

Planning Appeal Statement
On Behalf of Mr Patch

Appeal Site: 5 Windermere Avenue, Eastcote, Ruislip, HA4 9RG

Planning Application Ref: 9279/APP/2018/439

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1 INTRODUCTION

- 1.1 The appeal statement has been prepared in support of planning appeal against the refusal decision by the London Borough of Hillingdon on an application for planning permission with reference no. 9279/APP/2018/439 registered on 12 February 2018 for:

Single storey side/rear extension, first floor side extension and porch to front

- 1.2 The planning application was refused by London Borough of Hillingdon on 18 June 2018. This Appeal Statement sets out the Appellant's case in support of the proposed development above. This Statement should be read in conjunction with the application drawings and reports, which accompany this Appeal submission.

2 SITE AND SURROUNDINGS

- 2.1 The subject site contains a two storey semi-detached dwelling and is located on a corner plot, towards the western side of Windermere Avenue.
- 2.2 The subject dwelling is attached to no. 40 Sunningdale Avenue to the south-west and shares a boundary with no.3 Windermere Avenue to the north
- 2.3 The northern side of the dwelling is currently occupied by a garage and a shed/outbuilding.

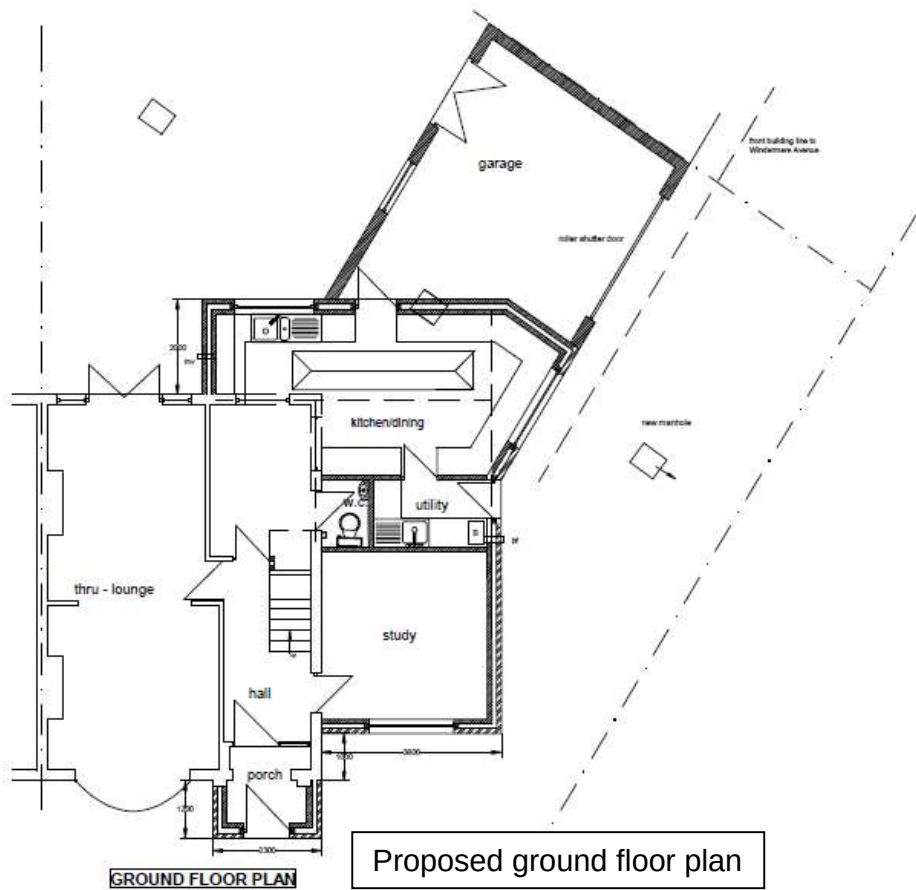


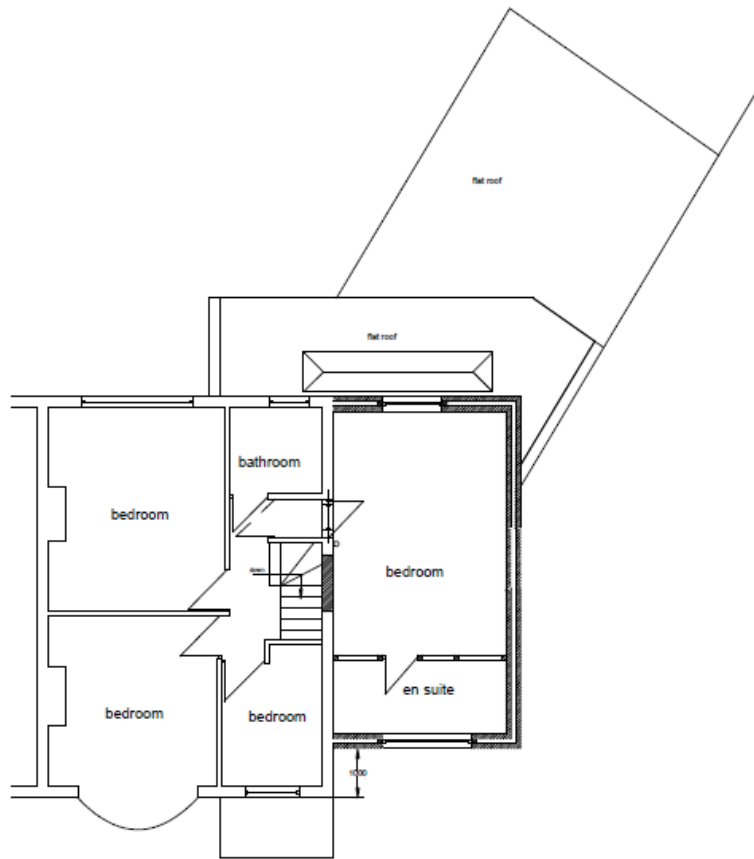
Front elevation



3 PROPOSED DEVELOPMENT

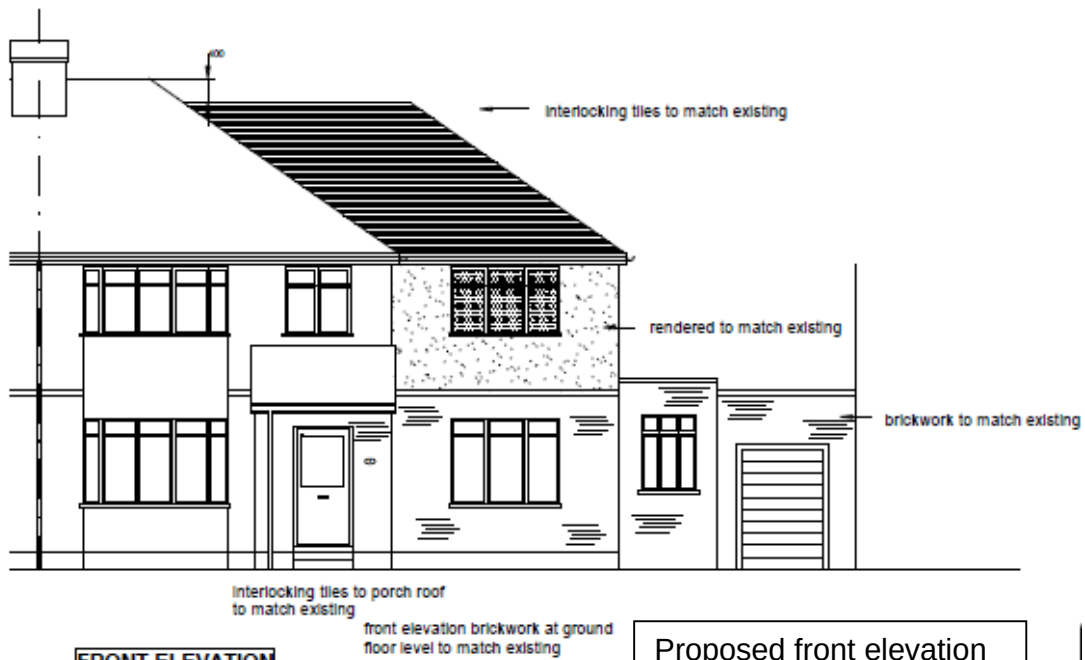
- 3.1 The proposal is for single storey side/rear extension, first floor side extension and porch to front.
- 3.2 The juttred part of the single storey side/ rear extension would connect to and occupy the footprint of the current garage and outbuilding; it would not protrude beyond the front building line of no. 3 Windermere Avenue and would roughly be in line with the front building line of the existing garage.
- 3.3 The extensions would provide one additional bedroom, a WC, a study room, increase kitchen/ dining room size, and make the current garage more usable/ practical.





FIRST FLOOR PLAN

Proposed first floor plan



FRONT ELEVATION

Proposed front elevation

4 COMMON GROUND

- 4.1 The proposed front porch is acceptable.
- 4.2 The width of the proposed two-storey side extension is acceptable at the first floor level because the width (3.8m) would be within two-third/ 65% of the original house.
- 4.3 The first floor extension would have sufficient set-down (0.4m) and set-back (1m).
- 4.4 The proposal would not create terracing effect.
- 4.5 The remaining garden size is acceptable.
- 4.6 No objections were received from adjoining properties.
- 4.7 The proposal would not have detrimental harmful amenity impacts upon occupiers of the subject house or the adjoining neighbours.

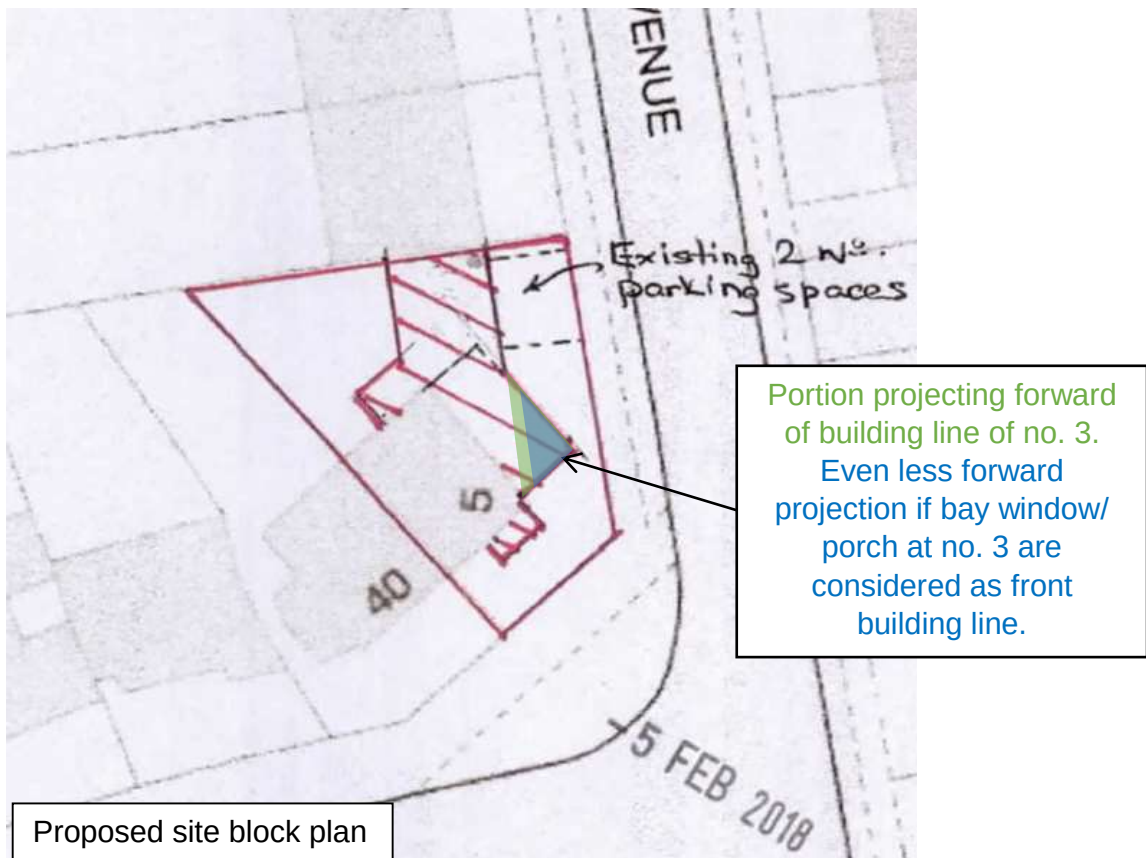
5 REASONS FOR REFUSAL

- 5.1 The council has listed two reasons for refusal as follows:
 - 5.1.1 *The proposed part two storey, part single storey side extension by reason of its siting in this open prominent position, size, scale, bulk, width, height and design would result in incongruous addition which would fail to harmonise with the architectural composition of the original dwelling and would 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.*
 - 5.1.2 *The proposed two storey side extension, by reason of its siting in this open prominent position, size, scale and projection forward of the recognised established building line along Windermere Avenue, would result in a cramped development which would represent an overdevelopment of the site to the detriment of the visual amenities of the street scene and the character and appearance of the surrounding area. The proposed development is therefore 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 - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.*
- 5.2 Since the council does not raise objection to the width of the side extension at the first floor level or the roof design, the chief concerns appears to be:
 - Width and depth of ground floor side extension
 - Siting of two storey side extension in relation to front building line with no. 3 Windermere Avenue.

6 GROUNDS OF APPEAL

6.1 Building Line (Reason for refusal no. 2)

- 6.1.1 The council states that the building line of the proposed extension would be forward of no. 3 Windermere Avenue (area highlighted in green below).
- 6.1.2 The council contends that the projection forward of the building line of no. 3 would be harmful to the character of the area.
- 6.1.3 Whilst it is factually true that the a portion of the side extension projects forward of the building line at no. 3 Windermere Avenue, a more detailed analysis, in this particular case and plot, suggests that the forward projection does not harm the character and appearance of the area.



- 6.1.4 The SPDs are 'GUIDE' to protect the character and amenity, and should never be used rigidly.
- 6.1.5 Given the existing angled plot orientation, gap between the two storey side extension and no. 3, the difference in building line would not be contrary to the pattern of development within the area, nor harm the character and appearance. For angled corner plots, it is common feature within the borough for the building lines to project forward of the neighbours.

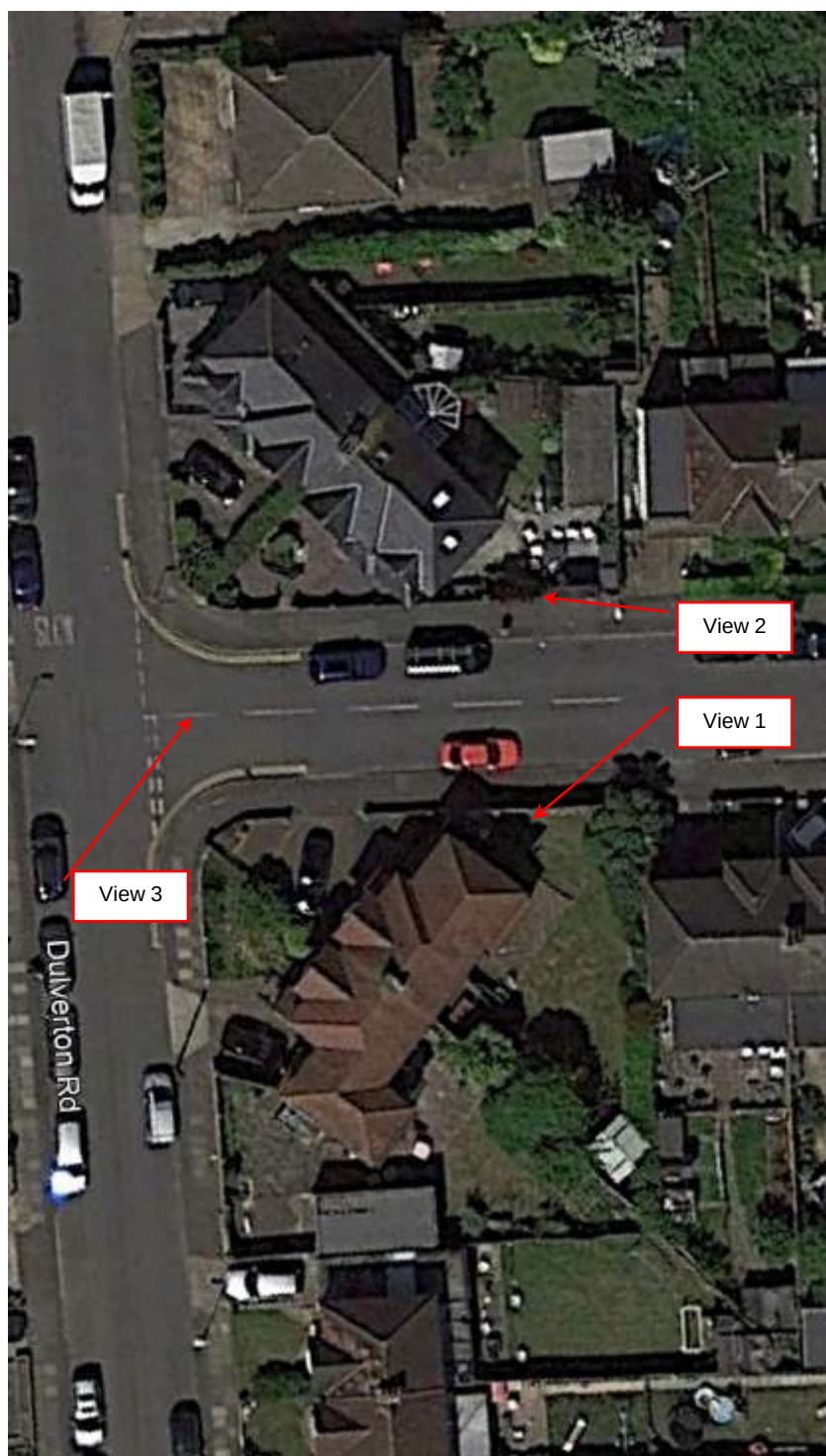
6.1.6 To illustrate the point in the above paragraph, a few images are shown below, where the extension projects beyond neighbouring building line in angled form.



Examples of angled corner plot properties- projecting beyond neighbouring properties (Nos. 1 -27 Filey Way, Ruislip, HA4)



Examples of angled corner plot properties- projecting beyond neighbouring properties (Nos. 1 -27 Filey Way, Ruislip, HA4)



Examples of angled corner plot properties- projecting beyond neighbouring properties (83 and 85 Dulverton Road, Ruislip; 1 and 2 Beverley Close, Ruislip)





View 3- 2 Beverley Close and 83 Dulverton Road

6.1.7 As can be seen from images above, uneven building lines are very common within the borough for corner-angled plots.

6.1.8 As can be seen from images below, given the separation and orientation, the two storey side extensions would not harm the character of the area despite the uneven building lines, for the subject plot.

6.1.9 Whilst the shown examples may be located slightly further away (still within reasonable distance and Ruislip area), the design and plot sizes/ orientations are essentially the same and this proposal would rise to similar impact upon the character of the street.

6.1.10 The two above examples shown, in Beverley Close, were granted planning permission by the Council and it is reasonable for this application to be treated the same. The precedents show that the uneven building lines do not harm the character of the area, where the buildings lines are already orientated differently.

6.1.11 OTHER RECENT EXAMPLES

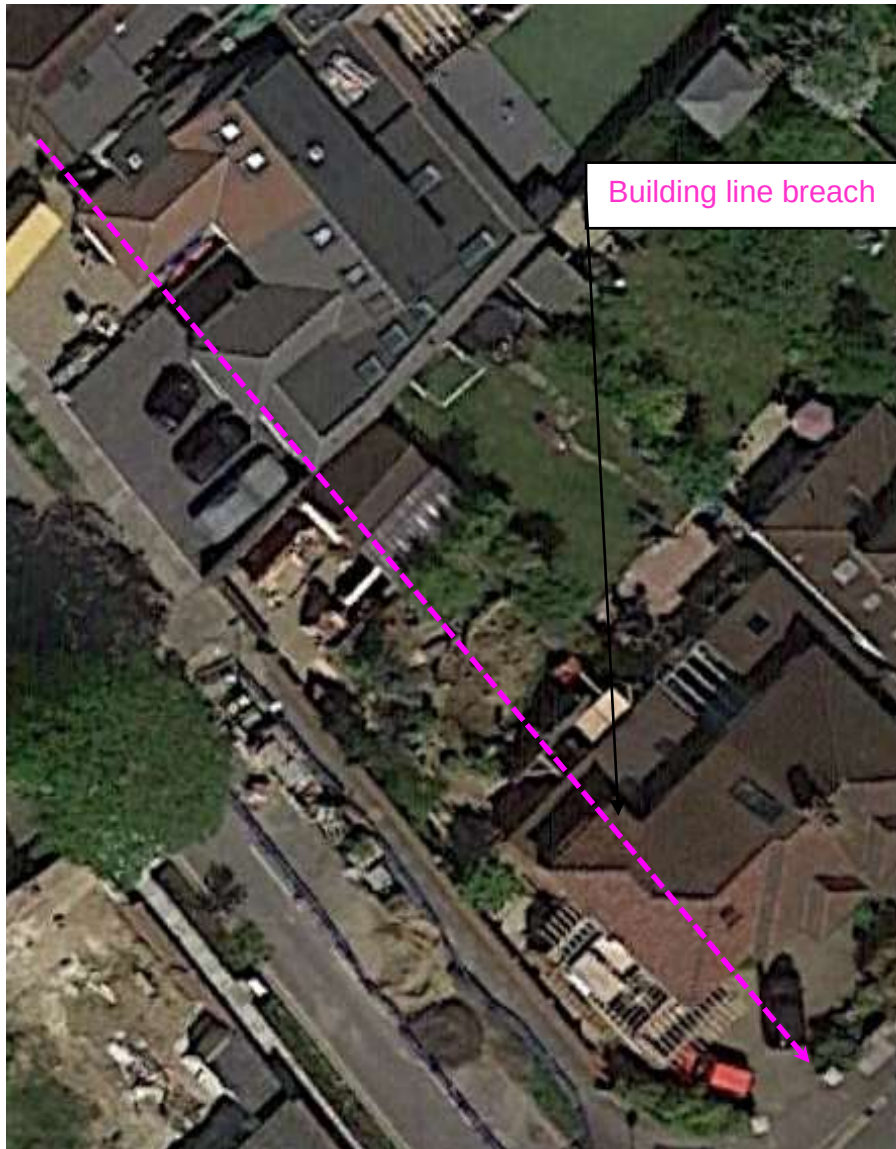
6.1.12 As written above, the SPDs are 'GUIDE' to protect the character and amenity, and should never be used rigidly.

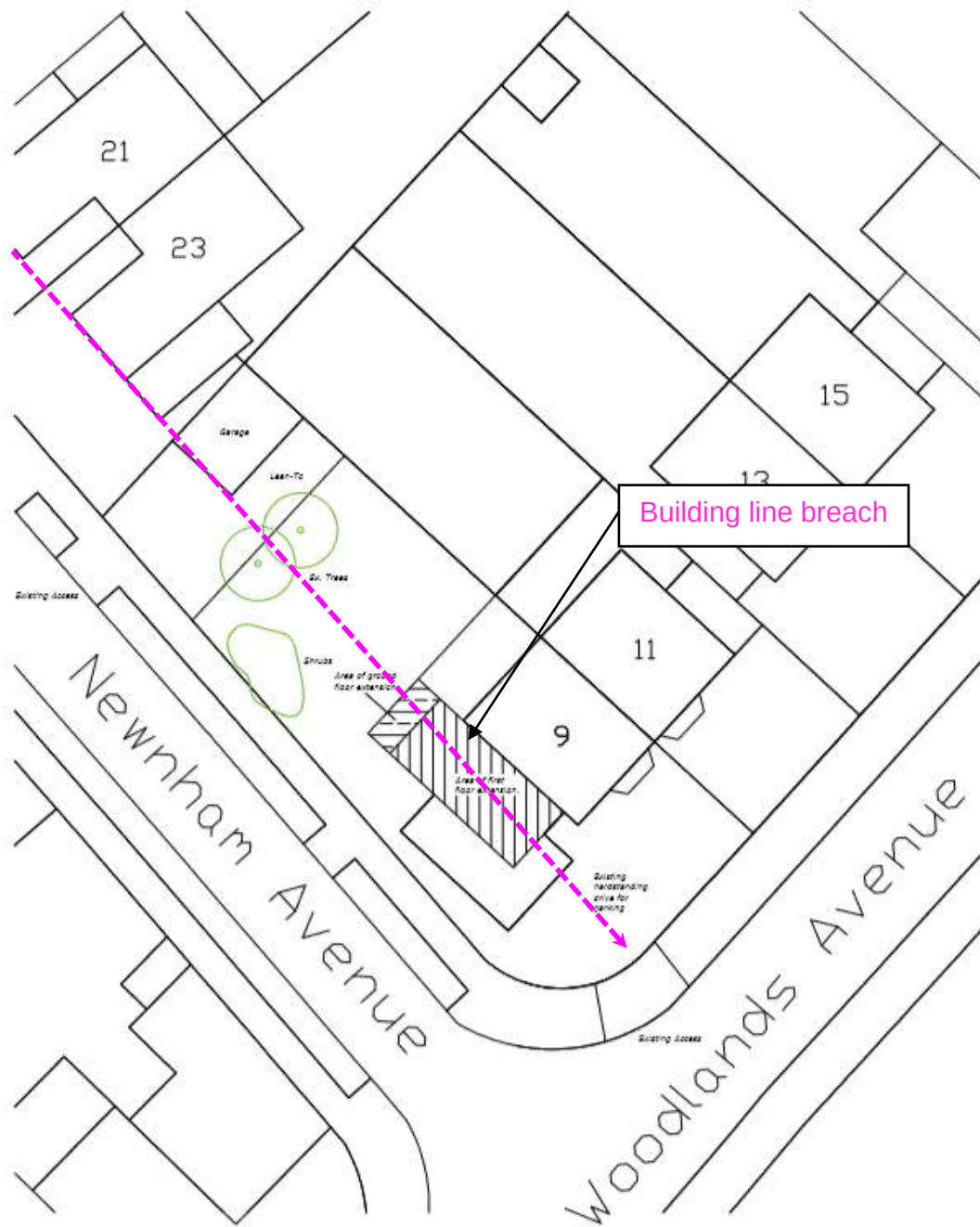
6.1.13 The properties nos. 7 and 9 Woodlands Avenue, and 327 Victoria Road in Ruislip were recently (after the adoption of the current SPD Hillingdon Design and Accessibility Statement, 2006) granted planning permission despite breaching the building lines because the harm to the character of the area would be limited.





6.1.15 9 Woodlands Avenue: Hillingdon Planning approval ref- 25318/APP/2017/454
(Granted on 14/09/17)





Proposed Site Plan

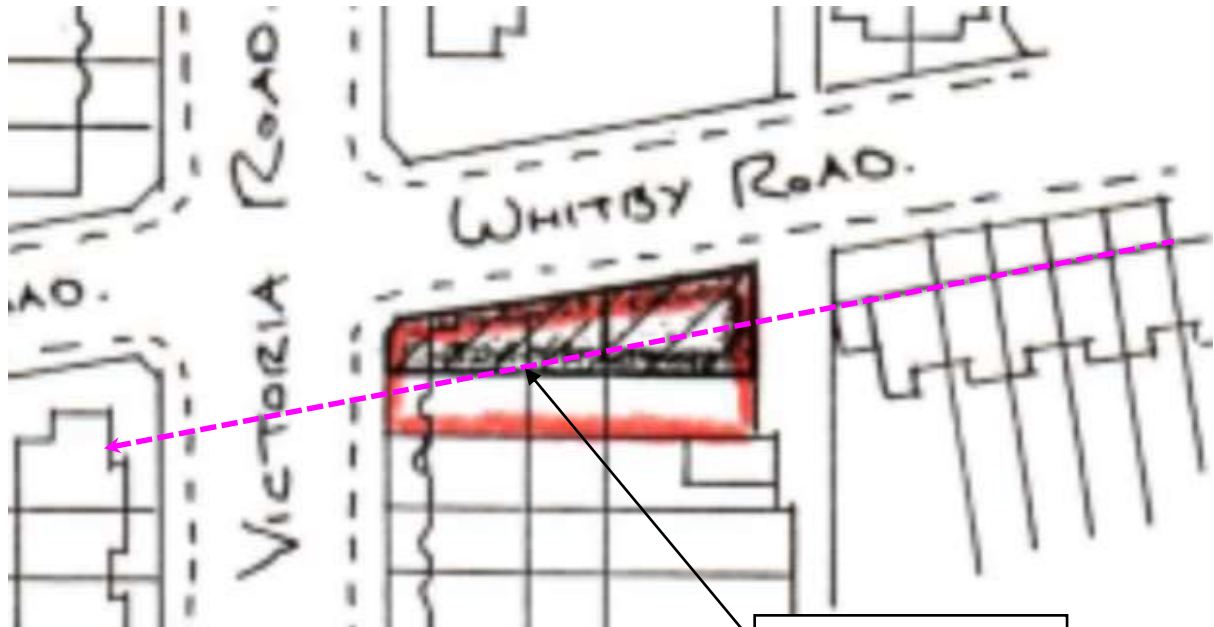


9 Woodlands Avenue, Ruislip-

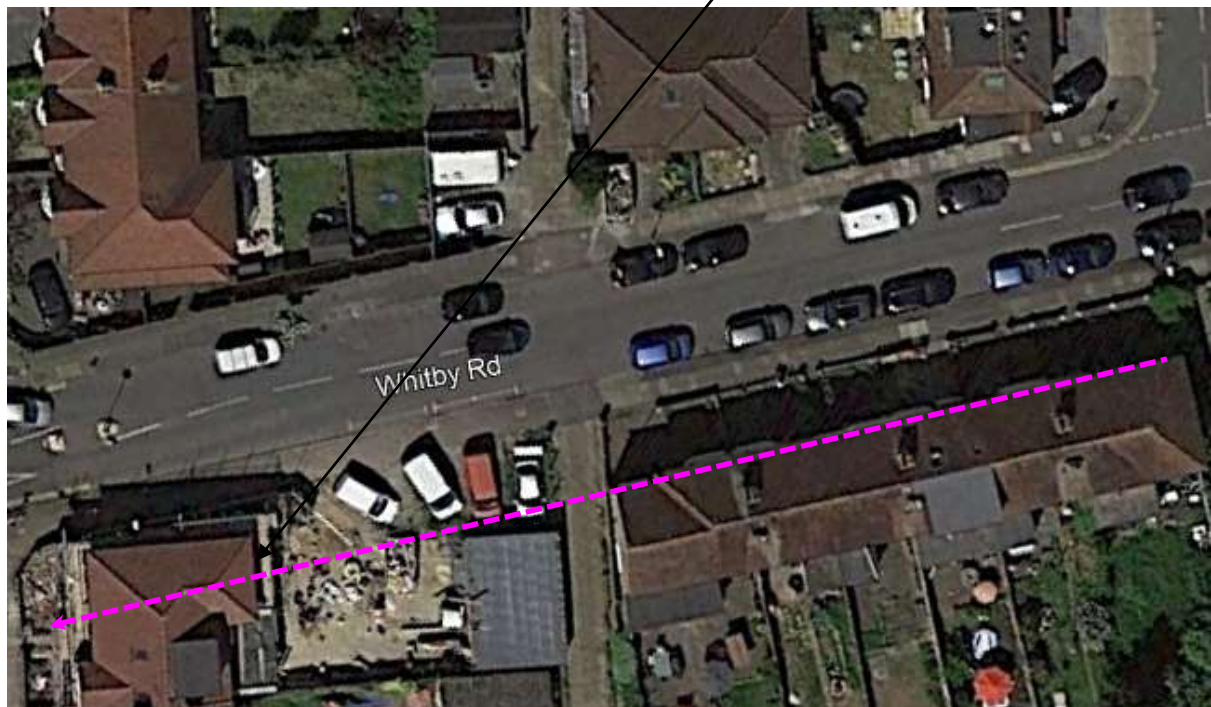


9 Woodlands Avenue, Ruislip- rear

6.1.16 327 Victoria road: Hillingdon Planning approval ref- 54831/APP/2010/171
(Granted on 29/01/10)



Building line breach





327 Victoria Road, Ruislip- rear



9 Woodlands Avenue, Ruislip- rear

6.1.16 The HDAS (2006) states that sometimes varied building lines would be acceptable. It states, "Careful consideration should be given to the location of extensions to buildings, building lines, frontages and entrances should be respected. Building lines within schemes should relate to the street pattern, although in some instances varied buildings lines can achieve diversity and interest." (Page 19, Paragraph 4.13, HDAS 2006).

6.2 Width and Depth of the Single Storey Element (Reason for refusal no. 1)

- 6.2.1 It is considered that there are three main reasons why proposed single storey element would not be harmful to the character and appearance of the area:
precedent, existing structures, and permitted development fall-back position.
- 6.2.2 **Precedent:** The two properties (no. 7 Windermere Avenue and no. 45 Sunningdale Avenue) across the road have similarly wide single storey side extensions.





Similarly wide side extension at no. 7 Windermere Avenue



Similarly wide side extension at no. 45 Sunningdale Avenue

- 6.2.3 Precedent: Given the existing two side extension, which were lawfully granted planning permission by the council, it is difficult to see why this current proposal should be refused especially as the allowed and existing extension are just across the road.
- 6.2.4 Precedent: Thus, the proposal would clearly be within the pattern and character of the area.
- 6.2.5 **Existing structures:** The actual area of infill proposed is quite small because there is already an existing garage and shed, which covers a large part of the visible side garden. The additional impact upon streetscene by the limited infill would be minimal (especially as the width of the two storey/ first floor was considered acceptable by the council).



Limited infill area



Existing garage and shed to the side of 5 Windermere Avenue

- 6.2.6 **Fall-back position:** The applicant is proposing garage in the single storey side extension. A detached structure/ outbuilding with similar footprint and height could be built through permitted development rights (*as evidenced by existing shed and garage*). The impact on character of the area due to the proposed single storey side extension would be similar if permitted development rights were utilised to build similarly sized outbuilding on the side.
- 6.2.7 Fall-back position: Given the fall-back position, it is considered that it is unreasonable for the application to be refused on the basis of the impact on character due to the single storey side extension element.

7 WORKING POSITIVELY AND PROACTIVELY

- 7.1 The council's informative states that:
 "In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.
 We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal."
- 7.2 However, during the process of conversion, the council did not raise any objection to size, scale, bulk, width or height.
- 7.3 The building line of the first floor of two-storey side extension seemed to be the only concern.
- 7.4 Having regard to the overall context of the correspondence with the council, the council stated, "Those issues were dealt with, however, the sticking point is still the forward projection of the return building line". Please note that the above quote has not been taken out of context.
- 7.5 The email correspondence has also been submitted to the planning inspector for review.
- 7.6 The reasons for refusal other than the building line appear sudden, which the applicant was not able to discuss during the planning applications stage.

8 CONCLUSION

- 8.1 The proposal would not have harmful impact upon the character of the area for the following reasons:
- 8.2 The uneven building line, in this particular case, does not harm the character of the area because of the plot orientation, large gap, and prevailing precedents (see pictures in the report above). The resulting impact upon character is completely different to that where building lines are uneven for houses in uniform/ rectangular and straight plots.
- 8.3 It would be unreasonable to refuse the proposal on the basis of the width of the single storey side extension element because of the similar extensions right across the road, limited infill area due to existing structures on the side, and permitted development fall-back position which would have similar impact upon the character of the area.
- 8.4 The appendix section also shows some recent proposals, which were granted by the council, that are either similar or larger in bulk, size and scale.
- 8.5 Whilst the council mentions siting, bulk, width, height, design, and building lines as reasons for refusal, a detailed analysis of the report suggests that the council only objects to the building line, and width and depth of the single storey side/rear extension element. The appeal statement has elaborated on why those elements would not harm the character of the area.
- 8.6 Based upon the reasons above, the inspector is requested to allow the appeal.

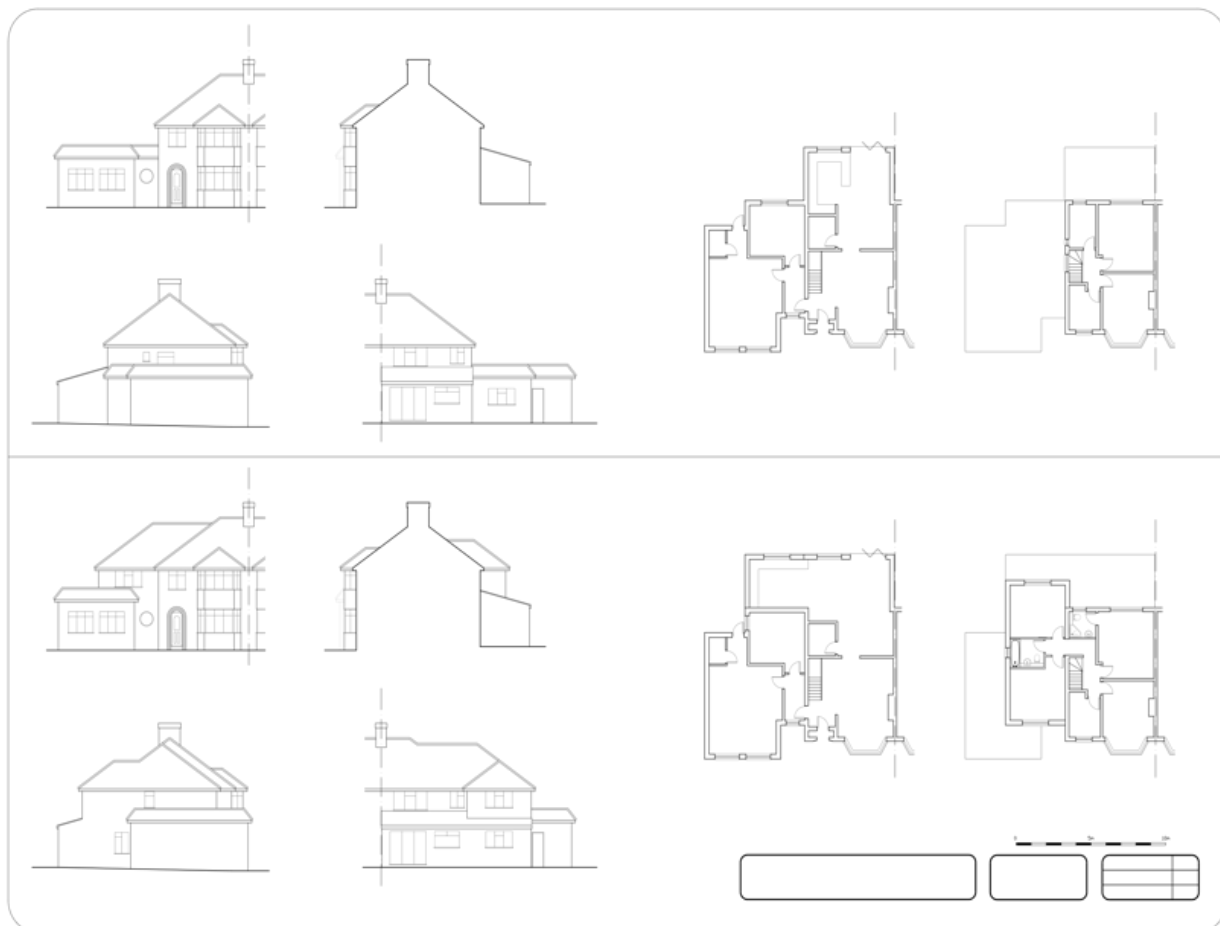
9 APPENDIX

9.1 The appendix shows some of the extensions recently permitted in the nearby areas that are similar or larger in ***bulk, size and scale.***

Examples of Recently Extended Properties

9 Woodlands Avenue (Granted 06.06.17)



9 Woodlands Avenue (Granted 06.06.17)

7 Woodlands Avenue (Granted 04.01.18) (Originally Refused 14.01.16)



7 Woodlands Avenue (Granted 04.01.18) (Originally Refused 14.01.16)

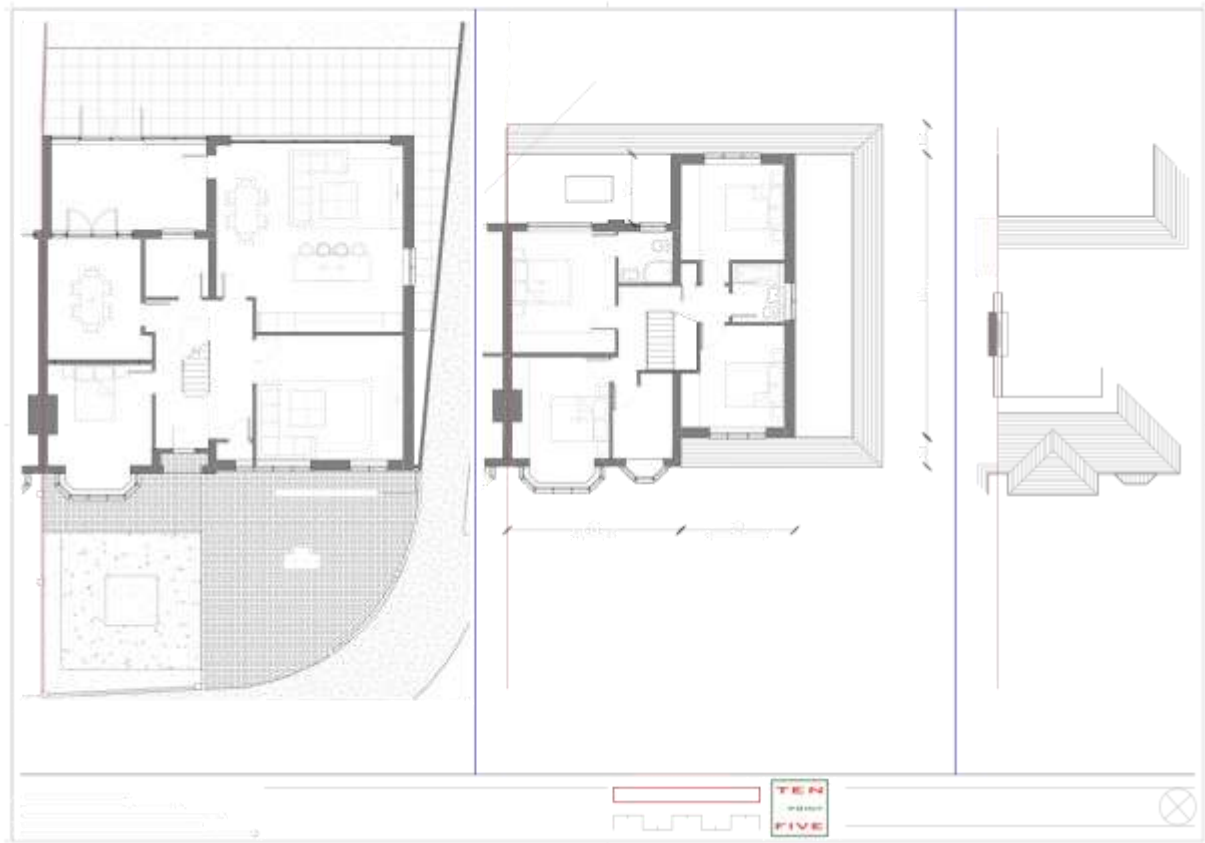


7 Woodlands Avenue (Approved Plans)



7 Woodlands Avenue (Originally Refused Plans)

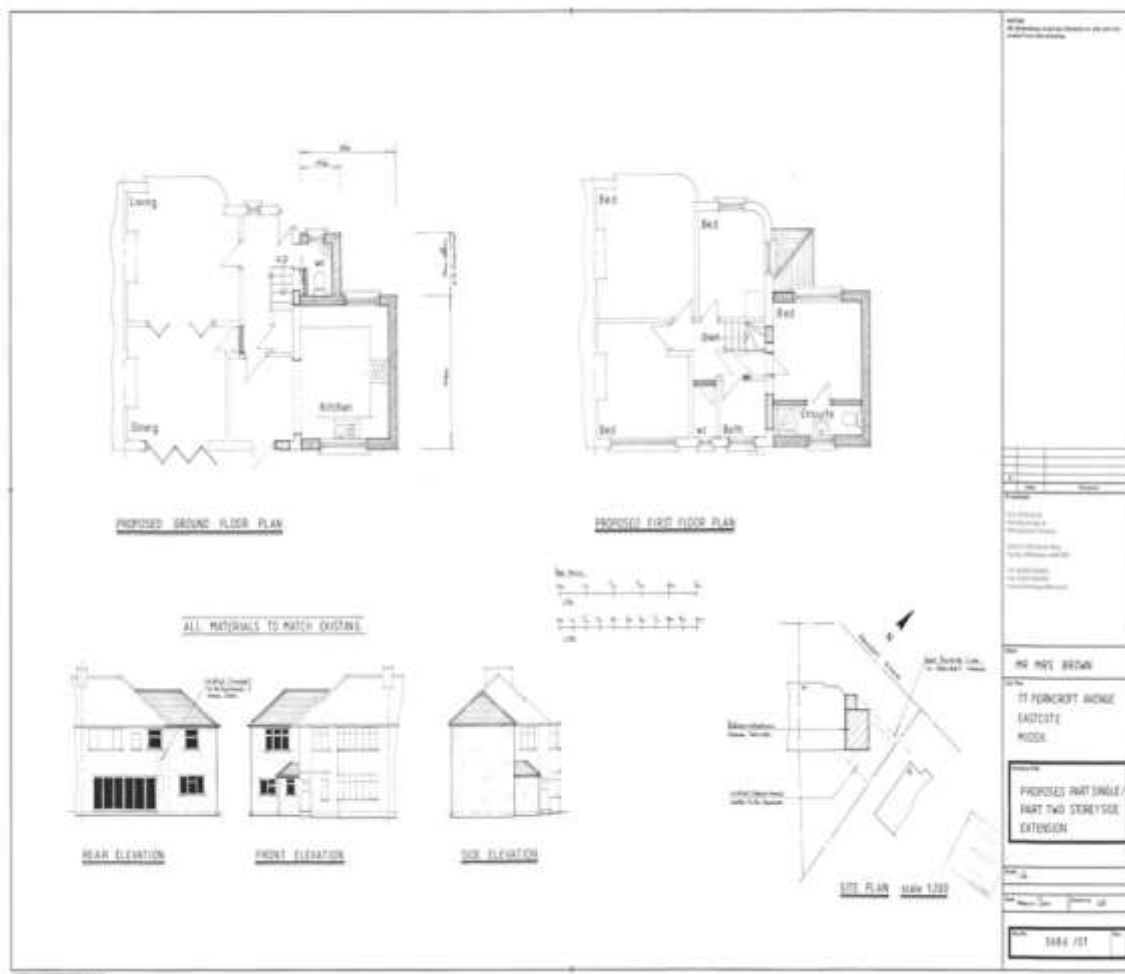




63 Woodlands Avenue (Granted 11.05.16)



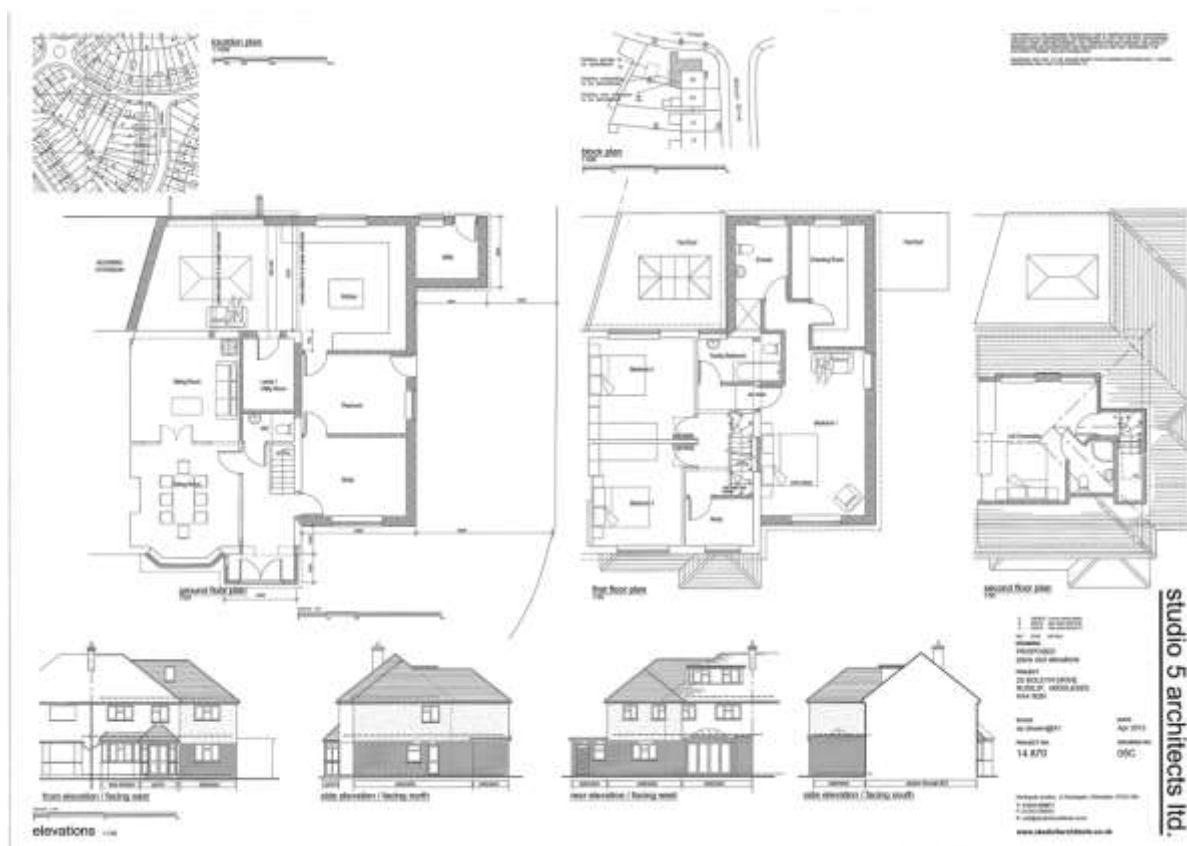
77 Ferncroft Avenue Ruislip (Granted 09.08.16)



25 Boleyn Drive Eastcote (Granted 22.05.15)



25 Boleyn Drive Eastcote (Granted 22.05.15)



**Property Adjoining 327 Victoria Road at Junction with Whitby Road
(Granted 12.08.10)**

(Built this year)



Property Adjoining 327 Victoria Road at Junction with Whitby Road
(Granted 12.08.10)

(Built this year)







1 Beverley Close Ruislip



2 Beverley Road Ruislip









110 Torcross Road Ruislip (Granted 13.03.18) (Originally Refused 29.12.17)

