

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78: PLANNING APPEAL**

On behalf of Mr Ajoy Nair against the decision of

THE LONDON BOROUGH OF HILLINGDON

For the refusal of Planning Permission for;

“Erection of single storey front – side extension”

at

15 HILLSIDE, NORTHWOOD,
MIDDLESEX, HA6 1RP.



**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 online, via the Planning Portal, along with the relevant Decision Notice, application forms, plans and other supporting reports and documentation.
- 1.2 The original planning application relating to this appeal was submitted to the London Borough of Hillingdon on 14th February 2020 and was allocated Planning Application file reference: 63054/APP/2020/212.
- 1.3 Despite further lengthy discussions with the Council – Planning Case Officer, the application was subsequently refused by the London Borough of Hillingdon, on 14th February 2020, for the single reason shown on the Decision Notice, which will be uploaded to the Planning Portal website, as part of the submission of this appeal online.
- 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:



HILLINGDON
LONDON

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:
Single storey front/side extension

Location of development: 15 Hillside Crescent, Northwood

Date of application: 14 February 2020

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

James Rodger
Head of Planning, Transportation and Regeneration

Date: 24 April 2020

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 63054/APP/2020/212

SCHEDULE OF REASONS

1 - The proposed front/side extension, by reason of its projection forward, size, scale, bulk and design, 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 Hillside, Northwood Hills Area of Special Local Character. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 5, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy 7.8 of the London Plan (2016) and the NPPF.

- 1.5 An Informative was added to the Decision Notice referring to the National Planning Policy Framework, whilst the relevant policies of the Adopted Unitary Development Plan, is the Hillingdon Local Plan Part 1, (November 2012), and Part 2 (January 2020).

1.6 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:

- ❖ The Unitary Development Plan, (Adopted 2012 Part one) Policies BE1 and HE1;
- ❖ The Unitary Development Plan, (Adopted 2020 Part two) Policies DMHB1, 5, 6 and 11, and DMHD1,

1.7 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.

Comment [an1]: Will or may?

1.8 In this case, this particular property is located within Northwood Hills Area of Special Local Character, (NHASLC), a local Hillingdon designation of what it considers are areas which require a local increase in Policy protection, in the form of ASLC status.

1.9 We understand that the previous SPD guidance on house extensions has indeed been superseded by the newly Adopted 2020 Local Plan policies, however that SPD was used by Hillingdon for over 10 years as a 'benchmark' for applications for extensions in the Borough, and so we feel is still pertinent today.

1.10 So, we may also refer to **Section 8** of the ***“Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions”*** specifically states that single storey side and front extensions:

“...must be minor and not alter the overall appearance of the front of the house or dominate the character of the street.”

1.11 Having submitted this appeal on behalf of the clients and the Appellants, then in my ‘independent view, the proposed extension accords with the former SPD in all respects, which we will explain in detail under material considerations below. In making this case, we note No15 Hillside Road is an unlisted single storey bungalow with no discerning features, located in the Northwood Hills Area of Special Local Character, (NHASLC).

1.12 The NHASLC is a local – Hillingdon designation where it considers warrants some additional design consideration, but not worthy of forming a Statutory “*designated Heritage Asset*”, such as a Conservation Area, as referred to in the National Planning Policy Framework (NPPF) guidance, as amended.

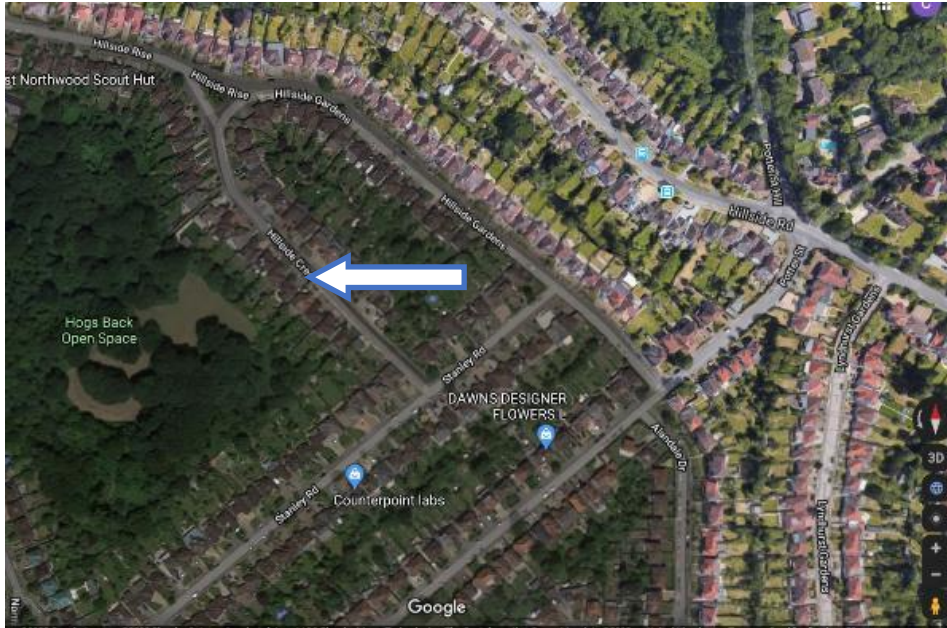
1.13 The NPPF recognises that; although not all buildings are ‘Listed’ for their historic interest or fall within a designated Conservation Area, there are ‘non designated’ historic buildings and areas still worthy of retention, because of their architectural or historical interest.

Comment [an2]: I am uncertain of the relevance of this paragraph to our appeal

Comment [an3]: Have you missed something here ? or should we delete section 1.14?

2.0 THE APPEAL PROPERTY:

- 2.1 So, No15 Hillside Road is located within this “suburban” area of Northwood, just north of the main commercial centres and Tube Stations of Northwood and Northwood Hills, and all its retail, leisure, educational, religious and other uses. Northwood is also located towards the north western edge of the London Borough of Hillingdon, in west – north-west London.
- 2.2 The property is located on the southern side of Hillside Crescent which runs from south east to north west and this property and many of its neighbours all have relatively large well landscaped gardens and therefore verdant backdrops when viewed from the front. The verdant nature of the area is shown below, with the property also backing on to the Hogs Back Open Space:



- 2.3 We would also add that, presumably part of reason of the area's designation as an Area of Special Local Character, including Hillside Crescent, Hillside Gardens and Stanley Road, is their consistent design approach of bungalows and chalet bungalows, with shallow pitched roofs and simple pyramid roof designs, peg tile roofs, white painted windows, part render, part red brick plinths, brick 'corbelling' and parapet roof details and so on.
- 2.4 So to enable the Inspector to understand the relationship of No15 Hillside to its neighbours, we have attached the Ordnance Survey extract below, showing the property outlined in red:



- 2.5 The bungalow is a largely untouched typical L – Shape property, although it has a garage on the left hand side with a higher parapet roof detail, which is at odds with the typical pitched roof detail of this bungalow, when viewed from Hillside Road.
- 2.6 The immediate local area is a quiet and admittedly attractive “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 property and the wider Northwood Hills ASLC setting. We felt this scheme achieved this fundamental objective by only including a modest change to the current bungalow, but with a more appropriate matching pitched and tiled roof.
- 2.7 As a Planning Consultant tasked with submitting numerous appeals on behalf of this Agent, then it is considered the elevations prepared and

submitted in this case are a well thought, yet simple design solution, which also responds to the fact the property has a relatively imposing (high parapet roof) flat roof garage, which the appellants are seeking to replace with something much more attractive.

2.8 Indeed, this modest front and side extension and new pitched roof, as presented to Hillingdon planners, would provide a much improved ground floor, importantly offering an enlarged lounge and new separate downstairs toilet and enlarged study, for this family home. At the same time, we felt it would be sympathetic to the character and appearance of this Area of Special Local Character, particularly by the use of a simple single storey matching pitched roof detail.

2.9 We will therefore respond to the single reason for refusal, as raised by the LPA in respect of the unwarranted concern regarding the fact this extension 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...wider Northwood Hills Area of Special Local Character.”

2.10 In particular, we will refer to **Section 8** of the *“Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions”* specifically states that single storey side and front extensions *“...must be minor and not alter the overall appearance of the front of the house or dominate the character of the street.”*

2.11 So, surely the extensions would have an extremely limited impact upon the street-scene, and in particular the wider Northwood Hills Area of Special Local Character, and in our view would actually improve its appearance, by the replacement of the Conservatory.

2.12 In addition, in terms of National policy guidance, the **National Planning Policy Framework, (as amended)**, 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.

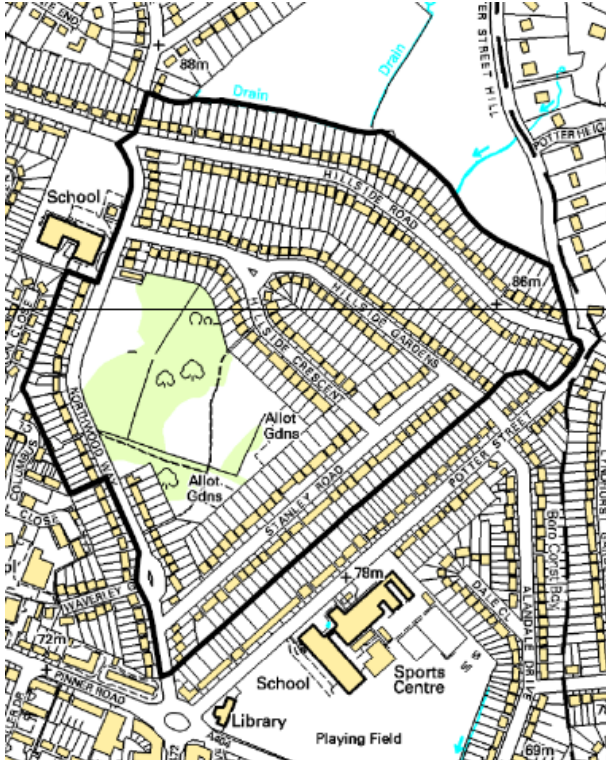
2.13 In addition, we will also refer to the relevant paragraphs of the NPPF, which refers to “**non Designated Heritage Assets**”, which includes Conservation Areas and ASLC’s , within which this property and its neighbours lie.

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 Two-Development Management Policies (2020)**. The relevant policies referred to in the single reason for refusal include policies from Part 2: *Policy DMHD1, Policy DMHB11, and Policy DMHB12;*

London Borough of Hillingdon	
Local Plan Part 2 - Development Management Policies: October 2015	55
Policy DMHB 11: Design of New Development A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: • scale of development, considering the height, mass and bulk of adjacent structures; • building plot sizes and widths, plot coverage and established street patterns; • building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; • architectural composition and quality of detailing; • local topography, views both from and to the site; and • impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development⁵ potential. In the case of proposals for major development⁵ sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.	
⁵ Major Development: Residential development of 10 dwellings or more; any building with a floor space of 1000 square metres or more; development on a site of 1 hectare or more. Revised Proposed Submission Version: October 2015 with Main Modifications (March 2019)	

3.4 In this case, then as the property is within the locally designated Northwood Hills ASLC, as shown below, Northwood Hills Area of Special Local Character (NHASLC) is one such locally designated heritage asset. The Northwood Hills ASLC is shown on the next page of this statement, and below that is the wording from Policy DMHB5 from the recently adopted 2020 Unitary Development Plan, (Adopted 2020 Part two):



Policy DMHB 5: Areas of Special Local Character:

- A) Within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area.*
- B) Extensions to dwellings should be subservient to and respect the architectural style of the original buildings and allow sufficient space for appropriate landscaping, particularly between, and in front of, buildings.*
- C) The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted.*

3.5 Then we note that the National Planning Policy Framework (NPPF) guidance to Local Councils is also relevant in relation to “**designated Heritage Assets**”, as mentioned earlier.

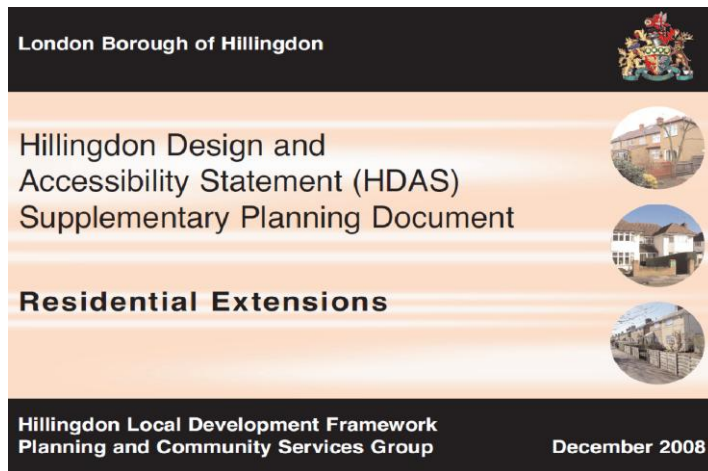
3.6 Designated Heritage Assets includes buildings or locations/areas which do indeed have some intrinsic historic value, and in this case we acknowledge No15 Hillside lies within a locally designated *Area of Special Local Character*, and is therefore recognised more locally for its architectural quality.

3.7 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 2020 Local Plan.

Comment [an4]: Relevance of this paragraph to our appeal?

3.8 As set out earlier, there is also a more recent Local Plan: *The Revised Proposed Submission Version: October 2015, with Main Modifications (March 2019)*. This DP includes emerging policy, Policy DMHB 11: Design of New Development, which we will also refer to shortly.

3.9 As discussed, the most relevant detailed local planning - design guidance in relation to this appeal, which in this particular case was **Section 8** of the **Hillingdon Supplementary Planning Document (HDAS)**, entitled ‘**Residential Extensions**’, which refers to single storey front extensions:



3.10 We understand that this detailed local planning - design guidance in relation to this appeal, the **Hillingdon Supplementary Planning Document (HDAS)**, entitled '**Residential Extensions**', has been superseded by the newly adopted planning policies, however Hillingdon's 'HDAS' has been the locally adopted 'bible' for more detailed planning guidance for many years, and so we will refer to this again shortly.

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)** (as amended), 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..."*

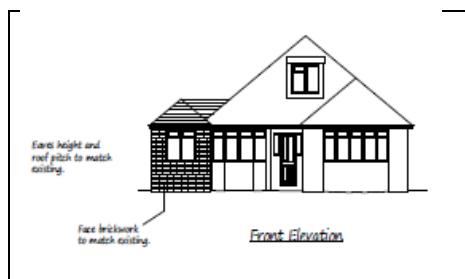
4.2 In addition, Paragraph 130 also states:

"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 So surely in this case, we would contend that the current appeal scheme would represent good design, in terms of the visual – impact (design) of the extension, as it would replace an existing unsightly parapet roof garage, and we would contend is detracting from the wider Northwood Hills ASLC.

4.4 At the same time, the proposed replacement pitched roof front – side extension in this area would surely “preserve and enhance” (to use common NPPF terminology) the property itself and the wider ASLC? So, the proposed façade would potentially appear as below:



4.5 So, how quite it would fail to harmonise with the “architectural composition” with the original dwelling is difficult to understand.

4.6 In addition, also in this case, we are aware of earlier Planning Permission, in 2007, as shown below, with a larger ‘whole – roof’ extension, in addition to the front extension as shown below:





- 4.7 The 2007 Planning Permission is particularly useful as a precedent in this case, as it sought and secured a more radical alteration to the appearance of this bungalow, turning it into (what I would say as an independent non architectural advisor) would appear as a much changed 'street scene' by comparison to the current appeal scheme.
- 4.8 So, 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"***.
- 4.9 Section 8 of this SPD specifically refers to single storey front extensions and firstly, paragraph 8.0 simply provides clear guidance in that front extensions must be "*minor*" and not alter the "*overall appearance*" of the dwelling....
- 4.10 Paragraph 8.1 then indicates that front extensions should not extend across the entire frontage and in this case, this modest extension also accords with this section of the SPD.

- 4.11 Paragraph 8.2 then refers to porches and the need to be subordinate, and whilst it advocates they should match the roof design, in this case, the porch matches, whilst with regards to this extension, and seen with matching rendered façade and roof tiles.
- 4.12 Paragraph 8.3 refers to front bay windows and so is not applicable to our scheme, whilst then paragraph 8.4 refers to building lines, which equally is not particularly relevant. The 'front' extension will not extend forwards of the existing façade or indeed any notional building line, as referred to in the SPD.
- 4.13 Finally, the remaining paragraphs refer to matching windows, materials, etc and clearly we would accord to (without prejudice to the outcome of this appeal), an appropriately worded condition requiring this, in accordance with Circular 11/95, the Use of Planning Conditions.
- 4.14 Finally, with regards to section 5 of the SPD, we note that the remaining garden space would be largely unaltered and would be far in excess of the SPD requirement of 60sq.m for a 3 bed house.
- 4.15 We note that Section 4 of the SPD refers to side extensions, however, all the requirements of Section 8 are identical to the requirements – guidelines discussed above.
- 4.16 Essentially this modest single storey front extension alongside the boundary with the neighbour would not over dominate this neighbour, would have an attractive matching pitched roof, which would not exceed 3.4m and would not have an adverse impact upon the wider

Hillside ASLC. We must therefore reiterate that it would accord with the NPPF, which states:

“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.”

4.17 So, now, as a 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 the extension, as recommended by the National Planning Policy Framework, as amended and as referred to earlier.

4.18 Finally, we would also like to refer to **56 Stanley Road**, and a recent approval by Hillingdon, of an identical front extension approved in 2020, and so extremely relevant to this case. In the case officers report, they refer to various other front extensions approved AND quote an appeal in respect of No62, which was allowed at appeal. The case officers report acknowledges front extensions added to Nos:58, 60, 62, 64 and 68 Stanley Road too.

4.19 With regards to the appeal at No62, an Inspector concluded:

‘the roof above the front of the front garage extension would be hipped, to match the slopes of the main roof. I find that this would not be harmful to the symmetry of the original dwelling in that the existing gable front remains the dominant visual feature’.

4.20 The case officers report then concludes with regards to the front extension to No56 Stanley Road:

"It is considered that this is a subordinate addition which would respect the character of the existing property and the wider area. The proposed extension would not project beyond the front projection of the neighbouring property at no. 54 and would be separated by that properties own garage."

- 4.21 We can only contend that the same conclusion should surely have been reached in respect of No15 Hillside, and Planning Permission granted.
- 4.22 Finally, 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. So, bearing in mind the advice contained in **Circular 11/95 'Use of Planning Conditions'** we can confirm that the appellant would adhere to such condition(s).
- 4.23 So ultimately, 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, Policies, (January 2020)**,
- 4.24 Therefore, 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) and in particular would not conflict with the more specific local **Hillingdon Supplementary Planning Document (HDAS), 'Residential Extensions'**, and in particular Section 8 relating to single storey front/side extensions.

4.25 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 this single storey side 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 match.

6.0 DOCUMENTS:

(1) As stated earlier, copies of the forms and Decision Notice will be lodged electronically to the on – line forms, along with this statement, using the Planning Portal website, and the usual Planning Appeals forms.