

Appeal Decision

Site visit made on 12 May 2017

by Andrew Dale BA (Hons) MA MRTPI

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

Decision date: 06 June 2017

Appeal Ref: APP/R5510/C/16/3161723

Land at 40 The Drive, Northwood HA6 1HP

- 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 Arshid Hussain against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 26 September 2016 under ref. HS/ENF/10126.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the extension of a roof, in particular the erection of:
 - (1) *A small side facing box dormer;*
 - (2) *A side and rear facing box dormer (L shaped);*
 - (3) *Two rear facing gable end roof extensions.*
 - The requirements of the notice are set out as follows:
 - (i) *Demolish and remove the small side facing box dormer highlighted on the attached photograph marked A.*
 - (ii) *Demolish and remove the L shaped side and rear facing box dormer highlighted on the attached photograph marked B.*
 - (iii) *Demolish and remove the two rear facing gable end roof extensions highlighted on the attached photograph marked C and;*
 - (iv) *Remove from the Land all materials, debris, plant and equipment associated with requirement (i) to (iii) above.*
 - 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) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended falls to be considered.
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Decision

1. The appeal is allowed insofar as it relates to the extension of a roof through the erection of a small side-facing box dormer and two rear-facing gable end roof extensions 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 extension of a roof through the erection of a small side-facing box dormer and two rear-facing gable end roof extensions on land at 40 The Drive, Northwood HA6 1HP.
 2. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to the extension of a roof through the erection of a side and rear-facing box dormer (L-shaped) and planning permission is refused in respect of the
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extension of a roof through the erection of a side and rear-facing box dormer (L-shaped) on land at 40 The Drive, Northwood HA6 1HP on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

3. In assessing whether planning permission ought to be granted for what is alleged in the notice, the main issue for consideration is the effect of the operational developments upon the character and appearance of the host property and the wider area.
4. The development plan includes the London Plan (LP), the Hillingdon Local Plan Part 1 - Strategic Policies (SP) and the saved policies from the Unitary Development Plan (UDP) which are serving for an interim period as the Hillingdon Local Plan Part 2.
5. The UDP pre-dates the National Planning Policy Framework (the Framework). However, the relevant UDP policies covering the design of new development and residential amenity (Policies BE13, BE15 and BE19) are broadly consistent with the Framework and therefore carry significant weight. SP Policy BE1 requires all new development to improve and maintain the quality of the built environment. The Council does not rely upon any LP policies.
6. The emerging Hillingdon Local Plan Part 2 is scheduled for adoption in 2017. However, the Council has not referred to any policies from it either in the enforcement notice itself or in the written statement. Design guidance is provided within a supplementary planning document titled Residential Extensions December 2008 (SPD). The SPD is a material consideration but such guidance should not be applied in a prescriptive way without due regard to the context of individual sites. I have also studied all the planning history that has been put before me but the focus must be on the specific roof extensions the subject of the notice.
7. The appeal property is a sizeable two-storey detached dwelling which is set in the centre of a spacious plot. There are several mature trees in the front gardens of nos 40 and 40c protected under a tree preservation order. Therefore, the appeal dwelling is not particularly prominent in the wider street scene along The Drive when compared to a number of other nearby properties. Infill and backland developments appear to have taken place hereabouts over the years. Nos 40c and 42a stand on narrow plots to the north-east and south-west of the appeal property respectively. Nos 40a and 40b are the dwellings directly behind the rear garden of the appeal property. The rear elevation of the appeal property, especially the roof, will be noticeable from the front-facing windows and front gardens of those two properties.
8. The operational developments the subject of the notice have taken place at roof level. The house has a predominantly hipped roof form, although there is an advanced two-storey gable end in the centre of the original front elevation.
9. Using matching roof tiles, the hip to gable end conversion at the rear has been achieved by elongating the hipped ridge rearwards. Extending the ridge out sideways would have had more serious implications for the overall appearance and balance of the house as viewed from the front. The roof over the north-eastern side of the property is now unbalanced but this is not especially

noticeable from any public vantage points and I doubt very much that it can be readily appreciated from any nearby properties given the proximity of the flank wall of no. 40c. The introduction of this gable end to the rear elevation is not objectionable in itself given the existence of a similar construction on the front elevation. It contrasts with the hipped roof over the rear of the previously approved extension at the other end of the rear elevation but not to such an extent that it causes harm to the overall appearance and composition of the building in views from the rear.

10. I take no exception to the small gabled roof that has been constructed over a projecting bay to a first floor rear bedroom. It is set well back from each of the wider and taller rear-projecting wings on either side of it. This rear-facing gable end roof extension is rather modest in size and has been faced with matching roof tiles. It is quite acceptable in my judgement.
11. As acknowledged in the alleged breach of planning control, the side-facing box dormer is small. Matching roof tiles have been used. I cannot see any conflict with paragraphs 7.0 and 7.5 of the SPD, the two paragraphs of the SPD highlighted by the Council. It is a small dormer window which appears secondary to the north-east-facing side roof in which it is set. It is set up from the eaves by well over a metre and a substantial part of it is about a metre away from the front hipped end of the roof. It is set down from the roof ridge but not by as far as a metre as suggested in paragraph 7.8 of the SPD. Even so, this dormer is not prominent in the street scene along The Drive. When approaching towards the appeal property along The Drive from either direction, the two side-facing, flat-roofed dormers in each side roof of no. 40c draw the eye of an observer well before the subject side dormer at no. 40 does. Given these circumstances and this context, I consider that it is not necessary to insist upon a pitched or hipped roof for the subject side dormer as recommended in the SPD at paragraph 7.9.
12. I now turn to the side and rear-facing, L-shaped box dormer. It dominates the south-west-facing section of roof plane as extended by the hip to gable conversion and is an unduly discordant and disruptive feature in the rear elevation. It appears as a disproportionate addition. The adverse visual effect is exacerbated by its close proximity to the gable end and to the main roof ridge. This development has effectively created the appearance of a flat-roofed, third storey.
13. Even though it is at the rear and a substantial part of it faces internally and sideways to the south-west, the L-shaped dormer is so bulky and visually dominant that it causes the eye to be drawn to the roof. The extent of its size and bulk will be apparent when viewed from nos 40a, 40b and 42a, not just from the rear garden of the appeal property. Moreover, the introduction of a substantial expanse of flat roof at this level and in this form, in addition to the pitched and hipped roofs, is a step too far as it produces an unduly awkward mixture of roof forms across the main roof of the rear elevation.
14. Whilst there may be a variety of detached residential properties in the area with widely differing plot sizes, designs, materials, heights, depths and roof profiles, I have not been referred to any similar examples of large L-shaped dormers on any nearby properties. The subject L-shaped dormer is visually unattractive and does not represent good design. I consider that it fails to

harmonise with the scale, form, architectural composition and proportions of the original building. Even though it has no impact on the street scene along The Drive as such, it does detract from the character and appearance of this residential area as perceived by the occupiers of nearby neighbouring properties.

15. To sum up on the main issue, I find that the small side-facing box dormer and the two rear-facing gable end roof extensions do not harm the character and appearance of the host property and the wider area whether looking at them individually or cumulatively. However, I find that the side and rear-facing, L-shaped box dormer harms the character and appearance of the host property and the wider area, contrary to SP Policy BE1, UDP Policies BE13, BE15 and BE19 and the Framework which indicates that planning should always seek to secure high quality design. I have taken into account all other matters raised in the appellant's statement of case and final comments, but there are no material considerations of sufficient weight to indicate that the determination of this appeal should be made otherwise than in accordance with the development plan. In particular, I would comment that the appellant's misunderstanding about the limitations on permitted development rights was unfortunate but it does not give cause to grant planning permission for the L-shaped box dormer.
16. Turning to other matters, the Council has not indicated in its written statement that the development is harmful to the living conditions of the occupants of no. 40c. I see no reason to disagree with the Council. The bathroom window in the small side-facing box dormer is obscure glazed. The top opening light is set at such a height above floor level that any typical views out of it are towards the top of the roof ridge at no. 40c. Similarly, there is only a view over the adjacent roofscape and distant trees from the roof light in the side of the hip to gable conversion. The small side dormer and the hip to gable conversion are not of such a scale in themselves that they have resulted in a material reduction in the amount of daylight and sunlight entering the dwelling or garden at no. 40c.
17. The Council has requested a condition relating to the submission for approval of materials, colours and finishes used on all external surfaces. However, such a condition would not be necessary for the small side-facing box dormer and the two rear-facing gable end roof extensions as they have been constructed in materials that match the existing roof.
18. For the reasons given above and taking into account all other matters raised, I conclude that appeal (a) should succeed in part only, and I will grant planning permission for items (1) and (3) in the breach of planning control alleged at paragraph 3 of the enforcement notice, but otherwise I shall uphold the enforcement notice and refuse to grant planning permission for item (2) in the breach of planning control alleged at paragraph 3 of the enforcement notice. The requirements of the upheld enforcement notice will cease to have effect so far as they are inconsistent with the planning permission which I shall grant by virtue of section 180 of the 1990 Act as amended.

The appeal on ground (g)

19. This ground of appeal is that the time given to comply with the requirements of the notice falls short of what should reasonably be allowed. The appellant

considers that the three-month period set out in the notice is wholly inadequate. A period of six months is requested.

20. I am not convinced that removing development at a high level is a complex operation requiring the use of specialist contractors. Moreover, as the ground (a) appeal has succeeded in part, the requirements of the notice are much reduced. I see no reason why the L-shaped dormer cannot be demolished and the materials removed from the land within the three-month period. Ultimately, the roof planes that have been disturbed by this addition would need to be made good but as that is not a specific requirement of this notice, those works would not be subject to the three-month limit.
21. Should any unforeseen difficulties arise or perhaps more likely, should the appellant wish to engage in discussions with the Council about an alternative rear dormer before commencing any demolition works, the Council can extend the compliance period at its own discretion, regardless of this appeal decision.
22. The appeal on ground (g) fails.

Andrew Dale

INSPECTOR