
Appeal Decision

Site visit made on 13 March 2017

by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/R5510/C/16/3161266

132 Central Avenue, Hayes UB3 2DA

- 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 Mohammed Mansha against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The enforcement notice was issued on 19 September 2016.
- The breach of planning control as alleged in the notice is without planning permission the development of a single storey extension shown blue on the plan (attached to the Notice).
- The requirements of the notice are:
 - 5.(i) Demolish and remove the single storey front extension shown hatched in blue on the plan attached.
 - 5.(ii) Remove from the land all debris, waste, building materials, plant, equipment and machinery resulting from the demolition works in compliance with 5(i) above.
- The period for compliance with the requirements is Two (2) calendar months after this Notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed.

Procedural matter

1. This is the second appeal in respect of the single storey front extension at 132 Central Avenue. The earlier appeal (the 2016 appeal) was against the refusal of an application under Section 73A of the Act¹ for development already carried out, namely the erection of what was described as a front porch. I am satisfied that, as a matter of fact and degree, the development before me is the same as that subject of the 2016 appeal. The decision² in that case is a material consideration, which carries considerable weight in this appeal.

Ground (a), and the deemed application for planning permission

Main issue

2. The main issue in this appeal is the effect of the front extension on the character and appearance of the host dwelling and on the Central Avenue Area of Special Local Character.

¹ Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991

² Appeal reference: APP/R5510/D16/3154810: Decision dated 20 October 2016

Reasons

3. No 132 is the end property in a short terrace of 4 houses located on the wide tree lined avenue. The houses hereabouts vary in detailing and are mostly faced with a dark brick or render. Despite variations in style there is a pleasing homogeneity including the generous set back from Central Avenue, small porches, the use of a limited palette of materials and a sense of balance in the layout and form of the terraces. The positive and particular character of the area has been recognised in a local designation as an Area of Special Local Character (ASLC) by Saved Policy BE5 of the London Borough of Hillingdon Unitary Development Plan September 2007 (the UDP).
4. The front extension has been constructed across the majority of the principal elevation of the property and the single storey side extension. It is composed of two sections separated by a dividing brick wall with glazing above. To one side the extension is open fronted and provides a wide covered area in front of the ground floor window. This is roofed by a shallow pitched roof. A second smaller pitched roof covers a ramp leading to what appears to be the front door of No. 132. This second pitch extends across most of the single storey side extension. The asymmetrical structure is constructed in yellow brick and this increases its visual prominence in the street scene.
5. The Council's Residential Extensions Supplementary Planning Document says that porches should be subordinate in scale and form and should, amongst other matters, be generally confined to the front entrance area. UDP Policy BE5 seeks to ensure that, in areas identified as ASLCs, development respects and harmonises with the materials, design features, architectural style of the area and that extensions respect the symmetry of the original building. Of the policies and guidance relied upon by the Council these are the most relevant to the appeal before me.
6. In this case I saw that the materials are brash and incongruous in the street scene and the porch fails to respect the symmetry of the terrace and is over dominant in its effect on the host property. Consequently I see no reason to differ from the conclusions reached in the 2016 appeal. I thus find conflict with the design policies and guidance relied upon by the Council, which in turn are consistent with the design principles in the National Planning Policy Framework.
7. Therefore, for the reasons I have given, the effect of the front extension on the character of the host property and the ASLC is seriously harmful and this weighs heavily against permission.

Other matters

8. The appellant says he has two daughters who are highly disabled and require shelter when loading and unloading them from a vehicle.
9. In this context personal circumstances need to be taken into account and I have a duty to advance equality of opportunity and to consider the needs of persons with disabilities. However, from what I saw, provision for disabled residents could be accommodated by other means.
10. In these circumstances the needs of disabled residents do not outweigh the unacceptable harm arising from the incongruous and visually detrimental front extension.

Formal Decision

11. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused for the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Sukie Tamplin

INSPECTOR