



APPEAL BY:
Mr & Mrs Naresh Kumar

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

Single storey rear conservatory (Retrospective)

AT

32 Wyre Grove, Hayes, Middlesex, UB3 4PJ

London Borough of Hillingdon Council's Reference: 26480/APP/2016/4061

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

February 2017

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr & Mrs Naresh Kumar, in support of the appeal lodged against the refusal of planning application 26480/APP/2016/4061.
- 1.2 The application was submitted on 7th November 2016 and sought retrospective planning permission for a single storey rear conservatory at No. 32 Wyre Grove, Hayes, within the London Borough of Hillingdon.
- 1.3 The application was refused under delegated authority on 30th December 2016 for the following reason:
1. *The conservatory, by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property, results in over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.*
- 1.4 This grounds of appeal will address the central concerns raised within the Council's reason for refusal, notably:
- Whether the conservatory, fails to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property; and
 - Whether the conservatory results in an over-development of the site that is detrimental to the residential amenity of existing and future occupiers.
- 1.5 To set some context, this statement will first provide a description of both the appeal property and the proposed development. The statement will then discuss the relevant national and local planning policies before responding to the Council's concerns and reason for refusal.

2.0 SITE HISTORY

Planning Application Reference: 26480/APP/2012/1845

- 2.1 Single storey rear extension with 3 rear rooflights and conversion of garage to habitable space.

Approve 09/10/2012

Planning Application Reference: 26480/APP/2014/3111

- 2.2 Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 2.6 metres, and for the which the height of the eaves would be 2.5 metres.

Refused 26/09/2014

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3.0 THE SITE

- 3.1 The appeal site is located on the northwest side of Wyre Grove, in a predominantly residential 'Developed Area' as identified within the Hillingdon UDP. The site is not within the Green Belt or a Conservation Area and neither the appeal property nor the neighbouring buildings are listed.



- 3.2 The appeal property is a semi-detached family home set amongst similar style dwellings upon Wyre Road, with many of the surrounding houses having been extended and altered since their original construction to meet the needs of modern family life.



No. 32 Wyre Grove

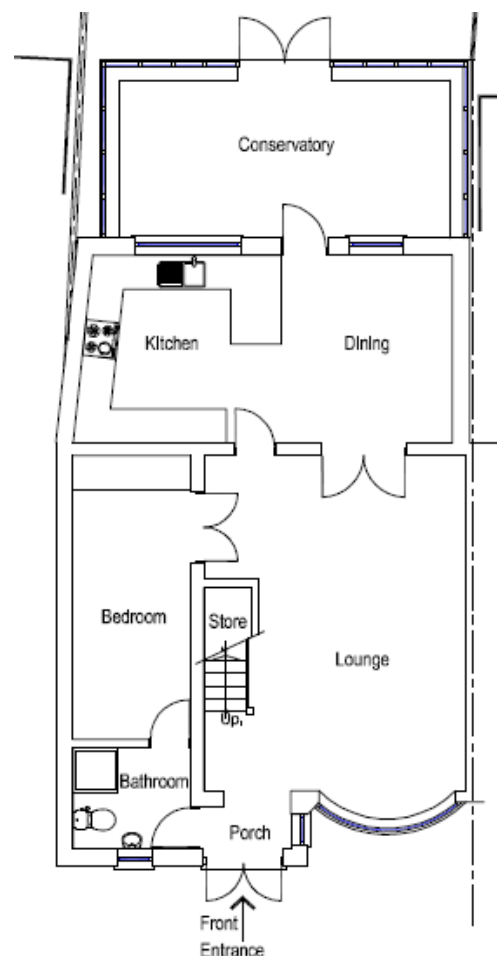
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- 3.3 No. 32 Wyre Road has previously been extended with the addition of a single storey rear extension with three rooflights and the conversion of the garage into a habitable space, approved in 2012 under planning reference 26480/APP/2012/1845; although the Council's statement that the front garage door has been retained is incorrect as shown on the previous image.
- 3.4 The front garden curtilage of the appeal property has been paved to create an area of hardstanding that provides off-street parking for two vehicles. To the rear of the property there is an enclosed rear garden which is mainly laid to lawn and has a detached outbuilding located to the rear of the plot, with 48.5m² of private amenity space between this structure and the conservatory to be retained.
- 3.5 The appeal property is modest in size, with an entrance porch opening into the lounge that has double doors leading through to the kitchen/dining area within the previous extension. The former garage contains a bedroom with small shower room and the conservatory to be retained at the rear of the property adds a laundry area and vital amenity space for the Appellants' family.

4.0 THE DEVELOPMENT TO BE RETAINED

- 4.1 The appeal application sought planning permission for the retention of a single storey rear conservatory that has a width of 6.520m and a depth of 3.106m, providing an additional internal floor area of 16.3m².
- 4.2 The conservatory structure has an eaves height of 2.875m, with the apex of the roof reaching a total height of just 3.261m.
- 4.3 Internally the original rear doorway within the exterior wall is now an opening that links the kitchen/dining area to the new conservatory.
- 4.4 The new structure has a multi-function use, providing an additional dining space, children's play area and laundry area, with a washer and dryer installed along with storage cupboards, in order to free up space within the kitchen which is compact in size.
- 4.5 The conservatory is constructed with low brickwork walls and glazed panels above, together with a glazed panel roof and double doors that open into the rear garden area.



Ground floor plan with conservatory

5.0 RELEVANT PLANNING POLICY

5.1 The reason for refusal refers to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions. Although it is not referred to within the reason for refusal, the National Planning Policy Framework is also considered to be of relevance to this appeal.

5.2 The following paragraphs provide a brief summary of the relevant policies and the relevant guidance within the National Planning Policy Framework. The paragraphs are in a hierarchical order relative to national, regional and local planning policy.

National Planning Policy Framework (NPPF)

5.3 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

5.4 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 197 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.

5.5 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

5.6 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

- 5.7 Section 7 of the NPPF refers to design, however there are no specific policies or guidance relating to residential extensions. 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”.

- 5.8 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

- 5.9 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 Two – Saved Unitary Development Plan Policies

- 5.10 Policies BE19 and BE23 of the old Unitary Development Plan are referred to within the reason for refusal.

UDP Policy BE19 – Residential amenity

- 5.11 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.

UDP Policy BE23 – Residential amenity

- 5.12 Policy BE23 states that the Council will seek to ensure that new residential buildings or extensions should 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 usable in terms of its shape and siting.

Supplementary Planning Document HDAS: Residential Extensions

- 5.13 The Hillingdon Design and Accessibility Statement SPD seeks to provide guidance for new development in the borough and comprises a number of sections covering a wide variety of topics including ‘Residential Extensions’. The SPD illustrates various design principles and sets minimum design standards and guidance for residential extensions.
- 5.14 The SPD acknowledges that single storey rear extensions are the most common type of extension and help to extend kitchen or dining/living rooms, and can be a cost effective solution to creating more space. However, this has to be assessed against any possible detrimental effect to neighbouring residents and their gardens, the appearance of the original house, the amount of garden remaining and the character of the local area.

6.0 THE APPELLANTS' CASE

Introduction

- 6.1 The Appellants' case will focus on the central concerns within the reason for refusal, notably whether the amount of private usable external amenity space for the occupiers of the existing property is adequate, and whether the development results in an over-development of the site which could be deemed detrimental to the residential amenity of existing and future occupiers.
- 6.2 As a starting point in response to the reason for refusal, it is considered that the Council's concern is somewhat exaggerated and without substance. It would appear that the objection is based mainly on the suggested guidance within the Supplementary Planning Document HDAS: Residential Extensions in regards to the size of the rear garden retained, with the Officer failing to make an objective assessment of the actual benefit that the conservatory has and also failing to take in to account the site context, with the original dwelling benefiting from a scheme that has been specifically designed to meet the constraints of this particular site and to match the design, style and scale of the neighbouring developments.
- 6.3 It is understandable that professional opinions can differ, however the Council have adopted an overly cautious approach placing too much emphasis on the perceived detriment caused by a reduction in outdoor amenity space, whilst not giving due regard to the positive impact that the conservatory has on residential amenity within the modest property, when balanced against the limited impact of the reduced garden size.

The Council's Concern

- 6.4 According to the Planning Officer's Report, the Council's main considerations in assessing this case were as follows:
1. the design and impact on the character of the existing property;
 2. the impact upon the amenities of adjoining occupiers;
 3. the impact upon the street scene and locality;
 4. the reduction in size of the rear garden;
 5. car parking provision.
- 6.5 For clarification, 3 neighbouring properties were consulted by letter and a site notice was displayed to the front of the site, with just one letter received that raised concerns about the retrospective nature of the development.
- 6.6 It should also be noted that the adjoining property to the northeast, No. 30 has a rear extension along the boundary with a mono-pitched roof projecting 3.6m and a further canopy projecting 3.1m, and No. 34 has been extended 6m to the rear. Both neighbouring properties also have an outbuilding to the rear which are very similar to the outbuilding at the appeal property and therefore each property in this row share a similar pattern of development and retain an equal amount of private garden amenity space.

The design and impact on the character of the existing property

- 6.7 The extension is constructed from materials which define it as a typical conservatory structure, with the purpose of providing additional usable floor space within the property and creating a link between the rear garden area and the house.



Conservatory to be retained

- 6.8 Paragraph 3.3 of the Supplementary Planning Document HDAS: Residential Extensions states that single storey rear extensions proposed on semi-detached houses with a plot such as the appeal site, measuring 5m wide or more, should be no more than 3.6m deep. Likewise paragraph 3.7 states that such extensions should be no more than 3.4m in height, in order to ensure that the extension appears subordinate to the main house.
- 6.9 The cumulative 6.72m depth of the existing rear single storey extension and the conservatory to be retained exceed the maximum 3.6m depth for rear extensions specified in paragraph 3.3 of the Council's HDAS SPD; however as the Planning Officer has pointed out, paragraph 3.15 also gives guidance that a deeper extension could be permitted where there is an existing deep rear extension at an adjoining/adjacent property, where the proposed rear extension would not have any adverse impact on the light and outlook at adjacent properties, and would not appear dominating and obtrusive in relation to neighbouring views. The new conservatory should therefore be deemed acceptable in this case as the situation is comparable to that described within paragraph 3.15 of the HDAS SPD, with developments upon both sides that are similar in width, length and height.

The impact upon the amenities of adjoining occupiers

- 6.10 The images below show the level of development at the neighbouring properties to demonstrate that the retention of the conservatory will not impact upon residential amenity at these dwellings, with No. 30 having an extension with canopy and No. 34 benefiting from an extension and conservatory style structure that extends 6.0m alongside the Appellants' conservatory; the neighbouring residents and the occupants of the appeal property will also not suffer any loss of privacy as shown below, with a high boundary fence separating the conservatory from No. 30 and the conservatory adjoining the extension wall of No. 34.



Existing extension at No. 30



Existing extension at No. 34



Interior of conservatory facing towards No. 30



Interior facing towards No. 34

- 6.11 Given that both adjoining properties have been extended by a similar depth, the Council have conceded that the proposed extension would not give rise to an unacceptable loss of light, outlook or privacy; and although the Planning Officer has noted that the secondary rear extension at No. 34 does not have a valid planning permission, this property was previously extended by a rear extension projecting 3.6m in depth, with the conservatory extending 3.1m beyond the rear wall of this authorised development which does not create an unacceptable loss of light, outlook or privacy, therefore the Council have concluded that *"the development does not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012)."*

The impact upon the street scene and locality

- 6.12 When considering the visual impact of the extension it is also important that due consideration is given to a) where the impact will be perceived and b) what the actual or demonstrable impact would be. It follows that the impact on the public realm (i.e. the street scene) will be greater for front and side extensions, rather than works which will have no impact on the public realm, such as a rear extension for example. Such an approach is validated simply by the General Permitted Development Order which for the majority of houses allows substantial extensions and outbuildings to the rear of buildings but no development (other than porches) to the front of dwellings.
- 6.13 In this case the property is subject to an Article 4(1) direction and has had its permitted development rights removed, however the principle still stands that the development does not have a detrimental impact upon the surrounding streetscene as it is not readily visible within the public realm due to its position to the rear of the property, with just the roof visible from a distance within Coronation Road as shown below, and the only other vantage points being the neighbouring rear garden areas.



Conservatory viewed from Coronation Road

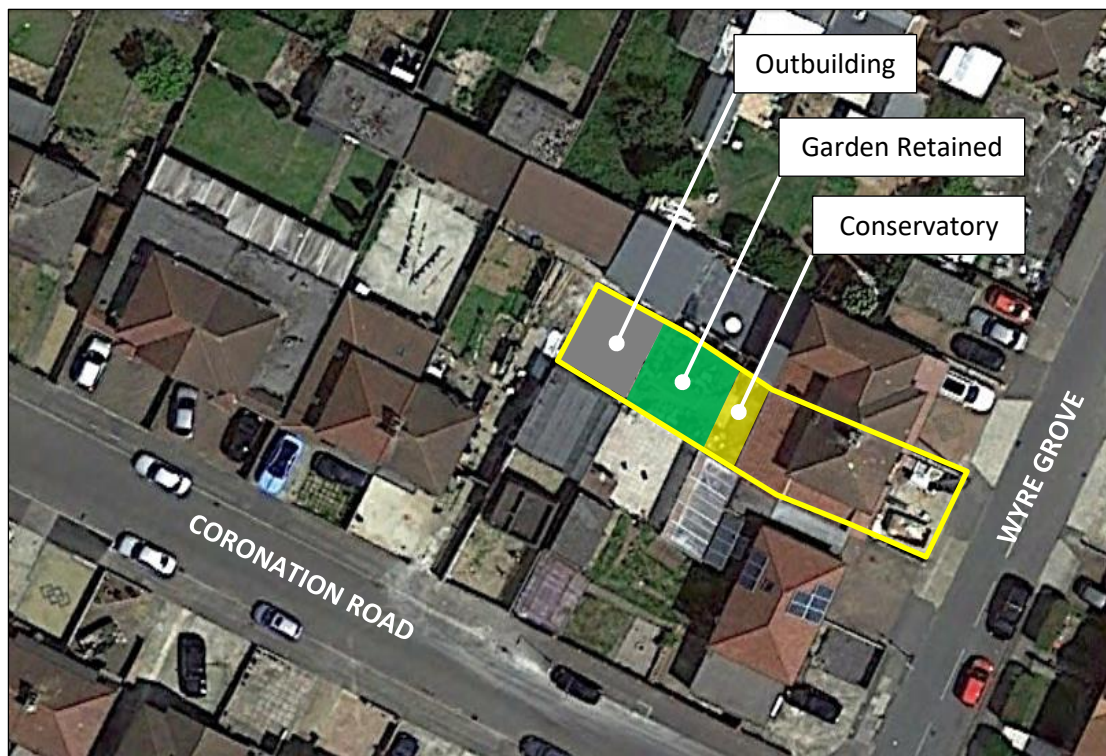
The reduction in size of the rear garden

- 6.14 The extended dwelling has been classed as a four bedroom property by the council, as the garage has been converted to add a ground floor bedroom to the original 3 bedroom property. The guidance within the Council's HDAS SPD states that a rear garden area of at least 100m² should be retained to provide adequate amenity space for a four bedroom dwelling, although the current amenity space at the appeal dwelling falls below this level with an area of 48.5m² retained.

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

Excerpt from the HDAS SPD Guidelines

- 6.15 The Council has therefore refused the retention of the conservatory, by virtue of its failure in relation to the guidelines to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property, as they believe this has resulted in an over-development of the site that could be detrimental to the residential amenity of the existing occupiers. However, we would like to point out that a large proportion of residential developments throughout the London boroughs provide far smaller areas of outdoor amenity space for occupants and that this situation is not unusual within densely populated areas. Indeed, the adjacent properties have an equal amount of rear amenity space, with these properties having been extended and increased in a similar manner, to meet the needs of the occupants.



Area of garden retained & surrounding development

- 6.16 As shown above, many of the surrounding properties have a very similar pattern of development to that at the appeal property, with extensions, conservatory structures and outbuildings as this arrangement provides the best use of the available space and a good balance of outdoor and indoor amenity space for modern family life.
- 6.17 In Hillingdon Local Planning Authority seek to retain very generous garden space standards, with the Appellants' property falling short of the 100m² guideline, which is a large amount of space for a suburban semi-detached dwelling. The Appellants have retained a sufficient area for their family to enjoy; with 48.5m² allowing plenty of space for recreational activities and for practical purposes such as drying clothes. This area is supplemented by the new conservatory area that provides an enclosed area from which the garden can still be enjoyed during the winter months and also serves as an area for drying clothes in inclement weather.

- 6.18 The conservatory creates a natural link between the house and the outdoor space and the garden that has been retained is large enough to provide plenty of outdoor amenity space for a property this size, which has a modest footprint and therefore benefits greatly from the added internal space, rather than a larger garden, with the conservatory being a far more practical use of the space available, as this has a flexible multi-function use for the family.



Rear garden area viewed from the conservatory

- 6.19 Unlike the neighbouring properties, the appeal dwelling has retained a lawned area that is a permeable surface that provides drainage and retains a green space that the Appellants' children and the whole family can enjoy.



- 6.20 It should also be noted that the appeal dwelling is close to Cranford Park and Crane Meadows which provide large parkland and woodland recreational facilities that can be easily accessed and provide alternative outdoor amenity areas for the residential properties in this area, which are shown on the aerial image on the following page.

7.0 CONCLUSION

- 7.1 As shown below, any perceived lack of outdoor amenity space is supplemented by plenty of alternative recreational areas and activity choices that all abilities and ages can enjoy, therefore the retention of 48.5m² of rear garden area ought to be deemed sufficient in this case.



Nearby recreational areas

- 7.2 Having regards to the previous points it would appear to be overly cautious for the Council to suggest that the proposed development would fail to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property, and would result in an over-development of the site which could be deemed detrimental to the residential amenity of existing and future occupiers. 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.
- 7.3 The Appellants' conservatory is a high quality structure that complements and improves the amenity and character of the garden setting, in accordance with UDP Policy BE19 and maintains external amenity space which is sufficient to protect the amenity of the occupants of the appeal property, and which is usable in terms of its shape and siting, thus complying with Policy BE23.

- 7.4 As the development has no detrimental impact on the residential amenities of the neighbouring properties and is complementary to the character of the area, it therefore complies with the sentiments of the National Planning Policy Framework and the policies contained within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).
- 7.5 The Appellants are making this appeal in order to retain the conservatory which they strongly assert is proportional to the original property, worthy of the appearance of the existing building and makes a positive addition to both the external appearance of the house and to the level of residential amenity within the host dwelling. The footprint of the property is modest and this extension therefore allows the internal floorspace to be enlarged and provides a link between the adequate rear garden curtilage and the living area within the house.
- 7.6 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 conservatory, the advantages that it has provided to residential amenity and the flexible space created that frees up space within the compact kitchen area. It is considered that the Council have adopted an overly cautious approach in appraising the amount of garden space occupied by the structure and failing to take into account the amount actually required for a semi-detached dwelling, even though it has four bedrooms, with the conservatory making a positive contribution to residential amenity for the current and future occupants of this modest property.
- 7.7 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. 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.
- 7.8 The NPPF also advises that decision takers at every level should seek to approve applications for sustainable development where possible. The conservatory is not contrary to national or local planning policy and represents a high quality addition to this modest dwelling, for the above reasons it is therefore politely requested that the conservatory may be retained and that this appeal is allowed.