



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: 25 November 2019

Appeal Ref: APP/R5510/C/19/3221139

56B Wood End Green Road, Hayes, Middlesex, UB3 2SJ

- 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 Omar Laith Hasan Al Hashmi against an enforcement notice issued by the London Borough of Hillingdon
 - The enforcement notice, numbered ENF/415/18, was issued on 21 December 2018.
 - The breach of planning control as alleged in the notice is the erection of a rear dormer roof extension and front rooflights.
 - The requirements of the notice are:
 - i) Demolish the unauthorised rear dormer roof extension 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 of the original dwelling;
 - ii) Remove the rooflights from the front roof slope 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 of the original front roof slope;
 - iii) Remove from the land any debris, items, fixtures and fittings, building materials, plant, machinery and equipment associated with requirements (i) and (ii) 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) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed in part and planning permission is granted for the front rooflights. The enforcement notice is upheld insofar as it relates to the erection of a rear dormer roof extension and planning permission is refused in respect of the rear dormer roof extension on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The site and relevant planning history

2. The appeal property is a modern semi-detached house located on a corner plot in a residential area at the junction of Albion Road and Wood End Green Road. The site is within the Hayes Village Conservation Area, the boundary of which is to the rear and side of the dwelling.
3. A retrospective application for the works subject to the notice was refused and an appeal dismissed (ref. APP/R5510/D/18/3218559) in May 2019. The reasons for refusal relate to the impact of the development on the character and appearance of the area; over-development of the site; and the habitable room created would have poor levels of outlook and light resulting in a poor

standard of living accommodation. This last reason was not included in the reasons for issuing the enforcement notice and I have therefore not had regard to the internal layout of the house in this decision.

Reasons

4. The main issues are the effects of the development on the character and appearance of the host dwelling and area; and whether the amount of external amenity space for the occupiers is adequate.
5. Disregarding the internal layout of the extension, the findings of the Inspector remain relevant today as there appear to be no changes in circumstances since that decision of only a few months ago although I have reached my own conclusions on any harm caused by the development.
6. The special interest of the conservation area relates to the medieval village of Hayes which retains a strong sense of the former rural village character; the inter-connected open and wooded green spaces; a varied townscape and a historic association with the author Eric Blair. Opposite the appeal property is a wide grassed and treed verge but there is little to distinguish the architectural character of the appeal property, which is inside the conservation area to the east of Albion Road, with that of 58 Wood End Green Road which is outside the conservation area to the west of Albion Road. Whilst Wood End Green Road may provide an important route into the conservation area, I do not consider that the appeal property contributes to any sense that the road forms a gateway approach into it.
7. The appellant refers to No 58 having a similar roof extension at the rear and roof lights on the front roof slope and externally, both this and the appeal property look very similar in both design and materials, albeit that No 58 has extended the original hipped roof such that it now has a gable end facing the gable end of the appeal property across Albion Road. Looking from Albion Road towards the rear of these two properties, the roof extensions are prominent but they share a design relationship that lessens their collective impact. From Wood End Green Road, the roof extension appears more prominent in oblique views and to a marginal extent, due to its peripheral location, harms the character or appearance of the conservation area. However, the level of harm is less than substantial in the context of paragraph 196 of the National Planning Policy Framework and there are no public benefits arising to weigh against this harm.
8. In terms of the scale and design of the roof extension, it fails to have regard to the Hillingdon Design and Accessibility Statement (HDAS) SDP in respect of loft conversions and roof alterations. This advises that the degree of visibility and prominence of rear roof slopes varies considerably and the more visible the roof is from public areas, the more important it is to be well designed. The loft extension as constructed extends across the full width of the roof of the semi-detached house and appears as a flat-roofed third storey as it is not set in from the sides and the eaves or set below the ridge line. Instead of appearing secondary to the roof space, it is unduly prominent and represents an unacceptable addition to the street scene and is harmful to the character and appearance of the host property and the area.
9. I fully understand the appellant's sense of unfairness in respect of the notice as he has carried out a similar scheme to that of his neighbour. The Council has

not commented on whether the extension at No 58 is authorised but I note that there are greater limitations on permitted development rights within a conservation area, the boundary of which separates the two properties.

10. I conclude on this issue that the rear extension is harmful to the character and appearance of the host dwelling, to the street scene and to the conservation area. It is therefore contrary to Policies BE1, HE1, BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan regarding the quality of the built environment and to the HDAS SPG relating to roof extensions.
11. Although rooflights on the front roof slope are discouraged in conservation areas, I consider that the three installed rooflights are modest in size and are not harmful to the overall character and appearance of the host dwelling or to the conservation area. I therefore propose to allow the rooflights.
12. The Council is concerned that due to the increase in the number of bedrooms, the amount of external private amenity space falls short of the recommended standard set out in the HDAS. The rear garden is relatively small and part is occupied by a conservatory. However, the property has a small front garden, albeit that this is not private, and is within walking distance of numerous parks and open spaces in the vicinity. I consider this adequately meets any shortfall in amenity space at the rear of the dwelling.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of s180 of the Act.

P N Jarratt

Inspector

