



Appeal Decisions

Site visit made on 9 September 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal A: APP/R5510/W/18/3207417

22 Old Orchard Close, Uxbridge UB8 3LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Kuldeep Singh against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 44187/APP/2018/552, dated 13 February 2018, was refused by notice dated 14 May 2018.
The development proposed is described as 'We have already built an extended canopy in front of the main entrance supported with 3 pillars; approximately 2.5 metres high which also extends 2.4 metres from the original house'.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/R5510/C/18/3212062

Land at 22 Old Orchard Close, Uxbridge, Middlesex UB8 3LH

- 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 Kuldeep Singh against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The enforcement notice was issued on 13 September 2018.
- The breach of planning control as alleged in the notice is the unauthorised development of a front extension canopy.
- The requirements of the notice are (i) Demolish and remove the front extension canopy as shown in the approximate position hatched in blue on the plan *[attached to the notice]* (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the demolition works.
- The period for compliance with the requirements is three months from the date the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal A, Appeal B on Ground (a) and the Deemed Planning Application

1. The same canopy is the subject of both appeals, with Appeal A seeking consent on a retrospective basis. Therefore, I deal with these together.

Preliminary Matter and Main Issues

2. The site is within the Green Belt. The Council did not expressly refuse the planning application or issue the enforcement notice for Green Belt reasons.

However, the wording of the reasons given by the Council and the policies cited make it clear that the Council has Green Belt concerns and the appellant has addressed Green Belt matters in their representations.

3. I therefore consider that the main issues are:

- whether the canopy is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (2019) (the Framework) and the development plan;
- the effect of the canopy on the openness of the Green Belt;
- the effect of the canopy on the character and appearance of the house and the surrounding area; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. National policy in the Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. The extension or alteration of a building is included in these exceptions, provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy EM2 of the Hillingdon Local Plan: Part 1 (2012) (Part 1 LP) states that any proposals for development in the Green Belt will be assessed against national and Local Plan policies.
6. Policy OL4 of the Hillingdon Local Plan: Part 2 Unitary Development Plan Saved Policies (2012) (Part 2 LP) states that the extension of buildings in the Green Belt will only be permitted if they would not result in a disproportionate change to the bulk and character of the original building, would not significantly increase the built up appearance of the site and would not harm the visual amenities of the Green Belt. Policy 7.16 of the London Plan (2016) reinforces the requirement for protection of the Green Belt from inappropriate development in line with national guidance.
7. Whether or not the canopy represents a disproportionate addition has to be assessed with regard to its cumulative impact taking into account existing additions to the property.
8. Previous extensions to the appeal property increased the floorspace of the house by some 85% as compared to the original dwelling. As such, although the footprint increase resulting from the front canopy itself is modest, this would bring the cumulative total increase to some 92% by the Council's calculations. Whilst the Council has not given any policy basis for its stated permitted 50% increase, a 92% increase is disproportionate by any reasonable standard. It follows that the canopy is inappropriate development in the Green Belt for the purposes of the Framework.

Openness

9. The canopy represents additional built form and so causes a loss of openness which is apparent in views from the street. The loss of openness is minor as the canopy is smaller and more open in construction than the house which it is attached to and seen against. Nonetheless, the small loss of openness represents additional harm to the Green Belt beyond the harm caused by inappropriateness already identified.
10. The canopy is therefore inappropriate development in the Green Belt, and also results in a small loss of openness to the Green Belt.

Character and appearance

11. The front canopy extends across much of the width of the front of the house and projects significantly forward of the existing bay window. It has an open-sided design but is very large for a front canopy and so fails to represent a subordinate addition and so it detracts from the original character of the dwelling. Whilst the canopy may be small compared to the dwelling itself, it dominates the front of the house as outlined and it is far larger than any canopies seen in the immediate area.
12. The pastiche columns do not draw on the architecture of the original dwelling and the canopy is of a very different design to others in the immediate vicinity. The colour of the pillars is intended to be in keeping with the house and they are positioned so as not to impede existing openings. These aspects do not though overcome the fact that the column design is fundamentally not in keeping with the house itself, nor with other canopies in the surrounding area.
13. Accordingly, the size and design of the canopy, together with the low front boundary to the property mean that the canopy is visually intrusive in the street scene. The adjoining semi-detached property has a hip to gable extension. However, my concerns do not relate to the effect of the canopy on the symmetry of the pair of dwellings, but rather to the impact on the character of the host property and surrounding area.
14. The development therefore has a materially harmful effect on the character and appearance of the house and the surrounding area. It does not meet with the requirements of Policy BE1 of the Part 1 LP which encourages new development to make a positive contribution to the local area in layout, form and scale. There is conflict also with Policies BE13, BE15 and BE19 of the Part 2 LP which seek to ensure that extensions harmonise with the original building and the existing street scene and complement the character of the area.
15. The development does not meet with the recommendations in the Residential Extensions Supplementary Planning Document (2008) for front extensions to be individually designed to follow the character of the existing building. The canopy also conflicts with the Framework which expects development to be visually attractive and sympathetic to local character and the surrounding built environment.

Other considerations

16. I have found that development comprises inappropriate development which is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. The appellant contends that the harm is not significant in the terms of the Framework and that the front canopy accords with the development plan and so constitutes sustainable development. I have found though that the development is materially harmful to the character and appearance of the host property and area, and so does not accord with the development plan in this way. No other considerations are put forward such as to counter the Green Belt harm identified.

Balancing and conclusion

18. The development comprises inappropriate development which the Framework states is harmful by definition to the Green Belt and should not be approved except in very special circumstances. The proposal also to a small degree harms the openness of the Green Belt and has a materially harmful effect on the character and appearance of the house and area. No other considerations outweigh the harm identified to the Green Belt. There are no very special circumstances to justify the appeal development.
19. In view of this, the development does not accord with Policy EM2 of the Part 1 LP, Policy OL4 of the Part 2 LP nor with Policy 7.16 of the London Plan as detailed above. There is conflict also with national policy in the Framework as outlined.
20. For the reasons given above, and having had regard to all other matters raised, I conclude that Appeal A should be dismissed. The appeal on ground (a) under Appeal B also should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decisions

Appeal A Ref: APP/R5510/W/18/3207417

21. The appeal is dismissed.

Appeal B Ref: APP/R5510/C/18/3212062

22. 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 Town and Country Planning Act 1990 as amended.

V Bond
INSPECTOR