



Appeal Decision

Site visit made on 25 July 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 08 August 2017

Appeal Ref: APP/R5510/D/17/3177999

15 Rodney Gardens, Eastcote, HA5 2RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ben Goderski against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 66862/APP/2017/1602, dated 3 May 2017, was refused by notice dated 12 June 2017.
 - The application sought planning permission for a single storey rear extension without complying with a condition attached to planning permission Ref 66862/APP/2016/646, dated 17 August 2016.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers RODNEY/SITE01 REVISION A, RODNEY 02 REVISION C and RODNEY 03 REVISION C.
 - The reason given for the condition is: To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear extension at 15 Rodney Gardens, Eastcote, HA5 2RT in accordance with application Ref 66862/APP/2017/1602, dated 3 May 2017, without compliance with condition number 2 previously imposed on planning permission Ref 66862/APP/2016/646, dated 17 August 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Proposed Site Block Plan Drawing No RODNEY/SITE01 REVISION A, Existing Floor Plans and Elevations Drawing No RODNEY/01, Proposed Floor Plans Drawing No RODNEY/02 REVISION C, Proposed Elevations v2 – to show extension with 250 gap in place to boundary and no parapet.
 - 2) 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 and shall thereafter be retained as such.
 - 3) Access to the flat roof area of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
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Preliminary Matters

2. The application subject to this appeal is made under Section 73 of the Act for a minor material amendment. Planning permission was granted in August 2014 for the development as described above. The appeal before me seeks to amend the approved scheme by removing a parapet wall around the perimeter of the proposed extension, which I am satisfied do not alter the substance of the original proposal and would not prejudice any party.
3. At the time of my site visit the proposed extension was under construction but was not complete. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind it would be within the Eastcote Park Estate Conservation Area.

Reasons

5. The appeal property is a two storey semi-detached dwelling in the Eastcote Park Estate Conservation Area (CA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The CA is characterised by traditional dwellings of a variety of styles mainly set back from the road in a curving layout with mature planting and trees. In my view, the significance of the CA is derived from the varied architectural detailing of the buildings within it and its spacious layout and verdant character and appearance.
7. I acknowledge that parapet walls are common features of the traditional properties in the area which contribute to the varied character of the street scene. However, the proposed extension would not be widely visible from the road. Furthermore, when viewed from the rear garden of the appeal property and the rear gardens of neighbouring dwellings, the proposed extension without the parapet wall would appear as a relatively modest addition which would be in keeping with the scale and detailing of the appeal dwelling.
8. For these reasons, I find the proposal would not harm the character and appearance of the area and thus the character and appearance of the CA would be preserved. The proposal would therefore accord with saved Policies BE4 and BE13 of the London Borough of Hillingdon Unitary Development Plan (1998), Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 (2012) and the Hillingdon Design and Accessibility Statement Supplementary Planning Document (2006). These policies, taken together, seek to ensure good design and that new development makes a positive contribution to the character and appearance of an area.

Conditions

9. In terms of conditions, and following the advice in the Planning Practice Guidance, I shall repeat the relevant conditions from the original planning permission, as appropriate, but amending the condition which refers to the approved plans to include the appeal plans.

10. The standard time limit is not necessary as the development has commenced. I agree conditions requiring materials to match the existing dwelling and to ensure the roof is not used as outdoor living space are necessary to safeguard the character and appearance of the area and the living conditions of nearby residents. Furthermore, a condition requiring the proposal is carried out in accordance with the approved plans is necessary to give certainty.

Conclusion

11. For the reasons set out above, having had regard to all other matters raised, I conclude that the proposal would accord with the development plan and therefore the appeal is allowed.

L Fleming

INSPECTOR