



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Khasria

Proposal:
Conversion of roof space to habitable use to include, increase in ridge height, addition of pitched roof over flat roof element, a rear dormer and 1 front rooflight

Appeal Site:
96 Bourne Avenue
Hayes
UB3 1QP

Our Ref:
Your Ref:

76034/APP/2020/4095
APP/R5510/W/21/3271124

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for a conversion of roof space to habitable use to include, increase in ridge height, addition of pitched roof over flat roof element, a rear dormer and 1 front rooflight.
- 1.2 The LPA refused planning permission on 04-02-21 for the following reason (as stated on the decision notice):
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.
 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).
 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).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. It is understood that copies of relevant planning policies have been sent to PINS with the Appeal Questionnaire.

- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case

2. LPA Comments on Appellant's Statement of Case

- 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.
- 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.
- 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).
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.

3. Conclusion

- 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.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 2.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – The LPA's Recommended Conditions



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon
Appendix 1
Copy of Officers Delegated Report

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DELEGATED 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, Transportation and Regeneration**

Address 96 BOURNE AVENUE HAYES

Development: Conversion of roof space to habitable use to include, increase in ridge height, addition of pitched roof over flat roof element, a rear dormer and 1 front rooflight

LBH Ref Nos: **76034/APP/2020/4095**

Drawing Nos: 0105-EX-00 Rev. A
 0105-EX-01 Rev. B
 0105-EX-10 Rev. B
 0105-EX-11 Rev. B
 0105-EX-20 Rev. B
 0105-EX-22 Rev. B
 0105-PR-01 Rev. B
 0105-PR-10 Rev. B
 0105-PR-11 Rev. B
 0105-PR-12 Rev. B
 Design and Access Statement
 0105-PR-20 Rev. B
 0105-PR-21 Rev. B
 0105-PR-22 Rev. B
 0105-PR-23 Rev. B

Date Plans received : 09/12/2020

Date(s) of Amendment(s):

Date Application Valid: 09/12/2020

1. **SUMMARY**

The proposal to raise the ridge height and convert an existing hipped roof to a half gable and create a dormer within the rear roofslope of the application building is considered unacceptable by reason of its siting in this visually prominent position, size, scale, bulk, and design would fail to harmonise with the architectural composition of the original property and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area.

In addition, the proposal by reason of its design and scale would fail to provide appropriate living conditions for future occupiers, with particular regard to the provision of internal floorspace. It would not comply with the Council's Adopted Local Plan (2020) Policies DMH 4 and DMHB 16 and Policy 3.5 of The London Plan, which together require development to provide appropriate conditions for its intended occupiers, amongst other considerations.

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, DMHB 16 and DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies (2020)

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

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.

2 NON2 Non Standard reason for refusal

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).

3 NON2 Non Standard reason for refusal

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).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to a single storey detached dwelling located on the corner junction of Bourne Avenue with Clevedon Gardens, Hayes. The property is finished in a pebbledash render, is characterised with a centrally pitched roof and is set back from the adjacent highway to accommodate a parking space for one car.

The surrounding area is residential in character and is mainly made up of two storey semi-detached dwellings that are of a similar size and appearance. The application site falls outside the conservation Area and no Listed Buildings in the immediate area.

3.2 Proposed Scheme

The proposal is to convert the existing roof space to habitable use to provide one additional bedroom at second floor (loft) level by raising of ridge height on side of the roofslope, insertion of rear dormer window and increasing the size and scale of the hipped roof with one rooflight within the front roof elevation.

3.3 Relevant Planning History

76034/APP/2020/3771 96 Bourne Avenue Hayes

Single storey outbuilding to rear for use as a gym/storage/home office (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 15-12-2020 Approved

8461/APP/2014/2649 96 Bourne Avenue Hayes

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

Decision: 15-10-2014 Approved

8461/APP/2018/3309 Annex, 96 Bourne Avenue Hayes

Single storey rear extension

Decision: 30-11-2018 Approved

8461/APP/2020/3073 Annex, 96 Bourne Avenue Hayes

Conversion of roof space to habitable use to include raising of ridge height, a rear dormer, 2 front roof lights and conversion of both sides of roof from hip to gable end

Decision: 27-11-2020 Refused

Comment on Planning History

8461/APP/2020/3073: Conversion of roof space to habitable use to include raising of ridge height, a rear dormer, 2 front roof lights and conversion of both sides of roof from hip to gable end. Refusal

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

4 neighbouring occupiers were consulted via letters on the 23-12-20. No response received.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 6	Vehicle Parking
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character

In addition: None

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

The privacy of adjoining occupiers are sought to be safeguarded by Local Plan Policy DMHB 1 and in this regard further states that a minimum distance of 21 metres is retained between habitable room windows to prevent serious overlooking from occurring. Taking into consideration the design of the proposed development and its siting, it is unlikely to significantly harm the residential amenity of neighbouring properties. There would be sufficient distance from the new bedroom windows set in to the roof above to the nearest window of the neighbouring property to prevent overlooking. As such, the development proposed will accord the above policy.

7.2 Impact on Street Scene

Policy DMHB 11 states that development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: harmonising with the local context by taking into account the surrounding: scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.

Policy DMHB 1 (E-i) states that roof extensions should be located on the rear elevation only, be subservient to the scale of the existing roof and should not exceed more than two thirds the average width of the original roof. They should be located below the ridge tiles of the existing roof and retain a substantial element of the original roof slope above the eaves line; ii) the Council will not support poorly designed or over-large roof extensions including proposals to convert an existing hipped roof to a gable;

The application property is a detached single storey dwelling house with a side extension attached to the adjacent property.

The proposal would involve roof extension to include hip to gable end on one side of the roof within the front elevation attached to the side elevation of the adjacent property and a rear dormer with a single rooflight within the front roofslope. It would be clearly visible and appearing obtrusive within the street scene.

Whilst the proposed rear dormer would be set-ins from both sides of the roofslope, it cannot be said to appear secondary to the size of the roof face within which it will be set. The proposed roof alteration will not appear subservient to the host property, as it will cover most part of the roofscape and create the appearance of an effective flat roofed second storey.

The proposed development would entail substantial alterations to the dwelling, all which would be visible from the public realm. Given the constraints of the site, most of the alterations would be within the existing building footprint, extending upwards.

A raised ridge to the roof, together with hip to gable conversions to one side and a rear dormer, would be constructed, significantly increasing the massing of the roof and changing its profile in views from the front, side and rear. A new rooflight to the front would be introduced

The increased scale and substantially greater massing of the proposed roof would be a disproportionate and over-dominant addition to the application building, which would be readily visible from Bourne Avenue and Clevedon Gardens. Furthermore, the design of the enlarged roof, including its disproportionate height in relation to the rest of the building would also be unsympathetic to the host building.

Whilst the rear dormer would be a modest size addition to the roofscape, its position means it would be very prominent in public views and its design and massing would be out of keeping with the host dwelling.

The proposed development would entail substantial alterations to the application dwelling that would be readily visible from the public realm, such that an existing detached dwelling would become a semi-detached dwelling by virtue of this alteration

The raised ridge to the roof, together with hip to gable conversion to one side and a rear dormer, would represent a significant change to the appearance of the application dwelling. The design would be considered unsympathetic to the host building and the greatly increased massing at first floor/roof level would make this a disproportionate and over-dominant addition that would be readily visible from the public realm. The height and massing of the proposed extensions would make it a visually prominent and incongruous addition to the host building. 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.

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).

7.3 Traffic Impact/Pedestrian Safety

As below

7.4 Carparking & Layout

Parking would not be affected by the proposed development, As such, it would comply with Policy DMT 6 of the Adopted Local Plan.

7.5 Urban Design, Access and Security Considerations

Policy DMHD 1 section A (vi) states that sufficient garden space to be retained as a consequence of an extension. The property benefits from a good sized rear garden and sufficient private amenity space will be retained in accordance with the above policy.

UNIT SIZE

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The London Plan requires a two storey, 1 bed self-contained flat to provide minimum of 58 sqm.

The application property is a single storey detached studio self-contained unit. The proposal involves an increase in ridge height and installation of rear dormer to provide a one and half storey one bedroom self-contained house which fails to meet the requirement of 58 sq.m..

The minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area and any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area).

The proposed room within the roofspace would have a ceiling height less than 2.3m for at least 75% of the Gross Internal Area, which will contradict the above policy. Furthermore, the proposed floors plans indicates the provision of 50 sqm. Thus, the proposed development falls considerably short the required floor space as stated above. Given that the standard is a basic indicator of good design and appropriate living conditions, the proposed development is not acceptable for this reason.

7.6 Other Issues

None

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (2016)
National Planning Policy Framework

Contact Officer: Batatunde Aregbesola

Telephone No: 01895 250230



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London Borough of Hillingdon
Appendix 2
The LPA's Recommended Conditions

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Mr Khasria

Proposal:

Conversion of roof space to habitable use to include, increase in ridge height, addition of pitched roof over flat roof element, a rear dormer and 1 front rooflight

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Appendix 2 –Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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 and shall thereafter be retained as such.
3. No additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.