

Appeal Decision

Site visit made on 11 May 2017

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/R5510/D/17/3172563

26 Thirlmere Gardens, Northwood HA6 2RS

- 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 Sanjay Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 65363/APP/2017/218, dated 21 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is described as "demolition of the existing outbuilding followed by a single storey rear and side extension to form a wrap around."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed side extension on the character and appearance of the surrounding area.

Reasons

3. No.26 Thirlmere Gardens occupies a prominent corner plot where the main approach road into Thirlmere Gardens forms a junction with the two principal cul-de-sacs. Consistent with the pattern of development elsewhere in Thirlmere Gardens, No.26 is moderately set back from the highway, contributing to an overall character of general spaciousness.
 4. I observed that the area to the side of the property is modest but it visually serves to separate the gable end of the house from the public highway. This arrangement contributes to the sense of openness when leaving and entering Thirlmere Gardens.
 5. The appeal proposal would occupy the full width of this side space such that there would be a single storey flank wall flush to the pavement at this location over an appreciable length. This would result in a harmfully incongruous degree of enclosure in the streetscene. Whilst volumetrically the proposed side extension would be a subservient addition to the overall scale of the host dwelling, the loss of the open area at this prominent corner position would result in a conspicuously cramped pattern of development that would fail to maintain or improve the character or appearance of the area.
 6. The overbearing proximity of the solid side extension would be acutely experienced by users of the public pavement. I observed the change in levels with the pavement gently rising with the highway above the side area to No.26
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but do not consider this would mitigate the harmful encroaching effect identified. I also noted the position of the existing small outbuilding to the rear of the property and the thin timber boundary fence to the rear garden. These features are relatively modest and characteristic of the area. They do not have harmful enclosing effect which would arise from the scale and massing of the proposed side extension. As such they do not set a pattern of development that would support the appeal proposal.

7. I therefore conclude that the proposed side extension would result in significant harm to the character and appearance of the surrounding area. It would therefore be contrary to the design objectives of Policies BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan Policies (2012). It would also fail to accord with the 'Hillingdon Design and Access Statement Supplementary Planning Document on Residential Extensions (2008)'. These policies and guidance seek, amongst other things, to secure high quality design which would improve and maintain the quality of the built environment and harmonise with the existing street scene. It therefore follows that the proposal would also conflict with the objective of the National Planning Policy Framework (NPPF) to secure high quality design.

Conclusion and Planning Balance

8. For the reasons set out above the appeal proposal would result in harm to the local character and would be contrary to related provisions in the development plan and NPPF. This weighs strongly against the appeal.
9. The submitted plans show that the appeal proposal would provide a disabled bedroom, treatment area and disabled bathroom at ground floor level which would enable the appellants to continue residing in their home. Disability is a protected characteristic and as such the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 to eliminate unlawful discrimination and advance equality of opportunities applies.
10. I note that there are no development plan policies before me which positively support adaptations to existing housing stock for disabled residents. That said, No.26 is clearly capable of extension as demonstrated by the unimplemented ground floor rear extension secured under prior approval in 2016. I have very little evidence that this additional floorspace could not satisfactorily contribute towards providing the necessary accommodation needed for the appellant. Nor is there evidence that an alternative ground floor extension configuration could not be secured at No.26 in a way which avoids the harm identified.
11. Accordingly, I am not persuaded that there is an inequality of opportunity that means the appeal proposal is the only option to adapt No.26 to meet the needs of disabled residents. Therefore, having due regard to the PSED I am satisfied that the negative impact of not allowing the appeal proposal does not outweigh the harm that has been identified to the wider public interest. Accordingly, and having considered all other matters before me, including the absence of any local objection, I conclude that the appeal should be dismissed.

David Spencer

Inspector.