

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

**FULL STATEMENT OF CASE IN SUPPORT OF
SECTION 78 APPEAL**

Single storey side extension and installation of brick boundary wall
to side

On Behalf of Mr Philip Li

27A BEECH CLOSE, WEST DRAYTON, LONDON UB7 9LQ

Our ref: YM/Li/0218/rk

LPA ref: 73168/APP/2017/4524

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1 SITE AND SURROUNDINGS

- 1.1 The appeal site serves a chalet bungalow located between No's. 27 and 29 of Beech Close. The site is set back generously from the streetscene and the plot is spacious.
- 1.2 The surrounding area predominantly residential in character and there is a large public open space directly outside the appeal site for the benefit of the Beech Close residents and wider community.
- 1.3 The appeal site is not located in a Conservation Area and there are no statutorily listed buildings on or near the site.

2 RELEVANT PLANNING HISTORY

- 2.1 Planning application (ref: 62028/APP/2008/118) for '*Erection of a detached three-bedroom chalet bungalow, together with associated parking and amenity area (existing garage and shed to be demolished)*' was approved on 2 April 2008.
- 2.2 Planning application (ref: 73168/APP/2017/3305) for '*Side extension and installation of new boundary wall to side*' was refused on 26 October 2017.
- 2.3 Planning application (ref: 73168/APP/2017/4524) for '*Single storey side extension and installation of brick boundary wall to side*' was refused on 2 February 2018 for the following reason:

"The proposed extension, by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the extended property, would result in an 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 – Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions."

3 APPEAL PROPOSAL

- 3.1 Single storey side extension and installation of brick boundary wall to side.

4 PLANNING POLICY

- 4.1 National Planning Policy Framework (2012)
- 4.2 National Planning Practice Guidance (Online)
- 4.3 London Plan (2016)
- 4.4 GLA Housing SPG (2016)
- 4.5 New London Plan (Emerging)
- 4.6 Hillingdon Local Plan Part 1 Strategic Policies (2012)
- 4.7 Hillingdon Unitary Development Plan (1998)
- 4.8 Hillingdon HDAS Residential Extensions SPD (2008)
- 4.9 Hillingdon HDAS Residential Layouts SPD (2006)
- 4.10 Hillingdon Local Plan Part 2 Development Management Policies (Emerging)

5 AMPLIFICATION OF THE APPELLANT'S GROUNDS OF APPEAL

- 5.1 The LPA's decision notice and case officer report indicate that the LPA found the appeal proposal unacceptable due to its impact on the living conditions of the future occupiers through lack of sufficient outdoor amenity space. As such, the remainder of this statement focuses on the above main issue. The LPA does not object on any other planning grounds.

Outdoor amenity space

- 5.2 Policy BE19 of the Unitary Development Plan (1998) states that the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.
- 5.3 Policy BE23 of the Unitary Development Plan (1998) states 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.

- 5.4 Paragraph 4.9 of the HDAS Residential Extensions SPD (2008) advises that sufficient garden space should be retained as a consequence of an extension. Two bedroom houses should retain at least 40 square metres of private usable rear garden space, three bedroom houses at least 60 square metres and four+ bedroom houses at least 100 square metres.
- 5.5 Paragraphs 4.14 and 4.16 of the HDAS Residential Layouts SPD (2006) advise that outdoor amenity areas should be appropriate to create space which is both functional and attractive. The guidance notes that narrow strips of ground around buildings or adjacent to roads or parking areas will not be considered suitable as usable garden space.
- 5.6 The LPA argues that the proposed extension at the appeal site would result in over-development of the site as the remaining outdoor amenity space of approximately 78 sqm would not be sufficient to protect the amenities of the occupants of the extended dwelling. The LPA argues that the extended dwelling would actually be used as a four bedroom dwelling and therefore would require a rear garden of 100 sqm in size.
- 5.7 Contrary to the LPA's assertion, the proposed development would result in an extended three bedroom dwelling as shown on the proposed drawings. It would not be a four bedroom dwelling. The Inspector is respectfully requested to give significant weight to this. This means that the proposal to retain approximately 78 sqm as outdoor amenity space would be wholly satisfactory and would comfortably exceed the LPA's guidelines for 60 sqm. As such, the appeal proposal would not result in over-development of the site and would sufficiently protect the amenities of the occupants of the extended dwelling.
- 5.8 The retained outdoor amenity space would be grassed, useful and practical shape. It would receive sufficient natural light and provide a meaningful outdoor amenity space that provides quality amenities to the users. It would not result in an impractical shape or unusable garden. In this context, the quality of the retained outdoor amenity space would remain high.

- 5.9 Even if the extended dwelling were to be treated as a four bedroom property, the retained garden space would be satisfactory to accommodate the occupants of the four bedroom property. Whilst it may technically be smaller than the 100 sqm advised by the LPA, the size of the outdoor amenity space is only one out of a number of circumstantial matters that determine the satisfactoriness of a rear garden. As discussed above, the quality of the retained garden space would still remain high and the extended internal floorspace of the dwelling at ground floor level (i.e. significant ground floor family areas) would also effectively serve as a form of amenity space. Moreover, there is an easily accessible public open space directly to the front of the appeal site. Taking these particular site circumstances into consideration, the retention of approximately 78 sqm as outdoor amenity space at the appeal site would be wholly satisfactory to accommodate a four bedroom property.
- 5.10 It is noteworthy that the 100 sqm provision is merely guidance by the LPA and not a planning policy. Whilst the retained 78 sqm outdoor amenity space at the appeal site would not meet the LPA's guidance, it would meet the Mayor's guidance on outdoor amenity space. Standard 26 of the Housing SPG (2016) advises that a minimum of 5 sqm of private outdoor space should be provided for one or two person dwellings and an extra 1 sqm should be provided for each additional occupant. The appeal proposal would comfortably exceed this guidance and the retained 78 sqm outdoor amenity space would be large enough in real terms.
- 5.11 In light of the above, it is submitted that the appeal proposal would not result in over-development of the site and would sufficiently protect the amenities of the occupants of the extended dwelling through the provision of satisfactory outdoor amenity space. Therefore, the appeal proposal is consistent with the relevant aims and provisions of Policies BE19 and BE23 of the Unitary Development Plan (1998); the HDAS Residential Extensions SPD (2008); HDAS Residential Layouts SPD (2006); and the Housing SPG (2016) which essentially seek to ensure that new developments deliver sufficient outdoor amenity space that is of practical shape and utility to allow satisfactory amenities of the occupants.

6 CONCLUSION

- 6.1 The appeal proposal would not result in over-development of the site and would sufficiently protect the amenities of the occupants of the extended dwelling, as it would maintain an adequate amount of private outdoor amenity space that is of practical shape and utility.
- 6.2 The proposed development is consistent with the relevant aims and provisions of the LPA's Development Plan and the national framework.
- 6.3 The Inspector is respectfully requested to allow the appeal and grant planning permission for the proposed development at the appeal site.