The Planning Inspectorate

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/18/3211796
7 Sipson Lane, Hayes, Middlesex UB3 5EH

- The appeal is made by Michael Edwards under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: HS/ENF/013929) issued by the Council of the London Borough of Hillingdon on 20 August 2018.
- The breach of planning control alleged in the notice is the erection of rear and side dormer roof extensions.
- The requirements of the notice are as follows: -
  "(i) Demolish the unauthorised rear and side dormer roof extensions and reinstate the roof to its condition prior to the commencement of unauthorised works, matching as far as reasonably practicable, the same height, slope and appearance as the original dwelling; OR
  (ii) Modify the height, depth, width and design of the rear and side dormer roof extensions so as to comply with Drawing Nos. HN/062/105B & HN/062/104A attached to Planning Decision Reference 50043/APP/2017/726 dated 8 May 2017 and ensure that the resultant development complies with all the conditions and limitations attached to the planning permission.
  (iii) Remove from the land all debris, items, fixtures and fittings, building materials, plant, machinery and equipment associated with requirements (i) or (ii) above."
- The period for compliance with these requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a)and (g). 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

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 rear and side dormer roof extensions at 7 Sipson Lane, Hayes, Middlesex UB3 5EH.

Reasons for the decision

The appeal on ground (a) and the deemed planning application

2. The main issues in deciding whether planning permission should be granted for the dormers concern their effect on (a) the character and appearance of the Harlington Village Conservation Area and (b) the street scene and the visual amenities of the area.

3. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The essential features and significance of the Conservation Area are listed on page 7 of the Conservation Area Appraisal. Summarised, these are (i) evidence of mediaeval settlement, (ii) dispersed, linear development along High Street, (iii) views to surrounding open spaces, (iv) village green, (v) properties of architectural quality and good building groups and (vi) association with noted historic persons.

4. The house is one of the semi-detached houses, Nos 2-24 & 7-25 Sipson Lane, that were added to the Conservation Area in 2015 following a boundary review. The justification for adding them states: "These inter-war houses reflect the earlier, more spacious character of Harlington, and would thus be a beneficial addition to the Conservation Area". The justification then draws attention to features of the houses that are particularly relevant to Nos 2-24 on the north side of the road. Nos 7-25 on the south side are typical standard-form bay-windowed semis.

5. No 7 has no particular features of its own that contribute to the Conservation Area. The dormers have no impact on any of the matters listed on page 7 of the Appraisal. Planning permission 50043/APP/2017/726 acknowledges that it is acceptable for No 7 to have side and rear dormers. The dormers that have been erected would have been permitted development if they were not in a conservation area and I do not consider that there is sufficient conservation justification for treating them differently solely because they are in one. I have concluded that they leave the character and appearance of the Conservation Area unharmed and that they are not in conflict with any built environment or heritage planning policies relating to the Conservation Area.

6. The rear dormer is not visible from the street and would have no impact on the visual amenities of the area. The side dormer can be viewed from the adjoining part of Sipson Lane, but not from further west, and views of it from the shopping area on High Street to the east are blocked by the three-storey buildings there. It overlooks an unappealing rear commercial parking and service area. There are other domestic roof extensions that are visible from Sipson Lane, for example, those at 14 and 22 Sipson Lane and at the rear of the houses in Hudson Road.

7. The approved side dormer would be smaller, but it would still be visible from the same viewpoints, from where it would be seen as a substantial projection from the side roof of the house. I accept that it would have less impact, because of its size and design. However, I do not consider that the side dormer that has been built fails to harmonise with the street scene or with the visual amenities of the area to such extent that it would be in conflict with the saved Policies BE13 and BE19 of the Hillingdon Unitary Development Plan.

8. For the above reasons, I have come to the conclusion that there are insufficient reasons to withhold planning permission for the dormers. The planning condition suggested by the Council in this event is not needed, since the external finishes of the dormers already have a satisfactory appearance. No other conditions are needed. An unconditional planning permission has therefore been granted and the appeal has succeeded on ground (a).

The appeal on ground (g)

9. The enforcement notice has been quashed following the success of the appeal on ground (a). Ground (g) no longer falls to be considered.

D.A.Hainsworth

INSPECTOR