

Appeal Statement
to accompany the Application
for the development at

Annex 96 Bourne Avenue UB3 1QP

PROPOSAL:

Alteration to roof in order to convert the roofspace to habitable use to include a rear dormer and 1 x front rooflight and alterations to entrance.

APPLICANT:

Mr Khasria

March 2021

Revision (E)

1.0. OBJECTION

- 1.1. The aim of this statement is to address the concerns raised in the previous application that led to the refusal. The refusal reasons are outlined below:

Reason 1. *“The proposed alterations to the roof, by reason of their size, scale, bulk and height, in this open prominent position, would result in the closing of an important gap, at first floor level, characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the visual amenities of the street scene and the character and appearance of the surrounding area. The proposed development is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.”*

Reason 2. *“The proposal would provide an indoor living area of an unsatisfactory size for the future occupiers of the extended 2 bedroom unit and would provide a bedroom with inadequate head height and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy DMHB 16 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).”*

Reason 3. *“The proposed roof alteration/extensions, by reason of the raising of the ridge height and the size, scale, bulk of the roof would fail to harmonise with the architectural composition of the original modest dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).”*

2.0. PLANNING HISTORY

- 2.1. It is not clear when the application was first built and we do not have access to any planning record.
- 2.2. The application building was converted to a studio flat in 2014. A planning application ref: 8461/APP/2014/2649 was submitted on 20 Aug 2014 and approved on 15 Oct 2014. The description of development was “Conversion of existing single storey side extension into self-contained studio flat with associated parking and amenity space involving single storey rear extension, installation of vehicular crossover to front and extension to existing crossover to side.” The application building is described and classified as a side extension to an end-terrace house by the LPA. See **Appendix A**.
- 2.3. The applicant submitted a planning application ref: 8461/APP/2020/3073 in Oct 2020. The proposal involved gable-end roof design which was refused by the LPA in Nov 2020. The application documents, drawings and decision notice are enclosed. Please see **Appendix B**.
- 2.4. A subsequent application ref: 76034/APP/2020/4095 was then submitted in Dec 2020 as an alternative proposal to address the previously refusal reasons. This is currently the latest planning application which is the subject of the current appeal application. See **Appendix C**.

3.0. APPEAL CASE

- 3.1. The LPA case report has based their assessment on a number of inaccurate assumptions. Also there are a number of vague and generic repeated statements that can exaggerate the perception of the impact of the proposal to justify the refusal. Those points are highlighted below.
- 3.2. The LPA states that the application building is a “detached” dwelling. The evidence demonstrates that the application building has been described as an extension to the end -terrace building. This side extension was later converted to a residential flat. Therefore, it cannot be characterised as a detached dwelling. Please see **Appendix A**.
- 3.3. The LPA states that “The surrounding area is mainly made up of two storey semi-detached dwellings that are of a similar size and appearance.” This statement does not seem accurate because in reality the surrounding area is mainly made up of two storey terrace dwellings. The previous applications also show that the LPA has described the surrounding area to be mainly terrace housing. See **Appendix A**.
- 3.4. The LPA states that “the proposed roof alterations will create the appearance of an effective flat roofed second storey.” We disagree with the LPA assessment. The proposed drawings show that the LPA assessment is inaccurate and the roof alterations will not create the appearance of an effective flat roofed second storey. See **Appendix C**.
- 3.5. The LPA states that “an existing detached dwelling would become a semi-detached dwelling by virtue of this alteration.” We disagree with this statement. First, the existing dwelling is not a detached dwelling. Second, the application building will not become a semi-detached dwelling. The application building is an end-terrace dwelling and it will continue to be an end-terrace dwelling. The proposal is to alter the roof which will in fact enhance the end-terrace character.
- 3.6. The LPA states that “It would significantly reduce the sense of spaciousness, in this case at first floor level, to be found at this corner location, which is a characteristic feature of the area.” The submitted evidence show that most of the similar corner locations in the neighbourhood benefits from a similar form of corner extension. See **Appendix D**.
- 3.7. As described in the application form and submitted drawings, the proposal involved replacement of the building entrance from the rear to front elevation. However, the assessment of this alteration has been completely ignored by LPA.
- 3.8. The extant planning permission and appeal application are material considerations and should be taken into consideration and given significant weight. The LPA has not made any reference to such similar cases in the area. The LPA has not explained how a double storey building in a corner plot at No 98 Bourne Ave will be acceptable in terms of impact on the character and appearance however the proposed roof alterations to a single storey building on the opposite side cannot be accepted.
- 3.9. Considering that the application is not a typical household extension, we made all possible attempts to have a discussion and dialogue with the planning officer in order to find a suitable solution. We also emailed the planning officer to correct the application address which was incorrect but no action was taken. Despite all our attempts, the planning officer did not show any intension to have a dialogue. Also the decision date for the application was on 3 Feb 2021 which was shown on the website as well. The decision was issued on 4 Feb 2021 without any agreement for the extension of time.

4.0. PRECEDENT

- 4.1. There are a number of similar cases in the neighbourhood (see **Appendix D-I**). Whilst we appreciate the concerns raised by the council, we would like to make reference to the following similar planning application approved recently. (See **Appendix J**):

98 Bourne Avenue UB3 1QP – ref **7695/APP/2020/1361**

- 2.2. The case report of the above application at 98 Bourne Ave states that *“the proposed house would be a continuation of an existing terrace and would incorporate a matching roof design to the main terrace. Contrary to the Council's design guidance the house would extend beyond the main building line of houses on Clevedon Gardens. As per the planning history above a planning application for a similarly designed dwelling was refused by the Council on this basis. However an appeal was lodged and the inspector did not uphold the Council's reason for refusal relating to the siting and appearance of the proposed house. In assessing the proposal the inspector stated:-*

‘I have assessed the form and layout of development in the area and, whilst there is some balance to the terraces of properties facing Bourne Avenue and the development along adjoining streets, I do not consider that the uniformity is so significant and pronounced that a well-designed continuation of the terrace would necessarily result in harm to its character and appearance or the street scene, generally. Indeed, I am satisfied that the proposal has been carefully designed to respect the form and layout of development in the area, including the spacing between properties and the open nature of the plot adjacent to the corner of Bourne Avenue and Clevedon Gardens. It would be subordinate to the original adjacent building and incorporate design details such as a hipped roof and suitable materials to match the adjacent dwelling and others in the vicinity. As such, it would complement the character of the area and retain the spacious character of its immediate vicinity.

Furthermore, other developments that have taken place in the area demonstrate that development on similar corner plots do not necessarily disrupt the rhythm and pattern of development to a harmful degree or compromise the important openness adjacent to corners.

In terms of building lines, the proposed property would be set in from the boundary with Clevedon Gardens and so it would breach the important return building line which is aligned to the existing flank wall of 98 Bourne Avenue. However, in this case a significant gap would be retained between the flank wall of the proposal and Clevedon Gardens.

Furthermore, there would remain a relatively large gap between the proposal and the side elevation of the nearby property on Clevedon Gardens. This gap would retain the open character in the area close to the corner. As such, I do not consider that the proposal would result in an overly dominant or visually intrusive form of development that would harm the open character of this area.’

It could be argued that since this appeal decision the Council has adopted a new Local Plan and therefore the inspector's comments in this case do not have significant weight. However although the Council's Local Plan has recently been adopted the policy requirements in relation to impact upon the street scene and the characteristics of the site and the wider area remain relatively unchanged. As such, on balance it is considered that in light of the planning history for the site the Council cannot refuse this application on visual amenity grounds.”

5.0. PROPOSED ALTERATIONS

- 5.1. The established character of the street is terrace housing. The application site is the only building with a standalone roof along the street. It can be argued that the existing building is already out of character. There is no other similar building in the street or on similar corner plots to explain that the application building follows a strong character that should be preserved.
- 5.2. We would like to highlight that the existing single storey building is not a detached building. It is indeed an extension attached to No.96. It was then converted to a residential unit so that it is now an end-terrace property. However, the existing roof can create a false representation as it does not reflect its end-terrace character where the roof appears discounted from the adjacent terrace housing.
- 5.3. The current building appears disconnected due to its roof shape and our proposal is to alter the existing roof and turn it to a roof that can complement the terrace character and as a result the building can be seen as part of the original terrace properties or in other words, as an extension to or continuation of the existing terrace row. This can complement the character of the area and create a more pleasant balance and harmony in the street scene in the wider area.
- 5.4. The proposed scheme has a single storey which means it has less massing compared to the double storey house approved at 98 Bourne Avenue. The matching roof design with hip-end is similar to what is approved at 98 Bourne Ave. The ridge height is raised however the building is still a single storey building and does not exceed any surrounding skyline. It does not look dominant when compared to the double-storey scheme approved at No.98 Bourne Ave. By using a more sympathetic roof type, we will see better symmetry and coherence in the street scene when both schemes are implemented.
- 5.5. The proposed rear dormer is modest in size and designed to be seen subservient to the main roof. This rear dormer is proposed to be 2/3 of the main roof as prescribed in the Hillingdon Local Plan. It can be reduced or removed if deemed harmful.
- 5.6. In order to provide additional accommodation space in the loft space, the proposed roof alteration is carefully designed to respect the character and appearance of the host dwelling as well as the surrounding area. We therefore believe that the proposal will offer a better use of the space and land whilst making reasonable alterations without causing any significant harm to the character and appearance of the host dwelling or the surrounding area. This insignificant harm can be understood better when compared to similar approved developments in the area in particular no 98 Bourne Avenue.
- 5.7. In summary, the proposed design represents a sort of character that is naturally expect within this area whereas the existing building is quite unrelated and unsympathetic to its surrounding. Therefore the proposed roof is more in keeping with the character of the area and can enhance the terrace housing pattern.

6.0. CONCLUSION

- 6.1. Neither the building nor the surrounding area is identified to have a significant character that should be protected. The existing property has currently a standalone roof which does not follow the character of the surrounding terrace properties and it has already encroached the building line.
- 6.2. With regards to the reason 1 of the refusal, the inspector of the appeal application at No.98 did not uphold the council reason's for refusal relating to the impact on the openness. Our proposed scheme will have even less impact on the openness of the corner plot due to its smaller size, lower height and less massing compared to the approved double-storey scheme at No.98 Bourne Ave. Consequently the reason 1 of the refusal is addressed.
- 6.3. With regards to the reason 2 of the refusal, the LPA refers to Policy DMHB 16 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015). These policies should apply to new dwellings, conversions or change of use. The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use. However the proposal is to simply alter or extension a roof of an existing dwelling which is similar to other loft extension/conversions of the dwelling houses in principle. The LPA has not make reference to any policy stipulating such internal space requirements for a roof extension to an existing house. Therefore, it seems the LPA has used an irrelevant policy to further justify the refusal. See **Appendix K-L**.
- 6.4. With regards to the reason 3 of the refusal, the proposed roof is carefully designed to maintain the hip-end character which can be seen as continuation of the existing terrace character. This will help the roof blend in the row of the terraced housing and this can contribute to enhance and complement the terrace character. Therefore the single-storey building can appear as a typical end-terrace addition not a standalone building. This will help the building integrate well in the wider surrounding context. As a result, by some modest alterations to the roof, we can have better use of the application site whilst enhancing the character of the area. The inspector in the case report at No.98 has stated that a continuation of the terrace would not result in harm to the character and appearance of the street scene. According to the inspector's assessment, the impact of a continued terrace cannot be considered harmful or out of character. Therefore the reason 3 of the refusal is addressed.
- 7.5 The National Planning Policy Framework (NPPF) states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. This statement demonstrates that the positive contributions to the sustainable development would out-weight any possible disadvantages of the proposal. There are no material considerations that would justify a decision other than to grant planning permission. On balance, it is politely requested that this permission for this modest proposal is granted with the inclusion of any conditions deemed necessary.

Comments on LPA's representations.

Please see below the appellant's response to the submitted representations. The LPA's comments are highlighted in blue and the appellant's response is highlighted in black:

2.1 Many of the arguments highlighted by the appellant have been addressed in the Planning Officer's Delegated Report, specifically the application of Local Planning Policies in the assessment of the proposed development.

2.2 The appellant has made statements concerning the description of the property and the surrounding area. It is accepted that the appeal site is a self-contained studio flat, adjoining 96 Bourne Avenue, not a detached property, with the surrounding area being mainly made up of 1930s terraced properties.

It is not considered that the appellant's arguments have been addressed in the case report. In the report, the LPA has based their decision on the following statements.

- "the application site is a single storey detached dwelling with a side extension attached to the adjacent property".
- "The surrounding area is mainly made up of two storey semi-detached dwellings"
- "open and spacious corners are characteristic feature of the area"
- "The proposal will be an extended 2 bedroom unit"

These are the main assumed facts that are used in the assessment of the application. The appellant statement demonstrated that all these assumptions are incorrect. The LPA subsequently agrees that the definition or description of the application site and the surrounding area in the case report were incorrect. In the context that the report is based on these incorrect facts, it does not seem sensible to refer to the case report as a valid and reliable source of reference. This can also suggest that a decision based on incorrect facts can be potentially incorrect.

2.3 The appellant has put forward the case that the alterations proposed to the roof would provide a development more in keeping with the local area, including the continuation of the terraced form.

2.4 It is considered that due to the scale, form and design of the single storey dwelling, even with the proposed alterations, it would not form a continuation of the terraced form. It is not similar in scale, proportion, design or appearance to the existing terraced homes.

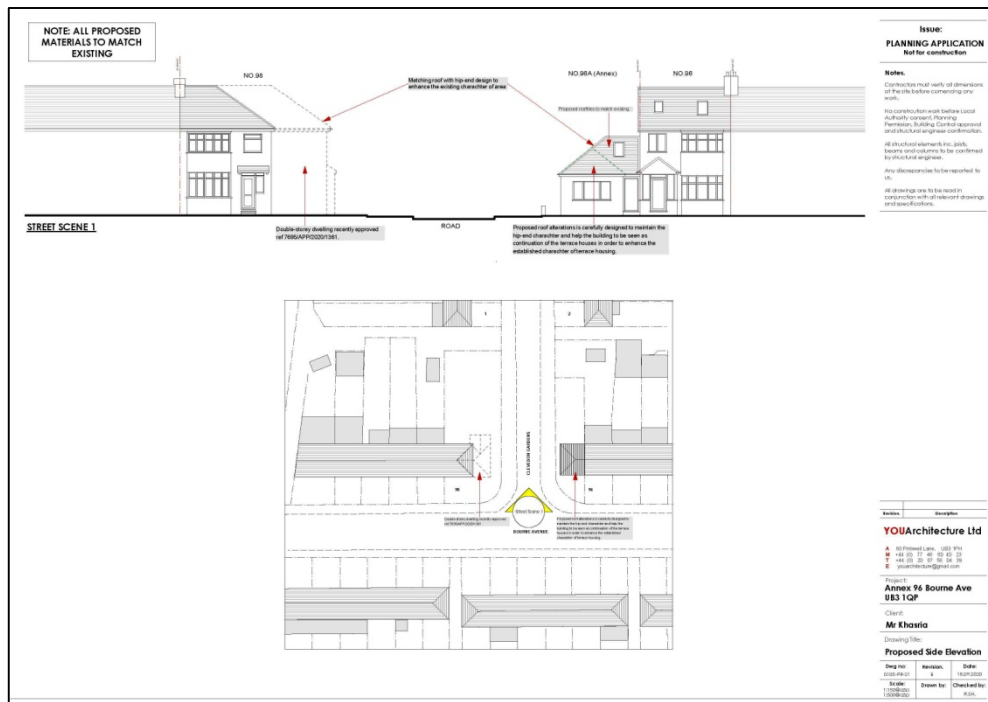
The continuation of the terraced form refers to a characteristic form and conceptual pattern of development. The terraced houses are defined in comparison to detached or semi-detached houses. A single storey house or bungalow can be also a terrace form or part of a terrace form according to the definition of terraced housing. We are not aware of such a restriction that all houses in a terraced form should be completely similar in scale, proportion or design to be able to call them a terrace house. The proposed amended roof will make the roof appear attached to the rest of the terrace housing. It will transfer the existing standalone roof with a detached appearance into a hip-end roof with an attached appearance. This can emphasise more on the concept of terrace form or attached housing which can enhance the pattern of attached buildings and the character of terraces. This concern is addressed.

The comparison between the existing roof form and the proposed roof form is shown below. This shows that the impact is not very significant. The proposed roof design by reason of following the hip-end design, similar roof slope and roof angle can be in keeping with the character of the surrounding area.

Existing.



Proposed.



The LPA case report suggests that the proposal is not in keeping with the character of the area. However, there is no solid evidence to back-up this concern and LPA does not make any reference explaining which character of the area should be exactly preserved. Whilst the individual's point of view is respected, the planning decision should be based on consistent policies and evidences in order to benefit the public.

If the LPA agrees that the dominant character of the street is the terrace housing, then the proposed attached roof will not be out of character and on the contrary it can enhance such character. If the amended roof is compared to the existing roof, it is evident that the proposed attached roof will be "more" in keeping with the character of the terrace housing compared to the existing standalone roof.

2.5 The proposal includes the raising of the roof ridge and change in form to a hipped roof that would adjoin the adjacent dwelling. Whilst the argument has been presented that this would aid in being in keeping with the character of the local area, including continuation of the terraced form, **the massing of the roof combined with a dormer, and excessive height** would form an incongruous addition to the surrounding area. Therefore, the development does not comply with Hillingdon Local Plan Part Two: Development Management Policies (2020).

The LPA refers to their Local Plan but does not refer to any specific policy within the Local Plan to support this concern. There is no benchmark or measure to be able to explain how the LPA assesses the roof size and concludes that the proposal involves a massing roof or excessive height.

The proposed roof is a typical hip-end roof that can be seen in single dwelling houses or bungalows. The overall height of the proposed dwelling will be 5.1m of which half will be the roof height and the other half will be the ground floor body of the building. This is a common proportion for a bungalow type dwelling. This concern is therefore addressed.

2.6 The appellant has highlighted that the proposed dormer would be less than two thirds the width of the proposed roof, in compliance with Policy DMHD1 of the Hillingdon Local Plan Part Two: Development Management Policies (2020). Whilst this may be the case, when taken in context with the entirety of the site and the surrounding area, it creates a **top-heavy appearance** to what was **originally a single storey side extension**, and is **out of proportion with the rest of the building** and **the rest of the terrace**. Contrary to the assertions made by the appellant, this level and type of alteration would be **out of character and at odds with the existing visual amenities of the street scene**, thereby failing to meet the overarching aims of the Local Plan.

The LPA confirms that the proposed dormer complies with Policy DMHD1. However, they go beyond this policy and bring up an argument which is based on an individual's perception of the proposal with no reference to a specific planning policy. The application site cannot be defined as a side extension and should not be assessed based on the policies relevant to side extension. It is a single storey terraced dwelling which is attached to a double storey house.

The dominant character of the street is double-storey terrace houses. The application site in its current form is not in keeping with the character of the area. The proposed alteration to the roof does not significantly change the fact that the existing dwelling is not a double storey terrace house. The argument is that the existing building is already out of character and at odds with the existing character of the street. It is considered that the proposed amendment will improve this out of character roof.

The below examples can show that similar roof design of a single storey dwelling is not uncommon.



Even if the LPA does not see this as an improvement, there is no evidence that the proposed minor roof amendments will cause unprecedented significant harm.

The proposed ridge height will be only 750mm higher than the existing roof but the ridge line will be still significantly lower than the surrounding properties. The LPA's statement that the height is excessive does not seem to be based on any relevant benchmark, evidence or solid basis.

2.7 Numerous appendices highlighting existing side extensions and hipped roof forms along the street scene have been presented as representative of defining features of the local character. However, on examination it is important to note that the prevailing form when a side extension is present is a flat roof, and extensions to existing homes rather than standalone dwellings. Also, the hipped roofs presented are a signature of the two storey terraced properties. Taking this into consideration, the highlighting of hipped roof forms is not considered relevant to the appeal site, as the development is substantially materially different from what it is being compared to.

The appeal site is not defined as a side extension. It is a single storey dwelling as referred above. The reason for the submitted evidence is not to support the proposed "shape" of the roof. It is to address reason 1 of the refusal which states *"The proposed alterations to the roof, by reason of their size, scale, bulk and height, in this open prominent position, would result in the closing of an important gap, at first floor level, characteristic to the area, resulting in a cramped appearance."* The evidence suggests that the LPA's statement as a basis of refusal is factually incorrect because it is demonstrated that "corner development" is already an established character of the area. Therefore, this matter is addressed.

2.8 In this respect, the benefit of the appeal site, to have a large hipped roof form with a rear dormer is negligible, as it would be harmfully out of keeping with the area. This disparity in form is greatly exacerbated through the addition of the proposed enlarged roof with dormer.

The benefit of the proposal is to utilise the air space of an underused roof of a dwelling to create additional accommodation space. The aim is to optimise the capacity of the application site. This is in line with NPPF and Policy D3 of London Plan 2021. The upward extension has been encouraged in the newly introduced GPDO legislation "Class AA of Part 2, Schedule 1 of the General Permitted Development Order".

The LPA does not seem to take a positive approach in this case. They suggest that the benefits are negligible hence the application should be refused. However, we would prefer to take another approach to consider that the adverse impacts are not so significant to justify the refusal.

We would like to highlight paragraph 11 of the NPPF which states "11. Plans and decisions should apply a presumption in favour of sustainable development.... 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."

We also highlight paragraph 38 of the NPPF which states “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.”

2.9 There would be more appropriate forms of development than what has been proposed. In determining a planning application, one should consider high quality sympathetic and appropriate design, especially in a visually prominent corner plot such as this.

The possibility that there might be more appropriate form of development is not considered a valid ground to refuse a proposal. The NPPF highlights that the LPA should not impose their taste of preferred design, form or style. This concern does not seem relevant.

2.10 The applicant has put forward the approved two storey, 1 bed attached dwelling (ref: 7695/APP/2020/1361) as supporting evidence for this proposal.

2.11 There are significant differences between the two proposals and each planning application must be assessed on its own merits. The differences revolve around the scale and form between these two proposals however, it is understood that this has been presented as evidence with respect to harm caused to visual amenity.

If the above argument is accepted, there is no single storey dwelling within the vicinity of the application site hence there are no other properties that can be compared to the application site. The application site is a unique case or exception in this neighbourhood. The proposed minor roof amendment to this unique case cannot logically or significantly impact the existing uniformity of the street scene.

Due to the unique circumstances of the application site in terms of its background, setting, and location, the proposal cannot set a dangerous precedent for the future assessment of the neighbouring properties. There is no other property on the same road which can benefit from the same circumstances. Therefore, there should not be a concern that this proposal will set a dangerous precedent for neighbouring properties.

2.12 Whilst it accepted that a two storey form of development would be larger than the proposed development at the application site, the main difference which causes vastly different results is the siting of the proposed dwelling at 98 Bourne Avenue. This would be set back from the boundary by a distance, compared with the positioning of the existing self-contained flat at the appeal site.

2.13 It is noted that the appeal site is sited closely on the boundary of its curtilage. The result is that an alteration to the roof as proposed would have a direct harmful impact on the openness and visual amenity of the street scenes of both Bourne Avenue and Clevedon Gardens. It is considered that although there may not be a consistent rhythm in the street scene, the proposed alterations, through the resulting form, would be considered harmful to the visual amenities of the street scene, with respect to the openness of the area.

The LPA refers to setback of the proposed dwelling at 98 Bourne Ave from the boundary line. However it does not refer to a setback in the application site. It is important to highlight that the application site also benefits from a 1m setback from the side boundary which is in line with Hillingdon Local Plan Part Two: Development Management Policies (2020). The gap from the side boundary might not be exactly the same as 98 Bourne Avenue. However the proposal is lower in height compared to 98 Bourne Ave which will compensate the proximity to the boundary.

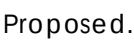
The case report of the above application at 98 Bourne Ave states that *“the proposed house would be a continuation of an existing terrace and would incorporate a matching roof design to the main terrace. Contrary to the Council's design guidance the house would extend beyond the main building line of houses on Clevedon Gardens. As per the planning history above a planning application for a similarly designed dwelling was refused by the Council on this basis. However an appeal was lodged and the inspector did not uphold the Council's reason for refusal relating to the siting and appearance of the proposed house. In assessing the proposal the inspector stated:-*

‘I have assessed the form and layout of development in the area and, whilst there is some balance to the terraces of properties facing Bourne Avenue and the development along adjoining streets, I do not consider that the uniformity is so significant and pronounced that a well-designed continuation of the terrace would necessarily result in harm to its character and appearance or the street scene, generally. Indeed, I am satisfied that the proposal has been carefully designed to respect the form and layout of development in the area, including the spacing between properties and the open nature of the plot adjacent to the corner of Bourne Avenue and Clevedon Gardens. It would be subordinate to the original adjacent building and incorporate design details such as a hipped roof and suitable materials to match the adjacent dwelling and others in the vicinity. As such, it would complement the character of the area and retain the spacious character of its immediate vicinity.

Furthermore, other developments that have taken place in the area demonstrate that development on similar corner plots do not necessarily disrupt the rhythm and pattern of development to a harmful degree or compromise the important openness adjacent to corners. In terms of building lines, the proposed property would be set in from the boundary with Clevedon Gardens and so it would breach the important return building line which is aligned to the existing flank wall of 98 Bourne Avenue. However, in this case a significant gap would be retained between the flank wall of the proposal and Clevedon Gardens. Furthermore, there would remain a relatively large gap between the proposal and the side elevation of the nearby property on Clevedon Gardens. This gap would retain the open character in the area close to the corner. As such, I do not consider that the proposal would result in an overly dominant or visually intrusive form of development that would harm the open character of this area.’

It could be argued that since this appeal decision the Council has adopted a new Local Plan and therefore the inspector's comments in this case do not have significant weight. However although the Council's Local Plan has recently been adopted the policy requirements in relation to impact upon the street scene and the characteristics of the site and the wider area remain relatively unchanged. As such, on balance it is considered that in light of the planning history for the site the Council cannot refuse this application on visual amenity grounds.”

Existing.



3.1 For the reasons set out in the delegated report and this statement, with particular regard to Policies DMHD1, DMHB 11, DMHB 12 of the Hillingdon Local Plan Part Two: Development Management Policies (2020), the proposed development would appear an incongruous, overbearing addition through its size, scale, bulk and form impacting the visual amenities and character of the surrounding area. The argument put forward regarding the hipped roof maintaining the existing character of the area is not considered to have significant weight, as it would not be a continuation of the terraced form of dwellings and the presented sites being substantially materially different from the appeal site. The Inspector is therefore respectfully requested to dismiss the appeal.

If the application is approved, the worse case impact will be the limited changes in the roof design of a unique and modest single storey dwelling. However, the impact of the refusal can be significant because a refusal can damage the confidence of the public in the planning system due to the following reasons:

- The LPA does not clarify if they have considered/applied the correct test to identify the disadvantages versus benefits. The decision maker should balance the benefits and any disadvantages flowing from the proposal and consider whether there are any disadvantages which are so significant or serious as to outweigh the benefits and justify the refusal. It is important to note here that the question is whether the disadvantages caused are so "significant" when balanced against the benefits. Therefore, if a matter has been considered as part of the planning application process and considered acceptable at No.98 Bourne Avenue, it will be extremely unusual for the same matter to be considered a justification for the refusal of a similar proposal on an opposite site.
- With reference to the principle of legitimate expectation in Planning Law, the LPA has created a legitimate expectation that they approve a double storey dwelling on a corner plot on the opposite site at No.98 Bourne Ave and such planning permission is still valid in order to set precedent. The proposed amendment is much more modest in scale, height and impact. Therefore, the LPA's complete departure from what had previously been approved can cause unfairness to the appellant which could be taken to amount to an abuse of process;
- With reference to the principle of consistency in decision making (North Wilts case), it is well-established case law that previous planning decisions are capable of being material considerations and should be taken into account by those determining subsequent applications. Although, the LPA might think they decide based on the recent policies, the "consistency" is self-evidently important to both developers and planning authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. In a similar court case, Howell QC stated that: "There is a public interest in securing reasonably consistency in the exercise of administrative discretions that may mean that it is unreasonable for a decision-maker not to take into account other decisions that may bear in some respect on the decision to be made."
- With reference to the principle of reasonableness (Wednesbury caselaw), which is an important principle widely used in administrative law, the courts may only intervene to find that authority had acted unreasonably when a decision had taken into account matters that it ought not to have, or disregarded matters which it should have. In this case, the previous extant permission should be taken into account as a material consideration. It is clear that the previous decision is so relevant that to fail to take them into account would be nothing but unreasonable.

Comments on London Plan 2021.

Policies 3.5 and 7.4 of the London Plan (2016), are cited in refusal reason 2. These are superseded by Policies D4 Delivering Good Design, D5 Inclusive Design, and D6 Housing Quality and Standards. The proposal would provide an indoor living area of an unsatisfactory size for the future occupiers of the extended 2 bedroom unit and would provide a bedroom with inadequate head height and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers contrary to the aims and objectives of the policies.

The proposal involves roof alterations/extensions to an existing single storey terrace dwelling. Therefore the planning policies relevant to residential alterations/extensions should be applied, not the planning policies relevant to new build/conversion or change of use. The suggested policies of London Plan 2021 are not applicable in a roof extension to an existing dwelling.

In any case, the proposal is not a 2 bedroom unit. It is a studio flat with an additional accommodation in the roof space. The LPA did not make a reference to a planning policy stipulating a minimum ceiling height for a roof extension. The proposed internal ceiling height will be minimum 2m which is based on the requirements of the UK Building Regulations.

Comments on neighbour's representations.

The proposal is not to introduce any new residential unit or additional use that can affect the existing car parking arrangement. With reference to the case report, parking would not be affected by the proposed development, As such, it would comply with Policy DMT 6 of the Adopted Local Plan.

Conclusion.

We would like to point out that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. However the decision was issued later than the 8 weeks statutory deadline without the applicant's agreement.

Our response to the representations can demonstrate that the positive contributions to the sustainable development would out-weight any possible disadvantages of the proposal. There are no significant material considerations that would justify a refusal. On balance, it is politely requested that this permission for this modest proposal is granted with the inclusion of any conditions deemed necessary.