

Grounds of Appeal on behalf
of Mr D Singh
@
51 Royal Lane, Hillingdon,
UB8 3QU

Planning Reference 77348/APP/2022/1840

Date: 03rd September 2022

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1.0 Introduction

- 1.1 This report provides the Ground of Appeal against the decision to refuse planning permission for erection of a ground floor rear extension

Terms of Reference

- 1.2 We act for Mr D Singh of 51 Royal Lane Hillingdon, UB8 3QU

Description

- 1.3 The site subject of this appeal is 51 Royal Lane Hillingdon UB8 3QU.
- 1.4 Having considered the appeal site, these grounds of appeal provides further written evidence to support the appeal submission beginning with the background to the current proposal.

2.0 Background

- 2.1 This statement sets out our analysis of the relevant planning and legal principles which need to be considered in support of this Grounds of Appeal made by the Appellant, Mr Singh of 51 Royal Lane Hillingdon, UB8 3QU.
- 2.2 The subject site is 51 Royal Lane, Hillingdon UB8 3QU
- 2.3 Planning application was made for planning permission which was submitted by GT Designz Limited to the London Borough of Hillingdon. This scheme was registered with London Borough of Hillingdon Council on 8th June 2022.

The application was refused planning permission on 2nd August 2022.

- 2.4 The application was refused planning permission for the following reasons:

“1. The proposed single storey rear extension by reason of its design, bulk, mass, depth and scale, would fail to read as a subordinate addition to the house and would fail to respect its architectural integrity, representing a harmful addition to the character of the local area, all contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

2. The proposed single storey rear extension and raised full-width steps, by reason of its siting, width, depth, scale and proximity would be detrimental to the amenities of the adjacent occupiers of nos. 49 and 53 Royal Lane, in terms of overdominance, overshadowing, visual intrusion, overbearing impact, loss of daylight/sunlight, loss of outlook, overlooking and loss of privacy. Therefore, the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020).”

- 2.6 The main points of consideration are:

- (i) **Will the current proposal by its size, scale, bulk and design fails to respect its architectural integrity and be detrimental to the local character of the local area?**
- (ii) **Will the current proposal by reason of its sitting be detrimental to the amenities of the adjacent occupiers?**

3.0 THE SITE DETAILS

- 3.1 The appeal site is 51 Royal Lane, Hillingdon UB8 3QU.
- 3.2 The application site comprises of comprises of a mid terraced dwelling located on the North West side of Royal Lane, Hillingdon. The property benefits from an area of hard standing to the front which provides off street parking. The surrounding area is suburban in character characterised with a mixture of dwelling types.
- 3.3. The property is not listed, not within a conservation area and is of no real architectural merit.

4.0 PLANNING POLICIES

- 4.1 Planning applications must be determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration is whether the Planning Policies are relevant and up to date.
- 4.2 The government's statements of Planning Policy are material considerations which must be taken into account, where relevant, in determining planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case, but where such statements indicate the weight that should be given to relevant considerations, decision makers must have proper regard to them. Government Planning Guidance is now held within the National Planning Policy Framework (NPPF), published on June 2021 and this is referenced within the Council's Enforcement Notice.
- 4.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the government's view of what sustainable development in England means in practice for the planning system. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- 4.4 The NPPF seeks a presumption in favour of sustainable development and pursuing sustainable development through the NPPF is identified as seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- Making it easier for jobs to be created in cities, towns and villages;
 - Moving from a net loss of bio-diversity to achieving net gains for nature;
 - Replacing poor design with better design;
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes.

4.5 Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), have been referenced with the council's decision notices. These policies are outlined below:

Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012)

Policy DMHD 1: Alterations and Extensions to Residential Dwellings

- A) Planning applications relating to alterations and extensions of dwellings will be required to ensure that:
- i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area;
 - ii) a satisfactory relationship with adjacent dwellings is achieved;
 - iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height;
 - iv) new extensions respect the design of the original house and be of matching materials;
 - v) there is no unacceptable loss of outlook to neighbouring occupiers;
 - vi) adequate garden space is retained;
 - vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C
 - viii) trees, hedges and other landscaping features are retained;
 - ix) all extensions in Conservation Areas and Areas of Special Local Character, and to Listed and Locally Listed Buildings, are designed in keeping with the original house, in terms of layout, scale, proportions, roof form, window pattern, detailed design and materials.
- B) Rear Extensions
- 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 (see Diagram 2.2 below) 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.

ix) Full width two-storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

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;

iv) 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.

D) Front Extensions

i) alterations and extensions to the front of a house must be minor and not alter the overall appearance of the house or dominate the character of the street. Front extensions extending across the entire frontage will be refused;

ii) porches should be subordinate in scale and individually designed to respect the character and features of the original building; pastiche features will not be supported;

iii) notwithstanding the above, at least 25% of the front garden must be retained.

DMHB 11

Policy DMHB 11 of the Local Plan: Part 2 - Development Management Policies (2020) requires the design of new developments to protect the amenity and privacy of neighbouring dwellings.

5.0 Consideration

5.1 As outlined within this report the main points for consideration therefore are:

- (i) **Will the current proposal by its size, scale, bulk and design fails to respect its architectural integrity and be detrimental to the local character of the local area?**
- (ii) **Will the current proposal by reason of its sitting be detrimental to the amenities of the adjacent occupiers?**

Each point will be considered individually

Will the current proposal by its size, scale, bulk and design fails to respect its architectural integrity and be detrimental to the local character of the local area?

The current proposal does not by way of size, scale, bulk and design fail to respect its architectural integrity and will not be detrimental to the amenities of the adjacent occupiers.

Please note the site is mid -terraced site located in the middle of the Royal Road. With the current proposal for a ground floor rear extension situated at the rear elevation of the site, it will have no adverse effect on the architectural integrity of the local area.

If the ground floor rear extension can only be seen at the rear elevation of the site how can the current proposal be seen out of character and bulk to the local area

The design of the current proposal is of a high quality therefore complying with policy BE1. Please note the current proposal also adheres to Hillingdon planning policy DMHD1 as the current proposal will not have adverse effect on the neighbouring property. The material used will be the same as the existing and the current proposal will not look out of the character.

The current proposal will enable the Appellant to create a conservatory and improve the occupier's standard of living as per the planning policy NPPF 2021.

Appellant is taking into the account of the current epidemic where there is a need to stay safe but creating extra space when occupiers are working from home.

The Appellant is taking advantage of vacant land at the rear of the site and improving the living standard of the occupiers.

As per planning policy DMHB 11 the current proposal will protect the amenity and privacy of the neighbouring dwellings.

The current proposal will use similar material as the existing and will not look out of place. The site is located near bus stops, shops and hospitals.

The current proposal of ground floor rear extension does adhere to Hillingdon planning policies DMHB 11 as the current proposal does protect the amenity and privacy of the neighbouring dwellings.

The current proposal will be well integrated with the surrounding area as per planning policy DMHB 12.

The current proposal does adhere to Hillingdon planning policy BE1 as the current proposal is of a high quality, improves the outlook of the area.

Also as per DMHB1 the current proposal will not harm the historic environment as the material used will be similar to existing.

Will the current proposal by reason of its sitting be detrimental to the amenities of the adjacent occupiers?

The current proposal will not by way of its sitting be detrimental to the amenities of the adjacent occupiers. Please note there have been many sites on Royal Lane that have received planning permission for rear extensions hence 23544/APP/2022/3086 – rear extension – 123 Royal Lane and 6377/APP/2021/1807 – Rear extension – 128 Royal Lane. Therefore the Appellant is oblivious as to why the current proposal has not been approved when there are sites that have been granted permission for similar proposals.

The Appellant is also of the view as to why the Local Authority have not been consistent in their approach in granting the current proposal.

The current proposal will be used as a conservatory and on the ground floor, therefore how can the current proposal be seen as over dominate and overlooking the neighbours privacy.

The material used will be similar to existing. As pointed out before the Appellant is making good use of vacant rear garden and improving the quality of life of the family.

The current proposal improves the standard of living of the current occupiers hence the current proposal complies with NPPF 2021 which supports applications which

- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high-quality homes.

The current proposal of ground floor rear extension does accord to Hillingdon Council planning policies, BE1, BE5, BE13, BE15, BE19 and BE22. The current proposal is of a high-quality design and compliments the neighbouring properties and surroundings.

The current proposal does harmonies the existing street scene, as per Hillingdon Local planning policy BE15 and BE19.

Please refer to site pictures there are neighbouring properties that have a rear extension therefore the Appellant is of the view that hopefully the Planning Inspectorate will take that into consideration and grant the current planning permission.

In today's climate it is difficult to get of the property market, therefore the Appellant is making use of vacant room in the site and improving living condition as per planning policy NPPF 2019.

The Appellant is hopeful that the Planning Inspectorate will use their discretion as allow this appeal.

6.0 CONCLUSION

- 6.1 On behalf of our client we have considered the reasons given to refuse planning permission Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), and other material considerations.
- 6.2 We conclude that this proposal is consistent with the general Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), and other material considerations.
- 6.3 We conclude that this proposal is consistent with the general guidelines of National Planning Policy Framework (2019)
- 6.4 We have also considered the relevant material considerations, none of which out-weigh the presumption in favour of development.
- 6.5 We therefore conclude that the appeal should be allowed.

7.0 Recommendations

- 7.1 Given that the proposal accords with Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020),, and other relevant material considerations, we respectfully recommend that planning permission is granted for this appeal.

Site Pictures





