



APPEAL BY:
Ms N Biddle

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

Single storey rear extension (Part Retrospective)

AT

Simone's House 41-41a Hillingdon Road, Uxbridge, UB10 0AD

London Borough of Hillingdon Council's Reference: 74617/APP/2019/593

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

June 2019

1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Ms N Biddle, in support of the appeal lodged against the refusal of planning application 74617/APP/2019/593.
- 1.2 The application was submitted on 6th March 2019 and sought part retrospective planning permission for a single storey rear extension at Simone's House No. 41-41a Hillingdon Road in Uxbridge.
- 1.3 The application was refused under delegated authority on 29th April 2019 for the following reason:
1. *The rear extension by virtue of its size, scale, bulk, depth, and proximity, would be detrimental to the amenities of the adjoining occupiers at 42 Hillingdon Road, by reason of over-dominance, 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.*
- 1.4 This grounds of appeal will address the central concerns raised within the Council's reason for refusal, notably:
- Whether the proposed single storey rear extension, by virtue of its size, scale, bulk, depth, and proximity, would be detrimental to the amenities of the adjoining occupiers at No. 42 Hillingdon Road, by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook.
- 1.5 To set some context, this statement will first provide a description of both the appeal property and the development to be retained. The statement will then discuss the relevant national and local planning policies before responding to the Council's concerns and reason for refusal.

2.0 RELEVANT SITE HISTORY

2.1 Planning Application Reference: 45893/91/0850

Erection of two-storey side and single-storey rear extensions
Approved 10th September 1991

2.2 Planning Application Reference: 45893/B/92/1901

Variation of planning permission ref. 45893/91/850 dated 10.9.91; Erection of a two storey side and single storey rear extension
Approved 15th March 1993

2.3 Planning Application Reference: 33420/C/96/1358

Erection of a single storey rear extension

Approved 15th October 1996

2.4 Planning Application Reference: 45893/F/97/2011

Conversion of garage to a habitable room

Approved 27th February 1998

2.5 Planning Application Reference: 33420/APP/2006/1201

Erection of Part Single-Storey, Part Two-Storey Side Extension and First Floor Extension comprising front entrance porch, widening of an existing vehicular crossover, use of existing and proposed roofspace as habitable accommodation incorporating installation of front and rear rooflights and one two-bedroom and one three-bedroom self-contained residential flats (involving demolition of an attached garage)

Approved 20th June 2006

2.6 The appeal application was submitted to regularise the part-built conservatory style extension, which the appellant has started to construct at the rear of Simone's House at No. 41-41a Hillingdon Road. The appellant did not realise that planning permission would be required as the builder had advised that the proposed extension would be permitted development.

2.7 As soon as the appellant was made aware that permission should have been received prior to construction, building work was halted and the appeal application was submitted without delay. However, as this application has been refused, this statement will seek to clarify the reasons why the development ought to be able to remain in place and allowed to be completed.

3.0 THE SITE

3.1 The appeal property is a two-storey terraced building set amongst similar style dwellings, and it is lived in by adults with vulnerable needs under Care Act 2014.

3.2 The building is set back from the highway, with the appeal plot having a block paved parking area to the front of the property, and a side pathway which leads through to a 30m garden with patio area and lawn.



Appeal Property

- 3.3 The appeal property is on the west side of Hillingdon Road, and already benefits from an existing part two storey, part single storey rear extension. The appeal dwelling is adjacent to semi-detached dwelling No. 40 to the south side and attached to No. 42 to the north.



Aerial View of the Appeal Site and Surrounding Area

- 3.4 The surrounding area is residential in character and predominantly made up of two storey semi-detached and terraced dwellings, many of which have also been extended over the years. The site is not within a conservation area and the appeal property and the neighbouring buildings are not listed.

4.0 APPEAL PROPOSAL

- 4.1 The appeal application sought part retrospective planning permission for a single storey conservatory style rear extension at Simone's House, No. 41-41a Hillingdon Road.
- 4.2 As previously described, the appeal property has already been extended by way of a part two storey, part single storey 2.0m deep rear addition, with the proposed conservatory extension added to the rear of this and measuring 5.0m in depth, 4.7m in width, and when completed, this will have a flat roof with a maximum height of 2.9m.
- 4.3 The proposed extension is constructed with a solid brickwork wall along the shared boundary with No. 42 and will have a low brick wall with glazed panels above and French doors to the opposite side, the rear will also have a low brick wall with glazed panels fitted across the entire width to provide a lightweight structure.
- 4.4 The property is lived in by adults with vulnerable needs under Care Act 2014 that have physical disabilities and/or cognitive impairments, with the proposed extension designed to create a pleasant and bright environment where residents can enjoy views of the garden safely throughout the year.

5.0 RELEVANT PLANNING POLICY

5.1 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.

5.2 Although not mentioned within the reason for refusal, the London Plan is also relevant to this appeal. The following paragraphs provide a brief summary of the relevant policies and the applicable guidance within the National Planning Policy Framework. The paragraphs are in a hierarchical order relative to national and local planning policy.

National Planning Policy Framework – February 2019 (NPPF)

5.3 The NPPF (February 2019) sets out the Government's planning policies for England and how these are expected to be applied, this document replaces the National Planning Policy Framework published in July 2018. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Achieving sustainable development

5.4 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.

Presumption in Favour of Sustainable Development

5.5 Paragraph 11 of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development.

5.6 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.

5.7 For plan-making this means that:

- 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.

Decision-making

- 5.8 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.

Promoting healthy and safe communities

- 5.9 Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*
- 5.10 Paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

Achieving well-designed places

- 5.11 Section 12 of the NPPF describes how the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, 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"*.
- 5.12 Paragraph 126 states that to provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.
- 5.13 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.*

- 5.14 Paragraph 130 highlights that 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.
- 5.15 It should also be noted that Paragraph 131 states that *“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*.

The London Plan

- 5.16 The London Plan is the overall strategic plan for London and sets out a framework for the development of London over the next 20-25 years. It sets a clear context for considering development needs at local level taking full account of the borough's diverse character. Policies 7.4 and 7.6 are relevant to this appeal.

Policy 7.4: Local Character

- 5.17 Policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings and states that buildings should be of a high quality design which has regard to the existing street and which makes a positive contribution to the character of the place.

Policy 7.6: Architecture

- 5.18 Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. Buildings and structures should be of the highest architectural quality, of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, comprising of details and materials that complement, not necessarily replicate, the local architectural character and ensuring a development will not cause unacceptable harm to the amenity of surrounding land and buildings, in relation to privacy or overshadowing.

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

- 5.19 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 is not referred to within the reason for refusal; however, it is relevant to this appeal.

Policy BE1 – Built Environment

- 5.20 Policy BE1 is a general policy which 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. 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. 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.

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

- 5.21 A direction was issued on 24th 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 27th September 2007. Policies BE19, BE20 and BE21 are referred to within the reason for refusal.

UDP Policy BE19 – Residential amenity

- 5.22 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.

UDP Policy BE20: Residential Amenity

- 5.23 Policy BE20 states that 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.

UDP Policy BE21: Residential Amenity

- 5.24 Policy BE21 states that 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

- 5.25 The Hillingdon Design and Accessibility Statement SPD seeks to provide guidance for new development in the borough and comprises a number of sections covering a wide variety of topics including 'Residential Extensions'. The SPD illustrates various design principles and sets minimum design standards and guidance for residential extensions.
- 5.26 The SPD acknowledges that single storey rear extensions are the most common type of extension and help to extend kitchen or dining/living rooms, and can be a cost effective solution to creating more space.

6.0 THE APPELLANT'S CASE

Introduction

- 6.1 The appellant's case will focus on the central concerns within the reason for refusal; notably, whether the proposed single storey rear extension, by virtue of its size, scale, bulk, depth, and proximity, would be detrimental to the amenities of the adjoining occupiers at No. 42 Hillingdon Road, by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook.

The Council's Concern

- 6.2 According to the Planning Officer's Report, the Council's main considerations in assessing this case were as follows:

- Design and impact on the character of the existing property
- Impact upon the street scene and locality
- Impact upon the amenities of adjoining occupiers
- Provision of acceptable residential amenity for the appeal property

The design and impact on the character of the original property

- 6.3 Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm, contributing to community cohesion and a sense of place. In this regard, the extension to be retained has been purposefully designed to ensure that, once completed, it will provide the required internal space within the appeal property, whilst complementing the existing extended house, its rear garden setting and the surrounding area.
- 6.4 The position, depth, width, height and finishing materials of the extension have been carefully selected to ensure that the new structure does not appear out of keeping as an addition to the rear of the property, with the extension having a low flat roof and lightweight conservatory style design which will appear as a subordinate structure when viewed from the rear.
- 6.5 The Council has stated that *"The main planning issues are the effect of the development on the character and appearance of the original building, the street scene, and the level of impact on the residential amenity and light levels of the adjoining neighbours"*. The proposed development has therefore been assessed against Policy BE15 which requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building; Policy BE13 that requires the layout and appearance of extensions to harmonise with the existing street scene and Policy BE19 as this seeks to ensure any new development complements or improves the amenity and character of the area.

- 6.6 The new extension when completed will measure 5.0m in depth, 4.7m in width and will have a flat roof with a maximum height of 2.9m. The side wall along the shared boundary with No. 42 will be solid brickwork to protect privacy, whereas the rear and south side of the structure will be mainly glazed panels installed upon low brickwork walls, with glazed French doors to the side elevation. The application form also details a Perspex roof construction, to allow plenty of daylight into the new conservatory style extension.



Proposed Rear Elevation and the Side Elevation viewed from No. 40 to the South

- 6.7 The proposed extension is illustrated above and pictured below partially constructed, with work having ceased as soon as the appellant was made aware that planning permission was required. The appellant had been wrongly advised by the builder that the new extension would meet the requirements of permitted development.



Existing Extension - Partially Constructed at Nos. 41-41a Hillingdon Road

- 6.8 The new conservatory extension is added to the rear of the existing rear extension that has a depth of 2.0m. It is noted that the Delegated Report has stated the development will result in additions to the rear of the property which measure a total of approximately 8.0m in depth; however, this is incorrect as the development will result in a total projection of 7.0m.

- 6.9 Whilst it is acknowledged that the Council's Adopted SPD the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008), states in Section 3.0 that extensions should always appear subordinate to the original house and that on terraced/semi-detached houses on a plot more than 5 m wide, an extension up to 3.6m deep is acceptable, it is clear that the new extension, although added to the existing part two storey, part single storey rear extension, will not overwhelm the rear elevation of the property and will appear proportionate to the host property and large garden, as pictured below.



Rear Elevation of Appeal Property and Garden

- 6.10 The Council has also assessed that, by virtue of its single storey composition and low-level flat roof, the new extension would satisfactorily integrate with the appearance of the host dwelling. Furthermore, it has been stated that *"as it measures part of the width of the existing extension, combined with the significant size of the rear garden does not appear cramped within its respective plot"*. Although the extension protrudes further than the standard recommendation within the Council's Adopted SPD the Hillingdon Design and Accessibility Statement: Residential Extensions, when assessed upon its own merits, the development has therefore been deemed to represent an appropriate addition to the property, with the lightweight structure being a typical garden addition that will complement rather than detract from the rear elevation of the house.

Impact upon the street scene and locality

- 6.11 The new extension will adhere to Policy BE13 which requires the layout and appearance of extensions to harmonise with the existing street scene, with the new extension not being visible within the public realm, the Council has confirmed that *"due to its siting beyond the rear elevation is considered not to detract from the visual amenities of the street scene and surrounding area"*.

Impact upon the amenities of adjoining occupiers

- 6.12 The Council's reason for refusal claims that the rear extension by virtue of its size, scale, bulk, depth, and proximity, would be detrimental to the amenities of the adjoining occupiers at No. 42 Hillingdon Road, by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook. This is however rather an exaggerated assessment of the new extension, which should be noted, extends out a total of 7.0m from the original rear elevation of the host property, not 8.0m as stated by the Council.
- 6.13 In regard to the possible impact upon neighbouring amenity the new extension has been assessed against Policy BE20 which requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses; Policy BE21 that requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties; and Policy BE24 which seeks to protect the privacy of the occupiers and their neighbours.
- 6.14 The conservatory style extension will have a low flat roof design which is just 2.9m in height and this will project an additional 5.0m in depth, with a solid brickwork wall alongside the shared boundary No. 42 and a glazed elevation facing toward the boundary with No. 40.



Rear Elevations of Nos. 41-41a and No. 40

- 6.15 No. 40 to the south has a similar two storey rear extension to that at the appeal property, although this extends 3.6m beyond their original rear elevation (see **Appendix A**). As the new conservatory is also set in approximately 5.0m from the shared boundary with No. 40, it would not breach a 45-degree angle from their nearest rear habitable room windows. The Council has therefore concluded that these factors, combined with its single storey composition and relatively low-level flat roof, would result in the new extension *“not unduly impacting upon their residential amenities and light levels”*.

- 6.16 In relation to No. 42 to the north, this adjoining property has not been extended, and as it has a habitable room window nearest to the shared boundary on the ground floor, the Council consider the new extension to have a detrimental impact upon residential amenities by way of overbearing, over-dominance and overshadowing, visual intrusion and loss of outlook and light.



Rear Elevation of No. 42

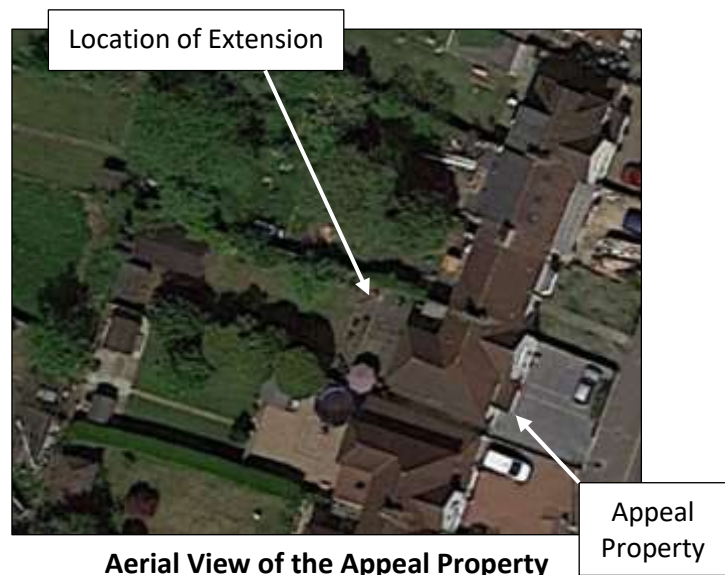


Rear Garden of No. 42

- 6.17 It is however reiterated that the new extension will extend 7.0m along the boundary not 8.0m and will have a low flat roof design that will limit the impact of the development in terms of its potential to reduce light levels.

- 6.18 The window at No. 42 is also set in from the shared boundary, with views down the rear garden of this property unobstructed by the new extension. As pictured above, No. 42 has a long rear garden, with the new extension at the appeal property having the advantage of providing privacy for the property, which is especially important given that Nos. 41-41a are lived in by adults with vulnerable needs under Care Act 2014.

- 6.19 Given the low height of the extension and the extensive west facing rear gardens of the appeal property and its neighbours, it is argued that the impact of the extension on neighbouring amenity would not be so significant as to warrant a reason for refusal, with the conservatory style extension representing a high standard of development that will achieve the aims of the Local Plan and the NPPF (2019).



Aerial View of the Appeal Property

Provision of acceptable residential amenity for the appeal property

6.20 Significant weight should be given to the vast improvements in amenity that will be made within the house as a result of this development. By adding a conservatory style rear extension, this will create a light and airy environment, which will increase the day to day living space and also provide an area for privacy and/or peace and quiet when needed.

6.21 As shown within the adjacent image, the appeal property has an attractive garden, although as it steps down away from the property, it is dangerous and unsafe for residents to access without assistance. The new conservatory will provide a safe way to enjoy the garden and increase the residents' independence.



Rear Garden of the Appeal Property

6.22 The existing property has French doors from the open plan living/dining/kitchen area out on to the patio, although there is no cover for residents to sit out and be sheltered from sunshine or inclement weather. The conservatory will therefore provide an ideal room from which the residents can enjoy the garden in all weathers.



Existing Kitchen and Patio

6.23 The conservatory style extension will therefore provide a viewing area from which to safely appreciate the rear area garden, and will provide an area where residents can view and enjoy the garden safely throughout the seasons. It is therefore hoped that the advantages of this development will outweigh any perceived harm to neighbouring amenity, with paragraph 92 of the NPPF (2019) stating that planning policies and decisions should, amongst other criteria; plan positively for the provision local services; take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; and ensure that established shops, facilities and **services are able to develop and modernise**, and are retained for the benefit of the community.

7.0 CONCLUSION

- 7.1 Having regard to the previous points, it would appear that the Council has failed to accurately assess the proposal in terms of the actual design and impact of the conservatory style extension; with the Council's suggestion that the extension would be detrimental to the amenities of the adjoining occupier at No. 42 Hillingdon Road by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook, being a vast exaggeration, when the actual circumstances of the case are taken into consideration.
- 7.2 The properties to the western side of Hillingdon Road have long west facing rear gardens, with the new extension occupying just a small portion of this space and having a low-level design that will not significantly impact on neighbouring amenity.
- 7.3 The appeal property also has an important function to perform in providing the highest quality home environment for adults with vulnerable needs. The property will be vastly enhanced by the provision of a light and spacious conservatory area which, as previously explained, will allow residents to enjoy views of the garden throughout the year and in all weathers.
- 7.4 As the NPPF states that *"decision-makers at every level should seek to approve applications for sustainable development where possible"*, for the above reasons it is therefore politely requested that this appeal is allowed, with the inclusion of any conditions deemed necessary in this case.