



Appeal Decision

Site visit made on 13 November 2019

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2019

Appeal Ref: APP/R5510/C/19/3226936

18a Elgood Avenue, Northwood, HA6 3QH

- 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 Rohit Goel against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice, numbered HS/ENF/014976, was issued on 19 March 2019.
 - The breach of planning control as alleged in the notice is the erection of a single storey side extension (verandah).
 - The requirements of the notice are
 - i) Demolish the single storey side extension (verandah) (as shown in the approximate position hatched green on the plan attached to the notice).
 - ii) Remove from the land all debris, waste, building materials, fixtures and fittings, plant equipment and machinery resulting from the demolition works listed in (i) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (c) of the Town and Country Planning Act 1990 as amended.
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Procedural Matter

1. It was apparent at the site inspection that the appellant believed the appeal was against the refusal of the LDC and not against the enforcement notice. However, the appeal was made as set out above and not against the LDC. Consequently I have considered the appeal on the basis of the structure currently on the site and not what the appellant may have proposed under the LDC.
2. Although the appeal was originally on ground (a), it appeared from the submissions from the agent that a ground (c) appeal was also being made. I have therefore determined the appeal on both grounds.

Decision

3. 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.

The site and relevant planning history

4. The appeal site is a prominent corner plot containing a detached dwelling in an area characterised by detached dwellings with well stocked gardens in an

attractively laid out residential area. The area is locally designated by the Council as an Area of Special Character (ASC).

5. A substantial area of raised deck has been constructed across the full width of the rear elevation of the dwelling. It is physically attached to the dwelling, is open on three sides, has timber railings, a polycarbonate pitched roof and steps leading onto a grassed area. It is utilitarian in appearance.
6. Planning permission was refused and an appeal dismissed in September 2018 for a retrospective application for pergola to side (garden) (reference APP/R5510/D/18/3205605), although the Inspector considered the pergola to resemble a verandah, which I also consider to be a more accurate description of what has been constructed.
7. A Lawful Development Certificate for the structure was refused in March 2019 as 'The existing development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the height of the eaves of the outbuilding would exceed 2.5m and would include a raised platform in excess of 0.3m and exceeds the maximum height permitted of 3m.' No appeal has been made against this decision.

The appeal on ground (c)

8. An appeal on ground (c) is that there has not been a breach of planning control because for example, it is permitted development. It is a legal ground of appeal and the onus rest with the appellant to prove his case on the balance of probability.
9. The appellant contends that 'the proposed structure will qualify as an outbuilding because it will be free-standing and detached from the dwelling house' and it will be permitted development by virtue of the provisions of Schedule 2, Part 2, Class E of the GPDO. However it seems that the appellant is putting a case forward based on a proposed development and not what has been constructed on site and which is the subject of the notice.
10. It is evident from visual inspection that the structure subject to the allegation is a roofed verandah attached to the dwelling. It is not permitted development as verandahs are expressly not permitted under Class A.1 (k) (i) of the GPDO.
11. The development does not come within Class E as the limitation at E.1 (h) excludes from permitted development, the construction or provision of a verandah, balcony or raised platform.
12. The development does not benefit from any planning permission and the appeal on this ground therefore fails.

The appeal on ground (a)

13. The main issues are the effect of the development on the character and appearance of the area, and on the living conditions of the occupants of 19 Gatehill Road.
14. The size, design and materials of the structure results in it sitting uncomfortably with the host dwelling and it is detrimental to the character and appearance of the street scene and the wider Gate Hill Farm Estate ASC. The

structure is visible to a number of local residents and the extensive polycarbonate roof is visible from certain viewpoints on the road.

15. There appear to be no changed circumstances since the appeal was dismissed in September 2018 and I concur entirely with the reasoning and conclusions of the Inspector in dismissing that appeal, who at paragraph 11 commented "the structure appears to be an ugly addition of a utilitarian appearance, detracting from the character and appearance of the host property".
16. Due to the relative positioning of the appeal property and the neighbour at 19 Gatehill Road, the rear garden of No 19 can be overlooked from the verandah. Whilst this could be mitigated through conditions requiring additional planting and other screening, this would not overcome the harm caused by the structure to the character and appearance of the area.
17. I have had regard to the views of the Gatehill Residents Association and local residents to the development.
18. I conclude that the development fails to accord with policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies and policies BE5, BE13, BE15 and BE19 of Hillingdon Local Plan: Part 2 Saved UDP Policies in respect of conserving heritage, the built environment, the design of extensions and residential amenity.
19. The appeal on this ground fails.

Conclusion

20. 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.

P N Jarratt

Inspector