
Appeal Decision

Site visit made on 1 November 2017

by M Seaton DipTP MRTPI

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

Decision date: 24 November 2017

Appeal Ref: APP/R5510/W/17/3180120

14 Hornbeam Road, Hayes, Middlesex, UB4 9EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Pat O'Conner against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 45773/APP/2017/208, dated 12 January 2017, was approved on 27 March 2017 and planning permission was granted subject to conditions.
 - The development permitted is a first floor side extension.
 - 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 HILN 17011/3A.*
 - 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 (2016).*
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Decision

1. The appeal is allowed and the planning permission Ref 45773/APP/2017/208 for a first floor side extension at 14 Hornbeam Road, Hayes, Middlesex, UB4 9EE granted on 27 March 2017 by the Council of the London Borough of Hillingdon, is varied, by deleting condition No 2 and substituting for it the following condition:
 1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers HILN 17011/3.

Main Issue

2. The main issue is whether the condition is reasonable or necessary in the interests of the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is occupied by a two-storey end of terrace dwelling. The dwelling has been previously extended by virtue of a single storey side extension and a flat roof rear extension, and occupies a location essentially at right angles to the properties at Nos. 6, 8, 10 & 12 Hornbeam Road, to the East. The appeal site is comprised of a significantly wide front garden, with a much narrower rear garden as a consequence of the disposition of land related to neighbouring property gardens.

4. The originally proposed development (as shown on *Drawing Ref. HILN 17011/3*), incorporated a first floor side extension over the full width of the existing ground floor side extension, but set back from the front elevation by virtue of a flat roof element over the porch.
5. During the course of the consideration of the planning application, it is evident that the Council had expressed concern over the detailed design of the proposed development, with particular reference made to the *Hillingdon Design and Access Statement Supplementary Planning Document: Residential Extensions 2008* (HDAS) and a requirement for a set in from the boundary by 1.5 metre where an existing single storey extension is present. As a consequence, it is indicated that an amended plan was submitted (*Drawing Ref. HILN 17011/3A*) showing a revised design of the development incorporating a set-in of the first floor extension from the boundary by 1.5 metres, and incorporating a pitched roof over the existing single-storey side extension between the proposal and the boundary. The revised plan is the version referred to in the Notice of Decision.
6. Paragraph 5.1 of the Council's HDAS addresses the distance to a side boundary in the instance of side and first floor side extensions. The paragraph requires all residential extensions and buildings of two or more storeys in height to be set back a minimum of 1 metre from the side boundary of the property for the full height of the building. However, it is guided that if there is an existing single storey side extension within 1 metre of the boundary, the first floor extension should be set in a minimum of 1.5 metres. It is highlighted that the maintenance of such a gap protects the character and appearance of the street, protects gaps between properties, and prevents houses combining visually to form a terraced appearance.
7. In consideration of the wording of this part of the HDAS, I am satisfied on the basis of the submitted plans and my own observations on the appeal site that despite the Council's reference within their Statement to the contrary, the existing ground floor extension does not sit within 1 metre of the side boundary of the property. I accept that as a consequence of the layout of the neighbouring property the rear elevation of the side extension immediately abuts the adjoining garden boundary, but I would concur with the Council's assessment in the delegated report that the distance to the side boundary is approximately 4 metres from the extension. In such a circumstance, the proposed development would not engage the requirement for a set-back at first floor level of 1.5 metres.
8. Turning to the impact on the character and appearance of the street scene, the originally proposed extension shown on Drawing Ref. HILN 17011/3 would not result in the unacceptable closure of the gap between neighbouring properties, and would be of an appropriate design and appearance in the context of the terrace to which it would be attached. The extension would be set back from the front elevation of the dwelling and down from the ridge, and in this respect would maintain a subordinate appearance to the main dwelling. Furthermore, and with reference to paragraph 5.10 of the HDAS, I am satisfied that the proposed extension would accord with the guidance on width of extensions, being between half and two-thirds of the width of the original dwelling.
9. I therefore conclude that the condition would not be reasonable and necessary in the interests of the character and appearance of the area, as the

development would comply with Policy BE15 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (2012), and the HDAS, which seek to ensure that alterations and extensions to dwellings harmonise with the scale, form, architectural composition, and proportions of the original building.

Other Matters

10. The Council has indicated that despite the unusual arrangement of the property, a failure to adhere to the Guidance within HDAS would set a bad precedent for future similar development of house extensions within Hornbeam Road. However, as I have already established, the proposed development would accord with the guidance within the HDAS and therefore I am satisfied that a genuinely comparable scheme would also be likely to be acceptable.

Conclusion

11. For the reasons given above I conclude that the planning permission should be varied as set out in the formal decision.

M Seaton

INSPECTOR