

14th April 2020

Planning Appeal

Application: Two storey side extension

Hillingdon planning reference number: 64806/APP/2019/3973

Dear Planning Inspectorate

I respectfully appeal against Hillingdon Councils decision to refuse planning permission for a double storey extension at 74 Monmouth Road, Hayes, UB3 4JJ.

Dismissed without a fair review, with previous planning applications having different measurements, calculations, space utilisation and planning frameworks.

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1. External Amenity Space - Demolished double garage

I respectfully disagree with Hillingdon's calculation of 70 sqm and believe it's more 104 sqm.

The double garage that was built when the house was constructed had deteriorated to the point that it could have collapsed, a risk to the family and neighbours. By demolishing the garages we've added additional private outdoor space, however Hillingdon have not taken this into consideration, even though the architect sent pictures to support the application, in addition to the mark up on the architectural drawings describing the demolition. Please see [Appendix A. Before and After Garage Removal](#).

The additional private space from demolishing the garages alone is 21.98 square metres, as shown in the [Appendix B Garage Calculations](#). Please note I have placed bricks on the floor to represent the extension.

The proposed extension would measure 8.95m length by 3.3m wide = **29.535 sqm**, with only a **7.55 sqm** difference in the land space utilisation from the existing garage ($29.535 - 21.98 = 7.55$), it would maximise land use in alignment to the development housing needs in Greater London. Please see note the double garage in the [Appendix C Land Registry Drawings](#),

Next doors permission, 59658/APP/2017/953, I do find it unfair how he has a granny annexe, 6m kitchen extension, double storey granted, all with a lot less than 100sqm of garden space, why is my application being refused on private external space, when the condition was not upheld for our neighbour's appeal.

2. Private Space Calculations

I strongly believe the 70 sqm of garden space has been miscalculated by Hillingdon, the garden sits at right angle triangle measuring at 12.6m length, 12.6m width, 79.38 sqm, this only overlapping a fraction with the old garage space at 21.98 sqm. Taking into consideration the remaining space next to the garage, I'm able to utilise it to store 4 bikes, two bins and a lawnmower, it easily indicates an area of 104 sqm of usable private garden space. Please see [Appendix D Private Space Calculations](#).

Please note, the 1.8m fence is in alignment to our neighbours' fence in terms of height, setback and building line. Hillingdon dismissed the additional land, stating it's on the side of the property and fronts onto the highway, however I can demonstrate the reality of the use of land, how it's being used privately and why it should not be deducted.

I disagree with the statement that it fronts onto a highway, as we have a large front garden due to the property being larger than your average plot. The distance from the front gate to the house building line is 6.5m, a minimum distance of 6.1m is maintained throughout the front garden, in addition to a bulky hedge, bollards and footpath between the highway. This principle has also not been applied for any of the examples, I fail to understand why is it being applied only for this application. Please see [Appendix E Front Garden Distance](#) and [Appendix F Large Open Gap](#)

3. Demonstrable usability of external private space

Living at the property I disagree that areas of the garden are un-usable due to the shape. I can demonstrate with creative solutions it's fully usable and that no deductions should be applied to calculations.

Please see [Appendix G Corner Space Utilisation](#) and [Appendix H Garage Space Utilisation](#), with the original foundations visible in front of the 1.8m fence. I have placed bricks on the ground to demonstrate the extension size, space around it and how it'll have no impact on the usage of the space.

If permission is granted we will convert this area to grass, as per the planning application. It's effectively like having two gardens on one land plot, that can be shared by all occupants, with privacy on each.

I believe private space should be a quantitative calculation, this disappointingly was turned into a subjective decision, open to interpretation on what a person feels is usable external space, all land is usable in expensive London. We have even utilised the strips around the kitchen extension.

4. Use of Planning Conditions

I would also like to note that Hillingdon Council have advised that I would need to apply for planning permission to rebuild the old garage into a granny annexe, as a result I'm left with over **133 sqm** (104+29) that I'm unable to maximise use and utilise into efficient habitable rooms, supporting area development needs in Greater London.

In one of the examples listed later on, 21 Hyde Way, in the approval statement Hillingdon have placed conditions that no additional garage, sheds or outbound buildings can be erected without permission, I would be happy for this condition to apply if the decision for a double storey extension can be overturned.

Although Hillingdon are applying garden space requirements of a 4+ bedroom, I note the box room that my sister occupies is under the minimum technical inhabitable housing standards for room sizes, D6, 3 of the London Plan, measuring 1.92m wide by 2.44m length at 4.68 sqm. The proposal would drastically improve my sister's wellbeing, moving to a larger room. The recent rear extension is being utilised as a kitchen to cater for 6 people, so to count this as a bedroom is not an option. Note the kitchen building control certificate granted in Feb 2020 by Hillingdon Council.

The proposal maximises the provision of dual aspect dwellings as per the policy D6 C on the London plan, unlocking the potential of the large plot. Hayes being recognised in Hillingdon's policies as an opportunity area more suited to higher density development.

5. New London plan - Private outside space

As you will be aware the national planning framework for councils specifies that significant weight should be applied on emerging plans in decision making.

The London Plan (intend to Publish) Dec 2019, although this is in draft, is highly applicable, no changes from Robert Jenrick impact any points used in the appeal.

I would like to challenge Hillingdon Councils policy on private external space on the basis that it's three times greater than The London Plan requirements. Hillingdon house prices, population and infrastructure have increased in the same way as the rest of London, why should it not adhere to the London Plan. The mayor's plan aiming to promote dense development, with councils unable to meet the housing demands. Hillingdon Councils policy I believe go against this framework, having a direct negative impact on making the best use of land, usable space for housing needs and supply. It also does not show they are working towards a shared vision for London, as per the London Plan specification.

My property has 6 occupant's, 5 sqm each = 30 sqm private outside space requirements using the New London plan specification. Policy D6, Housing quality and standards F.

6. Adjoining Councils Private External Space Requirements

I would like to note that Hillingdon has the largest private space requirements out of all its respective adjoining borough's, why is Hillingdon's policy so high, when it too is part of the London Plan.

I do not feel as if the London plan was used as a legal framework for decision making, with no justification with sound planning reasons as to why they are applying different rules, in addition to being 25 sqm more than adjoining boroughs. This does not promote consistency of application of the London plan across the boroughs and a shared vision, as a result will de-scope development opportunities for properties in the borough.

Please see adjoining councils external space requirements:

- **Hounslow Council** - 4 Habitable rooms 60 sqm, 5 Habitable rooms and over 75 sqm (Local Plan 2015 to 2030, policy SC 5.2 Benchmark external space standards).
- **Brent Councils** policy DMP19 states that the standard sizes of external amenity space to satisfy residents' needs are: 50 m2 for family housing (3 bedrooms or more) including ground floor flats (Brent Design Guide SPD 1 Nov 2018, 5.2).
- **Ealing Council** - Houses with under five habitable rooms require at least 50 sqm of private usable garden space, while larger houses, or groups of up to 5 flats, require 75 sqm of residential garden space. (SPD Residential Extensions adopted 06)

7. New London Plan – Children, Pensioners

Particular account should be taken of the needs of children, disabled and older people. I strongly believe this was not considered in any way in the decision-making process. Although the council's decision statement says it respects private family life, I believe it was used just as a disclaimer footnote and my human rights have been breached.

They did not review who lives in the house from the voting register, Northgate or any other Customer Relationship Management (CRM) systems they have. If they had the decision would have been joined up across shared services, identifying that the property occupies older people and a child.

I look after my parents at the property, with my father turning 60 last year and fast approaching retirement, his care needs have not been considered. The decision will have significant impact on the care my parents can receive in the future, due to space limitations. I face the difficult decision of either splitting the family apart or being priced out of London.

The dream with the extension was also to provide my 3-year-old daughter with a bedroom of her own, as she's now out grown her cot in our bedroom, as well as future family planning. I fail to understand how even using pre-planning, the decision to refuse permission is an outcome that works for all parties. It contradicts the purpose of point 5, 61 on the NPPF Feb 2019, families with children, older people.

8. New London Plan – Infrastructure Transport Links

The property is well connected with public infrastructure and transport links, which has not been taken into consideration i.e. M4, M25, Crossrail and within walking distance of a town centre in a high-density area of London. Point 3.1.2 on the New London Plan. The application proactively explores the potential to intensify the use of land, promoting higher density development. Including the capacity of the existing and future public transport services, and the connections they provide.

My family and I regularly use Hayes and Harlington train station for commuting, a benefit of being within a short walking distance from the station, reducing our CO2 output, carbon footprint by using less cars for a greener future, as per the New London Plan.

The application looks to optimise the site capacity, for London growth identified in the London Plan 3.3.1, with higher density residential developments, 3.4.9. Leaving the land empty whilst the family struggles for internal living space is not the best use of land, not making it space efficient or better for the people that use it.

I would also like to appeal on the grounds that following points should have played a **significant** factor in the decision. The application proposes to develop on the underused site, the house is situated 700m of a rail station as a result the presumption in favour of the development should be applied. The London Plan 4.2.5 Incremental intensification of existing residential areas within 800m distance of station. Please see [Appendix I Tube Distance Hayes and Harlington station \(Elizabeth Line\)](#).

In addition to proximity of the station, the plan also states the form of intensification can be in the form of extension of existing buildings, including residential garages, where this will result in the net additional housing provision. Both garage and residential garage conversion rules should have been applied as it states the developments should generally be supported where they provide well-designed additional housing to meet London's needs.

4.2.6 Small sites, with the site sitting in Greater London, I do believe the intensification in the existing residential areas, in particular to outer London should have been applied.

I would like for flexibility of the design, to allow the development of a family sized house, 4.2.9, in shortage, to accommodate my large family, allowing the existing footprint of the

house to be enlarged would be a step in the right direction to enable Hillingdon to achieve its 10-year targets for net completions on small sites being 2,950 respectively.

9. Character of the street scene and setback

The architect had communicated in pre-planning to the officer that the front will be setback 1.869m. This is a significant setback to overcome previous objections. Although this has been lost in transition to various planning officers at Hillingdon, who have calculated 1.2m, I have no objection to either setback, however for the purpose sticking to what was communicated, throughout the document I have used 1.869m setback, one step further to negate Hillingdon's view of the character of street scene.

10. Neighbours Support

I have the support from a number of neighbours that the development will improve the street scene, with the use of modern materials and design. No objections or comments in all three planning consultations over 2-3 years have been received, giving an indication of the support. Again, disappointing this was not taken into consideration as the pebble dash render of the property has deteriorated due to the age of the property, this would have been the perfect opportunity to improve it, modernising the overall streets appearance and deliver good design. The London plan setting weight on good design.

The family and I have a good relationship with adjoining neighbours who would be happy to sign a form to support the application, however due to coronavirus, social distancing this will not be possible.

11. Set-precedence example 1 – 21 Hyde Way, Hayes

A double storey on a very similar corner plot to ours was built on 21 Hyde Way, Hayes very recently. This is within 2 minutes walking distance from our property.

Planning application no. 73417/APP/2018/2155

I hired the same architect that gained planning permission for that property, utilising experience of corner plots, the architect is RIBA and ARB qualified and I felt he has the technical expertise to create plans that would overcome the objections from previous applications.

The property has been granted with permission to build a double storey extension, using the side of the property in its private amenable garden space calculations, at 119 square metres. Please see [Appendix J Set-precedence example 1 – 21 Hyde Way, Hayes](#)

12. Set-precedence example 2 – 45 Bishops Road, Hayes

Another corner plot with a similar triangular shaped garden to 74 Monmouth Road, granted permission for a double storey. Application number 74008/APP/2018/2723.

Please see [Appendix K Set-precedence example 2 - 21 Hyde Way, Hayes](#)

13. Set-precedence Example 3 – 1 Cranford Drive, Hayes

An example of a property that utilised the side of the property, left with even less garden space than what 74 Monmouth Road is 1 Cranford Drive. A straight strip of garden space,

even more narrow than 74 Monmouth Road and shorter than 18m. Application Number: 64933/APP/2019/2604. Please see [Appendix L Set-precedence example 3 – Cranford Drive, Hayes](#)

It's upsetting, depressing that it's one rule for our property and another rule for all three examples I have provided above.

[14. Government Strategic Direction](#)

Application A/01768/18/Ful, the demolition of garages and constructions of two bed dwellings with off street parking is a direct reflection of the governments direction when it comes to utilising land from garages, with permission granted as a result of strong emphases upon the delivery of new homes in accordance with the NPPF and development plan. They have also stated there is significant support for the NPPF for the promotion and development of under used land and buildings. Although on a larger scale, the same favourable for development principles apply for 'Coastline Housing wins appeal over Helston garages demolition' to make way for housing development.

[15. Summary](#)

In summary It's disappointing that after 3 years of searching for a solution, even using Pre-Planning this time around, the end result was a subjective reason for refusal that will have a drastic negative impact on my family life.

Disappointingly it was not a two-way dialog to achieve an outcome that works for both as per the national planning framework prescribes, also reflected in the volume of applications I've submitted, with no alternative solutions provided in any of the discussions or decision statements. Made further stressful by Hillingdon providing misleading advice and losing my postal supporting documentation for previous applications.

A miscalculated, open to interpretation view should not hold more weight than the points from the London development plan and the National planning framework that I have highlighted throughout the appeal. I have attached further images to support the appeal. [Appendix M Additional Images of the Garage.](#)

[16. Options](#)

Thank you for your time to consider this appeal, I look forward to your response. If you decide against it, I would be very grateful on alternative options for a double storey i.e. using the same PD rights land space, setback 1.2m.

Kind Regards,

Rajiv