



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Jawad Ahmed

Proposal:
Two storey side and rear extension and single storey rear extension

Appeal Site:
46 Laurel Lane, West Drayton, UB7 7TX

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its non-determination of planning application reference 17506/APP/2021/4043, for the erection of a two storey side and rear extension and single storey rear extension.
- 1.2 The LPA's case is set out in the Statement of Case detailed below. It is understood that a copy of the relevant planning policies has been sent to PINS with the Appeal Questionnaire.
- 1.3 Had an appeal on the grounds of non-determination not been received the Local Planning Authority would have refused planning permission for the following reasons:
 1. The proposed development due to its design, scale and siting would result in a disproportionate and visually incongruous addition that would fail to harmonise with the architectural composition of the original dwelling and would fail to maintain the openness of this visually prominent corner plot to the detriment of the appearance of the subject dwelling, the visual amenities of the street scene and the character of the area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and Section 12 of the National Planning Policy Framework (2021).

2. LPA's Statement of Case

2.1 Site and Locality

The site comprises a double fronted, two storey semi-detached dwelling situated on a corner plot to the south of Laurel Lane, adjacent with Berberis Walk. There is hardstanding to the front of the site, with off street parking spaces for 2 vehicles.

The dwelling is externally finished in brick and mirrors the adjoined semi-detached property in terms of its character and appearance, as well as its size, scale and massing. The street scene is residential in character with a mix of terraced groups of dwellings and semi-detached properties.

The application site is not designated within a Conservation Area, nor an Area of Special Local Character. 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.

2.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey side and rear extension and single storey rear extension.

2.3 Comments on Planning History

There is some historic planning record for the site that predate 1996. Currently there is only a small rear extension at the site.

Number 36 Laurel Lane has an approval for a part two storey, part single-storey side and rear extension granted in 2015 (71188/APP/2015/3276), which has been considered as part of the assessment for this proposal.

2.4 Comments on Public Consultation

Four neighbouring properties were consulted on the 03/11/2021 for a statutory period of 21 days. No representations were submitted to the Local Planning Authority either in support of or in objection to the proposal.

It is however recognised that the agent has since collected 3 letters of support for the proposal and submitted them to the Planning Inspectorate as part of the applicant's appeal submission.

2.5 Main Planning Issues

The main considerations are:

- The design and impact on the character of the existing property, the impact upon the streetscene and locality
- The impact upon the amenities of adjoining occupiers
- The reduction in size of the rear garden
- Car parking provision.

Character and Appearance

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that alterations and extensions to dwellings should not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling.

With regards to rear extensions, Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

- i) single storey rear extensions on terraced or semi-detached houses 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;
- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;

- iv) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet;
- v) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
- vi) two storey 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;
- vii) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
- viii) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported; and
- ix) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

With regard to side extensions policy DMHD 1 requires:

- 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.

Single storey rear extension:

The single storey rear extension would have a depth of 2.8 metres, to match the extent of the adjoining property's rear extension. The rear building line would not surpass what is already existing. It would have a flat roof of 3 metres, to match the height of the neighbours single storey extension also. This would be in compliance with Policy DMHD 1 set out above.

Two storey side and rear extension:

The two storey side extension would have a width of 4 metres from the side elevation of the application site. It would be set back from the front elevation of the dwelling by a metre at both ground and first floor and set in from the eastern boundary line by 2 metres.

The width of the side extension would be maintained for the length of the side extension adjoining onto the two storey rear extension, matching the depth of 2.8m. The two storey rear extension would have a width of 5.5m from the corner of the side extension wrapping on the corner of the dwelling.

The width of the original dwelling is 7.95m. Therefore, in isolation the extension when viewed from the front elevation would be approximately half the width of the original dwelling. However, there are specific site circumstances that form a material consideration. This corner site is visually open and contributes significantly to the open character of this junction and area.

Significantly, the resultant form would breach the return building line of the properties on Berberis Walk closing an important visual gap that contributes to the open character of this location. As a result of this, the visual harm created by the two storey side and rear extension does not maintain the openness on the corner plot contrary to Policy DMHD 1, despite the setting in from the side boundary. There is a significant open characteristic at 46 Laurel Lane which would be closed and replaced by a large bulky structure to side of the dwelling.

Also, in terms of the scale the two-storey side extension would wraparound the rear elevation. The subsequent width of 5.5m would exceed half the width of the original dwelling contrary to Policy DMHD1. This excessive and width would not appear proportionate as a subordinate extension to the dwelling.

This harmfully large scale of the two-storey rear extension would be compounded by the proposed gable-end roof profile and lack of meaningful set-down from the main roof ridge which exacerbates the massing on this visually prominent corner.

Consequently, the proposed development due to its design, scale and siting would result in a disproportionate and visually incongruous addition that would fail to harmonise with the architectural composition of the original dwelling and would fail to maintain the openness of this visually prominent corner plot to the detriment of the appearance of the subject dwelling, the visual amenities of the street scene and the character of the area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and Section 12 of the National Planning Policy Framework (2021).

Residential Amenity

No. 44 Laurel Lane:

The single storey side extension would match the depth of this neighbour's rear extension. The two storey side/rear extension would be built away from this neighbour and thus would be clear of the 45 degree line of sight from the neighbour. There is considered to be no unduly detrimental impact to the amenity of this neighbour.

No. 48 Laurel Lane:

To the dwelling at No. 48, there would be no high level windows facing this property and the scheme would be set in from the boundary as well as a sufficient distance from the neighbour itself to not cause harm to its amenity.

No. 2 Berberis Walk:

The two storey rear extension would be built 12 metres from the flank wall of this neighbour. There are already existing windows on a first floor level to this neighbour and considering the minor depth of the extension, this would not present harm to the amenity of this neighbour as there would be no overlooking or loss of daylight concerns.

To the dwellings to the front of the site, there are already existing windows facing these properties and as such, additional front facing windows would not cause harm or create a loss of privacy for these neighbours.

External Amenity Space Provision

Over 150 square metres of private external amenity space would be retained at the site, which would exceed the minimum standards set out for a 4 bedroom property in Table 5.3 (Private Outdoor Amenity Space Standards) of the Hillingdon Local Plan Part 2: Development Management Policies (2020). The proposal would therefore not undermine the provision of external amenity space for the occupants of the host dwelling, in accordance with Policies DMHD 1 and DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).

Parking and Highway Safety

It is considered that the proposed development would not alter the existing parking provision at the site, in compliance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3. LPA's Comments on Appellant's Statement of Case

The appellant's statement of case states that "the application is similar to that approved on the opposite corner at 36 Laurel Lane and thus there is a heavy precedent".

The example at 36 Laurel Lane was approved before the adoption of the current Local Plan (2020) and was approved under a different development plan. The site circumstances here are also materially different from No. 46 Laurel Lane. There is open space/ green area to the side of the dwelling on the corner which sets the dwelling in further from the highway. The approved plans for No. 36 also was only for a two storey side extension for the length of the original dwelling and with no wraparound adjoining to the rear of the property.

The proposal at No. 46 presents a markedly different scheme in a different site situation which cannot be mimicked by the example at No. 36.

4. Other Matters

- 4.1 This appeal was lodged by reason of non-determination, whereby the Case Officer had been in contact with the agent of the application informing them that the application was recommended for refusal. There was an option to withdraw the application to resubmit the scheme following the Case Officers recommendations for a revised scheme.

5. Conclusion

- 5.1 The impact of the proposal has been assessed in the Statement of Case and it is considered that the proposed development would create significant harm to the character and appearance of the host dwelling and the surrounding area, by reason of the size, siting, bulk, mass and design of the cumulative extensions on this corner plot.

The width of the side extension far exceeds the requirements of Policy DMHD 1 and the extensions also breach the return building line on the road behind. The two storey side extension of this depth results in visual harm and an incongruous addition to the dwelling, which is compounded by the size and bulk of the wrap around rear addition.

- 5.2 The proposed development due to its design, scale and siting would result in a disproportionate and visually incongruous addition that would fail to harmonise with the architectural composition of the original dwelling and would fail to maintain the openness of this visually prominent corner plot to the detriment of the appearance of the subject dwelling, the visual amenities of the street scene and the character of the area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and Section 12 of the National Planning Policy Framework (2021).
- 5.3 In the event that the Inspector considers the appeal to be allowed and without prejudice to the Council's case, a list of recommended planning conditions is included within Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions (should the appeal be allowed and without prejudice to the LPA's case)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 21/457/04, 21/457/05 and 21/457/06.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).