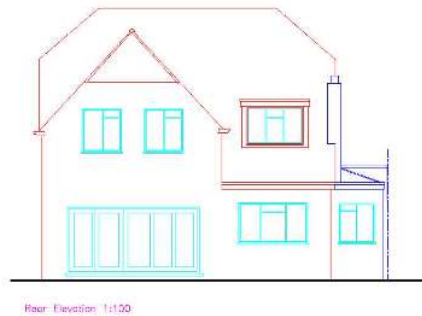


Appellant's full case in respect of
A refusal to grant Planning Permission
By The London Borough of Hillingdon
in respect of a proposal to construct a part two storey rear extension
at
9 Pepys Close
Ickenham, Middx.
Ref; 38328/APP/2020/3166



**Case for the appellant in regard of an Application to the London Borough of
Hillingdon for Planning Permission**

Ref: 38328/APP/2020/3166

Refusal dated 30 Nov 2022

Introduction

Pepys Close is part of the Ickenham Conservation Area, designated as such in 1972; it lies in the centre of the area and is a direct product of the sale of the Swakeleys Estate in 1922. It entered the Metroland building boom creating a commutable link to the City of London circa 1930. New estates began to rise and Ickenham Garden City was created on the site of Milton Farm which would have been an immense change of character from rural village to suburbia.

This appeal document shows the flaws in the LPA's decision reasoning and hence why the proposal does conform to National, London and Hillingdon Planning Policy.

The built form of this 1960's chalet bungalow design is typical of the 'Pepys Close Estate' and is not a building of much architectural merit although it is pleasant and not typical in its appearance. The property has been extended to include a 'dummy pitch roof' to the street scene elevation with ½ brick utility type space behind and a standard catalogue style conservatory to the rear elevation. It is proposed to enhance the side extension to a dwelling standard and remove the 'tacky' rear conservatory



The Design process and considerations for 9 Pepys Close, legal and planning policy requirements

The property is single family detached 3 bedroom house designed for the needs of commuters to London in the 1960's; modern living standards and requirements in this sort after part of Ickenham have evolved over the past 60 or so years. The applicant requires further bedroom accommodation and detached houses on such large plot size are not out of scale.

The applicant is now quite surprised that a planning appeal is now necessary and will formally expound the salient evidence and precedents that have formed this appeal scheme as it stands .

The Mayor of London's adopted Supplementary Planning Guidance – Housing (March 2016)

The opening paragraph at 2.1.1 *'to improve standards for the quality and design of housing, **making sure that homes meet the needs of a changing population throughout their lives'***

This salient document recognises the fact that homes need to adapt as families and their needs adapt. The appellant appreciates that houses in more sensitive design areas need thorough investigation in any process to amend and enlarge them.

The NPPF 2018 at section 16 sub para 196 states;

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use'

The heritage asset in question in this appeal is the **Ickenham Conservation Area** and the appeal site is an individual element of this Heritage asset. It is quite clear that the appellant forms a member of the public at large vis-a-vis the heritage asset and this policy 'dove tails' with the Mayor of London's SPG above in that significant weight should be accorded to making homes fit for current living expectations whilst keeping in mind its individual contribution to the Heritage Asset.

The LPA has failed to apply the contents of sub para 201 in its entirety and thus leading to its erroneous decision.

Not all elements of a conservation area or world heritage site will necessarily contribute to its significance.

This paragraph goes on to talk about the loss of such a building (or other element); this is quite clearly regarding tangible elements and as there is no loss of any physical elements rather than the incorporation of sympathetic new elements the appellant has discharged his design liabilities in this respect.

Precedents and previous cogent planning and appeal decision

18 Pepys Close – 17127/73/0277

The Ickenham Village Conservation area was designated as such in 1970. The appellant is fully aware that planning policy is amended with the passage of time however the concepts of scale, bulk and harmony of design are timeless.

The addition at the rear of a part double storey extension, approx half width of the original house is shown below **clearly sets a precedent**. This view is interesting also in the fact that some of these chalet style bungalows have 3 bay rear dormers and some have single bay, in this appeal the rear elevation will retain a single bay dormer window of the same design.

The appellant is keen to maintain a far better harmony of design with the original roof design and form as can be seen in this planning application being appealed.



8 Pepys Close - planning ref: 12501/APP/2017/4107



The above illustration is the proposed rear elevation taken from the planning application which was refused. Under paragraph 3 (bottom of page 3) of the officers report the Conservation/Urban Design dept suggests;

'a significant reduction in width of the proposed two storey element, incorporating a single gable which rises from the current eaves level, and utilising a half hipped roof form as exists elsewhere on the building'

8 Pepys Close - planning ref: 12501/APP/2018/1664
Appeal ref: APP/R5510/D/18/3213223



The above illustration is the proposed rear elevation taken from the planning application which was refused and subsequently appealed and dismissed but contained

cogent reasoning which has been assimilated into the current design forming this appeal.

The Architect used an asymmetric 'cat-slide' roof form that harmonised with the original roof materials, pitch and lower eaves level. The design intent was to encapsulate planning intent of the 'Pepys Close estate' whilst reducing the first floor width of the extension to sympathise with the original design form and not to appear as a blatant 'add-on'.

Under paragraph 3 (bottom of page 3) of the officers report the Conservation/Urban Design dept states;

'The current proposal is for an asymmetrical two-storey rear extension on the cross axis, with a gable to the rear and a cat slide roof to the south west side. The design is a significant improvement on the previous proposal for a symmetrical two-storey extension of full width and height, with two gables and three windows. However, the proposed extension is still full width...'

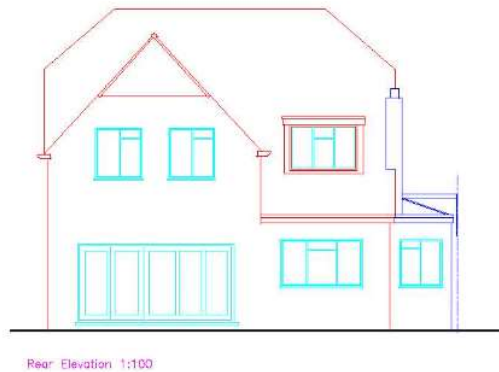
From the case officer's conclusion at the end of paragraph 3;

'It is recommended to refuse the present proposal on the grounds that it would significantly change the size and design of the number 8, detracting from the homogeneity of the group and the character of the conservation area. A revised design of diminished size could dispel this objection'

At paragraph 7, of the above appeal, the Inspector states;

'Despite the design of the extension with the rear catslide roof and the same eaves height, the overall size, width and bulk of the extension would significantly increase the volume of the original dwelling.'

9 Pepys Close - This appeal



The current case officer report 30/11/20 under point 3 The LPA claims;

"there would be severe concerns this would set an unwelcome precedent".

Given there have been no significant changes to actual planning policy in relation to part double storey extensions in the Ickenham Conservation Area, the appellant is opined that is no consistency to the LPA's reasoning from the first design at 8 Pepys Close to this appealed proposal and hence why it is flawed and erroneous.

The Architect has assimilated all these decisions and comments into the design in this appealed proposal, and in addition (although not a reason for refusal) Planning policy DMHD 1 at B)(ix) states

'Full width two storey rear extensions are not considered acceptable in designated areas.....'

The appellant has designed the first floor element that merely provides a modern size master bedroom which extends just over half way across the original house rear elevation and is opined that this conforms to LBH extant planning policy as well as the wider London and national policy / guidelines.

Individual reasons for refusal:1

BE1: Built Environment annex 1

1. The proposal utilises the same roof pitch, roof tiles, roof design feature of the original house design thus complimenting and harmonising with it and is also subordinate to it in height.
2. The proposal complements the original design of the house and will be clad in materials to match those existing. The appeal decision previous discussed (at 8 Pepys Close and the precedent at 18 Pepys Close) has been

implemented regarding scale. In particular the roof design has to take its designed form as the concepts of harmony, scale and high quality of design would not be fulfilled. In the alternative copying the flat roof design at 18 Pepys Close is in contravention to current LPA planning policy regarding double storey flat roofs in conservation areas.

3. This appears to be of no relevance to this proposal
4. This appears to be of no relevance to this proposal
5. This appears to be of no relevance to this proposal
6. This appears to be of no relevance to this proposal
7. This appears to be of no relevance to this proposal
8. This appears to be of no relevance to this proposal
9. This appears to be of no relevance to this proposal
10. This appears to be of no relevance to this proposal
11. This appears to be of no relevance to this proposal

HE1: Heritage (see annex 2)

1. This appears to be of no relevance to this proposal
2. This appears to be of no relevance to this proposal
3. This appears to be of no relevance to this proposal
4. This appears to be of no relevance to this proposal

The Appellant at present can see no relevance of Policy HE1 regarding this proposal and has commented accordingly.

Policy 7.8 of the London Plan (2016) at annex 3

From this policy and the glossary the appellant concludes that a conservation area is a 'heritage asset' it is not clear at all whether by extrapolation that everything within a conservation area is a 'heritage asset'? Looking at the Glossary for assistance the definition begins '*Heritage assets are the valued components of the historic environment*'. The appellant opines that 9 Pepys Close forms an individual element of a Heritage Asset and as designed and discussed conforms in particular with part D; The proposal utilises the same roof pitch, roof tiles, roof design feature of the original

house design thus complimenting and harmonising with it and is also subordinate to it in height, we await the LPA's full statement of case.

Hillingdon Local Plan Pt 2 can be found;

<https://www.hillingdon.gov.uk/local-plan>

DMHB 1

This appeal document has already identified that the site is a component of a heritage asset; The Ickenham Conservation Area and as such the LPA should have considered the conservation area as a whole and in particular the precedent at 18 Pepys Close. It is errant to disregard the planning approval that was decided under a previous set of planning policies as this property is just as much a component of the heritage asset as is 9 Pepys Close.

A)(i) This is a residential part of the conservation area and the viability of modern living requirements should be given appropriate weight here especially as the applicant has had this proposal designed with regard to precedents and previous planning / appeal decisions.

A)(ii) this sub section has been addressed above

A)(iii) this sub section appears not to apply here as the proposal has no effect on the local character and effectiveness of the area.

A)(iv) The design uses the same materials, same roof pitch and same roof design form

A)(v) design uses the same materials, same roof pitch and same roof form

A)(vi) this sub section does not appear applicable

B) Should this appeal be allowed the extension must meet current Building Regulations

C) this sub section does not appear applicable

DMHB 4

A) design uses the same materials, same roof pitch and same roof form

B) this sub section does not appear applicable

C) this sub section does not appear applicable

A)(i)

The appellant opines that this proposal is within acceptable parameters to the original dwelling house it therefore by extrapolation must be in context to the adjacent properties.

- these are residential two storey
- these are all similar in size.
- this bulleted point has more emphasis on the frontal street scene.
- design uses the same materials, same roof pitch and same roof designed form
- this bulleted section does not appear applicable
- the plan layout is within LPA guidelines ie extending no further than 4M from the rear main wall of the original detached house

A)(ii) the proposal specifies materials to match existing

A)(iii) this sub section neatly relates to The Mayor of London's adopted Supplementary Planning Guidance – Housing (March 2016) previously discussed

A)(iv) this sub section does not appear applicable

B) Due to the highly secluded rear aspect of the appeal site it is opined that any affect on the 'rear street scene' would only be '*de minimis*' at best. The appellant has no record of any site visit made by the LPA and can only concluded that any assumptions made are erroneous in this regard.



View from rear of garden



View from rear of house

C) This sub section does not appear applicable

D) This sub section does not appear applicable

DMHB 12

The appellant at present opines that DMHB 12 is totally irrelevant as a reason for refusal and cannot understand its inclusion and cannot comment any further until receipt of the LPA's statement of case.

Pitched glass roof to side extension

This is also negatively commented upon in the case officer's report; in order to remove this objection the appellant is willing to accept a condition on any planning permission granted that only flat glass roof windows on a 150mm max kerb is to be permitted on the side existing element

In Conclusion

The Appellant has demonstrated a systematic analysis of:

- national, London and relevant local planning policies
- built precedent
- relevant and planning and appeal decision

to arrive at this cogently reasoned full statement of case.

The Appellant is quite bemused by the LPA's total lack of consistency in its views on applications to this style of chalet bungalow on the 'Pepys Close Estate' and cannot envisage anything less that could be proposed in order to provide a typical 4 bed detached house with master bedroom on a plot of this size so he can continue to enjoy family life and maintain reasonable modern living standards and expectations

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It is respectfully requested that planning permission is granted in the case.

ANNEXES

ANNEX 1

Policy BE1: Built Environment The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:

1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;
2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;
3. Be designed to include "Lifetime Homes" principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly, 10% of these should be wheelchair accessible or easily adaptable to wheelchair accessibility encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people's lives;
4. In the case of 10 dwellings or over, achieve a satisfactory assessment rating in terms of the latest Building for Life standards (as amended or replaced from time to time);
5. Improve areas of poorer environmental quality, including within the areas of relative disadvantage of Hayes, Yiewsley and West Drayton. All regeneration schemes should ensure that they are appropriate to their historic context, make use of heritage assets and reinforce their significance;
6. Incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services;
7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife, encourage physical activity and where appropriate introduce public art;

8. Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standards and address resilience to terrorism in major development proposals;

9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas; London Borough of Hillingdon 82 Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) 7 Core Policies - Historic and Built Environment

10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero carbon technologies. Where the required reduction from on-site renewable energy is not feasible within major developments, contributions off-site will be sought. The Council will seek to merge a suite of sustainable design goals, such as the use of SUDS, water efficiency, lifetime homes, and energy efficiency into a requirement measured against the Code for Sustainable Homes and BREEAM.

These will be set out within the Hillingdon Local Plan: Part 2- Development Management Policies Local Development Document (LDD). All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill;

11. In the case of tall buildings, not adversely affect their surroundings including the local character, cause harm to the significance of heritage assets or impact on important views. Appropriate locations for tall buildings will be defined on a Character Study and may include parts of Uxbridge and Hayes subject to considering the Obstacle Limitation Surfaces for Heathrow Airport. Outside of Uxbridge and

ANNEX 2

Policy HE1: Heritage The Council will:

1. Conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes: Historic village cores, Metro-land

suburbs, planned residential estates and 19th and 20th century industrial areas, including the Grand Union Canal and its features; Designated heritage assets such as statutorily Listed Buildings, Conservation Areas and Scheduled Ancient Monuments; Registered Parks and Gardens and historic landscapes, both natural and designed; Locally recognised historic features, such as Areas of Special Local Character and Locally Listed Buildings; and Archaeologically significant areas, including Archaeological Priority Zones and Areas.

2. Actively encourage the regeneration of heritage assets, particularly those which have been included in English Heritage's 'Heritage at Risk' register or are currently vacant.
3. Promote increased public awareness, understanding of and access to the borough's heritage assets and wider historic environment, through Section 106 agreements and via community engagement and outreach activities.
4. Encourage the reuse and modification of heritage assets, where appropriate, when considering proposals to mitigate or adapt to the effects of climate change. Where negative impact on a heritage asset is identified, seek alternative approaches to achieve similar climate change mitigation outcomes without damage to the asset.

Hayes town centres, tall buildings will not be supported. The height of all buildings should be based upon an understanding of the local character and be appropriate to the positive qualities of the surrounding townscape. Support will be given for proposals that are consistent with local strategies, guidelines, supplementary planning documents and Hillingdon Local Plan: Part 2- Development Management Policies.

ANNEX 3

London local plan

Policy 7.8 Heritage assets and archaeology Strategic

A London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.

B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology. Planning decisions

C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.

D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.

At paragraph 7.31A

Substantial harm to or loss of a designated heritage asset should be exceptional, with substantial harm to or loss of those assets designated of the highest significance being wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Enabling development that would otherwise not comply with planning policies, but which would secure the future conservation of a heritage asset should be assessed to see if the benefits of departing from those policies outweigh the disbenefits.