

MERCER PLANNING

TOWN & COUNTRY PLANNING ACT 1990 SECTION 78
HOUSEHOLDER PLANNING APPEAL

APPEAL STATEMENT

On behalf of Mr. James Norton

Against the decision of the London Borough of Hillingdon to refuse planning permission
for the erection of '*First floor rear extension*'

at

174 The Fairway, Ruislip, HA4 0SH.

LPA Planning Application Ref: 49681/APP/2020/3973

February 2021

1

Contents

1. Introduction
2. The Appeal Site and its Surroundings
3. The Appeal Proposal
4. Relevant Planning History
5. Planning Policy Context
6. The Case for the Appellant
7. Common Ground
8. Conclusion

1. Introduction

On 14th January 2021 the London Borough of Hillingdon refused planning permission for the erection of 'First floor rear extension' at 174 The Fairway, Ruislip.

This statement represents the Appellant's case for the appeal.

2. The Appeal Site and its Surroundings

The appeal property is a detached two storey, three bedroom dwelling finished in render.

The property has a gabled frontage with mock tudor detailing, two storey front bay window and pitched roof entrance porch. The tiled roof is pitched to the sides and rear with dropped eaves. There is a single storey extension at ground floor level to the rear.

The property is located within a large, level, rectangular plot. Set back off the road, the frontage of the property is laid with block paving providing forecourt parking for two cars. The property benefits from a large enclosed garden to the rear.

The property is situated on the northern side of The Fairway. The immediate neighbours No.176 to the east, has been extended by way a single storey rear extension, and No.172 to the west, has a single storey rear conservatory.

The surrounding area is residential in character and appearance comprised of detached and terraced properties of similar size and varying styles on similar sized plots and the grain of development is regular.

The property is not within a Conservation Area, nor an Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees subject to a Tree Preservation Order within the site or on adjoining land. The site falls within Flood Zone 1 and is designated within a Critical Drainage Area.

3. The Appeal Proposal

The appeal proposal seeks full planning permission for the erection of a first floor rear extension.

The proposal involves the erection of a first floor extension directly above the single storey rear extension. The proposed extension would have a hipped pitch roof, which would integrate with the main roof in terms of ridge height, pitch and dropped eaves. Proposed fenestration detailing, window proportions and external finishes would match the host dwelling. As part of the proposal, two additional windows will be installed in the side elevations of the dwelling at first floor level.

For the avoidance of doubt the proposal does not involve the creation of a third

bedroom at the property. The property already has three bedrooms.

The proposal is illustrated on the following drawing numbers:

Location Plan (1:1250)

thefairway-174 / 8

thefairway-174 / 2

thefairway-174 / 0

thefairway-174 / 5

thefairway-174 / 4

thefairway-174 / 3

thefairway-174 / 6

thefairway-174 / 7

4. Relevant Planning History

4.1 The subject of this appeal:

49681/APP/2020/3973: First floor rear extension. Refused 14/01/2021 for the following reason:

'The proposed first floor rear extension, by virtue of its rearward projection, scale, bulk, height and proximity, would have a harmful impact on the living conditions and external amenity space of the occupiers at number 176 The Fairway, in terms of loss of outlook, sense of enclosure and overbearing effect. The proposal would therefore be contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (2019).'

4.2 Other Relevant Planning History

No. 170 The Fairway – first floor rear extension.

The Appellant requests that the Inspector view the property from the rear of the appeal site during the appeal site visit. The relationship of this property to its immediate neighbours is the same relationship as is considered in this appeal.

5. Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all planning decisions are required to be made in accordance with the development plan for the area unless material considerations indicate otherwise. The appeal must therefore be considered within the context of the Statutory Development Plan for Hillingdon, which comprises:

- The National Planning Policy Framework (NPPF) (2019);
- The London Plan (2016);
- Hillingdon Local Plan: Part One - Strategic Policies (November 2012);
- Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020).

The relevant planning policies applicable to this proposal are as follows:

National Planning Framework (March 2019)

Section 2 Achieving sustainable development

Section 12 Achieving well designed places

Consolidated London Plan (MALP, March 2016)

3.5 Quality and design of housing developments

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

6. The Case for the Appellant

The Council considered the main issues to be considered in the proposal are:

- the design and impact on the character of the existing property, the impact upon the street scene and locality;
- the impact upon the amenities of adjoining occupiers;
- the reduction in size of the rear garden;
- car parking provision; and
- flood risk

The Council determined the proposal as a whole would not compromise the aims and objectives of the policies relating to design, standards of accommodation, amenity space, parking provision and flood risk. These issues are considered in Section 8 below.

In terms of the impact of the proposal on the character and appearance of the host dwelling and the street scene and locality, the Council found the proposal to be acceptable the Officer's delegated report states:

'The proposed first floor rear extension would measure 3.2 metres deep, 5.9 metres wide and 7.5 metres high. The proposed extension would extend across the full width of the main original host dwelling at first floor level and match the main ridge line height of the

application property. However, it is considered that the half hipped roof profile on the proposed extension would be reminiscent of the existing roof profile application property. This, taken together with its depth, would ensure that the proposed first floor rear extension would respect the architectural composition of the host dwelling, whilst not appearing visually disproportionate to the size and scale of the host dwelling and the overall plot size.

The proposed first floor side windows would be of a similar style to the existing windows fitted in the host property. As such, it is considered that the proposed windows would not detract from the architectural style or appearance of the host dwelling.

On balance, it is considered that the proposal would not cause harm to the character and appearance of the host dwelling and the surrounding area.'

Having accepted that the design of the proposed first floor rear extension was acceptable, the Council refused the proposal on the basis of its impact on the amenities enjoyed by the occupiers of No.176 The Fairway.

The Appellant's case in relation to reason for refusal is as follows:

6.1 Refusal Reason 1

The Appellant contends that the proposed first floor rear extension would form an acceptable relationship with No.176 The Fairway and would not have a harmful impact on the living conditions and external amenity space of this property.

The Council rely on Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (2019) to support the refusal reason.

The NPPF (2019) Section 12 '*Achieving well-designed places*' requires proposals for new development to be of a high standard of design that take the opportunities available for improving the character and quality of an area and the way it functions.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) seeks to ensure that all new development is 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.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management

Policies (2020) states that planning applications relating to alterations and extensions of dwellings will be required to ensure that: ii) a satisfactory relationship with adjacent dwellings is achieved; and v) there is no unacceptable loss of outlook to neighbouring occupiers.

The Council accept the proposed first floor rear extension forms an acceptable relationship with No. 172 The Fairway. The Officer's delegated report states:

'There would be a separation distance of approximately 2.3metres between the flank wall of the proposed development and the original rear wall of No. 172 The Fairway. Given this separation distance, and noting this neighbour's relative orientation to the proposed development, it is considered, on balance, that the proposal would not cause undue harm to the living conditions of No.172, in terms of daylight/sunlight, outlook and overbearing effect.'

In relation to No.176 The Fairway, the Appellant contends the proposed extension forms an acceptable relationship with this property and would not cause harm to the residential amenities enjoyed by the occupiers.

It is important to note that the planning officer did not make a site visit to the property during the course of the application, the Appellant cannot understand how an accurate assessment of the proposal has been made. The Officers report refers to Nos.150 and 164 The Fairway, which are not located near the appeal site. Whilst each application should be considered on its merits, there is an identical first floor extension to the rear of No.170, which has not been considered in the proposal. If the officer had visited the site they would have seen this extension and would have seen that the relationship with the immediate neighbours is wholly acceptable. The Appellant contends the Council have behaved unreasonably in this regard and the refusal of the application was wholly unreasonable and unnecessary.

The proposed extension measures 5.9m wide by 3.2m long and will be positioned directly above the existing ground floor rear extension. The property is located 0.8m off the boundary with No.176, which is also set back off its boundary such that there is a gap of 1.6m between the two properties.

The drawings submitted with the application indicate that the proposed extension complies with the Councils adopted guide for the 45 degree angle taken from the centre point of the nearest first floor window at No.176. The Council accept that the proposed extension would not result in material harm in terms of overshadowing and loss light to No. 176 The Fairway.

The Councils concerns are that the proposed first floor rear extension would have an overbearing impact and result in loss of outlook to No.176 and its outdoor amenity space.

The proposed extension projects only 3.2m beyond the rear of No.176 and there is a gap of 1.6m between the two properties. The roof of the extension is also pitched with a hip and dropped eaves. The properties also benefit from a 20m long rear garden with an open aspect to the rear. The Appellant contends that given the size and design of

the extension together with the position of the first floor windows on the rear elevation of No.176, the gap between the two properties and the open aspect to the rear the proposed extension would not appear imposing nor would it result in a loss of outlook or have an overbearing impact on No.176 and their amenity space. If the planning officer had visited the property to assess the proposal and its impact on No.176, a correct assessment could have been made.

The Council accept that the proposal would not overlook or result in a loss of privacy to the adjacent properties and the proposal is acceptable in this regard.

In view of the above the Appellant contends the proposed first floor rear extension would not cause material harm to the amenities and living conditions of the occupiers of No.176 The Fairway and the proposal complies with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHD 1 and DMHB 11 of the Local Plan: Part Two - Development Management.

The Appellant submits that the refusal reason is unreasonable.

7. Common Ground

Areas of common ground between the Council and the Appellant are:

7.1 Design/ Impact on Character

The Council and the Appellant agree: *'that the proposal would not cause harm to the character and appearance of the host dwelling and the surrounding area.'*

7.2 Amenity Space Provision

The Council and Appellant are in agreement that the proposal maintains sufficient amenity space to serve the extended property. The Officer's delegated report states:

'The private amenity space at the site would not be impacted as a result of the proposed development, given that the proposal relates to a first floor rear extension. The proposed development would therefore not undermine the provision of external amenity space for the occupants at the host dwelling, in accordance with Policies DMHD 1 and DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).'

7.3 Parking Provision

The proposal does not provide an additional bedroom at the property.

The Council and Appellant are in agreement that the proposal maintains sufficient parking space to serve the extended property. The Officer's report states:

'there is sufficient space on the front forecourt of the site to accommodate up to two off-street car parking spaces. It is therefore considered that the proposal would not significantly exacerbate the demand for street parking or prejudice highway safety, in accordance with DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).'

7.4 Standard of Accommodation for Existing Occupiers

The Council and the Appellant agree *'that the overall quality of internal amenity space that would be afforded to the existing occupiers at the application site would be acceptable'*.

7.5 Flood Risk

The application site lies within a Critical Drainage Area. The Council and the Appellant agree: *'Given that the proposal relates to a first floor rear extension, it is unlikely that the proposal would significantly exacerbate the surface water flood risk at the site over and beyond the existing circumstances, in accordance with DMEI 9 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).'*

8. Conclusion

For the reasons details above the Appellant contends the proposed first floor rear extension forms an acceptable relation ship with the adjacent properties Nos. 172 and 176 The Fairway and would not have adverse impacts on the amenities currently enjoyed by the occupiers of these properties.

The Appellant agrees with the Council that the proposed first floor rear extension is of an acceptable size and design that integrates satisfactorily with the architectural composition of the host dwelling and would not be detrimental to the character and appearance of the host dwelling and the visual amenities of the surrounding area and would not materially harm the character and appearance of the street scene. The proposal would provide a satisfactory level of accommodation and sufficient amenity space and off street parking would be retained at the property.

The Appellant contends the appeal proposal thus complies with Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (2019)

Accordingly the Appellant respectfully requests that the appeal is allowed and planning permission is granted subject to any conditions deemed reasonable and necessary.

M. MERCER BSc MA MRTPI

MERCER PLANNING LTD.



9

Castle Hill House
12 Castle Hill
Windsor

Michaela Mercer BSc MA MRTPI

07904 362 576
info@mercerplanning.co.uk
mercerplanning.co.uk