
Appeal Decision

Site visit made on 21 January 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/R5510/W/19/3240954

19 Hows Close, Uxbridge UB8 2AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms E Fowle against the Council of the London Borough of Hillingdon.
 - The application Ref 12045/APP/2019/1435, is dated 29 April 2019.
 - The development proposed is the conversion of a single dwelling into two dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's statement of case includes the reasons why the planning application would have been refused had it been empowered to do so and I have also taken into account the appellant's statement of case. I have drawn on these, together with other evidence before me, to inform the main issue in this appeal.
3. The Council adopted the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (P2LP) on 16th January 2020. 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within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies 2012, which are no longer in force.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Statement Supplementary Planning Documents – Residential Layouts 2006 and Residential Extensions 2008 have also been withdrawn.
4. The Council has confirmed that the adopted P2LP Policies that it relies on are DMHB 4, DMHB 11 and DMHD 1 and the appellant has been given the opportunity to make further comments on the change in planning policy position. I am required to determine the appeal on the basis of the local and national planning policies that are in place at the time I make my decision.

Main Issue

5. The main issue is the effect of the proposed first floor rear extension upon the character and appearance of the existing dwelling, the surrounding area and the Rockingham Bridge Conservation Area (CA).

Reasons

6. The appeal dwelling forms part of one of two rows of terraced dwellings which extend in a linear form along this side of Hows Close. The dwellings are faced with buff bricks and include detailing and design features such as bay windows. To their rear elevations the dwellings have substantial outriggers, which create a consistent visual appearance and rhythm. A new dwelling has recently been constructed adjoining No 19 and this replicates the features of the row. Taken together, these factors define the character and appearance of this part of the CA and contribute at least in part to its overall significance.
7. The proposal would introduce a pitched roof structure in between the outrigger of the appeal dwelling and that of the recently constructed dwelling. By reason of its positioning, width, depth and eaves height, the extension would appear as an awkward and incongruous feature when viewed in relation to the existing outriggers and the dwellings themselves. Although located to the rear of the property, the proposal would be visible from the public domain. As a result of these factors, the proposed first floor rear extension would cause significant harm to the character and appearance of the existing dwelling, the surrounding area and the CA.
8. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. As I have found harm to character and appearance, it follows that the proposed development would neither preserve nor enhance the CA. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would arise. As the proposed development would result in less than substantial harm, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 196 of the National Planning Policy Framework (The Framework).
9. In this regard, I have not been made aware of any public benefits that may arise as a result of the proposed development. Whilst the appeal proposal would result in an additional dwelling being created in an urban location, this would make only a very limited contribution to boosting the overall supply of housing. Accordingly, the harm that would arise to the CA is not outweighed by public benefits resulting from the proposed development.
10. For these reasons, I conclude that the proposed first floor rear extension would cause significant harm to the character and appearance of the existing dwelling, the surrounding area and the CA. Consequently, the proposed development conflicts with the design objectives of Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 and Policies DMHB 4, DMHB 11 and DMHD 1 of the P2LP, which collectively seek to safeguard character and appearance and the historic environment. I have also identified conflict with The Framework because the harm to the CA does not have a clear and convincing justification and because great weight is required to be given to the conservation of designated heritage assets.

Other Matters

11. The appellant has expressed frustration that the Council failed to determine the planning application and that an extension of time to determine the application

was not agreed. Whilst I understand that this will have caused frustration, the right to submit this appeal provides the procedural remedy in this respect. Although no objections were received from members of the public and the scheme was amended following discussions with the Council, these considerations do not justify a development that would cause the degree of harm that I have identified.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

Graham Wraight

INSPECTOR