



APPEAL STATEMENT

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AGAINST THE DECISION OF LONDON BOROUGH OF HILLINGDON TO REFUSE
PLANNING PERMISSION FOR:

‘Erection of two storey rear and first floor side extensions and conversions of roof
space to habitable use to include two side dormers.’
(REF: 298/APP/2023/366)

AT: 38 ST. GEORGES DRIVE, ICKENHAM, UB10 8HP

PREPARED BY: HARMEET S MINHAS MRTPI

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1.0 INTRODUCTION

- 1.1 These Grounds of Appeal have been submitted in support of an appeal against London Borough of Hillingdon's decision to refuse planning permission for the **'erection of two storey rear and first floor side extensions and conversion of roof space to habitable use to include two side dormers'**, at **38 St Georges Drive, Ickenham** (Ref 298/APP/2023/366).
- 1.2 The Council's decision notice cited one reason for refusal, as:
- *The proposed side dormers combined with the two-storey rear and first floor side by reason of the cumulative scale, bulk massing and design would result in a dominant, bulky, incongruous and visual intrusive form of development that would fail to harmonise with the architectural composition of the original dwelling and the established character and appearance of the street scene. Consequently the proposal would fail to comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHD1 of the Hillingdon Local Plan: Part Two - 2 Development Management Policies (2020) and Chapter 12 of the National Planning Policy Framework (2021).*
- 1.3 As is the appellant's prerogative, this appeal is submitted under Section 78 (Section 2) of the Town and Country Planning Act (1990).

Key Matters

- 1.4 Within this appeal submission, we will address the reason for refusal and issues raised by the Council in the Officer's report. We identify the following key issues for consideration in this appeal are:
- Whether the proposed extension would cause incongruous and unsympathetic design detrimental to the character and appearance of the property and wider area;
 - Whether sufficient weight has been afforded to the 'permitted development' fallback position

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The application site comprises a detached dwelling located on the eastern side of St Georges Drive, Ickenham. The dwelling is characterised by its projecting gable with tile hung features and red brick/clay tiles.
- 2.2 Dwellings within the vicinity are consistent in their design and appearance owing to the general architectural design and period within which they were built. It is noted

that a number of dwellings within the road, notably adjacent the site on the western side of the road have been extended at roof level utilising permitted development rights to create side dormer windows. These extensions are a common form and feature within this part of the road and represent an established form of development at roof level that has resulted in significantly altered roof profiles. Notable examples include No.41, 67, 69 and 73. Similarly No.44 St Georges Drive has altered the balance of the pairing of semi-detached properties including a full width rear dormer window.

- 2.3 To the south of the appeal site sits No.36 St Georges Drive, a dwelling which recently benefitted from a two-storey side and rear extension with roof alterations which include a sizable and bulky crown roof.
- 2.4 The site falls within the developed area as identified in the local development plan. The site is not within a Conservation Area or statutorily or locally listed.

3.0 PLANNING HISTORY

- 3.1 The appeal site benefits from an extant planning permission for the erection of a part first floor, part two storey side extension (Appendix A) and a Lawful Development Certificate for a loft conversion incorporating side dormer windows (Appendix B). Copies of the approved plans and decision notices have been attached to the appendices of this appeal for the Inspectors attention.
- 298/APP/2022/3725 - Conversion of roof space to habitable use to include 2 x side dormers and conversion of roof from hip to gable end with new gable end window (Application for a Certificate of Lawful Development for a Proposed Development) (Permitted)
 - 298/APP/2022/3639 - Erection of a two storey rear and first floor side extension (Permitted)

4.0 PROPOSED DEVELOPMENT

- 4.1 This application the subject of this appeal seeks to achieve a two-storey rear, first floor side and two side facing dormer windows to the existing dwelling.
- 4.2 The proposal is an amalgamation of the two extant schemes at the site, as set out in the planning history above. The two-storey rear and first floor side extension are a mirror of that approved under application 298/APP/2022/3639 whilst the side dormer windows are also a mirror of those approved under the Lawful Development Certificate reference 298/APP/2022/3725.

- 4.3 The appellant sought to utilise the application to lawfully establish the construction of both aspects under one proposal. The appellant had originally sought to construct the two schemes in isolation as they do not, in principle, interfere with one another as stand-alone schemes. However, owing to the ease of construction in completing the proposals as one larger scheme the position was taken to apply for the amalgamation.

5.0 PLANNING POLICY

National Planning Policy

- 5.1 The Government published the revised National Planning Policy Framework in 2021. The NPPF which is the overarching planning document in England, continues to seek to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations.
- 5.2 The NPPF (2021) attaches importance to the design of the built environment, which is seen as a key aspect of sustainable development, indivisible from good planning, that should contribute positively to making places better for people.
- 5.3 Chapter 12 of the NPPF (2021) reiterates that good design is a key aspect of sustainable development. It then states that planning policies and decisions should 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.
 - 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).
 - 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.
 - 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

- 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.

Local Planning Policy

- 5.4 Sitting underneath the NPPF is the London Plan (2021), Development Management Policies Part One (2012) and Part Two (2021), and Supplementary Planning Documents.

London Plan (2021)

- D6 - Housing quality and standards
- SI2 - Minimising greenhouse gas emissions
- T6 - Car parking

Development Management Policies

- DMHB 11 -Design of New Development
- DMHB 12 – Streets and Public Realm
- DMHB 18 – Private Outdoor Amenity Space
- DMHB 14 – Trees and Landscaping
- DMHD 1 – Alterations and Extensions to Residential Dwellings
- DMT6 – Vehicle Parking
- LPP D4 - Delivering good design
- LPP D3 – Optimising site capacity through the design-led approach
- LPP D6 – Housing quality and standards

The above documents are, therefore, material considerations in the determination of this appeal.

6.0 PLANNING CONSIDERATIONS

Reason for Refusal One

Character and Appearance

- 6.1 The Council's single reason for refusal relates to the resultant design and appearance of the extensions with relation to the existing dwelling and the established character and appearance of the street scene. Specific reference is made to the dormer windows and their combined scale, bulk and massing when considered in hand with the proposed two storey rear and first floor side extension.
- 6.2 In the first instance it is considered to be of value to review the delegated report which offers more detailed insight into the views of the case officer. Within page 6 of the associated delegated report the officer states:

Policy DMHD 1 states that roof extensions should be located on the rear elevation only. The two side dormers would have only minimal set backs from the ridge and eaves, would be readily visible from the street scene and would ultimately significantly detract from the character and appearance of the host dwelling. It is acknowledged that some properties within the immediate street scene benefit from two side dormers, constructed under permitted development rights, and these do appear incongruous and unsightly in the street scene. The proposed development by virtue of the cumulative impact on the first floor side, and two-storey rear would appear more incongruous and would seriously harm the character of the host dwelling and the street scene. The proposal would appear overly bulky from the front, rear and side elevations and the additions would cumulatively fail to appear as subservient additions to the host dwelling.

- 6.3 The proposed side dormers have been designed to mirror and reflect the approved scheme for the Lawful Development Certificate. Whilst the appellant acknowledges that the dormer windows would be located on the flank roof slopes in a more readily visible location, this is not within itself poor design that is not reflective of the character of dwellings within the road. The case officer suggests that existing dormers in the road are an established form of development, but seeks to detract from offering this any greater weight by suggesting they were built under permitted development. Whilst this may be the case, similar to the approved Lawful Development Certificate at the appeal site, the numerous examples of side dormers in the road has altered the character of the street scene in this middle part of the road.
- 6.4 Side facing dormer windows are not an isolated form of development within the immediate setting and whilst they add weight to roof profiles the proposed dormer windows would be contained wholly within the roof plane of the dwelling. There would be set in from the edge of the roof as well as set up from the eaves, thereby ensuring they do not engulf or consume the roof. Further to this the extent of the

dormer windows are broken by the hipped roof projection serving the two-storey rear and side extension.

- 6.5 Concern is raised within the respective decision notice as to the impact of the cumulative amalgamation. It is considered that this impact has been greatly exacerbated by officers to seek to strengthen their justification, especially where the extensions as design have been previously found acceptable. The first-floor side and two storey rear extension were considered to comply with the development plan and planning permission was forthcoming under application reference 298/APP/2022/3639. The rear two storey extension would be well guarded from the street scene owing to the relationship dwellings as well as the siting of the first-floor extension roof and dormer windows. In this regard only the dormer windows would have a degree of presence in the street scene, and this has been justified in the earlier part of this section.
- 6.6 Having regard for the concerns raised by the Council with relation to the existing dwelling and its architectural composition being lost, there would be limited control or mechanisms available to the LPA to resist this in light of the granting of the Lawful Development Certificate and planning permission, for which limited weighting has been afforded; this is covered in the following section of this statement. The appellant does not seek to circumnavigate any form of guidance within the development plan but contests that the refusal of planning permission is based on a technical assessment and not a 'on the ground' scenario, where greater regard should have been given to the evolution of the street scene through the insertion of dormer windows.
- 6.7 The insertion of side facing dormer windows would be no different, no more at odds or more visually cluttered than the existing character of the street scene. The proposal seeks to continue this evolving character by complementing the development which forms part of the established vernacular of dwellings within the road.

Other Material Considerations

- 6.8 Within the Council's delegated report reference is made to the amalgamation of the scheme being submitted under a householder application meaning that the scheme must be considered wholly against the residential design guidance. However, the appellant considers that the Council in assessing the application have failed to give any consideration to the permitted development fallback position which exists.
- 6.9 For a fallback position to be afforded greater weight it is considered that it must be a reasonable and realistic position that should all other matters fail, the appellant would and could implement this.
- 6.9 The appellant could in theory and in practice implement the dormer windows approved under the Lawful Development Certificate in isolation. Following the

insertion of the dormer windows the character of the dwelling would have changed and the question would need to be asked as to whether the two-storey rear extension and first floor side aspect would fail to comply with the residential design guide. The answer to which would be no as these additions have been previously considered to be acceptable by the Council under application 298/APP/2022/3639.

- 6.10 It is considered that the extensions are of an appropriate design which reflect the character of the dwelling, other dwellings within the vicinity and as such the wider context. However, greater weight should also be afforded to the genuine fallback position which exists through the Lawful Development Certificate. As such, greater weighting should have been afforded to this fallback position in the assessment of the current appeal.

7.0 CONCLUSION

- 7.1 In conclusion, it has been demonstrated that the appellant has worked proactively to deliver a scheme that satisfactorily harmonises within the immediate setting and wider street scene.
- 7.2 It has been satisfactorily demonstrated that the Council have considered the impact of the proposal on a technical basis, and not site specifics. On balance, the proposal would ensure the development successfully harmonises with the character of this developed and varied street scene.
- 7.3 Overall, the proposal satisfies the context of the NPPF, the London Plan, Development Management Policies and supporting Supplementary Planning Documents.
- 7.4 In light of the above, we respectfully request the Inspector allows the appeal, subject to any planning conditions they considered appropriate to the development.

