

**TOWN AND COUNTRY PLANNING ACT 1990:
SECTION 78 PLANNING APPEAL**

On behalf of MR A BEDWELL

Against the decision of THE LONDON BOROUGH OF HILLINGDON

For the refusal of Planning Permission for:

'ERECTION OF A SINGLE STOREY EXTENSION TOMTHE FRONT AND SIDE,

at:

15 PEEL WAY, HILLINGDON, MIDDLESEX.



WRITTEN REPRESENTATIONS APPEAL

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BACKGROUND & PLANNING HISTORY:

- 1.1 This planning appeal is made within the terms of Section 78 of the Town and Country Planning Act 1990, by way of the Written Representations procedure.
- 1.2 Any other information, including copies of relevant policies will be supplied by the London Borough of Hillingdon, as required. The original planning application relating to this appeal was submitted to the London Borough of Hillingdon (LBH) on 9th December 2021 and was allocated LBH planning file reference: 24498/APP/2021/4480
- 1.3 Unfortunately, the application was subsequently refused by the London Borough of Hillingdon, on **3rd February 2022**, for the Reason shown on the Decision Notice, which is attached to the on – line submission.

1. The proposed single storey side/front extension, by reason of its siting in a visually prominent position, size, proximity to the side boundary and projection forward of the return building line on Bradshawe Waye, would result in incongruous and insubordinate form of development. Furthermore it would result in the loss of openness on the corner plot, resulting in a cramped appearance. The proposal would therefore be an unsympathetic addition and represent an overdevelopment of the site, to the detriment of the character, appearance and visual amenities of the surrounding area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHD 1, DMHB 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan

- 1.4 An Informative was added to the above Decision Notice referring to the relevant policies of the Adopted Unitary Development Plan, stating:

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

1.5 In addition, Hillingdon's Supplementary Planning Documents (SPD) entitled 'HDAS, *Residential Extensions*', was referred to in design, so we may also refer to this document if necessary, as part of the appeal.

1.6 This appeal is made on the grounds that the proposed development could take place without conflicting with the Adopted Unitary Development Plan, (saved Policies) or the supporting SPD and as such the roof alterations and front extension would not;

by reason of its siting in a visually prominent position, size, proximity to the side boundary and projection forward of the return building line on Bradshawe Way, would result in incongruous and insubordinate form of development. Furthermore it would result in the loss of openness on the corner plot, resulting in a cramped appearance

1.7 In making this case, we will also refer to the varied pallet of houses and other styles of properties in and around Peel Way which have been, extended or altered in a similar way to the proposed development

THE APPEAL PROPERTY:

2.1 No15 Peel Way is an existing semi-detached house, located fronting Peel Way, with a side elevation fronting Bradshaw Way on its right hand side. The plot has a generous space to the side adjacent Bradshaw Way. The property benefits from a garage in the rear garden, which is accessed from Bradshawe Way. The rear garden to the property is smaller than adjacent houses due to an electrical substation at between the rear garden and the property at the rear (12 Bradshawe Way)



- 2.2 The property is orientated on a generally east – west axis, and is a rectangular shape property, with its small rear garden located on the eastern side of the property, and generally enclosed on all sides by hedging and fencing.
- 2.3 The scheme that is the subject of this appeal is to create additional accommodation on the ground floor of the property, and increase the size of the existing moderate kitchen. The preferred position of the new space is to the side of the property, in an area which is not useable as general amenity space (it is currently soft landscaping). A rear extension to the property would dramatically affect the useable amenity space of the rear garden.
- 2.4 An Ordnance Survey extract showing the location of the appeal property formed part of the original planning submissions, and we have provided a further extract below, to enable the Inspector to see how this property relates to the surrounding environment:



- 2.5 The Inspector will also note that, in terms of levels and other site characteristics, the site and the wider area is generally level with little or no change in levels across the site. Also in terms of trees, there are also no major mature trees on the site, other than some more modest fruit trees.
- 2.6 In making this appeal we shall also refer to the other examples of other side extension which have been added to neighbouring properties, and which have been approved (endorsed) by the London Borough of Hillingdon
- 2.7 Also in making this appeal we shall also refer to the LBH Design Guidance set out in their *Supplementary Planning Documents*, (SPD) entitled '*Residential Extensions*', as the Residential Extensions SPD refers to specific criteria for extensions and alterations to residents homes, including single storey side extensions.
- 2.8 Clearly the over – arching guidance is contained in The National Planning Policy Framework (NPPF) (as amended) and The London Plan 2011, and we may also refer to these if it is considered appropriate or necessary.

RELEVANT PLANNING POLICY:

- 3.1 The current Development Plan of the London Borough of Hillingdon comprises the **Local Plan: Part 1 – Strategic Policies** appear first, then the relevant **Local Plan Part 2 (2020)**, then **London Plan Policies (2016)**. Hillingdon's Full Council adopted the **Hillingdon Local Plan: Part 1 – Strategic Policies** on 8 November 2012 and the **Hillingdon Local Plan Part 2** on 16 January 2020.
- 3.2 The relevant policies referred to in the reason for refusal are:
- ❖ ***Pt1 BE1 (2012): Built Environment***
 - ❖ ***Policy DMHD 1: Alterations & Extensions to Residential Dwellings;***
 - ❖ ***Policy DMHB 11: Design of new development;***
 - ❖ ***Policy DMHB 12: Streets and Public Realm;***

❖ ***Policy DMHB 18: Private Outdoor Amenity Space;***

❖ ***Policy DMT 6: Vehicle Parking***

3.3 The London Borough of Hillingdon will no doubt also provide copies of all the above Policies as required as part of the questionnaire they complete, however this detailed statement constitutes the Appellants Statements of Case.

3.4 In addition, the Councils SPD 'Residential Extensions' should be referred to as it is used as guidance in the design of residential extensions

3.5 The relevant policies referred to in the single reason for refusal include policies from Part 2: *Policy DMHD1, Policy DMHB11, DMHB12 and Policy DMHB18;*

3.6 Then within Policy DMHD 1 there are various sections, and Section C refers specifically to side extensions:

C) Side Extensions

- i) side extensions should not exceed half the width of the original property;
- ii) extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded;
- iii) garages should reflect the size guidelines set out in Appendix C Parking standards;
- iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary or in the case of properties in the Copse Wood and Gatehill Estates, at least 1.5 metres, but more if on a wider than average plot, in order to maintain adequate visual separation and views between houses;
- v) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation;
- vi) where hip to gable roof extensions exist, a two storey side extension will not be supported; and
- vii) in Conservation Areas, single storey side extensions may be required to be set back.

PLANNING CONSIDERATIONS:

- 4.1 The proposed extension was designed around the guidance within the SPD 'Residential Extensions' which is issued as a guide for design.
- 4.2 The Officers reason for refusal proposal is incongruous and insubordinate. Whilst it is acknowledged that the proposed extension exceeds the guidance which suggests that side extensions should not be more than 1/2 the width of the original house. The proposed extension is 99mm wider than the guidance suggests.

The existing house is 6302mm wide. The Proposed extension 3250mm.

The minor additional width of the proposed extension does not make the scheme incongruous or insubordinate, and the guidance provided within the SPD should allow the officer to provide flexibility in the interpretation of the guidance given.

- 4.3 The officers' reason for refusal, states that the proposed extension is forward of the return building line in Bradshawe Way. Again it is acknowledged that this is the case. However the flank elevation of 12 Bradshawe Way is in excess of 19m from the rear of the appeal property. The SPD on Residential Extensions does not have an specific guidance on single storey side extensions with regard return building lines. There IS guidance on two storey side extensions. DMHD 1, C, ii) does state that side extensions should not exceed the return building line, what it does not clarify is how far away the buildings behind should be to allow a building line to be used... nor does it take into account the fact that Bradshaw Way is closed off by a gate along side the garden of the appeal property.
- 4.4 The officer also includes the following statement '*The proposal would therefore be an unsympathetic addition and represent an overdevelopment of the site, to the detriment of the character, appearance and visual amenities of the surrounding area*'. This statement appears to be a generic sentence included with the decision as there are many extensions of a similar nature in the vicinity

PRECEDENTS:

- 4.5 So, with regards to the issue of precedents, we provide details of properties in close proximity to the appeal site single storey side extensions that have been build in front of 'the return building line'. The properties below are on the entrance into Peel Way, fronting Field Heath Road.



- 4.6 The properties below are at 31 and 33 Peel Way, both extended to the side in a similar manor to the proposed extension at 15 Peel Way



CONCLUSION:

- 4.7 The proposed extension is designed in the place most suitable to take accommodation, without reducing the useable amenity space in the small rear garden.
- 4.8 Furthermore Hillingdon Design and Accessibility Statement (HDAS) guidance on residential extensions provides no requirements with regard building lines and single storey side extensions, nor do any of the documents set out how far back a property has to be before a building line is not considered.
- 4.9 No consideration appears to have been made for the gate closing the access into Bradshaw Way, which makes this corner plot different from others, nor have consideration been made with regard the similar extensions on the corners of Saxon close, slightly further up Peel way
- 4.10 Consequently, in consideration of this submission and having regard to these reasons it is respectfully requested that the Inspector upholds this appeal, and grants Planning Permission for this development, as submitted to the London Borough of Hillingdon.

CONDITIONS:

- 5.1 Should the appeal be upheld, we are happy to accept any conditions deemed appropriate.

