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Grounds of Appeal

on behalf of

Keith & Laura Byrne

Of

13 Rushdene Road, Pinner HA5 1SW

for

Erection of single storey extension to front, side and rear following
demolition of existing garage

BMD/1172

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1.0 Introduction

- 1.1 This Grounds of Appeal is submitted on behalf of **Keith & Laura Byrne** (“the Appellants”).
- 1.2 It relates to, and is submitted in support of, an appeal (“the Appeal”) pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended) and is made in accordance with the Town and Country Planning Rules 2000.
- 1.3 The subject site (“the Appeal Site”) is located at **13 Rushdene Road, Pinner HA5 1SW**
- 1.4 The Appeal has been submitted in response to the decision by the **London Borough of Hillingdon** (as local planning authority) (“the LPA”) to refuse to grant consent to redevelop the Appeal Site, pursuant to an application for full planning permission (“the Application”) for a proposed **erection of single storey extension to front, side and rear following demolition of existing garage** (“the Development”).

2.0 The Appeal Site

- 2.1 The appeal site is located at **13 Rushdene Road, Pinner HA5 1SW**
- 2.2 The appeal site is comprised of a two storey, 3-bedroom semi-detached house with side garage.
- 2.3 A Certificate of Lawful Development **Ref: 32287/APP/2022/2404** was granted for the **conversion of the roof space to habitable use to include a rear dormer with 2 front roof lights, conversion of roof from hip to gable end with new gable end window, part demolition of side chimney stack and blocking up first floor side window.**
- 2.4 Photos of the appeal site are shown in Appendix A

3.0 The Application

- 3.1 Planning Application Ref: **Ref: 32287/APP/2022/2394** for the proposed **erection of single storey extension to front, side and rear following demolition of existing garage** was registered on 28th July 2022
- 3.2 The Appellant will refer to a decision letter dated 21st October 2022, within which the LPA refused to grant consent for the Application. In so doing, the LPA relied upon the following reasons for refusal:

Due to its width, bulk and design the proposed front/side extension would fail to harmonise with the architectural composition of the original dwelling and would be significantly harmful to the appearance of the original dwelling, unbalancing the visual symmetry which exists between No.13 and 15 Rushdene Road, causing harm to the character and appearance of the streetscene and surrounding area. For these reasons the proposal conflicts with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).

4.0 Policy Context

- 4.1 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’***
- 4.2 A high quality of design should be achieved in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;
- 4.3 New development should be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.
- 4.4 Policy DMHD 1: Alterations and Extensions to Residential Dwellings requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling.
- 4.5 Policy DMHB 11: Design of New Development, sets out how the Local Authority will seek to ensure that all new development complements and where possible, improves the character and appearance of the area in which it is proposed. Buildings should be of a high-quality design, materials and finish. The Council will encourage developments that include well-proportioned and attractive external spaces which are put to a positive public or private use.
- 4.6 Policy DMHB 12: Streets and Public Realm, sets out how the Local Authority can deliver a well-designed, high quality, durable public realm. In particular, it refers to ensure public realm design takes account of the established townscape character and quality of the surrounding area.

5.0 LPA Comments Prior to Decision

5.1 Prior to the application determination date being reached, email discussions were held with the case officer to advise on what decision the LPA were likely to make.

5.2 The advice received was as follows:

“Unfortunately, I have concerns with the wrap around front extension. I note the examples included in your planning statement, but all of these are on different streets and many are either historic or approved where they will re-balance a pair of properties. I am concerned about the impact of your proposal on the property and pair, given the immediate context.”

5.3 Our response to the LPA’s comments was that, considering the number of similar types of developments in the area and the wide variation of property styles and sizes, there would be no reason to conclude that the proposed development would have an unacceptable impact on the character and appearance of the host property and the surrounding area.

5.4 Following discussions with the appellants, it was decided to proceed with the planning application and appeal the LPA’s decision.

6.0 Grounds of Appeal

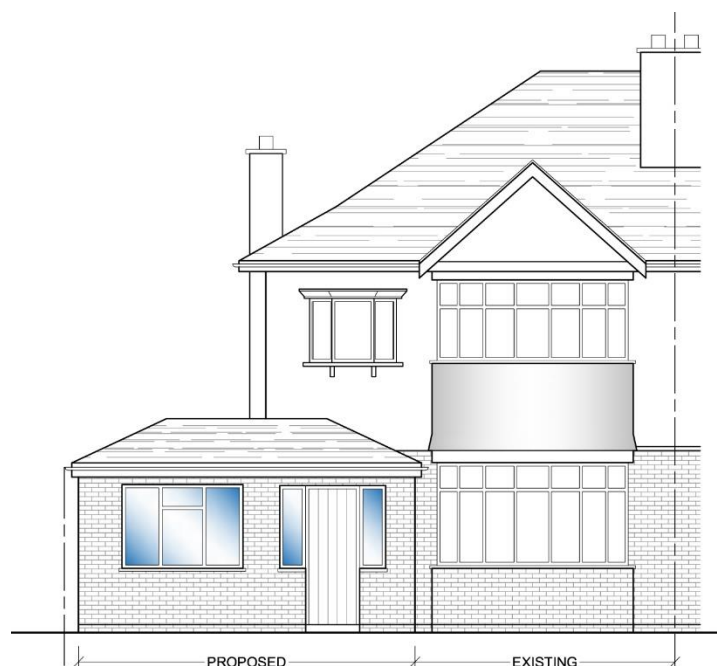
6.1 The appeal property is a two storey, 3-bedroom, semi-detached house with attached side garage as shown in Figure 1.



Figure 1

- 6.2 Planning Application Ref: **Ref: 32287/APP/2022/2394** was submitted for the proposed erection of single storey extension to front, side and rear following demolition of existing garage.
- 6.3 The LPA raised no concerns in relation to the proposed demolition of the existing side garage and the formation of a new rear and side extension.
- 6.4 The focus of this appeal therefore is the wrap around front porch section that formed part of the proposals.
- 6.5 Policy DMHD 1 of the Hillingdon Local Plan: states that:
- 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; and*
 - iii) notwithstanding the above, at least 25% of the front garden must be retained.*
- 6.6 The officers report prepared as part of the planning application, states that the proposed porch was unacceptable as it would:
- alter the overall appearance of the house*
 - dominate the character of the street*
 - fail to be subordinate in scale*
 - not be designed to respect the character and features of the original building.*
- 6.7 Figure 2 below shows the front elevation including the proposed porch.

Figure 2



- 6.8 As can be seen in Figure 2, the proposed front extension is small in nature and clearly subordinate in scale to the original building.
- 6.9 The proposed extension will be formed using matching wall and roof materials and window style and features to allow the new addition to blend seamlessly into the existing building.
- 6.10 The suggestion that the proposed porch will 'dominate the character the street' lacks any basis considering what the LPA have previously approved in the immediate area.
- 6.11 Directly opposite the appeal site are two properties, 93 & 95 The Chase.
- 6.12 As can be seen in Figures 3 & 4 below, both properties were originally of a similar style to the appeal property.
- 6.13 Both have been extended considerably including similar porches across the front elevations.



Figure 3 93 The Chase



Figure 4 95 The Chase

- 6.14 The officers report that accompanied the planning approval for 93 The Chase Ref: 53820/APP/2010/1081 stated the following:

‘The proposed porch would not project across the whole of the front elevation however, it would alter the appearance of the dwelling as the proposal would extend across half of the ground floor front elevation. The proposal is not considered to have a harmful impact on the character of the dwelling and would not remove any valuable architectural features.

Several properties in the street scene have carried out similar extensions as have the adjoining dwelling, therefore the proposal would not have a harmful impact on the character of the street scene’

- 6.15 Another relatively recent planning at application Ref: 8241/APP/2016/4025 at No. 23 The Chase shown in figure 5 below was approved for a single storey side/rear extension and porch to front.

- 6.16 The officers report at the time stated the following:

“The proposed porch and roof alteration to the front is considered to be a subordinate addition to the main dwelling, by reason of its limited size and scale.

The porch retains a large section of the original front elevation to appear proportionate and would therefore have a minimal impact on the character and appearance of the original dwelling and the visual amenities of the street scene. The proposed extensions are considered acceptable as they would harmonise with the character and appearance of the original dwelling and the visual amenities of the surrounding area.



Figure 5 23 The Chase

- 6.17 Planning permission Ref: 75012/APP/2019/2623 was granted in 2018 at No. 47 Deane Croft Road for a proposed single storey rear extension, single storey front extension and conversion of garage to habitable use, involving alterations to side elevation. As seen in figure 6 below.
- 6.18 In this instance the officers report stated that, ***“Although the depth of the porch exceeds 1m it does not project beyond the line of the existing bay window. It is therefore considered that the proposed extensions are in keeping with the character and appearance of the subject property and the wider area”***



Figure 6 47 Deane Croft Road

- 6.19 The extensions and alterations that were considered acceptable at these properties and approved by the council, are either considerably larger or of a similar scale to the proposals at the appeal site.
- 6.20 We believe the LPA have acted unreasonably by considering that these extensions were acceptable whilst, the proposals at the appeal site which are considerably smaller, are not.
- 6.21 Consistency of decision making is a fundamental principle of planning law and the LPA have clearly diverted from this requirement.
- 6.22 These planning permissions and comments made at the time by the Case Officers clearly demonstrate a lack of consistency by the LPA when making their decisions.
- 6.23 There are a considerable number of similar porch developments in the immediate area however the LPA state in their Officers Report that, because they are historic or carried out without planning permission, they carry limited weight.
- 6.24 Regardless of whether these developments are historic or carried out without planning permission, they are now a common characteristic of the local street scene and should therefore have been taken into consideration when making a decision.
- 6.25 The proposed porch at the appeal site would replicate the subservient relationship with the existing building that is found elsewhere within the area and does not detract from the street scene.
- 6.26 As a consequence, the new porch would complement the existing, surrounding built form.
- 6.27 The case officer made the following comment in the officer's report
- “The Agent has shared some examples of front extensions nearby however, almost all of these are on different streets”***
- 6.28 The ***‘character of an area’*** is broader than the just the properties on the same road or immediately adjacent an application site.
- 6.29 The area surrounding the Appeal Site includes, Rushdene Road, Croft Close and Deane Croft Road with similar house styles and character.
- 6.30 A map of the area in relation to the Appeal Site is shown in Figure 7.



Figure 7 Surrounding Area

6.31 Similar porch extensions that can be found in close proximity to the Appeal Site include the following:



Figure 8 75 The Chase



Figure 9 61 The Chase



Figure 10 63 The Chase



Figure 11 49 The Chase



Figure 12 51 The Chase



Figure 13 4 The Chase



Figure 14 95 Deane Croft Road



Figure 15 89 Deane Croft Road



Figure 16 87 Deane Croft Road



Figure 17 59 Deane Croft Road



Figure 18 57 Deane Croft Road



Figure 19 60 Deane Croft Road



Figure 20 56 Deane Croft Road



Figure 21 45 Deane Croft Road



Figure 22 41 Deane Croft Road



Figure 23 25 Deane Croft Road



Figure 24 15 Deane Croft Road



Figure 25 14 Deane Croft Road

7.0 Conclusion

- 7.1 The proposed development shall be minor and will not alter the overall appearance of the house or dominate the character of the street.
- 7.2 The extension shall be subordinate in scale and designed to respect the character and features of the original building.
- 7.3 Inconsistencies with how the LPA have approved similar nearby planning applications shows they have acted unreasonably with regard to the appeal site.
- 7.4 We therefore request that this appeal be allowed.

Appendix A

Appeal Site Photos

