



Planning, Design & Access Statement

Single-Storey Rear Extension
AT
90 Wimborne Avenue,
Hayes UB4 0HH

Reference:
90WA-2281

Date:
2 November 2023

1. Introduction

- a. This Planning Statement has been prepared by Just Planning on behalf of Ms Shakila Maan to support a householder planning application for a single-storey rear extension to a house at 90 Wimborne Avenue, in Hayes.
- b. Following a description of the site and surrounding area, the report will describe the proposal, consider the planning history, provide an overview of relevant planning policy, and outline the case for the applicant.

2. Site Description

- a. The application property is a two-storey, semi-detached house on the western side of Wimborne Avenue. It has a double-storey front bay window, a rendered front elevation, a porch overhang and a tiled, hipped roof. To the rear, it has a two-storey rear extension and a single-storey rear extension. Figure 1, below, provides an image of the property, viewed from the street.



Figure 1: Image of the front of the application property.

- b. The adjoining neighbour, number 88 Wimborne Avenue, is unextended to the rear at ground floor level. The other neighbour, number 92, is set away from the appeal property and has a single-storey rear extension and rear roof extensions.
- c. The rear of the application property and its neighbours to either side are shown in the satellite image in figure 2, below. The image was taken before the applicant built the extension to which this application relates.

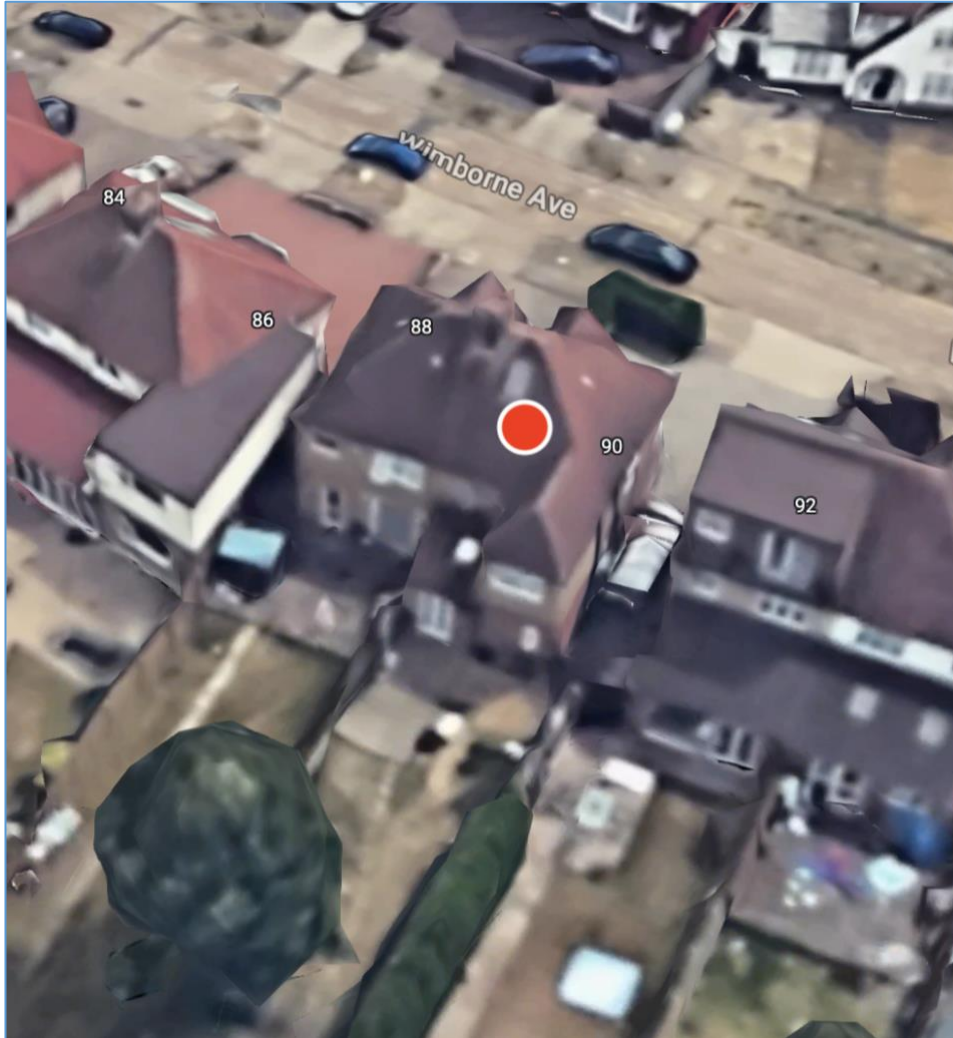


Figure 2: Satellite image of the rear of the application site (red dot) and close neighbours.

- d. The surrounding area is residential in character, made up mostly of similar semi-detached houses. Many have been extended and altered in a variety of different ways, contributing to a diverse streetscene.
- e. The property is not listed and not located in a designated conservation area.

3. Relevant Planning History & Application Proposal

- a. The applicant has erected a single-storey rear extension to the property. The works were carried out in good faith under the misapprehension that they were permitted development and did not require express planning consent.
- b. The extension is attached to the existing rear extensions and takes the total depth of these projections to 6.1m, measured from the original rear wall of the house.
- c. The new extension is built in matching materials and is low in height, with an eaves height of 2.4m.
- d. On 15 September 2023, the council refused planning permission for a similar application that sought the retention of the rear extension (44670/APP/2023/1932). The application was refused for the following reason:

"The proposed rear conservatory extension, by virtue of its cumulative size, scale, bulk, design and proximity, would be detrimental to the amenities of the adjoining occupiers on 92 Wimborne Avenue, by reason of overdominance, visual intrusion, sense of enclosure and loss of outlook. Therefore, the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)."

- e. There was an error on the drawings submitted with the earlier application. The current application is therefore a resubmission of 44670/APP/2023/1932, with minor amendments to the plans and with the additional supporting argument set out in this report.

4. 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.
- b. The relevant parts of the development plan for the area are the Hillingdon Local Plan: Part One - Strategic Policies (2012), the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2021).
- c. The previous application at this site (44670/APP/2023/1932) was refused permission on the basis of policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- d. Policy DMHB 11 (Design of New Development) 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.
- e. Policy DMHD 1 (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"

- f. 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.
- g. For rear extensions, it recommends a maximum depth of 3.6m (where plots are at least 5m wide) on semi-detached houses.
- h. 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.

- i. 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."

- j. 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."

- k. 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."

- l. 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"*.

5. Assessment

- a. The applicant seeks permission for a single-storey rear extension that has already been constructed. It is attached to the end of pre-existing additions to the house. It adds an additional 3m to the depth of the building. It has a low eaves height and uses matching materials.
- b. In refusing a recent and very similar application, the council determined that the development would not cause undue harm to the character and appearance of the host property or the wider area but decided that it would harm living conditions at a neighbouring property, number 92 Wimborne Avenue.
- c. Policy DMHD 1 of the Development Management Policies requires that extensions do not cause undue harm to neighbours in terms of a loss of light, outlook, privacy of general amenity. The requirement to preserve neighbouring residential amenity is echoed in paragraph 130 of the NPPF.
- d. In this case, the extension is moderate in height and depth. It is low in height, varying from 2.4m to 2.7m, much lower than the 4m possible for extensions built using permitted development rights.
- e. The applicant appreciates that policy DMHD1 of the Development Management Policies sets a limit of 3.6m for ground floor rear extensions to houses. However, the purpose of this limit is to protect neighbours, so it follows that a deeper extension may be allowed where it can be shown that there are site specific reasons why neighbours will not suffer any undue harm.
- f. Although the officer's report and decision notice refer to harm to number 92, it is understood that they meant to refer to number 88, which is the closer neighbour and the only neighbour that is unextended.
- g. Although this neighbour has not been extended, the key mitigating factor in this case is the low height of the extension. It does not rise substantially above the boundary fencing.
- h. Although the new extension will be visible from the rear windows and gardens of number 88, it will not be tall or bulky enough to appear as a materially overbearing presence and will not be large enough to cause any material overshadowing or loss of light, especially relative to the pre-existing situation,

whereby the applicant has a pre-existing extension located on the boundary and relatively close to the neighbour's rear windows.

- i. In various appeal decisions in the borough, inspectors have been willing to grant permission for deeper extensions where justified by site-specific circumstances.
- j. In appeal decision APP/R5510/D/21/3284925, for example, an inspector granted permission for a similar proposal to this case – the enlargement of an existing rear extension. In respect of the impact on neighbours, the inspector opined that:

"The adjoining dwelling at 5 Waltham Avenue has not been extended to its rear. That said, the existing rear extension to the appeal dwelling extends out at the point closest to the rear elevation of No 5 and its ground floor windows. The proposed development would not substantially increase either the height or length in comparison to what is already present. No 5 also has a rear garden of a length that means most of its external area would be unaffected by the proposal. As a result of these factors the proposed enlargement to the existing extension would not cause harm to the living conditions of the occupiers of No 5 through overdominance, overshadowing, visual intrusion, loss of light or a loss of outlook."

- k. Appeal decision APP/R5510/D/21/3277486 also related to the enlargement of a pre-existing single-storey rear extension, similar to the current proposal. In the decision, the inspector noted that:

"I observed at my site visit that number 121 has a ground floor window on its rear elevation, relatively close to the side boundary. Whilst, there is an impact in terms of outlook, this mainly results from the original extension rather than the appeal proposal. Although the appeal proposal extends the length of wall along the side boundary, its distance from the window at number 121 and its relatively low height means that the increased impact is marginal."

- l. The inspector also put weight on the fact that the neighbour in question had written in support of the application, describing this letter as a material consideration. The applicant in this case notes that her neighbour is also supportive of the proposal.

- m. In appeal decision APP/R5510/D/21/3282163, the inspector noted that the proposed extension was only 2.6m high in that case and therefore would:

"have a particularly low built form which would not be substantially greater than the height of the existing brick wall along the boundary. In this regard, the proposal would not appear unduly oppressive or create a sense of enclosure from within the garden or property at No 18."

- n. The inspector went on to say that:

"The proposed extension would be positioned to the south of No 18 where the sun would be at its highest and given the particularly low height of the extension there would not be any significant shadowing effects or loss of daylight"

- o. In appeal decision APP/R5510/D/20/3249123, the inspector granted permission for an extension with a cumulative depth of 8m, much greater than the current proposal. The inspector granted permission, judging that:

"However, the extension would be low in height adjacent to the common boundary with the neighbouring property. Much of the closest part of the extension would be hidden behind a boundary fence, with just a sloping pitched roof visible above."

- p. In appeal decision APP/R5510/D/23/3316599, the inspector noted that the depth of the proposed extension would be *"significantly in excess of Policy DMHD 1 criterion B i) of the Hillingdon Local Plan - Part Two - Development Management Policies (2020)"*. However, the inspector decided that:

"Due to the flat roof design and limited height the extension would not be significantly prominent or an overly imposing feature. The Council advise that No.15 has an outbuilding to its southern boundary and while the extension would result in a level of enclosure to both sides, it would not be dissimilar to the existing boundary or the approved extension. Whilst the depth of the extension would be increased, given its form I do not find that it would further materially reduce the outlook or have an overbearing impact."

- q. The inspector went on to say that:

"The appellant has referred me to a number of appeal decisions for similar extensions. Whilst each case is to

be considered on its own merits, they do show support for larger single-storey extensions, and in accordance with my findings in this case, extensions to terraced properties greater than the depth set out in policy DMHD 1 criterion B i) will not necessarily be harmful to the neighbours' amenity."

- r. The applicant believes that the reasoning set out by the inspectors in these decisions also applies in her case. A copy of each decision is provided in the appendices.

6. Conclusions

- a. Policy DMHD 1 recommends a limit of 3.6m to the depth of single-storey rear extensions to semi-detached houses.
- b. In this case, the house had a pre-existing extension, and its enlargement is unusually low in height. It will not rise substantially above the boundary fence and will not be tall enough to cause overshadowing, appear overbearing or harm outlook.
- c. In various appeal decisions, inspectors have been willing to grant extension for extensions with depths greater than the limits in DMHD 1 where justified by site-specific circumstances.
- d. For these reasons, the applicant contends that the proposal represents sustainable development and respectfully requests that planning permission be granted.



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