
Appeal Decision

Hearing held and site visit made on 24 April 2018

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 02 May 2018

Appeal Ref: APP/R5510/C/17/3181540

14 Ferncroft Avenue, Ruislip, HA4 9JF

- 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 1990 Act").
- The appeal is made by Brian Drewett ("the Appellant") against an Enforcement Notice issued by the Council of the London Borough of Hillingdon ("the Council").
- The Enforcement Notice, numbered ENF/970/16, was issued on 7 July 2017.
- The breach of planning control as alleged in the Enforcement Notice is without planning permission, the erection of a single storey side extension.
- The requirements of the Enforcement Notice are: (i) Demolish and remove the single storey side extension, shown in the approximate position outlined and crosshatched in blue on the plan attached to the Enforcement Notice and; (ii) Remove from the Land all materials, debris, plant and equipment associated with requirement (i) 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 1990 Act.

Summary of Decision: The appeal is dismissed and the Enforcement Notice upheld.

Relevant Background Matters

1. In October 2016 the Council's Building Control Service approved the single-storey side extension ("the Extension") (the subject of this appeal) as the plans submitted complied with the Building Regulations.
2. Following that approval the Council as the Local Planning Authority determined that the Extension required planning permission. An application was submitted in December 2016. In March 2017 planning permission for the Extension was refused.
3. The Appellant appealed that decision and in July 2017 the Council issued the Enforcement Notice and later that month the Appellant's appeal against the refusal of planning permission was dismissed ("the July 2017 Appeal Decision").
4. The overall conclusion of the Appointed Person who determined the July 2017 Appeal Decision was that the Extension had an unacceptable harmful effect on the character and appearance of No. 14, the pair of dwellings of which No. 14 formed a part and on the surrounding area.
5. The July 2017 Appeal Decision was not challenged.
6. As at the date of my site visit the Extension had not been rendered or painted. There was no access available to the interior of the Extension as the proposed internal door had not been installed.

Main Issue

7. I consider the main issue in this case is the impact of the Extension on the character and appearance of 14 Ferncroft Avenue and the street-scene in Ferncroft Avenue.

Policy

8. The Development Plan for the area includes Policy BE1 of the Hillingdon Local Plan: Part 1 (Strategic Policies) ("the Local Plan") and saved Policies BE13, BE15 and BE19 of the London Borough of Hillingdon Unitary Development Plan ("the UDP").
9. I was also referred to Section 4 and paragraph 5.3 of the Supplementary Planning Document Hillingdon Design and Accessibility Statement: Residential Extensions and paragraph 56 and 63 of the National Planning Policy Framework.

Reasons

10. No. 14 and 1 Pavilion Way are pair of semi-detached dwellings which occupy the plots at the junction of Ferncroft Avenue and Pavilion Way. They are angled so as to face the corner of the junction and thus their positioning reflects the layout of the two roads. The other dwellings at the junctions of Ferncroft Avenue with Field End Road, Greencroft Avenue and Pavilion Way as well as corner properties at the junctions of Greencroft Avenue and Broadhurst Gardens share a similar type of siting to that described above.
11. The corner properties, including No. 14 and No. 1, are prominent in the street-scene because of their distinctive positioning. The majority of the corner properties also share similar design features including:
 - a) The positioning of the front door in the front corner segment of the dwelling.
 - b) The corner segments are built of brick with light coloured mortar whereas the rest of the front elevations are rendered. This contrast, in addition to other features, creates an attractive appearance.
 - c) The top halves of the corner segments are curved.
 - d) The bottom halves of the corner segments appear to be curved but, in fact, have three straight sides.
 - e) The top halves of the corner segments are separated from the bottom halves by a curved feature that protrudes from the brickwork so as to create an area which protects visitors waiting at the front door from the elements.
 - f) The windows within the curved section are symmetrical and reflect the symmetry within the front elevation.
12. The Extension has been built partly within the corner segment of No. 14. The side elevation of the Extension is sited close to the front door. This has resulted in the internalisation of one of the ground floor windows within the corner segment. This has resulted in a loss of symmetry within that corner segment which is detrimental to the appearance of No. 14.

13. The siting of the Extension has also resulted in it being highly visible in the street-scene when viewed from the public realm when approaching No. 14 in either direction. As a result the Extension appears to intrude into what was previously undeveloped space. Consequently the Extension appears as an incongruous addition to the host property at No. 14 and does not reflect the attractive appearance of this and other dwellings in Ferncroft Avenue and the surrounding area.
14. The siting of the Extension has:
- a) Resulted in harm to the pleasant appearance of No. 14 and the street-scene in Ferncroft Avenue.
 - b) Failed to enhance the local distinctiveness of Ferncroft Avenue.
 - c) Not made a positive contribution to the local area in terms of its layout.
 - d) Failed to harmonise with the architectural composition of the original building at No. 14.
 - e) Failed to improve the quality of the public realm.
 - f) Failed to provide for public and private spaces that are attractive and which respect the local character of the area.
 - g) Failed to harmonise with the existing street scene in Ferncroft Avenue.
15. The builder of the Extension, who assisted the Appellant at the Hearing, explained that they would be willing to insert a window within the side elevation of the Extension so as to recreate some of the symmetry lost in the corner segment. I noted that this had been done, with some relative success, at other corner properties in the area which have been extended to the side. No plan had been prepared to show how this might be achieved. In any event this modification would not overcome my concerns that arise from the inappropriate siting of the Extension.
16. The Appellant was of the view that the majority of the Extension would be largely hidden from public view by fencing and shrubs. I do not consider that this would overcome my concerns because that fencing and shrubbery could be removed by a future owner of No. 14 and this would reinstate the full extent of the material harm caused by the Extension.
17. I therefore conclude, for the reasons explained above, that the Extension materially harms the character and appearance of No. 14 and the street-scene in Ferncroft Avenue.

Other Matters

18. I viewed all of the properties referred to by the Appellant. I am aware of the extensions carried out to these other corner properties in Ferncroft Avenue and the surrounding area. The design of these extensions is varied. Some are single storey others two-storey. However, in my assessment all of the extensions to these corner properties have been sited or carefully designed and set back from the front elevations of the host dwellings so that they do not have the same intrusive impact on the street-scene or their host property that the Extension has.

19. The Council confirmed that it would be possible to design an extension to the side of No. 14 which would be compliant with the Development Plan and I am not aware of any factors that conflict with the Council's assessment. Further, this view is evidenced by the existence of the side extensions to other corner properties in Ferncroft Avenue and the surrounding area.
20. The Appellant is aggrieved that:
- a) Several Building Control Officers inspected the Extension during the course of its construction and failed to advise him that the Extension needed planning permission. I explained that in my experience Building Control Officers are inspecting building work to ensure that it complies with Building Regulations rather than the need for planning permission.
 - b) When the Council refused the planning application they did not enter into a dialogue with him as to what alterations could be made to the Extension to make it acceptable in planning terms. The Officer at the Hearing explained that the problems caused by the Extension could not be overcome simply by making limited cosmetic changes to it – the problems resulted from the unacceptable siting of the Extension and its resulting impact on the character and appearance of No. 14 and the street-scene in Ferncroft Avenue.
21. I am aware that the Extension would contain a WC and shower room which would be available for the Appellant's elderly mother who is currently in a care home. The Appellant's mother cannot be cared for by her family at No. 14 because she is unable to use the stairs to get to the bathroom facilities in that property. The Appellant also cares for young children and it would be preferable to have downstairs facilities available for them. Whilst I sympathise with the Appellant's situation especially with regard to his desire to care for his mother at No. 14 it is clear from what I have explained above that these facilities could be provided within an appropriately sited and designed side extension to No. 14.
22. I am also aware that:
- a) There are residents who live near No. 14 and who have no objection to the Extension.
 - b) The demolition of the Extension and its replacement with an extension that complies with the Development Plan would result in financial costs for the Appellant which will put a financial strain on the Appellant.
 - c) The Extension was built in the belief that it was permitted development and that it only marginally fails to comply with the advice contained in the Department for Communities and Local Government's Technical Guidance on "Permitted development rights for householders".
23. However, the matters referred to above do not individually or cumulatively amount to a good reason to allow development that does not comply with the Development Plan for the area.

Overall Conclusions

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

Formal Decision

25. 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.

Tim Belcher

Inspector

APPEARANCES

FOR THE APPELLANT

Andrew Olewnik	Builder of the Extension
Brian Drewett	Appellant
Valerie Stemp	Neighbour supporting the Appellant.

FOR LONDON BOROUGH OF HILLINGDON

Jonathan Murray MSc	Planning Enforcement Officer
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INTERESTED PERSONS

Gabrielle Fullbrook	Neighbour
Roger Bearpark	Neighbour