
Appeal Decision

Site visit made on 17 April 2018

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2018

Appeal Ref: APP/F5540/C/17/3179344

Premises known as 139 Lampton Road, Hounslow TW3 4EA

- 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 Mohammed Shakil Choudery against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice was issued on 29 June 2017.
 - The breach of planning control as alleged in the notice is the construction of a link extension between the main dwellinghouse and the outbuilding at the rear of the property.
 - The requirements of the notice are (i) demolish the link extension between the main dwellinghouse and the outbuilding to the rear of the property and (ii) remove all resultant debris from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. 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.

Ground (c)

2. The appeal is made under ground (c) which is that those matters, (if they occurred) do not constitute a breach of planning control. The appellant's only comment in respect of the ground (c) appeal is that *"there is no breach as the property is one dwelling and has been survived as one unit. This has previously been surveyed by the Agents of the Council"*.
3. The onus is on the appellant to make a case to demonstrate that the allegation in the notice does not constitute a breach of planning control. In this case, the allegation relates to operational development and not a material change of use of the land. The appellant's reference to use is of no relevance in terms of the ground (c) appeal. I conclude that the appellant has not demonstrated that the operational development does not constitute a breach of planning control. Consequently, the ground (c) appeal fails.

Ground (a) and the deemed planning application

4. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.
5. The appeal site comprises a detached dwelling within a predominantly residential area. The notice relates to the erection of a flat roofed linked extension which has been built between the rear wall of the main dwelling house and an outbuilding. It is finished in white wooden panels and includes white upvc windows. I have taken into account the reasons for issuing the notice and I consider that the main issues in respect of the ground (a) appeal are the effect of the development upon (i) the character and appearance of the dwelling and the area and (ii) the living conditions of the occupiers of No 137 Lampton Avenue in terms of outlook and light.

Character and appearance

6. The linked extension does not appear subservient in scale to the main dwelling house and has the visual effect of creating an elongated and discordant building. Owing to the scale, appearance and materials of the linked extension, I consider that the development fails to assimilate well with and complement the main brick built dwelling. Overall, the extension has the effect of creating a visually incohesive and dominant form of development which looks materially out of place on the rear of the dwelling and in this rear garden. These adverse impacts are compounded by the fact that the linked extension has removed a large part of the rear garden and hence has resulted in a claustrophobic and tight garden setting.
7. I acknowledge that the link extension is not very visible from main roads. However, it can be seen from the rear windows of neighbouring residential properties including No 137 Lampton Road. The use of white plastic for parts of the roof looks particularly stark and incongruous against the brick boundary wall. The development does not accord with paragraph 56 of the National Planning Policy Framework (the Framework) which states that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*".
8. For the collective reasons outlined above, I conclude that the linked extension causes material harm to the character and appearance of the area and fails to accord with the aims of Policies CC1, CC2 and SC7 of the adopted Hounslow Local Plan 2015 (LP) and the Framework which seek to promote good design.

Living Conditions

9. The extension has been built immediately on the boundary with No 137 Lampton Road. I was able to see on the site visit that the roof of the development projected above the brick wall along the boundary with No 137 Lampton Road. The main parties agreed on the site visit that at its highest point the structure measured 3.2 metres in height when measured from the garden area of No 137 Lampton Road.
10. Taking into account the orientation of the linked extension with the neighbouring garden area and property, I do not consider that it has resulted in a material loss of light for the occupiers of this dwelling. However, the linked extension has had the effect of introducing development along the full length of the boundary with this neighbouring property. Cumulatively, the effect is one

which has an unacceptably dominating and enclosing impact when viewed from the rear of this dwelling and its garden. Consequently, I conclude that whilst the development is acceptable in terms of its impact upon levels of light, it is not acceptable in terms of outlook. Therefore, and on this basis, the development fails to accord with the amenity aims of Policies CC1, CC2 and SC7 of the LP.

Conclusion on ground (a)

11. For the collective reasons outlined above, I conclude that planning permission should be withheld for the erection of the link extension and the ground (a) appeal fails.

Ground (f)

12. The appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
13. The appellant's only comment in respect of the ground (f) appeal is that alternative steps other than removing or tearing down the building could be taken. The appellant does not suggest any alternative steps which would remedy the breach of planning control. I have considered the ground (a) appeal and have concluded that the whole of the building is unacceptable and harmful in planning terms. I conclude that the steps required by the notice do not exceed what is necessary to remedy the breach of planning control. Consequently, the ground (f) appeal fails.

Ground (g)

14. The appeal on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.
15. The appellant's only comment in respect of the ground (g) appeal is that "*if the Inspectorate requires me to demolish the building I require further time to do the same*". The appellant does not say why he needs more time or indeed indicate what compliance period is required. On the evidence that is before me, I am satisfied that a compliance period of three months is reasonable. Consequently, the ground (g) appeal fails.

Conclusion

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

Daniel Hartley

INSPECTOR