



Appeal Decision

Site visit made on 10 July 2017

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

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

Decision date: 17 July 2017

Appeal Ref: APP/F5540/C/17/3168646

10 Norman Crescent, Heston, TW5 9JS

- 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 James Gregory against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The enforcement notice, reference MULT/2015/00267, was issued on 3 January 2017.
- The breach of planning control as alleged in the notice is without planning permission the construction of an unauthorised side extension extending beyond the front elevation of the property.
- The requirements of the notice are :
 - i. Remove the side extension to the front of the property
 - ii. Remove all the resultant debris from the land.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

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

1. In an appeal on ground (a) and the deemed planning application the Appellant is, in effect, seeking planning permission for the matter stated in the notice which in this case is the side extension extending beyond the front elevation of the property that has been built.
2. From the reasons for issuing the notice I consider that the main issue is the effect of the side extension on the character and appearance of the host property and the street scene.
3. The appeal site comprises a two storey semi-detached property with a hipped roof and a substantial rear garden. The surrounding area is mainly residential with properties in Norman Crescent that are largely similar in design and style to the appeal property; many of the houses have been extended in a number of different ways.
4. Hounslow Local Plan Policy SC7 seeks to ensure, among other things, that residential extensions maintain the character of the area and do not result in harm to the built environment and to this end the Council seeks to ensure that such development reflects its Residential Extension Guidelines.
5. The Guidelines say that side extensions should normally be set back at least 1m from the main front wall but the side extension at No 10 does not comply

with the Guidelines in that its front elevation is in line with the front elevation of the host building. In addition, the deep flat roof extends for about 21cm beyond the front wall.

6. It is further advised in the Guidelines that to blend in with the house and street the design and style of the roof of an extension should match that of the main roof and the extension at No 10 does not do so in that it has a flat roof whereas the house has a pitched roof. The white fascia of the deep flat roof together with the box-like shape of the extension result in it being a conspicuous development in the street scene that does not reflect the appearance of the host building or the character of the area.
7. At the time of my visit the forward part of the side extension was being used for general storage, the keeping of refuse/recycling bins and a washing machine. The door in the front elevation reflected the utilitarian nature of what lay behind but a second door in such close proximity to the front door of the house was incongruous and out of keeping with other extensions in the area which had, in the main, windows.
8. I noted on my visit that many of the houses in Norman Crescent had porches that projected some distance from the various front elevations and that two properties near No 10 had side extensions which were aligned with the front elevation of their respective host buildings but had hipped roofs. However, these are different forms of development that are not comparable with the development in this appeal.
9. I have considered whether the imposition of planning conditions, such as, to require the wall of the extension to be rendered and to replace the door with a window would render the extension acceptable but neither of these would affect the forward projection or design of the roof.
10. I therefore conclude that the side extension that is the subject of the notice has a harmful effect on the character and appearance of the host property and the street scene and that it is contrary to Policies CC1, CC2 and SC7 of the Hounslow Local Plan which seek, among other thing, to ensure that development reflects the character and appearance of the area and the host building.

The appeal on ground (f)

11. An appeal on ground (f) is made on the basis that the steps required by the notice exceed what is necessary to remedy the breach. The Appellant has, in this ground of appeal, referred to the planning merits of the development that I have considered and dismissed above. Other matters raised, which include the Council negotiating an agreement with the Appellant, are not matters that are relevant to a ground (f) appeal.
12. The Appellant has not put forward any reasonable alternative to the requirements as stated on the notice and the purpose of the requirements is to remedy the breach by, among other things, restoring the land to its condition before the breach took place which can include the removal of any building or works¹.

¹ S.173(4) and (5) of the 1990 Act

13. The requirements of the notice fulfil the statutory purpose and the appeal on ground (f) fails.

The appeal on ground (g)

14. In an appeal on ground (g) the Appellant is saying that the period for compliance with the notice falls short of what should reasonably be allowed and he asks for a period of six months in which to, among other things, instruct a builder and to enable the occupants to make alternative arrangements while the works are underway.
15. Given the use of the extension that I saw on my visit it is not clear to me what alternative arrangements would be necessary. I have no evidence from the Appellant about the availability, or otherwise, of builders but I noted on my visit that works were being carried out at No 10 and that there was a skip in the front garden. The works required to demolish the extension are not extensive and I consider three months is a reasonable period of time in which this could be carried out.
16. I do, however, remind the Council of its powers in s.173A(1)(b) of the 1990 Act to extend the period for compliance should circumstances arise whereby it is necessary to do so.
17. The appeal on ground (g) fails.

Conclusion

18. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Decision

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

Gloria McFarlane

Inspector