



Appeal Statement of Case

Site address:

1 Blisworth Close
Hayes
UB4 9RF

19th October 2021

Dear Sirs,

The Appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) in accordance with the Town and Country Planning (Written Representations Procedure) (England) Rules 2009.

The Appellant's Grounds of Appeal ("grounds") have been prepared by Redwoods Projects Ltd (Agent) against the decision of the London Borough of Hillingdon for refusal of application 51798/APP/2021/1795 for the following proposal:

'Single storey side extension and extension of existing boundary fence (Part retrospective)'

Accordingly, the following documents accompany this statement of case:

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1. Introduction

The Planning Application ('Application') was submitted by Mr Pantazis (Agent) on behalf of Mr. Lipschutz and formally validated 4th May 2021. The application was provided with reference number **51798/APP/2021/1795**.

The applicant was open to discussion with planning officers to resolve all material planning issues, however the application was determined based on the submitted plans.

The Decision Notice, dated 29th July 2021, cites the following reason for refusal:

- The proposed extension/boundary fence by reason of its size, scale, height, bulk, depth, width, use of materials and proximity to the side boundary, in this open prominent position, would result in the closing of an important gap 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 (2020).*

For clarification, a side extension was originally erected at the property without planning permission. Following the Council's enforcement action, a part retrospective application was submitted in order to rectify the matter. The application (**51798/APP/2021/509**) was refused on similar grounds as per above. The Planning Application was therefore submitted as a follow-up in order to address previous refusal reasons and with a view to have a more proactive discussion with planning officers.

2. The Site and Surrounding

The application site relates to a two-storey detached dwellinghouse. It is located at the junction of Blisworth Close and Braunston Drive. The host property sits on the edge of the footpath with a timber fence wrapping round the site on the east side fronting the adjacent highway on Blisworth Close. To the rear is an enclosed garden area and the front area is laid to lawn with soft landscaping as boundary treatment.

The street scene is residential in character and appearance, with two storey detached houses and row of terrace houses.

The site does not fall within a conservation area and is not a listed building.

3. Site Planning History

The following planning history is of relevance to the application site:

51798/APP/2021/509 - Single storey side extension and erection of boundary fence to front/side (part retrospective) – **Refused 06/04/2021**

51798/97/0446 - Erection of a single storey rear extension – **Approved 21/05/1997**



4. Proposal

The proposal seeks to remodel the currently built side extension by removing the pitched roof in favour of a flat roof and constructing the extension in brickwork to match the existing property. The proposal also seeks to extend the existing boundary timber fence in order for the side extension to be appropriately screened.

The side extension will measure 5.2 metres in depth, 1.6 metres in width, and 2.45 metres in height. It will be set-in from the boundary and set back from the front elevation by 0.25 metres.

With regards to the boundary fence, this will be a continuation of the existing timber fence. It will measure 1.8 metres in height, and it is proposed to cover the top of it with vegetation, as per the existing fence. The proposed fence will extend up to the edge of the front elevation bay-window.

5. Appellant's Case

For the avoidance of doubt, the matters which are NOT in dispute are the impact on residential and neighbouring amenity. This is clarified in the officer delegated report, where the following is confirmed:

'Given the location, design and orientation of the proposed development in relation to the adjacent properties, it is not considered to significantly impact on the amenity of the occupiers of the adjacent property by virtue of loss of light, loss of outlook, loss of privacy or sense of dominance'

Main Issue and Reason for Refusal

The issue of dispute between the Appellant and the LPA is the impact of the extension, and timber fence, on the character of the host site and the surrounding area. This is challenged by the Appellant.

The following sections below will accordingly address the reasons for refusal and provide our justification as to why the LPA have acted excessively and unreasonably when deciding the Application.

Impact on Character of the Host Site and Street Scene

There are two elements in question that form part of this proposal. The first one being the proposed side extension, whilst the second being the additional section of boundary fence proposed.

With regards to the side extension, the officer states the following in the delegated report:

'...The width of the proposed side extension would result in the total loss of the open area to the side of the property. It would also mean that the proposal would be in proximity to the footpath edge. As a result, the proposal would sit awkwardly in relation to both the existing dwelling and the road and cause harm to the visual openness of this area. For these reasons combined, the proposal would cause significant harm to the character and appearance of both the dwelling and the area.'



In answer to the above, it is recognised that the side extension will cover most of the area to the side of the property. Notwithstanding this, it is not considered that the loss of this space would be materially harmful in terms of the use of the rear garden or, more importantly, harmful towards the character and spacing of the application site.

In addition to the above, the extension will be set-in from the boundary edge and will be largely screened by the proposed timber fence. It is therefore considered that the proposed extension will not be readily visible from the local street scene to a degree that would harm its openness, as suggest by the planning officer.

Policy DMHD 1 of the Hillingdon DMP (2020) states that side extensions should not be more than half the width of the original house and should ensure that the openness of corner plots is maintained. It is considered that both of these points will be successfully met.

With regards to the proposed fence, the officer delegated report sets out the following:

'The new fence abuts the edge of the pavement in Blisworth Close and wraps around the entire side boundary of the site with a forward projection towards Braunston Drive. It forms a particular prominent and visually harsh form of boundary treatment in Blisworth Close which detracts from the attractive approach into this road from Braunston Drive and has a significant enclosing effect of the junction with Braunston Drive and Blisworth Close. Whilst the proposed development would be an enhancement of the existing timber fence, its siting is positioned further forward than the existing footprint, such that it would sit right on the footpath edge, and it also proposes an increase in the height and protrude forward.'

There are a couple of points which are being challenged here.

Firstly, the way the boundary fence is described is excessive and unreasonable. The property originally **had** an existing wooden fence extending along the site boundary. It extended along the rear boundary with 2 Blisworth Close, faced the pavement along Blisworth Close, and then was cut short with 1 wooden panel facing Braunston Drive. In this instance, it is simply proposed to re-provide the pre-existing fence and push it slightly forwards towards the edge of the front bay-window. The amount of wooden fence that is actually being proposed, compared to the pre-existing and existing, is minimal.

The way that the proposed additional fence is described by the officer is completely exaggerated. The wooden fence, despite the fact that it will be pushed forward towards the edge of the front bay-window, will not appear as a prominent and visually harsh form of boundary treatment. What is proposed is not a new form of boundary treatment but a simple extension of the existing one.

The officer then suggests that the boundary fence will have a negative effect by enclosing the junction between Braunston Drive and Blisworth Close. Again, it is simply argued that a wooden fence structure, which will not extend forward of the site's red line, cannot have such a detrimental effect towards the character of the junction and its openness. It is unreasonable to describe the fence as such.

Finally, the officer states that it is proposed to increase the fence in height. This is not correct as the existing fence, together with the proposed extension of it, will not increase in height. The officer



also suggests that the fence will sit tight on the footpath edge. As per the figure below, the pre-existing fence already did. The proposed fence will at no point extend beyond the properties' red line.



Figure 1 Pre-existing fence abutting the sidewalk

The officer follows up in the delegated report with the following:

'Furthermore, the materials proposed would result in exacerbating its visual prominence. Whilst it is appreciated that there are other boundary enclosures within the vicinity of the site, in the main, this recently constructed estate is characterised by its open frontages with landscaping, which provides visual relief, given the dense nature of the development'

The question that is raised is what are the materials proposed? Whilst the proposed drawings do not include information on the materials of the additional fence structure, it is safe to assume that the additional fence would be of the same exact material (timber/wood). Therefore, it is unreasonable to say that the 'materials proposed' would exacerbate the visual prominence of the fence.

It is also true that a simple condition could have been attached, in order to ensure the above.

With regards to the second part of the above paragraph, the Inspector's attention is drawn to the neighbouring properties at No.1 Haircastle Close, and No.32 Braunston Drive (please refer to the figures below). Both of these properties have boundary fences which extend up to the front bay-window features in a manner which is very similar to the one that is being proposed. Images of these properties were included in the submitted Proposed Drawings P08 and P09. It is evident from the photos that the existing boundary treatments at the above sites do not pose any harmful impact whatsoever towards the character of the area. The question that is asked is then why would the proposed boundary fence at 1 Blisworth be any different?



1 HAIRCASTLE CLOSE



32 Braunston Drive

The officer concludes by stating that the proposal as a whole **'will result in over-development by reason of its design, scale, siting, proximity to the side boundary, which would close an important gap characteristic to the area and result cramped in appearance.**

The above conclusion is heavily argued. The proposed extension has been designed in such a way to comply with Policy DMHD 1. It will not exceed half the width of the original house and will be set back from the boundary edge in order to ensure that the openness of the area is maintained. Furthermore, the extension will be largely screened by the proposed additional timber fence and will therefore not be materially visible from the local street-scene to a level which would harmfully impact its character.

6. Conclusion

The Appeal Statement outlines and demonstrated that the LPA's assessment and decision of the proposal have been excessive and unreasonable when compared to the extent of proposed development. The proposed single storey side extension, together with the additional section of boundary fence, will not harmfully detract from the character and appearance of the host site and will not harmfully impact on the established pattern of development of the local area. It is considered that planning balance has not been appropriately applied in favour of development.

The Inspector is therefore respectfully requested to allow the appeal and grant planning permission.

Yours sincerely,

Redwoods Projects Ltd.