
Appeal Decision

Site visit made on 14 November 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2016

Appeal Ref: APP/R5510/D/16/3156124
176 Church Road, Hayes, UB3 2LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Avtar Chauhan against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 1536/APP/2016/1411, dated 14 March 2016, was refused by notice dated 6 June 2016.
 - The development proposed was originally described as 'retention of single storey rear extension and loft conversion with rear dormer'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I saw at my site visit that the rear extension and dormer have been constructed. I have based my decision on what I saw on site together with the submitted plans and details.

Main Issues

3. The main issues for the appeal are:
 - Whether the appeal scheme preserves or enhances the character or appearance of the Hayes Village Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of 174 Church Road with particular regard to any dominance, overshadowing, loss of light and/or loss of outlook

Reasons

Character or appearance of the Hayes Village Conservation Area

4. I saw at my site visit that the Hayes Village Conservation Area has a mixed character and appearance, derived from the extensive areas of green open space, the variety in land use and the age, form and style of buildings. 176 Church Road is a semi-detached dwelling, with a distinctive projecting gable to the front. It is situated on part of Church Road where there is some uniformity in the scale and spacing of the relatively large dwellings and gardens, but with some variety in architectural styles.
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5. The appeal scheme includes a box dormer which has been built in the rear roof slope. Whilst I found that the dormer is not visible from Church Street, it can be seen from a number of private views within the Conservation Area.
6. I note that the dormer is set down below the ridge of the dwelling and is set back above its eaves. However, it is not positioned centrally within the roof being positioned towards the roof of the attached No 178 and despite being set in about one metre from the end gable, it occupies a considerable proportion of the width of the roof. I have considered the appellants comments regarding the guidance set out in the Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions (SPD) and that the dormer does not conflict significantly in terms of the minimum set back distances. However, due to its appearance and size, I consider that the dormer dominates the roof of the dwelling and does not appear as being subservient. Additionally, the design of the box dormer fails to respect the architectural composition of the host dwelling. Therefore I consider that the dormer, due to its excessive scale and its appearance appears as an incongruous feature in the Conservation Area.
7. The single storey rear extension, spans the width of the rear of the host dwelling and projects out about 5.7 metres. It includes two glass lanterns in its roof. If I were minded to allow the appeal, I could attach a planning condition to secure the removal of the glass lanterns which I consider to be incongruous with the host dwelling. Although the rear projection is large in proportion to the host dwelling, I do not consider its scale to be so excessive, as to be harmful to the character and appearance of the Conservation Area. Additionally, in terms of its design, I do not consider that it fails to respect the host dwelling and despite conflicting with the guidance in the SPD, I consider that does not constitute an incongruous addition.
8. I have considered the appellants comment that the appeal property is not listed as a positive contributor in the Hayes Village Conservation Area Appraisal. However, I nevertheless find that the dormer causes harm to the character and appearance of the Hayes Village Conservation Area and having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
9. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset

as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. The appellant has referred to the appeal scheme giving rise to public benefit through improving accommodation and achieving good quality housing as is sought by the Framework. However, in this case the alterations relate to a private dwelling and any such public benefits which may have arisen do not outweigh the harm found to the Conservation Area.

10. To conclude on this matter, the appeal scheme would not preserve or enhance the character or appearance of the Hayes Village Conservation Area. The appeal proposal is contrary to Hillingdon Local Plan: Part 1 Strategic Policies Policy BE1 which is concerned with new development improving and maintaining the quality of the built environment and Policy HE1 which is concerned with heritage, including conserving and enhancing conservation areas. It also conflicts with the London Borough of Hillingdon Unitary Development Plan (UDP) saved Policy BE4 which is concerned with development preserving or enhancing Conservation Areas and saved UDP Policies BE13, BE15 and BE19 which are concerned with design of development. The proposal also conflicts with the Council's SPD.

Living conditions

11. I saw at my site visit that the neighbouring 174 Church Road is situated forward of the appeal property and has a patio door and windows at ground floor level at the rear. The extension at No 176 is built close to the common boundary with No 174 and due to its length of about 5.7 metres and height of a minimum of 3 metres, presents a significant length of flank wall to the garden of No 174. The combination of the set back of the appeal property behind No 174 and the depth and height and position of the rear extension, are such, that the extension gives rise to dominating effects to the occupiers of No 174 and harm to the outlook from the rear of the property. Due to the position of No 176 to the north of No 174, the effects of overshadowing and loss of light would not however be significantly harmful.
12. The submitted plans show that prior to the existing extension being built, there was a structure on the boundary with No 174 which projected out about 6.3 metres from the rear of the dwelling. The planning status of the former structure is unclear and I have not been provided with any details in respect of its height. Therefore, I am unable to undertake a full comparison between the existing and previous structures and cannot give the previous structure significant weight in assessing the effect of the development on the living conditions of the occupiers of No 174.
13. To conclude on this matter, the appeal scheme has an unacceptable effect on the living conditions of the occupiers No 174 Church Road. Therefore it is contrary to saved UDP Policy BE19 which includes that new development in residential areas complements or improves the amenity of an area, saved UDP Policy BE20 which includes that buildings should be laid out so that the amenities of existing houses can be safeguarded and saved UDP Policy BE21 which includes that planning permission will not be granted for extensions which would result in a significant loss of amenity. The proposal also fails to accord with the guidance in the SPD in this regard.

Other matters

14. I note that the appellant had thought that planning permission was not required for the rear extension or that there is an Article 4 direction in place. I have also considered the comments in respect of advice the appellant had received regarding development in conservation areas. I have considered the development plan policies referenced by the appellant and the policies of the Framework and I note the letter of support and that there have been no objections from neighbours. These matters however do not lead however me to a different conclusion.
15. The appellant has referred to fact that the rear extension is below the maximum size for rear extensions subject to the prior approval procedures. However, the prior approval provisions in respect of larger rear extensions do not apply in conservation areas.

Conclusion

16. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR