

Appeal Statement

Site Address: 10 Frays Avenue,
West Drayton,
UB7 7AF

Our Ref: 21-145

Council Ref: 5235/APP/2021/1541

Validation Date: 22/04/2021

Determination Date: 03/09/2021

Appeal made against:

HILLINGDON COUNCIL

in respect of

The refusal to grant planning permission for

*Single storey rear extension, single storey side extension and raising roof to allow conversion of
roofspace to habitable use to include 1 side, 1 rear and 1 front dormer and 1 side rooflight*

Beech House,
259 Amersham Road
Hazlemere, Buckinghamshire
HP15 7QW
T: 01494 511 108

62 Blackstitch Lane, Webheath,
Redditch, Worcestershire,
B97 5TQ
T: 01527 546 514

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1. INTRODUCTION

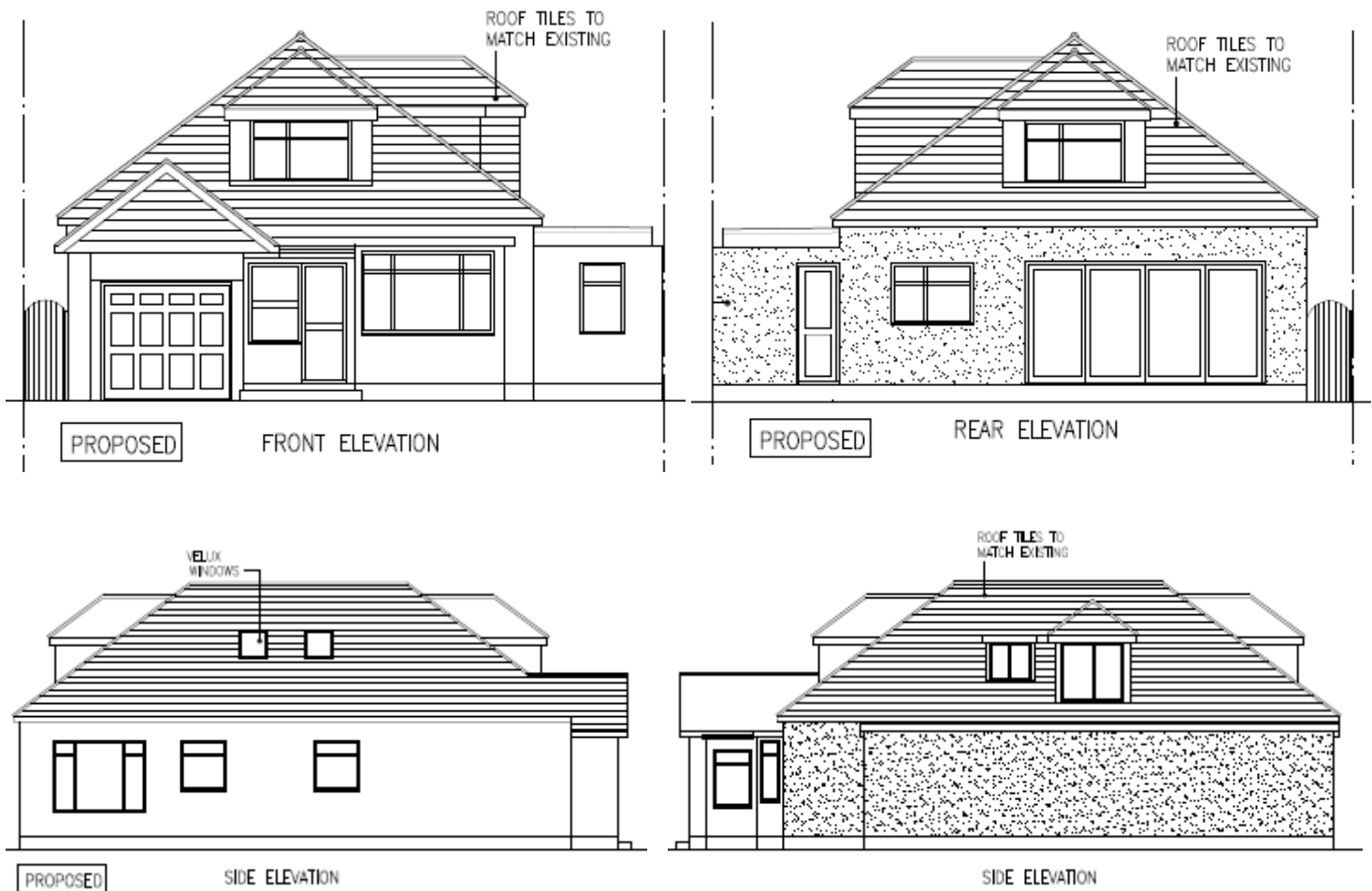
- 1.1. This statement is submitted in support of an appeal against Hillingdon Council (The Council) in refusing to grant planning permission for the

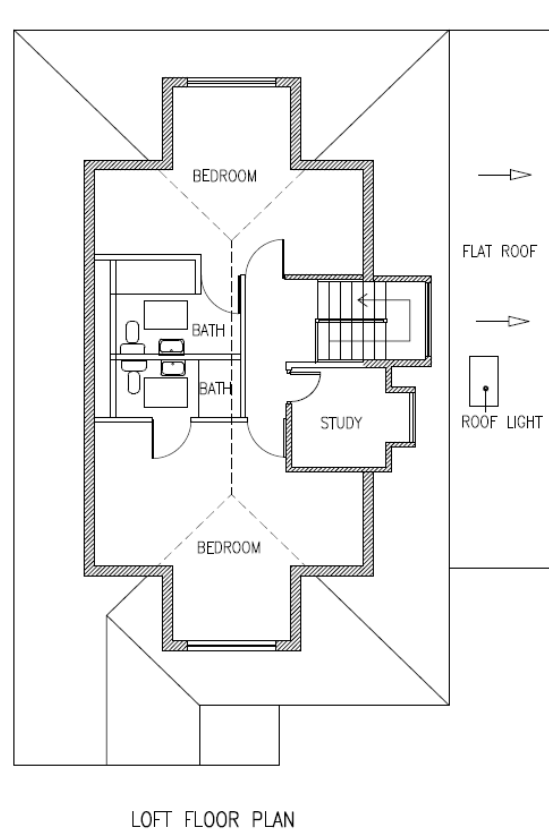
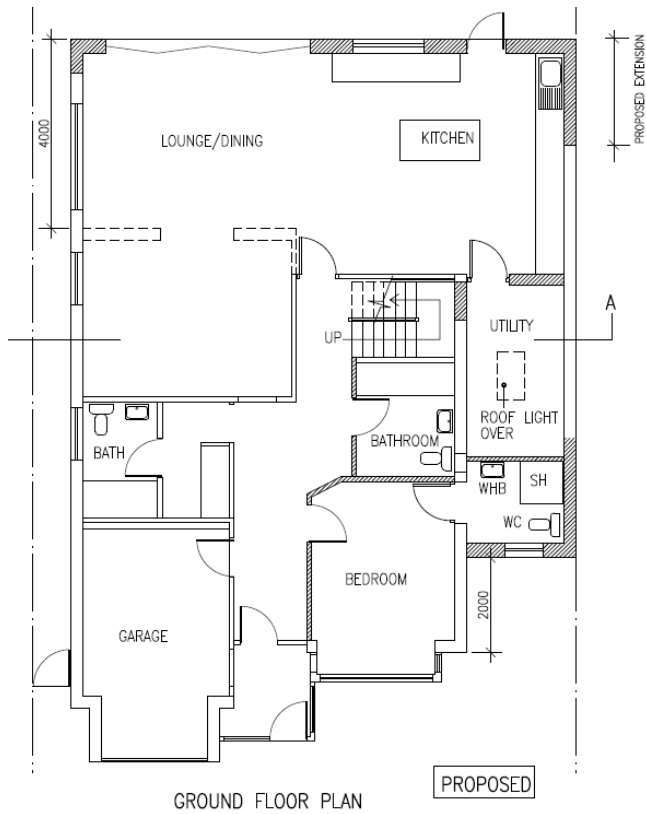
'Single-storey rear extension, single-storey side extension and raising roof to allow conversion of roof space to habitable use to include 1 side, 1 rear and 1 front dormer and 1 side roof light.'

at 1- Frays Avenue, West Drayton, UB7 7AF ("the Application")

- 1.2. This appeal is made under S78 of the Town & Country Planning Act 1990 (as amended – "the Primary Act"). This statement sets out the details, evidence, case law and other particulars that underpin it and must be read in conjunction with all supplementary information, plans, technical reports and other documentation as submitted.

- 1.3. The proposed floor plans and elevations are shown for reference below:





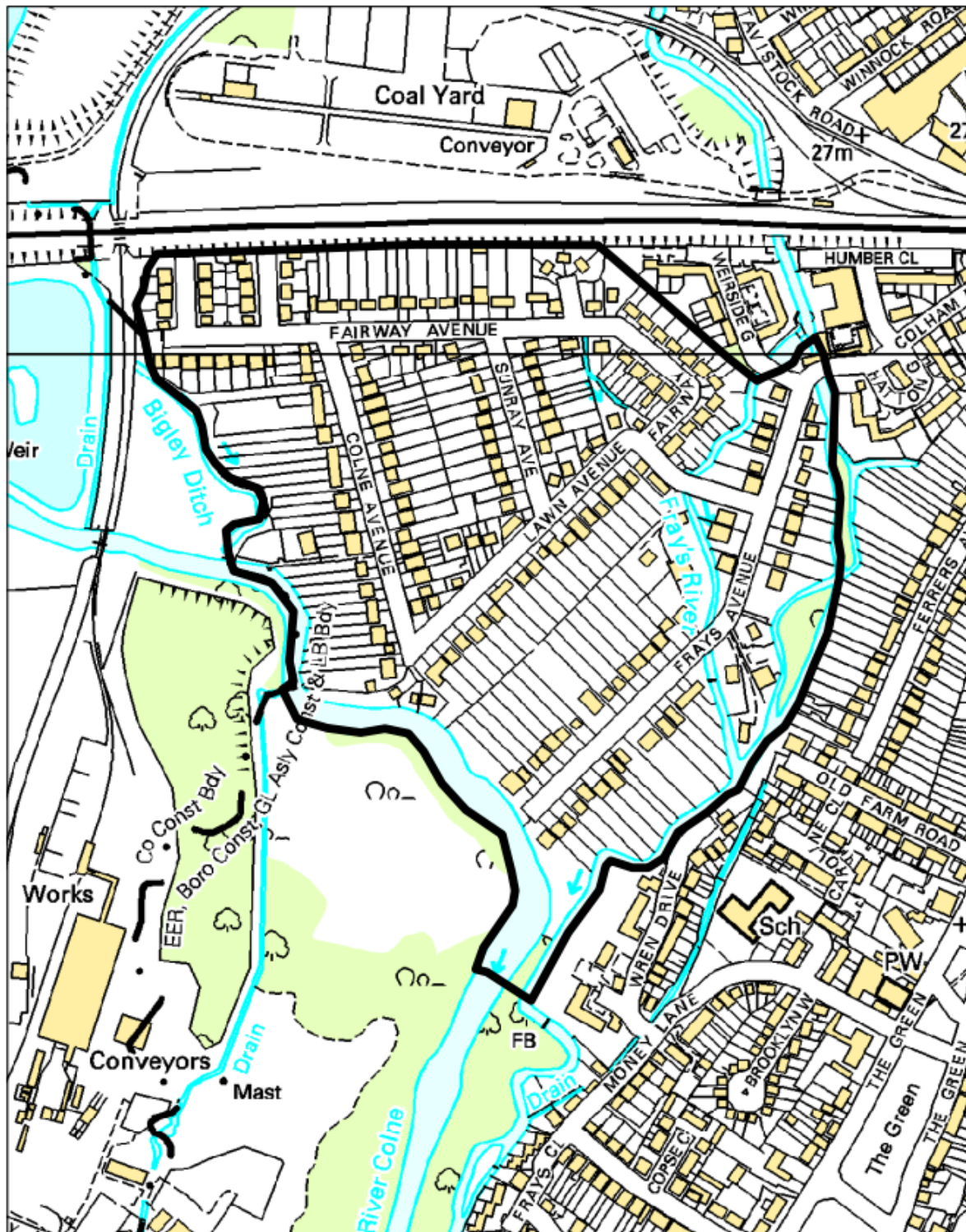
2. SITE & SURROUNDINGS

2.1. The application relates to a detached bungalow situated on the northern end of Frays Avenue, a residential cul-de-sac in West Drayton. The site has a street frontage with a vehicular crossover and a residential garden to the rear, which backs onto Frays River.

2.2. The existing floor plans and elevations of the building are shown for reference below:



- 2.3 The site is situated within the Garden City, West Drayton Area of Special Local Character (ASLC). Areas of special local character are defined on the London Borough of Hillingdon's website as non-designated local heritage assets, which have a character and identity residents value, and the Council wishes to preserve. Whilst there is no specific character statement for the Garden City, West Drayton area on the Council's website which describes its particular significance, ASLC and designated on their local architectural, townscape or historic merits as per the adopted criteria Council's website.
- 2.4 The map designating the Garden City, West Drayton ASLC is shown for reference below:



- 2.5 No. 10 is bordered by two bungalows of a similar scale but varied character, appearance and materiality as shown below:



- 2.6 There is significant variation in the scale, form and height of dwellings along Frays Avenue. Almost all are detached but comprise a mix of bungalows, chalet bungalows and two-storey dwellings.



- 2.7 Roof forms comprise a mixture of gable ends, hipped roofs, half-hips and front projecting gables. There are numerous examples of prominent front-facing dormer windows of various styles and side dormers, ranging in size, shape and material. Furthermore, there are examples of traditional clay tile roofs, modern concrete tiles, and slate roofs. In other words, there is no set vernacular in the vicinity.





- 2.8 Properties in the area are characterised by a highly varied palette of materials, including a mixture of red and buff brick, render, timber cladding and tile hanging.



- 2.9 Therefore, the variety in the scale, design and heights of buildings sets Frays Avenue apart from the far more consistent character of surrounding residential areas such as Fairway Avenue and Hatton Grove. Elsewhere within the ASLC on Lawn, Colne and Sunray Avenues, the character is similarly mixed, and recent development in the area reflects this, such as on Lawn Avenue shown below:



3. PLANNING HISTORY & BACKGROUND

3.1. The table below provides a full list in summary form of the relevant history for the site.

Ref No	Development	Decision
5235/APP/2021/1541	Single storey rear extension, single-storey side extension and raising of roof to allow conversion of roof space to habitable use to include 1 side, 1 rear and 1 front dormer and 1 side rooflight	Refused
5235/APP/2020/2411	Single-storey front extension, single story side/rear extension and conversion of roof space to include 2 side dormers and conversion and extension of rear of roof from hip to gable end	Refused
5235/A/83/1167	Householder dev. (small extension,garage etc)	Granted

3.2 The table below provides a summary of recent applications in Frays Avenue, which we consider relevant to the determination of the appeal proposals.

Site Address	Ref No	Development	Decision
16 Frays Avenue	53156/APP/2020/2990	Demolition of existing bungalow and replacement with a new dwellinghouse and associated external works including demolition of existing single garage to rear	Approval
20 Frays Avenue	17012/APP/2020/368	Demolition of existing bungalow and erection of 2 x 3-bed dwellings with associated parking and amenity space.	Approval
18 Frays Avenue	67620/APP/2016/2779	Raising and enlargement of roof and installation of 4 side dormers to create habitable roofspace and porch to front	Approval
51 Frays Avenue	43989/APP/2016/14	Single storey rear extension with roof lantern, enlargement of the roof to create additional habitable roof space to include a front dormer and alterations to existing rear dormer and installation of a new wall to front	Approval

3.3 Recently constructed development at No. 18 Frays Avenue on the corner of Frays Avenue/Lawn Avenue featuring prominent side dormers. The adjacent bungalow is No. 16.





3.4 Development at No. 51 Frays Avenue. Alteration of a bungalow with very prominent front dormers and the gap between ground-floor windows and eaves



4. PLANNING POLICY

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2. The National Planning Policy Framework (NPPF “Framework”) and Planning Practice Guidance (“PPG”) define the national planning policy. Great weight is afforded to an ‘up-to-date’ Local Development Plan (“the Local Plan”), which accords with national policy.
- 4.3. **Decision-making** should focus on the **acceptability of land-use purposes** rather than the control of processes or emissions (para 183), and they **should seek to approve applications consistent with sustainable development principles** (Para 10 and 47). Planning Authorities (“LPA” or “Council”) should also approach decisions on proposed development positively and creatively (Para 38),
- 4.4. If LPAs **cannot demonstrate an up-to-date Local Plan or where the relevant policy/ies are not up-to-date, then the application must be approved unless:**
 - I. the policies in the Framework for protecting areas or assets of importance provides a **clear reason for refusal**; 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.
- 4.5. Regarding emerging policies, these will attract an appropriate weighting value according to:
 - a) the stage of preparation of the emerging plan (the more advanced, the greater the afforded weight);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant these are, the greater the weight that may be given)and
 - c) the degree to which the policies are consistent with the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 4.6. LPAs should consider using **conditions to ensure that development’ is controlled but only where those conditions according to the ‘Conditions Tests’**. If this is not possible, then “planning obligations” should only be used if it is not possible to address unacceptable impacts through a planning condition (Para 54).
- 4.7. The NPPF should be used in conjunction with the LP, and both should be used as an objective and reasonable response to decision-making (Para 9).

The Development Plan

4.8. The adopted development plan for the London Borough of Hillingdon is made up of the following elements:

- Hillingdon Local Plan: Part One – Strategic Policies (November 2012)
- Hillingdon Local Plan: Part Two – Development Management Policies (January 2020)

4.9. Policies relevant to this application are set out below.

Local Plan (Part 1 Policies):

PT1.BE1 – Built Environment	PT1.HE1 – Heritage
PT1.EM6 – Flood Risk Management	

Local Plan (Part 2 Policies):

DMHB 1 – Heritage Assets	DMHB 5 – Areas of Special Local Character
DMHB 11 – Design of New Development	DMHB 12 – Street and Public Realm
DMHB 18 – Private Outdoor Amenity Space	DMHD 1 – Alterations and Extensions to Residential Dwellings
DMT 6 – Vehicle Parking	DMEI 9 – Management of Flood Risk
LPP D4 – Delivering Good Design	LPP D6 – Housing Quality and Standards
LPP HC1 – Heritage Conservation and Growth	LPP SI12 – Flood Risk Management

5. REFUSAL

5.1. The application was refused for the following reasons as outlined in a decision letter dated 3 September 2021:

- I. The proposed raising of the eaves/roof height and the siting, number, size, scale, bulk and design of the dormer windows would fail to harmonise with the architectural composition of the original and adjoining buildings. It would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding Garden City, West Drayton Area of Special Local Character. 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 5, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies HC1, D4 and D6 of the London Plan (2020) and the National Planning Policy Framework (2021).
- II. The proposed raising of the eaves/roof height, by virtue of its size, scale, bulk, height and proximity, would be detrimental to the amenities of the adjoining occupier at 8 Frays Avenue, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore, the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan and paragraph 130(f) of the NPPF (2021).

6. ISSUES TO BE CONSIDERED

6.1 The points of consideration in this appeal are as follows:

- The impact of the proposal on the character and appearance of the dwelling, street scene and ASLC
- The impact of the proposal on neighbouring amenities
- Other matters

7. ASSESSMENT

The impact of the proposal on the character and appearance of the dwelling, street scene and ASLC

- 7.1. Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that

'All development, including extensions and alterations and new buildings, will be required to be designed to the highest standards and incorporate principles of good design including harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures.'

- 7.2. Policy DMHB 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

A) Within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area.

B) Extensions to dwellings should be subservient to and respect the architectural style of the original buildings and allow sufficient space for appropriate landscaping, particularly between and in front of buildings.

C) The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted.'

- 7.3. The supporting text for Policy DMHB 5 also states that. '

Within Areas of Special Local Character, new development should complement existing materials, design features, architectural style and building heights predominant in the area...''

- 7.4. Policy BE1 of the Hillingdon Local Plan: Part One states that all developments should:

"Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place..."

- 7.5. There is significant variation in the height, scale, and form in Frays Avenue and the ASLC, as evidenced in Section 3 of this report. No. 10 Frays Avenue rests in a collection of three bungalows on this side of the road, which have a fairly consistent design, scale and relationship to the appeal site. However, these are entirely inconsistent with the general vernacular in adjacent plots' height, scale, and form. The variation is further inconsistent with the general 'Green Village' principles, albeit in such a designated area, except perhaps the general verdant nature of the surrounding street scene. Overall, there is a huge variety of scales, designs, forms, materials and other design choices despite the formal street layout.

- 7.6. The officer's report states: *'Raising the ridge of the property would disrupt the relatively uniform height that exists between the 3 bungalows. The larger of the two proposed side dormers would diminish the hipped roof form of the property, making the host property appear out of character with neighbouring bungalows.'* The Officers report goes on to state that *'Collectively the increase in ridge height and oversized dormers would make the resulting building appear overly prominent within the street scene and amongst the neighbouring bungalows.'*
- 7.7. The proposed development comprises relatively modest alterations to an existing bungalow which would increase its height to allow for the provision of an improved standard of habitable accommodation within the roof space whilst retaining its single-storey scale, hipped roof form and overall character. The increase in roof height and side dormer proposed would not disrupt the character of the bungalows given the modest scale of the increase in height and significant setback of the proposed side dormer. The existing dwelling sits at a different height to No. 12 and features existing dormers to the front and rear, which the neighbouring bungalows do not. Therefore, the proposal would remain comparable in scale and form to its immediate properties, and the extensions are subservient to and respect the architectural style of the original dwelling in accordance with Policy DMHB 5.
- 7.8. The proposed alterations would harmonise with the mixed character of the surrounding area whilst being sympathetic to the scale of the adjacent plots. The proposed development, therefore, complies with the requirements of Policy DMHB 11.
- 7.9. Concerning the dormers, the officers report states: *'Due to their excessive size and siting, the proposed dormers would fail to form subordinate additions to the property. Due to the amount of dormers proposed and their size, the resulting roof [of] the property is likely to appear cluttered and top-heavy, detracting from its simple, balanced, original architectural composition'*. Equally, referring to the side dormer, the Heritage officers comments that *the provision of a side dormer would be unacceptable in principle* and the front dormer deemed a *'detracting element'* of the current building.
- 7.10. The proposed dormer windows are proportionately set down from the ridge of the dwelling and set back from the eaves line, giving them a subordinate appearance. The scale of the new dormer windows to the side and the enlarged dormers to the front and rear of the property are contextual, being much smaller versions of the numerous examples found throughout the ASLC as prominent, large scale dormers form part of the recently constructed schemes at No's 16 and 51 Frays avenue, as evidenced in Section 3 of this report.
- 7.11. The fact that the proposals would result in the dwelling having a slightly different eaves level than the adjacent bungalows does not harm the character and appearance of the street scene or ASLC, given that variations in height and scale are a defining characteristic feature of the area. The impact of the *'uncomfortable gap'* between the eaves and the ground floor fenestration arising from the proposed raising

of the roof is overstated and directly comparable in appearance to the recently constructed extensions to No. 51 Frays Avenue referenced above.

- 7.12. The dwelling already features a prominent front dormer, which is not out of keeping with the area. The proposed side dormers are significantly set back from the front elevation of the dwelling and would only be visible from a relatively narrow vantage point at the northern end of Frays Avenue. Likewise, the modest increase in ridge height, given the presence of two-storey development of varying heights throughout the street scene, would not be an alteration visually discordant with the character of the area.
- 7.13. No specific harm has been identified in the officer's assessment of the proposals to the significance of the Heritage Asset, the ASLC, despite referring to Policy BE1 of the Local Plan. While it is acknowledged that compliance with design based policies is subjective, the failure of the Council to consider the wider context of the site and substantiate their first reason for refusal on heritage grounds amounts to unreasonable behaviour, for which a separate costs application is made (see separate costs application).
- 7.14. The Council acknowledges that the proposed single-storey side and rear extensions would have an acceptable impact on the area's appearance due to their siting away from the street scene.
- 7.15. Therefore, the proposed development complies with the aforementioned policies of the London Borough of Hillingdon Local Plan as it would retain the overall character of the original dwelling and would not be out of context with the character of the street scene and ASLC.
- 7.16. The OR commentary shows that the Council has failed to consider the wider context of the site and the varied character of the ASLC when assessing the proposals. They do not even refer to any policy and are, therefore, unsubstantiated. The refusal points seem completely perplexing considering that dormers and front projections of all shapes, designs and sizes are prevalent features that define much of the character of Frays Avenue and, more generally, the ASLC.
- 7.17. The Council appears to have undertaken a very narrow assessment based on the relative uniformity of a group of three bungalows which are themselves bordered by two-storey development and with the general character of two-storey dwellings located opposite. The Council has put undue emphasis on the merit of enforcing consistency in the design of a group of three bungalows and has failed to appreciate the distinctly varied wider context of the site and the surrounding area. It shows a lack of understanding of their policy, the proposal itself or justification for refusing the application.
- 7.18. Concerning the requirements of the relevant policies in the London Plan 2020, the proposed development would conserve the significance of the ASLC following Policy HC1. The proposals would deliver a good design providing a better housing quality compliant with the principles set out in Policies D4 and D6 of the London Plan.

The impact of the proposal on neighbouring amenities

- 7.19. The Appellant agrees with the case officers' assessment that the proposal would not impact the residential amenities of No. 12 Frays Avenue. Likewise, the resultant dwelling would maintain an adequate standard of amenity regarding the size of the private amenity space retained and provide sufficient outlook and sources of natural light to habitable room windows. The case officers agree that the proposals would comply with Policies DMHB 18 and DMHD 1 in this regard.
- 7.20. However, the Council's second reason for refusal relates to the impact of the proposals on neighbouring amenities at No. 8. It refers explicitly to the proposed raising of the roof/eaves and finds that the only adverse impact seems to be concerning the proposed single-storey flat-roofed side extension. The case officers' assessment of the proposals is as follows: *'The proposed single-storey side extension would be approximately 3m high, and its flank wall would be sited within 70cm of the ground floor bedroom window of No. 8 Frays Avenue. The side elevation window is the sole source of light and outlook for the room.'* And that *'Due to its height and close proximity to the window the side extension is likely to lead to a significant loss of light and outlook to the bedroom, causing significant harm to the amenities of No. 8.'* Based on the above assessment, the case officer concludes that the proposed development contradicts Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan.
- 7.21. Policy DMHD 1 states that alterations and extensions of dwellings will be required to ensure a satisfactory relationship with adjacent dwellings is achieved. It is not known what this refers to.
- 7.22. Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact the amenity, daylight and sunlight of adjacent properties and open space.
- 7.23. There is an existing single storey, flat-roofed extension located approx 2m from the boundary of the adjacent property to the east, itself approx 1m from the mutual boundary. The proposal would see this extension extended north and south by 4m (2m in either direction to form a ground floor WC and extension to the back). Albeit retaining the flat roof design, the impact would be relatively similar to the current situation.
- 7.24. While it is acknowledged that the proposals could reduce the light to the neighbouring property side facing window, likely to be a bedroom, the level of sunlight afforded by this window would not significantly reduce this further. The front windows (south-facing) are the principal window that would, in any event, provide adequate lighting to this habitable room. Regarding the outlook, it is highly unlikely that this window would have provided any suitable outlook to occupants, and this would remain so irrespective of this proposal, which would not significantly worsen this relationship.
- 7.25. The Council has not substantiated the purported adverse impacts arising from the proposed raising of the roof/eaves by 30cm referenced in their second reason for refusal. At no point within the officer's report is

it explained why they consider the proposed marginal increase in height would give rise to overdominance, overshadowing or visual intrusion to the neighbouring property at No. 8 Frays Avenue. Furthermore, the adverse impacts identified in the officers report concerning the proposed single-storey side extension are not referenced in the reasons for refusal.

- 7.26. Despite this evaluation, the single-storey flat-roofed extension can, in any event, be undertaken without expressed planning permission as it conforms to Class A of the GPDO 2015 and, as such, would constitute permitted development, which is a material consideration that should be afforded appropriate weight.
- 7.27. The proposal would not worsen the relationship between the neighbouring properties window and the application property to the extent that would warrant the refusal of the application on the grounds of neighbour amenity. Notwithstanding this assessment, the compliance of the single-storey side extension with the requirements of Schedule 2, Part 1, Class A of the GPDO is a material consideration
- 7.28. I consider that the Council has yet again failed to substantiate their second reason for refusal, which amounts to unreasonable behaviour for which an associated application for costs will be made (see separate submission).

Other Matters

7.29. Parking/Highway safety

The proposed development would not increase the number of bedrooms serving the property or alter existing access arrangements. As such, the Council agrees that the development would have no adverse impacts concerning parking or highway safety.

7.30. Flood risk

Despite the proximity of the site to Frays River, the proposed works are not being carried out within Flood Zone 1. The submitted flood risk assessment confirms this. The Council agree that the proposed development would not give rise to flood risk concerns.

8. CONCLUSION

- 8.1 The proposal is to construct a single-storey rear extension, single-storey side extension and raising roof to allow conversion of roof space to habitable use to include 1 side, 1 rear and 1 front dormer and 1 side roof light.
- 8.2 The design is sympathetic to the character of the original dwelling and its adjacent neighbours and reflects the character and appearance of the wider street scene and ASLC, which is defined by a varied character with a wide range of architectural styles, building heights and materials.
- 8.3 The Council has failed to consider the wider context of the application site and the varied character of the ASLC, undertaking a narrow assessment of the proposals based on enforcing rigid continuity with the immediately adjacent neighbouring bungalows. This is an approach not in keeping with the spirit of the policies referenced in their first reason for refusal.
- 8.4 The Council has failed to substantiate their second reason for refusal relating to the impact of the proposals on neighbouring amenities. It raises concerns with an element of the scheme that could be constructed under permitted development for which there is no appreciation of evaluation in their refusal. Both of which amount to unreasonable behaviour.
- 8.5 For the reasons outlined above, the Inspector is respectfully requested to uphold the appeal and grant permission for the application, applying planning conditions as deemed necessary and appropriate.

APPENDIX 1 - OFFICERS REPORT

APPENDIX 2- DECISION NOTICE