



Appeal Statement

First-Floor Rear Extension
AT
252 Lansbury Drive,
Hayes, UB4 8SL

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr Tarlok Singh Ahuja to support an appeal against the decision of London Borough of Hillingdon to refuse an application to extend a house at 252 Lansbury Drive, in Hayes.
- b. Following a description of the site and surrounding area, this report will describe the proposal, 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 14 September 2021, the appellant submitted an application to the London Borough of Hillingdon for the following proposal (reference: 66056/APP/2021/3488):

Erection of first floor rear extension

- b. On 25 January 2022, the council refused planning permission for the following reasons:

1. *The proposed development, by reason of its siting, proximity, size, scale, bulk and design would be detrimental to the amenities of the occupiers of 250, presenting itself as a visually intrusive, overbearing addition, resulting in the loss of outlook and unacceptable sense of enclosure. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*

3. Site Description

- a. The appeal site comprises a two-storey, semi-detached house located on the eastern side of Lansbury Drive, south of the junction with Kingshill Avenue and just North of the junction with Raynton Drive. It is brick-built with a tiled, hipped roof. There is off street parking for two cars to the front and a garden to the rear. The property has been extended by way of a single storey side and rear extension and a dormer roof extension.
- b. The surrounding area is residential in character and appearance. Numbers 254 and 250 are located to the North and South of the site respectively. Both properties benefit from rear extensions with number 250, which is set at an angle to the appeal site, benefiting from a first-floor rear extension and a two-storey side extension, as shown in the satellite image below.

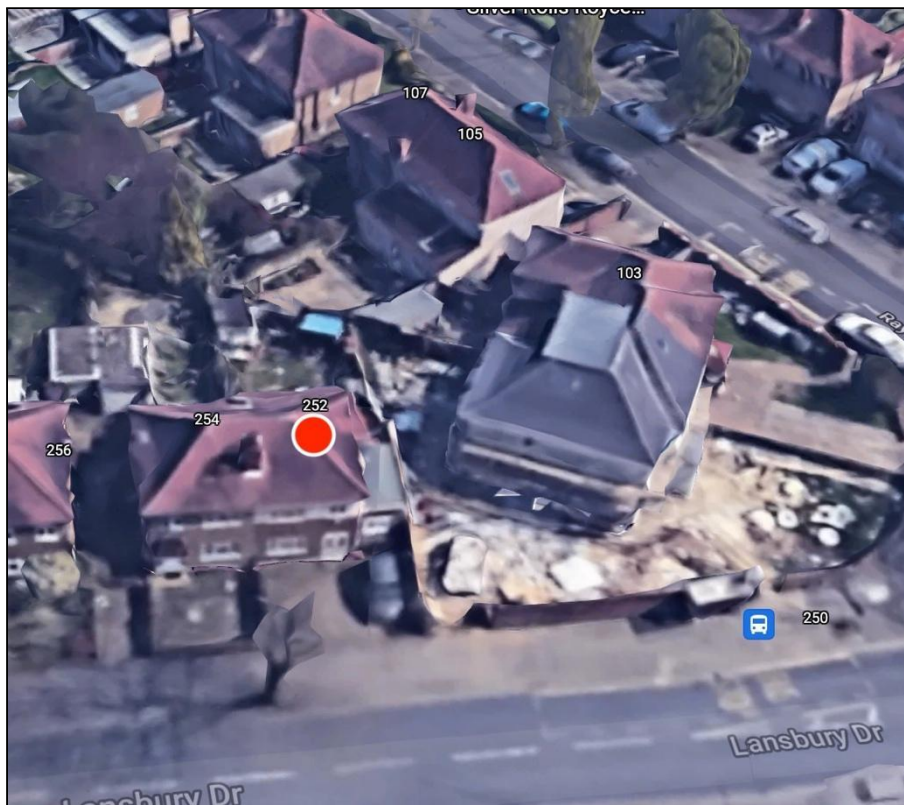


Figure 1: Image of the appeal site (red dot) and close neighbours

- c. The immediate area is residential in character with rows of semi-detached houses of similar size and scale and on roughly uniform building lines. However, the houses differ in terms of their extent of development and exterior design, contributing to a relatively diverse streetscene.

- d. The application site is not listed and the site is not located within a designated conservation area. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land.

4. Relevant Planning History & Appeal Proposal

- a. In July 2009, the council approved the following planning development (reference: 66056/APP/2009/1130):

Single storey rear/side extension with 2 rooflights, involving demolition of existing rear extension.

- b. In September 2021, the council approved a Certificate of Lawful Development for a proposed development application for the following development (reference: 66056/APP/2021/2823):

Conversion of roof space to habitable use to include a rear dormer with juliette balcony, 2 frontroof lights and conversion of roof from hip to gable end with new gable end window

- c. The appeal proposal is for a first-floor rear extension. The extension is 3.46m deep and 2.76m wide and will be used as a bathroom (the house currently has a very small first-floor shower room). The extension sits above the existing ground floor rear extension and is part-width only. It is finished with a hipped roof and has a rear-facing, obscure-glazed window.

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. The relevant parts of the development plan for the area are the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).
- b. According to the decision notice, the development pertains to policy BE1 of the Strategic Policies and policies DMHB 11, DMHB 12 and DMHD 1 of the Development Management Policies.
- c. Policy BE1 (Built Environment) of the Strategic Policies requires all new development to improve the quality of the built environment in order to create successful and sustainable neighbourhoods. Among other things, the policy states that development proposals should be sensitive to local identity, landscapes, townscapes and views, improve areas of poor environmental quality, improve the quality of the public realm, and not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.
- d. Policy DMHB 11 (Design of New Development) of the Development Management Policies requires that all new development 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.
- e. Policy DMHB 12 (Streets and Public Realm) relates to the public realm design and improvements and does not appear to be relevant to the appeal proposal, which is confined to the curtilage of the dwelling only.
- f. Policy DMHD 1 (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"

- g. 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.
- h. It recommends that two-storey rear extensions *"should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres"*. It goes on to say that flat roofed two storey extensions are not generally acceptable.
- i. The National Planning Policy Framework (NPPF) 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.
- j. 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."

- k. 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 ... 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."

- l. 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 and it is satisfied that it represents good design and will cause no harm to the character and appearance of the host dwelling or the surrounding area.
- b. According to the officer's report, the council does not consider that the development will cause any living conditions at the adjoining neighbour, number 254. However, it is concerned that the extension would have an overbearing impact on, and cause a loss of outlook from, windows in the recently constructed first-floor rear extension at the other neighbouring property, number 250. These windows are shown in the photograph in figure 2, below. There is no suggestion of a loss of light affecting this neighbour, which lies to the south of the appeal site.



Figure 2: Recently constructed first-floor extension at number 250, viewed from the appellant's garden

- c. As figure 2 shows, the extended house at number 250 is also angled so that its new first-floor windows look over the appellant's rear garden. Crucially, permission was granted for this extension (with windows overlooking the appellant's garden) only on the basis that the new first-floor rooms were not habitable spaces.
- d. Number 250 obtained planning permission for its extensions under reference: 13524/APP/2017/2198 in October 2017. The officer's report is provided in the appendices. In the officer's report, the case officer notes that:

"Proposed rear windows at the first floor level are a sufficient distance from the neighbouring properties and in addition they are not windows of habitable rooms of these properties; as such there is no threat of overlooking or the loss of privacy."

- e. If permission was given for these windows to overlook the appellant's garden on the basis that there was a sufficient separation distance and the rooms were non-habitable (and the windows would not therefore be used for overlooking), it would be perverse if the appellant could not, in turn, build his own extension within the line of sight of those windows. The separation distance is the same and, since the rooms are non-habitable, there is no harm to living conditions.
- f. The appeal proposal is not likely, in any event, to cause material harm. There are a pair of windows in the neighbour's first floor extension, enhancing outlook. As the image in figure 3, taken from the submitted plans, shows, the neighbour will retain expansive outlook from the two windows, taken together.



Figure 3: Screenshot taken from Proposed Site Plan

- g. The appeal development will be visible from the neighbour's property but will be a significant distance away and it is a fairly modest structure, rising only a short distance above the existing ground floor and designed with a low overall height and shallow, hipped roof form.

- h. Whether or not a development is overbearing on a neighbour is difficult to determine with any certainty. In a fairly densely built-up area such as this, residential occupiers have a reasonable expectation that they will have some views of neighbouring development. The appeal proposal is no more overbearing on number 250 than the approved extensions at number 250 are on the appeal site.
- i. The appellant notes that there were no objections to his proposal from neighbours or any other third parties. In particular, there was no objection from number 250.

7. Conclusions

- a. The council does not object in principle to the appeal proposal and does not believe there will be any harm to the character and appearance of the area. It is concerned that the extension will be overbearing on, and cause a harmful loss of outlook, from the first-floor rear windows in the extension at number 250.
- b. The extension is modest in size and scale and set away from the boundary. It is low in height. It will be visible from number 250 but not in a manner that would make it overbearing.
- c. In any case, the extension at number 250 was approved on the basis that the separation distance was considered to be sufficient and that the room was to be non-habitable. If that extension was considered acceptable in planning terms, it does not seem fair that the appellant's development should not be.
- d. 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.



Just Planning Limited

Tel: 020 3488 1525

Email: info@just-planning.co.uk

Just Planning HQ

Suite 45

4 Spring Bridge Road

London W5 2AA

www.just-planning.co.uk



[justplanning](https://www.facebook.com/justplanning)



[@JustPlanning](https://twitter.com/JustPlanning)

© Just Planning 2022