
Appeal Decision

Site visit made on 4 May 2017

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 May 2017

Appeal Ref: APP/R5510/D/17/3172412

1 Ferncroft Avenue, Ruislip, HA4 9JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Walsh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 2601/APP/2016/4367, dated 25 February 2016, was refused by notice dated 9 February 2017.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 1 Ferncroft Avenue, Ruislip, HA4 9JE in accordance with the terms of the application, Ref 2610/APP/2016/4367, dated 25 February 2016, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plan: 1FA/P200.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

3. The appeal property is a two storey semi-detached home with a hipped roof which has been extended to the side and rear and displays pleasing elevations including curved bay windows and curved corners. There are similar properties in the locality and they all come together to create an established locality of residential suburban character and an attractive neighbourhood with some sense of spaciousness. The appeal property is in a corner position on a triangular plot and has an undeveloped triangular area to its side with a front width of about 5.3 metres tapering for a depth of some 75.m to the rear to zero width. It is all located behind a substantial and not unattractive brick wall with a pair of solid garden gates centrally located. The appeal scheme is to 'fill
-

in' this triangle with a flat roof kitchen extension to be constructed behind an increased height of brick garden wall with (non-functional) gates retained on the front elevation. The extension would run along the boundary and have no windows to front or side, relying on drawing light from the existing appeal property.

4. The Council is concerned that the scale and design of the scheme, and particularly its width when added to the existing side extension, would be detrimental to the streetscene and the visual qualities of the existing property. The Decision Notice highlights that the combined extensions would be more than 100% of the original house. I appreciate why fears would be raised with this overall width of extended development and its running right up to the boundary and I acknowledge the guidance in the Council's Supplementary Planning Document HDAS: *Residential Extensions* (SPD) which would certainly strongly point to a limit much less than this to ensure that an extension was subordinate.
5. However this is an unusual case. In my opinion the scheme offers an effective design solution to the aim of seeking to make use of a somewhat wasted area of land. This is through the means of 'hiding' the new floorspace behind what would appear as a brick wall, albeit a tall one, seemingly separating front from rear gardens. One is thus not getting roof pitches or crowns showing and neither would there be large openings in the front elevation. In adopting this simple approach the main front elevation of the house would remain just that – the principal feature. The house would not read as though it extended across the plot. The design would also help to prevent any sense of undue proximity or terracing with the dwelling alongside and would at the same time leave an open area at first floor above to continue the sense of spaciousness found locally. The scene is also helped by the very generous width of the highway frontage of the garden with the triangular plot shape and the set back of the dwelling giving a greater sense of space than the reality towards the rear of the curtilage.
6. In summary the scheme would be suitably subordinate to the building as whole and in this instance would be an aesthetically fitting way to provide a useful addition to the internal space available to occupiers. The design would harmonise appropriately with its host property and sit subtly in the streetscene.
7. I therefore conclude that the development sought would not lead to visual detriment to the appeal property and the wider locality. It would not run contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). These policies, like the SPD, share common themes of seeking to protect or enhance the character and appearance of buildings and their neighbourhood, to ensure harmonious development and the safeguarding of local distinctiveness. I acknowledge that the SPD provides some specific guidance on front extensions but it cannot be expected to cover every eventuality, must be looked at pragmatically and flexibly on suitable occasions, and this instance the appeal scheme would meet the aesthetic objectives of the document.
8. I have taken into account all representations made and I should add that for the reasons given in the officer's report I agree with the Council that the scheme would not represent unneighbourly development or lead to an inadequate size of retained garden area for the appeal property.

Conditions

9. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. I also agree that there should also be a condition that works are to be carried out in accordance with listed, approved, plan; to provide certainty.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

Mr Kevin Daustin
21 Clifton Avenue
Stanmore
Middlesex HA7 2HR

Application Ref: 2601/APP/2016/4367

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:

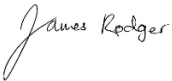
Single storey side extension

Location of development: 1 Ferncroft Avenue, Ruislip

Date of application: 15 December 2016

Plan Numbers: See attached Schedule of plans

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



Head of Planning and Enforcement

Date: 9 February 2017

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.
(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

REFUSAL OF PLANNING PERMISSION

Application Ref: 2601/APP/2016/4367

SCHEDULE OF REASONS

- 1 · The proposed single storey extension, by reason of its size, scale, bulk, design and excessive width, which in conjunction with the existing two storey extension would extend more than 100% the width of the original house, would result in a form of development which would be detrimental to the character and appearance of the existing dwelling and the visual amenities of the street scene and the surrounding area. Accordingly the proposal would be contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE13, BE15 and BE19 of the of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES:

- 1 · On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.
- 2 · In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. This is a resubmission of a previously refused scheme, where the Officer Report identified issues to be addressed, which were reflected in the reasons for refusal, allowing the opportunity to address those issues within this submission.

SCHEDULE OF REASONS**Standard Informatives**

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

SCHEDULE OF REASONS

guidance.

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 2601/APP/2016/4367

SCHEDULE OF PLANS

1FA/P200 - received 13 Dec 2016

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DELEGATED HOUSEHOLDER DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning and Enforcement**

Address 1 FERNCROFT AVENUE RUISLIP

Development: Single storey side extension

LBH Ref Nos: **2601/APP/2016/4367**

Drawing Nos: 1FA/P200

Date Plans Received: 02/12/2016 **Date(s) of Amendment(s):**

Date Application Valid: 15/12/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application relates to a two storey, semi-detached dwelling, located on the South side of Ferncroft Avenue, at its junction with Field End Road. The part brick, part render and tile dwelling benefits from a two storey side extension and a single storey rear extension. It is set back from the road by a small landscape garden to one side; a pathway leads to the front door, with the rest of the front garden brick paved, providing parking for at least 2 cars. To the side there is a small triangular piece of land which is paved and contains a wooden shed. The front of this area has a brick wall with wooden gates in the centre, separating the front and rear gardens of the property. To the rear of the dwelling is a triangular garden area which acts as a private amenity space.

The property is attached to No.398 Field End Road to the East and is also bordered by No.3 Ferncroft Avenue to the West. The property is situated on a corner plot and both No.1 and No. 398 are angled to the road, there is a similar arrangement opposite the application site at No.2 Ferncroft Avenue, this property benefits from a similar side extension and garage to the proposed application.

The street scene is residential in character and appearance and the application site lies within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

1.2 Proposed Scheme

The application is for the in filling of the triangular area of land to the side of the dwelling to extend the kitchen area. It measures 5.3 m wide at the front, tapering to nothing at the rear, and 7.5 m in depth with a flat roof of 3.3 m in height and integrates into the single story element to the rear.

1.3 Relevant Planning History

2601/APP/2013/1097 1 Ferncroft Avenue Ruislip

Part two storey part single storey side extension, and single storey rear extension involving alterations to rear elevation

Decision Date: 17-07-2013 Refused

2601/APP/2013/2984 1 Ferncroft Avenue Ruislip

Part two storey, part single storey side extension and single storey rear extension involving alterations to rear elevation

Decision Date: 09-12-2013 Approved

2601/APP/2016/797 1 Ferncroft Avenue Ruislip

Single storey side extension

Decision Date: 25-04-2016 Refused

Comment on Planning History

2601/APP/2016/797 - Single storey side extension (refused)

2601/APP/2013/2984 - Part two storey part single storey side extension and single storey rear extension (approved)

2601/APP/2013/1097 - Part two storey part single storey side extension and single storey rear extension (refused, dismissed at appeal)

The previously approved scheme has been implemented with the exception of a small triangular element measuring 2.6 m at the widest and 3.5 m in depth, set back from the front elevation by 4.05 m and a 0.5 m wide access between the boundary and the single storey rear/side element retaining access to the rear garden.

The previously refused scheme was identical to the scheme now under consideration and was refused on the basis of the size and excessive width, which in conjunction with the existing two storey extension would extend more than 100% the width of the original house, would result in a form of development which would be detrimental to the character and appearance of the existing dwelling and the visual amenities of the street scene and the surrounding area.

It is not considered that there has been any material change in circumstances since that appeal decision which would suggest that a different decision should be taken now.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

5 neighbouring properties and the Eastcote Residents Association were consulted for a period of 21 days expiring on the 11 January 2017. A site notice, expiring on 20 January 2017 was also erected on the lamp post to the front of the property.

There was one response received advising this proposal was earlier rejected and would spoil the visual amenity.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area, the impact on residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Part Two - Saved Unitary Development Plan Policies of the Local Plan contains policies that seek to safeguard the appearance, character and amenities of the local street scene and surrounding area. Policy BE13 states that development must harmonise with the existing street scene and Policy BE19 that it should complement the amenity and character of the residential area in which it is situated. Furthermore Policy BE15 seeks to ensure that proposals for extensions to dwellings should also harmonise with the scale, form and proportions of the original building. The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) sets out the design criteria including external dimensions by which proposals are assessed with the general aim of ensuring that these are subordinate to the original building.

HDAS advises that side extensions should not dominate the existing dwelling and should appear subordinate. In order to do so the width and height should be considerably less and be between half and two thirds of the original dwelling. Also the height of 3 m for a flat roof would be acceptable. The combined width of the side extensions would be more than two thirds of the width of the original dwelling and with a flat roof at a height of 3.3 m, the proposed extension would exceed HDAS requirements. This proposal varies only in the roof detail and use as habitable accommodation to the previously refused scheme under application 2601/APP/2013/1097. In consideration of that scheme the Planning Inspector concluded the extension up to the common boundary would be detrimental to the host dwelling and the street scene, with the extension looking squeezed into the available plot and overdeveloped. Furthermore the overall breadth of the proposed development would be too wide and would look disproportionate to the original dwelling. Therefore, the proposed extensions are considered to harm the appearance of the existing dwelling and detract from the visual amenities of the street scene and the surrounding area and would

not be in compliance with policy BE1 of the Local Plan Part 1 and policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and section the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

With regard to impact upon the residential amenity of neighbouring properties, flank wall of the adjacent property no. 3 is set back 3 m from the proposal. Given the style of the houses, these windows would serve the hallway and as a secondary window to the kitchen at the rear. It is therefore considered that the extension would not harm the residential amenities of the occupiers of the adjacent properties from increased overshadowing, visual intrusion and/or over-dominance. There are no side windows in the garage. The front outlook window proposed to the extension would provide an adequate outlook and natural light to the room it would serve. As such, the application proposal would not represent an unneighbourly form of development and in this regard, would be in compliance with policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

Paragraph 5.13 of Residential Extensions. HDAS: Residential Extensions requires sufficient garden space to be retained as a consequence of an extension. For a 3 bedroom property the garden area to be retained should exceed 60 sq m. The plans indicate the retained garden area for the property would be approximately 55 sq m, which is less than HDAS requirements. As such the proposal fails to comply with the requirements of Policy BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 3 of HDAS. However, given the site is very close to existing public open space on Field End Road, a reason for refusal on this basis is unlikely to be supported at appeal.

There is no impact on the existing parking provision as a result of this proposal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed single storey extension, by reason of its size, scale, bulk, design and excessive width, which in conjunction with the existing two storey extension would extend more than 100% the width of the original house, would result in a form of development which would be detrimental to the character and appearance of the existing dwelling and the visual amenities of the street scene and the surrounding area. Accordingly the proposal would be contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for

development control decisions.

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Standard Informatives

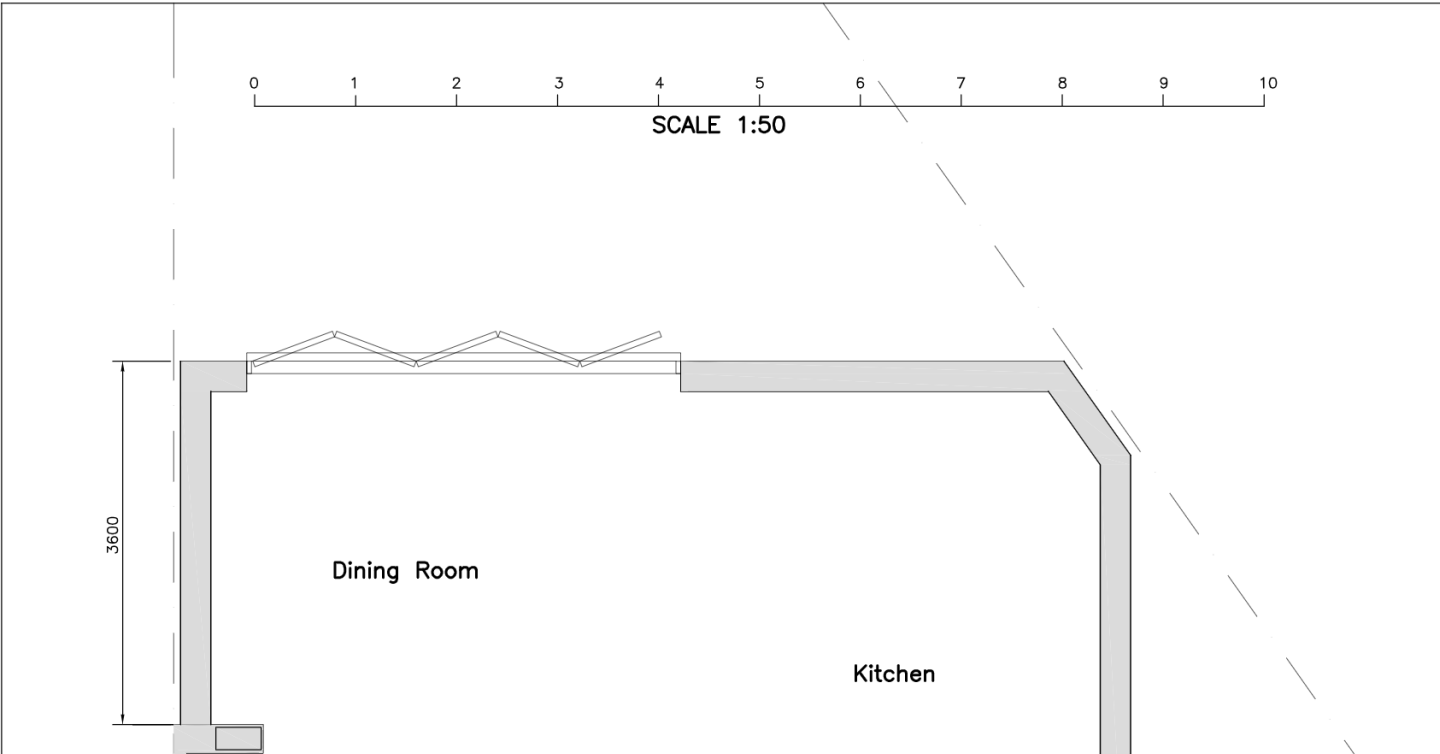
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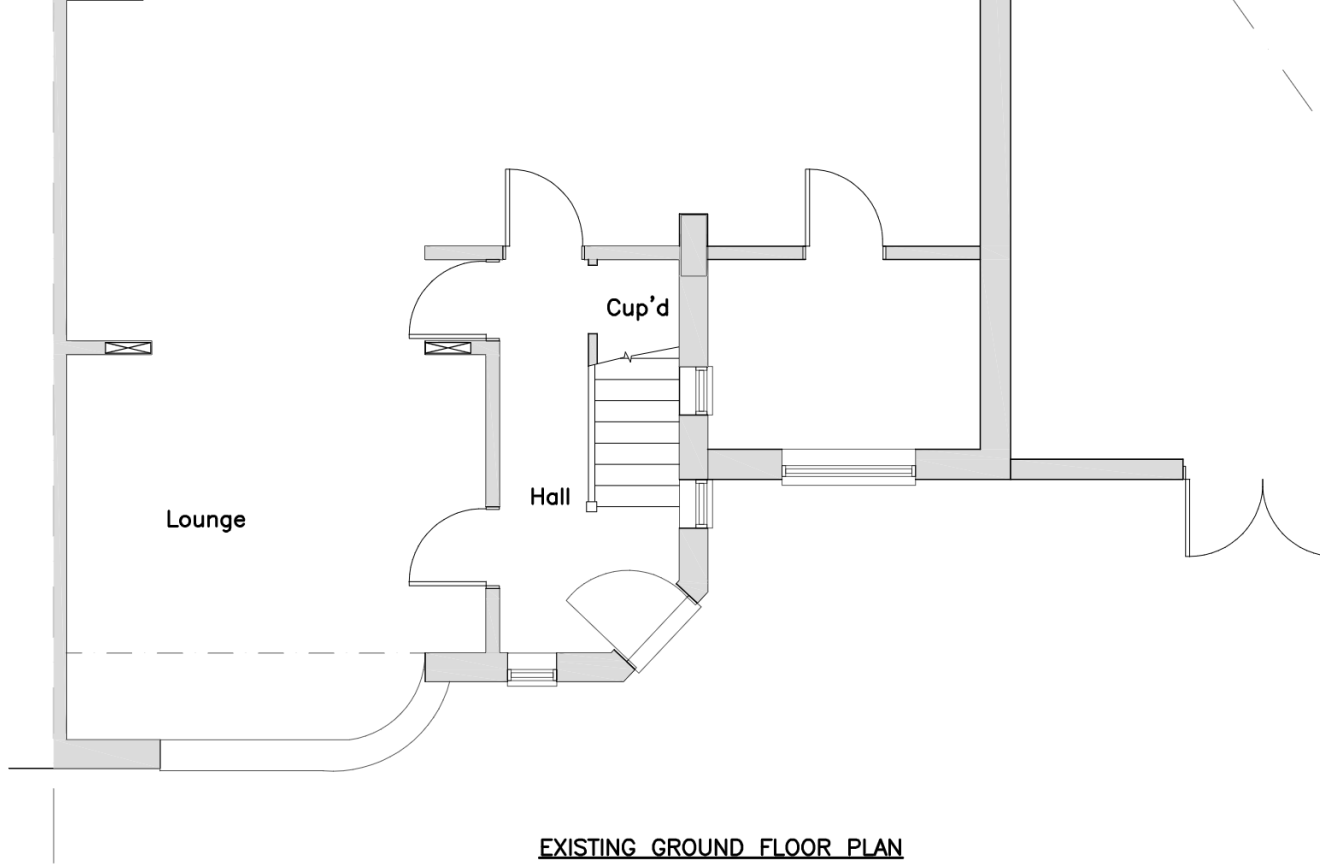
Part 1 Policies:

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HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments





EXISTING GROUND FLOOR PLAN



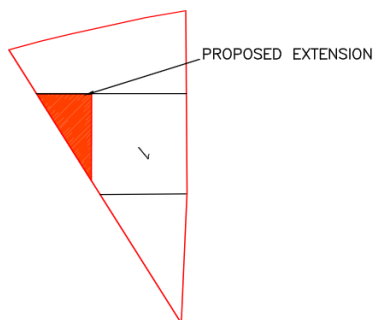
EXISTING FRONT ELEVATION

1:100



PROPOSED FRONT ELEVATION

1:100



PROPOSED BLOCK PLAN

1:500



EXISTING SIDE ELEVATION

1:100