



WRITTEN STATEMENT OF CASE

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LPA	LONDON BOROUGH OF HILLINGDON
APPLICATION No.	60575/APP/2022/2562
APPLICATION DATE	15/08/2022
DECISION DATE	10/10/2022
SITE LOCATION	92 Berkeley Road Hillingdon UB10 9DY
APPELLANT	Mrs Meena Bhatti

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Appendix A - Application reference 60575/APP/2005/1178

1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for the erection of a single storey extension, following the removal of the side canopy structure, at No. 92 Berkeley Road, in Hillingdon.
- 1.2 The appeal application, reference 60575/APP/2022/2562 was received by the Council on 15th August 2022 and subsequently refused on 10th October 2022, with the decision notice stating the following reason for refusal:
- 1. The proposed single storey side extension in conjunction with the current side extension, by reason of its prominent siting, cumulative and combined height, depth and width, design, bulk and massing would result in an awkward, incongruous, disproportionate, visually intrusive and excessively wide addition that would harm the architectural composition of the original dwelling, relationship with no.50 Lynhurst Crescent of which it forms part to, character and appearance of the area and visual amenities of this prominent streetscene. Therefore, the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*
- 1.3 Having taken into account the reason given for refusal and the individual circumstances of this case, the appellant has concluded that the most appropriate course of action would be to appeal to the Planning Inspectorate, in the hope that approval may be granted for the proposed development, which is required to provide additional bathroom facilities for the appellant's growing family.

2.0 CONSULTATIONS

- 2.1 The occupants of the 9 nearest properties and the Oak Farm Residents Association (OFRA) were consulted in regard to the scheme and no objections were received by the Council, which indicates that the neighbours and the local Residents' Association do not share the Council's concerns.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the appeal property:
- **Planning application reference: 60575/APP/2005/1178 – (see Appendix A)**
Front porch and single storey side/rear extension **Approved 16/05/2005**
- 3.2 The side canopy has been in place since 2006 and is immune from enforcement.

4.0 APPEAL PROPERTY

- 4.1 The appeal property is a two-storey semi-detached single family dwellinghouse located on a corner plot at the junction of Berkeley Road and Lynhurst Crescent. The house is paired with No. 50 Lynhurst Crescent with these two properties angled to face north away from their nearest neighbours at No. 90a Berkeley Road (built 2005) and No. 52 Lynhurst Crescent.



Appeal Property – No. 92 Berkeley Road

- 4.2 Most of the houses share a similar architectural style, however many have been extended over the years to modernise and improve the dwellings for their occupants, with the appeal property benefiting from a front porch, side and rear extension, together with a side canopy structure that has been in place since 2006. The adjoining property No. 50 also has a rear extension of matching depth and design.

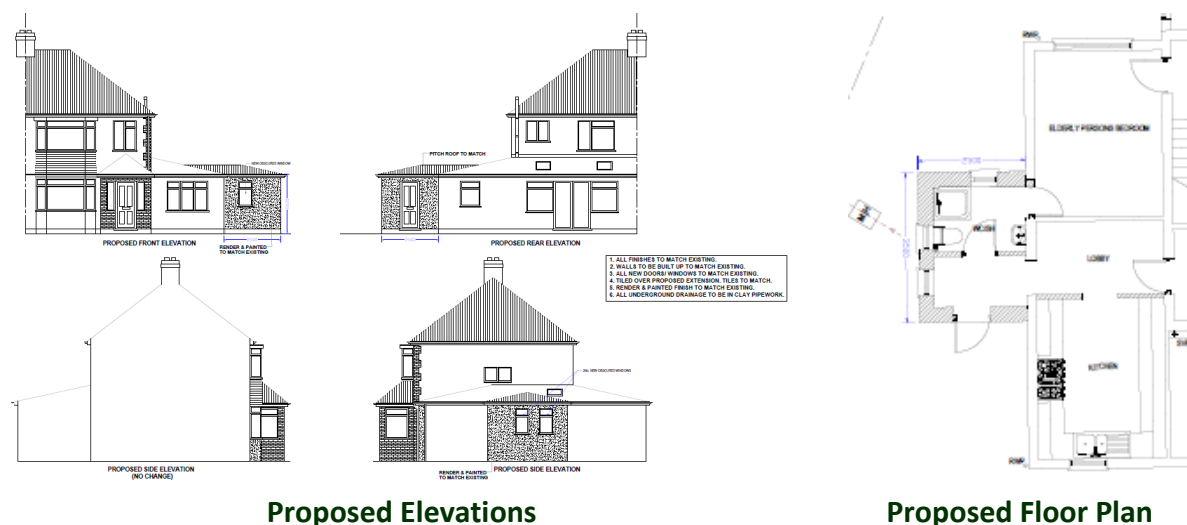


Appeal Site and Surrounding Area

- 4.3 The appeal site is in a predominantly residential area which is not part of a designated Conservation Area and is not close to any Listed Buildings. The property is set within Flood Zone 1 where there is a low probability of flooding from rivers and the sea.

5.0 APPEAL PROPOSAL

- 5.1 The appeal application sought planning permission for the erection of a single storey extension, following the removal of the existing side canopy at No. 92 Berkeley Road.
- 5.2 The extension will measure 2.5m in width and 3.5m in depth, with a shallow pitched hipped roof that will have an eaves height of 2.6m and a maximum height of 3.0m.
- 5.3 There is one window proposed to its front elevation and two on the side elevation, all of which will be obscure glazed. A door is also proposed to the rear elevation of the proposed extension, to provide access to the existing side door.



Proposed Elevations

Proposed Floor Plan

- 5.4 The walls will be rendered and painted, and the roof will be tiled to match the host property.
- 5.5 The extension will provide 6.0m² of floor area, consisting of a side entrance lobby and a shower room.

6.0 RELEVANT PLANNING POLICY

- 6.1 The reasons for refusal state that the appeal proposal is considered contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 6.2 Although not mentioned within the reason for refusal, the London Plan (2021) and the National Planning Policy Framework (2021) are also relevant to this appeal. 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 FEBRUARY 2021 (NPPF)

- 6.3 The NPPF (July 2021) sets out the Government's planning policies for England and how these are expected to be applied, this document replaces the National Planning Policy Framework published in February 2019. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Achieving sustainable development

- 6.4 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.5 These address social progress, economic well-being and environmental protection. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.

Decision-making

- 6.6 Paragraph 38 states that 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, including brownfield registers and permission in principle, 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.

Achieving well-designed places

- 6.7 Section 12 of the NPPF describes how the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, 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"*.
- 6.8 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.*

6.9 Whilst Paragraph 134 highlights that development that is not well designed should be refused, it also states that conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

THE LONDON PLAN (2021)

6.10 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

Policy D3: Optimising site capacity through the design-led approach

6.11 In regard to the design-led approach, Section A states that "All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-

led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D". Section D stated that development proposals should in regard to form and layout:

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions*

HILLINGDON LOCAL PLAN: PART ONE STRATEGIC POLICIES (NOVEMBER 2012)

- 6.12 The Hillingdon Local Plan is the key strategic planning document and has an ambition for Hillingdon to be an attractive and sustainable borough.

Policy BE1 – Built Environment

- 6.13 Policy BE1 is a general policy which 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. Criterion 1 of the policy states that new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area and which contributes to community cohesion and a sense of place.
- 6.14 Criterion 2 of the policy states that proposals should be designed to be appropriate to the identify 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.

LOCAL PLAN PART 2 DEVELOPMENT MANAGEMENT POLICIES (ADOPTED JAN 2020)

- 6.15 This Development Management Policies document forms part of Hillingdon's Local Plan Part 2. Its purpose is to provide detailed policies that will form the basis of the Council's decisions on individual planning applications. Policies DMHB 11, DMHB 12, and DMHD 1 are referred to within the reason for refusal.

Policy DMHB 11 - Design of New Development

- 6.16 Section A) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate

principles of good design including; harmonising with the local context by taking into account the surrounding and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- *scale of development, considering the height, mass and bulk of adjacent structures;*
- *building plot sizes and widths, plot coverage and established street patterns;*
- *building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;*
- *architectural composition and quality of detailing; local topography, views both from and to the site; and*
- *impact on neighbouring open spaces and their environment.*

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

- 6.17 Section B) states development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space; Section C) states development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential; and Section D) stated development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection.

Policy DMHB 12 - Streets and Public Realm

- 6.18 Section A) states that development should be well integrated with the surrounding area and accessible, and amongst other criteria, it should ensure public realm design takes account of the established townscape character and quality of the surrounding area.

APPENDIX A: HOUSEHOLDER DEVELOPMENT POLICIES

- 6.19 Paragraph A1.6 states that good design of residential alterations and extensions will enhance the appearance of a house, and thus its value, as well as improving the appearance of the local area. It can also help improve people's enjoyment of their house and reduce energy bills. Well designed alterations and extensions, using quality materials, should be of a scale and form in keeping with the house, and sympathetic to existing character, proportions, and floor plan. All proposed extensions should appear subordinate to the existing house, with appropriately selected windows, materials and detailing.

- 6.20 Paragraph A1.10 A adds that *“single storey side extension is a common means of extending a house to provide extra living or garage space. The size and width of a side extension should not dominate the original property and should appear subordinate to the main house. It should also reflect the architectural style of the main building. Single storey side extensions must be accommodated within the plot and not over-sail the neighbour's property”*.

Policy DMHD 1 - Alterations and Extensions to Residential Dwellings

- 6.21 In relation to the appeal proposal Section A) states 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.*

- 6.22 Section C) relates to side extensions and in regard to this appeal states:

- 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;*

7.0 GROUNDS OF APPEAL

Introduction

- 7.1 The appellant's case will focus on the central concerns of the decision notice, notably:
- Whether the proposed single storey side extension in conjunction with the current side extension, by reason of its prominent siting, cumulative and combined height, depth and width, design, bulk and massing would result in an awkward, incongruous, disproportionate, visually intrusive and excessively wide addition that would harm the architectural composition of the original dwelling, the relationship with No. 50 Lynhurst Crescent of which it forms part to, the character and appearance of the area and the visual amenities of this prominent streetscene.
- 7.2 Having taken into consideration the aims and objectives of planning policy, national and regional planning guidance, all other material planning considerations including the relevant planning history of the site, the main points in the determination of this appeal to be:
- the principle of the development
 - the background to the case
 - the design and impact on the host dwelling and setting
 - the impact on neighbouring amenity
 - the amenity at the appeal dwelling
 - the car parking provision
- 7.3 There are a number of considerations that can be taken into account in response to the Council's concerns and these will be discussed in more detail as follows.

Principle of Development

- 7.4 The proposal is to remove the existing side canopy structure and replace this with a modest side extension to provide a shower room for the bedroom within the existing side extension, and represents a high quality form of development that will improve amenity for current and future occupants; whilst protecting the amenity of neighbouring residents.
- 7.5 The proposal will enhance the appearance of the host property and the character of the area, whilst providing a more practically located ground floor shower room for the grandparents of the extended family, adjacent to their bedroom. The proposal therefore ought to be considered acceptable in principle, subject to ensuring a high quality neighbourly design.

Background to the Case

- 7.6 As previously detailed in the Relevant Site History – Section 3.0 of this statement, the appeal property has previously gained planning permission for the ‘Erection of a single storey side and rear extension and front porch (involving demolition of existing lean-to and front porch)’ under application reference 60575/APP/2005/1178 on 16th June 2005 (see **Appendix A**).
- 7.7 Although there is no planning history recorded for the side canopy structure, this was added soon after the side and rear extension were completed in 2006, with the earliest image available for the property on Google Street View showing this in place in August 2008. which makes it immune from enforcement action.



Street View Image dated August 2008

- 7.8 The Delegated Report therefore confirms that this side canopy is “*immune from enforcement action*”.

Design and Impact on Host Dwelling and Setting

- 7.9 Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm, contributing to community cohesion and a sense of place.
- 7.10 In this regard, the removal of the existing canopy and the construction of a modest high quality extension, will improve the appearance of the appeal property which occupies a prominent position within the street scene. The extension has been purposefully designed to ensure that it will provide the required internal space within the dwelling, whilst complementing the existing house and the neighbouring properties.



Appeal Property within the Street Scene

- 7.11 No. 92 is a semi-detached property set amongst terraced and semi-detached houses within a typical residential area; however, the appeal property and its paired house No. 50 Lyndhurst Crescent face away from neighbouring houses and towards the junction of Lyndhurst Crescent with Berkeley Road where they occupy adjoining corner plots.
- 7.12 As previously described, the appeal property has a wrap-around side and rear extension which measures 3.2m in width from the flank elevation and 3.2m in depth from the rear elevation, with a hipped roof that has an eaves height of 2.6m and a maximum height of 3.32m.



Front Elevation



Extension viewed from Berkeley Road



Side Elevation



Rear Elevation

- 7.13 The property also has a canopy to the side which extends 2.54m from the side of the extension and has a length of 6.95m and a maximum height of 2.45m. As pictured below, this consists of a timber platform and balustrades, wicker screening to the northern side and a Perspex roof supported by a timber frame, with rainwater guttering. This canopy covers an area of 17.65m² and is accessed from the existing side door of the house.



Existing Canopy – Side Elevation



Existing Canopy – Rear Elevation

- 7.14 The proposal is to remove the side canopy and replace it with an extension measuring just 2.5m in width and 3.5m in depth, with a shallow pitched hipped roof that will have an eaves height of 2.6m and a maximum height of 3.0m.



Proposed Elevations

- 7.15 The extension will have a footprint of just 8.75m² which will cover less than half the area currently occupied by the canopy structure and will have painted rendered walls, together with a hipped tiled roof to match the existing side addition. This will also have a matching eaves height of 2.6m and a maximum height of 3.0m to remain subservient to the house and existing extension.

- 7.16 The Planning Officers have commented that the proposed extension, together with the existing consented side addition would result in a cumulative width similar to that of the original dwelling, stating that this would be *“far too dominating, imposing and disproportionate”*.
- 7.17 Whilst it is acknowledged that Policy DMHD 1 of the Local Plan states in Section C) that side extensions should not exceed half the width of the original property, it is argued that in this case the proposed extension will be modest in size and set back 3.0m behind the front elevation of the existing side addition. It will also be lower in height than the existing extension and largely screened from view by the high wall with gate to the side of the dwelling and the boundary walls around the side and rear gardens which have trellising and planting on top to further hide the extension from view.



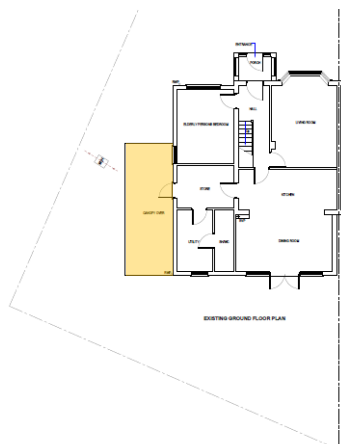
Front Elevation and Wall



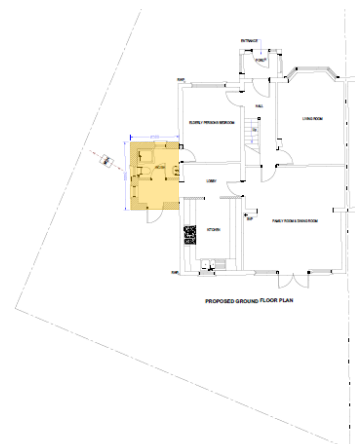
High Side Boundary Wall

- 7.18 Policy DMHD 1 also recommends that extensions to corner plots should ensure that the openness of the area is maintained which is achieved by the proposal. As illustrated below, the plot widens towards the rear, retaining plenty of open space to the side of the property, with more free space provided by the removal of the much larger canopy structure.

- 7.19 The Planning Officers have stated that *“The lightweight canopy does not justify the footprint and envelope of the new addition as it reads as light weight addition to the property with a very different visual impact”*, although this assessment is disputed as the canopy is a larger addition and is far less harmonious with the appearance of the host property.



Existing Canopy Extension

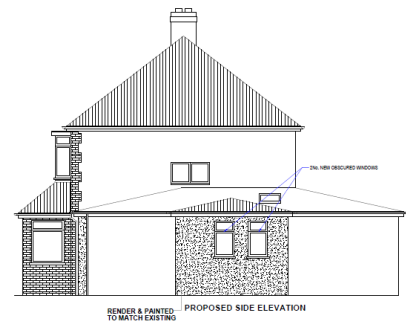


Proposed Side Extension

- 7.20 Furthermore, it has also been suggested that *“The solid addition would be very visible in both public and private views and fail to harmonise with the architectural composition of the host, failing to preserve the streetscene successfully”*. Although it is clear that the proposed extension will be a far higher quality addition to the property in terms of its design and finish, and due to the matching materials, will assimilate much better with the character of the host property and the area in general.



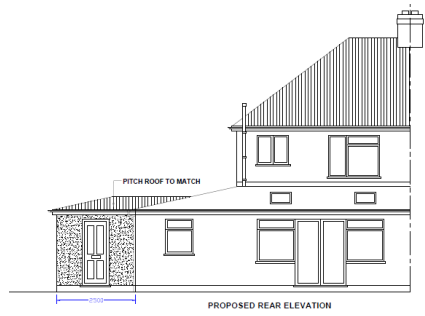
Existing Side Elevation with Canopy



Proposed Side Extension



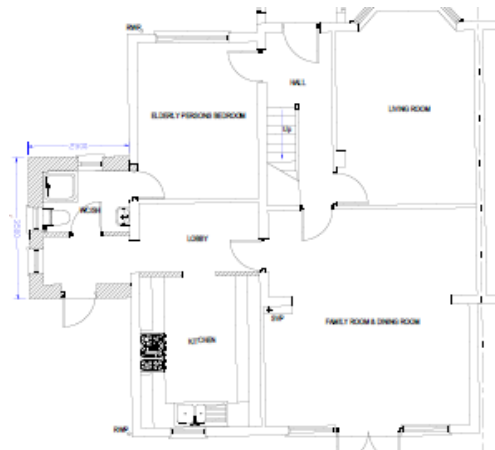
Existing Rear Elevation with Canopy



Proposed Rear Elevation

- 7.21 As previously detailed, the existing canopy is immune from enforcement action, therefore, although it is not in keeping with the property it will remain in place if the new extension is not allowed, as this provides a practical area to store household items and dry clothes.

- 7.22 The proposed extension has a far more useful purpose, as this is to provide a ground floor shower room linked to the bedroom within the existing side addition, that is occupied by the extended family's elderly grandparents, with their children and grandchildren utilising the first floor bedrooms and bathroom, having their own shower room will make family life a lot easier. The proposed extension also retains a side door for the property into the garden area.



Proposed Floor Plan

The impact on Neighbouring Amenity

- 7.23 The proposed extension has been assessed in regard to its possible impact on neighbouring amenities, against the NPPF (2021) which states in paragraph 130 that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.
- 7.24 This is supported by Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) which states that planning applications relating to alterations and extensions of dwellings will be required to ensure that: ii) a satisfactory relationship with adjacent dwellings is achieved; and v) there is no unacceptable loss of outlook to neighbouring occupiers. Policy DMHB 11 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) also seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 7.25 The Council has assessed the possible impact on attached property No. 50 Lyndhurst Crescent, and has stated that as the side extension would not be directly visible from the neighbouring curtilage, no harm to amenity would be caused. Moreover, it has been confirmed that the nearby occupiers to the rear and on the opposite side of the road would not be detrimentally impacted, with all three windows to also be obscure glazed.
- 7.26 The Planning Officers therefore concluded that *“the proposal, would not be detrimental to the residential amenity of adjacent and surrounding occupiers in terms of overdominance, outlook, sense of enclosure, visual intrusion, loss of daylight/sunlight or overbearing impact. Therefore, the proposal would comply with the requirements of Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)”*.

Amenity at the Appeal Property

- 7.27 As previously described, the proposal will improve visual amenity and increase garden space by replacing the existing canopy structure with a higher quality more modest addition, that will provide the ground floor bedroom with a more practically located shower room, for use by the elderly grandparents whose family utilise the first floor bedrooms and will then have sole use of the main family bathroom.

Car Parking Provision

- 7.28 The existing parking provision will remain unaffected by the proposal, in accordance with Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).

8.0 CONCLUSION

- 8.1 The proposed extension to the appeal property has been designed to respect the character of the local area and this has been achieved through careful attention to the depth, position, height and design of the extension to create a form of development that assimilates well with the appeal property and the surrounding residential setting.
- 8.2 The proposal will improve the appearance of the property within the street scene, with the existing bulky side canopy structure to be removed and a more modest higher quality extension to be constructed in its place. The proposal will therefore improve the character and appearance of the host dwelling, the street scene and the wider residential setting.
- 8.3 This statement has demonstrated that the proposal to extend No. 92 Berkeley Road will assimilate well with the locality, with the spacious corner plot allowing a cumulative wider side addition to be added in this set back position, without harming the existing character of the house or appearing as an overdevelopment of the site.
- 8.4 It should be noted that the extension will be largely screened from view behind the high boundary walls and planting supported by trellising, with the usable garden space also increased by the development. The Planning Officers have also confirmed that the proposed extension will not have any impact on neighbouring amenities, with no residents having objected to the scheme.
- 8.5 The proposal was submitted to provide a shower room for the grandparents of the extended family so that they will have more conveniently located bathroom facilities adjacent to their bedroom, that may become essential in the future if mobility becomes an issue. This proposed facility will also allow the rest of the family to have sole use of the main bathroom, with the whole extended family currently using one bathroom, the limited facilities already cause issues that they are seeking to resolve. The high quality development will therefore improve residential amenity for current and future occupants of the dwellinghouse and make better use of the spacious wedge-shaped plot.
- 8.6 The NPPF (2021) states that decision-takers 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 proposal would not cause any detriment to neighbouring visual or residential amenities, and for the above reasons it is therefore politely requested that this appeal is allowed, with the inclusion of any conditions thought necessary.