



APPEAL BY:
Mr & Mrs Li

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

Erection of a replacement side and rear conservatory

AT
54 Elthorne Road, Uxbridge, UB8 2PS

London Borough of Hillingdon Council's Reference: 20866/APP/2022/1009

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

August 2022

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr & Mrs Li, in support of the appeal lodged against the refusal of planning application reference 20866/APP/2022/1009.

1.2 The application was dated 25th March 2022 and sought planning permission for the 'Erection of a replacement side and rear conservatory' at no. 54 Elthorne Road in Uxbridge. The application was refused under delegated authority on 20th May 2022 for the following reason:

1. *The proposed replacement conservatory, due to the replacement of the existing timber framed structure with a uPVC alternative, would fail to harmonise with the architectural composition of the original dwelling, and would fail to either preserve or enhance the character or appearance of The Greenway Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) Policy 7.8 of the London Plan (2016) and the NPPF (2021).*

1.3 These grounds of appeal will address the central concerns raised within the council's reason for refusal, notably:

- Whether the proposed replacement structure would fail to harmonise with the architectural composition of the original dwelling, and would fail to either preserve or enhance the character or appearance of The Greenway Conservation Area.

1.4 By way of background to the site the appellant previously applied under application ref 20866/APP/2021/3994 for 'replacement of existing side and rear conservatory'. The appeal application was an identical submission although introduced additional information to justify the use of UPVC materials.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

- 2.1 The appeal site is positioned on a corner plot on the western side of Elthorne Road and northern side of Norton Road. The site is within a residential setting within The Greenway Conservation Area but not within the curtilage of a listed building.



Aerial view of the appeal site and surrounding area

- 2.2 No. 54 comprises a two-storey, semi-detached late Victorian villa which benefits from front, side and rear gardens.



No. 54 Elthorne Road

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3.0 THE PROPOSED DEVELOPMENT

- 3.1 The appeal proposal sought planning permission for the '*Erection of a replacement side and rear conservatory*' at no. 54 Elthorne Road.



Existing side elevation



Proposed side elevation

- 3.2 The development proposes to retain the existing low brick wall to the base and replace the mix of timber and UPVC framed glazing to the walls, doors and roof with high-quality UPVC fitments.
- 3.3 The works would not increase the footprint of the existing conservatory and would maintain a similar eaves height of 2.35m and ridge height of 3.05m.

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) Policy 7.8 of the London Plan (2016) and the NPPF (2021).

4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF) 2021

4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. 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.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

Decision-making

- 4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating 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.”*
- 4.7 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Conserving and enhancing the historic environment

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- 4.8 Section 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 197 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.9 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.10 Paragraph 201 states that local planning authorities should refuse consent if a proposed development would lead to substantial harm to (or total loss of significance of) a heritage asset.
- 4.11 Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
- 4.12 Local planning authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements to the setting that make a positive contribution to the asset should be treated favourably.

The London Plan (2021)

- 4.13 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level taking full account of the borough's character. Policy 7.8 has since been superseded with policy HC1.

Policy HC1: Heritage conservation and growth

- 4.14 Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

Hillingdon Local Plan: Part One – Strategic Policies (November 2012)

- 4.15 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough. Policies BE1 and HE1 were referred to within the given reason for refusal.

Policy BE1: Built Environment

- 4.16 Policy BE1 states that the council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy HE1: Heritage

- 4.17 The council seek to conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.18 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies DMHB 1, DMHB 4 and DMHB 11 were referred to within the given reasons for refusal.

Policy DMHB 1: Heritage Assets

- 4.19 The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:

- It sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation

Policy DMHB 4: Conservation Areas

- 4.20 New development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

Policy DMHB 11: Design of New Development

- 4.21 All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design.

5.0 THE APPELLANTS' CASE

Introduction

5.1 The appellants' case will focus on the central concerns of the reason for refusal, notably:

- a) Whether the proposed replacement structure would fail to harmonise with the architectural composition of the original dwelling, and would fail to either preserve or enhance the character or appearance of The Greenway Conservation Area.

5.2 The main considerations in the determination of this appeal are:

- Impact on the conservation area
- Further material considerations

Impact on the conservation area

5.3 Paragraph 126 of the NPPF 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"*.

5.4 As described in section 16 of the NPPF it sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability to ensure that new development makes a positive contribution to local character and distinctiveness.

5.5 London Plan policy HC1 (Heritage conservation and growth) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

5.6 Local Plan: Part 1 policies BE1 (Built Environment) and HE1 (Heritage) require development to improve, maintain, conserve and enhance the built environment.

5.7 Local Plan: Part 2 policy DMHB 1 (Heritage Assets) states that development will be supported if the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials.

5.8 Policy DMHB 4 (Conservation Areas) further states that new development, including alterations and extensions to existing buildings, within a conservation area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution

to local character and distinctiveness whilst policy DMHB 11 (Design of New Development) requires high standard of design.

- 5.9 The appeal scheme proposes to replace the existing dilapidated upper section of the conservatory with high quality UPVC fitments. The conservatory has a London stock brick wall to the base which would be retained whilst the window and door frames, and roof are constructed from various materials including wood and UPVC.



Existing conservatory

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Existing conservatory

- 5.10 The appellants acknowledge that the site is within The Greenway Conservation Area and therefore, purposefully chose a scheme that would harmonise with the host building to ensure that once installed the new UPVC framework would complement the architectural appearance of host property.

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- 5.11 Whilst the council recognise that the existing structure would benefit from improvement, they consider the proposed replacement “*would fail to replicate the attractive design and finesse of the existing timber structure*” and refused the development on the basis that, in their opinion, it would not harmonise with the architectural composition of the original dwelling and would fail to either preserve or enhance the character or appearance of The Greenway Conservation Area.
- 5.12 In response, the appellants strongly disagree with the council’s assessment of the structure as they do not consider that the conservatory could realistically be described as attractive or well executed given the mismatching styles and materials. This conservatory is clearly a DIY venture which has evolved in design and size over many years.



Existing conservatory

- 5.13 The appellants also state that the design, quality, workmanship and overall appearance of new UPVC fitments have improved immensely over the years and continue to evolve so that this type of sustainable product can replace timber structures in sensitive locations such as conservation areas.
- 5.14 High quality installations have a life expectancy of more than 30 years although it is not the plastic that fails but usually a misting-up between the two panels of glass which can be easily replaced. Furthermore, UPVC can be recycled up to 10 times with no degradation and thus is the modern sustainable choice for homeowners.

- 5.15 Therefore, the appellants assert that the proposed replacement conservatory would be an attractive addition to the site that would improve and enhance its appearance.
- 5.16 Moreover, due to the existing mature trees and shrubbery within the site boundaries the replacement conservatory would not be highly prominent from the public realm. Any views from the south along Norton Road, which is a private road for resident access only, are fleeting and therefore, the impacts would be negligible. Consequently, the proposal would not affect any important views in or around the conservation area and thus its character would be preserved.



Appeal site viewed from junction of Elthorne Road and Norton Road



Appeal site viewed from Norton Road



Appeal site viewed from Norton Road

- 5.17 Given the points above the appellants state that the proposed replacement conservatory would be a high-quality addition to the dwelling which would improve its appearance and enhance the overall quality and character of The Greenway Conservation Area.
- 5.18 In summary, the proposed development would be compliant with the aims of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy HC1 of the London Plan (2021) and the NPPF (2021).

Further material considerations

Context of site

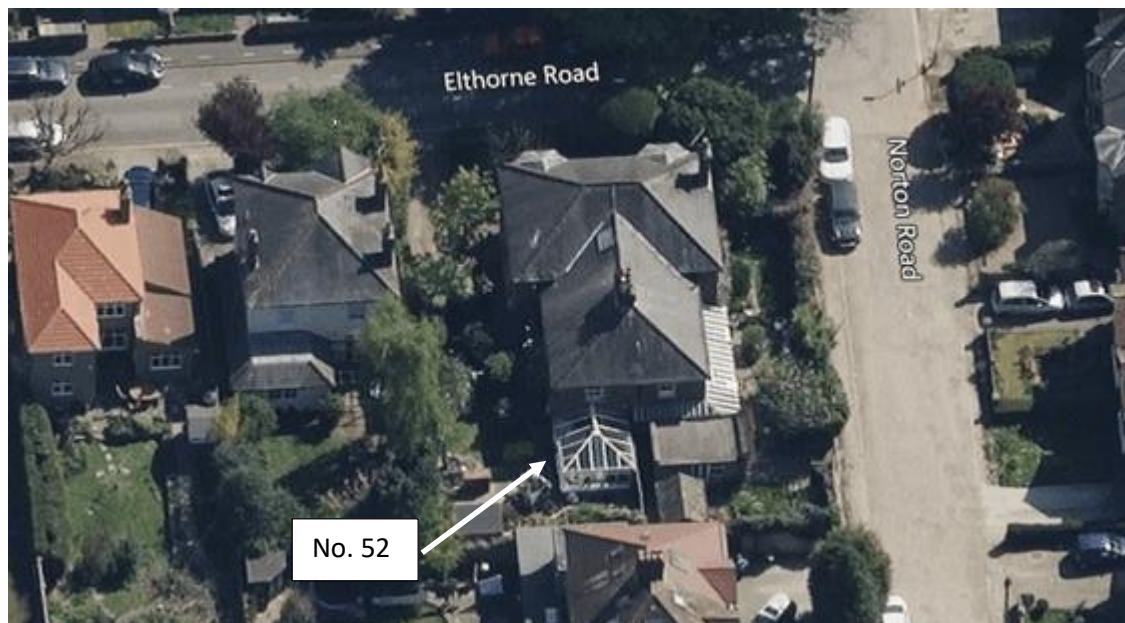
- 5.19 Whilst the appellants accept that each case should be considered on its own individual merits, planning decisions should also be made having regard to context.
- 5.20 As part of the application submission the appellants put forward information relating to the site's context and details relating to other approved UPVC conservatories and extensions with UPVC window fittings within the locality.
- 5.21 The Greenway Conservation Area is characterised by a mix of property types which vary considerably in their design and external materials. Numerous properties upon Elthorne Road and Norton Road have been retrofitted with UPVC fenestration and, as such, this material now forms part of the character of this Conservation Area.

- 5.22 The following photograph shows just one example of a row of properties with UPVC fenestration upon Elthorne Road and the appellants respectfully request that the Inspector takes into account the prevailing pattern of development on their site visit.



Nos. 23 to 45 Elthorne Road

- 5.23 Moreover, there are UPVC conservatories at nearby properties including the adjoining semi no. 52 Elthorne Road. Whilst there is no planning history relating to this extension at no. 52 aerial imagery on Google Earth indicates it has been there more than 4 years and, as such, is lawful.



Conservatory extension at no. 52 Elthorne Road

- 5.24 Nos. 12, 25 and 39 Norton Road have all have planning consent granted for conservatories or rear extensions even when UPVC has been specified as a proposed material finish.
- 5.25 No. 12 Norton Road gained approval under application ref 17160/APP/2014/1322 for a 'Conservatory to rear' (Details attached in **Appendix A**). A description of the proposed works stated "*Construction of conservatory in white UPVC, UPVC windows, French door and double hipped roof*".
- 5.26 The council refused application ref 129982/APP/2019/3137 at no. 25 Norton Road for a 'Single storey rear extension and alterations to side elevation' (Details attached in **Appendix B**). The application form confirms that the proposed windows and doors would be UPVC/Aluminium. This scheme was granted at appeal under ref APP/R5510/D/20/3244418 on 16th June 2020 as the Inspector concluded that "***the proposed development would not have a harmful effect on the character and appearance of the host building or the surrounding area. Furthermore, the proposal would preserve the character and appearance of the GCA and not harm its significance***".
- 5.27 No. 39 Norton Road gained planning consent for a conservatory to rear under application ref 33304/APP/2012/2777 (Details attached in **Appendix C**). In this case the conservatory was approved with brick plinth and a white UPVC/aluminium frame.



Approved development at no. 39 Norton Road

- 5.28 There are numerous other conservatory developments within The Greenway Conservation Area and as a result the scheme proposed at the appeal site would not appear out of character or be detrimentally harmful to the heritage asset.

Meeting the challenge of climate change

- 5.29 The Framework states that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions. Hillingdon Local Plan: Part 2 policy DMEI 2 (Reducing Carbon Emissions) seeks to minimise carbon dioxide emissions in accordance with the targets set out in the London Plan.
- 5.30 Replacing the existing single glazed conservatory with a double glazed UPVC structure will significantly reduce carbon emissions as according to USwitch around 20 percent of a home's heat is lost through single glazed windows.
- 5.31 The development would result in public and private benefits by reducing carbon footprint and improving energy efficiency, reducing condensation and noise pollution whilst also improving security within the home.
- 5.32 The Framework states that if a proposal results in less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.33 The appellants set out that benefits of the proposal identified above outweigh the negligible harm to the significance of the Conservation Area which should weigh heavily in favour of allowing the appeal proposal.

6.0 CONCLUSION

- 6.1 The proposed replacement conservatory by reason of its design and materials would be a complementary addition to the host property which would improve its appearance whilst assimilating with the prevailing pattern and materials of development in The Greenway Conservation Area.
- 6.2 The new conservatory would not be highly prominent from the public realm and therefore the significance of the heritage asset would be preserved.
- 6.3 Thus, it is stated that the council's reasons for refusal are unwarranted as the appeal scheme is consistent with the aims of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) Policy HC1 of the London Plan (2021) and the NPPF (2021).
- 6.4 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed erection of a replacement side and rear conservatory would not be contrary to national, regional or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed.