



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY

Mr Jarnail Singh

FOLLOWING THE REFUSAL OF PLANNING PERMISSION BY

The London Borough of Hillingdon Council

REF:

77097/APP/2022/3630

FOR:

***Proposed single storey rear extension where part of the extension is approved
under planning reference 77097/APP/2022/613***

AT:

13 Oak Avenue, West Drayton, UB7 9EP

February 2023

1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for the erection of a single storey rear extension at no. 13 Oak Avenue in West Drayton.
- 1.2 The planning application was dated 30th November 2022 and was subsequently refused on 17th January 2023 by the London Borough of Hillingdon Council, with the decision notice stating just one reason for refusal, as noted below:
1. *The proposed rear extension, by virtue of its size, scale, bulk, design and proximity, would be detrimental to the amenities of the adjoining occupiers on 15 Oak Avenue, by reason of overdominance, visual intrusion, sense of enclosure and loss of outlook. Therefore, the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020).*
- 1.3 By way of background to the case, the appellant previously gained planning consent under application ref 77097/APP/2022/613 for the *‘Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 3m’* (Details attached in **Appendix A**).
- 1.4 Taking into account the planning history of the site and the council’s reason for refusal the following statement will seek to demonstrate why the council’s decision is considered unsound on this occasion and how the scheme conforms to the aims of national and local planning policy.

2.0 APPEAL PROPERTY AND SITE LOCATION



No. 13 Oak Avenue

- 2.1 No. 13 is an end of terrace property which is set in a spacious plot with front, side and rear gardens.
- 2.2 The property sits to the eastern side of Oak Avenue in a predominantly residential location. The site is not within a conservation area or within an area of special local character.

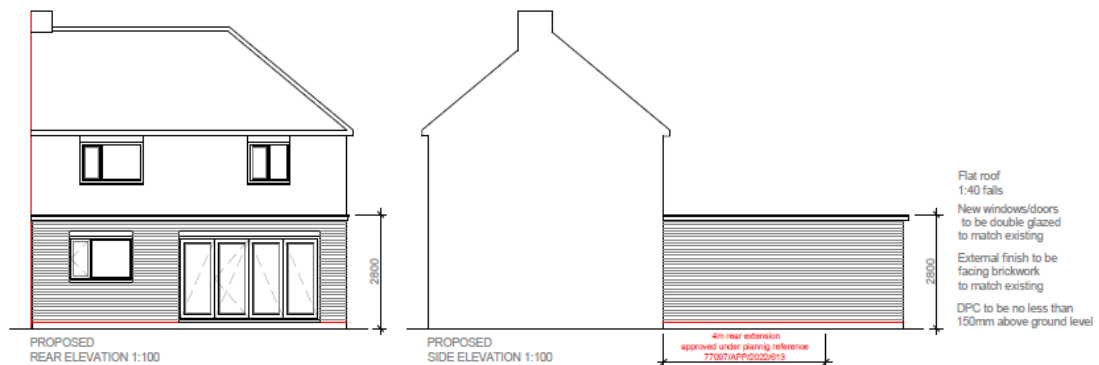


Appeal site and surrounding area

3.0 PROPOSAL

3.1 The scheme proposed a rear extension to no. 13 Oak Avenue.

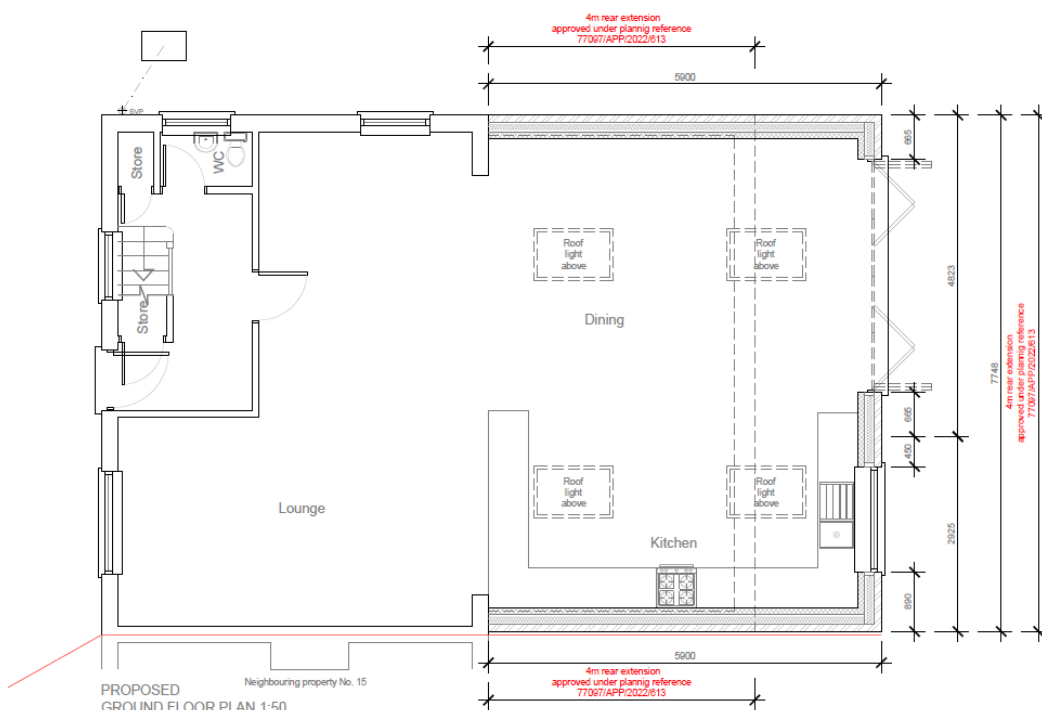
3.2 The proposed works would result in a rear extension with an overall projection of 5.9m x 7.748m wide. The extension would retain a maximum flat roof height of 2.8m.



Proposed rear and side elevations

3.3 The extension would be constructed from materials which match the host property and bi-folding doors and a new casement window would be doubled glazed to match the existing fitments. Four rooflights are proposed to the flat roof.

3.4 The gross internal floor area added to the property would be 39.07m² and the space would be utilised as a combined kitchen/dining room.



Proposed layout

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020).

4.2 Although not referred to within the decision the National Planning Policy Framework is also considered relevant. The following paragraphs will 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 (NPPF)

4.3 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

Decision-making

4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

4.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, 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."*

4.7 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.*

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.8 This Development Management Policies document forms part of Hillingdon's Local Plan Part 2. Policies DMHB 11 and DMHD 1 were referred to within the given reason for refusal.

Policy DMHB 11: Design of New Development

- 4.9 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:

- 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.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings

4.10 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

5.1 GROUNDS OF APPEAL

5.2 The appellant's case will address the concerns raised within the reason for refusal, notably:

- a) Whether the proposed rear extension would be detrimental to the amenities of the adjoining occupiers of no. 15 Oak Avenue by reason of overdominance, visual intrusive, sense of enclosure and loss of outlook.

5.3 The following planning considerations are deemed relevant in the determination of this appeal:

- Background
- Character and appearance
- Impact on residential amenity
- Further material considerations

Background

5.4 To recap the appellant gained prior approval on 8th April 2022 under application ref 77097/APP/2022/613 for the '*Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 3 metres*'. Details of this approval are attached in **Appendix A**.

Character and appearance

5.5 Paragraph 126 of the NPPF 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*"

5.6 Paragraph 130 of the NPPF (2019) requires Local Planning Authorities to ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and 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).

5.7 Local Plan policy DMHD 1 (Alterations and extensions to residential dwellings) recommends that there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area whilst policy

DMHB 11 (Design of new development) seeks to ensure that development harmonises with local context taking into account the surrounding scale of development.

- 5.8 The scheme proposes a single storey rear extension that would result in an overall projection of 5.9m from the original rear wall. The flat roof extension would have a maximum height of 2.8m.
- 5.9 The officer's report acknowledges that the proposed extension would exceed policy guidance in policy DMHD1, however they conclude their report on character and appearance grounds that:

"Whilst large, exceed the depth noted in Policy DMHD 1, there is no objection on character and appearance grounds. Whilst in conflict with Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies DMHB 11 and Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), on balance, other material considerations exist in this case."

- 5.10 In summary, given the information above the proposal would harmonise with the existing building and would preserve the character and appearance of the street scene and wider area. As such, the development is consistent with the aims of the NPPF and the requirements of policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020).

Impact on residential amenity

- 5.11 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments 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.
- 5.12 Local Plan policy DMHD 1 (Alterations and extensions to residential dwellings) seeks to ensure that there is no unacceptable loss of outlook to neighbouring occupiers and that schemes do not result in loss of privacy.
- 5.13 DMHB 11 (Design of new development) further seeks to ensure that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 5.14 The rear extension has been sensitively designed taking into account the guidance set out in policy DMHD 1 to ensure that it would not result in any harmful impact on the residential amenities of neighbouring occupiers.

- 5.15 No. 13 is an end of terrace property which is positioned on a corner plot. The dwelling shares common side boundaries with nos. 11 and 15 Oak Avenue. As shown in the aerial image below, no. 11 is sited to the west side of the appeal site and no. 15 to the southern side.



Aerial view of the appeal site and neighbouring dwellings

- 5.16 The delegated officer's report confirms in relation to no. 11 Oak Avenue:

"There is no rear extension to this neighbouring dwelling. The neighbour and the site share a splayed boundary to which the rear extension would be placed and directed away from this neighbour. As such, there would not be an unduly detrimental impact on this neighbouring dwelling."

- 5.17 However, whilst the council accept that there is no objection with regard to light and overshadowing at no. 15 Oak Avenue the delegated report states:

"There is no rear extension at this site, the resultant impact of the 5.9 metre extension on this neighbour would result in a harmful sense of enclosure and loss of outlook, particularly to the window on the rear elevation near the boundary line and the key external amenity space"

serving the rear of the property. As such, the proposal is considered to create a harmful impact to the amenity of this neighbouring dwelling. This is worsened by existing structures near the boundary on the other side, tunnelling no.15 in a harmful way.”

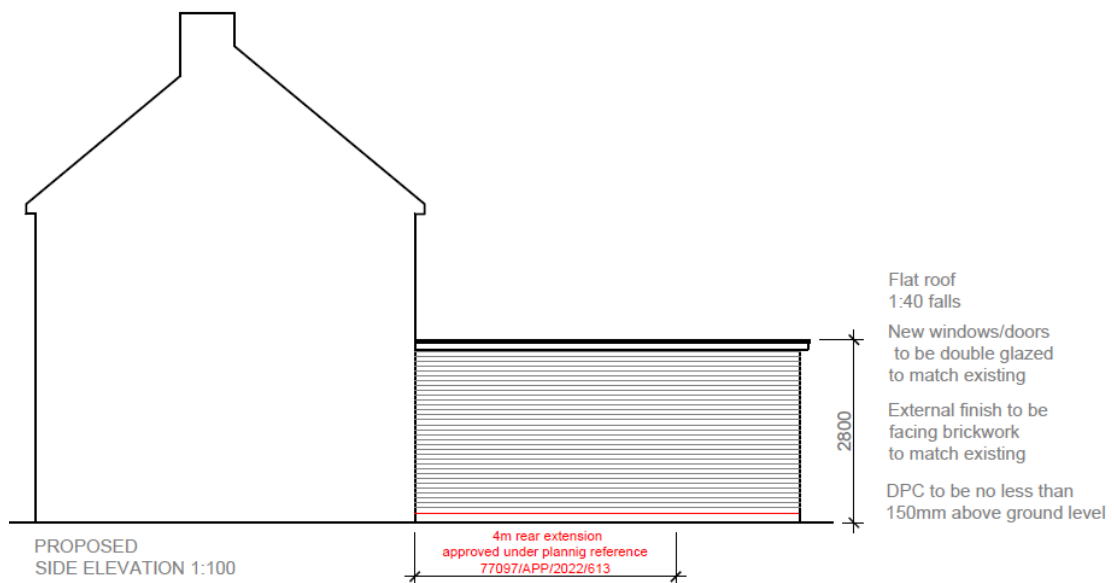
- 5.18 As a starting point, seven neighbouring properties were consulted by letter regarding the proposal and by the close of consultation no local responses had been received indicating that the current occupiers of no. 15 do not share the council’s opinion on the proposal. Whilst not determinative the lack of objection is a material consideration in favour of the proposal.
- 5.19 In addition, it is evident that the council have not fully assessed the context of the site or that of neighbouring properties. No. 15 has an outbuilding which is set away from the property along its southern boundary with no. 17. No. 17 has an existing single storey rear extension which is set in from the boundary with no. 15. Therefore, the ‘tunnelling’ effect the council refer to gives a false impression of the site and the potential impacts.



Current setting

- 5.20 Moreover, no. 15 has a long rear garden which is bordered by a tall boundary wall and mature shrubbery.
- 5.21 Although the development should extend along the shared boundary it would only extend 1.9m further than the development previously approved but would have a relatively low 2.8m flat roof height. Therefore, only the upper section of the extension may potentially be visible from the neighbouring site over the tall

boundary wall and mature shrubbery, as a result it would not appear overbearing or cause a sense of enclosure that would unacceptably affect living conditions.

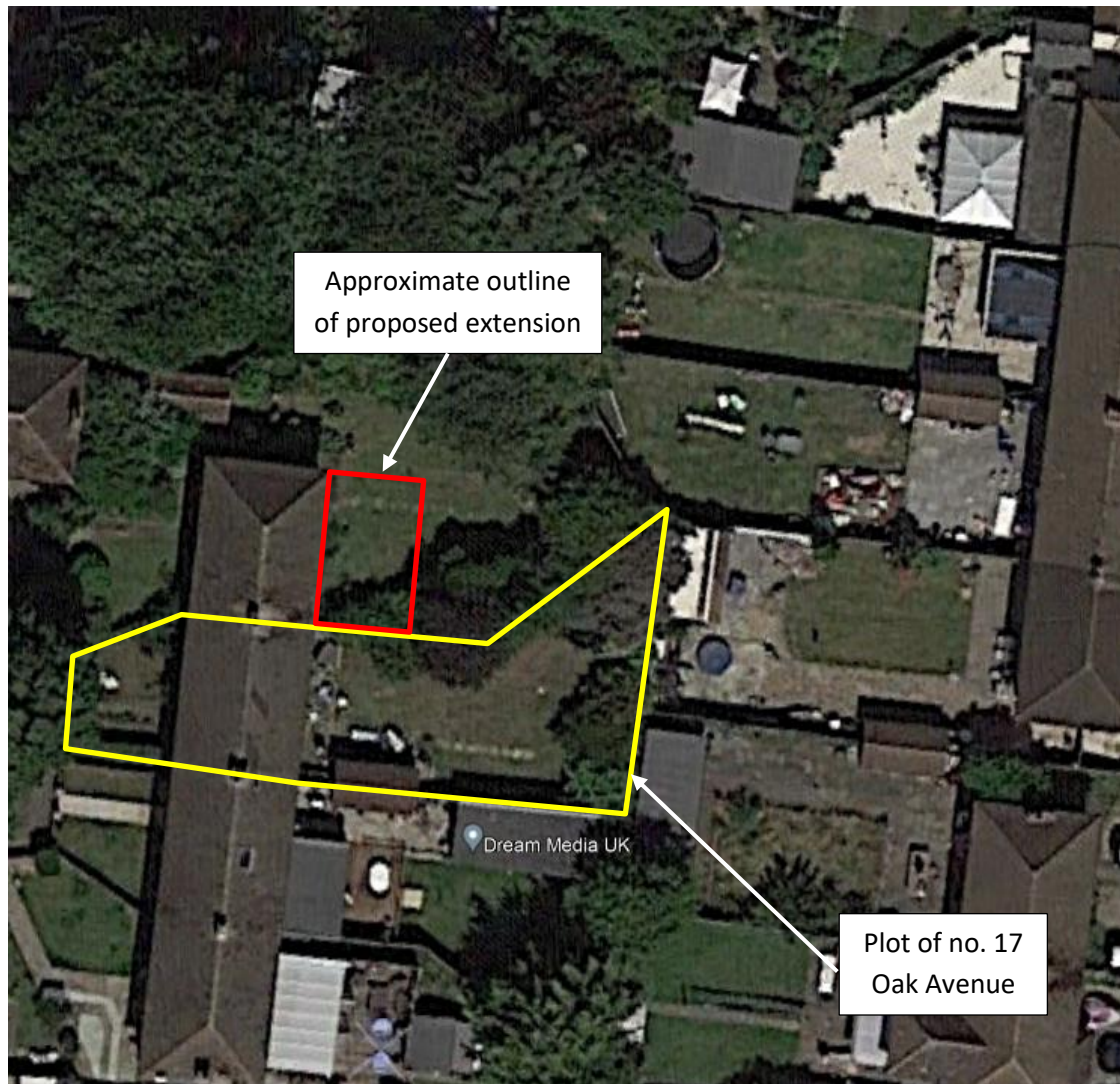


Proposed extension



Existing tall boundary wall and mature shrubbery

- 5.22 The size of the garden of no. 15 ensures that the habitable room windows and the patio area closest to the dwelling retain a suitable outlook and as a consequence the extension would not have an overpowering effect that would materially harm the living conditions of neighbouring occupiers.
- 5.23 The following image shows the size of the rear garden of no. 15 which when taking into account its position relative to the appeal site, the overall harm arising from the proposed extension would be negligible



Plot of no. 17 Oak Avenue

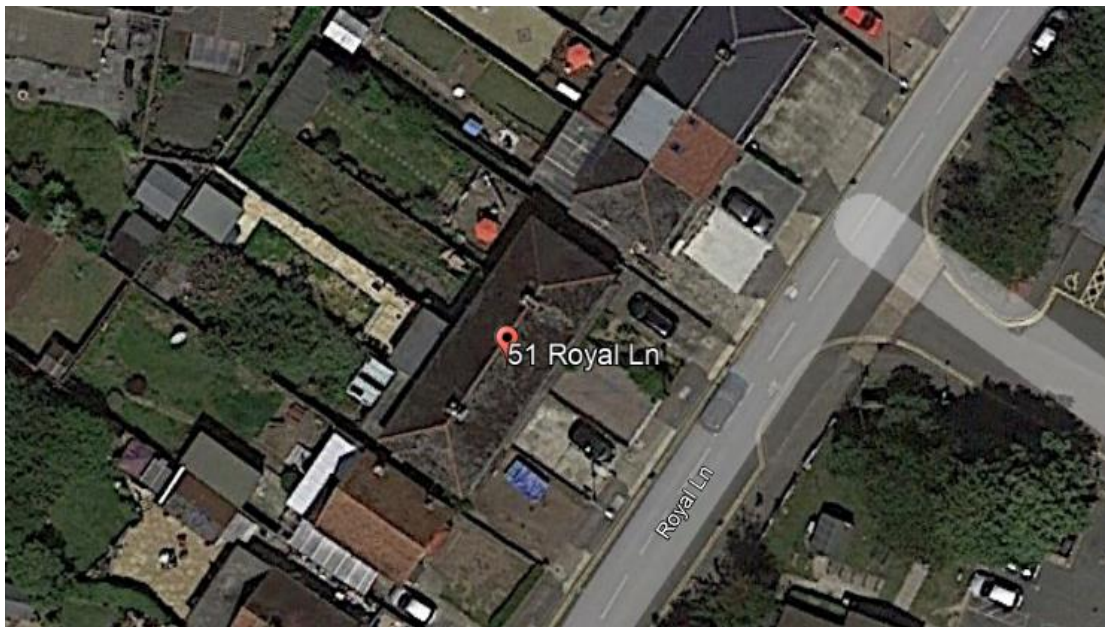
- 5.24 Given the evidence provided it is clear that the council's decision to refuse the 5.9m extension on this occasion is unsound as the proposed extension would represent a neighbourly form of development which would comply with the aims of the NPPF with the relevant criteria of policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020).

Further material considerations

- 5.25 The appellant considers it relevant to put forward information relating to other similar developments within the Hillingdon Borough. The examples provided are both application and appeal decisions which are comparable to the appeal proposal as they proposed 6m or deeper extensions adjacent to a neighbour which has not been extended.

51 Royal Lane, Uxbridge, UB8 3QU

- 5.26 Application ref 77348/APP/2022/1840 dated 7th June 2022 was refused by notice dated 2nd August 2022 for a proposed ground floor extension (Details attached in **Appendix B**). No. 51 has an existing 3.6m extension and the scheme would increase the overall depth to 6.6m x 2.9m high.
- 5.27 The council refused the scheme based on the effects of the proposal on the character and appearance of the dwelling and the area; and the effect on the living conditions of the occupiers of nos. 49 and 53 with regard to overlooking and privacy, and overdominance, overshadowing, outlook, visual intrusion, overbearing impact and daylight/sunlight.
- 5.28 As shown in the following aerial image no. 53, which has not been extended to the rear) is positioned to the north eastern side of no. 51 whilst no. 49 is positioned to the south west and has a small rear extension.



Context of no. 51 Royal Lane

- 5.29 However, appeal ref APP/R5510/D/22/3305837 was allowed on 22nd December 2022 as the Inspector established that the extension would be of single storey design with a shallow pitched roof of limited upward projection. No. 53 had a good length

garden and, as a result, there was no evidence to indicate that the extension would result in any unacceptable overdominance, overshadowing, visual intrusion, overbearing impact, loss of daylight/sunlight or loss of outlook to the extent that there would be any significant adverse impact on the living conditions of occupiers of no. 53.

20 Denbigh Drive, Hayes, UB3 1QE

- 5.30 Application ref 76373/APP/2022/2201 was granted on 2nd September 2022 for the erection of a 6m deep x 3m high single storey rear extension and demolition of an existing outbuilding (Details attached in **Appendix C**).
- 5.31 This approval followed the previous refusal of application ref 76373/APP/2021/1606 for a similar single storey rear extension which was appealed to the Secretary of State. The appeal was dismissed, however, as part of the appeal decision ref APP/R5510/D/21/3282416, the Inspector concluded there would not be an unacceptable harm in regards to the impact of the proposal on the living conditions of no. 18 Denbigh Drive with particular reference to outlook and light.
- 5.32 No. 18 Denbigh Drive is positioned to the eastern side of no. 20, has a north facing rear garden and has no rear extensions as shown in the following aerial image.



Context of no. 20 Denbigh Drive

- 5.33 Taking this planning history into account the council confirmed that the later application would also not be harmful to residential amenity and thus granted the 6m deep extension.

20 Roseville Road, Hayes, UB3 4QX

- 5.34 Application ref 15490/APP/2021/1989 dated 17th May 2021 was refused by notice dated 2nd August 2021. The development proposed a single storey rear extension. (Details attached in **Appendix D**)
- 5.35 The council refused the scheme based on its effect on the living conditions of the occupiers of no. 18 Roseville Road with particular reference to light and outlook. As shown in the following image no. 18 is positioned to the northern side of no. 20 and has an existing small rear extension.



Context of no. 20 Roseville Road

- 5.36 However, appeal decision APP/R5510/D/21/3282163 was allowed on 15th February 2022 as the inspector established that although the extension would be positioned to the south of no. 18 due to its low height there would be no significant shadowing effects or loss of daylight. In addition, the extension would not be substantially greater in height than the existing brick boundary wall and would not appear unduly oppressive or create a sense of enclosure.

7 Windsor Gardens, Hayes, UB3 1QY

- 5.37 Application ref 13664/APP/2020/4301 dated 25th December 2020 was refused by notice dated 18th February 2021 (Details attached in **Appendix E**). The development proposed was a single storey rear extension to existing dwelling resulting in a cumulative projection of 6m.
- 5.38 The council refused the development based on its effects on the character and appearance of the building; and the living conditions of the neighbouring occupier as

no. 5 (positioned to the south) had not been extended to the rear, as evident in the following aerial image.



Context of no. 7 Windsor Gardens

- 5.39 However, Appeal ref APP/R5510/D/21/3272393 was allowed on 24th August 2021 as the inspector established that the proposed development would not be visually intrusive and would not affect outlook or result in increased overshadowing.

Summary

- 5.40 The above examples are just a very small proportion of similar larger single storey extensions which have been allowed either through the application or appeal process within the Hillingdon borough.
- 5.41 The appellant therefore considers that the above examples should add weight in favour of the development at the appeal site. The proposal at no. 13 Oak Avenue has a low roof height of 2.8m, permission has already been granted for a 4m deep extension, adjoining property no. 15 has a long rear garden and is positioned to the southern side of the appeal site, and there have been no objections to the proposal from any adjoining neighbour.
- 5.42 Given the above information, the proposal at no. 13 Oak Avenue would also preserve the residential amenities of neighbouring occupiers thus complying with the aims of Hillingdon Local Plan: Part Two policies DMHB 11 and DMHD 1.

6.0 CONCLUSIONS

- 6.1 The proposed rear extension by virtue of its design and scale would represent an acceptable and proportionate form of development that would harmonise with the architectural composition of the existing dwelling whilst also preserving the character of the area.
- 6.2 The appellant has also demonstrated that the appeal scheme by virtue of its modest size, scale, depth and height would not result in a detrimental impact on the residential amenities of adjacent occupiers no. 15 Oak Avenue.
- 6.3 Thus, it is stated that the appeal proposal conforms with the aims of the NPPF and policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020).
- 6.4 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

7th February 2023