



Appeal Statement

Householder Extensions
AT
277 Kingshill Avenue,
Hayes UB4 8BP

Reference:
277KA-1340

Date:
4 March 2020

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr R Kapur to support an appeal against the decision of London Borough of Hillingdon to refuse retrospective planning permission for householder extensions at 277 Kingshill Avenue, in Hayes.
- b. Following a description of the site and surrounding area, this report will consider the planning history, provide an overview of relevant planning policy and outline the case for the appellant.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 24 October 2019, the appellant submitted an application to London Borough of Hillingdon for the following development proposal (reference: 7175/APP/2019/3606):

Part two storey, part single storey side and rear extension, front canopy, conversion of roof space to habitable use to include a rear dormer and 2 front rooflights and outbuilding to rear for use as storage.

- b. On 17 February 2020, the council refused planning permission for the following reasons:

- 1. The proposed front canopy and porch by reason of its size, scale, bulk, width and design results in an incongruous addition which fails to harmonise with the architectural composition of the original dwelling and is detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*
- 2. The roof alteration/extensions, by reason of the size, scale, bulk, and design of the rear dormer window fails to harmonise with the architectural composition of the original semi-detached dwelling, is detrimental to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part and to the visual amenities of the street scene and the surrounding area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*

3. Site Description

- a. The appeal site comprises a two-storey, semi-detached house located on the southern side of Kingshill Avenue, on its junction with Dale Drive. It has been extended to the side and rear and has a rear dormer roof extension with front rooflights. It has a new front porch with a canopy over a front window. There is an outbuilding in the rear garden.
- b. It is one of a row of similar, semi-detached houses of a twentieth-century design. The houses are brick-built, with pitched, gabled roofs and front bays with hanging tiles. A number of the houses on the street have been extended and altered in various ways. A plurality of the houses on the row have rear dormer roof extensions and many have front porches of various designs.
- c. To the rear of the site is 89 Dale Drive, an infill development comprising a bungalow. Opposite the site is a row of buildings in mixed use with shops at ground floor level. Some of these buildings are three-storeys with pitched roofs, others are two-storeys with flat roofs.
- d. The building on the application site is not listed and the site is not located within a designated conservation area.

4. Relevant Planning History & Appeal Proposal

- a. In January 2017, the council granted full planning permission for a part single-storey, part two-storey side and rear extension and a front porch (reference: 7175/APP/2017/387).
- b. In March 2017, the council issued a certificate of lawfulness for a rear dormer window and front rooflights (reference: 7175/APP/2018/996).
- c. The approved plans and decision notices are provided in the appendices.
- d. The appellant has sought to implement both approvals, but the development, as carried out, does not fully correspond to the approved plans.
- e. The porch has the same overall dimensions as approved (same height, width and projection). However, the detailed design and roof form differ slightly and a canopy has been added that extends across the bay window. Figure 1, below, compares the approved plan for the front elevation with the 'as built' plan.

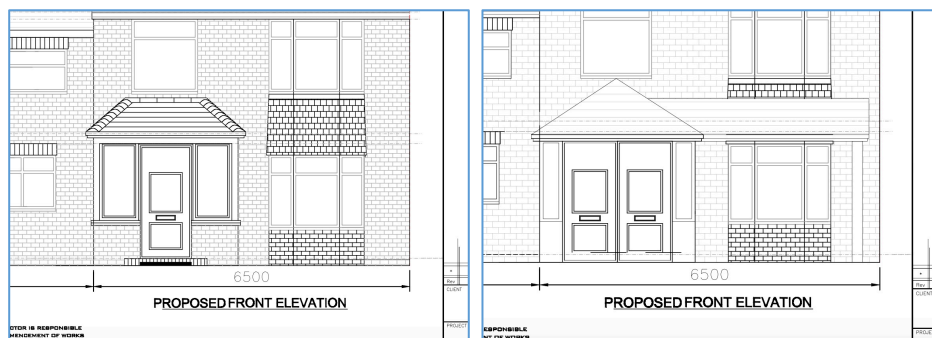


Figure 1: Comparison of approved front porch (on left) and as built (on right) (not to scale)

- f. Viewed from the front, the side extension is the same width as approved (at both ground and first floor levels) and the ridge is set 500mm down from the ridge of the original house. It is also set 1m back from the front elevation, as approved. However, the ground floor element is slightly taller than approved (3.6m versus 3.4m), as shown in the comparison of the front elevations in figure 2, below.

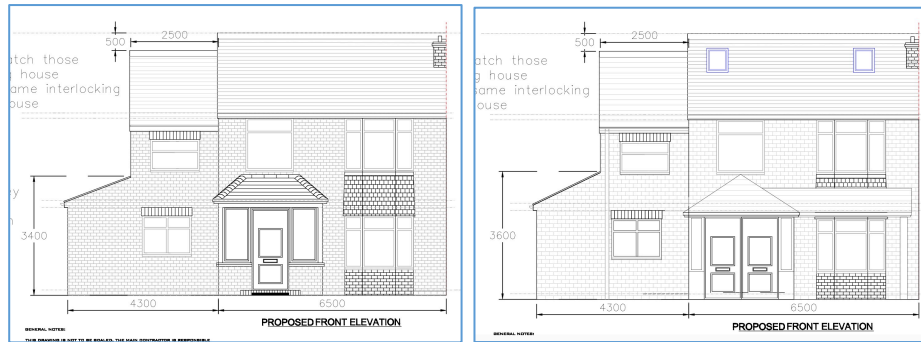


Figure 2: Comparison of approved front elevation (on left) and as built (on right) (not to scale)

- g. Viewed from the rear, the main difference between the approved plans and the development as built is the addition of a rear dormer loft extension, as shown in figure 3, below. The dormer was approved under the certificate of lawfulness issued under reference: reference: 7175/APP/2018/996. The ground floor rear extension is also slightly higher than approved (3.7m versus 3.4m).

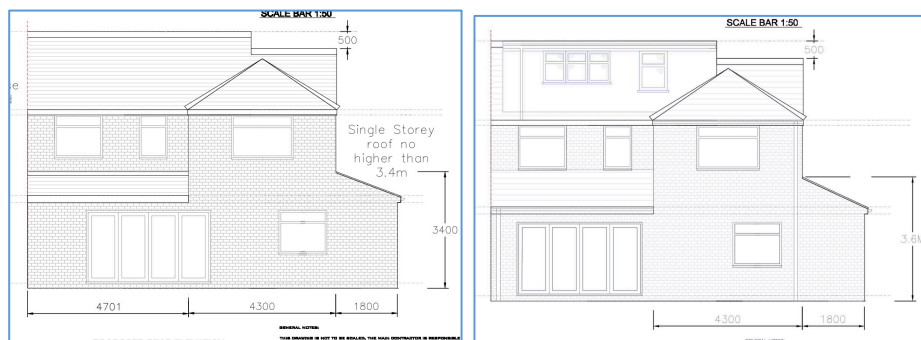


Figure 3: Comparison of approved rear elevation (on left) and as built (on right) (not to scale)

- h. Finally, a detached outbuilding has been built in the rear garden to be used by the appellant as a home office.

5. Planning Policy

- a. Planning law states that decisions on planning applications must be taken in accordance with the statutory development plan unless material considerations indicate otherwise. The relevant parts of the development plan for the area are the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
- b. According to the decision notice, the development fails to comply with policy BE1 of the Strategic Policies and policies DMHB 11 and DMHD 1 of the Development Management Policies.
- c. Policy BE1 (Built Environment) of the Strategic Policies requires all new development to improve the quality of the built environment in order to create successful and sustainable neighbourhoods. Among other things, the policy states that development proposals should be sensitive to local identity, landscapes, townscapes and views, improve areas of poor environmental quality, improve the quality of the public realm, and not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.
- d. Policy DMHB 11 (Design of New Development) of the Development Management Policies requires that all new development exhibit a high quality of design. Development should harmonise with its surroundings in terms of its scale, size and detailed design. It should use high quality materials. It should not unacceptably harm the residential amenity of close neighbours.
- e. Policy DMHD 1 (Alterations and Extensions to Residential Dwellings) sets out criteria for extensions. It seeks to ensure that there is:

"no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area"

- f. It requires that extensions are subordinate to the host dwelling *"in their floor area, width, depth and height"*. It recommends the use of matching materials. It requires that adequate garden space and parking is retained.
- g. It recommends that two-storey side extensions are set back 1m from the main front elevation and that the ridge of the roof is set 0.5m lower than the ridge of the roof over the main part of the house. Side extensions should be no more than 50% of the width of the main house.

- h. In respect of front extensions, the policy says that:

"The Council will not normally accept front extensions and canopies including extensions linked to garages and porches as these not only affect the character and building itself but also the street scene."

- i. For roof extensions, the policy advises that:

"The design of roof extensions should not create a dominant 'top heavy' appearance out of proportion with the rest of the building. It should be lower than the height of the main ridge and sit well above the eaves and away from the roof's hips and valleys. As a guide, new roof extensions should not cover more than a third of the main roof."

A dormer window should be no larger in size than those on the first floor and comprise an individual window and roof. This is preferable to a roof extension and will be required in Conservation Areas and Areas of Special Local Character. Only rear roof extensions and rear dormer windows will be considered acceptable."

- j. The National Planning Policy Framework (NPPF, 2019) sets out the government's planning policies for England and how they should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.
- k. Paragraph 11(c) requires that decision-makers approve *"development proposals that accord with an up-to-date development plan without delay"*. Where policies are absent or out of date, permission should be granted unless:

"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."

- l. According to paragraph 38:

"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."

m. Paragraph 124 states 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."

n. According to paragraph 130:

"...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."

6. Case for the Appellant

- a. The Council does not object in principle to the extension of this dwelling and it is satisfied that there will be no harm to the residential amenity of close neighbours. It is concerned about the visual impact of the new porch and its side canopy and about the rear dormer roof extension.
- b. Though the single-storey elements of the side and rear extension are slightly taller than approved, the council does not believe that this causes material harm to the character and appearance of the area or to neighbouring residential amenities. It is satisfied that the rear outbuilding is acceptable in planning terms. The inspector is reminded of the power to issue a split decision in favour of any parts of the development found to be acceptable.
- c. The first reason for refusal relates to the front porch and the canopy to the side. Contrary to the suggestion in the officer's report, the submitted plans show the porch to have the same dimensions as approved – the main difference is a change to its detailed design (the doors and windows) and roof form, and the addition of the canopy across the bay.
- d. The overall dimensions of the porch are as approved. The hipped, tiled roof over the porch is not substantially different to what was approved and reflects the roofslope and tiles on the main roof (and on other porches in the area). The doors in the front elevation of the porch have a contemporary design but the council does not object specifically to this aspect and the doors match the new windows in the rest of the front elevation (replacement doors and windows are permitted development).
- e. The canopy is formed of a tiled pitched roof, which integrates satisfactorily with the roof over the porch, and a single supporting column. The canopy is of a similar design to the porch and frames the bay below. It does not materially harm the streetscene.
- f. There are a number of porch additions to houses along this street, and they vary in size and design. There is a similar porch just two doors up from the appeal property, as shown in figure 4, below.



Figure 4: Photograph of a similar front porch at number 281

- g. There are similar porches on houses further up Kingshill Avenue and also immediately behind on Dale Drive. Examples are shown in the photographs in figures 5 and 6, below.



Figure 5: Photograph of similar front porches along Kingshill Avenue



Figure 6: Photograph of front porches at on Dale Drive

- h. The second reason for refusal relates to the rear dormer extension at roof level. According to the officer's report, the council's concern is that it does not comply with the detailed guidance for this form of development set out in policy DMHD 1.
- i. The dormer complies with the guidance in that it is at the rear only, does not rise above the ridge, does not involve a hip-to-gable alteration and uses matching materials. It contravenes the policy in that it is a full-sized box dormer and therefore exceeds the limits in the policy. Although the officer's report says that dormer should not cover more than 2/3rd of the roof, the policy itself recommends this "*as a guide*". It follows that larger dormer extensions will be acceptable where they do not harm the character and appearance of the dwelling and surrounding area.
- j. The dormer is the kind of development that can be built under conventional permitted development rights and a certificate of lawfulness was, in fact, granted for a dormer of this size and design. By building the dormer along with the other extensions, the dormer is no longer permitted development. However, if the appellant is ultimately, through enforcement action, required to remove the development in its entirety, he will again be free to erect a dormer of this kind under permitted development rights and, once the structure is in place, apply to build the side and rear extensions that the council has otherwise found acceptable.
- k. Because they are usually permitted development, box dormer roof extensions are a very common feature of urban environments and no longer appear out of place. In this case, the first-floor side and rear extensions help to shield the dormers from view. In addition, there are several large box dormers visible on neighbouring houses to the rear. Viewed from the street, the appellant's dormers is viewed in the context of 4 other similar structures in close proximity and thereby integrates comfortably with the surrounding pattern of development, as shown in figure 7, below.



Figure 7: Photograph of the rear of the row, viewed from Dale Drive

- l. In general, the streetscene in this area is diverse in character and appearance, creating a greater tolerance both for the porch and the rear dormer. The buildings are not architecturally distinguished and have been altered in various ways. There are commercial uses and buildings of differing architectural styles on the other side of the road from the appeal site.
- m. The appellant notes that there were no objections to his proposal from neighbours or any other third parties.

7. Conclusions

- a. The Council does not object in principle to the appeal proposal and does not believe there will be any harm to neighbours' amenities. It is satisfied with the side and rear extensions and the outbuilding. It is concerned that the porch and canopy, and the rear dormer window, harm the character and appearance of the surrounding area.
- b. The porch is similar to what was approved. It has the same dimensions but has a slightly different roof form and different design of door and windows. It also has a canopy across the front bay. The roof form is similar to what was approved and altering doors and windows is permitted development. The canopy has a sympathetic roof form and frames the bay window.
- c. The dormer is larger than recommended in the Development Management Policies, which recommend, "*as a guide*", that dormers take up no more than 2/3rds of the roof. It is, however, conventional in design and appearance and very similar to 4 other dormers on neighbouring houses, all of which are visible from the street and form part of the context in which the appeal proposal should be assessed.
- d. Finally, the streetscene in this location is diverse. There are roof extensions and front porches of various kinds. This diversity creates greater tolerance for similar alterations to other properties.
- e. For the above reasons, it is considered that the proposed development complies with the relevant development plan and national policies and the inspector is therefore respectfully requested to allow this appeal.



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