



Appeal Decision

Site visit made on 4 April 2018

by Stephen Hawkins MA MRTPI

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

Decision date: 19 April 2018

Appeal Ref: APP/R5510/C/17/3180230

Land at 106a Linden Avenue, Ruislip HA4 8UB

- 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 Hughes against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 7 July 2017.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey side and rear extension.
 - The requirements of the notice are (i) Demolish and remove the single storey side and rear extension, shown in the approximate position outlined and crosshatched in blue on the plan attached to the notice or; (ii) Amend the building so that it is entirely in accordance with approved planning permission 8323/APP/2016/3301; (iii) Remove from the Land all materials, debris, plant and equipment associated with requirement (i) or (ii) above.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
-

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey side and rear extension on land at 106a Linden Avenue, Ruislip HA4 8UB referred to in the notice, subject to the following condition:
 - 1) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Main Issue

2. The main issue is the effect of the single storey side and rear extension on the character and appearance of the dwelling and the surrounding area.

Reasons

Character and appearance

3. The appeal property is a semi-detached bungalow. It is situated in a residential street largely made up of detached and semi-detached properties of a similar age and architectural style. This contributes to the pleasant and cohesive suburban character and appearance of the surrounding area.

4. The Council granted planning permission for a single storey side and rear extension at the property on 28 October 2016¹. As built, the extension has a footprint and flat roof form similar to that of the permitted scheme. The appellant suggested that the extension was around 3 metres high compared with the 2.8 metre height of the permitted scheme and the Council did not disagree with those figures. Therefore, the extension does not exceed the 3 metre height limit on single storey rear extensions with a flat roof in Section 3.0 of the Council's 'Residential Extensions' Supplementary Planning Document.
5. The increased height of the extension has raised its eaves line, which intersects with the roof of the dwelling about one tile higher than the main eaves line. The permitted scheme also showed an eaves line above that of the dwelling, albeit that the difference in levels between the respective eaves is slightly more apparent as built.
6. The extension is set well back from the front of the dwelling, it is narrow at the side and it has a low profile roof. These factors significantly offset the visual impact of the relatively modest raising of the eaves line and the increased overall height of the extension. In any event, given the limited space between the side of the dwelling and the adjoining property the extension is only open to view from the street for a short distance. As a result, the increase in height and corresponding raised eaves line has not significantly increased the visual presence of the extension over the permitted scheme and it does not appear as an alien feature in the street scene.
7. Accordingly, the extension is viewed as a subordinate addition which does not appear unbalanced or awkwardly related to the dwelling and is not at odds with the character and appearance of the surrounding area. Consequently, when compared with the permitted scheme the increase in height has not significantly increased the overall scale, bulk or depth of the extension or otherwise changed its design and relationship to the dwelling and impact on the surroundings to any appreciable extent.
8. Therefore, the extension does not unacceptably harm the character and appearance of the dwelling or that of the surrounding area and it accords with Policy BE1 of the Hillingdon Local Plan, as the quality of the built environment is maintained. The appearance of the extension harmonises with the street scene and the scale, form, composition and proportions of the original building, thereby according with saved Policies BE13 and BE 15 of the Hillingdon Unitary Development Plan (UDP). The extension also complements the character of the area in accordance with saved UDP Policy BE19.

Other Matters

9. Compared with the permitted scheme, the extension is not appreciably higher or closer to the adjoining residential property at 108 Linden Close. Therefore, the extension has not significantly eroded the levels of daylight enjoyed by the occupiers of that property in their living room or conservatory.

Conditions

10. After seeking the views of both main parties I have imposed a condition preventing use of the roof area of the extension as a balcony or roof garden. This is necessary in order to protect the privacy of occupiers of the adjoining

¹ Council Ref: 8323/APP/2016/3301.

residential properties. I have amended the text used in condition 5 of the previous permission, to ensure that the tests for planning conditions in paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance (PPG) are satisfied.

11. However, I have not imposed the Council's suggested condition requiring the submission and approval of samples of the external materials. The extension is substantially complete and the external materials harmonise satisfactorily with those of the dwelling. Therefore, such a condition is unnecessary.
12. Also, I have not imposed a condition similar to condition 4 on the previous permission, which removed 'permitted development' rights to install windows, doors or other openings in the side elevations of the extension². The PPG advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances³. There is nothing before me to indicate why, exceptionally in this case, such a condition should be imposed and in my view it is unnecessary.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Stephen Hawkins

INSPECTOR

² Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

³ Paragraph: 017 Reference ID: 21a-017-20140306.