

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78: PLANNING APPEAL

On behalf of Mr Glenn McCormick against the decision of

THE LONDON BOROUGH OF HILLINGDON

For the refusal of Planning Permission for;

Two storey side extension, single storey rear extension and conversion of existing flat roof to pitched roof.

at

**29 ST. MARTINS APPROACH, RUISLIP,
MIDDLESEX, HA4 7QH.**



FASTRACK
HOUSEHOLDER APPEALS SERVICE (HAS):
WRITTEN REPRESENTATIONS APPEAL.

1.0 BACKGROUND

- 1.1 This planning appeal is made within the terms of Section 78 of the Town and Country Planning Act 1990, by way of the Written Representations, and the appeal will be lodged on – line, via the Planning Portal, along with the relevant Decision Notice, application forms, plans and other supporting reports and documentation, and we will then be provided with an acknowledgement letter from the Planning Inspectorate.
- 1.2 So, the original planning application relating to this appeal was submitted to the London Borough of Hillingdon on 22nd July 2019 and was allocated Planning Application file reference: 19656/APP/2019/2454.
- 1.3 Unfortunately, and despite further lengthy discussions with the Council – Planning Case Officer, the application was subsequently refused by the London Borough of Hillingdon, on 16th September 2019, for the reasons shown on the Decision Notice, which will be uploaded to the Planning Portal website, as part of the submission of this appeal on – line.
- 1.4 However, for the purposes of this appeal, we have also provided the reason in full for the Inspector below, taken directly from the Decision Notice:



Mr Mark Pottle
Suite A
128 Manor Way
Ruislip HA4 8HR

Application Ref: 19656/APP/2019/2454

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Two storey side extension, single storey rear extension and conversion of existing flat roof to pitched roof

Location of development: 29 St Martins Approach, Ruislip

SCHEDULE OF REASONS

- 1 - The proposed extension, by reason of its siting in this open prominent position, and its size, scale, bulk, and design, including a large crown roof, would fail to appear as a subordinate addition and would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and 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), Policy DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

- 1.5 An Informative was added to the Decision Notice referring to the National Planning Policy framework, the relevant policies of the Adopted Unitary Development Plan, which is the Hillingdon Local Plan (November 2012), and in addition, we may also refer to Hillingdon's Supplementary Planning Documents (SPD) entitled **Hillingdon Design and Accessibility Statement (HDAS)**, entitled *Residential Extensions*.

- 1.6 Also in making this case, we note No29 St. Martins Approach is an attractive but unlisted property, and consequently consideration should perhaps be given to this “*non designated Heritage Asset*”, as referred to in the National Planning Policy Framework (NPPF) guidance, as amended July 2018. The NPPF recognises that; although not all buildings are ‘Listed’ for their historic interest or fall within a designated Conservation Area, there are ‘non designated’ historic buildings still worthy of retention, because of their architectural or historical interest.
- 1.7 We would contend that No29 St. Martins Approach is one such building – property, which clearly is an attractive and indeed prominently sited property, adjacent to this open parkland setting, and thus very prominent within the wider ‘street-scene’. Therefore, we will be contending that, one of the main purposes of this application and subsequent appeal was to replace an extremely prominent and we would contend unsightly flat roof – two storey element which has been added to this property.
- 1.8 Copies of the relevant policies and SPD will be provided by the London Borough of Hillingdon, as part of their questionnaire. So, this appeal is made on the grounds that the development could take place in accordance with:
1. The Adopted 2012 Unitary Development Plan, (Saved Policies) BE13, BE15 and BE19 and;
 2. The Hillingdon Supplementary Planning Document (SPD), Design and Accessibility Statement (HDAS), entitled ***Residential Extensions***, in particular ***Section 5*** which relates to “***Side and first floor side extensions: Two storey***”, and as such would not adversely affect the character and appearance of the area.

1.9 So, we will may also refer to the amended ***National Planning Policy Framework (NPPF), July 2018***, which continues to provide guidance to Local Planning Authorities (LPA's) such as Hillingdon on dealing with applications that affect both "*designated and non-designated Heritage Assets*", which includes, areas which are generally of an historic nature, including Conservation Areas and Listed Buildings.

2.0 THE APPEAL PROPERTY:

- 2.1 So, No29 St. Martins Approach is located in this “suburban” area of Ruislip, just north of the main commercial centre of Ruislip to the south and all its retail, leisure, educational, religious and other uses. Ruislip is also located towards the northern edge of the London Borough of Hillingdon, in West – North-west London. Eastcote Road runs east – west, to the south – east, which is one of the main arterial roads through the Borough. To the west is Bury Road which then extends northwards connecting Ruislip with Rickmansworth to the north.
- 2.2 The area generally is an attractive “inter – war” suburban style area, and No29 is an attractive detached house, which is situated in this attractive section of St. Martins Approach, and sits adjacent to a wide and attractively landscaped area to the south known as ‘Pinn Meadows’ with many mature trees at this point. Indeed Pinn Meadows was a ‘Green Flag Award winner’ in 2016 and 2017, offered to parks and open spaces which are of a high quality green space.
- 2.3 So properties in St Martins Approach also tend to have large front and rear gardens, with St. Martins Approach running due north – south at this point, and the rear gardens are therefore located on the western side, being deep, wide and well landscaped – wooded gardens. So, No29 faces east towards the road, with its rear garden facing west, as shown below:



- 2.4 So, No29 is set relatively well back from St. Martins Approach, with a driveway – entrance adjacent to the boundary with Pinn Meadow to the south, which leads up to an integral TWO storey flat roof garage and bedroom over, on the Left Hand side when view from the front.
- 2.5 This house is of an attractive red brick with peg tile roof, and an attractive brick quoins detail, however as the Inspector will note at the forthcoming site visit, the property has an extremely prominent two storey flat roof extension.
- 2.6 So, the area is a quiet “sub-urban” residential area of particularly character and quality, hence the need for the Agent who drew up the plans to have a good understanding of designing an extension which reflects this attractive setting.

- 2.7 As a Chartered Planning Consultant tasked with submitting a small number of appeals on behalf of this Agent, then it is considered the elevations prepared and submitted in this case are a well thought comprehensive, yet simple design solution, which also responds to the fact No29 has an extremely prominent and dominant two storey flat roof extension alongside Pinn Green.
- 2.8 Indeed, this current physical relationship was a large determining factor in the finished design of the two storey – replacement side extension, and single storey rear extensions, as presented to Hillingdon.
- 2.9 We will therefore respond to these reasons for refusal, as raised by the Local Planning Authority (LPA) in respect of the unwarranted concern regarding the fact this extension is not be a “*subordinate addition*,” particularly as **Section 5** of the “*Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions*” specifically states that two storey side extensions to detached properties should NOT be set or back but should “***be integrated with the existing house. There is no specific requirement for a set back from the front of the house***”, which means there is also no need for the extension to be set down either, which is precisely how the scheme has been drawn up.
- 2.10 So, we will also refer to the more specific requirements of the “*Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions*” December 2008 (SPD), Section 5 which specifically pertains to two storey and first floor side extensions.

2.11 Importantly, as eluded to earlier then when viewed from the front (east), this property clearly occupies a large – spacious plot, with space around it, whilst the proposed extensions would replace an extremely prominent and unsightly flat roof – two storey extension, with a matching hipped roof and ridge height, rather than being subordinate. This is precisely what is advocated in Section 5.7, Chapter 5.0 of the SPD, as referred to in greater detail shortly.

2.12 So, surely the extensions would have an extremely limited impact upon the street-scene, and in our view would actually improve its appearance, by the replacement of the prominent flat roof.

2.13 In addition, in terms of National policy guidance, the **National Planning Policy Framework, (amended July 2018)**, is quite implicit in its guidance to Local Planning Authorities in that they should not get involved in detailed design issues, but should “enable” or “*guide*” new development.

2.14 It should also be noted that Planning Permission has already been granted for the single storey extensions forming much of this appeal:

19656/APP/2018/1027	29 ST MARTINS APPROACH RUISLIP	Single storey side and rear extension	19-03-18	Approval
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3.0 RELEVANT PLANNING POLICY:

3.1 The current Development Plan of the London Borough of Hillingdon comprises the **London Borough of Hillingdon Local Plan, Part one – Strategic Policies** and **Part two, Saved UDP Policies, (November 2012)**.

3.2 The relevant policies referred to in the single reason for refusal include policies from Part 1 and Part 2:

- ❖ *Policy BE1: General Principles;*
- ❖ *Policy BE13: New development to harmonise with street scene;*
- ❖ *Policy BE15: New development to harmonise with scale, form, architectural composition and proportions of building, and;*
- ❖ *Policy BE19: New Development compliments or improves amenity and character of area.*

3.3 We remain of the view the proposed extensions subject to this appeal statement are compliant with BE1 of Part 1 of the adopted plan, and saved policies BE13, BE15 and BE19 of part 2 of the Adopted Plan. These state respectively:

“....All new development 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....(BE1)

...be designed to be appropriate to the identity and context of Hillingdon’s buildings.....and make a positive contribution to the local area in terms of layout, form, scale and materials...”

“Development will not be permitted if the layout and appearance fail to harmonise with the existing street scene....” (BE13)

“Proposals for alterations to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original dwelling.” (BE15)

“...new development within residential areas compliments or improves the amenity and character of the area.” (BE19)

- 3.4 Also in this case, we note that the property is not within an Area of Special Local Character (ASLC), a local Hillingdon designation, or Conservation Area. However, we note the National Planning Policy Framework (NPPF) guidance to Local Councils is also relevant in relation to *“designated and non – designated Heritage Assets”*, as mentioned earlier.
- 3.5 So, designated Heritage Assets includes buildings or locations/areas which do indeed have some intrinsic historic value, and in this case we acknowledge No29 St. Martins Approach is an attractive property, and is of a typical “sub-urban” nature, with further attractive post war traditional properties, such as this one, set along linear or ‘ribbon development’ common to long and main arterial roads such as St. Martins Approach.
- 3.6 As of 28th September 2007 it should be noted that the Local policies were saved as being in conformity with national or regional policy. Copies of these policies will be provided by Hillingdon Council, and as of September 2007, these policies in the Adopted Unitary Development Plan, were ‘saved’ and were brought forward in to the 2012 Local Plan.

3.7 Perhaps more importantly, the more relevant detailed local planning - design guidance in relation to this appeal, which in this particular case is **Section 5** of the **Hillingdon Supplementary Planning Document (HDAS)**, entitled ***'Residential Extensions'***, which refers to first floor & two storey side extensions, respectively.

4.0 PLANNING CONSIDERATIONS:

4.1 The single reason for refusal essentially refers to design matters, and so firstly, we wish to start by referring to the relatively new, and therefore relevant Government Guidance, in the form of the **National Planning Policy Framework (NPPF)** (Amended JULY 2018), regarding 'design', at Paragraphs 127 and 130 stating respectively:

".. Planning policies and decisions should 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;
are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

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);

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;

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 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..."

4.2 In addition, Paragraph 130 also states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions... taking into account any local design standards or style guides in plans or supplementary planning documents.

Conversely, 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.”

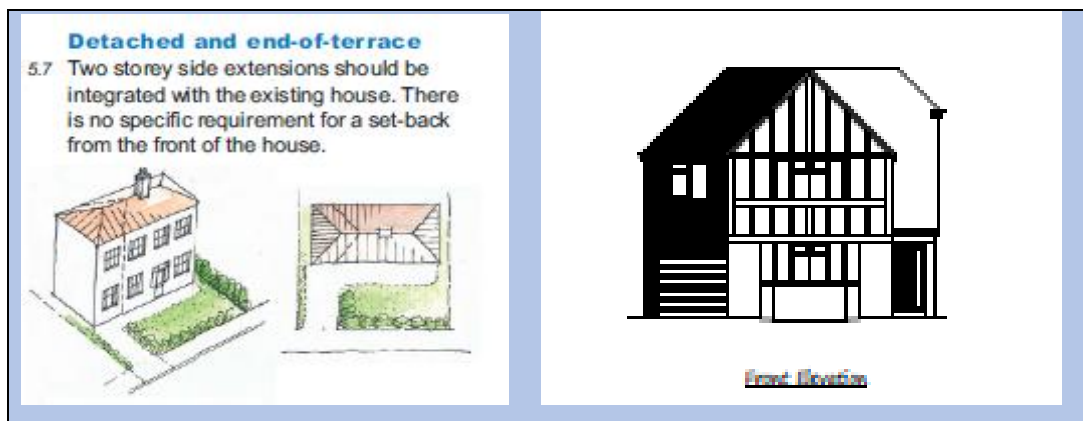
- 4.3 Surely in this case, the Appeal scheme would represent good design, in terms of the visual – impact (design) of the extension, as it would replace an existing and extremely unsightly two storey flat roof extension, which sits alongside and therefore is clearly visible from Pinn Meadow. At the same time, the proposed pitched roof extension would replicate the design of the existing house, with a matching hipped roof, of the same degree of roof pitch, whilst being set in from the side boundary by an adequate distance, AND retaining an existing fence.
- 4.4 So, how quite it would fail to harmonise with the existing dwelling is extremely difficult to understand; So, we remain of the view that the first floor side extension did not attempt to be “subordinate” but adopted a “symmetrical “ design approach, entirely in accordance with the Residential Extensions SPD, Paragraph 5.7, as now discussed in greater detail below.
- 4.5 Therefore, the main Development Plan Document, against which this application was assessed is the supporting ***Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document (SPD) “Residential Extensions”***.

- 4.6 Section 5 of this SPD specifically refer to first floor and two storey side AND rear extensions respectively.
- 4.7 So, firstly, with regards to Section 5 of the Hillingdon Design Guidance (SPD) then this refers to first floor and two storey side extensions, and Paragraphs 5.1 and 5.2 requires 2 storey side extensions to be set in 1m from the side boundary, to prevent a “terracing effect” where two neighbours extend up to the boundary. However, clearly in this case, there is no neighbour to the south, beyond the boundary where the extension will be extending up to, but there is a Public footpath and a Public Open Space beyond, so this particular requirement is not relevant here.
- 4.8 So in terms of Section 5.1 and 5.2 of the SPD, the proposal would retain an adequate degree of “spaciousness” around these properties and would not fundamentally change the spacious appearance of the area, and we note with interest that the Council have not specifically referred to any perceived harm to the visual amenities of Penn Meadows.
- 4.9 Moving on, Paragraph 5.3 is also particularly pertinent as it refers to corner plots and properties adjoining open spaces such as this, and we consider it is supportive of this appeal case as it states:
- “In situations where two storey or first floor side extensions are proposed where the house adjoins a...open space, there may be some scope for flexibility on the set in. A relaxation of the 1m set-in may be considered where the openness...would be maintained..”*

- 4.10 So, our scheme entirely accords with this requirement too, with no specific set-in required or necessary, as clearly the Council recognise and extension up to the boundary will neither cause a terracing effect or detract from the vast area of Public open space to the south – Pinn Meadows.
- 4.11 So, with regards to Paragraph 5.4 of the SPD and the requirement for a set back, then see Paragraph 4.15 below; as discussed, the fundamental design approach has been one of ***“integration with the existing house”*** as required by Section 5.7 of the Hillingdon SPD, on detached and end of terrace houses, such as No29 St. Martins Approach.
- 4.12 Paragraph 5.6 refers to semi – detached properties, so is not applicable to this application/appeal.
- 4.13 So, with regards to Paragraph 5.7, this is clearly the most relevant to this appeal and the design approach which was drawn up and presented to Hillingdon Planners, as this specifically refers to detached houses, and suggests:
- “Two storey side extensions should be integrated with the existing house. There is no specific requirement for a set back from the front of the house.”*
- 4.14 We feel the word *“integration”* is critical to this particular case, as the well thought design integrates and provides a holistic design solution, which would create a more symmetrical – continuation – integration of the façade, but retaining the prominent front gable.

4.15 This design approach was clearly adopted in respect of the extensions to No29 St. Martins Approach, and this demonstrates how Hillingdon have accepted this integrated approach, AND how it demonstrates such extensions remain in – keeping with the wider street – scene, and in our view would not adversely affect the “visual amenities of the street-scene”, as specifically referred to in Reason 1.

4.16 Indeed, the SPD includes a colourwash diagram specifically showing a detached house with the extension following the ridge line of the existing detached property, precisely what is proposed here:



4.17 We understand Hillingdon often have specific concerns regarding the use of ‘Crown roofs’ however this small section of flat roof detail will not be discernible from street level, UNLIKE the current two storey flat roof, which is clearly visible from the street and the wider and adjacent Pinn Meadows, to the detriment of the character and appearance of the area. This proposal would replace this with a corresponding pitched roof.

4.18 Paragraph 5.8 then again suggests that on detached AND terraced properties, the roof design of an extension should be “equal” to that of the main house/roof, and yet again in this case, then the ridge height is precisely the same.

4.19 Then at Paragraph 5.9 of the SPD states:

“The design of the roof should follow that of the existing roof.”

4.20 So as shown above, in this specific case, the existing property with its two storey front gable on the other (RHS), then it seemed logical to (A) replace the flat roof, and then (B) create a more symmetrical facade, with a matching pitched – hipped end on the LHS.

4.21 Ultimately, as the Inspector will also appreciate, flat roofs are by their very nature prone to water issues, such as tanking, and overtime can cause expensive maintenance issues, and even in worst cases water damage to the home and goods within it. This new roof would negate such flooding issues arising in the future.

4.22 Clearly, in assessing this proposal against the NPPF and more local SPD, we note that this property is not within a Conservation Area or ASLC, where design is much more critical, however we acknowledge the attractive nature of this property, with its mock Tudor boarding – timber detail too.

- 4.23 Simply put, we would argue that the new hipped roof, of the same ridge height, pitch, materials and fenestration would closely follow the design of the existing hipped roof and the front elevation, in an identical design approach.
- 4.24 Then Paragraph 5.10 refers to width, recommending that a two storey side extension should be between half and two thirds the width of main house; on this basis, then the existing house is circa 8m wide and 2.6m is $1/3^{\text{rd}}$, whilst 5.3m is $2/3^{\text{rds}}$, so as the extension is circa 2.5m in width, then this extension is considerably less than two thirds, and actually thus once again in accordance with the SPD.
- 4.25 We then note Paragraphs 5.11 and 5.12 refers to windows and materials, and once again it also clearly matches in all respects, with matching hipped roof, precise window proportions and apertures, matching angle of roof, and matching brickwork.
- 4.26 Clearly the overall size, scale, bulk, and design (as referred to by Hillingdon in the refusal), would create a comprehensive, yet cohesive design solution, which would be entirely in accordance with the **Hillingdon Supplementary Planning Document (HDAS), ‘Residential Extensions’ SPD**, without detriment to the wider street-scene, which is not within a Conservation Area.
- 4.27 So, the extensions would clearly be acceptable, and furthermore, the cohesiveness of the development would be emphasised by such details as:

- *The extensions would be of a simple matching brick façade, which would create a more symmetrical appearance to this property;*
- *The eaves height would match, as would the proportions of the windows at both ground and first floor level, with matching arch detail, and;*
- *The ridge height, roof pitch and eaves would precisely match and line through;*

4.28 In this case, the property and the proposed first floor side and rear extension are not within a Conservation Area, where design is a more critical material consideration and in this case in any event we consider they would entirely accord with the objectives of the NPPF, as the extensions would in our view enhance the property itself and the wider street scene – essentially this is not a speculative proposal but is a genuine attempt to create additional living accommodation, enabling them to continue to live & work in the area.

4.29 Now, as a Chartered Planning Consultant, having viewed the appeal property from all angles we feel that Hillingdon are indeed being over prescriptive, and are not “guiding” the overall “size, scale, bulk and design” of these extensions, as recommended by the National Planning Policy Framework, as amended (July 2018) and as referred to earlier.

4.30 So, without prejudice to the outcome of this appeal, the LPA could impose necessary and relevant condition(s) requiring the “submission of and approval of materials”, in order to ensure the extensions would match.

- 4.31 So, bearing in mind the advice contained in Circular 11/95 ‘*Use of Planning Conditions*’ we can confirm that the appellant would adhere to a condition(s).
- 4.32 So then overall, and in our view as Chartered Planning Consultants, then it would surely positively enhance the wider “street-scene”, and so the appeal proposal for a modest “*integrated*” side extensions, and in our view and for the reasons highlighted in this statement, it is maintained that this extension would accord with Section 5 of the HDAS SPD, and therefore would meet the objectives of the Adopted UDP, saved policies, November 2012.
- 4.33 In this specific case, we have a prominent two storey flat roof extension, which is clearly visible from and thus detrimental to the adjacent Public Open Space, Pinn Meadow, whilst this scheme would replace it with a matching pitched roof extension, more in keeping with existing property.
- 4.34 Interestingly also we note NO objections were received from neighbours or other interested parties, which reflects our view that there was indeed a lack of local interest or indeed concern regarding these proposals:

<i>Comments on Public Consultations</i>
<i>3 neighbouring properties, along with the Ruislip Residents Association, were consulted by letter dated 31/7/19 and a site notice was displayed in the area. By the close of the consultation period no response received</i>

4.35 Ultimately, therefore it is considered that this application will indeed meet the objectives of the Adopted **London Borough of Hillingdon Local Plan, Part one – Strategic Policies** and **Part two, Saved UDP Policies, (November 2012)**, in particular Policies BE13, BE15 and BE19, and we therefore conclude the scheme would indeed meet these 3 policies, which state respectively:

‘Development will not be permitted if the layout and appearance fail to harmonise with the existing street scene...’;

‘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 dwelling.’ and;

‘...new developments within residential areas compliments or improves the amenity and character of the area.’

4.36 In our view, for the above reasons, the proposed extensions accord with National Policy Guidance, in the form of the National Planning Policy Framework (as amended July 2018) and in particular would not conflict with the more specific local **Hillingdon Supplementary Planning Document (HDAS), ‘Residential Extensions’**, and in particular Section 5 relating to two storey side extensions.

PRECEDENTS:

- 4.37 During the course of the planning application, the Agent who prepared the drawings and submitted the planning application to Hillingdon, also provided Appendices – photographs of other identical extensions with Crown roofs, and so as part of this appeal we have provided those again as Appendix A.
- 4.38 This shows photographs of 31, 33 and 35 St. Martins Approach, which all contain extensions consisting of Crown roof details. Once again, then in my capacity as a Planning Consultant rather than an Architect, then Crown roofs are perfectly acceptable, as the Crown – flat roof element is NOT discernible from street level. Therefore we remain of the view that the Crown roof detail will not detract from, but will actually improve the appearance of this property, in this prominent location, over and above the existing unsightly flat roof at first floor level.
- 4.39 Consequently, in consideration of this submission and having regard to these reasons it is respectfully requested that the Inspector upholds this appeal, and grants Planning Permission for the extension, as submitted to the London Borough of Hillingdon.

5.0 CONDITIONS:

5.1 Without prejudice to the Inspectors decision, the following conditions are recommended, should the appeal be upheld:

- 3 year time limit;
- materials to be submitted to and approved by the LPA;

6.0 DOCUMENTS:

- (1) Copies of the forms and Decision Notice will be attached electronically to the on – line forms, along with this statement, using the Planning Portal website, and the usual Planning Appeals forms.
- (2) APPENDIX A: Photographs of other Crown roof extensions, will be appended to the on – line submission via the Planning Portal website.