



APPEAL BY:
Mr Shahriyar Ebrahimpour Ardabili

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

*Raising of the ridge height of the roof, creation of a first floor and conversion of
roofspace to habitable use to include three rear dormer, three front dormers and
conversion of both sides of the roof from hip to gable end*

AT
Perspolis House, Robinwood Grove, Uxbridge, UB8 3TW

London Borough of Hillingdon Council's Reference: 72647/APP/2021/1927

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

August 2021

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Shahriyar Ebrahimpour Ardabili, in support of the appeal lodged against the refusal of planning application reference 72647/APP/2021/1927.

1.2 The application was dated 12th May 2021 and sought planning permission for the *“Raising of the ridge height of the roof, creation of a first floor and conversion of roofspace to habitable use to include three rear dormer, three front dormers and conversion of both sides of the roof from hip to gable end”* at Perspolis House, Robinwood Grove in Uxbridge. The application was refused under delegated authority on 19th July 2021 for the following reasons:

1. *The proposed development represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the development which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt, contrary to the National Planning Policy Framework, Policy G2 of the London Plan (2021), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*
2. *The proposed development, by reason of its siting in this open, visually prominent position, size, scale, bulk, height and design, would fail to harmonise with the architectural composition of the original building, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Hillingdon Village Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy HC1 of the London Plan (2021) and the National Planning Policy Framework (2019).*

1.3 This grounds of appeal will address the central concerns raised within the council's reasons for refusal, notably:

- Whether the proposed development represents inappropriate development within the Green Belt which is harmful by definition to its open character and appearance, and;

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- Whether the proposed development, by reason of its siting, position, size, scale, bulk, height and design would fail to harmonise with the architectural composition of the original building and be detrimental to the street scene, and;
- Whether the proposal would fail to either preserve or enhance the character or appearance of the surrounding Hillingdon Village Conservation Area.

1.4 By way of background to the site, a previous application ref 72647/APP/2017/843 for 'Adding double layer brick boundary wall with metal railings and metal gate' was refused on 25th May 2017. Subsequent appeal ref APP/R5510/D/17/3177953 was allowed on 11th October 2017.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

2.1 The appeal site is located at the junction of Robinwood Grove and Royal Lane. The dwelling is not within the curtilage of a listed building; however, the site is within the Hillingdon Village Conservation Area and the Green Belt.



Aerial view of the appeal site and surrounding area

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- 2.2 Perspolis House is a detached three-bedroom bungalow which is enclosed by a low boundary wall and railings whilst to the rear is a private garden.



Perspolis House

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for raising of the ridge height of the roof, creation of a first floor and conversion of roofspace to habitable use to include three rear dormers, three front dormers and conversion of both sides of the roof from hip to gable end at Perspolis House.
- 3.2 The existing property has a hipped roof with an eaves height of 2.8m and a ridge height of 6.028m and the scheme proposes to alter the hipped roof form to gable ends and raise the eaves to 4.3m and the ridge height to 7.242m.
- 3.3 The scheme proposes 3 half dormers to both the front and rear roof slopes which would align with the windows to the ground floor.
- 3.4 The works would enable all 3 bedrooms to be located within the converted loft space with a family bathroom and ensuite. The development would not increase the footprint of the property but would increase the habitable accommodation by approximately 36m².
- 3.5 All work would be completed to a high standard utilising high quality matching materials.

4.0 RELEVANT PLANNING POLICY

- 4.1 The reasons for refusal refer to policies G2 and HC1 of the London Plan (2021), BE1, EM2 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), DMEI 4, DMHB 1, DMHB 4, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework.
- 4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

- 4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; 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.

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.

Decision-making

- 4.5 Paragraph 38 states that 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.

Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.7 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Protecting Green Belt land

- 4.8 Section 13 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 sets out the five purposes of Green Belt

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 Paragraphs 147 and 148 state *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”; “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

4.10 Exceptions to Green Belt policy set out at paragraph 149 include:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Conserving and enhancing the historic environment

4.11 Section 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 197 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

4.12 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.13 Paragraph 201 states that local planning authorities should refuse consent if a proposed development would lead to substantial harm to (or total loss of significance of) a heritage asset.

4.14 The NPPF does not define *“substantial harm”* but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms

it is absolutely clear that the application proposal will not result in “*substantial harm*” to the conservation area. Moreover, it must be pointed out that even the council do not state within the reasons for refusal that the proposal would lead to substantial harm to the historic significance of the conservation area.

- 4.15 Paragraph 202 of the NPPF states that where a development proposal would 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, where appropriate, securing its optimum viable use.
- 4.16 Local planning authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements to the setting that make a positive contribution to the asset should be treated favourably.

The London Plan (2021)

- 4.17 The council embraces the sentiments of the London Plan. Policies G2 and HC1 are referred to within the given reasons for refusal.

Policy G2: Londons Green Belt

- 4.18 Policy G2 states that the Green Belt should be protected from inappropriate development.

Policy HC1: Heritage conservation and growth

- 4.19 Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.

Hillingdon Local Plan: Part One – Strategic Policies (November 2012)

- 4.20 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough. Policy BE1, EM2 and HE1 were referred to within the given reasons for refusal.

Policy BE1: Built Environment

- 4.21 Policy BE1 states that 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.

Policy EM2: Green Belt, Metropolitan Open Land and Green Chains

- 4.22 Any proposals for development in Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances test.

Policy HE1: Heritage

- 4.23 Policy HE1 details how the council intends to Conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape.

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.24 The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies DMEI 4, DMHB 1, DMHB 4, DMHB 11, DMHB 12 and DMHD 1 were referred to within the given reasons for refusal.

Policy DMEI 4: Development in the Green Belt or on Metropolitan Open Land

- 4.25 Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development

Policy DMHB 1: Heritage Assets

- 4.26 The Council will expect development proposals to avoid harm to the historic environment.

Policy DMHB 4: Conservation Areas

- 4.27 New development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

Policy DMHB 11: Design of New Development

- 4.28 Policy DMHB 11 states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design.

Policy DMHB 12: Streets and Public Realm

- 4.29 Development should be well integrated with the surrounding area and accessible.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings

- 4.30 Policy DMHD 1 provides guidance in relation to different types of extensions.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reasons for refusal, notably:

- a) Whether the proposed development represents inappropriate development within the Green Belt which is harmful by definition to its open character and appearance, and;
- b) Whether the proposed development, by reason of its siting, position, size, scale, bulk, height and design would fail to harmonise with the architectural composition of the original building and be detrimental to the street scene, and;
- c) Whether the proposal would fail to either preserve or enhance the character or appearance of the surrounding Hillingdon Village Conservation Area.

5.2 The main considerations in the determination of this appeal are:

- Design
- Impact on the Green Belt
- Impact on the Conservation Area

Design

5.3 Paragraph 126 of the NPPF states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

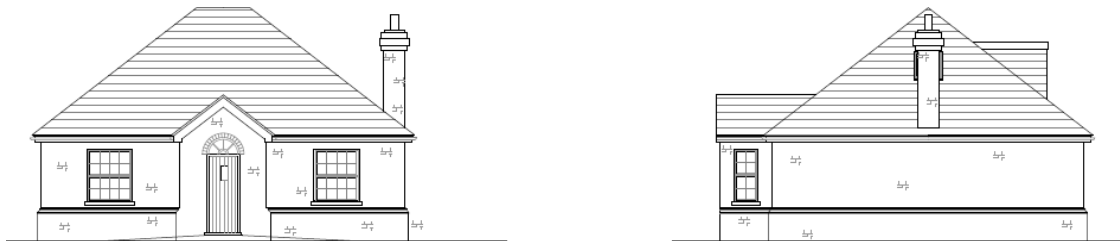
5.4 Local Plan policy DMHD 1 (Alterations and extensions to residential dwellings) recommends that there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area whilst policy DMHB 11 (Design of new development) seeks to ensure that development harmonises with local context taking into account the surrounding scale of development.

5.5 The appellant has put forward a high quality scheme that has been sensitively designed in order to enhance the qualities of the original dwelling whilst taking advantage of the opportunities available to increase and improve the habitable accommodation within the property.

5.6 The scheme proposes to raise the ridge height of the roof, create a first floor and convert the roofspace to habitable use to include three rear half dormers, three front half dormers and conversion of both sides of the roof from hip to gable end. The existing dwelling has an eaves height of 2.8m and a ridge height of 6.028m and the

scheme proposes to raise the eaves to 4.3m and the ridge height to 7.242m. Therefore, the council's consideration that the proposal creates a first floor is misleading given the very modest increase in height and the fact that the property has an existing first floor within the converted loft space.

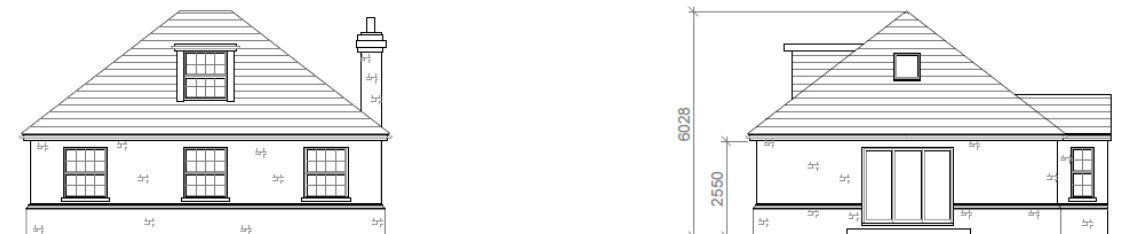
- 5.7 By utilising the half-dormer design the scheme proposes only a modest increase in eaves and ridge height and the position of the windows would align vertically with the existing fenestration at ground floor level respecting their scale and pattern.



Existing front and side elevations



Proposed front and side elevations



Existing rear and side elevations



Proposed rear and side elevations

- 5.8 It is evident that the alterations and extension to the property would be appear complementary to the existing house harmonising with its architectural composition whilst the modest increase in height would ensure the building did not appear unduly prominent within the street scene or out of character with the prevailing height of development in the area. Consequently, the appellant asserts that the works would enhance the character, appearance and visual amenities of the host property and the wider street scene.
- 5.9 In summary, the proposed roof extensions would complement the street scene of Robinwood Grove and would not result in harm to the character or appearance of the host property or conflict with the overall aims of the NPPF, the London Plan as well as Local Plan policies which collectively seek high quality development.

Impact on the Green Belt

- 5.10 The National Planning Policy Framework states at paragraph 147 that *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”*. However, exceptions to this include:

“c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.”

- 5.11 London Plan policy G2 (Londons Green Belt) states that the Green Belt should be protected from inappropriate development.
- 5.12 Local Plan policies EM2 (Green Belt, Metropolitan Open Land and Green Chains) and DMEI 4 (Development in the Green Belt or on Metropolitan Open Land) assess proposals against national and London Plan policies and will permit extensions where the proposal would not have a greater impact on the openness of the Green Belt having regard to:
- i) the height and bulk of the existing building on the site;
 - ii) the proportion of the site that is already developed;
 - iii) the footprint, distribution and character of the existing buildings on the site;
 - iv) the relationship of the proposal with any development on the site that is to be retained; and
 - v) the visual amenity and character of the Green Belt and Metropolitan Open Land.
- 5.13 The appellant is aware that Green Belt land affords the greatest protection in planning terms and as the appeal site lies within the Green Belt due consideration was taken to

ensure that the proposed development would result in an appropriate addition to the existing house and would not be harmful to the setting.

- 5.14 The fundamental aims as set out in the NPPF are to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. With regard to urban sprawl and permanence these aims would not be unduly prejudiced by this proposal. The key aim is to take account in the assessment of the appeal case is openness, which is a disproportionate test focused on preventing the openness of the Green Belt being significantly harmed by much larger developments.
- 5.15 The council refused the appeal scheme citing *"The proposed development represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance."*
- 5.16 The delegated officer's report further states that the *"significant additional height and mass of the proposed building compared to the existing, and the siting at a junction location, would ensure the building would have a significant visual impact and harm the openness of the Green Belt."*
- 5.17 The appellant asserts that the council's approach gives insufficient weight to the particular circumstances of this case. Moreover, the Framework does not define a 'disproportionate addition' and neither does it stipulate set percentage increases that could be considered to be either proportionate or disproportionate. It is evident that the Framework expects each case to be judged on its own merits.
- 5.18 Nevertheless, the appellant considers that the council are failing to take into account the starting point of Perspolis House which was clearly a modest property and in order to make it suitable for modern day living sizeable extensions should be appropriately anticipated.
- 5.19 However, as stated by the council the development would only result in a floor space increase of 36m² which is a 36% increase over the existing floor area.
- 5.20 Furthermore, in terms of volume increase we estimate that the existing building is approximately 303.41m³ whereas the proposed building would be 457.47m³ thus resulting in a volume increase of just 50.77%.
- 5.21 Therefore, whilst the appellant acknowledges the property is within a relatively prominent location the impact on openness would extremely localised and would be outweighed by the benefit of providing improved habitable accommodation. In

addition, the works would likely be seen against the backdrop of the neighbouring larger two storey property and as a consequence the very modest increase in height and bulk would not appear out of place.



Appeal property

- 5.22 Given the evidence available the proposed development would not conflict with the aims of the Framework or Local Plan Part 2 policy DMEI 4, which does not set out any specific volume criteria, as the proposal would not increase the footprint of the existing building on the site and the increase in height and bulk would be modest.
- 5.23 Moreover, the visual amenity and character of the Green Belt would not be unduly affected by the development which should be considered as a proportionate addition over and above the size of the existing house and therefore, forms an exception to Green Belt policy which does not require 'very special circumstances'.
- 5.24 In summary, the scheme would not conflict with the overall aims of the NPPF, London Plan policy G2 or Local Plan: Part One policy EM2 and Local Plan: Part Two policy DMEI 4 which collectively seek to preserve the openness of the Green Belt.

Impact on the setting of the conservation area

- 5.25 As described in section 16, the NPPF sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability to ensure new development makes a positive contribution to local character and distinctiveness.
- 5.26 Local Plan policy DMHB 4 (Conservation Areas) further states that new development, including alterations and extensions to existing buildings, within a conservation area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

- 5.27 Taking the above policy requirements into consideration the appellant has put forward a sympathetic scheme that would respect the existing architecture, scale, materials, colour and detailing of the building to ensure the proposal would assimilate in the area and would not detract from the character or setting of the property.
- 5.28 The existing building replaced a derelict lodge building of the same footprint and similar scale and by virtue of the materials utilised the existing dwelling appears as a relatively modern addition to the Conservation Area.



Existing appeal dwelling

- 5.29 The surrounding area comprises a mix of dwelling types whilst Robinwood Grove consists of Greensleaves a 6 bedroom, 2 storey single family dwelling house, and nos. 1 to 26 Robinwood Grove which is a private gated development of relatively modern flats and terrace properties based in a two storey building.



Greensleaves to southwest of the appeal site



Flatted development at nos. 1 to 26 Robinwood Grove

5.30 Furthermore, there are properties within the Hillingdon Village Conservation which also have the half dormer windows proposed or the lowered eaves height as illustrated in the following photographs which further demonstrates that the appeal development would respect the surrounding built form and would not appear out of character.



St John's Hall Cottage on Royal Lane

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The Red Lion Hotel on Royal Lane

- 5.31 There are numerous property types and designs within the Hillingdon Village conservation Area and therefore, given the varied character of the area the increase in height of the appeal property would not be out of keeping with the prevailing pattern of development and although the site is upon a relatively prominent plot the design responds to the architectural form of the existing property and thus the resultant dwelling would be appropriate to the Conservation Area and its wider setting and could not reasonably be considered harmful.
- 5.32 Whilst the appellant accepts that each case should be judged on its own individual merits he suggests that it is incorrect and a gross exaggeration to state that the proposed works would fail to either preserve or enhance the character or appearance of the Hillingdon Village Conservation Area. The scheme would not result in the level of harm that the council have stated and, as such, any adverse impact would be extremely limited and would be balanced by improving the function of the property.
- 5.33 In summary, the impact of the development would be negligible and the appreciation of the Conservation Area from both private and public vantage points would not be harmed. Therefore, the appellant states that the proposal would preserve the character and appearance of the Hillingdon Village Conservation Area.
- 5.34 Thus, there would be no conflict with Framework or Local Plan: Part Two policy DMHB 4 (Conservation Areas) which collectively seek high quality design and to preserve and enhance the significance of heritage assets.

6.0 CONCLUSION

- 6.1 The proposed development by virtue of its modest scale would represent a proportionate addition over and above the size of the original dwelling which by definition would not be harmful to the openness of the Green Belt.
- 6.2 The proposed development by reason of its design, scale and height would also harmonise with the character of the existing property enhancing the character, appearance and visual amenities of the street scene whilst also preserving the character and appearance of the surrounding Hillingdon Village Conservation Area.
- 6.3 Thus, it is stated that the appeal scheme is consistent with the aims of the National Planning Policy Framework, policies G2 and HC1 of the London Plan (2021), BE1, EM2 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), DMEI 4, DMHB 1, DMHB 4, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
- 6.4 The National Planning Policy Framework (NPPF) states that decision-makers 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. The proposed raising of the ridge height of the roof, creation of a first floor and conversion of roof space to habitable use to include three rear dormers, three front dormers and conversion of both sides of the roof from hip to gable end would not be contrary to national, regional or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.