



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY:

Mr Sagar Shivnani

FOLLOWING THE REFUSAL OF PLANNING PERMISSION BY:

The London Borough of Hillingdon Council

REF:

75228/APP/2020/1283

FOR:

***Single storey side extension, part two storey, part single storey rear extension
and single storey outbuilding for use as a games/gym room and garden store***

AT:

20 Clovelly Avenue, Ickenham, Middlesex, UB10 8PS

July 2020

1.0 INTRODUCTION

- 1.1 This appeal relates to the refusal of planning permission for a *'Single storey side extension, part two storey, part single storey rear extension and single storey outbuilding for use as a games/gym room and garden store'* at no. 20 Clovelly Avenue, in Ickenham, Middlesex.
- 1.2 The planning application was dated 22nd April 2020 and was subsequently refused on 18th June 2020 by the London Borough of Hillingdon Council, with the decision notice stating just one reason for refusal, as noted below:
1. *The proposed first floor rear extension, by reason of its roof design and the relationship between the roof of the proposed extension and the existing rear dormer roof extension, would appear as a disproportionate and unsympathetic addition to the original dwelling and would fail to harmonise with the architectural composition of the original semi-detached dwelling, would be 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. The proposal would therefore be contrary to Policies DMHD1 and DMHB 11 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020).*
- 1.3 By way of background to the case, the council confirmed that prior approval was not required for previous application ref 75228/APP/2020/891 for the *'Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 3 metres'* on 16th April 2020.
- 1.4 The following statement will therefore, seek to demonstrate why the council's decision is considered unsound on this occasion and why the scheme conforms to the aims of national, regional and local planning policy.

2.0 APPEAL PROPERTY



No. 20 Clovelly Avenue

- 2.1 The appeal site comprises a two storey semi-detached property that is set back from the highway. The front garden provides off- street parking whilst to the rear is a long private garden which currently accommodates a detached garage.



Rear elevation of no. 20 Clovelly Avenue

3.0 SITE LOCATION



Aerial view of appeal site and surrounding location

- 3.1 The appeal site is positioned western side of Clovelly Avenue. The site is within a predominantly residential location, however, it is not within a conservation area or within the curtilage of a listed building. The site is bordered to the rear by a railway line.



Appeal property and surrounding location

4.0 PROPOSAL

- 4.1 The proposed scheme sought planning permission for a *'Single storey side extension, part two storey, part single storey rear extension and single storey outbuilding for use as a games/gym room and garden store'* at no. 20 Clovelly Avenue.
- 4.2 The proposed single storey side extension would have a dummy pitch roof to the front with a maximum height of 3.4m and a flat roof height of 3m which would include two rooflights. The single storey side extension would measure 2.351m wide x 12.503m deep extending beyond the rear of the original dwelling by 4m.
- 4.3 The single storey rear element would be 4m deep with an overall width of 8.633m with a flat roof height of 3m which would include a lantern style rooflight.
- 4.4 The first floor rear extension would be set in 2.7m from the adjoining semi and would measure 3.6m deep x 3.6m wide. This element would have a hipped roof with an eaves height of 5.2m and a ridge height of 6.7m.



Proposed elevations

- 4.5 The development would increase the footprint of the dwelling by approximately 54m² and the internal accommodation by 59m².
- 4.6 In addition, the scheme also proposes an outbuilding which would accommodate a games room/gym and a separate garden store. The outbuilding would measure 6.6m wide x 6m deep with an eaves height of 2.5m and a maximum ridge height of 3.5m.
- 4.7 All the work would be completed to a high standard utilising complementary matching materials including rendered plaster, tile roof and UPVC fenestration.

5.0 RELEVANT PLANNING POLICY

5.1 The reason for refusal refers to policies DMHD 1 and DMHB 11 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

5.2 Although not referred to within the decision the National Planning Policy Framework is also considered relevant. The following paragraphs will provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

5.3 **National Planning Policy Framework (NPPF)**

The NPPF set 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

5.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. 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.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. 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.

Decision-making

- 5.5 Paragraph 38 states that 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.

Achieving well-designed places

- 5.6 Section 12 of the NPPF refers to design, with paragraph 124 describing how the Government attaches great importance to the design of the built environment, stating 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.”*
- 5.7 Paragraph 127 states that planning policies and decisions should ensure that developments:
- a) *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;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *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);*
 - d) *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;*
 - e) *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*
 - f) *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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 5.8 Paragraph 130 states:

“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”.

Hillingdon Local Plan: Part Two - Development Management Policies (2020)

- 5.9 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. Policies DMHB 11 and DMHD 1 were referred to within the decision.

Policy DMHB 11: Design of New Development

- 5.10 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 amongst other criteria harmonising with local context; and, ensuring the use of high quality building materials and finishes.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings

- 5.11 Planning applications relating to alterations and extensions of dwellings will be required to ensure that: i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area; ii) a satisfactory relationship with adjacent dwellings is achieved; iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height; iv) new extensions respect the design of the original house and be of matching materials; v) there is no unacceptable loss of outlook to neighbouring occupiers; vi) adequate garden space is retained; vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C; viii) trees, hedges and other landscaping features are retained; and ix) all extensions in Conservation Areas and Areas of Special Local Character, and to Listed and Locally Listed Buildings, are designed in keeping with the original house, in terms of layout, scale, proportions, roof form, window pattern, detailed design and materials.
- 5.12 Two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres.
- 5.13 Flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house.
- 5.14 Full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

6.0 GROUNDS OF APPEAL

6.1 The appellant's case will address the concerns raised within the reason for refusal, notably:

- a. Whether the first floor rear extension by reason of its roof design and the relationship between the roof of the proposed extension and the existing rear dormer roof extension would appear as a disproportionate and unsympathetic addition to the original dwelling, and;
- b. Whether the proposal would fail to harmonise with the architectural composition of the original semi-detached dwelling and would be 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.

6.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Principle of development
- Design and impact on character and appearance
- Impact on neighbouring amenity
- Garden space and parking

Principle

6.3 The appeal site is within a residential setting and, as such, an extension to an existing dwellinghouse should be considered acceptable in principle subject to the scheme being in accordance with relevant national, regional and local planning policies.

6.4 The proposed works have been specifically designed to complement the form of the existing property, the street scene of Clovelly Avenue and the wider area whilst taking into account the specific requirements of the National Planning Policy Framework relating to good design as well as the aims of the Local Plan policies and guidance.

Design and impact on character and appearance

6.5 Paragraph 124 of the NPPF 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."*

- 6.6 Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies seeks to ensure that new development is of a high quality design which makes a positive contribution to the area.
- 6.7 Policy DMHD 1 (Alterations and extensions to residential dwellings) recommends that alterations and extensions should appear subordinate to the main dwelling in their floor area, width, depth and height whilst policy DMHB 11 (Design of new development) seeks to ensure that development harmonises with the local context taking into account the surrounding scale of development.
- 6.8 As described in section 4.0, the works include a proposed single storey side extension with 3.4m high dummy pitch roof to the front and a flat roof height of 3m which would incorporate two rooflights. The single storey side extension would measure 2.351m wide x 12.503m deep extending beyond the rear of the original dwelling by 4m. The single storey side element would wrap around the rear and would be 4m deep with an overall width of 8.633m and a flat roof height of 3m which would include a lantern style rooflight.
- 6.9 The first floor rear extension would be set in 2.7m from the adjoining semi and would measure 3.6m deep x 3.6m wide. This element would have a hipped roof with an eaves height of 5.2m and a ridge height of 6.7m.
- 6.10 In addition, the scheme proposes to demolish the existing garage and build a single storey outbuilding which would accommodate a games room/gym and a garden store. The outbuilding would measure 6.6m wide x 6m deep with an eaves height of 2.5m and a maximum ridge height of 3.5m and would provide approximately 32m² of internal space. The outbuilding would be positioned to the end of the garden and would be set-in 1m from the side and rear boundaries of the site.
- 6.11 In accordance with the aims of policy DMHB 11 the overall development has been designed to the highest standards in order to ensure that the proposal would harmonise with the existing house. As a result, the council's delegated report confirms that the ground floor rear element of the scheme, the single storey side element and the outbuilding are acceptable which is further demonstrated below.
- 6.12 Policy DMHD 1 states in regard to side extensions that side extensions should not exceed half the width of the original property.
- 6.13 In this case, the original house is approximately 6.3m wide and the proposed side extension would be just 2.351m wide with a dummy pitch roof 3.4m high which would complement the character of the property and appear as a subordinate addition.
- 6.14 In regard to the single storey rear extension policy DMHD 1 states that single storey rear extensions on semi-detached houses where the plot width is 5m or more should

not exceed 3.6m in depth. Flat roofed single storey extensions should not exceed 3m in height and any pitched or sloping roofs should not exceed 3.4m in height, measured from ground level.

- 6.15 Whilst the proposed single storey extension would comply with the recommended roof heights the depth proposed at 4m slightly exceeds those standards set out in policy DMHD 1, however, as the appellant has already gained prior approval for a 4m deep single storey extension following application ref 75228/APP/2020/891 the council conceded that this element was therefore, acceptable.
- 6.16 Policy DMHD 2 (Outbuildings) requires residential outbuildings to meet the following criteria:
- i. the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;
 - ii. the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;
 - iii. the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and
 - iv. primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.
- 6.17 The host property has an original footprint of approximately 54m² whilst the garage which would be demolished has a footprint of approximately 26m². Consequently, the proposed outbuilding with a footprint of 36m² would be a proportionate addition to the site which would not result in any unacceptable harm to the adjacent trees.

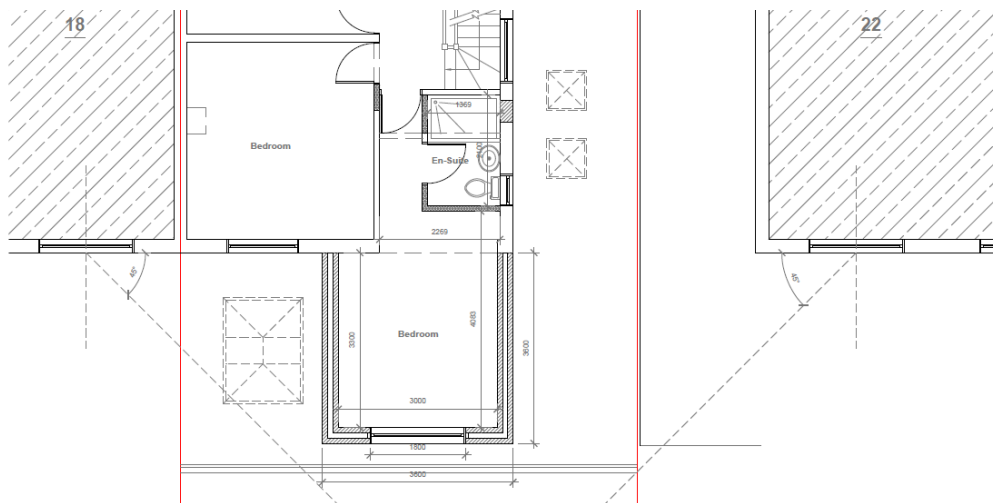


Existing garage to be demolished

- 6.18 Furthermore, the proposed outbuilding would be utilised as a gym/games room and storage shed which are all incidental uses and it would not contain any primary living accommodation and therefore, as a result of its high quality complementary design and appearance was considered acceptable by the council.
- 6.19 Given the above points which have clarified the council's position on the acceptable elements of the scheme the appellant considers that the council's concerns in regard to the first floor element of the development are unwarranted.
- 6.20 The council's delegated report states that:

"The proposed first floor rear extension, by reason of its roof design and the relationship between the roof of the proposed extension and the existing rear dormer roof extension, would appear as a disproportionate and unsympathetic addition to the original dwelling and would fail to harmonise with the architectural composition of the original semi-detached dwelling, would be 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."

- 6.21 In regard to two storey rear extensions policy DMHD 1 states that they should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21m. Pitched roofs on extensions should also be of a similar pitch and materials to that of the original roof and subordinate to it in design.
- 6.22 It is evident that the two storey element of the appeal development conforms with the aims of policy DMHD 1 as the extension is clearly subordinate in design, the pitched roof is similar to that of the host property and the development would not break a 45-degree line of sight or overlook other houses at a distance of less than 21m.



Plan excerpt showing 45-degree sight line



Proposed rear elevation

- 6.23 Furthermore, its relationship with the dormer should be considered acceptable as it would not interfere with the existing fenestration and would lessen the appearance of the dormers. In addition, its overall size and scale in combination with the proposed use of matching materials would result in a proportionate and sympathetic addition that complements the appearance of the host property.
- 6.24 The council consider that the extension would be detrimental to the character, appearance and symmetry of the semi-detached pair, however, in response, it is stated that original symmetry of the semi-detached pair has already been reduced due to the hip to gable alteration and rear roof dormer.
- 6.25 Moreover, the character and appearance is mainly drawn from the quality of architecture presented in the front elevation of a host property and surrounding dwellings where there is usually a clear uniformity in scale, design and materials.
- 6.26 The uniformity identified in the front elevations cannot normally be identified in the rear elevations which over time alter through a variety of extensions and alterations including those developments already approved or constructed at the appeal site.
- 6.27 Therefore, as the first floor rear element of the development would not be prominent within the street scene of Clovelly Avenue or from any other public spaces and evidently follows the expected residential design guidance contained within policy DMHD 1 the proposed extension could not reasonably be considered to be of

detriment to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part or to the visual amenities of the street scene and the surrounding area.

6.28 Whilst the proposal may be visible from neighbouring rear gardens the proposed first floor extension by virtue of its design, size and scale would be wholly acceptable appearing as a subordinate addition that would not overwhelm the original proportions of the house and would enhance the character and appearance of the existing property.

6.29 Paragraph 130 of the NPPF states:

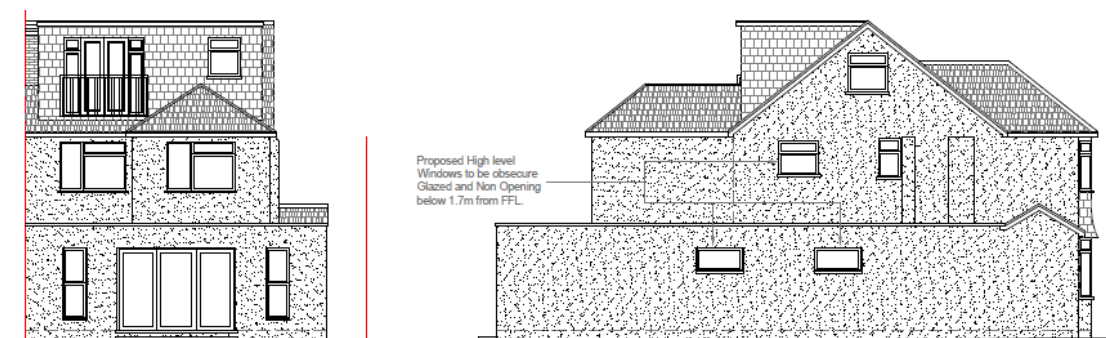
“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”

6.30 Given the above points, the proposal would therefore, comply with the aims of the NPPF as well as policies DMHD 1 and DMHB 11 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) which collectively seek a high quality design that appears subordinate, respects the design of the original house and the character and appearance of the wider area.

6.31 Whilst the appellant has demonstrated above that the appeal scheme should be considered acceptable he considers it relevant to highlight two other almost identical proposals.

6.32 Application ref 66115/APP/2020/1110 for a ‘*Part single, part two storey rear extension and single storey side to rear extension involving demolition of existing garage*’ was approved on 5th June 2020 at no. 7 Cranbourne Road, Northwood, Middlesex, HA6 1JX (Details attached in **Appendix A**).

6.33 In this case, no. 7 Cranbourne Road had also already been extended with a hip to gable alteration and a rear roof dormer and as demonstrated in the following plan excerpt proposed an almost identical development to the appeal scheme.



Approved scheme at no. 7 Cranbourne Road

6.34 In fact, during the application process the scheme at no. 7 Cranbourne Road was altered to change the originally proposed dummy pitched roof of the first floor rear extension to a hipped roof. In regard to other design factors, the approved first floor extension also projected to a depth of 3.6m whilst the single storey ground element is significantly deeper at 6m.

6.35 Nevertheless, the council's delegated report confirmed:

"The first floor rear extension complies with the 45-degree line of sight when measured from the nearest first floor windows in the rear elevations of the neighbouring properties. Whilst the juxtaposition of the proposed roof of the two storey element and the existing dormer is not considered ideal, given its position it is considered acceptable in this instance.

As such, it is considered to accord with the requirements of Policies DMHD 1 and DMHB 11 of the Hillingdon Part 2 Local Plan: Management Development Policies (January 2020)."

6.36 There are no site circumstances that would warrant the council's differing assessments of these similar development as no. 7 Cranbourne Road forms part of a residential street, the property is a semi-detached dwelling, the development would not be prominent within the street scene and there are no similar developments at adjoining or nearby properties.

6.37 It is evident that the council are failing to take a clear and consistent approach in their decision making and as such, the appellant states that the council's decision is relation to the scheme at no. 20 Clovelly Avenue is unwarranted.

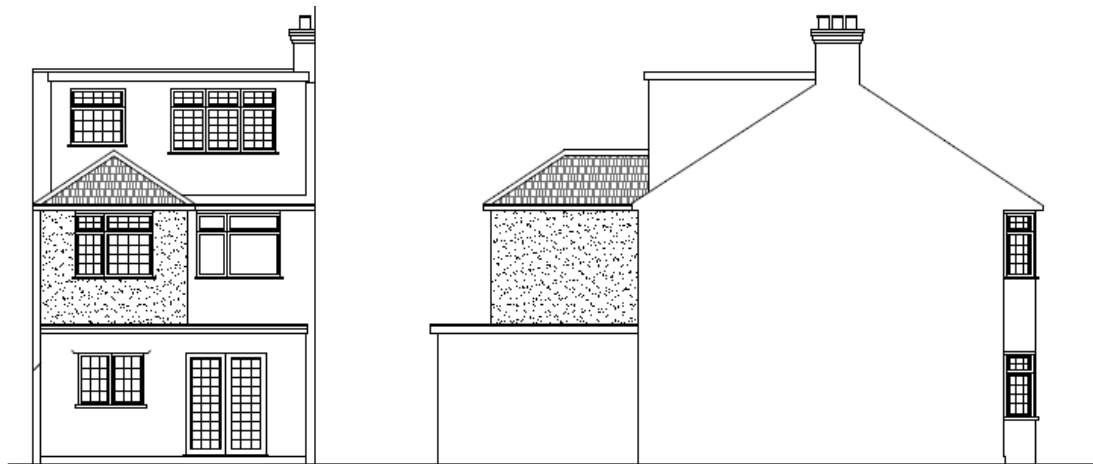
6.38 The second case the appellant wishes to put forward as a material consideration is at no. 30 Cotswold Close, Uxbridge, UB8 2NA. Initially the council refused application ref 64109/APP/2018/3357 on 18th September 2018 for a 'Part first floor rear extension'. (Details attached in **Appendix B**).

6.39 The London Borough of Hillingdon Council refused the scheme at no. 30 Cotswold Close for the following reason:

"The proposed first floor rear extension, by reason of its siting in this open prominent position, size, scale, bulk and design and its combination with the existing large roof extensions would represent an incongruous and visually intrusive form of development to the detriment of 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 surrounding area."

6.40 However, this decision was subsequently overturned at appeal under reference APP/R5510/D/18/3218841 on 18th March 2019.

6.41 No. 30 Cotswold Close had also previously been extended with a hip to gable alteration and rear roof dormer as well as a 4m deep single storey rear extension and, as such, the original symmetry of the semi-detached pair of which it formed a part had already been reduced. This property backed onto school playing fields whereas the no. 20 backs onto a railway line and there are no specific set of site circumstances that should warrant a different outcome in relation to the appeal development at no. 20 Clovelly Avenue.



Development allowed at appeal at no. 30 Cotswold Close

6.42 In this case, the Inspector found it unusual that the LPA concerned itself with maintaining the symmetry and balance of the rear elevations of semi-detached pairs particularly in the absence of heritages assets or where the aesthetic quality of buildings and/or symmetry is of no particular note.

6.43 In fact, the Inspector established in paragraph 6 of their decision that *“I consider that the overall additional projection would to some extent lessen rather than increase the dominance of the original building and its setting. This would occur through the addition’s hipped roof above the original eaves line reducing the perception of the dormer’s bulk arising from it currently standing in isolation as a large box structure on the sloping roof of the original dwelling”*.

6.44 Consequently, the Inspector concluded in paragraph 9 of their decision:

“In conclusion, for the reasons explained I consider on the main issue that the appeal scheme would not have an unacceptable effect on the character and appearance of the pair of semi-detached houses of which the dwelling forms part and on the street scene of Cotswold Close.”

- 6.45 Given the above relevant and directly comparable cases the appellant considers that the council's decision in this case is flawed and that planning permission should, in fact, be granted for the appeal development which would comply with the aims of the NPPF as well as policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two.

Impact on neighbouring amenity

- 6.46 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 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.
- 6.47 Policy DMHB 11 (Design of New Development) states that development should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 6.48 The proposed scheme has been sensitively designed in order to ensure that it would not result in any unacceptable impacts on neighbouring amenity.
- 6.49 The council have not raised any concerns regarding the impact of the development on the amenity of neighbouring occupiers and therefore, the proposal is considered to comply with the aims of the NPPF and policy DMHB 11 which collectively seek to promote a high standard of amenity for all users.

Garden space and parking

- 6.50 Policy DMHD 1 (Alterations and Extensions to residential Dwellings) states that adequate garden space should be retained. Policy DMHB 18 (Private Outdoor Amenity Space) states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space.
- 6.51 In this case, the development would retain a large rear garden of 194m² and the space is both useable and private and considered adequate.
- 6.52 Policy DMT 6 (Vehicle Parking) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. Appendix C Table 1 requires a maximum of 2 spaces per dwelling with curtilage.
- 6.53 Whilst the development would result in the removal of an existing garage the site has two off-street parking spaces to the front of the dwelling.
- 6.54 In summary, the proposed development would not conflict with the aims of policies DMHD 1, DMHB 8 and DMT 6.

7.0 CONCLUSIONS

- 7.1 The proposed development has been designed to a high standard in order to appear as a proportionate and sympathetic addition which would harmonise with the architectural composition of the extended semi-detached dwelling.
- 7.2 The scheme would complement the character and appearance of the host property and would not detract from the visual amenities of the street scene or surrounding area.
- 7.3 Thus, it is considered that the appeal proposal conforms with the overall aims of the NPPF and policies DMHD 1 and DMHB 11 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020).
- 7.4 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

13th July 2020