

Planning Statement

98 Breakspear Road South, Hillingdon UB10 8HF

Proposal

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.



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.



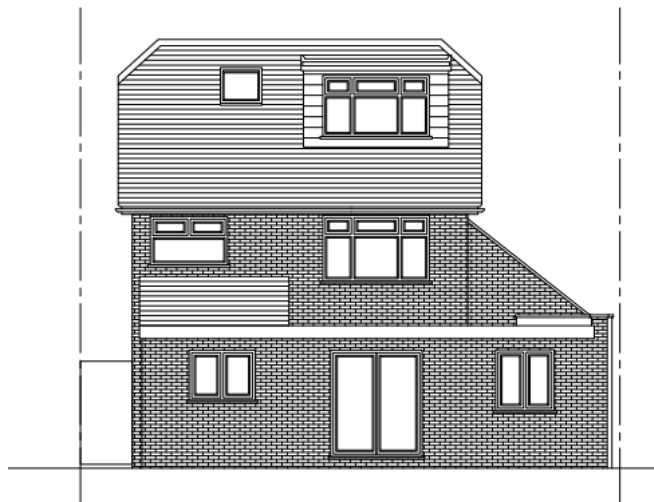
Front Elevation
as Approved



Front Elevation
as Proposed

The appearance of the front elevation will be materially the same as that confirmed as lawful under the Certificate of Lawful Development. Accordingly, when due weight is applied to the fallback position, the impact upon the street scene must be considered acceptable.

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



Rear Elevation
as Approved



Rear Elevation
as Proposed

Similarly, the rear elevation will be substantially the same, other than the enlargement of the rear dormer, as that established through the Certificate of Lawful Development. The proposed roof extension therefore represents a form of development which could already be implemented through permitted development rights.

The resultant dwelling will reflect a form of development already established as lawful and will have no demonstrable adverse impact upon the character and appearance of the locality. The surrounding area exhibits a varied residential character with numerous examples of roof enlargements, dormers and extended dwellings.





Design, Character and Appearance

The proposed development comprises the conversion of the existing roof space to habitable accommodation together with associated roof alterations including a rear dormer, front and rear roof lights, conversion from a hipped roof to a gable end roof, a new gable end window and the removal of the existing chimney stacks.

The proposed roof extension, other than the enlargement to the rear dormer, is substantially the same as the development established as lawful under the Certificate of Lawful Development. Rear dormers, roof lights and hip-to-gable roof enlargements are common features within the surrounding area and form part of the established character of residential development in the locality.

The proposal respects the scale, proportions and architectural form of the host dwelling and integrates appropriately with the surrounding built environment. The roof extension is proportionate to the dwelling and does not appear incongruous within the streetscape.

Overall, the design preserves the character and appearance of both the host property and the wider area.

Impact on Street Scene

Significant weight should be given to the lawful fallback position, which permits the roof extension confirmed by the Certificate of Lawful Development.

The proposal would not result in any material visual impact beyond that which could already be constructed under permitted development rights. The roof alterations are consistent with a form of development regularly found throughout the surrounding area and would integrate satisfactorily with the appearance of the host dwelling.

When viewed within the context of the lawful fallback position, the proposal would not result in any demonstrable harm to the character or appearance of the street scene.

Residential Amenity

The proposed roof extension has been designed to ensure that the amenities of neighbouring occupiers are protected.

The roof alterations are already established as lawful development and therefore carry substantial weight in the planning balance. The proposal would not result in any unacceptable loss of daylight, sunlight, outlook or privacy beyond that associated with the approved fallback position.

The rear dormer and roof lights are conventional features typically associated with residential loft conversions and would not give rise to any significant overlooking or loss of amenity.

Accordingly, the proposal complies with the relevant residential amenity objectives of the Development Plan.

Planning Balance

The proposal provides additional living accommodation through the efficient use of the existing roof space within an established residential property.

Significant weight should be afforded to the lawful fallback position established through the Certificate of Lawful Development, which permits the roof extension, rear dormer, hip-to-gable conversion, roof lights and associated works.

When assessed against that established baseline, the proposal would not result in any material planning harm.

The development:

- Makes effective use of an existing residential property
- Is substantially consistent with an established lawful fallback scheme
- Reflects the character and appearance of the surrounding area

- Preserves neighbouring residential amenity
- Represents a sustainable form of residential development
- Results in no material adverse impacts when compared with the lawful fallback position

Accordingly, the proposal represents an acceptable and sustainable form of development that accords with the Development Plan when considered as a whole.

Conclusion

The proposed development comprises a roof extension involving the conversion of the roof space to habitable accommodation together with a rear dormer, roof lights, hip-to-gable roof alteration, new gable end window and the removal of chimney stacks.

The proposed works are substantially the same as those established as lawful through the Certificate of Lawful Development, other than the enlargement of the rear dormer, and therefore benefit from a significant fallback position which must attract considerable weight in the planning balance.

The proposal would not result in any material harm to the character and appearance of the area, the visual amenities of the street scene or the living conditions of neighbouring occupiers.

The development therefore represents an appropriate, sustainable and policy-compliant form of residential development. Having regard to the established lawful fallback position and the absence of any demonstrable planning harm, it is respectfully requested that planning permission be granted.

CG Oct. 2026