



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by Mr Mohammed Iqbal Bhatti against the decision by the London Borough of Hillingdon to refuse planning permission for a rear conservatory at 70 Wentworth Crescent, Hayes, UB3 1NW

Local Planning Authority Reference: 53207/APP/2021/4326

Appellants Reference: JL4822

J & L Planning Services
First Floor
1 Hythe Street
Dartford
Kent
DA1 1BE

Tel: 01322 281444
Email: jandlplanningservices@gmail.com

CONTENTS

1. INTRODUCTION
2. THE APPEAL
3. SITE AND SURROUNDINGS
4. PLANNING CONSIDERATIONS
5. CONCLUSIONS

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 rear conservatory. The Council's reasons for refusal are as follows:

1. The proposed rear conservatory would result in a secondary extension to an existing extension, thereby extending the property more than 6m beyond the original rear building line and due to its height and overall depth, would not appear as a subordinate addition to the existing dwellinghouse. The proposal would therefore have a detrimental impact upon the character and appearance of the application site and the surrounding area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

2. The proposed extension due to the scale, siting and design, which includes non-obscure glazed side windows facing 72 Wentworth Crescent would result loss of outlook, visual intrusion, overlooking and loss of privacy to the occupiers of the neighbouring property. The proposal would therefore cause harm to the residential amenity of neighbouring properties, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

3. SITE AND SURROUNDINGS

- 3.1 The appeal site comprises a semi-detached dwelling located on the south west side of Wentworth Crescent, some 30 metres north of the junction with Alford

Gardens. The surrounding area is predominantly residential in terms of both built form and land use.

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 two reasons for refusal which, in turn, have raised two primary issues, these are:

- (i) character and appearance; and
- (ii) residential amenities of no. 72 Wentworth Crescent.

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

Character and appearance

BE1

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

- (i) The distinctive elements of the area are the two storey built forms, the spatial separation, alignment of front elevations and the overall ambience of the public realm. All these distinctive factors would remain unaltered.
- (ii) The townscape of the area would remain preserved, due to the rearward siting and position of the appeal proposal, together with the prevailing pattern of development; and

- (iii) Furthermore, the siting and position of the appeal proposal would not obscure views or result in a loss of landscape features.

DMHB 11

4.11 The requirements of this policy are satisfied for the following reasons:

- (i) The overall height, mass and bulk of the proposal, and its design, would be subordinate to the host dwelling and consistent with the garden setting of this hinterland location.
- (ii) The siting of the appeal proposal would not disturb the prevailing pattern of development.
- (iii) The existing building lines, rooflines, streetscape rhythm, and gaps between built forms, would all remain preserved, due to the rearward siting and position of the appeal proposal.
- (iv) Views of the host dwelling, surrounding built forms and the wider area, would remain unaltered, due to the siting and design of the appeal proposal; and
- (v) The external appearance of the appeal proposal, its translucent nature, together with the associated lightweight framework, collectively ensures that its visual presence would be inconsequential.

DMHD 1

4.12 The following factors collectively ensures that the appeal proposal would meet the requirements of the policy:

- (i) The character and appearance of the existing street and wider area would remain preserved, for the reasons stated within the context of policies BE1 and DMHB 11.
- (ii) The overall physical profile, dimensions and footprint, would represent a subordinate addition.
- (iii) The proposed materials, due to their translucent nature, would result in a neutral visual presence in respect of the host dwelling and neighbouring built forms.
- (iv) The appeal proposal would not result in the loss of existing landscape features.
- (v) The host dwelling, neighbouring built forms and the wider area, are not designated heritage assets; and
- (vi) The policy advocates (criterion B(i)), that *“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”*. The appeal proposal, due to its translucent and lightweight nature, together with the retention of garden space to serve the host dwelling, provides confirmation that

these special circumstances would, on balance, justify an approval without harm to the aims and objectives of the policy.

Residential amenities of no. 72 Wentworth Crescent

BE1

- 4.13 Criterion 2 of the policy seeks to *“protect the amenity of surrounding land and buildings, particularly residential properties.”* Within this context, the specific amenity concern of the Council is due to the *“non-obscure glazed side windows facing 72 Wentworth Crescent.”*
- 4.14 Should the Inspector be minded to uphold the appeal, a condition requiring the provision of obscure glazing to a Level 5, would be acceptable. Such a condition would avoid a loss of privacy, due to overlooking, to the occupiers of no. 72 Wentworth Crescent.
- 4.15 The following factors would collectively ensure that the appeal proposal does not result in a loss of outlook or visual intrusion:
- (i) The siting and position of the existing structure immediately adjoining the rear elevation of no. 72 Wentworth Crescent.
 - (ii) The overall height and alignment of the boundary fence.
 - (iii) The single storey height of the appeal proposal.
 - (iv) The glazed lightweight framed nature of the appeal proposal; and

- (v) The location of no. 72 Wentworth Crescent, due south of the host dwelling.

DMHB 11

- 4.16 Criterion (B) of the policy is both relevant and material. The criterion embodies the aims and objectives of criterion 2 of policy BE1. Therefore, reference is made to preceding submissions.

DMHD 1

- 4.17 Criterion A (i) and (v) are applicable. The aims and objectives of the criteria are similar to policies BE1 and DMHB 11. 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 and appearance of the host dwelling and surrounding area. Neither would the appeal proposal harm the residential amenities of no.72 Wentworth Crescent.
- 5.2 In conclusion, the appellant respectfully requests that the Inspector upholds the appeal.