
Appeal Decision

Site visit made on 15 August 2019

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/R5510/C/18/3212023

3 Pikes End, Eastcote, Pinner, Middlesex HA5 2EX

- The appeal is made by Vincent Small under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: HS/ENF/013917) issued by the Council of the London Borough of Hillingdon on 21 August 2018.
 - The breach of planning control alleged in the notice is "the erection of a first floor side extension and a single storey front infill extension".
 - The requirements of the notice are as follows: -
 - “(i) Demolish and remove the first floor side extension and the single storey front infill extension both highlighted in pink on attached drawing number 0033-PL-04F.
 - (ii) Immediately following compliance with requirement (i) above, restore the building to its previous condition in terms of its design, materials, colour and external finishes before the unauthorised works were carried out.
 - (iii) Remove from the Land all materials, debris, plant and equipment associated with requirements (i) and (ii) above.”
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a). Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting a breach of planning control
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a first-floor side extension and a single-storey front infill extension at 3 Pikes End, Eastcote, Pinner, Middlesex HA5 2EX, subject to the following condition: -
 1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings shall be constructed on the walls or roofs of the first-floor side extension facing 4 Pikes End.
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Reasons for the decision

The main issues

2. The main issues in deciding whether planning permission should be granted for the extensions concern their effect on their surroundings and their effect on the character and appearance of the Eastcote Village Conservation Area, within which the house is situated.

Planning policies and guidance

3. The planning policies and guidance particularly relevant to the main issues are contained in the Hillingdon Local Plan 2012 (which includes a list of the policies saved from the Hillingdon Unitary Development Plan 1998), the Supplementary Planning Document "Residential Extensions" published by the Council in 2008 and the Government's National Planning Policy Framework, the latest version of which was issued in 2019.
4. Policies BE1 and HE1 of the Local Plan set out the Council's strategic policies relating to the quality of all development and the protection of all conservation areas. Saved Policy BE4 states that development within a conservation area will be expected to preserve or enhance the features which contribute to the special architectural and visual qualities of the area. Saved Policies BE13, BE15 and BE19 indicate that extensions should harmonise with their surroundings and with the original buildings and should complement the amenity and character of their areas.
5. The Supplementary Planning Document "Residential Extensions" contains more detailed advice about the quality of development called for generally in conservation areas and about specific proposals for first-floor side extensions and single-storey front extensions. The National Planning Policy Framework contains advice about the factors that should be taken into account when proposals for development in conservation areas are considered.

The Eastcote Village Conservation Area

6. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Eastcote Village Conservation Area. The Conservation Area was designated in the 1970s. The Council's information leaflet about it states "Overall, the character of the area is that of a high quality suburb dominated by open spaces, extensive natural landscaping and trees". Pikes End is described as a well-designed modern estate. The leaflet gives advice about the importance of design and layout when extensions to property are proposed.

The planning history of the extensions at 3 Pikes End

7. Planning permission was granted in 2010 (Ref 18957/APP/2010/266) for extensions at 3 Pikes End consisting of "Front porch infill, first floor side extension and alterations to existing side elevation". The permission was renewed (Ref 18957/APP/2013/481) in 2013 without changes to the approved extensions.
8. A third planning application was submitted in 2016 (Ref 18957/APP/2016/769). The officer's report relating to this application states: "The current application

differs slightly from the previously approved application, as the proposed single storey front infill extension has a greater depth on the current plans and results in an overhang. The proposed first floor side extension has a similar depth to the previously approved side extension, although it has been reduced in width and height.” The third application sought approval for the extensions as they now exist. It was refused by the Council for one reason only, which relates to the single-storey front infill extension.

9. According to the Council, work started and initially progressed in accordance with the 2013 permission, but at a later stage during the building work there were some deviations from the approved plans. This was followed by the issue of the enforcement notice. The notice relates to the same extensions as were considered in the 2016 application, but the reasons given by the Council for its issue raise objections to the first-floor side extension as well as to the single-storey front infill extension.
10. There have not been any significant changes in the relevant planning policies and guidance between the date of the first permission and the consideration of this appeal.

Detailed consideration of the main issues

11. The first-floor side extension has been designed so as to repeat the unusual shape of the first floor of the original house, but at a lower height and with less width than the original. Matching materials have been used and its external appearance accords the appearance of the original house, with the exception of the greater amount of fenestration in the front of the extension.
12. The approved first-floor extension also has a significant amount of additional fenestration at the front. The approved windows are positioned vertically, from floor level to the highest part of the extension, whereas as built they are now positioned horizontally across the width of the extension. The area of glass is, however, little changed, since the first-floor extension as built is not as high or as wide as the one that was approved.
13. The single-storey front infill extension does not completely fill the gap between the original walls and it does not extend as far forward as one of the original walls. Its frontage is also staggered. The houses in this part of Pikes End do not have identical ground-floor frontages.
14. Neither of the extensions unacceptably affects neighbours’ amenities. The distance between the windows and adjoining property meets the Council’s space standards. There are no windows facing 4 Pikes End, whose privacy is protected by a planning condition imposed on the 2010 and 2013 permissions.
15. In my opinion, the extensions are subservient to the original house and are in keeping with it. They harmonise sufficiently with the surrounding area. There is no significant conflict with the saved Policies BE13, BE15 and BE19 or with the Supplementary Planning Document “Residential Extensions”. Saved Policy BE4 has been complied with because the features referred to in paragraph 6 above that contribute to the special architectural and visual qualities of the Conservation Area have been preserved. Having also taken into account the factors referred to in the National Planning Policy Framework, I am satisfied

that the extensions have left the character and appearance of the Conservation Area unharmed.

16. For the above reasons, I have come to the conclusion that there are insufficient reasons to withhold planning permission for the extensions. The planning condition suggested by the Council in this event is not needed, since the external finishes of the extensions already have a satisfactory appearance. The planning condition referred to in paragraph 14 above has been repeated in order to continue the protection afforded to No 4's privacy. No other conditions are needed. Planning permission has therefore been granted subject to this condition and the appeal has succeeded on ground (a).

D.A.Hainsworth

INSPECTOR