

Grounds of appeal

14 Church Road, Uxbridge, UB8 3NA

**Planning Application Reference:
16258/APP/2021/841**

Appellant: Mr Z Zeb

1. Introduction

1.1. This appeal is made on behalf of Mr Z Zeb in response to the refusal of planning application reference 16258/APP/2021/841 for the following development at number 14 Church Road in Uxbridge by the London Borough of Hillingdon. The application was refused on 28th April 2021.

'Part single, part two storey rear extension and single storey front/side/rear extension'

2. Reasons for refusal

2.1. There are two reasons for refusal:

1. *The proposed two storey rear extension, by reason of its siting in this open prominent position, size, scale, bulk and design, including the double hip roof, would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).*
2. *The proposed single storey front/side extension, by reason of its siting, size, scale, bulk, excessive width and design, would appear as a discordant and unsympathetic addition that would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).*

3.0 Site description

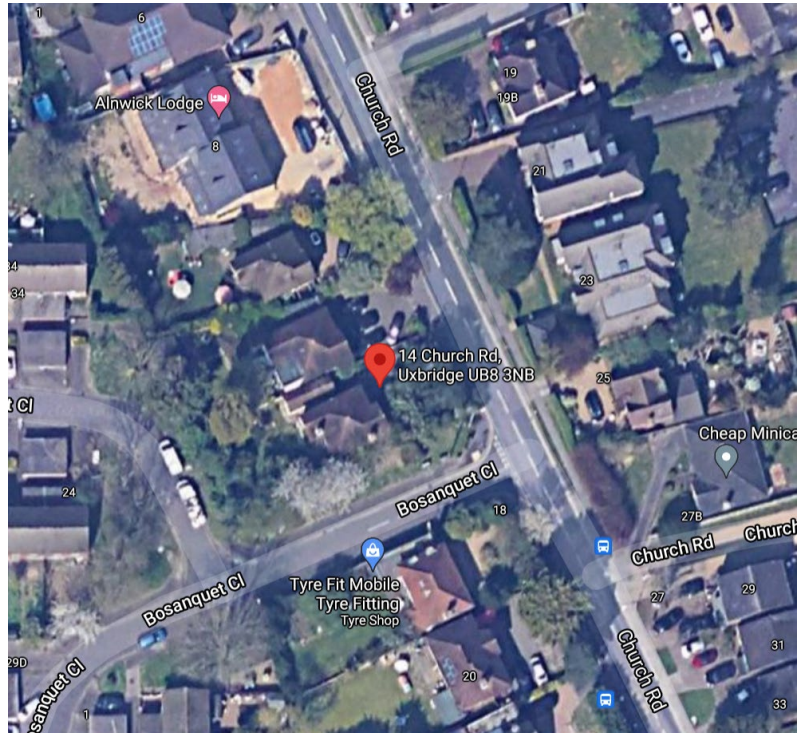
3.1 The site consists of two storey, detached dwelling on the south western side of Church Road in Uxbridge. On the northern side of the house there is a single, detached garage. There is a

significant amount of trees and other vegetation on the southern and western boundaries of the site.

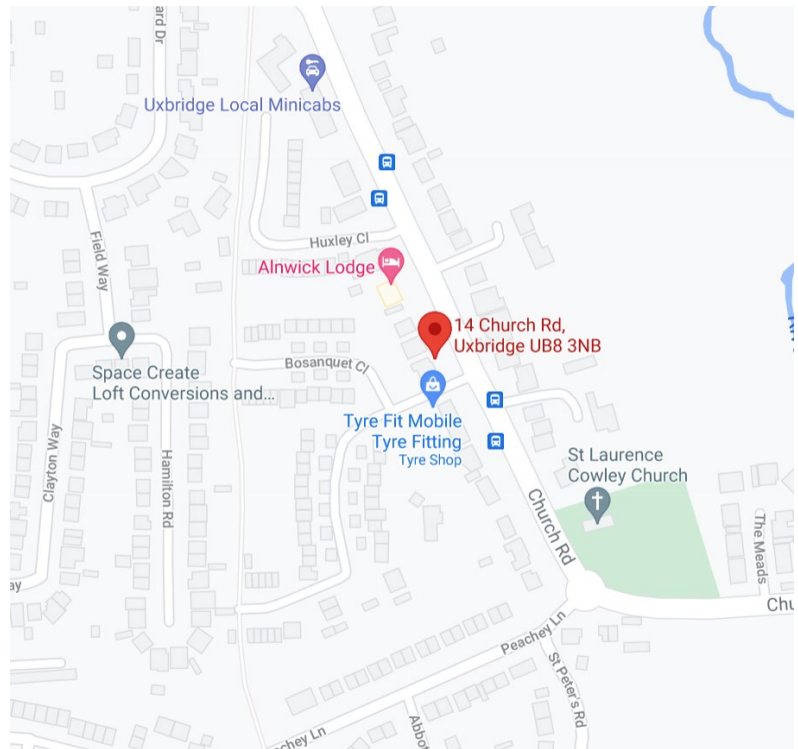
- 3.2 The dwelling sits on the corner of Church Road and Bosanquet Close. Due to the road layout, the plot is surrounded on three sides by highway. To the north of the site is number 12 Church Road which is a large detached property. The character of Church Road is residential with mostly large, detached dwellings of varying appearances and styles.
- 3.3 The site is not located within a Conservation Area and is not a listed building. The area has not been designated as having any 'special character'.
- 3.4 An image of the number 14 Church Road (on the left) and number 12 Church Road (on the right) as seen from Church Road is shown below:



3.5 An aerial image of the site is shown below:



3.6 An image showing the site and its' context is shown below.



4.0 Relevant planning history

4.1 There is no planning history associated with the property. The property has not been extended.

5.0 Proposed development

5.1 The proposed development is for a part single, part two storey rear extension and a single storey side extension.

6.0 Planning legislative and policy context

6.1 Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

6.2 The statutory Development Plan for the London Borough of Hillingdon consists of the following documents:

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- The West London Waste Plan (2015)
- The London Plan (2021)

6.3 The policies listed in the two reasons for refusal are the same. They are as follows:

- Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
- Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).

7.0 Key issues

7.1 The key issues are considered to be:

- The impact of the two storey rear extension on the existing property and the character of the surrounding area (reason for refusal 1)
- The impact of the single storey side extension on the existing property and the character of the surrounding area (reason for refusal 2)

7.2 As the reasons for refusal are based on these matters only, it is considered that the development is acceptable in all other instances. There are no objections from the Council to the single storey rear extension. Nor are there any concerns in relation to residential amenity, external amenity space or parking/highways.

8.0 Reason for refusal 1 - whether the impact of the two storey rear extension on the existing property and the character of the surrounding area

8.1 The Council's first reason for refusal of planning permission is worded as follows:

'The proposed two storey rear extension, by reason of its siting in this open prominent position, size, scale, bulk and design, including the double hip roof, would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).'

8.2 The reason for refusal refers to policy BE1 of the Hillingdon Local Plan: Part One (LPP1) and policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two (LPP2).

- 8.3 Policy BE1 of the LLP1 is a strategic policy relating to the built environment. It states that all new developments should achieve a high quality of design in all new buildings and extensions. New development should be designed to be appropriate to the identity and context of the local area.
- 8.4 Policy DMHB 11 of the LPP2 relates to the design of new development. It states that all extensions should incorporate principles of good design. This includes taking into account aspects including the scale of the development, considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.
- 8.5 Policy DMHB 12 of the LPP2 relates to streets and the public realm. It states that development should be well integrated with the surrounding area and accessible.
- 8.6 The delegated report refers to policy DMHD 1 of the LPP2. However, as this policy is not listed in the reasons for refusal, it is the appellant's case that the contents of policy DMHD 1 are not relevant to the appeal. Had the Council considered policy DMHD 1 of the LPP2 to be important in relation to the refusal of the application then it would have ensured that it was listed in the two reasons for refusal. As it is not listed, the appellant is not required respond to it and it is not relevant to the appeal.
- 8.7 Notwithstanding the above, the appellant would like to address the contents of the Council's delegated report which relies almost entirely on policy DMHD 1 of the LPP2. Policy DMHD 1 of the LPP2 relates to alterations and extensions to residential buildings. It provides design guidance for extensions to residential properties.
- 8.8 The Council's delegated report states that policy DMHD 1 parts i) to v) refers to two storey rear extensions. However, this is incorrect as this part of the policy only refers to single storey extensions and access to flat roofs.

8.9 The parts of the policy that relate to two storey rear extensions are part B vi) to ix). These parts of the policy state the following.

vi) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres

vii) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house

viii) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported.

ix) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

8.10 In relation to vi) the proposed two storey rear extension complies and there is no issue raised by the Council in this regard.

8.11 In relation to vii) the proposed roof of the two storey extension is not flat and therefore complies with the policy in this regard.

8.12 In relation to viii) the proposed roof to the two storey extension matches that of the existing rear gable in terms of appearance, pitch and materials. The proposal is therefore acceptable in this regard.

8.13 In relation to ix) this only relates to proposals in designated areas and listed/locally listed buildings. The site is not within a designated area and the building is not listed or locally listed. This part of the policy therefore does not apply.

8.14 As can be seen above, the proposed two storey extension complies with all of the relevant requirements of part B of policy DMHD 1 of the LPP2.

8.15 The Council's delegated report confirms that the proposed two storey rear extension would measure around 1.46 metres in depth, 2.77 metres in width and 6.6 metres in height. The delegated report then states the following:

'However, this would be attached to an existing two storey rear element, resulting in the whole width of the property being covered by the two storey element. Given its siting at the junction of Church Road and Bosanquet Close, all elevation of the property would be visible, and the resultant two storey element, by reason of its siting in this open prominent position, size, scale, bulk and design, including the double hip roof, would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).'

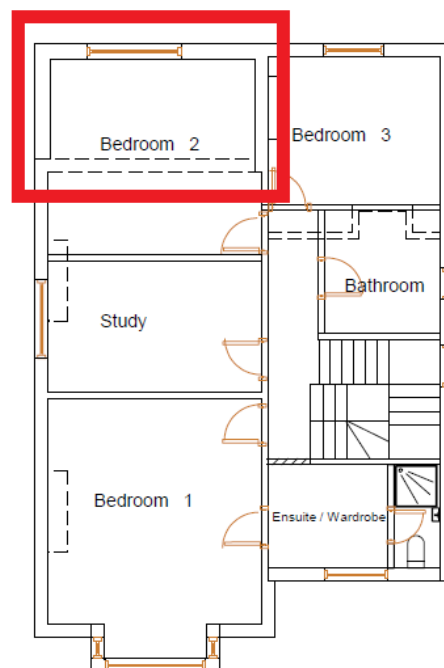
8.16 Firstly the delegated report states that the proposed two storey rear extension would be attached to an existing two storey rear element. Then that this would result in the whole of the width of the property being covered by *'the two storey element'*.

8.17 The existing (and original building) is staggered and is all two storey. The proposed two storey extension fills in the south western corner of the building so that it matches the existing rear elevation of the other two storey projection.

- 8.18 The proposed two storey extension is only positioned in that south western corner. There is no extension proposed to the other two storey projection. There is no change at first floor level to that projection.
- 8.19 The Council's assessment that the extension '*would be attached to an existing two storey rear element, resulting in the whole width of the property being covered by the two storey element*' is confusing. The whole house is two storey. A proposal for any kind of two storey extension on any property will, in almost all cases, be attached to an existing two storey element of the existing house. The Council's statement is therefore odd in this respect.
- 8.20 The Council then also assess that the extension would result in the whole width of the property being covered by the proposed two storey element. As stated previously, the proposed two storey extension does not extend the full width of the back elevation of the existing dwelling. It will bring the existing two storey rear elevation out to match the other two storey projection positioned to the north.
- 8.21 The existing building is two storey across the whole width of the property. The proposed two storey extension will not change this fact. The existing two storey rear gable ended projection will remain and will not be affected by the proposal.
- 8.22 The Council then raises concerns about the siting of the property on the junction of Church Road and Bosanquet Close. It states that, as a result of the dwelling's position, all elevations of the property would be visible. In fact, although number 14 Church Road is surrounded of three sides by roads, it is positioned within a substantial plot with a large rear garden.
- 8.23 Combined with this, the site is well screened with established trees and vegetation on the southern side. Until recently there has also been established planting on the western boundary of the site. It has been necessary to remove this in order to provide maintenance to the fence. However, if the Inspector felt that additional planting on the western boundary would assist the

proposal then the appellant is happy to accept a condition requiring a landscaping scheme to be submitted and approved by the Council.

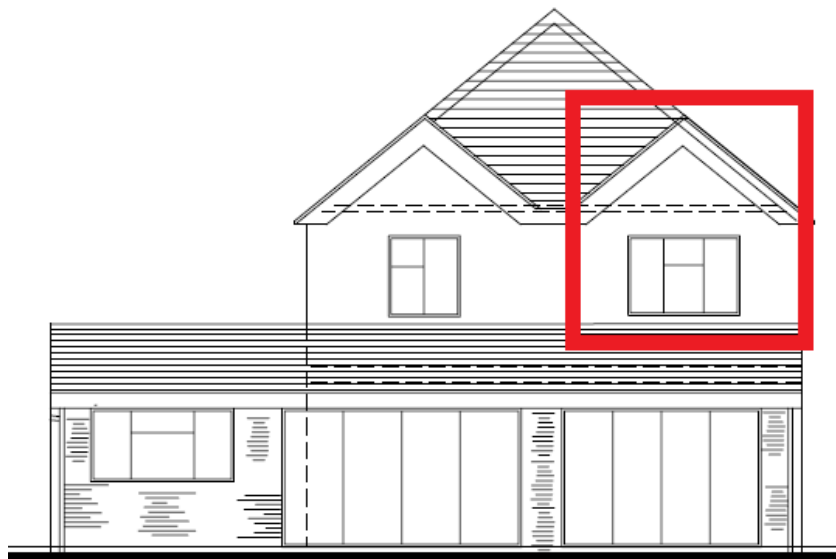
- 8.24 In relation to the two storey rear extension that is proposed, the Council considers that it is unacceptable due to it being sited in an open, prominent position and due to its size, scale, bulk and design. This includes reference to the double hip roof.
- 8.25 The proposed two storey extension is small, measuring only around 1.46 metres in depth and 2.77 metres in width. It would fill in this small area to match the rear elevation of the other, existing two storey rear projection. This is shown on the images below:



Proposed



Side



Rear

- 8.26 The height of the two storey extension is also only around 6.6 metres. The height matches that of the other two storey rear projection and is set well down from the ridge of the main house. The proposed two storey element of the extension is not considered to be bulky or of an inappropriate scale.

- 8.27 The Council mentions in their delegated report that the design of the two storey element of the proposed extension is inappropriate. This includes a reference to the double hipped roof.
- 8.28 The proposed is clearly not for a double hipped roof. The proposed two storey element actually provides one gable ended to match the existing two storey rear projection.
- 8.29 The properties on Church Road vary in style and size. It should be noted that the area has not been designated as having any special design characteristics of note that need to be protected. However, gable end projections are a characteristic of Church Road and the surrounding streets. This is shown on the image below (appeal site shown by red dot and other examples of gable ends on Church Road shown by blue dots).



- 8.30 The proposed design is considered to be sympathetic to the original building and appropriate in terms of its appearance. It is also an appropriate design in keeping with other gable ends within the vicinity of the site.
- 8.31 As set out earlier in this statement, the two storey extension complies with all of the requirements of part B of policy DMHD 1 of the LPP2. In fact, it specifically accords with the guidance set out in B vii) and viii) where flat roof two storeys are not acceptable and pitched roofs should be of a similar pitch and materials and be subordinate to the original roof.
- 8.32 It should be noted here that the neighbouring property, number 12 Church Road, has a two storey rear extension that fills in the same gap as that proposed at number 14 Church Road. However, the extension at number 12 has a flat roof.
- 8.33 The appellant considered the option of a matching flat roof extension at number 14 in order to make the extension be in keeping with the extension at number 12. However, having regard to the current policy for residential extensions, it was decided that a pitched gable end would be more appropriate (for the reasons set out in paragraph 8.29 of this statement).
- 8.34 The Council has not referred to policy DMHD 1 of the LPP2 within the reasons for refusal and it is the appellant's case that the Council therefore did not consider that there was any conflict with this policy.
- 8.35 Notwithstanding the above, it has been shown that the proposed two storey rear extension complies with the requirements of policy DMHD1 of the LPP2. The proposal also complies with the wider requirements of policies DMHB 11 and 12 of the LPP2 and the strategic policy BE1 of the LPP1. The first reason for refusal has been addressed and it has been shown why the scale and design of the proposed extension is appropriate both within the street scene and in relation to the original dwelling.

9.0 Reason for refusal 2 - The impact of the single storey side extension on the existing property and the character of the surrounding area

9.1 The Council's second reason for refusal is worded as follows:

'The proposed single storey front/side extension, by reason of its siting, size, scale, bulk, excessive width and design, would appear as a discordant and unsympathetic addition that would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).'

9.2 The policies referred to in the second reason for refusal are the same as those referred to in the first reason for refusal. In fact, the second reason for refusal is almost identical to the first reason for refusal except that it relates to the single storey side extension rather than the two storey rear extension.

9.3 Again, the second reason for refusal does not refer to policy DMHD1 of the LPP2 and as above it is therefore the appellant's case that the Council did not consider that the contents of this policy applied to the reason for refusal.

9.4 However, the Council relies heavily on policy DMHD1 of the LPP2 within the delegated report. Therefore, notwithstanding the above fact that the Council excluded this policy from the reason for refusal, the appellant would like to comment on the Council's assessment within the delegated report.

9.5 The Council raises two main concerns when assessing the proposed single storey side extension. The first is that the width of the side extension exceeds more than 50% of the original house. The second is that the side extension is projects forward.

- 9.6 In relation to the width, the proposed side extension does exceed the 50% limit marginally. However, when applying planning policy, it is also important to consider the specific circumstances of the site and the surrounding area.
- 9.7 In the case of the appeal site, there is an existing detached garage immediately to the north of the main dwelling. The garage is single storey and sits on the boundary with number 12 Church Road. The existence of the garage establishes the width of the built form in that location. Although the side extension would be attached to the main dwelling, there would be no increase in width of built form over what already exists.
- 9.8 The second concern of the Council in their delegated report is that the proposed side extension projects forward. The front elevation of the side extension does not extend significantly past the existing porch and falls in line with the existing bay window thereby maintaining the existing building line.
- 9.9 The small step forward does not result in the side extension dominating the frontage. There would be a clear distinction between the side extension and the main dwelling. As it is single storey, the impact of the front projection is minimised further.
- 9.10 In conclusion, the existing garage establishes single storey built form up to the boundary of the site with number 12 Church Road. The proposed single storey extension will remain subservient to the main house and will not dominate the frontage. As a result, it is the appellant's case that the proposed side extension complies with policy BE1 of the LPP1 and policies DMHB 11 and 12 of the LPP2. Although it is not listed in the reason for refusal, and therefore not relevant to the appeal, the proposal would also comply with the requirements of policy DMHD 1 of the LPP2.

10.0 Other matters

10.1 The appellant wishes to bring the Inspector's attention to other properties in the local area that have had similar extensions to the appeal proposal.

12 Church Road

10.2 12 Church Road is the neighbouring property to the appeal site. There are two planning permissions at number 12 Church Road as follows:

- 12865/C/94/0770 - Erection of a single storey front, side and rear extension and a first floor rear extension - Approved 3rd October 1994
- 12865/A/83/0926 - Householder development - residential extension – Approved 8th September 1983

10.3 The drawings and other documents relating to these permissions are not available on the Council website. However, as can be seen from the images below, number 12 has a two storey rear extension (although with a flat roof less in keeping with the host dwelling and surrounding area) and a single storey front, side and rear extension larger than that proposed at number 14 Church Road.

10.4 Below is an aerial image of the extensions to number 12 (appeal site indicated by the red dot and number 12 Church Road indicated by the blue dot). The two storey flat roof element and the single storey front, side and rear extension can clearly be seen.



10.5 Below is an image of the two storey flat roof extension to number 12 Church Road.



10.6 Below is the single storey front, side and rear extension at number 12 Church Road (as viewed from Church Road).



20 Church Road

10.7 Number 20 Church Road is situated south of the appeal site on the other side of Bosanquet Close. There is the following planning permission associated with number 20 Church Road.

- 23251/A/97/0374 - Erection of a two storey side extension – Approved 2nd July 1997

10.8 The drawings and other documents relating to these permissions are not available on the Council website. However, as can be seen from the images below, number 20 has a two storey side extension including a garage and single storey rear extension (number 20 indicated by blue dot).



10.9 A large number of properties on Church Road have full length single storey side extensions which include examples of single storey side extensions projecting forward of the front elevation of the main dwelling.

10.10 Although not householder extensions, the appellant would also like to bring the Inspector's attention to re-developments at numbers 6 and 8 Church Road which are located to the north of the appeal site.

10.11 Number 8 Church Road was a detached property that has been redeveloped into four houses under the following planning consent.

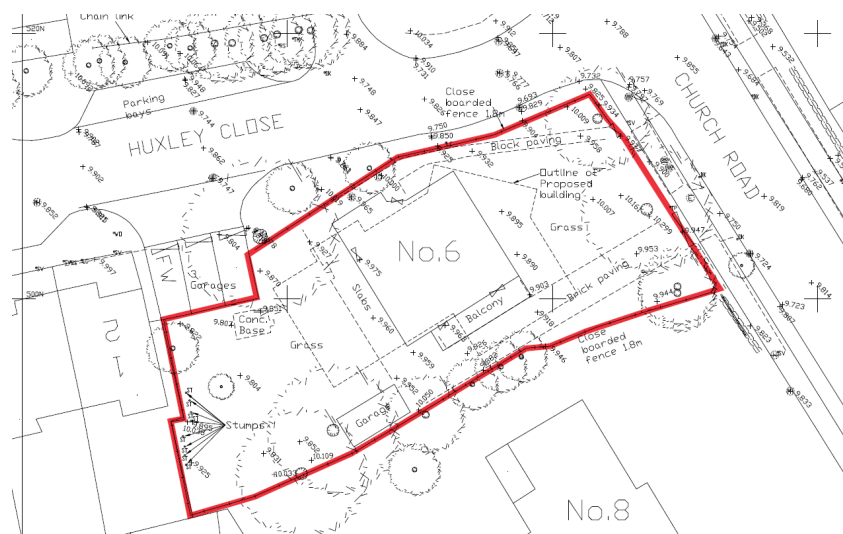
- 74769/APP/2019/1333 - Erection of 4 x 3-bed, two storey, attached dwellings with habitable roofspace and associated parking and amenity space, involving demolition of existing dwelling – Approved 15th July 2019

10.12 Number 6 Church Road is particularly relevant to the first reason for refusal where concerns are raised in relation to the open nature of the corner plot and the subsequent impact of the two storey extension on the street scene.

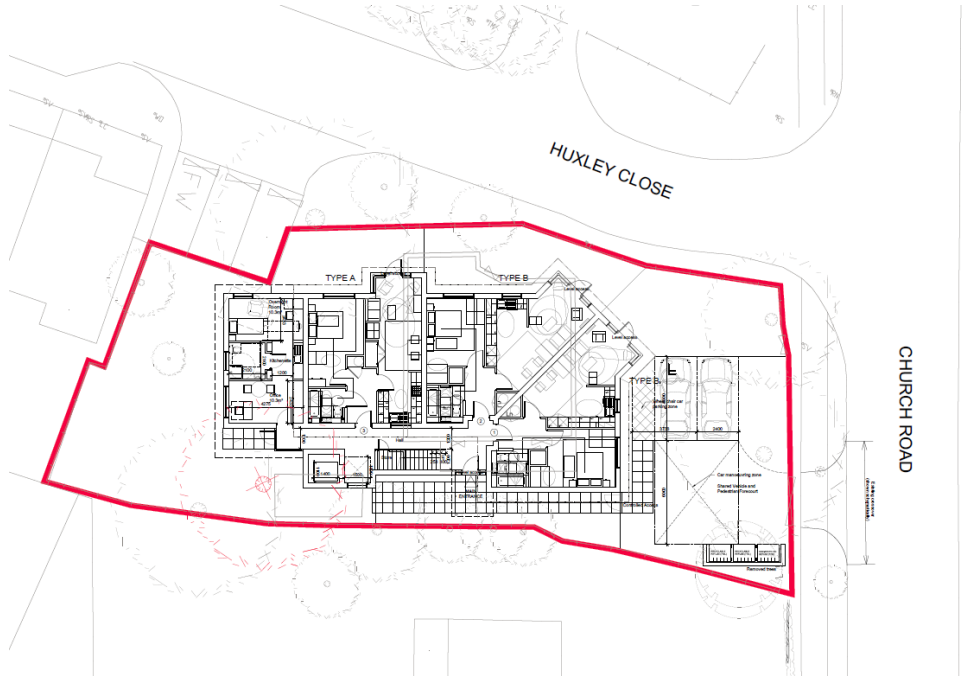
10.13 The following planning permissions were granted at number 6 Church Road.

- 66722/APP/2010/117 - Two storey building to provide 6 one-bedroom flats, together with associated parking and landscaping (involving demolition of the existing building) (Outline application for approval of layout and scale.) – Approved 17th October 2010
- 66722/APP/2013/2614 - Renewal of planning permission ref: 66722/APP/2010/117 for two storey building to provide 6 one-bedroom flats, together with associated parking and landscaping (involving demolition of the existing building) (Outline application for approval of layout and scale.) – Approved 21st October 2013
- 66722/APP/2013/3533 - Erection of a 2 storey building to provide six self contained 1 bedroom flats for supported housing, ancillary office and overnight accommodation for staff, involving demolition of the existing buildings – Approved 29th April 2014

10.14 The approved scheme involved the demolition of the single, detached dwelling and the erection of a two storey block of flats. The existing site plan relating to the final permission (reference 66722/APP/2013/3533) is shown below:



10.15 The approved site plan relating to the application is shown below:



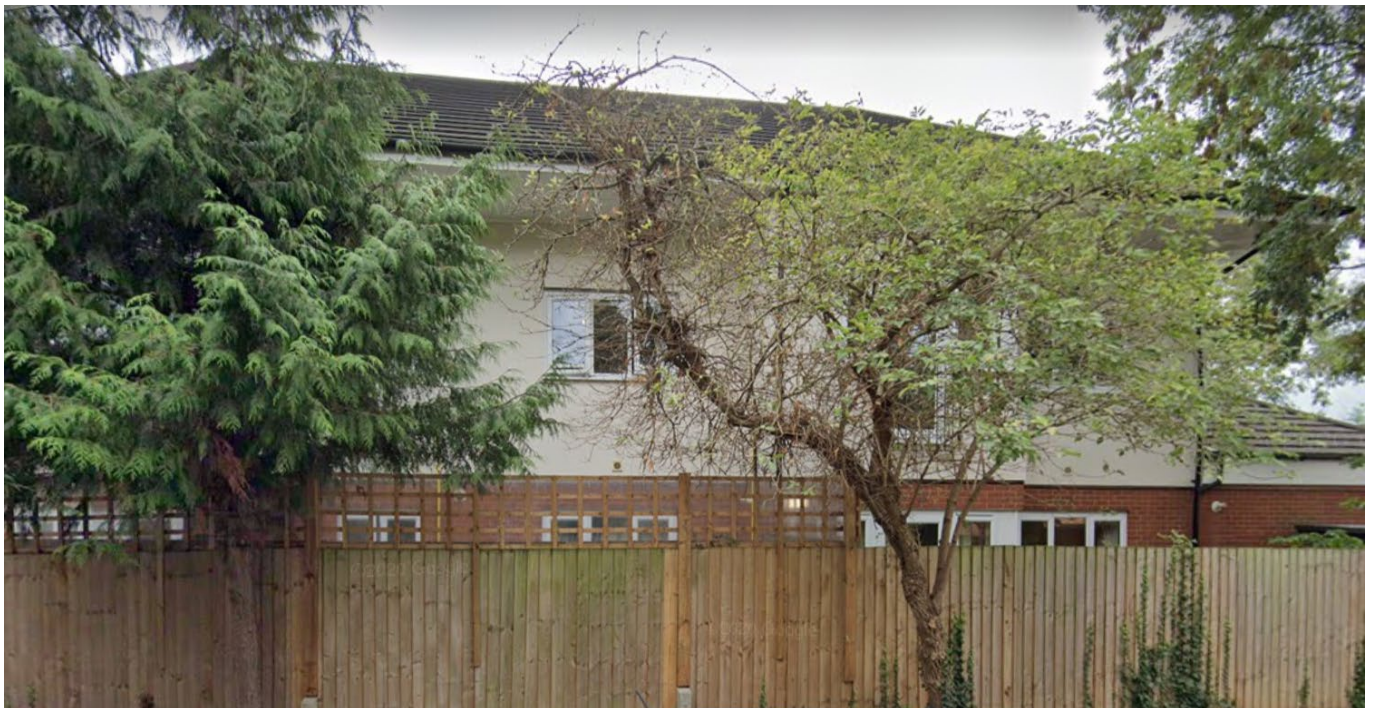
10.16 Like number 14 Church Road, number 6 Church Road is a corner plot. It has a frontage with both Church Road and Huxley Close. The resulting building can be seen in the images below:



View from Church Road



View from the corner of Church Road and Huxley Close.





Views from Huxley Close.

10.17 The building permitted at 6 Church Road is two storey and of a scale much larger and much more prominent on the corner plot than that of the appeal site. Within the delegated report relating to the first of the three planning applications at 6 Church Road, the Council states in relation to the impact on the street scene:

‘The scale of the proposed two-storey building is considered to be in keeping with the existing residential built context.’

‘The scale and layout of the proposed development is considered to be in keeping with the existing character of the area and would safeguard its visual amenity in line with policies BE5, BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).’

10.18 The Council therefore assessed the scheme at 6 Church Road and considered that the development was in keeping with the character and appearance of the area and would preserve existing visual amenity.

10.19 It is recognised that there is an updated Development Plan since the development at number 6 Church Road was approved. However, the principles of the assessment remain the same. In comparison to the approved block of flats at number 6 Church Road, the small two storey extension at number 14 Church Road is immaterial. If the Council considered that the building at number 6 Church Road to be acceptable in terms of the character of the area, the corner plot and the impact on the street scene, then they are wrong applying the opposite assessment when considering the proposal at number 14 Church Road.

10.20 Should the Inspector wish to see the application documents relating to any of the planning applications referred to in this statement then the appellant is happy to provide these so that the Inspector has the full details available to them.

11.0 Conclusion

11.1 For the reasons stated above it is considered that the proposed development accords with the requirements of the London Borough of Hillingdon Development Plan and the NPPF 2019. It is therefore requested that the appeal is allowed.