

Authorised Designs Ltd

Planners, Surveyors & Development Consultants

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

SITE: 50 St Martins Approach, Ruislip, HA4 7QQ

PROPOSAL: Loft conversion incorporating a side dormer window and
3no. side rooflights and 4no. rear roof lights

CLIENT: Mr & Mrs W James

LPA REFERENCE: 26449/APP/2020/831

DATE: June 2020

1.0 INTRODUCTION

1.1 This statement has been prepared by Authorised Designs Ltd, on behalf of Mr & Mrs James and is submitted in support of the appeal lodged against the Council's decision to refuse planning application 26449/APP/2020/831.

1.2 The application sought planning permission for a loft conversion incorporating a side dormer window and side and rear rooflights. Despite other similar dormer windows being constructed at neighbouring properties, the appeal application was refused under delegated authority on 11th May 2020 for the following reason:

1) The proposed dormer window, by reason of its siting in this visually prominent position, size, scale, bulk and design would fail to harmonise with the architectural composition of the original and adjoining dwellings 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) and Policies DMHB11 and DMHD 1 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020).

1.3 This grounds of appeal will address the central concern raised within the Council's reason for refusal, notably:

- Whether the proposed dormer would be of detriment to the character and appearance of the existing dwelling, the street scene and the locality of the area in general.

1.4 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before setting out the Appellant's case and responding to the Council's concerns.

2.0 THE SITE & THE PROPOSED DEVELOPMENT

2.1 The site comprises a detached two storey house which is located on the eastern side of St Martins Approach, a residential road within the developed area of Ruislip. The site is not
Authorised Designs Ltd, Bacchus House, Ley Hill, Chesham, Buckinghamshire, HP5 1UT
T 01494 782953 M 07818 789828 E sam@authoriseddesigns.co.uk W www.authoriseddesigns.co.uk
Company Registration No: 07551360

located within the Green Belt, within a Conservation Area or within an area designated as being of special character. Furthermore, neither the application building nor any of the surrounding neighbouring buildings are listed.

- 2.2 The area is residential in character and comprises mainly of detached two storey houses of similar styles and sizes. The original house features a two storey front gable projection. The appeal application sought planning permission for a loft conversion incorporating a side dormer window to the side roof slope of the front projecting gabled roof. The dormer would be finished with tile hanging to match the main roof.
- 2.3 As demonstrated by the photos below, a number of the neighbouring properties have constructed similar side dormer extensions. In addition, planning permission was granted in 2013 for a similar, but in fact larger dormer, at No. 42 St Martins Approach. For ease of reference, a copy of the approved plan, the decision notice and the officer report are enclosed at **Appendix A**.





3.0 RELEVANT PLANNING POLICY

- 3.1 The reason for refusal refers to BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and to Policies DMHB11 AND DMHD 1 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020).
- 3.2 Although it was not referred to within the reason for refusal, the National Planning Policy Framework (NPPF) is also of relevance to this appeal.
- 3.3 The following paragraphs provide a brief summary of the relevant policies and the relevant guidance within the National Planning Policy Framework. The paragraphs are in a hierarchical order relative to national and local planning policy.

The National Planning Policy Framework

- 3.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 3.5 Paragraph 7 makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. This means planning has three overarching objectives – economic, social and environmental. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 sets out that for decision takers, this means ‘approving development proposals that accord with an up-to-date development plan without delay’. Paragraph 38 follows on from this, suggesting Local Planning Authorities should approach decisions in a positive and creative way.

Achieving well-designed places

- 3.6 The NPPF at Section 12 is clear that ‘good design is a clear aspect of sustainable development’. Paragraph 127 sets out that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

The Local Plan

- 3.7 Policy BE1 of the Local Plan Part One and Policies DMHB 11 AND DMHD 1 of the Local Plan Part Two are referred to within the reason for refusal.

Policy BE1 – Built Environment

- 3.8 Policy BE1 states that all new development should improve and maintain the quality of the built environment, achieving a high quality of design in all new buildings, alterations and extensions and making a positive contribution to the local area.

DMHB 11 – Design of New Development

- 3.9 Policy DMHB 11 refers to the design of new development and states that all new development, including extensions, will be required to be designed to the highest standards and to incorporate principles of good design. The policy is a generic spatial policy and makes no specific reference to dormer windows, roof extensions or loft conversions.

DMHD 1 – Alterations and Extensions to Residential Dwellings

- 3.10 Policy DMHD 1 refers to alterations and extensions to residential dwellings. Criterion E refers specifically to roof extensions stating that roof extension should be located on the rear

elevation only. The policy makes no other specific reference to dormer windows. This particular requirement is entirely inconsistent with The General Permitted Development Order, which allows dormer windows to be constructed on side facing roof slopes.

4.0 THE APPELLANTS CASE

- 4.1 The Appellant's case will focus on the central concern of the reason for refusal, notably whether the proposed dormer would be of detriment to the character and appearance of the existing building and the visual amenities of the street scene and the locality in general. This case will demonstrate that the proposed dormer would form an entirely acceptable addition to the roof which would not be detrimental to the visual amenities of the existing building or the street scene.

Clarification of the reasons for refusal

- 4.2 Although it is not set out within the actual reason for refusal, it is clear from the Case Officer's Report that the Council's objection is based on the Council's design guidance which stipulates that only rear roof extensions and rear dormer window will be considered to be acceptable. The Council have then thrown a number of words together to allege that the dormer would be harmful. However given that planning permission has been granted in previous years for almost identical schemes, unless the Council have completely ignored the existence of the neighbouring dormers or the Case Officer was not aware of the previous planning permissions being granted, the Council's current position can only be explained by the recently adopted guidance.
- 4.3 The Case Officer's professional opinion is of course respected, particularly in light of the Council's recently adopted guidance and as such it is appreciated as to why the Case Officer may have concerns. However, the Appellant questions the Case Officer's assessment of the application and considers that the Case Officer has adopted an overly cautious approach in recommending refusal of the application, without having due regard to the specific site context, the existence and approval of other similar and larger dormers in the road, the fact that a side extension could also be constructed under permitted development and finally, the limited actual visual impact that the extension would have.

The actual visual impact of the proposed side dormer

- 4.4 The proposed side dormer, by virtue of its significant set back from the front elevation, behind the front chimney would clearly appear subordinate and subservient to the main house and would relate acceptably to the appearance of the existing dwelling. The dormer would be visible within the street scene, but no more so than the existing side dormers at neighbouring properties and the proposed side dormer would certainly not appear unduly prominent or visually intrusive within the street scene.
- 4.5 It is acknowledged that the Councils recently adopted design guidance in policy DMHD 1 sets out that planning permission will only be granted for rear dormer windows. However, it is pertinent to clarify that the policy document states (para A1.4) that the guidance in that section of the plan should be used as good practice. Policy DMHD 1 is guidance contained within an appendix to the local plan, the policy is not adopted planning policy. It is noted that the National Planning Policy Framework states that planning policies should not be overly prescriptive, and it is considered that the guidance within DMHD 1 is overly prescriptive. It is understood that the Council want to avoid bad design and therefore there are principles of good design which should be followed, for example avoiding excessively large side dormer windows which would be harmful to the appearance of the host building and the street scene. However, it is far too simplistic to broadly imply that no side dormer windows will ever be allowed. Each case should be considered on its own merits and based upon the size, scale and position of the proposed dormer it is clear that there will be instances when such side dormers can form entirely appropriate additions to a property. This is clearly one instance, whereby due to the limited size and the large set back from the front elevation, that the side dormer would relate acceptably to the existing house. The proposed side dormer would be of a form and appearance entirely appropriate and sympathetic to the appearance of the existing dwelling and not dissimilar and in many cases smaller than that of other side dormers in the vicinity (see the photos above). Indeed, as set out in **Appendix A**, planning permission was previously granted for a larger side dormer.
- 4.6 The proposed side dormer extension, at worst, would have a relatively neutral impact on the character and appearance of the street scene. The proposed side dormer would represent only a minor change to the street scene and to the area and would clearly sustain the significance and peoples experience of the street scene. The Appellant maintains that the character of the area would not be compromised by the proposed side dormer or by the
- Authorised Designs Ltd, Bacchus House, Ley Hill, Chesham, Buckinghamshire, HP5 1UT
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appearance of the resultant dwelling. The side dormer represents a logical reflection and continuation of the existing building which would integrate acceptably with the existing house. It would be compatible with the existing building and would be of no detriment whatsoever to the original fabric and design of this unlisted building. The Appellant contends that the proposal would cause no actual or demonstrable harm to the character or appearance of the buildings or the street scene. The Appellant has no desire to construct any roof extension which is not worthy of the appearance of the existing building or the street scene and strongly feels that the proposed works would make a positive addition to both the external appearance of the existing building and to the level of internal accommodation that could be provided within.

- 4.7 Moreover, it is necessary to point out that if the proposed side dormer was not attached to a small section of front facing roof slope, that the side dormer could be constructed without planning permission, under permitted development. In fact, a significantly larger dormer, running the full length of the side roof slope, could be constructed under permitted development. This represents a valid and realistic fallback position for the Appellant should this appeal be dismissed. In addition, it undermines the Council's stance on resisting side dormer windows; as a much larger dormer, which would have more impact on the house and the street scene, can be constructed without requiring planning permission. This point must form a material planning consideration in the assessment of this appeal.

5.0 SUMMARY

- 5.1 The proposed side dormer would be of no harm to the character or appearance of the dwellings or the street scene. The Appellant understands why the Council may have concerns, given the Council's recent guidance regarding roof extension, however it is considered that the Council have adopted an overly cautious approach, failing to take into the merits of this particular proposal, notably the modest size of the dormer, its significant set back from the front of the house and the existence of other similar side dormers at neighbouring properties. Additionally, it cannot be ignored that a larger side dormer, albeit one which is not attached to the front roof slope, could be constructed without planning permission, under permitted development. The National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of

sustainable development. The appeal proposal would not be contrary to national or local planning policy and for the above reasons it is politely requested that this appeal is allowed.