

Written Representations: Grounds of Appeal Statement

APPEAL BY:

Mr R Puni

Against the decision of the London Borough of Hillingdon to refuse planning
permission for:

Erection of a single storey rear extension

at

17 Corwell Lane, Uxbridge UB8 3DD

LPA reference: - 29857/APP/2017/2164

STATUS: draft

3rd October 2017

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Report Audit

<u>Date</u>	<u>Rev</u>	<u>Author</u>	<u>Check by</u>	<u>Comment</u>
03/10/17	-	WP		



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1. Introduction

1.1. Planning application 29857/APP/2017/2164 was submitted to London Borough of Hillingdon. The application proposed the erection of a single storey rear extension.

1.2. The Council has refused the application for the following two reasons:

1. The proposed single storey rear extension, by virtue of its size, scale, bulk, depth, height and proximity, would be detrimental to the amenities of the adjoining occupier at 15 and 17a Corwell Lane by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore, the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions

2. The proposed single storey rear extension, by virtue of its size, scale, bulk, depth and height would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of 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.

1.3. The application was received by Sutton on the 16th June 2017. The decision notice is dated 14th August 2017.

1.4. The decision notice refers to drawings 01, 04, 05, 06 and 07.

2. Appeal Site and Surroundings

2.1. The site and the proposal are detailed in the Planning Statement and drawings that accompany the application, and it is not necessary to repeat all of the details here.



Figure 1 - Site location and block plan (not to scale)



Figure 2 - Ariel photo of site and context

3. The Proposed Development

- 3.1. Whilst the proposal has been described as an extension in both the application form and the decision notice, its appearance will be more akin to a traditional conservatory. The conservatory will comprise a low level brick wall with UPVC glazing above, together with a glazed roof. The current external doors from the house to the conservatory will be retained.
- 3.2. It should also be noted that commencement on the development has begun on the assumption that the construction was permitted development. The base wall has been constructed, but works have since ceased pending the outcome of this appeal.

4. Planning History & Relevant Planning Policy

4.1. Relevant planning Applications

29857/APP/2012/1328 was approved in 2012. This application received approval for the demolition of a fire damaged bungalow on the site (number 17) and the construction of two dwelling houses (nos 17 & 17A). Subsequently these dwellings have been constructed and the division of the land into two titles has been completed. There is no other relevant permissions for the application site.

Relevant Planning Policy

- 4.2. A comprehensive list of planning policies that were taken into consideration by the council within the application are cited on the officer report and a number of these relevant policies are also contained in Appendix A.

5. The Appellant's Case

- 5.1. The Planning Statement provides a consideration of the site and its surroundings and some justification to support the proposal. However, in the light of the Council's reasons for refusal the Appellant makes the following comments.
- 5.2. It is nevertheless also important to consider the alternatives for extensions to dwelling houses that are ordinarily available under permitted development rights. In this respect it is appreciated that there is a "borough wide" Article 4 direction came into force on 22nd October 2014 that removes permitted development rights for any single storey extension that extends beyond the rear wall of the original dwellinghouse by more than 4 metres.
- 5.3. It should also be noted that planning permission was granted for the house in June 2012 under reference 29857/APP/2012/1328 (see decision notice attached as Appendix B) and that permitted development rights for extensions to the house were not removed. Condition 8 removes some permitted development rights, relating to garages, sheds, outbuildings and roof alterations, but it does not remove permitted development rights for extensions to the house.
- 5.4. Taking these two factors into account, permitted development rights are still available for this property to allow for a 4m deep rear extension, with an eaves height of 3m and a maximum height of 4m ¹. Therefore it is only the additional 2m depth of the extension beyond the 4m that exceeds permitted development tolerances. Indeed a more "solid" looking brick structure could be built up to 4m in depth under such rights.
- 5.5. This alternative must be seen as a fall-back position, and with respect, it is suggested that the proposed development will have less of an impact than the permitted development alternative. The proposed conservatory will also not be so harmful as the Council suggest in their reasons for refusal.

The Impact on the Amenities of Adjoining Occupiers

- 5.6. The proposal is for a conservatory. It will therefore appear lightweight in appearance and there will be no adverse impact on the amenities of adjoining occupiers given its appropriate siting, height and form.
- 5.7. The Council's Supplementary Planning Guidance suggests that the roof of a single storey rear extension with a pitched roof should not exceed 3.4m at its highest point. The Guidance also suggests that extensions should be set in 0.25m from any side boundary and that a height of up to 3.1m is acceptable at eaves level, where immediately adjacent to a boundary ².
- 5.8. The ridge height of the proposed conservatory will be 3.52m, and the eaves height will be 2.25m Therefore whilst the maximum height is 12cm higher than the Council's

¹ Town and Country Planning (General Permitted Development Order) 2015 (as amended, Schedule 2, Part 1, Class A.

² LB Hillingdon Design and Accessibility Statement on Residential Extensions, December 2008, Page 14, Section 3.0

guidance, the eaves height is 85cm lower than the maximum eaves height on a boundary suggested in the Council's guidance. Given that the conservatory will be set away from the side boundaries and given the limited length of the ridge, the proposal does not materially conflict with the dimensions set out in the Council's guidance. The lower eaves height more than compensates for the very marginal exceedance of the suggested maximum ridge height.

- 5.9. With regard to the impact on No.15 Corwell Lane the conservatory will be to the south of that property but it is not on the boundary with that property. There is a distance of over 3.5m from the side of the conservatory to the 1.8m high boundary fence with No.15. Combined with the lightweight appearance of the conservatory, it will not appear as over-dominant, nor overshadow, or result in any visual intrusion, loss of light or loss of outlook.
- 5.10. With regard to the impact on No.17a, this is to the south of the appeal site, and the conservatory will also be inset from the boundary with this property and in line with the flank wall of the house. There is also a 1.8m high boundary fence along this boundary and the eaves height of the conservatory will not be significantly greater than the existing fence, and it is set away from it. There will not therefore be any adverse impact on the amenities of the occupants of No.17a.
- 5.11. Overall it is therefore considered that there will be no adverse impact on the amenities of the surrounding properties. The additional depth of 2m of this lightweight structure that is otherwise permitted development, is acceptable. It is preferable to a more solid structure that could be constructed to a depth of 4m without the need for planning permission

The impact on the Character of the Building and the Surrounding Area

- 5.12. The structure is to the rear of the property, and is not visible from Corwell Lane. It is however appreciated that the rear garden backs onto the northern cul-de-sac arm of Trinity Drive.
- 5.13. The proposed conservatory is consistent with any garden setting where these types of structures are commonplace, be they attached to the house, or as detached outbuildings. The boundary to Trinity Drive comprises a 1.5m high brick wall, and there are many outbuildings and other garden structures within the rear gardens of all of the other properties whose rear gardens face onto Trinity Drive. This includes a substantial double garage at the rear of Nos.15 and 15a. The conservatory will not extend into the rear garden as far as this double garage, and it is also considerably smaller in scale and domestic in appearance. It cannot therefore be harmful to the character of the building and the surrounding area, compared with the many other structures within rear gardens.
- 5.14. Whilst the house is relatively new, soft planting can be provided around the boundaries, which can be of plants/species that could grow higher than the existing wall and fences so as to provide a softening effect of the existing stark boundary treatment and further reduce the visibility of the conservatory. An appropriate condition could be imposed to this effect.



5.15. Accordingly there will be no adverse impact on the character of the building or the surrounding area

Other Matters

5.16. The Council acknowledges that there are no parking or highway safety concerns and that the remaining amenity space will be sufficient for the occupants of the dwelling. Indeed this amenity space will be retained, and no further outbuildings can be erected within the rear garden without first obtaining planning permission from the Council because of Condition 8 of the original planning permission for the dwelling that removes permitted development rights for outbuildings.

5.17. The Appellant would advise that the size of the conservatory is required to accommodate physiotherapy equipment required by the Appellant for a serious medical condition.

6. Conclusion

6.1. The Appellant has demonstrated that the development is appropriate to this site and that the Council's concerns are unfounded or unjustified. The site can clearly accommodate the development and there is no adverse harm caused. Appropriate conditions can be imposed to ensure that all material planning considerations are satisfactorily addressed.

6.2. It is therefore respectfully requested that this appeal be allowed.

7. Appendices

A – Planning Policy Extracts

B – Planning permission 29857/APP/2012/1328