

8th March 2023

PJB Planning
1st & 2nd Floor
2 West Street
Ware
Herts
SG12 9EE

Rhian Thomas
Residents Services
3N
Hillingdon Council

Dear Ms Thomas,

18 The Broadwalk, Northwood

Full planning application for the erection of a single storey extension at rear of existing garage (LPA reference 485/APP/2023/128)

I am writing to you on behalf of the applicant, Mr Raj Sangha, for the rear extension householder planning application at No.18 The Broadwalk, which you have been assessing and discussing with your team leader. The agent for the application Micasa Architects has sent me a copy of an email from yourself sent on 2nd March 2023 stating that it is your intention to recommend the application for refusal due to, *"the positioning right along the shared boundary, causing an unneighbourly addition, as well as being disproportionate to the dwelling."*

Before you finalise your recommendation, I would however request that the following points are taken into account in determining this application:

- a) Certificate of Lawfulness reference 485/APP/2022/396 – A certificate of lawfulness for the erection of an outbuilding to the rear of the property was granted on 29th April 2022, confirming that the proposed development constituted permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. (as amended).

Whilst the approved plan for this Certificate of Lawfulness shows a gap of 0.875m between the house and outbuilding, the overall projected depth, width, position and height of the outbuilding from the back of the garage is the same as the rear extension proposed in this current planning application.

It is noted that the officer in their report for reference 485/APP/2022/396 makes the following assessment in section 2.0:

The proposed use of the outbuilding as a games room is considered to be reasonably required for incidental purposes; there are no bathroom or kitchen facilities. The outbuilding would have a footprint of 40.6.sq.m. It is considered that the scale of the outbuilding appears proportionate to the scale of the original dwellinghouse.

I have underlined the reference to the outbuilding appearing proportionate to the scale of the original dwellinghouse. This statement and granting of the Certificate of Lawfulness is a material consideration in determining this current planning application.

Taking into account the extension projects the same distance back from the property as the outbuilding, the same conclusion should be arrived at in terms of the previous comment made by the Council's case officer. This clearly states that from a design, size and scale point of view the proposed permitted development does not appear out of character in relation to the existing property.

It should also be taken into account that the Certificate of Lawfulness has created a fall-back position that forms a material consideration in relation to this current planning application. The acceptability and material impact of a fallback position was confirmed in *Mansell v Tonbridge and Malling Borough Council* ([2016] EWHC 2832 (Admin)), where Mr Justice Garnham confirmed that '*appropriate regard must be had to material planning considerations including the permitted development fall back position*'. As such, the permitted development established under 485/APP/2022/396, should be taken into account in determining this planning application and sets the principles for allowing this size, scale and position of extension proposed.

- b) Impact on the neighbour – There are two adjoining neighbours to No.18 The Broadwalk, No.16 and 20. In relation to this planning application, the extension is proposed to the western side of the property and will not have an adverse impact on the residents of No.16. This is taking into account the significant distance to the adjoining boundary between the properties.

One of the concerns that you have raised in your email is in relation to the positioning of the extension beside the shared boundary, which I assume you mean with No.20. Whilst I note your concern, this comment makes no mention of the actual distance between the existing ground floor habitable windows at No.20 and the proposed development. To the eastern side of No.20 there is a lean-to structure that is used for

ancillary purposes and not habitable accommodation. This therefore means there is a significant gap of at least 4.7 m between the nearest neighbour's ground floor kitchen window and the proposed extension at No.18, and even greater distance to the neighbour's sunroom. A plan is attached showing the position of the existing kitchen window and sunroom at No.20 in relation to the proposed extension at No.18. It should also be taken into account that No.20s kitchen window is inset and its outlook to the side is interrupted by a pillar.

Planning permission has been recently granted at No.20 for a two storey side extension under LPA reference 14514/APP/2021/3550. The attached plan also shows the position and extent of the neighbour's approved extension at ground floor (outlined in green). At ground floor a large kitchen/dining and sitting area is proposed with large patio doors looking out onto the garden. Taking into account the position of the neighbours proposed sitting room window, this will mean the outlook from this room will be exactly the same whether the permitted development outbuilding at No.18 was constructed or the proposed extension in this application was constructed. Again the fall-back position of the permitted development scheme should be taken into account as a material consideration.

It should also be taken into account the proposed extension at No.18 is single storey and is low level flat roofed, which is the same as the outbuilding allowed under permitted development. It cannot therefore be said to be "overbearing" to this neighbour. Overbearing is created by height and vertical scale of a structure, this will not be the case as a result of this single storey proposal.

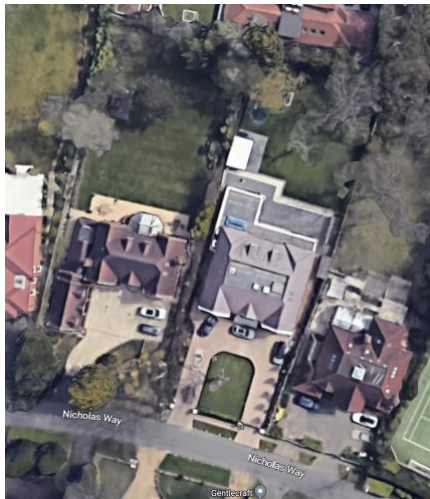
It should also be noted that the proposed extension projects northwards, and the neighbour at No.20 will continue to enjoy a large wide spacious garden, with a significant level of good quality amenity, unaffected by the proposed extension. Taking on board this assessment of the proposal, it clearly demonstrates that the proposed low level extension will not appear overbearing to the residents of No.20 and it will not result in an unacceptable loss of sunlight, daylight and privacy. I would therefore request that you reconsider your comment about the impact on the neighbour.

- c) Comparable properties – Whilst each case should be considered on its own merits and I have highlighted in the previous sections of this letter matters that I believe should be taken into account in determining this application, it is notable around the surrounding residential area, rear/side extensions that have been built close to the boundary of a neighbour and project rearwards.

What this does demonstrate is that due to the spacious wide nature of these surrounding properties, similar rear extensions have been allowed and constructed within the same neighbourhood.

Comparable examples include:

21 Nicholas Way



Planning permission was granted for this development in February 2019 (LPA reference 22734/APP/2018/4116). In relation to the impact on neighbours, the officer commented in their report that whilst a 45 degree line would be breached from the neighbours rear facing windows, the single storey nature of the rear extension would have *“an acceptable level of impact on the neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy.”*

8 Linksway



This rear projection was part of an original planning permission in June 2017 (LPA reference 2645/APP/2016/4571) and a variation allowed in January 2021 (LPA reference 2645/APP/2020/3592). It was considered in these applications that the proposed development would *“not result in additional overshadowing to the adjoining neighbours.”*

18 Linksway



Whilst this property has an older side and rear extension, it shows how such a development can be sited beside a neighbouring property without having an unacceptable impact on their outlook and amenity.

In all these cases the development was not considered to have an unacceptable impact on the general character and appearance of the locality or street scene.

These examples demonstrate how single storey rear extension have been constructed within the locality and have not been deemed harmful to neighbours amenities or the character and appearance of the area.

Overall conclusion

I have highlighted a number of key considerations that need to be taken into account in determining application reference 485/APP/2023/128, and for the reasons I have highlighted there should not be an objection to the granting of planning permission. Please can I therefore ask you to take these points into account and accordingly grant planning permission for this application.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Biggs'.

Peter Biggs BSc (Hons) DIP TP MRTPI
Director
PJB Planning

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