



WRITTEN STATEMENT OF CASE

AGENT**BB PLANNING**Warrington
Cheshire**TEL: 07788 998899****EMAIL: bbplanninginfo@gmail.com****LPA****LONDON BOROUGH OF HILLINGDON****APPLICATION No.****24650/APP/2018/1479****PROPOSAL****FIRST FLOOR REAR EXTENSION AND EXTENSION TO THE ROOF TO CREATE
ADDITIONAL HABITABLE SPACE****APPLICATION DATE****23/04/2018****DECISION DATE****22/06/2018****SITE LOCATION****51 ICKENHAM ROAD
RUISLIP
HA4 7BZ****APPELLANT****MR R AHMED**

Contents

1.0	Background	-	Page 3
2.0	Relevant Planning History	-	Page 4
3.0	Appeal Site & Location	-	Page 5
4.0	Appeal Proposal	-	Page 6
5.0	Relevant Planning Policy	-	Pages 7 to 10
6.0	Grounds of Appeal	-	Pages 11 to 16
	• Principle of Development • Impact on the character and appearance of the original dwelling • Impact on the character and appearance of the Ruislip Village Conservation Area • Impact on neighbouring amenity • Surrounding development		
7.0	Conclusions	-	Page 17

1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for a first floor rear extension and an extension to the roof to create additional habitable space at no. 51 Ickenham Road in Ruislip.
- 1.2 The planning application was dated 23rd April 2018 and was registered by the council on 1st May 2018 before being subsequently refused under delegated powers on 22nd June 2018 by the London Borough of Hillingdon Council, with the decision notice stating the following reason for refusal:
1. *The proposed development, by reason of its size, scale, bulk and design, including the crown roof detail, represents an unduly intrusive and incongruous form of development, which would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Ruislip Village Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.8 of the London Plan (2016), the adopted Supplementary Planning Document HDAS: Residential Extensions and the NPPF.*
- 1.3 By way of background to the case, four neighbours and the Ruislip Residents' Association were consulted for a period of 21 days expiring on the 24th May 2018 and a site notice was erected to the front of the property. During this time one response was received and as a result the concerns raised will be addressed within the appellant's grounds of appeal.
- 1.4 The Ruislip Village Conservation Panel did not respond and the case officer chose to re-use the Conservation and Urban Design Officer's comments from the previous application, whilst Trees/Landscaping confirmed they had no objection and no need for landscape conditions should the council be minded to approve the scheme.
- 1.5 Having taken into account the reasons given for refusal and the individual circumstances of this case, the appellant concluded that the most productive course of action would be to appeal to the Planning Inspectorate in confidence that planning permission would be granted.

2.0 RELEVANT PLANNING HISTORY

2.1 Application Ref: 24650/APP/2018/117

Validated: 9th January 2018

Single storey side extension, first floor rear extension and extension to the roof with two rear roof lights to create additional habitable roof space.

Decision: Refused 5th March 2018

Reasons for refusal:

"The proposed development, by reason of its size, scale, bulk and design, including the double apex and crown roof detail, represents an unduly intrusive and incongruous form of development, which would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Ruislip Village Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012), Policy 7.8 of the London Plan (2016), the adopted Supplementary Planning Document HDAS: Residential Extensions and the NPPF."



Previously refused rear elevation taken from application ref 24650/APP/2018/117

- 2.2 The appellant and his architect took on board the council's assessment of the previous scheme and as a result modified the roof extension and removed the single storey side extension to ensure that the appeal development would comply with the council's recommendations. However, as the resubmitted application has also been refused the following statement will seek to demonstrate why the proposed development would be acceptable and reasons why it is considered that the council's decision is inaccurate on this occasion.

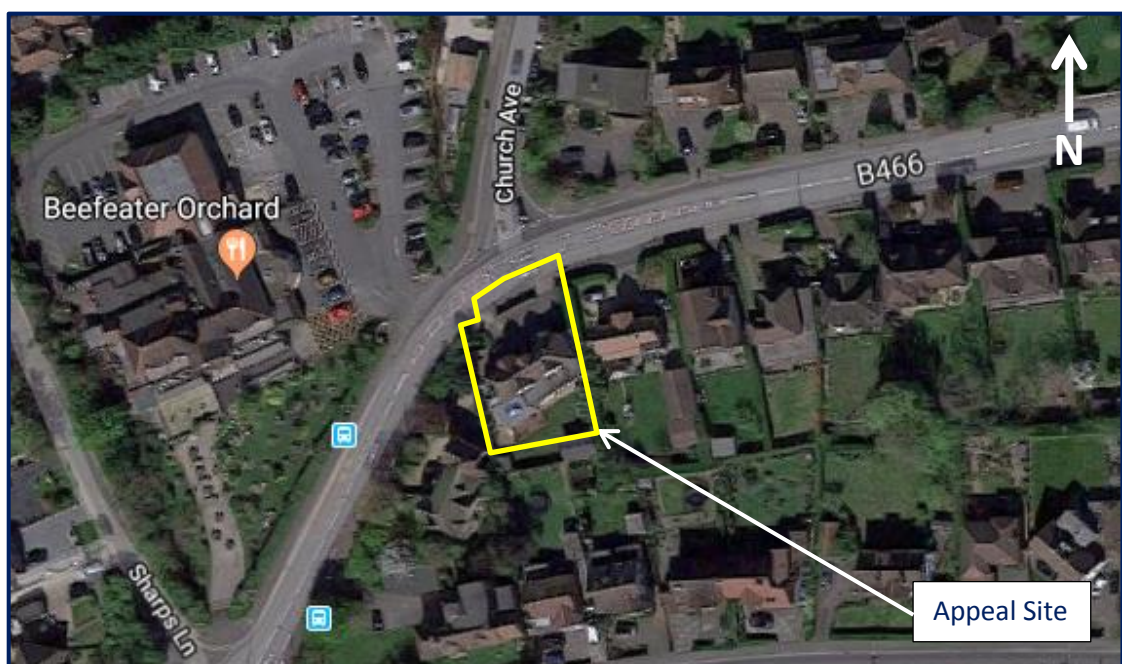
3.0 APPEAL SITE & LOCATION

- 3.1 The appeal site comprises a two-storey detached property which is situated to the southern side of Ickenham Road opposite the junction with Church Avenue which sits adjacent to a Premier Inn with Beefeater Grill. The appeal property is set back from the highway behind a paved front curtilage which provides off-road parking for a number of vehicles whilst to the rear is a private garden.



Appeal site No. 51 Ickenham Road

- 3.2 The appeal property is located within an area that is predominantly residential in character and lies within the boundary of the Ruislip Village Conservation Area and although the host property is not a listed building it sits in proximity of 'Fiveways' a locally listed building.



Aerial view of the appeal site and surrounding location

4.0 APPEAL PROPOSAL

- 4.1 The proposed scheme sought planning permission for a first floor rear extension and an extension to the roof to create additional habitable space at no. 51 Ickenham Road.
- 4.2 The scheme seeks to construct a first floor extension to a depth of 3.05m and a width of 9.7m above a section of an existing single storey extension which has a depth of 3.05m and a width of 12.2m.
- 4.3 The roof form would also be extended to create additional habitable space in the loft, however, these works would replicate the existing roof form to ensure a cohesive development and in order to preserve the architectural integrity of the host property. The ridge and eaves line of the extended roof gables would remain at the same height as the original roof and the pitch would reflect the existing slopes.



Proposed rear elevation taken from drawing no. 51ickenhamroad/2017/06 Rev B

- 4.4 The proposed development would not increase the footprint of the property but would provide an additional 46m² of usable internal floor area which would benefit the amenity levels for existing and future occupants of the property.
- 4.5 To the first floor the development would increase the size of three of the existing bedrooms whilst the increase in loft space would provide a fifth bedroom.
- 4.6 The development would be constructed from materials which complement the host property although the appellant is willing to secure these by condition if deemed appropriate.

5.0 RELEVANT PLANNING POLICY

5.1 The reason for refusal refers to policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), policy 7.8 of the London Plan (2016), the adopted Supplementary Planning Document HDAS: Residential Extensions and the NPPF.

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

National Planning Policy Framework (NPPF)

5.3 The NPPF 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 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. 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

5.5 Paragraph 17 of the NPPF sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The second, fourth and tenth 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”.*
- *“Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.*

Requiring good design

- 5.6 Section 7 of the NPPF refers to design, with paragraph 56 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 5.7 Paragraph 57 notes that *“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”*, with Paragraph 58 stating that planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.

Decision-taking

- 5.8 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.

The London Plan

- 5.9 The London Plan is the overall strategic plan for London, setting out an integrated economic environmental, transport and social framework for the development of London over the next 20-25 years. Policy 7.8 is referred to within the given reason for refusal.

Policy 7.8: Heritage assets and archaeology

- 5.10 Policy 7.8 states that development affecting heritage assets (including conservation areas) should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

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

- 5.11 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. Policies BE1 and HE1 are referred to within the given reason for refusal.

Policy BE1: Built Environment

- 5.12 Policy BE1 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.
- 5.13 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.
- 5.14 Criterion 2 of the policy states that proposals should be designed to be appropriate to the identify and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.

Policy HE1: Heritage

- 5.15 The council will conserve and enhance Hillingdon's distinct and varied environment, its setting and the wider historic landscape.

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

- 5.16 A direction was issued on 24 September 2007 by the Government Office for London confirming Hillingdon's request to 'Save' key local policies and to delete obsolete or rarely used policies. This was effective from the 27 September 2007. Policies BE4, BE13, BE15 and BE19 are referred to within the given reason for refusal.

5.17 **UDP Policy BE4: Conservation Areas**

New development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area.

UDP Policy BE13: Design of New Developments

- 5.18 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

- 5.19 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

- 5.20 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.

HDAS Supplementary Planning Document Residential Extensions (December 2008)

- 5.21 Section 6.0 refers to rear and first floor rear extensions whilst section 7.0 refers to loft conversions and roof alterations.
- 5.22 Section 6.0 states that the council will "*consider proposals for two storey rear extensions in terms of their setting and with particular reference to their proximity to neighbouring houses*". Generally two storey rear or first floor rear extension will only be allowed where there is no significant over-dominance, over-shadowing, loss or outlook and daylight. Whilst full width extensions at first floor will only be considered on detached properties subject to meeting the 45 degree line of sight criteria.
- 5.23 Section 7.0 states that loft conversions and roof alterations will be assessed against any possible detrimental effect to neighbouring residents and in particular, the appearance of the original house and character of the local area.

6.0 GROUNDS OF APPEAL

6.1 The appellant's case will focus on the central concerns of the decision notice, which raised just one for refusal in regard to this development, notably:

- a) Whether the proposed development, by reason of its size, scale, bulk and design, including the crown roof detail, represents an unduly intrusive and incongruous form of development, which would fail to harmonise with the architectural composition of the original dwelling, and;
- b) Whether the proposed development would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Ruislip Village Conservation Area.

6.2 The main planning considerations in the determination of this appeal are:

- Principle of Development
- Impact on the character and appearance of the original dwelling
- Impact on the character and appearance of the Ruislip Village Conservation Area
- Impact on neighbouring amenity
- Surrounding development

Principle of Development

6.3 The appellant's architect has designed a high quality residential extension that following the design changes requested by the council would result in a development that will complement both the appearance and character of the existing house, whilst not impacting negatively upon the amenity of the neighbouring residents. The proposed extension would be proportionate in size and harmonise well with the original property through its thoughtful, creative design which respects the character and appearance of both the appeal dwelling and its conservation area setting, in accordance with policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies, policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies as well as policy 7.8 of the London Plan and the adopted Supplementary Planning Document HDAS: Residential Extensions.

6.4 Given the site's location which is identified as a 'Developed Area' in the Hillingdon Local Plan: Part One - Strategic Policies the proposed scheme to extend an existing dwelling house should be deemed acceptable in principle as it proposes to improve

the quality of housing within the borough and therefore accords with the sentiments of the London Plan.

Impact on the character and appearance of the original dwelling

- 6.5 The first floor rear extension and extension to the roof space have been sympathetically designed and the scale carefully considered to ensure that they appear original to the host dwelling through the proposed use of matching materials of construction and their modest size and scale which would not overwhelm the original dwelling. As demonstrated in the following plan excerpts the extension relates acceptably well to the host property following the same lines and pitches to produce an overall balanced appearance.



Existing side elevation



Existing rear elevation



Proposed side elevation



Proposed rear elevation

- 6.6 The appeal development is a modified scheme following on from previous application ref 24650/APP/2018/117 for '*single storey side extension, first floor rear extension and extension to the roof with two rear roof lights to create additional habitable roof space*' which was refused on 5th March 2018.
- 6.7 It is important to note that the council's conservation officer did not respond during the consultation process to the appeal application and the case officer has chosen to put forward their comments from the previously refused application, even though the single storey side extension was removed from the scheme and the roof was modified in line with comments received from the conservation officer.

- 6.8 Whilst the council appear to recognise the improvements that have been made over the previous submission, they still consider that the creation of the crown roof detail would result in a substantial addition to the rear of the property, which the council state *“is inappropriate in its design and bulk”*.
- 6.9 The conservation officer stated *“it may be possible to extend the two gables out over the ground floor extension, if they mirror what is there already. However the portion between them should be set back and roofed with a flat roof to obviate the need for a mansard and crown. Thus the extension would be at first floor only, necessitating a reduction in the accommodation in the roof.”*
- 6.10 However, it is argued that a set down flat roof between the extended gables would produce an inferior design and not reflect the design principles set out in the council’s SPD HDAS: Residential Extensions which states that ***“flat roofed extensions will not generally be accepted”*** on two storey rear and first floor rear extensions.
- 6.11 Whilst it is acknowledged that the crown roof in itself represents a flat roof element given that it would be placed at the same height of the extended gable ridges, when viewed from the rear and sides it would assimilate well with the original form of the property. Consequently, it is considered that the design modification suggested by the council would produce an incongruous and out of keeping form of development that would be at odds with the architectural detailing of the host property.
- 6.12 Given the above points, it is confidently asserted that the proposed development conforms with the relevant criteria of policy BE1 (Built Environment) of the Local Plan: Part One as the development would improve and maintain the quality of the built environment. In addition the appeal scheme would adhere to the requirements of saved UDP policies BE13 and BE15 which seek to ensure development harmonises with the features of the area including the scale, form, architectural composition and proportions of the original building.

Impact on the character and appearance of the Ruislip Village Conservation Area

- 6.13 The Ruislip Village Conservation Area is bounded by Pinn Way to the north and runs to the rear of commercial properties on the High Street to the east. To the south, the boundary runs to the rear of properties on Kingsend and then continues along Wood Lane to the western boundary along Sharps Lane.
- 6.14 It is acknowledged that the appeal site is located within a conservation area, however, this in itself does not mean that the proposed works are unacceptable or that they would be of detriment to the appearance of the conservation area. It is absolutely clear that the appeal proposal would not result in *‘substantial harm’* or even *‘less than substantial harm’* to the conservation area.

- 6.15 When considering the visual impact of the proposed works, it is important that due consideration is given to where the impact will be perceived and what the actual or demonstrable impact would be. It follows that the impact on the public realm from an extension within the street scene would be greater than that of works which have no impact on the public realm, for example a rear extension.
- 6.16 In this instance, the proposed extension would be sited to the rear of the property and therefore, would have little visual impact on the street scene of Ickenham Road with only a distant limited view available of the rear of the property from Kingsend road to the south of the appeal site, as demonstrated in the following street scene image. Given that the front façade of the property would remain unaltered the existing dwelling would continue to contribute to the street scene as an individual dwelling and as part of the planned estate.



Limited view of the appeal dwelling between nos. 52 & 50 Kingsend

- 6.17 The proposed first floor rear extension and extension to the roof have been sympathetically designed and the scale carefully considered ensuring that no detrimental impact would occur on the Ruislip Village Conservation Area. The scale of the extensions would retain the original architectural style of the property and also be in keeping with the proportions of the host building in order not to overwhelm the original dwelling or the neighbouring properties. Furthermore, through the use of complementary building materials the development would appear original to the property.
- 6.18 As such, the high quality extensions proposed would assimilate well with the original dwelling and the surrounding built environment and could not be deemed to detract in any way from the conservation area. Any suggested adverse impact would be extremely limited as the appeal proposal is an excellent, high quality form of development that would provide additional accommodation without appearing as an overly bulky or incongruous feature within the conservation area. The extensions

would facilitate a more efficient use of the plot and building, whilst enhancing and improving the residential amenity levels for both current and future occupants of the host property. Therefore, as the proposal seeks to conserve and enhance Hillingdon's distinct and varied environment it adheres to the sentiments of policy HE1 of the Hillingdon Local Plan.

- 6.19 The council's assessment that *"in terms of appearance the proposed extension would fail to respect the character and appearance of the existing property and the wider Conservation Area and is considered unacceptable"* is clearly an over exaggerated claim as the high quality design wholeheartedly reflects the architectural detailing of the host dwelling and the modest increase in bulk should be deemed acceptable given the generous plot size, the scale of the original property and the positive impact the development would make to the character and appearance of the site.
- 6.20 Therefore, it is strongly asserted that the proposed works would clearly sustain the significance of the conservation area and people's experience of it. Furthermore, the significance and appreciation of the conservation area, within the zone of influence of the proposal would not be compromised by allowing the scheme to proceed as the proposed works would be entirely compatible with the special characteristics of the area and would not lead to any harm to the original building or the locality.
- 6.21 Given the above points, the appeal scheme adheres to the requirements of London Plan policy 7.8 as the development would conserve the significance of the conservation area due to its proposed form, scale, materials and architectural detailing whilst also conforming with saved UDP policy BE4 which seeks to ensure development preserves or enhances the features within a conservation area which contribute to its special architectural and visual qualities.

Impact on neighbouring amenity

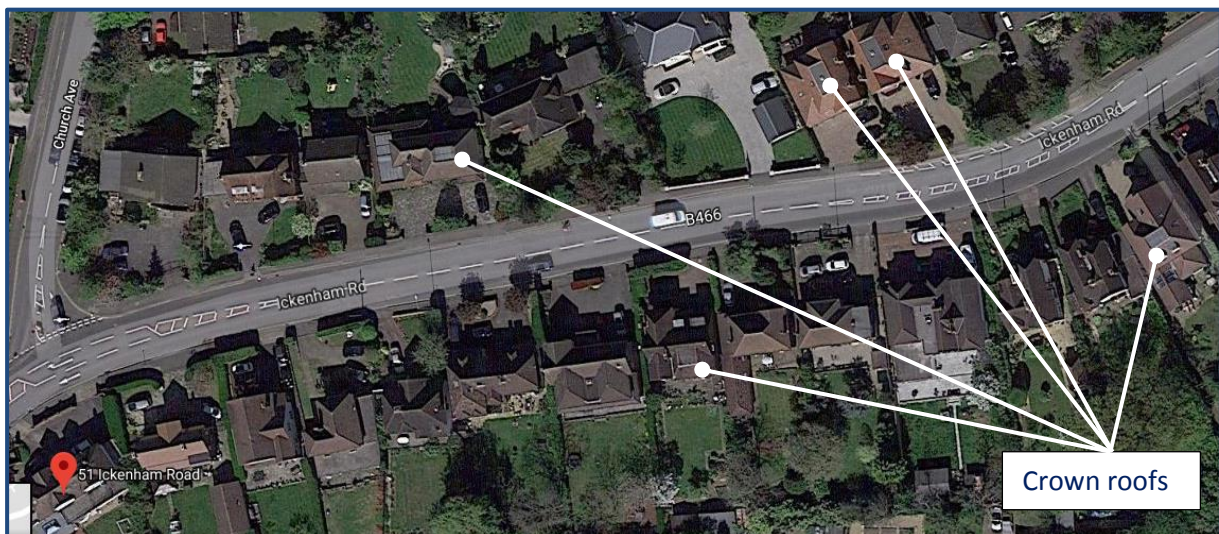
- 6.22 Saved UDP policies BE19, BE20 and BE21 seek to ensure that new development within residential areas complements or improves the amenity and character of the area whilst also recognising that amenities of the existing houses should be safeguarded.
- 6.23 The proposed development would not have any adverse impact on the amenities of neighbours in terms of loss of outlook or loss of light, given the orientation of the property, the siting of the proposed extensions and the separation distances achieved between dwellings.
- 6.24 In agreement with the council's assessment in regard to the impact on neighbouring amenity the proposed extensions would not break a 45° line of sight taken from the neighbouring properties and therefore, would not result in an unacceptable loss of light or outlook for existing and future occupiers of the adjacent dwellings.

- 6.25 Furthermore, no new windows are proposed within the side elevations of the first floor rear extension and therefore in accordance with saved policy BE24 the development would protect the privacy of the occupiers of the host property and those of the neighbouring dwellings.
- 6.26 Whilst new windows would be placed in the rear facing gables at roof level the council have concluded that the development ***“would not result in any additional overlooking or loss of privacy to that already existing”*** whilst concluding that:

“It is therefore considered that the proposed development would 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).”

Surrounding development

- 6.27 As detailed within the appellant’s application submission, there are many instances within the Ruislip Village Conservation Area where comparable developments have been undertaken. This clearly demonstrates that like for like proposals are not being assessed in a similar manner pointing to the fact that the decision is based purely on the case officer’s subjective opinion on design and not on its actual compliance with Local Plan and saved UDP policies.
- 6.28 Whilst the council may seek to overlook previous planning approvals within proximity of the appeal site, as the aerial image below demonstrates it is evident that many nearby dwellings have been significantly extended resulting in two storey rear extensions with roof alterations culminating in a crown roof element which it is asserted do not compromise the sensitive setting. Therefore, it is suggested that the council’s assessment of the appeal development is clearly flawed given its modest dimensions and its discrete location.



Aerial image of the appeal site and surrounding development

7.0 CONCLUSIONS

- 7.1 Every development proposal is unique and so we consider that all appeals should be considered on their own respective merits, having regard to the particular characteristics of each site.
- 7.2 The proposed development by reason of its modest size, scale, bulk and complementary design represent an appropriate form of development that harmonises with the architectural composition and detailing of the original dwelling. Contrary to the council's opinion the development would protect the character, appearance and visual amenities of the street scene whilst also preserving the character and appearance of the surrounding Ruislip Village Conservation Area thus complying with the relevant Local Plan policies and guidance contained within the adopted Supplementary Planning Document HDAS: Residential Extensions.
- 7.3 The NPPF states that planning permission should be refused only if a proposed development would lead to substantial harm to the significance of a designated heritage asset (including a conservation area). The NPPF does not define "*substantial harm*" but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. It is absolutely clear that the appeal proposal would not result in substantial harm, or even less than substantial harm to the setting of the conservation area.
- 7.4 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, regional or local planning policy and, for the above reasons, we respectfully request that this appeal proposal be allowed.

BB PLANNING
July 2018