



APPEAL STATEMENT

**SECTIONS 78 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

**APPEAL AGAINST THE REFUSAL OF PLANNING
PERMISSION BY LONDON BOROUGH OF HILLINGDON**

APPEAL SITE: 27 LAWRENCE ROAD, HAYES

APPELLANT: MR G BAINS

APPLICATION REFERENCE: 40786/APP/2017/1821

PREPARED BY: LRJ PLANNING LTD

DATE: 11TH SEPTEMBER 2017



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APPENDICES

Appendix A –Refusal Decision Notice

Appendix B – Aerial Photograph of Appeal Site and Surrounding Area.



1 AUTHOR'S BACKGROUND

- 1.1 My name is Lloyd Jones. I am a Chartered Town Planner and I hold a degree in City and Regional Planning from Cardiff University. I am a member of the Royal Town Planning Institute and prior to establishing LRJ Planning I worked in Local Government for 16 years dealing with a range of applications from householder schemes to major residential development.
- 1.2 The evidence which I have prepared and provided for this appeal is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.



2 INTRODUCTION

- 2.1 This Appeal Statement has been prepared by LRJ Planning on behalf of Mr Bains in support of an appeal against the decision of the London Borough of Hillingdon to refuse planning permission (planning reference: 40786/APP/2017/1821) for the following development:

“First floor side extension.”

- 2.2 The application was validated by the Council on 5th June 2017. The application was determined under delegated powers where it was refused on 28th July 2017 for the following reasons:

“1. The proposed first floor side extension, by virtue of its siting, size, scale and incongruous roof design, would fail to appear as a subordinate addition and would thus be detrimental to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be 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 - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposed extension, by reason of its size, scale, bulk and proximity to the side boundary, would result in a closing of the visually open gap between it and the neighbouring property, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and the surrounding area generally. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15,



BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.”

2.3 A copy of the decision notice is produced at **Appendix A.**



3 APPEAL SITE LOCATION AND PROPOSAL

- 3.1 The appeal site comprises a two-storey, semi detached property finished in brick. The roof is finished in tiles. The dwelling has recently been extended under permitted development with the provision of a gable extension and a rear dormer. The property does not fall within a designated Conservation Area or adjacent to any Listed Buildings.
- 3.2 The appeal property is sited within an established residential area and is surrounded by properties of a similar age and style. The aerial photograph produced at **Appendix B** illustrate that hipped roofs are characteristic of this area. The adjoining dwelling, No. 25 Lawrence Road has a hipped roof. An existing footway flanks the western boundary of the appeal site, which leads to Charville Lane to the south.
- 3.3 The appeal proposal relates to the provision of a first floor side extension above existing ground floor side extension that was permitted development. The extension would measure 7.84m by 3.08m and have a hipped roof to a maximum height of 5.04m. The extension would be set back 1.5m off the boundary with the public footway. The fenestration will complement that of the existing dwelling. The palette of external materials will match those used in the existing dwelling.



4 PLANNING HISTORY

- 4.1 A planning application (reference: 40786/APP/2017/779) for a single-storey rear extension was refused on 8th May 2017. An appeal has been lodged with the Planning Inspectorate (appeal reference: APP/R5510/D/17/3180791) and a decision has not yet been made.



5 PLANNING POLICY CONTEXT

- 5.1 On 27th March 2012, the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.
- 5.2 Paragraph 2 of the NPPF states that *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."* The plan-led approved approach to development as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004. In addition, the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions, as are previous planning decisions and appeals.
- 5.3 Paragraphs 6 and 7 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions.
- 5.4 The NPPF introduces a presumption in favour of sustainable development, which is seen as "the golden thread running through both plan making and decision making." Paragraph 11 reaffirms that *"applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."*
- 5.5 In respect of the presumption in favour of sustainable development, Paragraph 14 identifies that development proposals which accord with the development plan should be approved without delay and importantly:



“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- Specific policies in the framework indicate development should be restricted.”*

5.6 Paragraphs 186 and 187 of the NPPF relate to decision making and confirm that Local Planning Authorities *“should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.”*

5.7 The Courts have held that Central Government’s policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions.

5.8 The development plan pertinent to the appeal site and the development proposal comprises the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), the Hillingdon Local Plan: Part Two – Saved UDP Policies and the Council’s Supplementary Planning Document HDAS: Residential Extensions.

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

5.9 Policy BE1 relates to the built environment. The overarching aim of the policy is to seek high quality design and for development to make a positive contribution.



Hillingdon Local Plan: Part Two – Saved UDP Policies

- 5.10 Policy BE13 seeks development that respects the layout and appearance of the existing street scene.
- 5.11 Policy BE15 supports extensions to existing buildings where they harmonise with the scale, form, architectural composition and proportions of the original building.
- 5.12 Policy BE19 seeks development that within residential areas complements or improves the character of the area.
- 5.13 Policy BE22 identifies that residential extensions and buildings of two or more storeys in height should be set back a minimum of 1 metre from the side boundary of the property for the full height of the building.

Supplementary Planning Document HDAS: Residential Extensions

- 5.14 The HDAS provides specific guidance relating to first floor side extensions and that they should be subservient additions.
- 5.15 The statement of case at section 7 will demonstrate how the proposal complies with the current and emerging planning policy.



6. MAIN PLANNING CONSIDERATIONS

6.1 I am of the opinion that the principal consideration relating to this appeal is:

- The effect the development proposal has on the character and appearance of the property and the surrounding area.

6.2 The reasons for refusal are considered in depth below. In the first instance it is considered that the proposal would comprise sustainable development as defined in the NPPF. Additionally, it is the appellant's grounds of appeal that there are no significant adverse environmental impacts that would outweigh the presumption in favour of sustainable development. The concerns raised by the Local Planning Authority regarding the impact on the appearance of the area, which are not accepted by the appellant, should, if upheld, in any event be balanced against the social and economic benefits of the proposal.

6.3 Overall, as the proposed use represents sustainable development, there is presumption in favour of it, unless there are compelling reasons why planning permission should not be granted.

6.4 Section 7 of this appeal statement will address the above consideration and set out the appellant's case and full grounds of appeal.



7. STATEMENT OF CASE

CASE AGAINST REFUSAL OF PLANNING PERMISSION

i) Character and appearance

- 7.1 The appeal property comprises a two-storey, semi-detached dwelling that is set within an area where there are a mix of two-storey semi-detached and terraced properties. When approaching the appeal property from an easterly direction along Lawrence Road, the property is viewed in the context of two-storey hipped properties. When approaching the appeal property from the end of the turning circle, the gabled roof that has been constructed is visible. The provision of a first floor side extension above the existing ground floor extension sought to restore a degree of balance to the overall building. The aerial photograph exhibited at **Appendix B** illustrates that hipped roofs are prevalent within the area.
- 7.2 The appellant has sought a sensitive design approach, as supported by paragraph 60 of the National Planning Policy Framework. Paragraph 60 states that *“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.”* The appellant considers that the Council has sought to stifle an innovative and sensitive approach to improving the character of the property, which is supported in national planning policy.
- 7.3 The refusal reasons focus on the design and appearance of the proposed extension. The Council’s Supplementary Planning Document HDAS: Residential Extensions offers clear guidance to decision makers on two-storey side extensions. In particular, it is noted that first floor side



extensions should be set back 1.0m off the front elevation, the ridgeline should be lower than the main dwelling, and should be no more two-thirds the width of the original house.

- 7.4 In this case, the proposal satisfies all three of the above criteria, as the first floor front elevation is set back 1.5m off the front elevation; the ridge is lower than the ridge height of the main roof; and the extension is no more than two-thirds the width of the original house. The Council's delegated report even acknowledges compliance, but the application has still been refused. The appellant is at a loss to understand how the Council has refused the application on this basis, as it clearly conforms to the Council's Supplementary Planning Document on Extensions. The Council has erred in their assessment of the impact on the character and appearance of the dwelling.
- 7.5 The Council appears to be concerned with the roof form. However, the officer delegated report acknowledges that the first floor would be set back at least 1.0m off the front elevation of the dwelling and would be approximately 1/3 the width of the original dwelling. Given these factors, as well as the fact that the adjoining dwelling has a hipped roof, the proposal would restore a degree of visual balance and would appear as a subordinate addition.
- 7.6 The appellant does not agree with the Council's position that the roof form would be inappropriate. Indeed, the design of the extension and roof form satisfies the guidance advocated in the SPD.
- 7.7 The Council in their reason for refusal has failed to consider that the fenestration of the front elevation has been designed to complement that of the original dwelling, as well as the external materials of the extension



matching those used in the existing dwelling. These factors together with the set back of the first floor and reduction in the ridgeline ensure that the extension would appear as subordinate addition in the streetscape. Furthermore, as the adjoining dwelling has a hipped roof, the proposal would restore a degree of visual balance and would appear as a subordinate addition. As a result the proposal would enhance the overall character of the dwelling and surrounding area.

- 7.8 Turning to the proximity to the side boundary, the Council has failed to acknowledge that an existing footway runs along the side of the dwelling that allows the retention of a visual gap in the street scene. Moreover, the surrounding form of development is tight to the boundary with neighbouring properties. Notwithstanding this, the proposed extension would be positioned in excess of 3m off the boundary with No.29. The proposal would be in keeping with the character and appearance of the surrounding form of development. Additionally, the separation distance maintained, and the presence of the existing footway would ensure a sufficient degree of openness would be retained.
- 7.9 Overall, it is contested that the first floor side extension will significantly improve the character and appearance of the dwelling and the surrounding streetscene.
- 7.10 For the above reasons the proposed development is of a high quality and sympathetic design that would enhance the character of the property and the surrounding streetscape.
- 7.11 The proposal forming part of this appeal will result in significant enhancements to this dwelling and are compliant with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), 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.



8 CONCLUSION

- 8.1 The appellant has sought to work with the Council to understand their concerns. An appeal has been made as a last resort, but it is considered that the proposed development is of a high quality and sensitive design that will significantly improve the character and appearance of the property and the surrounding street scene.
- 8.2 The Council has failed to substantiate their reasons for refusal in their delegated report, ignored the guidance set out in their own Supplementary Planning Document, as well as failing to give sufficient weight to the roof shape of the adjoining and neighbouring dwellings.
- 8.3 The proposal complies with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), 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. As a result the development proposal should have been approved by the Council without delay.
- 8.4 The appellant, therefore respectfully requests that the appeal is upheld and that planning permission is granted for the development.