



Appeal Statement

Single-Storey Rear Extension and Garage Conversion
AT
110 Exmouth Road,
Ruislip HA4 0UQ

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr Sriram Akella and Mrs Sukumari Akella to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for a single-storey rear extension and garage conversion at 110 Exmouth Road, in Hillingdon.
- b. Following a description of the site and surrounding area, this report will provide an overview of relevant planning policy and outline the case for the appellant.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 23 August 2021, the appellant submitted an application to London Borough of Hillingdon for the following development proposal (reference: 27930/APP/2021/3219):

Single storey rear extension and conversion of garage to habitable use.

- b. On 21 October 2021, the Council refused planning permission for the following reason:

- 1. The proposed single storey rear extension, by virtue of its size, scale, bulk, excessive depth and proximity, would be detrimental to the amenities of the adjoining occupiers at 112 Exmouth Road by reason of overdominance, overshadowing, visual intrusion, loss of outlook and loss of light. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*

3. Site Description

- a. The appeal site comprises a two-storey, end-of-terrace house located on the eastern side of Exmouth Road. It has a two-storey side extension and an L-shaped single storey rear extension.
- b. The surrounding area is residential in character and made up of rows of similar terraced houses laid out on a roughly consistent building line. The adjoining neighbour, number 112, is unextended to the rear. The non-adjoining neighbour, number 108, has had substantial extensions.
- c. Most of the houses in the local vicinity have ground floor rear extensions and outbuildings of various types, presenting a diverse rear streetscene. Deeper ground floor rear extensions are a strongly established feature of the area. The houses on the row have relatively large gardens and the boundaries are marked by standard wooden fences. The satellite image in figure 1, below, shows the appeal site and close neighbours on either side of Exmouth Road (please note that this image does not show extensions that have since been constructed at numbers 114 and 118, which have contributed further diversity to the rear streetscape).



Figure 1: Satellite image of the appeal property (red dot) and neighbouring properties

- d. The site lies within the Developed Area of the borough. It is not located within a conservation area and does not host any other designated heritage assets. It is located within Environment Agency Flood Zone 1, where the risk of flooding from rivers or the sea is low.

4. Appeal Proposal

- a. The appeal proposal is a single-storey rear extension and garage conversion. The proposed extension infills the recessed part of the existing L-shaped extension.
- b. The extension allows the creation of a larger, open-plan reception space, significantly improving the quality of accommodation provided to the appellants and their family.

5. Planning Policy

- a. Planning law states that decisions on planning applications must be taken in accordance with the statutory development plan unless material considerations indicate otherwise. In this case, the relevant parts of the development plan are the Hillingdon Local Plan: Part 1 – Strategic Policies; the Local Plan: Part 2, Development Management Policies and the new London Plan (2021).
- b. According to the reasons for refusal on the decision notice, the appeal proposal fails to comply with policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- c. Policy DMHB11 (Design of New Development) of the Development Management Policies requires that all new developments exhibit a high quality of design. Development should harmonise with its surroundings in terms of its scale, size and detailed design. It should use high quality materials. It should not unacceptably harm the residential amenity of close neighbours.
- d. Policy DMHD1 (Alterations and Extensions to Residential Dwellings) sets out criteria for extensions. It seeks 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"
- e. It requires that extensions are subordinate to the host dwelling *"in their floor area, width, depth and height"*. It recommends the use of matching materials. It requires that adequate garden space and parking is retained.
- f. For single-storey flat rear extensions, the policy sets a maximum depth of 3.6m on plots with a width of at least 5m. The height of the extension should not exceed 3m if a flat roof is used, and 3.4m for a sloping roof.
- g. The National Planning Policy Framework (NPPF, 2021) sets out the government's planning policies for England and how they should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.

- h. Paragraph 11(c) requires that decision-makers approve *"development proposals that accord with an up-to-date development plan without delay"*. Where policies are absent or out of date, permission should be granted unless:

"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."

- i. According to paragraph 38:

"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."

- j. Paragraph 126 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."

6. Case for the Appellant

- a. The council does not object in principle to the extension of this dwelling to provide the appellants and their family with enlarged and enhanced living accommodation. It is satisfied that the proposal will represent good design and will not cause any harm to the character and appearance of the host property and the wider area. It is concerned, however, that it would harm living conditions at the neighbouring property, number 112 Exmouth Road, *"by reason of overdominance, overshadowing, visual intrusion, loss of outlook and loss of light."*
- b. The council does not object to the proposed conversion of the garage into habitable space.
- c. Policy DMHB 11 of the Development Management Policies states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The council is concerned about harm to number 112. There is no suggestion of harm to the other neighbour, number 108, which is set away from the location of the proposed extension.
- d. Policy DMHD1 provides specific guidance on the size and siting of householder extensions. The officer's report points out that the cumulative depth of the extension exceeds the 3.6m limit set out in policy DMHD1. According to the supporting text, the intention of this part of policy DMHD1 is that a deeper extension does not harm living conditions at neighbouring properties and does not 'dominate' the host property in design terms. It follows that a deeper extension is acceptable where these conditions can be met.
- e. The proposed extension is an infill development to the side and rear of the existing extension. It does not project any deeper overall than the existing structure. It has an unusually low maximum height of just 2.75m (extensions commonly rise as high as 4m) and is finished with a flat roof to further moderate its visual impact.
- f. The council is concerned about a harmful amenity impact on number 112 Exmouth Road, the closest neighbour, which is unextended. The appellants note that the gardens in this location face north-east so the extension will not cast a significant shadow or lead to a meaningful loss of

light. The extension is of moderate depth and will rise only a short distance above a conventional boundary fence. In this case, as can be seen in the image in figure 1, below, there is tall, mature planting along the shared boundary with number 112 in the location of the proposed new extension. The extension will not rise any taller than this planting and will not have a greater impact on the neighbour than this pre-existing situation.



Figure 1: Photograph of the rear of the appeal site showing tall boundary planting

- g. It is unlikely that the development will have an overbearing impact on the neighbour. Number 112 has a relatively long and wide rear garden. The limited height of the new extension mitigates against an oppressive impact or an unacceptable sense of enclosure. The neighbour will retain an open and expansive outlook down their rear garden.
- h. In recent appeal decisions, inspectors have been willing to grant permission for ground floor extensions projecting to a greater depth than the council's usual 3.6m limit. In APP/R5510/D/21/3277720, for example, the inspector applied the following reason when allowing an extension that exceeds the council's height and depth limits:

"Given the orientation of Nos 34 and 36, direct sunlight to the rear elevations is limited. Due to this, and the size of the extension, the light available to the rear windows of No

36 would not be significantly reduced by the development. The evidence provided also appears to indicate that trees of a greater height than the extension had previously occupied this general area. The layout of the properties, and the tall fence that separates their rear gardens, indicates that most views out from the ground-floor windows of No 36 would typically be confined to the garden. Given this, and the extension's limited depth and height, it would not be overbearing, visually intrusive, or restrict outlook from the ground-floor windows of No 36, and harm would not arise.

For these reasons the development would not harm the living conditions of the occupiers of 36 Harvey Road. It would therefore comply with Policies DMHD 1 and DMHB 11 of the LPP2 where they relate to ensuring development does not adversely impact the amenity, daylight, and sunlight of adjacent properties and that there is no unacceptable loss of outlook to neighbouring occupiers.

Whilst the development would not adhere to the dimensions referred to in Policy DMHD 1, the Council appears satisfied that the development in this respect, isolated from the living conditions of No 36, is acceptable.

The development would comply with the overarching objectives of the development plan as a whole."

- i. This appeal decision is attached as Appendix A.
- j. The appellants note that there were no objections to their proposals from number 112 Exmouth Road, nor from any other neighbours or third parties.

7. Conclusions

- a. The Council does not object in principle to the appeal proposal and does not believe that it will cause any harm to visual amenities. It is concerned, however, that the extension will harm living conditions at number 112 Exmouth Road.
- b. The extension is moderate in depth and unusually low in height. Its flat roof design mitigates against a harmful visual impact. It is not sufficiently tall to create overshadowing or to have an unacceptably overbearing impact. In any case, there is tall, mature planting along the boundary in the location of the proposed new extension.
- c. For the above reasons, it is considered that the proposed development complies with the relevant development plan and national policies and the inspector is therefore respectfully requested to allow this appeal.



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