

Appeal Decision

Site visit made on 7 February 2017

by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 14 February 2017

Appeal Ref: APP/R5510/C/3156259

28 Gledwood Gardens, Hayes, UB4 0AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jit Singh against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice, numbered ENF/134/16 was issued on 13 July 2016.
 - The breach of planning control as alleged in the notice is the erection of a front porch and canopies with pastiche classical columns and incorporated into the side extension – the “Front Extension” and the erection of a secondary single storey rear extension conservatory – the “Conservatory” (shown hatched in orange on the site plan attached to the notice) without planning permission.
 - The requirements of the notice are:
 - i) Demolish and remove the front extension.
 - ii) Demolish and remove the conservatory.
 - iii) Remove from the land all debris, items, appliances, units, building materials, plant and machinery resulting from compliance with points (i) and (ii) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - **Summary of Decision: Appeal allowed in respect of front extension and permission granted, appeal dismissed in respect of conservatory, notice upheld and permission refused.**
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The appeal property and relevant planning history

1. The appeal property is a semi-detached two storey dwelling in an area of similar residential properties.
2. The property has been extended to the rear and side, and has a hip to gable roof extension with rear dormer. Because of the unauthorised additions of the front extension and rear conservatory, the subject of the enforcement notice, the Council considers that the rear and side extensions have not been constructed in accordance with the plans approved under planning permission ref 62355/APP/2014/422. However, the side and rear extensions do not form part of the allegation.

The appeal on ground (a)

3. The main issues in the ground (a) appeal are the effects of the development as constructed on the living conditions of neighbours and on the character and appearance of the area.
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4. The front extension comprises a central porch (2.5m by 1.35m deep) with dual pitched tiled roof with two pitched roof canopies either side extending across the entire width of the original dwelling and the single storey side extension. The canopies are supported by white pastiche classical columns with the canopy on the right flank integrated into the side extension. Although the extension changes the appearance of the dwelling, its general design, including the columns, is not so harmful to the street scene to justify refusal. Additionally, there have been a number of alterations and extensions to the front elevations of other dwellings, including porches, canopies and hip to gable extensions that any former uniformity or coherence in design and materials the street has been diminished. I have considered the appellant's suggestion to remove the right hand element of the front extension but this would achieve little benefit.
5. I conclude that the front extension has minimal effects on the living conditions of neighbours and on the character and appearance of the area. It is in general accordance with Policy BE13 of the Hillingdon Local Plan Policy Part 2 relating to the design of new development.
6. The conservatory has been erected across the entire rear elevation being about 7.25m wide and 4m deep with a pitched ridged roof. It has a yellow brick bottom third and white uPVC glazed framework. Its east elevation has been constructed on the boundary with the adjoining house, which is also owned by the appellant, and has opaque glazed high level windows. Although I did not view the conservatory from the neighbouring dwelling, there is no doubt that it would appear intrusive, affecting the outlook from the neighbouring property and give the impression of potential overlooking from the side windows, albeit that they were opaque. Whilst the appellant's suggestion to remove the right hand section of the conservatory would minimise the impact to some degree, the side of the conservatory would nevertheless remain close to the common boundary.
7. The east side elevation of the conservatory is set in from the boundary by a narrow path running along the side of the house to the front. It has standard clear glazed windows. Because of the floor level of the conservatory, it is possible to view the ground and upper floor windows of the neighbouring three houses from within the conservatory and this would still be possible even if the east section of the conservatory were to be removed as suggested by the appellant. Although the direction of view is oblique I consider that this would be harmful to the living conditions of nearby residents through overlooking and loss of privacy.
8. When taking into account the previously approved rear extension, the overall depth of the combined extension and conservatory significantly exceeds the general HDAS SPD 'Residential Extensions' guidance of 3.6m. The overall effect of this is to create a bulky development which fails to blend with the scale, design and proportions of the original dwelling house and creates a development that is out of character and appearance with the rear of the neighbouring housing in the street. Whilst conservatories have now become relatively commonplace, and the fact that they may not be visible from the public realm when located in rear gardens, does not diminish the need for conservatory extensions to have proper regard to the principles of good neighbourliness in terms of design.

9. Although the appellant has suggested that the conservatory could be reduced in width by the removal of the left and right hand sections, this would not overcome my concerns in respect of the effect of the development on the character and appearance of the area and the living conditions of neighbours. I have also had regard to the extensions to other properties in the area that have been referred to by the appellant and to the fact that the garden of the appeal property has been considerably enlarged as a result of the incorporation of much of the rear garden of the adjoining house.
10. The Council has also expressed concerns on the effect of the development on the amount of daylight and sunlight entering the dwelling but I do not consider that this factor alone would have any material impact on the living conditions of the occupiers.
11. I consider that the conservatory constitutes overdevelopment adversely affecting living conditions and the character and appearance of the area. It is contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 relating to the built environment and Policies BE15 and BE19 of the Hillingdon Local Plan Policy Part 2 relating to the design of new development and residential amenity.
12. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.
13. The Council has requested a condition relating to the submission for approval of materials, colours and finishes used on external surfaces. However such a condition would not be necessary for the front extension that has already been constructed in materials that reflect the palette of materials that exist in the area.

The appeal on ground (f)

14. An appeal on this ground is that the steps exceed what is necessary to remedy the breach of planning control.
15. As the ground (a) appeal succeeds in respect of the front extension, it is not necessary to consider it further.
16. The appellant has suggested reducing the width of the conservatory to bring it more in scale with the original property but for the reasons set out in the ground (a) appeal, this would not overcome the harm to living conditions and to the character and appearance of the area.
17. The appeal on ground (f) fails.

The appeal on ground (g)

18. An appeal on this ground is that the compliance period is too short. The appellant has requested a period of 6 months to carry out the requirements of the notice for financial reasons and in order to employ a reputable contractor.
19. However, as the ground (a) appeal succeeds in respect of the front extension, and the requirements of the notice are much reduced, I see no reason why the

conservatory cannot be demolished and materials removed from the land within a three month period.

20. The appeal on this ground fails.

Formal Decision

21. The appeal is allowed insofar as it relates to the front extension and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of a front porch and canopies with pastiche classical columns and incorporated into the side extension.

22. The appeal is dismissed and the enforcement notice is upheld for the conservatory and planning permission is refused in respect of the single storey rear extension conservatory on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

P Njarratt

Inspector