
Appeal Decision

Site visit made on 4 February 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/R5510/D/20/3244368

1 Copthorne Mews, Hayes UB3 4BN

- 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 D Fernandes against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75200/APP/2019/3558, dated 29 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council refused planning permission it has adopted the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (P2LP). As a result, the Policies within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies 2012, which are no longer in force. The Hillingdon Design and Accessibility Statement Supplementary Planning Document – Residential Extensions 2008 has also been withdrawn.
3. The Council has confirmed that the adopted P2LP Policies that it relies on are DMHB 11 and DMHD 1. Both of these policies were referred to in their emerging form in the Council's reasons for refusal and copies of the emerging policies were provided with the appeal documentation. The Council has subsequently provided copies of the adopted policies and there are no fundamental differences between the emerging and adopted policies that would affect the determination of the appeal.
4. On this basis, I have proceeded to determine the appeal without seeking further comments from the parties.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the existing dwelling and the surrounding area.

Reasons

6. The appeal property sits at the end of a row of dwellings. The areas to the front, rear and side of the dwelling are enclosed by low railings and are devoid of any substantial built structures. This provides areas of openness between the dwelling and the communal access road that runs around the dwelling and

is generally consistent with the layout of the wider Mews development. These areas therefore contribute positively to the character and appearance of the surrounding area.

7. The width of the proposed extension from the side elevation of the existing dwelling would result in the loss of the majority of the open area to the side of the property. It would also mean that the proposal would be in close proximity to the kerb line of the accessway leading to the garages which are adjacent to the site. As a result, the proposal would sit awkwardly in relation to both the existing dwelling and the access road and cause harm to the visual openness of this area. For these reasons combined, the proposal would cause significant harm to the character and appearance of both the dwelling and the area.
8. The appellant considers that the proposed extension met with the requirements of the Residential Extensions Supplementary Planning Document 2008, but this has now been withdrawn following the adoption of the P2LP. However, Policy DMHD 1 sets out similar requirements relating to side extensions to dwellings. Notwithstanding this, the overarching aims of the relevant development plan policies are to deliver new development in a manner that does not cause harm to character and appearance, including in maintaining openness. For the reasons I have outlined, the proposed development would fail to do this. Whilst the development would not be prominent within the main Copthorne Mews road, this does not justify a harmful development.
9. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the existing dwelling and the surrounding area by reason of its positioning and its width. The proposal would therefore conflict with the design aims of Policies DMHB 11 and DMHD 1 of the P2LP, both of which seek to protect character and appearance.

Other Matters

10. The appellant has outlined that there are personal circumstances as to why the proposed development is required. I have had due regard to these matters and to how the additional accommodation would benefit the appellant. However, whilst I am sympathetic to the need, it does not outweigh the degree of harm to character and appearance that would result.
11. The appellant has also drawn attention to the fact that no objections were received, that the plans were revised in order to attempt to overcome the concerns of the Council and that the appeal site is not within a conservation area or the curtilage of a listed building. Whilst these factors offer some support to the proposal, they do not justify a harmful development.
12. The proposal would increase the size of the dwelling and could therefore contribute to providing a wider mix of dwellings in the area. However, due to the scale of the development, any benefits in this respect would be limited and they do not outweigh the harm to character and appearance that would arise.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR