



Appeal Statement

First-Floor Side Extension
AT
31 Burwood Avenue,
Eastcote HA5 2RY

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr P Hare to support an appeal against the decision of London Borough of Hillingdon to refuse an application to extend a house at 31 Burwood Avenue, in Eastcote.
- b. Following a description of the site and surrounding area, this report will set out the planning history, provide an overview of relevant planning policy and outline the case for the appellant.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 29 April 2022, the appellant submitted an application to the London Borough of Hillingdon for the following proposal (reference: 22333/APP/2022/1413):

Erection of a first floor side/rear extension.

- b. On 5 October 2022, the council refused planning permission for the following reasons:

1. *The proposed first floor side/rear extension by reason of its size, scale, bulk and design would fail to harmonise with the architectural composition of the original dwelling, and the pair of semis of which it forms part and would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Eastcote Park Estate 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 4, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies HC1 and D4 of the London Plan (2021) and the NPPF.*
2. *The proposed first floor side/rear extension, by virtue of its proximity to the side boundary, would result in the loss of an important gap at first floor level which would detract from the spacing of development within the area, appearing as a cramped and incongruous addition to the streetscene which lies within the Eastcote Park Estate 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 4, DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies HC1 and D4 of the London Plan (2021) and the NPPF.*

3. Site Description

- a. The appeal property is a two-storey, semi-detached house located on the western side of Burwood Avenue, on a curved section of the road. The house has single- and two-storey side extensions and a ground floor rear extension. It also has a small rear dormer roof extension. The existing side extensions step back progressively from the main front elevation of the house.
- b. The surrounding area is residential in character and has a verdant, suburban feel. The house and its closest neighbours are set back from the main part of Burwood Road on a semi-circular spur that runs parallel to it.
- c. The adjoining neighbour at number 33 has a similar original design to the appeal property and has also been extended to the side over two floors. The other houses in the immediate area have a variety of architectural styles and have been extended and altered in various ways, creating a diverse streetscene.
- d. The application property is not listed but the site is not located within the designated Eastcote Park Estate Conservation Area.

4. Relevant Planning History & Appeal Proposal

- a. In November 2003, the council refused planning permission for a part single storey, part two storey side extension to the house along with a single-storey rear extension (reference: 22333/APP/2003/1521). A subsequent appeal against the decision was allowed on 5 May 2004 (reference: APP/R5510/A/04/1137037). The appeal decision is attached as Appendix A.
- b. In October 2004 and in May 2005, the council approved subsequent applications for similar side and rear extensions (references: 22333/APP/2004/1410 & 22333/APP/2005/205).
- c. The appeal proposal is for a new first-floor side extension atop an existing single-storey side extension that is set well back from the front of the house and also set well back from the existing two-storey side extensions.
- d. The new extension is built in matching materials and the existing hipped roof is extended over it. It has new front and rear windows.

5. Planning Policy

- a. Planning law states that decisions on planning applications must be taken in accordance with the statutory development plan unless material considerations indicate otherwise. The relevant parts of the development plan for the area are the Hillingdon Local Plan: Part One - Strategic Policies (2012), the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2021).
- b. According to the decision notice, the development fails to comply with policies BE1 and HE1 of the Strategic Policies, policies DMHB 4, DMHB 11, DMHB 12 and DMHD 1 of the Development Management Policies and policies HC1 and D4 of the London Plan. The reasons for refusal also refer to the provisions of the National Planning Policy Framework (NPPF, 2021).
- c. Policy BE1 (Built Environment) of the Strategic Policies requires all new development to improve the quality of the built environment in order to create successful and sustainable neighbourhoods. Among other things, the policy states that development proposals should be sensitive to local identity, landscapes, townscapes and views, improve areas of poor environmental quality, improve the quality of the public realm, and not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.
- d. Policy HE1 (Heritage) seeks to conserve Hillingdon's distinct and varied environment, its settings and the wider landscape, including its conservation areas.
- e. Policy DMHB 4 (Conservation Areas) 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."

- f. Policy DMHB 11 (Design of New Development) of the Development Management Policies requires that all new development exhibit a high quality of design. Development should harmonise with its surroundings in terms of its scale, size and detailed design. It should use high quality

materials. It should not unacceptably harm the residential amenity of close neighbours.

- g. Policy DMHB 12 (Streets and Public Realm) relates to the public realm design and improvements and does not appear to be relevant to the appeal proposal, which is confined to the curtilage of the dwelling only.
- h. Policy DMHD 1 (Alterations and Extensions to Residential Dwellings) sets out criteria for extensions. It seeks to ensure that there is:

"no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area"

- i. It requires that extensions are subordinate to the host dwelling *"in their floor area, width, depth and height"*. It recommends the use of matching materials. It requires that adequate garden space and parking is retained.
- j. It recommends that two-storey side extensions are set back 1m from the main front elevation and that the ridge of the roof is set 0.5m lower than the ridge of the roof over the main part of the house. Side extensions should be no more than 50% of the width of the main house and should be set away 1m from the side boundary.
- k. Policy HC1 of the London Plan (Heritage conservation and growth) seeks to preserve and enhance heritage assets, including conservation areas. Policy D4 requires a high quality of design in all new development.
- l. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how they should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.
- m. Paragraph 11(c) requires that decision-makers approve *"development proposals that accord with an up-to-date development plan without delay"*. Where policies are absent or out of date, permission should be granted unless:

"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."

- n. According to paragraph 38:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

- o. Paragraph 126 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."

- p. Chapter 16 relates to the conservation and enhancement of the historic environment, including listed buildings and conservation areas. Paragraph 186 describes heritage assets as an 'irreplaceable resource' and says that they should:

"be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

- q. Paragraph 194 requires that applicants describe the significance of any heritage assets affected by a planning application, in a level of detail proportionate to the assets' importance.

- r. Paragraph 197 says that, in assessing planning applications affecting heritage assets, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

s. 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."

t. Paragraph 200 states that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.

u. Paragraph 202 says that:

"Where a development proposal will 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 including, where appropriate, securing its optimum viable use."

6. Case for the Appellant

- a. The council does not object in principle to the extension of this dwelling and it is satisfied that there will be no harm to the residential amenity of close neighbours. It is concerned, however, about the impact of the extensions on the character and appearance of the property and the wider Eastcote Park Estate Conservation Area.
- b. Hillingdon policies BE1 and DMHB 11 and London plan policy D4 require that all new development exhibit a high quality of design and respect and reflect the character of the surrounding area. Local policies HE1, DMHB4 and London Plan policy HC1 require that development does not cause harm to the special character of heritage assets, including unlisted buildings in conservation areas.
- c. The council's Conservation Area Appraisal for Eastcote Park explains that it was laid out as a single planned estate in the 1930s. It has a curved plan form with roads that follow a loop formation. It has a spacious, green and suburban feel. Most of the houses are semi-detached and on similarly sized plots.
- d. In the 2004 appeal decision, the inspector defined the special character of the area as follows:

"The character of the area is largely derived from the variety in the form, style and layout of the street, which contains mostly substantial semi-detached pairs of houses built in the earlier part of the 20th Century. The presence of mature landscaping and the set back of the houses for the road generates a spacious and leafy feel to the area. I observed that several houses have been extended in different ways. This adds to the diversity in the street scene and contributes to the informal character of the area."

- e. The council's first reason for refusal argues that the extension would *"by reason of its size, scale, bulk and design ... fail to harmonise with the architectural composition of the host dwelling"*. The officer's report repeats the allegation but does not substantiate it.
- f. Though the reasons for refusal quote the detailed design guidance for householder extensions in policy DMHD 1 of the Hillingdon Development

Management Policies, the officer's report does not argue that the proposal fails to comply with any of the policy's specific requirements.

- g. The host dwelling in this case has already been extended to the side with various extensions that step back from the front elevation so that they appear as subservient additions and are not prominent on the streetscene. The proposed new extension will sit above an existing ground floor addition that is set very substantially back from the front of the house and from the street. It is discreetly located away from public views and will not draw undue attention to itself. It is modest in depth and width and relatively low in height. It has a sympathetic hipped roof form and uses matching materials. It is set well away from the side boundary. It adds relatively little floor area or volume to this already-extended house, and the house will not look very much further altered when viewed from the street.
- h. Though there is not a matching extension at number 33, these two houses are already not quite in perfect symmetry and the siting and size of the extensions means that it will not easily be viewed in juxtaposition with the matching area of the neighbour's property.
- i. The extension will, in fact, only be visible (and at some distance) from directly in front of it, as the satellite image in figure 1, below, shows. From other vantagepoints, it is shielded from view either by the main central part of the appeal property itself or by the neighbour at number 29.



Figure 1: The setback of the extension and the presence of large houses either side mean that the extension will be difficult to see from the street.

- j. In its second reason for refusal, the council argues that the extension will close an important gap between the houses at first floor level. The case officer describes it as a *"significant alteration of the space and gap between buildings"* and states that it would interrupt the spacing between houses and make the property appear cramped.
- k. However, the relative siting of the houses on this curve in the road means that the extension will not close an important gap. The appeal property and its detached neighbour at number 29 are angled in towards each other (as can be seen in figure 1, on the previous page) so that there is not a large gap between them and meaning the extension, which is set well back from the front elevations, will not really be visible, much less close an important gap. Other gaps, such as the one between numbers 33 and 35, just a little along from the appeal site, are more open and therefore more important.
- l. The council quotes the 2004 appeal decision in support of its argument. However, when the inspector referred to an important gap between numbers

29 and 31, she meant the appeal property before the extensions were built. Though the inspector states that the gap is important, she nevertheless grants for permission for extensions that partially close it. The conclusion she reaches – that there is no appreciable harm to the views between neighbouring buildings, applies equally to the current proposal.

- m. The appellant notes that the council has granted approval for much more prominent first floor side extensions to houses in this area. For example, in April 2022 it approved a side extension to 26 St Lawrence Drive, around the corner from the appeal site and in the same conservation area (reference: 76015/APP/2022/443). The image in figure 2, below, shows the house before development commenced, with a clear gap at first floor level. The image in figure 3 shows the development in progress following the grant of planning permission.



Figure 2: Numbers 26 and 28 St Lawrence Drive, prior to the recent development



Figure 3: Numbers 26 and 28 St Lawrence Drive, following the recent development

7. Conclusions

- a. The council does not object in principle to the appeal proposal and does not believe there will be any harm to neighbours' amenities. It is concerned that the new extension will harm the architectural composition of the host building and close an important gap between neighbouring houses.
- b. The curve on the road means that numbers 31 and 29 are angled towards each other at the front but angle away from each other towards the rear. The extension is proposed for a rear part of the house, set well back from the street and away from the side boundary. Given this setback, the limited size of the extension and the relative orientation of the houses, the extension will not be visible to passersby except at a considerable distance and from a very limited vantagepoint right in front of it.
- c. Insofar as it is visible, it is modest in depth, width and height, has a sympathetic roof form and uses matching materials. It is a subordinate addition. It will not appear incongruous, oversized or out of place. Given its size and siting, there is no loss of openness and no closure of an important visual between neighbouring houses.
- d. In general, the streetscene in this location is diverse. Many of the houses have been extended and this diversity creates greater tolerance for alterations to individual properties.
- e. For the above reasons, it is considered that the proposed development complies with the relevant development plan and national policies and the inspector is therefore respectfully requested to allow this appeal.



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