



Appeal Statement

Single-Storey Rear Extension
AT
40a Flamborough Road,
Ruislip HA4 0DJ

Reference:
40FR-2169

Date:
22 April 2023

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr Terence Manuel to support an appeal against the decision of London Borough of Hillingdon to refuse planning permission for a single-storey rear extension at 40a Flamborough Road, in Ruislip.
- b. Following a description of the site and surrounding area, this report will consider 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 10 February 2023, the appellant submitted an application to London Borough of Hillingdon for the following development proposal (reference: 7170/APP/2021/351):

Erection of a single storey rear extension.

- b. On 4 April 2023, the Council refused planning permission for the following reasons:

- 1. By reason of size, scale, bulk and massing, the proposed single storey rear extension would appear dominant and incongruous within the context of the wider surrounding character and appearance of the area, contrary to Policies DMHD1 and DMHB11 of the Hillingdon Local Plan Part Two (2020).*
- 2. The proposed extension, on account of the reduction in the amount of private amenity space, would reduce the standard of accommodation to an unacceptable degree to the detriment of the amenities of current and future occupiers of the dwelling, contrary to Policy DMHD1 of the Hillingdon Local Plan Part Two (2020).*

3. Site Description

- a. The appeal site comprises a two-storey, end-terraced house located on the southern side of Flamborough Road, on its junction with Sidmouth Drive. It is twentieth century in design with curved bay windows beneath a front gable and pebble-dashed elevations beneath a tiled, hipped roof. There is a two-storey rear projection and an outbuilding in the rear garden. The image in figure 1, below, shows the property, viewed from Flamborough Road.



Figure 1: Image of the appeal property.

- b. The surrounding area is residential in character and made up of rows of similar terraced houses laid out on consistent building lines. Many of the houses in the area have extensions of various types, presenting a diverse streetscene.
- c. The adjoining neighbour at number 40 Flamborough Road has been extended to the rear to align roughly with the existing rear elevation of the appeal property. To the rear of the side is a pair of semi-detached houses (numbers 21 & 23 Sidmouth Drive). The satellite image in figure 2, below, shows the rear of the appeal property and its immediate surroundings.

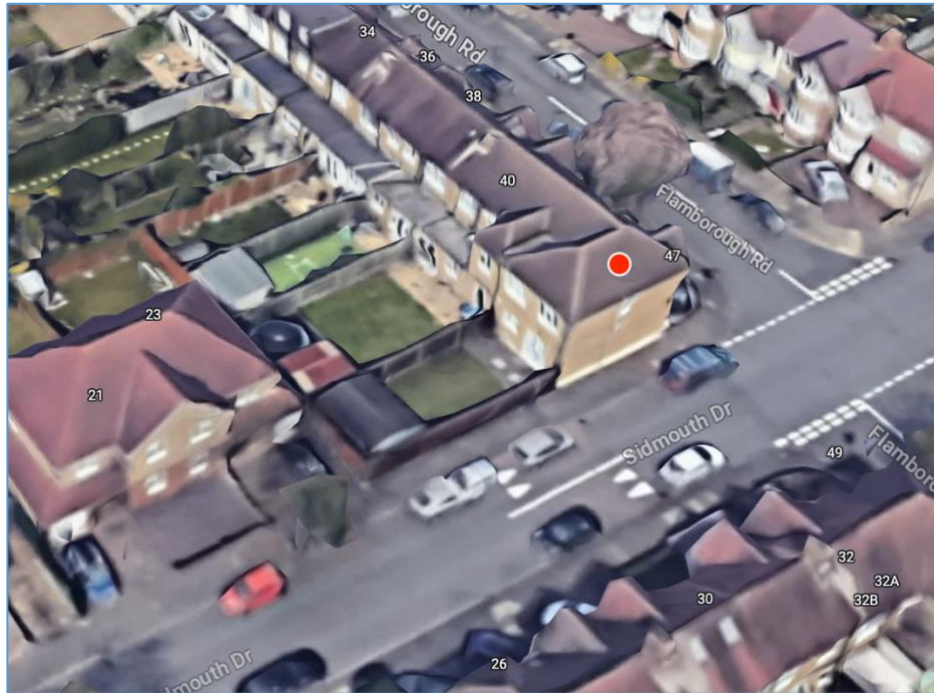


Figure 2: Satellite image of the appeal property (red dot) and neighbouring properties

- d. The site lies within the Developed Area of the borough. It is not located within a conservation area and does not host any other designated heritage assets.

4. Relevant Planning History & Appeal Proposal

- a. The appeal property was built following a grant of planning permission in January 2004 (reference: 58975/APP/2003/2717) and an amended application approved in December 2004 (reference: 58975/APP/2004/2515).
- b. The appeal proposal is a single-storey rear extension to the rear of the existing house. It has a depth of 3m and has a mono-pitched roof with a maximum height of 3.4m. It would be constructed in materials to match the existing house.

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. In this case, the relevant parts of the development plan are the Hillingdon Local Plan: Part 1 – Strategic Policies, the Local Plan: Part 2, Development Management Policies, and the London Plan (2021).
- b. According to the reasons for refusal on the decision notice, the appeal proposal fails to comply with policies DMHD1 and DMHB11 of the Development Management Policies.
- c. Policy DMHB11 (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.
- d. Policy DMHD1 (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"

- e. 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.
- f. For single-storey rear extensions, the policy sets a maximum depth of 3.6m on plots with a width of at least 5m. The height of the extension should not exceed 3m if a flat roof is used, or 3.4m for a sloping roof.
- g. 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.

- h. 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."

- i. 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."

- j. 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."

- k. Paragraph 130 requires that development is visually attractive and sympathetic to its surroundings and local character. Development should provide *"a high standard of amenity for existing and future users"*.

6. Case for the Appellant

- a. The council does not object in principle to the extension of this dwelling to provide the appellant and his family with enlarged and enhanced living accommodation. It is concerned, however, that (i) it harms the character and appearance of the property and the wider area and (ii) it leaves the house with insufficient outdoor amenity space.

Design & Appearance

- b. The NPPF and policy DMHB11 of the Development Management Local Plan generally require that new development exhibits a high quality of design and that it integrates well with its surroundings. Policy DMHD1 provides specific guidance on the size and siting of householder extensions.
- c. There is no dispute between the parties that the proposal largely complies with the specific requirements of DMHD1: it is less than 3.6m deep (it is just 3m deep) and it does not materially exceed a height of 3.4m with a sloping roof. It is therefore, in and of itself, a modest and proportionate addition to the main house.
- d. The officer's report acknowledges that:

"the extension would still stay subordinate to the host dwelling in terms of character and appearance."

- e. The council is nevertheless concerned that extension would appear *"dominant and incongruous"*. The officer's report explains that:

"However, given the existing rear projecting element, the proposal would see a substantially deep form, cumulatively. This would be discordant with the wider area and given the siting on a visually corner plot, it would present itself as out of keeping within the surrounding character and appearance. This is amplified through the existence of a large outbuilding to the rear of the, where the proposal would result in the built form to be excessively dominant when viewed from the public realm."

- f. The appellant notes that the existing rear projection is part of the original architectural design of the house and is not a later addition. It is fully

integrated with the design and proportions of the rest of the house, with a sympathetic roof form and matching materials. Although it means that the house is a little deeper than its terraced neighbours, this is not immediately apparent from the street. In any case, the additional depth serves to 'book end' the end of the terraced row, a common architectural approach. Similar 'book end' rear projections are visible at many of the other houses on junctions in this immediate area – it is more common that end houses have such projections than do not.

- g. The single-storey rear extension will therefore appear to extend from the original house, not to be an addition to an existing extension. Because it will be single-storey and modest in depth, it will be clearly subordinate to the house, and not disproportionate or discordant in size or scale. The mono-pitched roof is a conventional and appropriate roof design.
- h. The appellant acknowledges that, since the house is on a corner, the extension will be visible from the street. However, this is not an unusual situation and the council's policies do not provide extra limitations on extensions that are located on corner sites or visible from the street, though some limitations could easily have been incorporated if thought necessary. The limits on height and depth in the Development Management Local Plan are intended to apply to all ground floor rear extensions and are framed so that this ensure extensions are appropriate in size, scale and general appearance whether or not they are visible from a side street.
- i. The logic of the council's position is that no single-storey rear extension may be approved at this site (except, perhaps, one of an impractically small size) but there is nothing in the locally adopted policies to support such a strict approach.
- j. Other houses on junctions in the local area has constructed ground floor rear extensions without causing undue harm to visual amenities. The image in figure 3, below, shows a standard ground floor addition to the rear of 47 Flamborough Road, the house directly opposite the front of the appeal property.



Figure 3: Ground floor rear extension to 47 Flamborough Road.

- k. Figure 4, below, provides another example, this time of an extension to number 12 Sidmouth Drive, a short distance from the appeal site. This extension has a mono-pitched roof, similar to the appeal proposal.



Figure 4: Ground floor rear extension to 12 Sidmouth Drive.

- l. The appellant notes that, in general, this area has a diverse character and appearance. There have been a number of infill developments, including the appeal property itself and the two houses immediately to the rear of it. Lots

of other houses have had large, two-storey side extensions, including at number 32 Sidmouth Drive, for example, located directly opposite the side wall of the appeal property, on the other side of Sidmouth Drive, and shown in the image in figure 5, below. There are also large side extensions to 47 & 49 Flamborough Road.



Figure 5: Two-storey side extension at 32 Sidmouth Drive.

Size of Garden

- m. In its second reason for refusal, the council argues that the development will leave the house with insufficient rear garden space, thereby harming living conditions at the appeal property.
- n. Policy DMHD1 of the Development Management Local Plan requires that "*adequate garden space is retained*". The policy does not explain what is meant by 'adequate' in this context.
- o. The analysis in the officer's report is brief and generic. It states that the house will be left with 45sqm of rear garden and asserts that this is 'insufficient' but does not explain how this conclusion is reached or what minimum level of garden area is expected.
- p. It appears to the appellant that a reasonable level of outdoor amenity space will be retained. It is an area only slightly less than the footprint of the main

house. It has a regular shape and enjoys good levels of natural light. It will be more than large enough for residents to sit out, children to play and for laundry to be hung out to dry. It will be large enough to be planted, if desired.

- q. In applying for planning permission, the appellant is making his own assessment of how much garden space is needed for himself and his family. Though it is right that the planning system seeks to ensure that dwellings be designed to provide future residents with sufficient outside amenity space, it is fair that the homeowner should have reasonable freedom to determine, within reason, how best to configure his property to suit his needs. He has built an outbuilding at the end of the garden and now wishes to have a larger living space. This is the balance of internal and outside living space that suits him. If he sells the property in future, it will attract buyers with similar preferences – buyers who prefer a larger garden will have a lot of other properties to choose from.
- r. The appellant also notes that the site is very well placed for access to open space. New Bond playing fields are a short walk to the west and Bessingby Park is close by to the east. Yeading Brook (and the linear park on both sides of it) runs just to the south.
- s. In appeal decision APP/R5510/D/21/3281302, an inspector considered the case for an extension that increased the size of a home from 3 to 4 bedrooms and decreased the size of the rear garden to 40sqm (less than in the current case). In that case, the council has applied a policy (DMHB 18) that sets minimum garden areas where new are created. The council does not rely on this policy in this case, and the inspector's decision (attached as Appendix A) makes clear that it is of little direct relevance. In respect of the reduction in garden space, the inspector concluded:

"Whilst the retained garden space would be modest, given the context of the site, I am satisfied that the proposal would retain a functional garden space which would be of a satisfactory size for passive and active pursuits proportionate to this property and its use as a family home."

- t. The appellant notes that there were no objections to the proposal from any neighbours or other third parties.

7. Conclusions

- a. The Council does not object in principle to the appeal proposal but is concerned that the new extension harms the character and appearance of the house and the wider area and leaves the property with insufficient outdoor amenity space.
- b. The extension complies with the specific limitations set out in the council's policies. The relevant policies do not say that houses on corners may not be extended to the rear. Although the house has an existing rear projection, that is part of its original design and many other houses on junctions in the area have a similar architectural treatment.
- c. The new extension will be subordinate in size and scale, modest in height and moderate in depth. It will be a proportionate addition to a much larger host building. It complies with local policies and represents good design. It will not cause unacceptable harm to visual amenities.
- d. Rear extensions inevitably reduce garden area and homeowners who choose to extend must weigh up the relative value to them of indoor and outdoor space. The council does not say what minimum garden area must be retained and a relatively large, usable area will be retained in this case. The council has not explained why it considers that it will be so small that there would be material harm to the family's living conditions.
- 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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