



Appeal Statement

Single-Storey Rear Extension
AT
28 Botwell Lane,
Hayes UB3 2AE

Reference:
28BL-1378

Date:
10 May 2020

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr Tarlok Ahuja to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for a single-storey rear extension to 28 Botwell Lane, in Hayes.
- b. Following a description of the site and surrounding area, this report will 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 February 2020, the appellant submitted an application to London Borough of Hillingdon for the following development proposal (reference: 17587/APP/2020/643):

Single storey rear extension.

- b. On 16 April 2020, the Council refused planning permission for the following reasons:

- 1. The proposed extension, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupier at 26 Botwell Lane, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.*
- 2. The proposed extension, by reason of its size, scale and depth would result in the provision of a habitable room (dining/reception room) with no outlook and limited levels of natural lighting that would result in a substandard form of living accommodation and reliance upon artificial means of lighting which would fail to satisfy sustainability and energy efficiency objectives and would be to the detriment of the amenity of future occupiers, contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies and Policies 3.5 and 5.3 of the London Plan (March 2016).*

3. Site Description

- a. The appeal site comprises a two-storey, terraced house on the northern side of Botwell Lane. It has a front porch extension, a single-storey rear extension and a further rear canopy extension. The total depth of the rear extension is just over 5.7m.
- b. The house is one of a row of similar properties. The adjoining neighbour to the northwest, number 30, has single-storey rear extensions to a depth of around 9m. The neighbour to the south, number 26, is unextended to the rear. The satellite image in figure 1, below, shows the appeal property and the relationship with close neighbours.

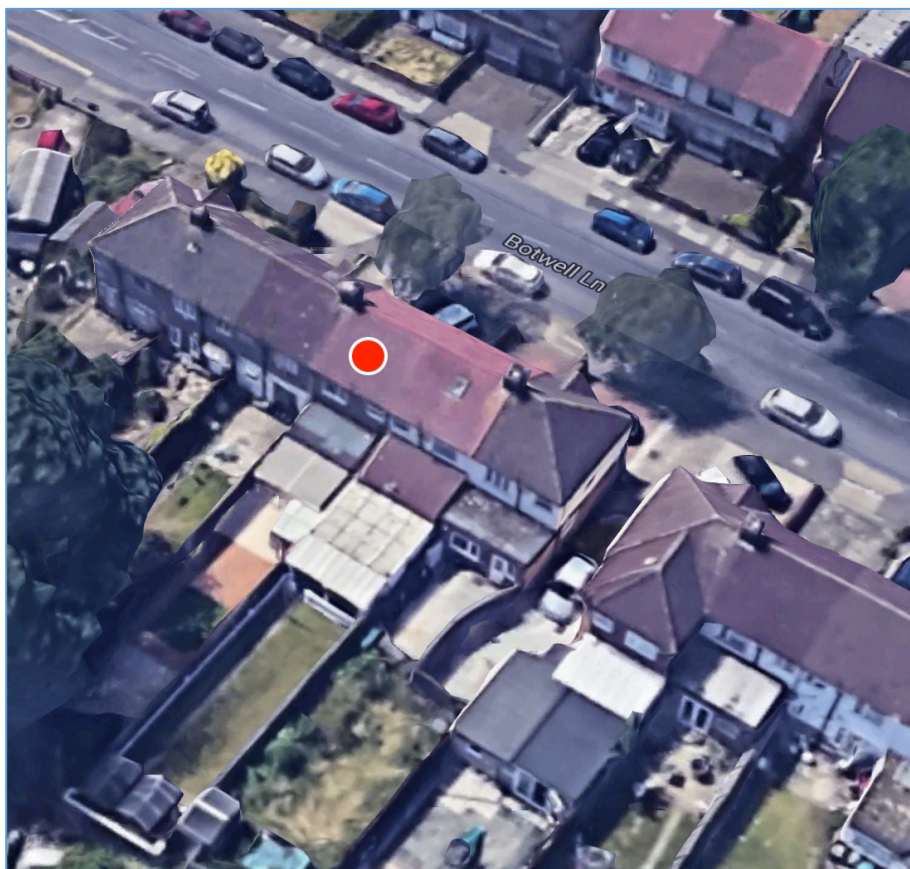


Figure 1: Satellite image of the rear of the appeal property (red dot) and close neighbours

- c. Further along the row there have been large extensions to other houses, including to number 34, for example, which has a two-storey rear extension and an additional ground floor extension. These extensions are visible in the right-hand side of the image in figure 1, below.
- d. The surrounding area is predominantly residential in character, made up of terraced and semi-detached houses of a similar design and on roughly consistent building lines. Most of the houses have been altered and

extended in various ways over the years. As a result, the streetscene is diverse in character and appearance. As the image in figure 1, above, shows, single-storey rear extensions are especially common features of the rear streetscape.

- e. The site lies within the Developed Area of the borough. It is not located within a conservation area and does not host any other designated heritage assets.

4. Appeal Proposal

- a. The appeal proposal is for the demolition of the existing rear extensions and the erection of a new ground floor rear extension to a depth of 6m. The extension is 2.5m high to the eaves and 2.8m high to the top of a flat roof. It is offset from both of the side boundaries so that existing boundary treatments can be retained.
- b. The proposal has regularly aligned fenestration and uses materials to match the existing house.

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.
- b. The relevant parts of the development plan for the area are the Hillingdon Local Plan: Part 1 – Strategic Policies, the Local Plan: Part 2 – Development Management Policies and the London Plan.
- c. According to the decision notice, the proposal fails to comply with policies DMHB11 and DMHD1 of the recently adopted Development Management Policies and policies 3.5 and 5.3 of the London Plan.
- d. Policy DMHB11 (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 DMHD1 (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. For single-storey rear extensions, the policy sets a maximum depth of 3.6m on plots with a width of at least 5m. The height of the extension should not exceed 3m if a flat roof is used, and 3.4m for a sloping roof.
- h. Policy 3.5 of the London Plan relates to the quality of new residential developments and is not relevant to householder proposals. Policy 5.3 relates to sustainable design standards but generally applies to major developments (i.e. not householder proposals).
- i. 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.

- j. 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."

- k. 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."

- l. 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."

- m. 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 visual amenities. It is concerned that the development would harm living conditions at number 26 Botwell Lane through "*overdominance, overshadowing, visual intrusion, loss of light and loss of outlook*". The council also argues that the extended house would not enjoy enough natural light, harming living conditions.
- b. The officer's report notes that policy DMHD1 recommends a limit of 3.6m to the depth of a rear extension in order to preserve neighbours' amenities. It follows that a deeper extension will be acceptable where it can be demonstrated that there is no unacceptable harm to neighbours (and no other unacceptable planning impacts).
- c. In this case, the development replaces extensions to virtually the same depth as the appeal proposal. Though the deeper part of the existing extension is a canopy, it is nevertheless a permanent structure. The council does not suggest that it is unlawful. The replacement extension will not have a materially increased impact relative to the existing situation.
- d. In any case, the new extension is single-storey only and modest in terms of its overall height. It has a flat roof, to further limit its impact. The proposed eaves height of 2.5m and maximum height of 2.8m compare favourably with Class A permitted development rights allowing an eaves height of 3m and a maximum height of 4m.
- e. In addition, the appellant has set the extension away from the shared boundary. This allows for the existing boundary fence to be retained and means that the neighbour's outlook will not radically change. When using his rear patio area, the neighbour will not be looking onto the full expanse of brick wall – only a relatively small part of the new extension will be visible above the boundary.
- f. As the appeal property is sited to the northwest of number 26, the extension is not likely to overshadow the neighbour's rear windows or garden – the neighbour's property will continue to benefit from good levels of sunlight throughout the day.
- g. There is not likely to be any material reduction in outlook – the neighbour has a long rear garden and will continue to benefit from clear and

unobstructed outlook down the full length of his own garden.

- h. It is also unlikely that an extension of this depth and height should appear overbearing or unneighbourly when viewed from number 26. An overbearing impact resulting in material harm typically manifests itself in an expanse of two-storey built form projecting to a substantial distance hard up against a common boundary. In this case, the extension is low in height. Being able to see a small part of a new development is not the same as suffering an unacceptable amenity impact from it.
- i. In a recent appeal at 27 Lawrence Road, in another part of the borough (reference: APP/R5510/D/17/3180791, see Appendix A), an inspector considered a similar proposal for an extension with a depth of 6m. The inspector acknowledged the council's position that extensions to semi-detached houses should be limited to 3.6m. The inspector nevertheless concluded that:

"The south facing aspect of the rear of the neighbouring property is such that the property will continue to enjoy a significant amount of available sunlight. There is a substantial fence between the two properties. I am satisfied that the increased depth of the extension of around 1.75 metres beyond that of the former conservatory would not result in any unacceptable harm to the outlook from No 25, nor in any unacceptable degree of overshadowing or loss of light."

- j. In another appeal at 14 Cavendish Avenue, the proposal was for a 1.6m addition to an existing 2.8m addition, creating an extension with a total depth of 4.4m (appeal reference: APP/R5510/D/18/3216072, see Appendix B). As in the current case, the inspector noted that:

"The Council is concerned that the size, bulk and depth of the proposed extension would in terms of 16 Cavendish Avenue be overdominant, blinkering, and overbearing and cause overshadowing and loss of light."

- k. However, the inspector concluded that:

"However this neighbouring property has a substantial length of rear garden and is within an area where there is a characteristic of a rear building line which is very varied. There would be some small additional side screening to outlook but this would not be of significant change to neighbours given the existing built arrangement, the screen fence in situ, and the 'blocking' and to a degree parallel position of their own shed. The clear aspect down their garden, beyond the shed would continue to be enjoyed. The orientation of the extension

and its height and length would be such that any change to sunlight penetration and general levels of light for neighbours would at most be for a part of the day in part of the year and such change would be modest even in the worst case. The scheme is a very limited addition to an existing situation and to my mind it does not reach the tipping point for rejection; it is not unreasonable in residential amenity terms.

- l. The council's second reason for refusal relates to the internal layout of the new extension, arguing that the proposed dining room would have no natural light or outlook, and thereby fail to comply with policies 3.5 and 5.3 of the London Plan.
- m. However, policy 3.5 relates to new housing development only, i.e. the creation of new dwellings, and not to householder extensions. Neither the policy nor supporting text support the council's assertions that rooms in a domestic extension must all have natural light and outlook.
- n. Policy 5.3 relates to sustainable design but mostly applies to major developments, such as housing schemes proposing more than 10 units. It is clearly not relevant to the appeal proposal.
- o. The proposed layout reflects the appellant's preferences. Though the layout may not be entirely conventional, it seems excessive that the council should be so prescriptive about the internal layout of an extension. The appellant notes that internal changes do not need planning permission and that the erection of a wall to subdivide a room in the future would not require express consent.
- p. The new dining room will be open plan to the reception room immediately behind, which has entirely glazed sliding doors opening on to the front lounge, which, in turn, has a large window in the front elevation. The dining room will, therefore, have a source of natural light and ventilation. The appellant anticipates that the sliding doors will generally be kept open, and only closed occasionally if privacy is required.
- q. If the inspector is inclined to agree with the council that the dining room does not provide a sufficiently high quality of accommodation, and that this would justify a refusal, the appellant provides an amended plan that may be substituted for the proposed floorplans.
- r. The amended plan – reference 30410 103 A – is submitted with this appeal. It is identical to submitted plan 301410 103, with the exception that the internal wall dividing the kitchen and dining room in the extension is removed. As this is a very modest internal change only, there should be

no prejudice to third party interests and the appellant respectfully requests that the inspector accepts the revised plan.

7. Conclusions

- a. The council does not object in principle to the appeal proposal and does not believe there will be any harm to visual amenities. It is concerned that the development will harm living conditions at numbers 26 and will provide an insufficiently high quality of internal living accommodation.
- b. The extension replaces existing structures of a similar height and depth. The new extension is set off the boundaries. Given the modest height of the extension and its siting to the north of number 26, there is no likely loss of light or outlook. It is not sufficiently tall or deep to be dominant or overbearing.
- c. The dining room will be lit and ventilated from the front. The policies quoted by the council in support of its second reason for refusal do not apply to householder development. In any case, the appellant provides a revised plan showing that the dining room will be open plan to the kitchen.
- d. For these reasons, the applicant contends that the proposal represents sustainable development and respectfully requests that the appeal be allowed.



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