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Appeal Statement of Case

Permission Refused for:

Erection of a first floor side extension

Address:

33 The Avenue, Cowley, Uxbridge, UB8 3AD

LPA Reference:

15727/APP/2022/2030

Appeal Dated:

October 2022

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1. Introduction

- 1.1.** The London Borough of Hillingdon refused planning permission for the following development at 33 The Avenue, Cowley, Uxbridge, UB8 3AD on **22nd August 2022.**

Erection of a first floor side extension

- 1.2.** The application was refused permission for the following reason:

1) The proposed first floor side/rear extension, by reason of its combined size, width, scale, bulk, crown roofed design and proximity to the side boundary, would result in an excessive, bulky, dominant, disproportionate, incongruous and visually intrusive form of development that would fail to harmonise with the architectural composition of the original detached dwelling, would be detrimental to the character, appearance and of the area and to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

- 1.3.** It should be noted that there are four reasons for refusal on the decision notice, but this appears to be an administrative error as they are all the same.

2. Description of Site and Surroundings

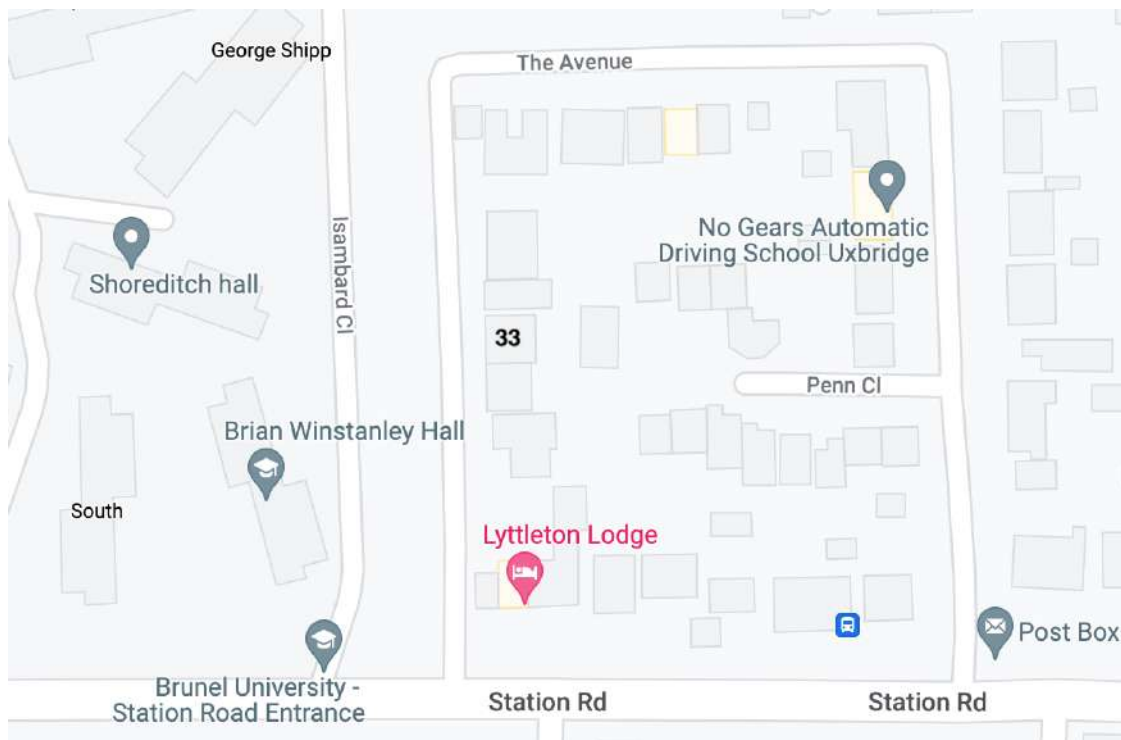
- 2.1. The application site is located on the eastern side of The Avenue within the administrative area of the London Borough of Hillingdon. The existing dwelling is two storey and is linked to the neighbouring dwelling by a single garage. To the rear there is a conservatory.
- 2.2. The site is not listed and there are no listed buildings in the vicinity of the site. The site is not within a Conservation Area. The site is within Flood zone 1.
- 2.3. An image of the front elevation of the property as viewed from The Avenue is shown below:



- 2.4. The character of the surrounding area is residential mostly consisting of two storey semi detached properties. An aerial image of the site is shown below:



2.5. An image showing the site and the wider context is shown below:



3. Relevant Planning History

- 3.1.** A full search of planning history for the application site has been carried out in preparation of the appeal statement. There is the following planning history:

Location: 33 The Avenue, Cowley, Uxbridge, UB8 3AD

Proposal: Erection of single storey rear extension (Application for a Certificate of Lawful Development for a Proposed Development).

Reference: 15727/APP/2022/380

Decided: 06-04-22

Status: Approval

Location: 33 The Avenue, Cowley, Uxbridge, UB8 3AD

Proposal: Replacement of existing conservatory with a rear extension and erection of rear extension and porch.

Reference: 15727/APP/2022/385

Decided: 17-06-22

Status: Approval

Location: 33 The Avenue, Cowley, Uxbridge, UB8 3AD

Proposal: Erection of attached garage and single storey side and rear extensions.

Reference: 13455/C/89/2333

Decided: 14-09-90

Status: Approval

4. Planning Policy Context

- 4.1.** This section of the Statement provides an analysis of the planning policy context in which the proposed development should be considered in accordance with the relevant planning legislation and national policy guidance.
- 4.2.** Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.3.** The statutory Development Plan for the London Borough of Hillingdon consists of the following documents relevant to the appeal:
- Local Plan: Part 1 Strategic Policies (Adopted November 2012) LPP1
 - Local Plan Part 2 Development Management Policies (Adopted January 2020) LPP2
- 4.4.** The relevant planning policies shown within the reason for refusal are:
- Reason for refusal 1 - Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

5. The Appellant's Case

Context

- 5.1.** To recap this appeal is against the decision of the London Borough of Hillingdon to refuse planning permission for the following development at 33 The Avenue in Cowley.

Erection of a first floor side extension

- 5.2.** The material considerations that arise from the reasons for refusal are as follows:

- *Reason 1 – Impact of the proposed development on the character of the host dwelling and the visual appearance of the street scene and the surrounding area.*

- 5.3.** As the reason for refusal is based on these matters only, it is considered that the development is acceptable in all other instances.

Reason 1 – Impact of the proposed development on the character of the host dwelling and the visual appearance of the street scene and the surrounding area

- 5.4.** The Council's reason for refusal of planning permission is worded as follows:

1) The proposed first floor side/rear extension, by reason of its combined size, width, scale, bulk, crown roofed design and proximity to the side boundary, would result in an excessive, bulky, dominant, disproportionate, incongruous and visually intrusive form of development that would fail to harmonise with the architectural composition of the original detached dwelling, would be detrimental to the character, appearance and of the area and to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

- 5.5.** In their delegated report, section 5 provides an assessment of the scheme. The Council sets out the requirements of the relevant planning policies. The policy that relates most specifically to the proposed extension is policy DMHD1 of the LPP2 which relates to alterations and extensions to residential dwellings.

- 5.6.** The Council's delegated report sets out the requirements of policy DMHD1. However, as the proposed development is for a first floor side extension, not all of the requirements are relevant. Part A of the policy provides general guidance for planning applications relating to alterations and extensions to dwellings.

- 5.7.** The following table lists the requirements of Part A of policy DMHD1 and provides the appellant's response.

Policy requirement	Appellant response
There is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area	There would be no cumulative impact on the character, appearance or quality of the existing street or wider area. The character of the local area is mixed with dwellings and their extensions having a range of sizes and appearances.
A satisfactory relationship with adjacent dwellings is achieved	The relationship with the neighbouring dwelling would be suitable due to the distance of the extension from the side elevation of the adjacent property. There is a gap retained to the site boundary, and

	the existence of the neighbour's garage ensures that any impact is minimal.
New extensions appear subordinate to the main dwelling in their floor area, width, depth and height	The proposed extension is not excessive in size either in width or depth where it matches the existing ground floor element. It is set well back from the front elevation of the dwelling and set well down from the existing ridge line. As a result, the extension would appear subordinate to the main dwelling.
New extensions respect the design of the original house and be of matching materials	The materials of the proposed extension match the existing. The extension has also been designed to reflect the character of the main dwelling in terms of style and roof slopes.
There is no unacceptable loss of outlook to neighbouring occupiers	There are no issues relating to impact on neighbouring outlook and this is confirmed by the Council in their report.
Adequate garden space is retained	There is no change to the garden size associated with the property as a result of the proposal and the development is therefore acceptable in this respect.
Adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C	There is no impact on the parking provision on the site and this is confirmed in the Council's delegated report.
Trees, hedges and other landscaping features are retained	No trees, hedges or other landscaping features are to be affected.
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.	Not applicable as the site is not within any of these designations.

5.8. The table above shows that the proposed development would comply with Part A of policy DMDH1. The issues that are most contentious from the Council's perspective relate to impact on the character of the local area and the main dwelling, and the relationship with the neighbouring dwelling. These issues will therefore be discussed in greater depth later on in this statement.

5.9. Part B of the policy relates to rear extensions. The following table lists the requirements of Part B of policy DMHD1 and provides the appellant's response.

Policy requirement	Appellant response
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	Not applicable as the proposal is not for a single storey rear extension.

Single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth	Not applicable as the proposal is not for a single storey rear extension.
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	Not applicable as the proposal is not for a single storey rear extension.
In Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet.	Not applicable as the proposal is not for a single storey, flat roofed rear extension and the site is not within a Conservation Area or Area of Special Local Character.
Balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted.	Not applicable as no balconies or access to flat roofs proposed.
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.	It is confirmed by the Council in their delegated report that the rear element of the first floor extension would not have any impact on outlook or access to natural light. There would be no impact on the rear windows of the neighbouring dwelling and there are no windows proposed that would result in overlooking.
Flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house.	Not applicable as the proposal does not have a flat roof.
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	The proposed roof pitch and materials match the original roof and is set down from the ridge ensuring that the roof is subordinate to the main dwelling.
Full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.	Not applicable as the proposal is not for a full width, two storey rear extension and the site is not in a designated area or near a listed building.

5.10. The table above shows that the majority of Part B of policy DMHD1 is not applicable. The only two areas where the requirements apply relate to impact on residential amenity and roof design. The proposal is acceptable in both of these respects.

5.11. Part C of policy DMHD1 relates to side extensions. The following table lists the requirements of Part C of policy DMHD1 and provides the appellant's response.

Policy requirement	Appellant response
Side extensions should not exceed half the width of the original property	The proposed extension is narrower in width than the existing single storey side extension below and is set back from the side boundary.

Extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded	Not applicable as the site is not a corner plot.
Garages should reflect the size guidelines set out in Appendix C Parking standards	Not applicable as the extension does not include a garage.
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.	The proposed extension is closer than 1 metre to the side boundary. However, in this instance, the site circumstances mean that there would be no harmful impact. The garage associated with the neighbouring property ensures that there is a suitable gap retained. The retention of this gap can be ensured by the Council when determining future planning applications relating to the neighbouring property.
Two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation	The proposed extension is set one metre back from the front elevation of the main dwelling and is therefore compliant in relation to this requirement.
Where hip to gable roof extensions exist, a two storey side extension will not be supported	Not applicable as the is not a hip to gable roof extension present.
In Conservation Areas, single storey side extensions may be required to be set back.	Not applicable as the site is not within a Conservation Area and the proposal is not for a single storey extension.

5.12. The table above therefore shows that the proposed extension is acceptable in relation to Part C of policy DMDH1. The key issue from the Council's perspective relates to the gap to the boundary. This will be discussed in more detail in subsequent sections of the statement.

5.13. The Council discusses the issues relating to design and character within the following paragraph of their report:

'The proposed extension would have a width of 3.78m and would be set 20cm off the side boundary. The extension would be set back 1m from the front wall, projecting 3m to the rear and would involve a large crown roof. The general addition would be incongruous, dominant, visually intrusive and overbearing to the architectural composition of the original dwelling. The proposal, in close proximity to the boundary, would negatively impact the character and appearance of the context and would be visually intrusive to the amenities of the streetscene. The gaps at first floor are important in the spacing of development and the near total infilling of this space would result in a cramped and incongruous form of development, despite the space above the garage next door. Over time, it is likely this addition would lead to a harmful terracing affected because of its scale, proximity to the boundary and width.'

5.14. The tables above address the specific requirements of policy DMDH1 of the LPP2. In relation to the impact on the original dwelling, the proposed extension reads clearly as an addition being set down from the ridge line and well back from the front elevation. The first floor extension is set back from the side elevation of the ground floor extension. Cumulatively, this means that the extension would be subservient to the original dwelling.

5.15. The design of the extension is such that it matches the style and appearance of the original dwelling. The roof slope and shape is the same and the style of the extension ensures that the dwelling retains its existing character.

5.16. In relation to the impact on the street scene, it would appear that the Council's main concern relates to the reduction in gap at first floor level. However, a small gap is retained to the boundary of the site and in this instance there are site circumstances that ensure that any impact on the street scene are minimised.

5.17. The existence of the single storey garage associated with the neighbouring property means that a substantial visual gap is retained at first floor level between the two properties. This is seen on the image below:



5.18. The Council states that:

'Over time, it is likely this addition would lead to a harmful terracing affected because of its scale, proximity to the boundary and width.'

5.19. This is not the case. The Council has complete control of the potential infilling of the remaining gap at the neighbouring property. Each planning application should be considered on its own merits, and on the site circumstances at the time of the planning application. In this case, at the current time, there would be a suitable gap retained at first floor level and in the future this gap can be easily controlled and retained by the Council as they determine future planning applications.

5.20. Additionally, and notwithstanding the above, the character of the local area is also important. In the case of The Avenue, there is a wide mix of types of housing, roof shapes and gaps between buildings.

5.21. As you walk down The Avenue, there are examples of single storey dwellings, two storey dwellings, dwellings with gables fronting the highway, dormer windows, pitched roofs and gables.

5.22. In terms of gaps between dwellings, there is also a wide range. There are examples of dwellings that are positioned very close together, where there is almost no gap at first floor level. This can be seen in the image below. These properties are located close to the site on the southern side of The Avenue.



5.23. There are also other properties that are positioned very close together on nearby Penn Close where there is very little gap at first floor level as can be seen in the images below:





- 5.24.** It is clear from the above that the character of the local area is mixed with a variety of dwellings in terms of size, style and design. This includes roof shapes and styles. Additionally, it has been shown that there are numerous examples in the local area where there are minimal gaps at first floor level between dwellings.
- 5.25.** There would be a large gap retained at first floor level between the proposed extension and the first floor element of the neighbouring dwelling. The retention of this gap is entirely within the control of the Council via the Development Management process.
- 5.26.** The extension is designed to reflect the character of the existing dwelling and is of a scale that ensures that it is subservient to the original property.
- 5.27.** For these reasons the proposed dwelling would not have a materially harmful impact on the character and appearance of the original dwelling, the local area or the street scene and would be compliant with the relevant policies of the Development Plan and the contents of the NPPF 2021.

6. Conclusion

- 6.1.** This appeal is made under Section 78 of the Town and County Planning Act 1990 (as amended). It sets out the Appellant's Case against the refusal of planning permission by the London Borough of Hillingdon.
- 6.2.** For the reasons set out in this report it is considered that the Council's reason for refusal has been addressed and the Inspector is therefore respectfully requested to allow the appeal and grant planning permission.