



APPEAL BY:
Mrs Fahmida Mandozai

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

Part two storey, part single storey rear extension (Part Retrospective)

AT
49 The Brambles, West Drayton, Middlesex, UB7 7UH

London Borough of Hillingdon Council's Reference: 73810/APP/2018/3162

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

November 2018

1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mrs Fahmida Mandozai, in support of the appeal lodged against the refusal of planning application reference 73810/APP/2018/3162.

1.2 The application was dated 31st August 2018 and sought planning permission for a part two storey, part single storey rear extension (part retrospective) at no. 49 The Brambles in West Drayton. The application was refused under delegated authority on 23rd October 2018 for the following reason:

1. *The proposed part two storey, part single storey rear extension, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupier at 51 The Brambles by reason of overdominance, 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 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012) and the Council’s adopted Supplementary Planning Document HDAS: Residential Extensions.*

1.3 This grounds of appeal will address the central concerns raised within the council’s reason for refusal, notably:

- Whether the part two storey, part single storey rear extension, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupier at no. 51 The Brambles, and;
- Whether the part two storey, part single storey rear extension by reason of overdominance results in overshadowing, visual intrusion, loss of light and loss of outlook.

1.4 By way of background to the case, the appellant believed the scheme was permitted development and as a consequence started work on 20th April 2018. On realising this was not the case the appellant duly submitted the original application ref 73810/APP/2018/2468 for a ‘Part two storey, part single storey rear extension (Part Retrospective)’ which was refused on 23rd August 2018. Following on from this decision and in an attempt to overcome the council’s concerns the depth of the part two storey, part single storey rear extension was reduced from 3.841m down to 3.6m whilst the proposed height and width remained the same, however, as the council still consider the revised scheme to be unacceptable the following statement will seek address the reason given.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council’s concerns.

2.0 THE SITE

- 2.1 The appeal site is located on a corner plot to the northern side of The Brambles at the junction with Great Benty within a predominantly residential area. The site is not located within a conservation area and the host property and the neighbouring properties are not listed buildings.



Aerial view of the appeal site and surrounding area

- 2.2 No. 49 is a two storey end of terrace property which provides off-street parking on a hardstanding to the front whilst to the rear is a modest private garden.



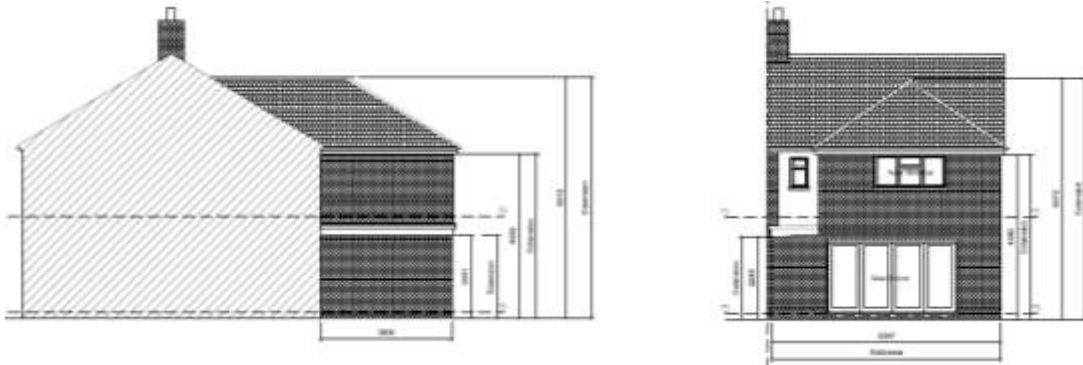
No. 49 The Brambles

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3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for a part two storey, part single storey rear extension at no. 49 The Brambles.
- 3.2 The part two storey, part single storey rear extension will project 3.6m from the rear elevation at a total width of 6.247m. The single storey element would have a flat roof height of 2.5m whilst the two storey element would be approximately 5m wide with an eaves height of 4.482m and a maximum ridge height of 6.572m.



Proposed side and rear elevation taken from drwg no. 5/5 rev A

- 3.3 The scheme would increase the footprint of the property by 22.4892m² and the internal floor area by approximately 32m² in order to improve the living conditions. To the ground floor the extension would increase the size of the existing combined kitchen and dining room, whilst the first floor extension would provide a third bedroom.



Proposed ground and first floor layout taken from drwg. No. 4/5 rev A

- 3.4 A new window would be placed within the side elevation of the existing house and the proposed fenestration would complement the existing window pattern. The development would be constructed from materials which match the host property to produce a consistent finish to the appearance of the dwelling.

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers 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.

4.2 Although not referred to within the given reason for refusal the National Planning Policy Framework is considered relevant. The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF) July 2018

4.3 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

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. 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.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. 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.

Achieving well-designed places

- 4.5 Section 12 of the NPPF refers to design, with paragraph 124 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, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.6 Paragraph 127 states that planning policies and decisions should ensure that developments:
- a) *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;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 4.7 Paragraph 130 states:
- “where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Decision-making

- 4.8 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012)

- 4.9 The UDP was Hillingdon's long term development strategy. Since its adoption, in 1998, the strategic policies have been replaced by the Local Plan Part 1 - strategic policies 2012. The remaining UDP policies have been saved and are being replaced by the emerging Local Plan Part 2 documents. Policies BE19, BE20 and BE21 were referred to within the given reason for refusal.

Policy BE19: Residential Amenity

- 4.10 The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area. Ensuring adequate sunlight and daylight reaches both habitable rooms and external private amenity space.

Policy BE20: Residential Amenity

- 4.11 Buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them and the amenities of existing houses are safeguarded.

Policy BE21: Residential Amenity

- 4.12 Planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

Supplementary Planning Document HDAS: Residential Extensions

- 4.13 The council's design guide sets out principles and requirements upon which planning decisions will be based by the council. Section 3.0 provides information relating to single storey rear extensions and section 6.0 provides information relating to two storey rear and first floor rear extensions.
- 4.14 Section 3.0 states that on semi-detached/terraced houses on a plot more than 5m wide an extension up to 3.6m deep is acceptable and a flat roof should not exceed 3m in height.
- 4.15 Section 6.0 states that *'two storey rear or first floor rear extensions will only be allowed where there is no significant over-dominance, over-shadowing, loss of outlook and daylight. Any extensions at first floor level should not extend beyond a 45-degree line of sight taken from the nearest of the first floor window of any room of the neighbouring property'*.
- 4.16 In regard to a first floor/two storey extension a depth of is 3.6m on an end of terrace house which sits on a plot of more than 5m wide is acceptable.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reason for refusal, notably:

- a) Whether the part two storey, part single storey rear extension, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupier at no. 51 The Brambles, and;
- b) Whether the part two storey, part single storey rear extension by reason of overdominance results in overshadowing, visual intrusion, loss of light and loss of outlook.

5.2 The main considerations in the determination of this appeal are:

- Principle of the development
- Design and impact on the character of the existing property and the street scene
- Impact on the amenities of adjoining occupiers
- Other matters
- Relevant similar development

Principle of the development

5.3 The appellant's architect has designed a high quality residential scheme that would complement the appearance and character of the existing house and would allow the property to be extended in order to improve residential amenity for the occupants without negatively impacting upon the amenities of neighbouring residents or the visual amenity of the locality, thus, conforming to the aims of Saved UDP Policies BE13 and BE15 which have regard to the design of new developments.

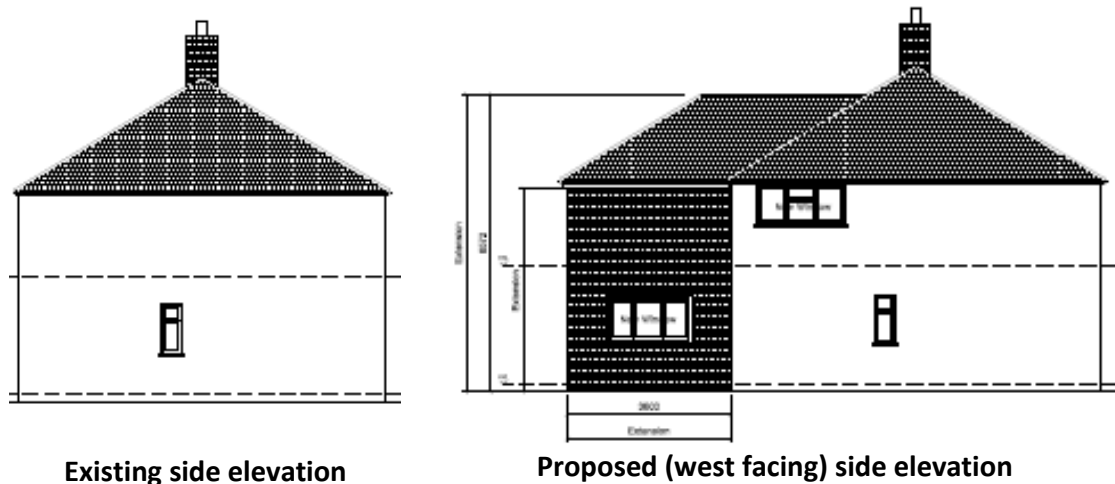
5.4 The appeal site is within a residential location and, as such, an extension to an existing dwelling house is considered acceptable in principle, subject to the scheme being in accordance with other relevant national and local planning policies.

5.5 The proposed extension has been specifically designed to maximise the potential of the plot, harmonise well with the form of the existing property, the surrounding pattern of development and the wider area whilst taking into account the specific requirements of the National Planning Policy Framework relating to good design and the guidance contained within the council's SPD HDAS: Residential Extensions.

Design and impact on the character of the existing property and the street scene

- 5.6 The appellant and his architect have designed the high quality residential extension in accordance with the requirements of policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies which seeks to ensure that new development is of a high quality of design which makes a positive contribution to the area as well as taking into account the council's SPD HDAS: Residential Extensions which contains specific information relating to the size of single and two storey rear extensions to end of terrace properties.
- 5.7 Furthermore, the proposed extension would provide additional floor space to the property to improve its layout at the same time as maintaining harmony with the original property through its complementary design, size and shape in accordance with policy BE15 (Design of new development) of the Hillingdon Local Plan: Part 2 whilst having no detrimental impact upon the amenity of neighbouring residents.
- 5.8 As the plan excerpts below illustrate, the part two storey, part single storey rear extension has been sympathetically designed and the scale carefully considered due to the adjoining dwelling and in order to reflect the architectural composition of the existing house. As previously described, the part two storey, part single storey rear extension will project 3.6m from the rear elevation at a total width of 6.247m. The single storey element would have a flat roof height of 2.5m whilst the two storey element would be approximately 5m wide with an eaves height of 4.482m and a maximum ridge height of 6.572m. The scheme would produce a cohesive and subordinate addition that would not overwhelm the original dwelling or terrace row and relates well to the pattern of development in the area.





- 5.9 The proposed modest proportions of the extension assimilate well with the existing house and as a result it could not be considered to produce an addition that is detrimental to the original property, by reason of its size, scale and bulk. Policy BE13 (Design of new development) seeks to ensure that development harmonises with the existing street scene and although the property is on a corner location the appeal scheme would complement the extended proportions of other properties within the vicinity, including a development at no. 22 Great Bentley directly to the rear of the appeal site, and consequently the proposed development would not appear out of place.
- 5.10 Whilst it is recognised that the rear of the property is visible from Great Bentley to the west and north the proposed scheme represents high quality design and would thus improve the appearance of the dwelling as well as enhance the visual amenity of the area.
- 5.11 The standard of detailing put forward ensures that the appeal development would achieve an appropriate relationship and harmonise with the architectural composition of the existing house safeguarding the character, appearance and visual amenities of the street scene and the surrounding area.
- 5.12 Given the above points and as confirmed within the council's delegated report it is emphasised that the proposal would be compliant with policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two.

Impact on the amenities of adjoining occupiers

- 5.13 Saved policies BE19, BE20 and BE21 state that the council will seek to ensure that new development within residential areas complements or improves the amenities; whilst buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them and the amenities of existing houses are safeguarded.

- 5.14 The proposed ground floor rear extension would extend across the entire width of the host property at a depth of 3.6m which is confirmed as acceptable within section 3.0, paragraph 3.3 of the council's SPD HDAS: Residential Extensions.
- 5.15 The first floor element would be set in from the adjoining property by 1.4m and would also extend to a depth of 3.6m which the council's SPD HDAS: Residential Extensions also confirms is acceptable if it does not extend beyond a 45 degree angle. The council have stated that due to the siting of the habitable rooms at adjoining property no. 51 a 45 degree angle would not be breached from the closest first floor habitable room which should deem the scheme to be acceptable.
- 5.16 Conversely, the council have stated that due to the depth of 3.6m and the two storey projection within 1.4m of the boundary the development would have a *"significantly adverse impact upon the occupants of this property in terms of light and outlook from rear facing windows and the patio area directly to the rear of this house."*
- 5.17 In response to this it is reiterated that as the development would not breach a 45 degree line taken from the nearest habitable first floor window the development would not lead to any significant impacts on amenity. Further consideration should be given to the orientation of the terrace row that already limits the amount of sunlight received to the rear windows and patio of the adjoining house which is demonstrated in the submitted sunlight study and as views out towards the west, north and east are still available a development depth of only 3.6m would not significantly affect the outlook.



Existing terrace

- 5.18 It is strongly emphasised that the council's concerns are overly exaggerated, this is further demonstrated in the aerial image above which shows a similar development at No. 61 The Brambles, whilst the following image shows how the existing appeal property restricts current daylight levels into its own rear garden which would be the same for adjoining property no. 51.



Rear garden of the appeal site

- 5.19 Given the above factors, it is considered that the proposed development would not unduly impact on the living conditions of adjoining occupiers through a loss of light, overshadowing, visual intrusion or loss of outlook and, as such, the proposal complies with the recommendations of saved UDP policies BE19, BE20 and BE21.

Other matters

- 5.20 Garden space standards recommend that a 3 bedroom dwelling should retain a rear garden area of 60m², in the case of the appeal site an area of approximately 90m² would be retained and therefore, the scheme would not lead to any significant impacts on the level of available garden space.
- 5.21 In addition, the development would not lead to a reduction in parking provision as the hardstanding to the front of the property would still be utilised for off-street parking.

Relevant similar development

- 5.22 Whilst the council have acknowledged similar development within the area they did not consider it relevant to the appeal application. However, the appellant considers that these nearby extensions are pertinent to the case which includes developments at no. 22 Great Benty and no. 61 The Brambles.
- 5.23 The image below illustrates the extensions at no. 22 Great Benty which includes a 6m deep full width part single storey ground floor extension and a 3.6m deep x 5m wide first floor extension which received consent on 6th November 2015 under application ref 3532/APP/2015/3454 (details attached in **Appendix A**). In this case the council considered that as the 45 degree sight line was not breached the extension would be unlikely to reduce light or create a sense of enclosure.



No. 22 Great Benty

- 5.24 Although the appellant acknowledges that the rear elevation of no. 22 Great Benty is south facing this development would still lead to the same level of impact in regard to neighbouring outlook, however, as this was not deemed as an issue it is asserted that the appeal development should also be afforded the same consideration. Furthermore the scheme at no. 22 Great Benty would also limit sunlight at certain times of the day for neighbouring occupiers due to the overall mass of the development allowed.
- 5.25 No. 61 The Brambles is situated to the east of the appeal site and benefits from a part single and part two storey rear extension, as shown below, and although there are no details relating to this case on the council's planning database it still forms part of the built environment and decisions should be made having regard to this context. This image also highlights how the properties restrict sunlight from their own rear elevations and patio areas and serves to illustrate that a two storey rear extension at the appeal site would be an appropriate addition that would not unduly harm residential amenities.

**No. 61
The Brambles**



6.0 CONCLUSION

- 6.1 The proposed development has been designed in accordance with policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) that requires all new development to maintain the quality of the built environment. The development also complies with saved UDP policies BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two by harmonising with the existing features of the property and protecting the amenities of neighbouring occupants.
- 6.2 The proposed part two storey, part single storey extension which has been reduced in size has adequately overcome the concerns of the previous application and as such, by reason of its siting, modest size and scale would represent an appropriate addition that complements the existing property in order to produce a cohesive development that harmonises with the architectural composition of the original dwelling thereby complementing the character, appearance and visual amenities of the surrounding area.
- 6.3 It has also been adequately demonstrated that the proposed development would not extend beyond a 45 degree line of sight drawn from the centre point of the nearest habitable window at the neighbouring property no. 51 The Brambles as well as the submitted sunlight study which confirms that the proposed works would not appear overly dominant or produce any significant overshadowing, visual intrusion or lead to an unacceptable loss of light and outlook.
- 6.4 The appellant understands the council's requirement to protect the amenity of neighbouring occupiers, however, it is considered that the council have adopted an unjustified stance and have not provided a clear or logical reasoning for the refusal of the proposed development given that the development conforms with the recommendations of the council's SPD HDAS: Residential Extensions as well as approved similar developments within the vicinity.
- 6.5 Thus, it is stated that the appeal scheme is consistent with the aims of the National Planning Policy Framework (2018) and complies with requirements of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.
- 6.6 The National Planning Policy Framework (NPPF) states that decision-makers 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 or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.