

PLANNING APPEAL STATEMENT

APPLICATION REF: 74064/APP/2018/4158

SITE ADDRESS – 2 Laburnum Avenue, West Drayton UB7 8LH.

Prepared by EPN Designs

APRIL 2019

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1 Introduction

- 1.1 This appeal statement has been prepared on behalf of Mr Gary Carvalho to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for householder extension at 2 Laburnum Avenue, West Drayton UB7 8LH.
- 1.2 The appellant will set out arguments to demonstrate the proposal complies with the aims of relevant local and national policies and that planning permission should therefore have been granted.

2.0 Background:

- 2.1 The appellant in seeking to extend the property sought to secure planning permission for the proposed works and submitted an application (referenced 74064/APP/2018/4158) for a Single storey side/rear extension. This application was refused on 29th January 2019.
- 2.2 The Local Planning Authority (LPA) refused the planning application for the following reason: -

The proposed extension, by reason of its size, scale, bulk and proximity would be detrimental to the amenities of the adjoining occupiers at 4 Laburnum Avenue, 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 Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

3.0 Appeal Site and Surrounding Area:

- 3.1 The appeal site contains a two storey end of terrace single family dwellinghouse located on the South Eastern side of Laburnum Avenue, an area predominantly residential in character. The property has a large rear garden which backs onto open green space. The appeal site is not part of a designated conservation area nor is it a listed building.
- 3.2 The neighbouring attached property at No 4 Laburnum Avenue is un-extended and shares a boundary. It is noted that at some 2 metres beyond the rear elevation of the properties the boundary starts to taper away from No 4. Thus reducing the width of the rear garden at the appeal site.
- 3.3 The neighbouring property at No. 89 Whitehorn Avenue is separate by an alleyway and both the appeal site and No 89 are further set away from the side

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boundaries. No. 89 Whitehorn Avenue has been extended to the rear by way of a single storey conservatory extension.

4 Relevant Planning History:

4.1	Ref	Description	Decision
	74064/APP/2018/4160	Single storey side/rear extension	Approved 11/02/2019

5 Planning Policy:

5.1 The LPA in its refusal stated the development would be contrary to the following 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.

5.2 **BE19** seeks to ensure that new development compliments the amenity and character of the area. Within the appellant's proposal, the design has considered the materials already in use and will replicate the character of the area and existing dwelling completely. The appellant would also insist that a condition be applied relating to the materials ie Materials to either match the existing.

5.3 Policy **BE20** requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses and Policy **BE21** requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties. It has been argued that given the depth of the existing extension and the spacing between neighbouring buildings, it is considered that there would be no significant adverse impact in terms of loss of light or privacy, or overlooking or any overbearing impact or visual intrusion to the adjoining properties.

5.4 The **NPPF** states 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. Planning decisions should ensure that developments function well, establish a strong sense of place, optimise the potential of the site, respond to local character while not preventing appropriate innovation, create safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Design policies should avoid unnecessary prescription of detail but should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access for new development in relation to the local area. LPAs should not impose architectural styles or tastes.

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6 Appellants Arguments:

- 6.1 Albeit the planning application subject of this appeal was refused, it is common ground that: -
- There is no harm to the neighbour at No 89 Whitehorn Avenue.
 - There is no objection to the single storey side element on the proposed development.
 - A flat roofed 3-metre high extension is acceptable adjacent the joint boundary between No 2/4 Laburnum Avenue.
 - The property has a large rear garden which backs onto open green space.
 - The proposal would still retain approximately 80 sqm of garden space which is acceptable.
 - The parking provision would remain unaffected by the proposal.
- 6.2 The planning history for the appeal site confirm planning permission was granted for a similar development with a rearward projection of 3.6 metres under application reference 74064/APP/2018/4160. The deviation from the application is only an addition rearward projection of 0.4m. The appellant will demonstrate that there has been no harm to the neighbouring amenity of the adjoining occupiers at 4 Laburnum Avenue.
- 6.3 Paragraph 2.0 of the (HDAS) states : -
-  *The purpose of the Design Guide is to provide clear guidance on what the Council believes to be suitable forms of extension to residential properties. It is not intended to impose rigid controls over detailed design matters but to focus on a broad range of principles. These principles are supplemented by illustrations showing examples of both good and bad extension types. The acceptability of any extension will of course depend on its location, design and massing.*
- 6.4 Paragraph 2.2 (HDAS) states:
-  *The Council understands that every property is slightly different and that there may be particular issues that relate to your home (such as changes in ground level, smaller rear gardens etc) that do not relate to your neighbour's property. The Council will take account of the characteristics of your home and surrounding neighbourhood in considering your application.*
- 6.5 Paragraph 3.6 HDAS states:
-  In many areas, a flat roof single storey extension will be acceptable. These should not exceed 3m in height.
- 6.6 It is therefore clear the aims of the HDAS is not a rigid control over the maximum size of any extension. Acceptance of any proposed development is based on site circumstances in addition to the guidance set in HDAS. It is also clear that a single storey rear extension with a rearward projection of 3.6m and a 3m high flat roof is acceptable. This is clearly justified by application referenced

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74064/APP/2018/4160 which was approved on 11/02/2019. In the delegated report (Pg 4-5) the officer stated: -

....Given that the extension meets the HDAS requirements, it is not considered to constitute an unneighbourly form of development for either neighbouring property.

As such, proposed extension, by reason of its size, scale, bulk and proximity would not be detrimental to the amenities of the adjoining occupiers. Therefore the proposal would be in compliance to policies BE19 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.

A copy of the decision notice, approved plans, delegated report are attached. The relevant elevations and plan are also shown below in **Figure 1**.

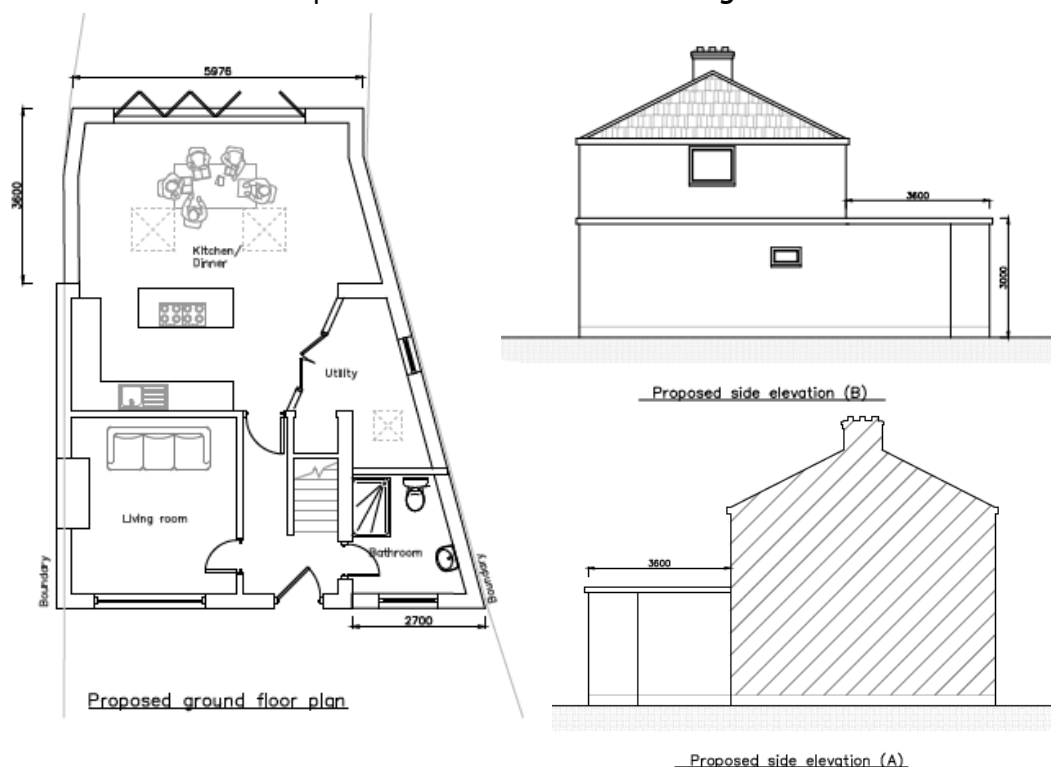


Figure 1 - approved plans and elevation

- 6.7 The LPA in its decision to refuse planning permission has referred to “unacceptable loss of outlook and light which can only be applicable to the two kitchen windows in the rear wall of the neighbouring property at No 4 Laburnum Avenue. It is noted there are two kitchen windows in this elevation which are sited at the farthest end from the proposed extension (closer to the boundary with No 6 Laburnum Avenue). See **Figure 2** (below) It is however noted that the LPA failed to account for the distance between these windows and the proposed extension or to demonstrate the harm alleged.

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Figure 2 - Photo of rear elevation of Nos 2 - 4 Laburnum Avenue.

- 6.8 Paragraphs 3.17 & 3.18 (HDAS) covers the matter of Daylight/Sunlight and in particular 3.18 which states:

The Building Research Establishment's report 'Site Layout Planning for Daylight and Sunlight 1991' recommends that suitable daylight to habitable rooms is achieved where a 25° vertical angle taken from a point 2 metres above the floor of the fenestrated elevation is kept unobstructed. When this criteria is applied to the rear of a dwelling the resulting dimension will normally be satisfied within the length of the smallest recommended size for a private garden.

In addition this is further clarified in the **Figure 3** (below.)

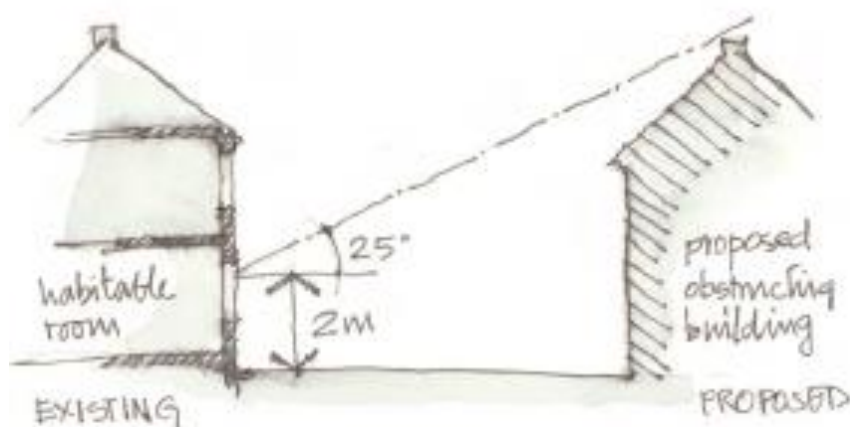


Figure 3 - BRE guidance

Figure 4 below confirms the proposed extension subject of this appeal does not breach this guidance

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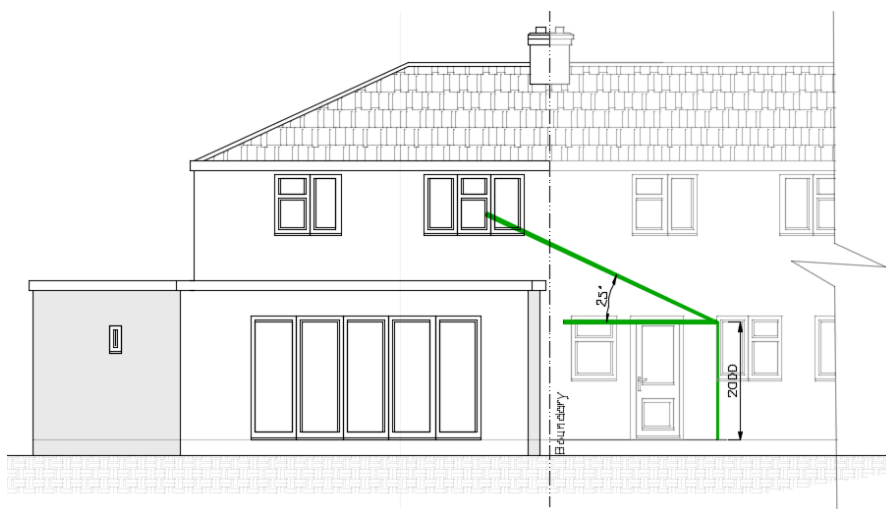


Figure 4 - Proposed development complies with BRE guidance.

- 6.9 Whilst it is acknowledged that the length of the extension would exceed the HDAS guideline by a mere 0.4m, it would be perverse to consider that this additional length would materially affect the outlook from the kitchen windows, which as previously stated are located closer to the boundary with No 6, in addition to extension following the taper of the joint boundary between (No 2/4 Laburnum Avenue) which takes the extension further away from the windows in question. (See **Figure 5** below which shows the 0.4m deviation from the approved plans shaded grey and the angle of the taper of the boundary)

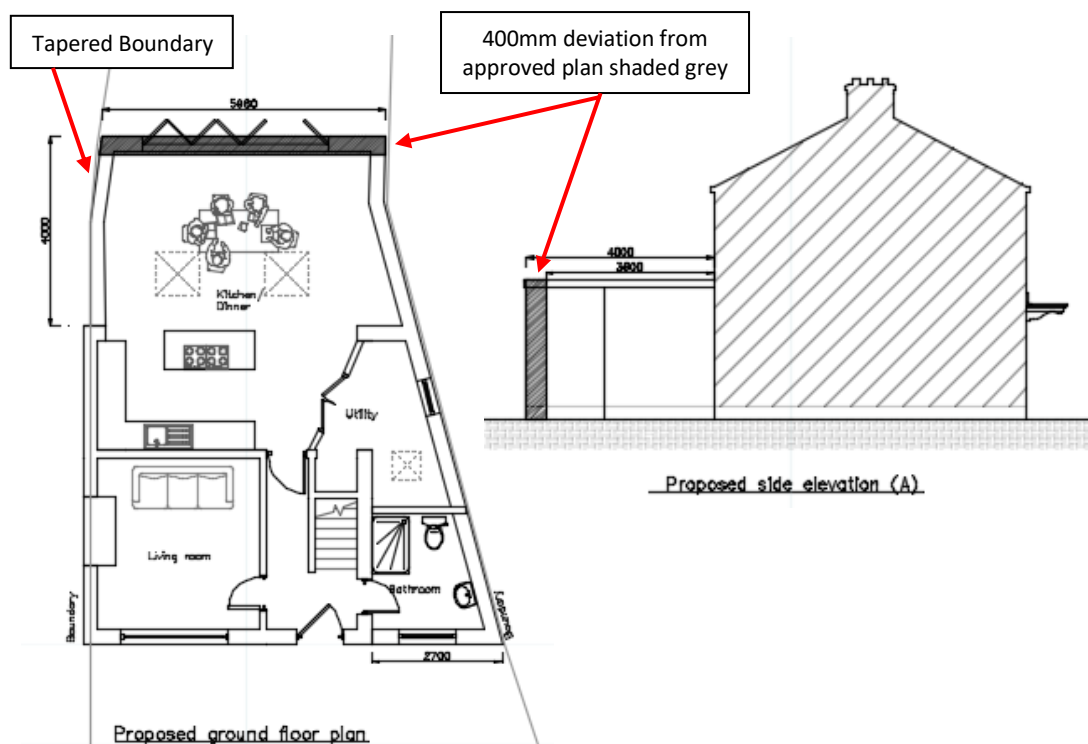


Figure 5 – 400mm deviation

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- 6.10 Although the depth of the extension would exceed the 3.6m limit, suggested in the HDAS: Residential Extensions SPD, the 3m high flat roof of the building would ensure that it would not be of an unacceptable scale and bulk, and the addition would read as a reasonably proportionate and a sympathetic extension to the design of the host dwelling. In addition, the Council accepts that the proposed extension would cause no harm to the living conditions of the neighbouring property at No. 89 Whitehorn Avenue.
- 6.11 As regards the outlook from the garden, the houses in the terrace have relatively long gardens that back onto a service road to the rear and having views onto open green space. The effect of this is for the houses in the terrace to have an open aspect with long direct views over their own and neighbours' rear curtilages and in these circumstances, it cannot be considered that an additional 400mm in length over the HDAS figure would in itself be perceived as being 'overdominant'.
- 6.12 It must be noted that the words "over-dominance" & "overshadowing" do not appear in any part of Chapter 3 (HDAS) which relates to single storey rear extensions. There are also no relevant site circumstances such as any substantial difference in ground levels between the neighbour at No 4 and the appeal site. It therefore seems these words were added to create unjustified weight to their reason for refusal.
- 6.13 Furthermore, no objections to the proposal were received and having regard to this and the climate of even more generous limits of length and height under the Government's temporary prior notification approval scheme there in supporting a more flexible approach than planning by numbers. Additionally albeit the appellant had supplied a brief design and access statement the LPA seemed to have totally ignored this document.
- 6.14 It also seems the LPA failed to review previous appeal decisions in favour of similar sized development. The appellant has identified two appeal decisions that were allowed in 2018 for single storey rear extensions which exceeded the 3.6 guidance for rearward projection. One of which was for a 4m deep extension while the other was for a larger 5 metres extension. In both cases it was identified that the attached neighbouring properties was not extended, however given the site circumstances the Inspector found in favour of the appellant and granted permission. The relevant documents are attached at Appendices 1 and 2.

7 Conclusions:

- 7.1 The enlargements to the house are required in order for the Appellant to provide a good quality, contemporary family home for his family. The NPPF places significant emphasis on maximising homeowners' freedom to alter and extend their properties to improve their living conditions.

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- 7.2 The appellant has planning permission referenced (74064/APP/2018/4160) for a single storey side to rear extension with a rearward projection of 3.6m and a 3m high flat roof. The LPA's concerns that the proposed development subject of this appeal results in the loss of light and outlook to No 4 Laburnum Avenue are vague and generalised assertions, without full consideration of site circumstances.
- 7.3 For the detailed reasons set out in this statement, the extensions to the dwelling, are considered to protect the overall character and appearance of the building without harm either to the local street-scene or to the living conditions/amenity of adjacent occupiers.
- 7.4 While the existing development deviates from the approved plans, these deviations are not substantial enough to warrant refusal of planning permission given the site circumstances. The proposed development that has no negative impact on neighbouring amenity, streetscene or the host building. Accordingly the development subject of this appeal would not conflict with the intentions of HDAS.
- 7.5 As such, the works can be regarded as sustainable development which complies with the NPPF and the development plan. Broad compliance is also achieved with the Council's SPD but where there is divergence from this guidance, the appellant has shown that this does not give rise to material planning harm.
- 7.6 The Inspector is therefore respectfully requested to allow this appeal.
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The following documents are appended to this statement:-

1. Appendix 1 – Appeal decision, refused decision notice and officer delegated report (63 Colbrook Avenue)
2. Appendix 2 - Appeal decision, refused decision notice and officer delegated report (10 Attlee Road)
3. Appendix 3 - Planning permission referenced 74064/APP/2018/4160 granted on 11/02/2019 (decision notice, floor plans and elevations for a single storey side/rear extension.)