
Appeal Decision

Site visit made on 4 April 2017

by Paul Freer BA (Hons) LLM MRTPI

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

Decision date: 18 April 2017

Appeal Ref: APP/R5510/C/16/3165369

Land at 15 Laburnum Road, Hayes, Middlesex UB3 4JX

- 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 Shakeel Abbasi against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 15 November 2016.
 - The breach of planning control as alleged in the notice is, without planning permission, the development of a single-storey front extension – the “Front Extension”.
 - The requirements of the notice are:
 - (i) Demolish and remove the single storey front extension shown in the approximate position outlined in green on the plan attached to the notice insofar as it does not match with the approved plans reference LR-001(A) and LR-002(A) which were approved by application reference 15192C/87/1421 granted on 23 November 1987 for the erection of a 2-storey side and part 2-storey rear extension and a part single-storey rear extension at 15 Laburnum Road, Hayes.
 - (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the demolition works.
 - The period for compliance with the requirements is three (3) calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision

Reasons

1. The appeal is proceeding only on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated one substantive reason for issuing the enforcement notice, from which the main issues raised is the effect of the front extension on the character, appearance and visual amenities of the street scene and the surrounding area.
 2. The character and appearance of Laburnum Road is derived, in part, from the pairs of semi-detached houses that front onto both sides of the road. These houses are typically set back from the edge of highway but, although the front building line is relatively well defined, there are nonetheless examples of some properties being set either slightly forward or slightly behind their neighbours. The building line is therefore not rigid and there are subtle variations within that building line.
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3. I noted on my site visit that a number of the houses in Laburnum Road and the surrounding area feature front porches or front extensions. There is no consistent scale or design to these front porches and extensions. Some extend across the full width of the front elevation. Others, whilst not occupying the full width of the front elevation, nevertheless occupy a significant proportion of it. Consequently, substantial front porches and front extensions are an integral component of the character of Laburnum Road, even though not all properties in the road feature them.
4. In the context of this character, the front extension to the appeal property is not excessive in scale or in terms of the proportion of the front elevation that it covers. Because of the slight forward projection of nearby houses and the presence of other front extensions that project slightly further forward, the front extension does not infringe the building line established by the line of semi-detached houses on this side of Laburnum Road. For that reason, and also because of the set back from the highway of the main house, the front extension is neither visually intrusive nor unduly prominent in the street scene of which it forms a part.
5. Taking all these factors into account, and notwithstanding that the colour of the roof tiles used does not match that of the tiles on the main roof, I consider that the front extension harmonises with the architectural composition of the host property in terms of scale, form and proportion. As such, in the particular context of the character and appearance of this part of Laburnum Road, the front extension is not an incongruous addition to this dwelling.
6. I conclude that the front extension does not harm the character, appearance or visual amenities of the street scene and the surrounding area. I therefore conclude that this front extension accords with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, as well as Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies. These policies indicate, amongst other things, that development will not be permitted if the appearance fails to harmonise with the existing street scene and that extensions will be permitted where they harmonise with the scale, form and proportions of the original building.
7. On a strict reading, the front porch technically fails to accord with the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions (SPD), which specifically indicates that front extensions that extend across the entire frontage will normally be refused. However, having regard to the specific character and appearance of this section of Laburnum Road, in my view this is one situation where the particular circumstances of the case dictate that the guidance in the SPD should not be rigidly adhered to.
8. In the event that I allowed the appeal, the Council has suggested a condition requiring that details or sample of all materials, colours and finishes used on the external surfaces be submitted to the Local Planning Authority. However, although the tiles used on the mono-pitch roof of the front elevation do not match those on the main roof of the house, the effect on the overall appearance of the host property is not sufficiently detrimental to make such a condition necessary or reasonable. The other materials used in the front extension are all acceptable. No other conditions have been suggested and, in my opinion, none are necessary.

Conclusion

9. For the reasons given above, I conclude that the appeal should succeed and planning permission will be granted.

Formal Decision

10. The appeal is allowed, the enforcement notice is quashed 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 development already carried out, namely the erection of a single-storey front extension at 15 Laburnum Road, Hayes, Middlesex UB3 4JX.

Paul Freer

INSPECTOR