would constitute an acceptable proportionate addition.”

- 5.7 Consideration has been given to the existing proportions of the property and the vertical and horizontal emphasis of the original dwelling has been repeated in the extension and all windows will be of a similar style with new lintels and sills that line up with the existing. The roof of the proposed side extension is identical to that on the host property in terms of scale, design and the angle of the pitch and both the eaves line and ridge line will run through from the main house.
- 5.8 As the existing garage is to be converted into habitable accommodation, a new garage is proposed in the rear garden of the property. The garage will have a footprint of 5.5m long x 4m wide, with a total roof height of 2.5m and will be positioned along the northern boundary in place of an existing shed, with a set-in of 5m from the highway which exceeds the minimum requirement of a 2.4m set-in. Access to the garage will be gained from an existing dropped kerb from Meadow View Road. The proposed garage's dimensions exceed the minimum standards required within the SPD HDAS and consequently adhere with permitted development for outbuildings in residential curtilages and would therefore constitute an acceptable addition in the curtilage of the existing dwelling.
- 5.9 This standard of detailing ensures that the appeal development achieves an appropriate relationship with the original house and harmonises with the streetscape and character of the neighbourhood.

Impact upon the Character of the Area and the Street Scene

- 5.10 We do not consider that the proposal will have an adverse impact upon the character of the area or the street scene, as the side and rear extension have been designed to an appropriate size and detailed carefully to ensure that it will appear to be part of the original house. The new fenestration, brickwork and roofing materials have all been chosen to match and complement the original dwelling.
- 5.11 The design has been carefully thought-out to reflect the surrounding built environment, where similar 2 storey side extensions exist on other semi-detached properties within very close proximity to the appeal site, which could not be considered to affect the symmetry or unbalance the original pair of semi-detached dwellings and therefore the Case Officer's opinion, taken from the Officer's Report that *“As such, the first floor side extension would appear incongruous and dominating in relation to the host existing dwelling, neighbouring properties and the streetscene”* is contradictory and subsequently deemed to be somewhat exaggerated.

- 5.12 The Appellant wishes to bring the Inspector's attention to an identical extension at No. 18 Blacklands Drive to the opposite side of Meadow View Road as illustrated below.



- 5.13 The above extension is not detrimental to the pair of semi-detached properties No. 20 and No. 18 Blacklands Drive and illustrates an appropriate development which matches the character and appearance of the host dwelling and the local area. The appeal site proposal will produce a similar effect with the eaves and ridge line continuing at the same height as the existing property ensuring a harmonised finish.
- 5.14 The Planning Officer's Report also confirms that there are a number of junction properties in the area which have been built up close to their side boundaries, it therefore provides proof that the appearance of the area has altered sufficiently for such developments to be considered as part of the character of the area. The appeal proposal would therefore not cause any harm to the appearance of the character of the host property or the street scene within the immediate vicinity.
- 5.15 The Council's concerns regarding the proposed first floor side extension and the visual gap that would be lost to the side of the property is subsequently unjustifiable, considering that the Appellant previously submitted application reference 9067/APP/2015/2863 on 30th July 2015 for a first floor side extension, conversion of the existing garage to a habitable room with a new pitch roof over and a single storey rear extension involving the demolition of an existing single storey rear extension, which gained approval on 10th November 2015. (Details attached in **Appendix A – 9067-APP-2015-2863**).



- 5.16 The approved scheme proposed a 4m wide side extension at ground floor level, which was reduced to 3.1m at first floor level, as the appeal scheme is 4m wide at both levels it is therefore emphasized that a closure of the gap by just 0.9m at first floor level could not detrimentally impact upon the openness of the area as suggested by the Council. The width of the highway between the properties is over 10m and as the existing dwellings are over 8m from the highway to the front, the openness of this corner location and views that were previously obtainable will still be available. The proposed development will therefore not be detrimental to the visual amenity of the street scene or the wider area.



Aerial View of Appeal Site and Surrounding Properties

- 5.17 The Council have also noted that the side boundary would extend beyond the return front building line of adjacent dwellings on Meadow View Road, however as can be seen from the aerial photography within this statement, the dwellings on Meadow View Road do not have a fixed building line and the closest dwelling No. 2 will be 18m away from the rear elevation of the proposed single storey rear extension and almost 23m away from the two storey element. There is also a reasonable gap between the proposed flank elevation and the boundary along Meadow View Road that exceeds the standard as set out within the SPD HDAS. Dwellings to the opposite side of Blacklands Drive are also a sufficient distance away at 25m.

Impact on the Amenity of Neighbouring Properties

- 5.18 The proposed development would not have any adverse impact on the amenities of neighbours in terms of loss of outlook or loss of light, given the orientation of the property and the existing and retained separation distances after the construction of the extension as demonstrated in the aerial image on page 11.
- 5.19 As the extension to the rear of the property will be single storey and will project to an acceptable depth of just 3.6m, this will have no impact on the amenity of adjoining property No. 14. The proposed first floor extension remains in the profile of the side of the existing dwelling and does not project beyond the original rear wall of the property. There are no side facing upper level windows in the first floor side extension and therefore no additional overlooking occurs towards No. 18 Blacklands Drive. The proposed garage would also be screened from views by an intervening garage attached to the side of No. 2 Meadow View Road. It is therefore considered that the proposed appeal extension would not harm the residential amenities of the occupiers of adjoining neighbours in terms of increased overshadowing, loss of sunlight, loss of outlook or visual intrusion and as such the proposal complies with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two.

Impact on the Garden Space

- 5.20 The proposed development would not unduly impact upon the level of garden space available, the dwelling will still retain three bedrooms, which the SPD HDAS recommends a required minimum area of 60m², however the appeal site will retain an approximate area of 171m² rear garden curtilage, which significantly exceeds the required minimum and would ensure the provision of adequate usable amenity space for occupiers in compliance with Policy BE23 of the Hillingdon Local Plan.

Garden Space Standards (contained within the adopted plan)	
type of dwelling	rear garden area to be retained
2 bedroom house	40sq.m
3 bedroom house	60sq.m
4+ bedroom house	100sq.m

Parking Provision

- 5.21 Although the existing garage would be converted into a habitable room, parking to the front of the property upon the existing hardstanding would still be maintained. The proposed garage in the rear garden would offset any considered loss and the plot can comfortably accommodate two cars to the front of the property and two to the rear and would therefore not unduly impact upon the highway network through an increase in on-street parking.

Other Considerations

- 5.22 As previously mentioned the Appellant has already obtained planning permission for a first floor side extension, conversion of the existing garage to a habitable room with a new pitch roof over and a single storey rear extension involving the demolition of an existing single storey rear extension. However, the reduced width of the scheme at first floor level does not provide sufficient space for the development to provide the level of internal accommodation required and the external look of the development appears overly fussy and contrived. The Appellant therefore amended the scheme to the current appeal proposal which is far more appropriate to the location and of a high quality design which will not impact upon the amenity within the area.
- 5.23 Having regard to the previous points, it would appear to be overly cautious for the Council to suggest that the proposed development would adversely affect the pair of semi-detached houses or that it would be out of character with and harmful to the character and appearance of the surrounding area when an identical extension exists within very close proximity to the site, it is therefore maintained that the extension will relate acceptably well to the existing building, garden space and the locality. Whilst it is understandable that the Council would want to prevent unsympathetic development, it is asserted that the Council have failed to adequately assess or appreciate the appeal proposal and the existing pattern of development. The Appellant has no desire to gain permission for an extension that is not worthy of the existing dwelling and feels strongly that the proposed works make a positive addition to the appearance of the area whilst improving the living conditions and health and well-being of both current and future occupants of the dwelling.

6.0 CONCLUSION

- 6.1 It is clear that the proposal complies with the sentiments of the National Planning Policy Framework, the Hillingdon Local Plan Part One and Two by maintaining and enhancing the environment through high quality design. The extension also follows the guidance contained within the SPD HDAS Residential Extension and will improve the health and well-being of existing and future occupants of the appeal property. The Appellant has demonstrated a scheme which assimilates with the prevailing pattern of built form within the locality by producing a scheme which wholeheartedly respects the existing character of the original dwelling, the street scene and the immediate and wider area.
- 6.2 The National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed development would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.