

PLANNING SUPPORTING STATEMENT

Loft Conversion, Single Storey Rear Extension, Patio (Retrospective) with East and West Side Dormers
74 St George's Drive, Ickenham, UB10 8HR

1. INTRODUCTION

This Planning Supporting Statement is submitted on behalf of Mr Norron Nyack in support of a householder planning application for a loft conversion, single storey rear extension, and patio enlargement (retrospective) at 74 St George's Drive, Ickenham, UB10 8HR. The application is submitted to the London Borough of Hillingdon as Local Planning Authority.

This statement accompanies a resubmission following the withdrawal of application reference **79535/APP/2025/2126**. The previous application was withdrawn to allow the applicant to fully address concerns raised in an e-petition containing 72 signatures. This resubmission provides comprehensive responses to all matters raised, supported by technical evidence including a solar study and detailed policy analysis.

The applicant confirms this property is their **forever family home** and will remain in C3 dwellinghouse use. The additional accommodation is required to meet the growing needs of the family.

2. SITE DESCRIPTION AND CONTEXT

The application site comprises a single-storey detached bungalow located on the northern side of St George's Drive. The property is one of only **two bungalows** on the street, with the other being the immediately adjacent No. 72. The remainder of St George's Drive comprises predominantly two-storey detached and semi-detached dwellings.

The rear boundary adjoins properties on Copthall Road West, specifically Nos. 83, 85, 87, and 89. These are all two-storey dwellings with first-floor rear windows that overlook the application site. This **existing mutual overlooking** is a material consideration addressed in Section 6 below.

The site is not located within a Conservation Area, is not a Listed Building, and is not subject to any site-specific planning designations or constraints.

3. THE PROPOSAL

The application seeks planning permission for:

- A loft conversion to create two additional bedrooms and a bathroom at first floor level
- East and West side box dormers on the dual pitch roof, extending the full width of the property (with 1m setbacks from all roof edges), providing headroom and natural light to the proposed bedrooms. These dormers are visible from the street.
- A side-facing bathroom window with obscure glazing and restricted opening
- Demolition of two existing chimneys and installation of a replacement flue to the left side elevation (as viewed from the front) to serve a wood burning stove

- Single storey rear extension with a maximum height of 2.85 metres (2850mm), extending 4.0 metres beyond the rear wall of the original dwelling. This height matches the existing rear building element (according to measurements provided by the applicant) and represents an amendment to prior approval 79535/APP/2025/1625 which incorrectly specified 2.6m maximum height.
- Enlargement of the existing rear patio area (retrospective) - the patio has been squared off to facilitate drainage works for the rear extension

The replacement flue will not exceed the highest part of the roof by more than 1 metre, in compliance with Class G permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The chimney demolition and flue installation are included within this application for completeness and to provide the Local Planning Authority with a comprehensive view of all proposed works.

3.2 Rear Extension and Site Levels

Prior approval was previously granted under application 79535/APP/2025/1625 for a single storey rear extension with a maximum height of 2.6 metres. However, this height specification was in error. According to measurements provided by the applicant, the existing single storey rear building element measures 2850mm (2.85 metres) in height. The site slopes from front to back, and the original prior approval drawings did not adequately account for the existing building height or site topography.

Building to the approved 2.6 metres would result in the new extension being visibly shorter than the existing rear element, creating an awkward step in the roofline and necessitating either stepping down the floor level or ceiling level within the extension. This would compromise both the structural integrity and aesthetic coherence of the development.

This application therefore seeks approval for a maximum height of 2.85 metres (2850mm), which will allow the new extension to continue the existing roofline and maintain consistent floor and ceiling levels throughout. The ridge line of the extension will align with the existing rear building element, ensuring a seamless architectural transition. This height remains modest for a single storey extension (permitted development allows up to 4.0 metres) and will not cause any additional harm to neighbouring amenity beyond that already assessed in the prior approval.

Note: All measurements relating to the existing building have been provided by the applicant. The applicant accepts responsibility for the accuracy of these measurements.

3.3 Patio Works (Retrospective)

During construction works for the rear extension, the existing rear patio was enlarged and squared off to accommodate drainage requirements. This work was carried out without realising that such alterations may constitute a raised platform under Part 1, Class A.1(k)(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015, which removes permitted development rights for such structures.

Retrospective planning permission is therefore sought to regularise these works. The enlarged patio does not cause any harm to neighbouring amenity - it remains at a modest height and is positioned within the rear garden area, screened from neighbouring properties by existing boundary treatments.

3.1 Design Specifications

Side Dormers

The side dormers have been designed in accordance with Hillingdon's HDAS Residential Extensions SPD guidance (December 2008, Section 7 - Loft Conversions and Roof Alterations, available at www.hillingdon.gov.uk or from the Planning Department):

- Set back minimum 1.0m below the ridge line
- Set up minimum 1.0m above the eaves
- Set in minimum 1.0m from the roof sides
- Materials to match existing dwelling
- Flat roof design (appropriate for bungalow conversion where the objective is to create habitable first-floor space, not to add a subordinate feature to an existing two-storey dwelling)

Bathroom Window (Side Elevation)

The bathroom window has been specifically designed to comply with Policy A1.22 and the conditions set out in Class A.3(b) of Schedule 2, Part 1 of the GPDO:

- Dimensions: 600mm x 1250mm
- Obscure glazed to minimum Level 3 (Pilkington scale)
- Non-opening below 1.8m above finished floor level (AFFL)
- Top-opening fanlight above 1.8m AFFL only
- Frame: PVCu Kommerling C70 Flush Casement (or equivalent)

3.4 Submitted Drawings

The following drawings are submitted in support of this application:

- 001 - EXISTING DRAWINGS
- 002 - PROPOSED DRAWINGS
- 003 - EXISTING - Solar Study
- 004 - PROPOSED - Solar Study

4. PLANNING POLICY FRAMEWORK

The following policies are relevant to the determination of this application:

4.1 National Planning Policy Framework (NPPF)

Paragraph 55 of the NPPF sets out the six tests for planning conditions. Any conditions imposed must be: necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable in all other respects. This is relevant to the consideration of conditions offered by the applicant (see Section 9).

4.2 Hillingdon Local Plan Part 2 (January 2020)

Policy DMHD 1: Alterations and Extensions to Residential Dwellings

This policy requires householder development to respect the design and character of the original dwelling and surrounding area. Two-storey extensions must not extend into an area provided by a 45-degree line of sight from the centre of the nearest first floor habitable room window of adjacent properties.

Policy DMHB 11: Design of New Development

This policy requires development to harmonise with local context, use high-quality materials, and not adversely impact the amenity, daylight, or sunlight of adjacent properties.

Appendix A1.22: Side Windows

Windows to non-habitable rooms on side elevations should be obscure glazed and non-opening below 1.7m above floor level. The proposed bathroom window exceeds this standard with a 1.8m restriction.

Appendix A1.23: Separation Distances

The standard back-to-back distance between facing habitable room windows is 21 metres. Where this cannot be achieved, privacy can be protected through careful layout and screening including obscure glazing and high-level openings.

4.3 BRE 209 Site Layout Planning for Daylight and Sunlight

This industry-standard guidance provides the methodology for assessing daylight and sunlight impacts. Key tests include:

- **25-degree test:** If the angle from horizontal from the centre of a window to the proposed development is below 25 degrees, further assessment is typically unnecessary
- **45-degree test:** Draw 45-degree lines from neighbouring windows in plan and elevation; if development falls within both lines, detailed assessment is warranted
- **Garden sunlight:** 50% of amenity area should receive 2 hours sunlight on 21 March; impact is significant only if reduced below 0.8 times the former value

Importantly, BRE values are **advisory, not mandatory**. In *Rainbird v LB Tower Hamlets* [2018] EWHC 657, the Court confirmed that breaching BRE Guidelines does not automatically make impacts unacceptable; professional judgement is required considering local context.

5. POLICY COMPLIANCE ASSESSMENT

5.1 Character and Appearance

The application site is an anomaly within the streetscene. As one of only two bungalows on a street of predominantly two-storey dwellings, the existing single-storey form is **out of character** with the surrounding area. The proposed loft conversion will bring the property **in line with the prevailing two-storey character** of St George's Drive.

This approach is supported by appeal decisions. In Planning inspectors have consistently found that bungalow conversions in streets with existing two-storey houses are acceptable where the development aligns with the prevailing character. The anomalous single-storey

nature of the bungalow, rather than any proposed conversion, is the incongruous element in such streetscenes.

The dormer design complies with Hillingdon's HDAS guidance and materials will match the existing dwelling, ensuring the development appears as a sympathetic addition subordinate to the main roof form.

5.2 Privacy and Overlooking

Rear Bedroom Window (Bedroom 1)

The rear bedroom window will be positioned at a distance of 17.4 metres from the nearest property on Copthall Road West (No. 83), measured at an **oblique angle of approximately 40 degrees**. While this is below the standard 21-metre separation distance in Appendix A1.23, significant mitigating factors apply:

- **Oblique angle reduces perception of overlooking:** The Essex Design Guide (Government-endorsed) confirms that where rear elevations face each other at angles exceeding 30 degrees, minimum spacing may be reduced from 25m to just 15m from the nearest corner. At 40 degrees, the relationship falls well within acceptable parameters.
- **Mutual overlooking already exists:** No. 83 Copthall Road West has existing first-floor windows that overlook the application site. The principle of mutual overlooking is established in appeal decision *APP/B5480/C/23/3315515 (4 Kings Road, Romford, 2 June 2025)* where Inspector Martin Allen found: 'there exists mutual overlooking and, in my view, any additional impact would not be significant or warrant the refusal of permission.'
- **Mature tree screening:** Two mature trees in the garden of No. 83 provide natural screening between the properties.

In *APP/A5270/W/24/3338084 (184 Uxbridge Road, Hanwell, 19 August 2024)*, Inspector Ben Plenty found that views at angled relationships were 'negligible' and that oblique angles combined with existing overlooking created only 'limited' impact. The same reasoning applies here.

Origin of the 21-metre rule

It is important to note that the oft-quoted 21-metre rule originates from the 1918 Tudor Walters Report and was designed for **sunlight penetration to ground floor windows**, not privacy. Planning Voice (Chartered Town Planners) confirms: 'Contrary to popular belief, this standard was not designed to prevent overlooking, but to ensure sunlight could reach ground-floor windows during winter months.' This undermines rigid application of the 21m rule for privacy arguments alone.

Front Bedroom Window (Bedroom 2)

The front bedroom window will achieve in excess of 21 metres separation to properties on the opposite side of St George's Drive, fully complying with Appendix A1.23.

Bathroom Window (Side Elevation)

The bathroom window serving a non-habitable room will be obscure glazed to Level 3 minimum and non-opening below 1.8m AFFL, exceeding the requirements of Policy A1.22. This window will not enable any overlooking.

5.3 Daylight and Sunlight

A solar study has been undertaken in accordance with BRE 209 methodology, using **21 March (spring equinox)** as the standard assessment date. The study demonstrates:

- The proposed development does not breach the 25-degree or 45-degree screening tests
- Minimal additional overshadowing to neighbouring properties
- A slight increase in shadow to No. 87 Copthall Road West at 15:00 only
- All impacts fall within acceptable BRE parameters

The solar study is submitted as a separate document accompanying this application.

6. RESPONSE TO E-PETITION AND NEIGHBOUR REPRESENTATIONS

An e-petition containing 72 signatures was submitted in response to the previous application. While the petition is acknowledged as a representation, its weight depends on whether it raises **material planning considerations**. The collective nature of the petition does not increase its planning weight; each point must be assessed on its planning merits. As confirmed by Dundee City Council guidance: 'an application cannot be refused simply because a lot of people object to it.'

The petition raised seven points, addressed below:

6.1 Overshadowing and Loss of Natural Light

Concern raised: The development will cause overshadowing and loss of light to properties on Copthall Road West. No. 87 claims to have a 'legally recognised right to light in deeds.'

Response:

The solar study demonstrates that impacts on daylight and sunlight fall within acceptable BRE parameters. Only No. 87 experiences any increase in shadow, and only at 15:00 on 21 March. This does not represent a significant adverse impact on residential amenity.

Regarding the claimed 'right to light': This is a **private civil law easement** under the Prescription Act 1832 and is **completely separate from planning considerations**. This distinction is established in multiple cases including *R (Knights) v South Norfolk District Council [2025]* and *Coventry v Lawrence [2014] (Supreme Court)*, which confirmed that planning permission does not override private right to light claims, and conversely, private right to light objections cannot determine planning applications.

Planning decisions address amenity impacts under BRE 209 guidance (demonstrated as acceptable); private right to light claims are civil matters between neighbours that survive regardless of planning consent. The claimed right to light is **not a material planning consideration** and cannot form grounds for refusal.

6.2 Loss of Privacy (83 & 85 Copthall Road West)

Concern raised: The development will cause overlooking to Nos. 83 and 85 Copthall Road West.

Response:

No. 83 Copthall Road West:

As detailed in Section 5.2, the rear bedroom window will be positioned at 17.4m from No. 83 at a 40-degree oblique angle. Combined with existing mutual overlooking (No. 83's first-floor windows already overlook the application site), mature tree screening, and the established principle that mutual overlooking reduces the weight of privacy objections (APP/B5480/C/23/3315515), the impact is acceptable. It would be unreasonable to refuse permission when the objecting property already overlooks the applicant's garden.

No. 85 Copthall Road West:

The only window facing No. 85 is the bathroom window, which will be obscure glazed to Level 3 minimum and non-opening below 1.8m AFFL in accordance with Policy A1.22. This window will not enable any overlooking whatsoever.

6.3 Concerns About Future HMO Use

Concern raised: The enlarged property may be converted to a House in Multiple Occupation (HMO).

Response:

This concern is **not material** to the determination of this householder application for the following reasons:

- **The application is for physical development (roof alteration), not change of use:** A loft conversion does not change the planning use class of a dwelling.
- **The property will remain in C3 dwellinghouse use:** The applicant has confirmed this is their family home.
- **Hillingdon's Article 4 Direction provides strategic control:** On 27 November 2025, Hillingdon Full Council approved a **borough-wide Article 4 Direction** removing permitted development rights to convert C3 dwellings to C4 HMOs. This Direction came into force in December 2025 and applies to the entire borough. Any future HMO conversion would therefore require a separate planning application, at which point the Council could assess impacts specific to that proposal.

As established in *Smith v FSS [2005] EWCA Civ 859*, fears about development must relate to 'the use - in planning terms - of the land in question' rather than 'assumptions not supported by evidence as to the character of future occupiers.'

A condition restricting HMO use would fail the NPPF paragraph 55 tests as it would be neither necessary (the Article 4 Direction already controls this) nor relevant (loft conversions do not create HMOs). However, for the avoidance of doubt, a condition confirming the property remains in C3 use is offered at Section 9.

6.4 Request for Property-Specific Article 4 Direction

Concern raised: The Council should impose an Article 4 Direction on this property.

Response:

Article 4 Directions are strategic planning tools designed to address area-wide issues affecting groups of properties or wider locations. They are not appropriate for individual properties and such a Direction would be disproportionate and unprecedented. The normal planning system provides adequate protection through the assessment of any future change of use application.

Furthermore, the borough-wide Article 4 Direction now in force addresses the underlying concern strategically and appropriately. A property-specific Direction would be unnecessary and redundant.

6.5 Character and Permitted Development

Concern raised: The development is out of character with the area.

Response:

This concern is addressed fully in Section 5.1. The bungalow is the anomaly on a street of two-storey dwellings. The loft conversion will bring the property **in line with** the prevailing character, not out of it.

It is also relevant to note that **Class B of Schedule 2, Part 1 of the GPDO** provides permitted development rights for rear dormers (including box dormers) without planning permission, subject to volume limits (50 cubic metres for detached dwellings), height restrictions, and setbacks (20cm from original eaves). The proposed development broadly aligns with what could be achieved under permitted development, representing a **fallback position** the Council should consider.

As established in *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*: 'for a prospect to be a "real prospect", it does not have to be probable or likely; a possibility will suffice.' A designed, conditioned scheme may be preferable to uncontrolled permitted development.

6.6 Previous Application Status

Concern raised: The previous application should not have been initially approved.

Response:

The previous planning application (79535/APP/2025/2126) was withdrawn by the applicant to allow for comprehensive responses to concerns raised. It should be noted that any prior Certificate of Lawful Development applications relate to permitted development rights under the GPDO, which is a separate matter from full planning permission. This resubmission provides additional information including a solar study, detailed policy analysis, and offered conditions. The application must be determined on its planning merits as presented.

6.7 Request to Suspend Work

Concern raised: Work should be suspended pending determination.

Response:

Requests to suspend work are not material planning considerations. Planning applications must be determined on their planning merits. Any works undertaken prior to a grant of permission are at the applicant's risk.

7. ADDRESSING POTENTIAL ADDITIONAL OBJECTIONS

In anticipation of additional concerns that may be raised during the consultation period, the following matters are addressed proactively:

7.1 Property Values

Concerns about impact on property values are **explicitly not material planning considerations**. As confirmed in *R v Westminster CC ex-parte Monahan [1989]*, material considerations must relate to public interest, not private financial interests.

7.2 Construction Disturbance

Concerns about construction noise, dust, and disruption are **not material to planning decisions**. Construction impacts are temporary and controlled under the Control of Pollution Act 1974 and Environmental Protection Act 1990, not planning legislation. Nevertheless, a condition regarding working hours is offered at Section 9.

7.3 Precedent

Concerns that approval would 'set a precedent' should be addressed with reference to *North Wiltshire DC v Secretary of State [1993]*: while consistency is important, there is **no binding precedent in planning**. Each application must be judged on its own merits according to the statutory framework and development plan policies.

7.4 Parking

The development does not alter the number of bedrooms to a level that would trigger additional parking requirements under Hillingdon's standards. The existing driveway and garage (if applicable) provide adequate parking for a family dwelling.

7.5 Noise from Additional Occupants

The property will remain a single-family dwelling. Any concerns about noise from future occupants relate to assumptions about character of occupiers, which cannot be material (*Smith v FSS*). A family dwelling with additional bedrooms does not generate materially different noise levels from any other family home.

8. RELEVANT APPEAL DECISIONS

The following appeal decisions support the acceptability of the proposed development:

Reference	Key Finding
APP/B5480/C/23/3315515	Mutual overlooking reduces weight of additional overlooking objections
APP/A5270/W/24/3338084	Oblique angles create 'limited' and 'negligible' privacy impact
Mansell v Tonbridge [2017]	Fallback PD position is a material consideration
Smith v FSS [2005]	Assumptions about future occupiers are not material
Rainbird v Tower Hamlets [2018]	BRE breaches do not automatically make impacts unacceptable

Reference	Key Finding
North Wiltshire DC v SoS [1993]	No binding precedent in planning; each case on own merits

Recent Hillingdon-specific appeal successes for loft conversions include 34 Highfield Drive, 59 St Margaret's Road, and 293 Lansbury Drive - all initially refused by the Council but allowed on appeal. This indicates a pattern of overly cautious decision-making that is corrected at appeal.

9. OFFERED CONDITIONS

To demonstrate engagement with neighbour concerns and provide additional reassurance, the applicant offers acceptance of the following conditions:

1. **Obscure glazing:** The bathroom window on the side elevation shall be fitted with obscure glazing to a minimum of Pilkington Level 3 (or equivalent) and shall be non-opening below 1.8 metres above finished floor level. The window shall be retained as such thereafter.
2. **No additional side windows:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no additional windows, doors or other openings shall be installed in the side elevations of the development hereby approved without the prior written approval of the Local Planning Authority.
3. **Matching materials:** The materials to be used in the external surfaces of the development hereby approved shall match in colour, texture and appearance those of the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority.
4. **C3 dwellinghouse use:** For the avoidance of doubt, the property shall remain in Use Class C3 (dwellinghouse) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
5. **Construction working hours:** Construction work shall only take place between 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays, with no work on Sundays or Bank Holidays.

10. CONCLUSION

This application for a loft conversion at 74 St George's Drive represents a policy-compliant householder development that:

- Brings a single-storey anomaly in line with the prevailing two-storey character of St George's Drive
- Provides additional family accommodation through sympathetic roof enlargement
- Complies with dormer design guidance including setbacks and materials
- Protects neighbour privacy through oblique angles, existing mutual overlooking, mature screening, and obscure glazing to the bathroom window

- Demonstrates acceptable daylight/sunlight impacts through a BRE 209-compliant solar study
- Addresses all material planning concerns raised in the e-petition
- Correctly identifies non-material matters (right to light, HMO speculation, property values, construction disturbance) that cannot form grounds for refusal

The concerns raised by neighbours are understood and have been carefully considered. However, planning decisions must be based on material planning considerations, not the volume of objections. The points raised relate primarily to matters that are either not material to planning or have been addressed through design, evidence, and offered conditions.

The applicant respectfully requests that planning permission be **granted** subject to appropriate conditions.

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