
Appeal Decision

Site visit made on 26 September 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 9 October 2017

Appeal Ref: APP/R5510/D/17/3181495
65 Judge Heath Lane, Hayes UB3 2PA

- 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 Eddie Douse against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 68374/APP/2017/819, dated 6 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is a first floor side extension over part of existing single storey ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension over part of existing single storey ground floor extension at 65 Judge Heath Lane, Hayes UB3 2PA in accordance with the terms of the application, Ref 68374/APP/2017/819, dated 6 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1711_PL01 received 6 March 2017 and 1711_PL02 received 14 March 2017.
 - 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.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

3. The appeal property at 65 Judge Heath Lane (No. 65) is a two storey semi-detached dwelling with a front porch extension, single storey side and rear extensions, gabled end roof extension and a rear dormer. It occupies a corner position within a mature well-established residential area, typically characterised by semi-detached and terraced properties set back from the road, behind front gardens/driveways.

4. The proposal would entail the construction of a triangular shaped first floor extension over part of the existing single storey side extension that would be set back about 1.0m from the front and rear elevation of the property. It would extend out between about 1.9m and 3.2m up to the side wall of the existing extension and would be stepped down below the gabled end roof extension with a crowned roof.
5. Policy BE22 of the Hillingdon Local Plan: Part 2 Saved Unitary Development Plan Policies 2012 (UDP) and Paragraph 5.1 of the Residential Extensions Hillingdon Design & Access Statement Supplementary Planning Document 2008 (SPD) specifies a minimum set-in requirement of 1.0m and 1.5m respectively, for a first floor side extension from the side boundary to allow reasonable space and to provide an opportunity for external access for periodic maintenance. In this case, the proposed extension would be set-in at a right angle between about 0.8m and 1.3m from the side boundary fence and would be separated from the adjacent property at No. 67 by pedestrian access running between the properties.
6. Whilst the proposed extension would be located in a prominent position, it would be seen in the context of the previous extensions and alterations to No. 65 and two storey side extension at No. 67. Against this backdrop, the scale, form and siting of the proposed extension, stepped down and set back, would not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall increase of the first floor side projection at No. 65 together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property. The proposal would therefore achieve an appropriate degree of subordination to the host property and would not significantly detract from the already extensively altered composition of the existing dwelling.
7. Given the proposed design and the configuration of the site, the relationship between the proposed side extension and adjacent property would not be significantly materially different to the existing situation on the site and would allow reasonable space to prevent any significant terracing effect and limit any significant adverse impacts on the street scene.
8. Consequently, I conclude that the proposal would not result in significant harm to the character and appearance of the host property and the area. Despite a technical breach of UDP Policy BE22 and the SPD guidance on first floor side extensions, given the site specific circumstances, I conclude that the development would be consistent with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012, UDP Policies BE13, BE15 and BE19 and the SPD. These policies and guidance seek, amongst other things, to ensure development and extensions are of a high quality design that harmonises with the original building and streetscene and complements or improves the character of the area.

Other matters

9. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are not a material consideration to which I can attach significant weight in making this decision.

Conditions

10. Having regard to the National Planning Policy Framework, and in particular paragraph 206, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property.

Conclusion

11. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR