



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mr Kwasi Boatin against the decision by London Borough of Hillingdon to refuse planning permission for a single storey rear extension at 22 Pavilion Way, Ruislip, HA4 9JN

Local Planning Authority Reference: 17423/APP/2021/2933

Appellants Reference: JL28221

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1. INTRODUCTION

- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. THE APPEAL

- 2.1 The appeal concerns a refusal of planning permission for a single storey rear extension. The Council's reason for refusal is as follows:

The proposed single storey rear extension, by reason of its cumulative size, design and proximity to the shared boundary, would result in an overly dominant feature that is incongruous with the prevailing pattern of development, resulting in harm to the character of the area, and would harm the residential amenity of the adjoining property at No.20 Pavilion Way, through loss of light to and outlook from this property, and through creating an overbearing sense of enclosure. Therefore the proposal would be contrary to policies DMHB11 and DMHD1 of the Hillingdon Local Plan - Part Two (2020).

3. SITE AND SURROUNDINGS

- 3.1 The appeal site comprises a semi detached dwelling located on the north side of Pavilion Way, some 70 metres north of the junction with Ferncroft Avenue. The surrounding area is predominantly residential, in terms of both built form and land use. The exception is an area of public open space 'Cavendish Fields', located to the north of the appeal site.

4 PLANNING CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2021, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: “The purpose of the planning system is to contribute to the achievement of sustainable development.” Paragraph 8 goes on to explain that “that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

- 4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social, and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- 4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural, and historic environment, as well as people's quality of life, including (but not limited to):
1. Making it easier for jobs to be created in cities, towns, and villages.
 2. Moving from a net loss of biodiversity to achieving net gains for nature.
 3. Replacing poor design with better design.
 4. Improving the conditions in which people live, work, travel and take leisure; and
 5. Widening the choice of high-quality homes.
- 4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve

development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 4.8 The Borough Council have provided one reason for refusal which has raised two primary issues, these are:
- (i) character of the area, and

- (ii) residential amenity of no. 20 Pavilion Way.

4.9 In support of these concerns, the Council have referred to provisions within the Local Plan – Part Two (2020). Within this context, the merits of the appeal will be assessed.

Character of the area

DMHB11

4.10 The requirements of the policy are satisfied for the following reasons:

- (i) The local context of the area is comprised of the semi detached built forms, the separating distances between the front elevations and the public highway, the alignment of the front elevations and the back edge of the footway, and the roofscape of the locality, these key elements of local context would remain preserved.
- (ii) The design of the appeal proposal, in terms of height, mass and bulk, would be consistent with neighbouring built forms, particularly when an account is taken of the siting and position of existing detached garages.
- (iii) The garden hinterland of the locality is irregular, comprising of a sporadic conglomeration of differing extensions, outbuildings and other garden structures. Within this visual context, the appeal proposal would not draw away from these locational features.

- (iv) The architectural composition of the appeal proposal adopts a simplistic functional approach. The roof profile would be consistent with neighbouring and existing structures. The external appearance would consist of materials and joinery details which would match the host dwelling.
- (v) The siting and position of the appeal proposal would not impede views to and from the appeal site.
- (vi) The host dwelling and neighbouring built forms, together with the wider area, are not designated heritage assets; and
- (vii) The siting and position of the appeal, together with the prevailing built forms and pattern of development, collectively ensures that the public realm remains protected.

DMHD1

4.11 Criterion B(i) states:

Single storey rear extensions on terraced or semi detached house with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more.

4.12 The frontage of the appeal site is splayed, at its narrowest its 5.5 metres wide, and at the front elevation the width is 6.5 metres. The dimensions of the appeal site exceed the threshold advocated by the policy.

- 4.13 However, the thrust and emphasis of the policy is not to encourage extensions which are disproportionate to the character of the locality.
- 4.14 Within this context, the long-established original garage outbuildings are a key feature of the locality. The proposed projection of the rear extension, when taking into account the visual presence of the garage/outbuilding, would not be perceivably out of character.

Residential amenity of no. 20 Pavilion Way

DMHB11

- 4.15 Criterion B of the policy is applicable. The following factors collectively ensure that the amenity of no. 20 Pavilion Way would remain preserved.
- (i) The overall height of the proposed extension.
 - (ii) The proposed flat roof profile.
 - (iii) The intervening boundary treatment, its height and alignment.
 - (iv) The separating distance between windows serving habitable rooms and the appeal proposal; and
 - (v) The angles of outlook from habitable windows serving no. 20 Pavilion Way and the siting and position of the appeal proposal.

- 4.16 These factors collectively ensure that the residential amenity of no. 20 Pavilion Way, would remain preserved.

DMHD1

- 4.17 Criterion A (v) of the policy refers to residential amenity. The aims and objectives of this policy are similar to that within criterion B of policy DMHB11. Therefore, reference is made to preceding submissions.

5. **CONCLUSIONS**

- 5.1 The appeal proposal, by virtue of the reasons stated above, would not harm the character of the area or the residential amenity of no. 20 Pavilion Way.
- 5.2 In these circumstances, the appellant respectfully requests that the Inspector upholds the appeal.