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# Appeal Decision

Site visit made on 10 July 2017

**by Daniel Hartley BA Hons MTP MBA MRTPI**

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

**Decision date: 14 July 2017**

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**Appeal Ref: APP/R5510/W/17/3172079**

**54a-64a The Broadway, Joel Street, Northwood HA6 1PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Haven Properties against the Council of the London Borough of Hillingdon.
  - The application Ref 63833/APP/2016/4141, is dated 6 October 2016.
  - The development proposed is a two storey rear extension and conversion of roof space to habitable use to include 3 side dormers and conversion from 6 x 3 bed flats to 4 x 2 bed and 11 x 1 bed flats.
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## Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and conversion of roof space to habitable use to include 3 side dormers and conversion from 6 x 3 bed flats to 4 x 2 bed and 11 x 1 bed flats at 54a-64a The Broadway, Joel Street, Northwood HA6 1PA in accordance with the terms of application Ref 63833/APP/2016/4141, dated 6 October 2016, subject to the attached schedule of conditions.

## Procedural Matter

2. I have taken the description of development from the Council's delegated report rather than the planning application form as this more accurately describes the proposal. The appellant has confirmed that they agree with this approach.

## Background and Main Issue

3. An almost identical planning application was considered on appeal (Ref APP/R5510/W/16/3150151) on 19 August 2016. This included the same number of additional flats and very similar extensions. In respect of the effect of such development upon the character and appearance of the area, the Inspector concluded that the rear extension "*would not be out of scale or excessively bulk, and would complement the appearance of the host building*". However, the appeal was dismissed as Flat No 2 failed to meet the minimum internal space standard required by the London Plan 2016 and as the proposal included the loss of a shared outside amenity space without any replacement provision thereby not according with the Council's external amenity space standards.
  4. This appeal proposal seeks to address the above concerns raised by the previous Inspector. In particular, all of the flats would meet or exceed the
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minimum internal space standards as laid out in the London Plan 2016. In respect of outside amenity space, the appeal proposal includes private balcony space for each flat varying in size from between 28.25 square metres to 3.20 square metres for the smaller units.

5. As this is an appeal against the non-determination of the planning application the Council have not issued a decision. However, the Council have submitted a report and this indicates that had they been in a position to determine the planning application they would have refused it.
6. The Council have confirmed that in terms of amenity space the proposal is now acceptable and hence accords with the requirements of saved Policy BE23 of the Hillingdon Unitary Development Plan 1998 (UDP) and the HDAS Residential Layouts Supplementary Planning Document 2010 (SPD). In respect of internal floorspace standards, the Council have confirmed that the submitted plans show sufficient usable floorspace and that in this regard the proposal accords with Policy 3.5 of the London Plan 2016. I have no reason to disagree with the conclusions reached by the Council in respect of these matters.
7. Notwithstanding the above, the Council comment that they consider that the proposed rear extension would be out of scale with the host building, would appear incongruous in terms of its appearance and that in design terms it would appear disruptive within the rear elevation of the overall parade of buildings when viewed from the eastern end of Windsor Close and Fairfiled Court. The main issue is therefore the effect of the proposal upon the character and appearance of the area.

## **Reasons**

8. Planning appeal Ref APP/R5510/W/16/3150151 is a very weighty material planning consideration. I have no reason to disagree with the previous Inspector about the effect of such development upon the character and appearance of the area or indeed the overall assessment of such a proposal.
9. I acknowledge that in relative terms this proposal would result in an increase in the width of the roofspace extension considered by the previous Inspector in so far that it would extend the same distance as the extended main roof ridge line. However, taking into account the location of the rear extension, I do not consider that it would appear dominant or out of place when viewed from public areas. I accept that the development would be visible from some parts of Fairfield Court and Windsor Close, but I do not consider that its impact would be significantly adverse. The rear of the appeal property is largely concealed from longer distance public views given the position of the Fairfield Court complex of buildings and as it is located to the very far south of Windsor Close.
10. Whilst the proposal would result in a change to the appearance of the rear of properties in the immediate area, I do not consider that such a change would be harmful in design terms. I accept that the rear extension would be relatively large, but not to the extent that I would conclude that it was dominant or disproportionate.
11. Subject to the imposition of a number of planning conditions, I conclude that the proposal would accord with the design and living conditions aims of Policy 3.5 of the London Plan 2016; saved policies BE13, BE15, BE19 and BE23 of the

UDP; the SPD and the National Planning Policy Framework. Hence, the proposal would deliver a sustainable form of development.

### **Other Matters**

12. I have taken into account comments made by other interested parties including the occupiers of No 56 and No 58 The Broadway. A Planning Inspector considered a relatively similar proposal in July 2016 and I do not consider that this appeal proposal would seek to make significant alterations/additions in relative terms. The comments made by the previous Planning Inspector constitute a weighty material planning consideration.
13. I note the comments made about rights of access, but the grant of planning permission would not override rights of access or covenants.
14. I note that the Highway Authority have raised no objection to the proposal and I am satisfied that levels of car parking provision would be acceptable.
15. The Council has separate powers to deal with unacceptable levels of noise and disturbance at construction stage and I have no evidence to substantiate the claim that the property has been the subject to subsidence issues. In any event, the proposal would need to be the subject of separate Building Regulations approval including the consideration of all necessary fire escape routes.
16. None of the other matter raised alter or outweigh my overall conclusion on the main issue.

### **Conditions**

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
18. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
19. In the interests of the character and appearance of the area, it is necessary to impose planning conditions relating to boundary treatment details, materials and the storage of refuse bins.
20. In the interests of sustainability and to discourage trips being made by motorised transport, a planning condition is necessary in respect of cycle storage. In the interests of the living conditions of the occupiers of the proposed flats, it is necessary to impose a planning condition relating to sound proofing measures between the flats.

**Conclusion**

21. For the reasons outlined above, and taking into account all other matter raised, I conclude that the appeal should be allowed.

*Daniel Hartley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: 4667-SP1; 4667-P-01; 4667-P-02b; 4667-P-03b; 4667-P-04b; 4667-P-05a; 4667-P-06a; 4667-P-07c; 4667-P-08a; 4667-P-09a; 4667-P-10 and 4667-P-11.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No development shall take place until details of facilities to be provided for the screened storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
- 5) No development shall take place until a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between each floors has been submitted to and approved by the local planning authority. The approved sound proofing scheme shall be fully implemented prior to first use of the development hereby approved and thereafter retained.
- 6) No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.
- 7) A detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced and the boundary walls, fences or other means of enclosure shall be erected before the development hereby permitted is occupied.