



APPEAL BY:
Ms A Nathwani

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

First floor side extension

AT
17 Boniface Road, Ickenham, UB10 8BU

London Borough of Hillingdon Council's Reference: 12629/APP/2021/1144

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

July 2021

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Ms A Nathwani, in support of the appeal lodged against the refusal of planning application reference 12629/APP/2021/1144.

1.2 The application was dated 22nd March 2021 and sought planning permission for a 'First floor side extension' at no. 17 Boniface Road in Ickenham. The application was refused under delegated authority on 12th May 2021 for the following reason:

1. *The proposed extension by reason of its size, scale, bulk, height, proximity to the side boundary and projection forward of the return building line along The Mallows, 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 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.*

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

- Whether the proposal by reason of its size, scale, bulk, height, proximity to the side boundary and projection forward of the return building line along The Mallows, would result in the closing of an important gap, at first floor level, characteristic to the area, resulting in a cramped appearance; and,
- Whether the proposed development would 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.

1.4 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 on the corner of Boniface Road and The Mallows. The site is within a predominantly residential area although it is not within a conservation area or within the curtilage of a listed building.



Aerial view of the appeal site and surrounding area

- 2.2 No. 17 comprises a detached, two storey house which has been previously extended with a single storey side extension and a porch infill to the front. The dwelling is set back from the highway and provides a hardstanding for off-street parking.



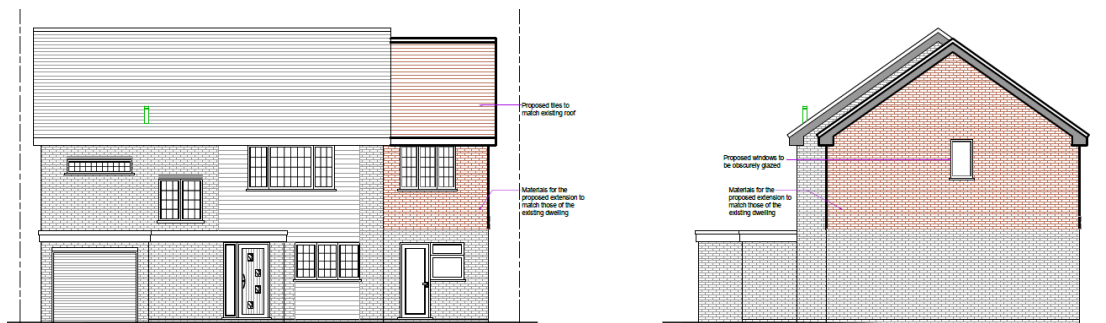
No. 17 Boniface Road

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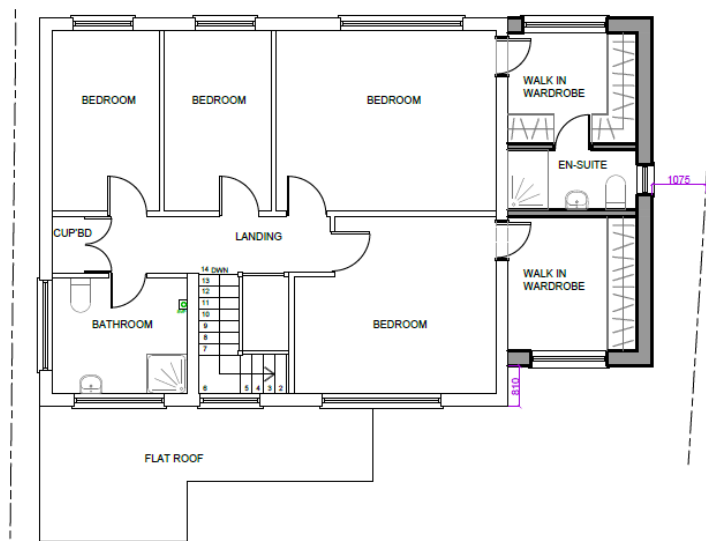
3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for a first floor side extension at no. 17 Boniface Road.
- 3.2 The proposed first floor side extension would be built above the existing single storey side extension measuring 2.9m wide x 7m deep. The eaves would follow the line of the existing dwelling whilst the ridge would be set 0.5m below the main ridge line.
- 3.3 The extension would be set 0.81m back behind the principal elevation and would be set in approximately 1m from the side boundary.



Proposed front and side elevations drawing no. PL-C-02

- 3.4 The structure would be built from matching materials including external brick finish, tiled roof and UPVC double glazing.
- 3.5 The habitable accommodation would increase by 16.5m² and the new space would comprise 2 x walk-in wardrobes and an ensuite bathroom.



Proposed first floor plan drawing no. PL-C-02

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

4.2 Although not referred to within the decision the National Planning Policy Framework is also considered relevant. 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 124 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 127 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.

4.8 Paragraph 130 states:

“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

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

- 4.9 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 was referred to within the given reason for refusal.

Policy BE1: Built Environment

- 4.10 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.

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.11 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies DMHB 11 and DMHD 1 were referred to within the given reason for refusal.

Policy DMHB 11: Design of New Development

- 4.12 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 DMHD 1: Alterations and Extensions to Residential Dwellings

- 4.13 Policy DMHD 1 provides guidance in relation to different types of extensions including side extensions. Planning applications relating to alterations and extensions of dwellings will be required to ensure that there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area; a satisfactory relationship with adjacent dwellings is achieved; new extensions appear subordinate to the main dwelling in their floor area, width, depth and height; new extensions respect the design of the original house and be of matching materials and that there is no unacceptable loss of outlook to neighbouring occupiers.

5.0 THE APPELLANT'S CASE

Introduction

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

- a) Whether the proposal by reason of its size, scale, bulk, height, proximity to the side boundary and projection forward of the return building line along The Mallows, would result in the closing of an important gap, at first floor level, characteristic to the area, resulting in a cramped appearance; and,
- b) Whether the proposed development would 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.

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

- Design and impact on the character of the existing property and the street scene
- Further considerations

Design and impact on the character of the existing property and the street scene

5.3 Paragraph 124 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) requires all development including extensions, alterations and new buildings to be designed to the highest standards and, incorporate principles of good design including:

- i) *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.*

ii) ensuring the use of high quality building materials and finishes;

5.5 DMHB 11 (Design of new development) seeks to ensure that development harmonises with local context taking into account the surrounding scale of development.

5.6 Policy DMHD 1 has the following criteria set out for side extensions:

- i) side extensions should not exceed half the width of the original property;*
- ii) extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded;*
- iii) garages should reflect the size guidelines set out in Appendix C Parking standards;*
- iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary or in the case of properties in the Copse Wood and Gatehill Estates, at least 1.5 metres, but more if on a wider than average plot, in order to maintain adequate visual separation and views between houses;*
- v) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation;*
- vi) where hip to gable roof extensions exist, a two storey side extension will not be supported; and*
- vii) in Conservation Areas, single storey side extensions may be required to be set back.*

5.7 Taking these criteria into account the appellant has put forward an attractive proposal that would respect the character and appearance of the original dwelling whilst appearing as a subservient addition to the existing property.

5.8 The delegated officer's report confirms that the set down from the main gable roof, set back behind the main principal elevation and the set in from the side boundary would all be acceptable.

5.9 However, by virtue of the property's corner location the council consider the scheme would project forward of the return building line and thus would 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.

- 5.10 In response the appellant states that the original property projects beyond the return building line on The Mallows. Moreover, the single storey side extension has already closed the gap to the side boundary creating a relationship with the street scene and therefore, the additional modest width, depth and height created by the first floor extension would not significantly alter the existing contribution the property makes to the locality, as shown in the following aerial image and street scene photographs.



Aerial image of appeal site and dwellings on The Mallows



Appeal site viewed from The Mallows

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Appeal site viewed from The Mallows

- 5.11 Furthermore, whilst there is a defined front building line, The Mallows does not have a straight alignment. The dwellings to the north west side of The Mallows which are to the rear of the appeal site follow the curve at the head of the cul-de-sac and, as such, the front building line is not a particularly distinguishing or dominant characteristic of the street scene that the appeal proposal could be deemed to affect.



Building line on The Mallows

- 5.12 Regarding properties to the south eastern side of The Mallows, the first floor flank elevation of the appeal property is separated from the front elevation of no. 4 The Mallows by approximately 23m, the slight closing of the gap by 2.9m would not affect the open characteristics of the area and could certainly not be considered to result in a cramped appearance.



Appeal site and dwellings to the south east side of The Mallows

- 5.13 Moreover, had the dwelling not occupied a corner plot the scheme would have been entirely acceptable by virtue of its appropriate set down from the main ridge, set in from the side boundary and set back from the principal elevation and consequently, the council's statement that the proposal just by virtue of its location would represent *"an overdevelopment of the site"* is unsound.
- 5.14 The appeal site and surrounding area can comfortably accommodate the modest scale of the proposed extension without harm to the locality and as the site is not within a conservation area or within the curtilage of a listed building the appellant states that the works would easily assimilate in the locality without compromising its character.



Appeal site



Appeal site viewed from Boniface Road

- 5.15 In addition to the information provided above the appellant considers it relevant to highlight a similar development at no. 18 Eleanor Grove, Ickenham, UB10 8BJ which as shown on the following aerial image is just 0.1 miles from the appeal site and is a corner plot property similar to the appeal dwelling.



Aerial image showing proximity of appeal site to no. 18 Eleanor Grove

- 5.16 Planning application ref 60632/APP/2011/2076 for a 'Two storey side extension' was submitted on 23rd August 2011 at no. 18 Eleanor Grove and was refused on 31st

October 2011 with the council citing the following reason for refusal (details attached in **Appendix A**).

“The proposed extension by reason of its prominent corner position, size, bulk and projection forward of the established building line along Ashbury Drive represents an unduly dominant and incongruous form of development detrimental to the visual amenities of the street scene and to the open character and appearance of the surrounding area. The proposal would therefore be contrary to Policies BE13, BE15, BE19 and BE22 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Extensions.”

- 5.17 Appeal ref APP/R5510/D/11/2166975 was submitted and subsequently allowed on 29th February 2012 granting planning permission for a 3.3m wide x 8m deep two storey side extension that infilled the plot directly up to the side boundary. The following images show the site prior to the approval and following construction of the approved development.



No. 18 Eleanor Grove prior to extension



No. 18 Eleanor Grove with two storey side extension

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Approved two storey side extension at no. 18 Eleanor Grove

- 5.18 Moreover, the development at no. 18 Eleanor Grove is in a far more prominent location than the appeal site by virtue of its orientation at the junction with Ashbury Drive yet the Inspector clearly deemed that it would not result in the harmful impacts the council's decision had implied.
- 5.19 Given the above information the appellant rejects the council's claims that the proposal at no. 17 Boniface Road would be detrimental to the visual amenities of the street scene and the character and appearance of the surrounding area when it is clear the proposal would be acceptable and would be in keeping with the wider pattern of development.
- 5.20 Therefore, as the scheme has been designed to the highest standards and is acceptable in terms of architectural composition and quality of detailing, the modest increase in width at first floor level when taking into account the existing return building line on The Mallows and the spacious qualities of the area the development would appear as an appropriate addition that would complement the existing character and appearance of the surrounding area thus, complying with the overall aims of the NPPF, policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

Further considerations

- 5.21 The appellant considers that the residential amenity of occupiers of the host property is also a material consideration.
- 5.22 The appellant's main reason for requiring the additional habitable space is to assist her husband who has recently suffered a stroke and has vision problems. The introduction of an ensuite bathroom off the main bedroom would significantly assist

him in terms of using the bathroom at night as it would be more easily accessible without him having to navigate down the landing in darkness.

- 5.23 In addition, during the consultation process no comments were received and although not determinative it nonetheless weighs in favour of the development.

6.0 CONCLUSION

- 6.1 The proposed extension by reason of its detailed design would follow the common building line shared by dwellings on Boniface Road and therefore, given the gap between the appeal site and dwellings on The Mallows, in combination with their layout, the proposal would not result in any unacceptably harmful impacts on the character of the area.
- 6.2 In addition, by virtue of the modest size, scale, bulk and height proposed as well as the retained 1m gap to the side boundary the development would be a proportionate and subservient addition to the building which would complement the visual amenities of the street scene and the character and appearance of the surrounding area.
- 6.3 Thus, it is stated that the appeal scheme is consistent with the aims of the National Planning Policy Framework, policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (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 first floor side extension would not be contrary to national or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.