

Planning Statement

98 Breakspear Road South, Hillingdon UB10 8HF

Proposal

Erection of a side extension at ground and first floor level, together with conversion of the roof space to habitable accommodation including a rear dormer, 3no. front roof lights, 1no. rear roof light, conversion of the roof from hip end to gable end with a new gable end window, and removal of two chimney stacks.



Relevant History

A Certificate of Lawful Development was granted for the property under LBH Ref. No. 234/APP/2026/852 for the following development:

Conversion of roof space to habitable use to include a rear dormer, 3no. front roof lights, 1no. rear roof light, conversion of roof from 2 x hip to gable ends with a new gable end window, and removal of 2 chimney stacks (Application for a Certificate of Lawful Development for a Proposed Development).

The approved lawful development establishes that a comprehensive loft conversion, including hip-to-gable roof alterations, rear dormer, roof lights, and associated works, can be implemented without the need for planning permission.



Front Elevation
as Existing



Front Elevation
as Proposed

Planning Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) provides: *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

It is the applicant's case that a significant material consideration is the permitted development "fall-back" position, as confirmed by the certificate of lawfulness (planning ref: 234/APP/2026/852).

In the Court case *Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314*, the Court of Appeal upheld a judgment of the High Court that permitted development rights can properly be taken into account as a fall-back position where some alternative form of development is then proposed.

The judgment confirmed the legal considerations in determining the materiality of a fallback position as a planning judgment were:

- the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice;
- there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

It is the applicant's case that in the event the planning application is refused, it is a reasonable prospect that the proposal confirmed as lawful by the certificate of lawfulness, will be implemented as the alternative fall-back position.

Therefore, in line with the Court ruling, significant weight should be afforded to the fall-back position confirmed by the certificate of lawfulness. Significant weight can be attributed to the fall-back position because it is a real prospect that in the event the application is refused then the fall-back positions would be implemented, the basic principle set by case law is that for a prospect to be a “real prospect”, it does not have to be probable or likely, a possibility will suffice.

The front for the proposal under this application is shown below.



Front Elevation
as Approved



Front Elevation
as Proposed

Other than the side extension proposal as seen from the front will be the same as that confirmed as lawful by the certificate of lawfulness. Therefore, the impact of the proposal on the street scene would have to be considered acceptable when giving applicable weight to the fall-back position

The rear for the proposal under this application is shown below.



Rear Elevation
as Approved



Rear Elevation
as Proposed

Similarly, other than the side extension and the larger dormer, rear will be the same as that confirmed as lawful by the certificate of lawfulness

The resultant house will be a betterment of that confirmed as lawful by the certificate of lawfulness and will have no demonstrable impact on the character and appearance of the locality because the area has a very mixed character, as demonstrated by the images below.





Design, Character and Appearance

The proposed development comprises a side extension at ground and first floor level together with roof alterations that are largely consistent with the established lawful fallback scheme.

The key additional element proposed under this application is the side extension, which is a typical form of residential enlargement within the surrounding area. The character of Breakspear Road South and the wider residential context is varied, with many properties having been extended through side additions, rear extensions and loft conversions. The proposed side extension therefore reflects an established pattern of development within the locality and does not appear out of keeping with the prevailing character of the area.

The roof alterations, including the rear dormer and hip-to-gable conversion, are already established as lawful development under the Certificate of Lawfulness. Rear dormers and roof enlargements are a common and well-established feature of surrounding residential properties and are therefore considered characteristic of the area.

The resultant dwelling will be only marginally different in appearance from the lawful fallback scheme, and where differences do arise, they are limited to the addition of a modest and subordinate side extension.

Overall, the design respects the scale and proportions of the host dwelling and is sympathetic to the surrounding built form.

Impact on Street Scene

Significant weight should be given to the lawful fallback position, which allows for substantial roof alterations and rear dormer development. When this is taken into account, the proposed development would result in only limited additional visual change within the street scene.

The proposed side extension is modest in scale, subordinate to the host dwelling and reflects the general pattern of development in the surrounding area, where side extensions are a common feature of similar residential properties. As such, the proposal would not result in any demonstrable harm to the character or appearance of the street scene.

Residential Amenity

The proposed side extension has been designed to ensure that neighbouring amenity is fully protected. Given its scale and positioning, it will not result in any unacceptable loss of light, outlook or privacy to adjoining occupiers.

The roof alterations are already established as lawful development and therefore carry significant weight in the planning balance. The additional changes proposed under this application do not materially alter the amenity impact when compared with the fallback scheme. Accordingly, the proposal complies with the relevant amenity considerations of the Development Plan.

Planning Balance

The proposal delivers a high-quality residential extension which makes efficient use of an existing dwelling in a sustainable manner.

Significant weight is afforded to the lawful fallback position, which permits extensive roof alterations including rear dormer, hip-to-gable conversion and roof lights. Against this baseline, the additional development proposed under this application is limited to a modest side extension.

The side extension is typical of residential development in the surrounding area and does not appear incongruous within the local streetscape.

The development therefore results in only a limited degree of additional impact beyond that already established as acceptable through permitted development rights.

When assessed as a whole, the proposal:

- Makes effective use of an existing residential property
- Is largely consistent with an established lawful fallback scheme
- Includes a modest and typical side extension
- Reflects the pattern of development in the surrounding area
- Does not result in any significant harm to character or amenity

Accordingly, the proposal represents a sustainable form of residential development in accordance with the Development Plan.

Conclusion

The proposed development comprises a side extension together with roof alterations that are, in large part, already established as lawful development through a Certificate of Lawful Development.

The principal additional element is the proposed side extension, which is modest in scale, proportionate to the host dwelling and reflective of typical residential extensions within the surrounding area.

When combined with the lawful fallback position, the proposal would result in only limited additional visual and amenity impact.

The development is therefore considered acceptable in planning terms and in accordance with national and local planning policy. It is respectfully requested that planning permission be granted.

CG July 2026