



Appeal Decision

Site visit made on 13 February 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/R5510/D/19/3241440

9 Ashbury Drive, Ickenham UB10 8BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Hugh Richard Saunders & Laura Elizabeth Bowler against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74454/APP/2019/2531, dated 30 July 2019, was refused by notice dated 24 September 2019.
 - The application sought planning permission for a single storey rear extension, single storey side extension, single storey front extension, and conversion of garage to habitable use without complying with a condition attached to planning permission Ref 74454/APP/2019/114, dated 12 March 2019.
 - The condition in dispute is No. 2 which states that: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 115 Rev. P2 and 116 Rev. P2.
 - The reason given for the condition is: To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (March 2016).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, single storey side extension, single storey front extension, and conversion of garage to habitable use at 9 Ashbury Drive, Ickenham UB10 8BN in accordance with the application Ref 74454/APP/2019/2531 made on the 30 July 2019 without complying with condition No. 2 set out in planning permission No 74454/APP/2019/114 granted on 12 March 2019 by the Council of the London Borough of Hillingdon, but otherwise subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of the original decision, that being 12 March 2019.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 145 Rev. P1 and 146 Rev. P1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing No. 7 Ashbury Drive and Nos. 12 - 14 Eleanor Grove.
- 5) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

Procedural Matter and Background

2. The application subject to this appeal is for a minor material amendment¹. It seeks approval of revised but not substantially different designs to an extension approved in March 2019. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeal seeks removal of the condition and replacement with a condition specifying the plans that reflect the amended designs.
3. The development that has taken place has breached condition 2 which requires that the development shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 115 Rev. P2 and 116 Rev. P2.
4. The appellant seeks to vary the approved plans to require that the development shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 145 Rev. P1 and 146 Rev. P1.
5. I observed on my site visit that the development that had taken place was not the same as shown on plan numbers 145 Rev. P1 and 146 Rev. P1. I have considered the appeal on the basis of the submitted plans.
6. The Council have commented that the Local Plan Part 2 Saved UDP Policies (2012) against which the planning permission was initially determined has now been withdrawn, the Council rely only on Policies DMHB 11 and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020).

Main Issue

7. The main issue is the effect that varying the condition would have on the character and appearance of the area.

Reasons

8. The appeal site comprises a two-storey detached dwelling and is located in a predominantly residential area. The surrounding area contains various styles of dwelling; however, they appear to have been constructed at a similar period as part of a planned development. Many of the surrounding properties have been extended and altered, including some with front extensions.
9. The main amendments from the approved plans comprise; the replacement of the originally approved crown roof over the side extension with a dummy pitched roof on the front elevation and a flat roof behind, the increase in width (and decrease in height) of the front extension and amended rooflights.

¹ See Flexible options for planning permissions: Guidance, March 2014 (Ministry of Housing, Communities & Local Government)

10. The dummy pitch roof would be positioned over the single storey side extension. The materials to be used would match those in the main roof and the roof over the proposed single storey front extension. Due to the angled siting of the dwelling away from the street and the position of the side extension, the dummy roof would not be a prominent feature of the property or the street-scene. The presence of existing landscaping largely screens the side elevation and would limit views of the drop to the flat-roofed element of the extension when viewed from the street.
11. The Council comment that the height of the side extension at 3.2m, with the dummy pitched roof at 4m, exceed the maximum heights outlined in the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document (SPD) Residential Extensions (2008) which states that the roof should not exceed 3.4m at its highest point and that, a flat roof single storey extension should not exceed 3m in height. These measurements are also repeated in Policy DMHD1 of the London Borough of Hillingdon Local Plan Part Two - Development Management Policies (2020). I find that, despite a conflict with Policy DMHD1 and the SPD, the height of the dummy roof and flat roofed single storey side extension, that would be largely screened from view, would not be out of character with the area where a number of other properties have had similar extensions. I find that both the dummy roof and the flat roof of the side extension, due to their size and use of materials to match the main dwelling, would not dominate the host property or appear incongruous.
12. In relation to the single storey front extension, I find that due to its height, width, depth and siting, it would be a relatively minor addition and would not dominate the property or the street. The use of materials to match those of the main dwelling and the alignment of the fenestration with the first floor would result in the extension not appearing incongruous and would not harmfully alter the overall appearance of the house. Whilst there are some other examples of single storey front extensions to properties in the surrounding area, the Council have commented that these do not appear to have been built with the benefit of planning permission recently. Nevertheless, they are features in the character of the area, if not a particularly dominant feature. In any event, I find that the appeal proposal stands on its own merits and have determined the appeal on this basis.
13. The Council have commented that the Residential Extensions SPD states that front extensions that extend across the entire frontage will normally be refused. This requirement is repeated in Policy DMHD1 of the Development Management Policies. The front extension would not extend across the entire frontage of the property. Given the appeal property is a detached dwelling, and the extension is centrally positioned relative to the main body of the house, it would not appear disruptive to the symmetry or balance of the property.
14. The proposal includes amended rooflights which are sited on top of the flat roof rear extension. These are not referred to in the Council's reason for refusal. I find that, whilst they will be visible from surrounding residential properties, they are relatively minor installations, not readily visible from public vantage points and would not adversely harm the appearance of the property.
15. The variation of the disputed condition would therefore not have a harmful effect on the character and appearance of the surrounding area. Although the side extension and dummy roof would conflict with the measurements stated in

Policy DMHD 1 of the London Borough of Hillingdon Local Plan Part Two - Development Management Policies (2020) and those in the SPD, I find that no harm is caused to the character and appearance of the area by this conflict. I find that the proposal would comply with Policies DMHB 11 and DMHD 1 (insofar it relates to front extensions) of the London Borough of Hillingdon Local Plan Part Two - Development Management Policies (2020). These policies require that, all development, including extensions, will be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding, scale of development, considering the height, mass and bulk of adjacent structures, architectural composition and quality of detailing; ii) ensuring the use of high quality building materials and finishes. That applications relating to extensions of dwellings ensure that: there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area; new extensions appear subordinate to the main dwelling; new extensions respect the design of the original house and be of matching materials. And that front extensions must be minor and not alter the overall appearance of the house or dominate the character of the street.

16. The proposal would comply with Policy BE1 of the London Borough of Hillingdon Local Plan Part One - Strategic Policies (2012) which requires, amongst other things that, new developments, including extensions, should achieve a high quality of design.
17. Notwithstanding the conflict with the SPD outlined above, the proposal would comply with the element of the SPD relating to front extensions, which outlines that front extensions that extend across the entire frontage will normally be refused.

Other Matters

18. Objections were received in relation to the impact of the development on the living conditions of surrounding residents in relation to loss of light and privacy. The impact of the development on the living conditions of occupants of surrounding residential properties was not referred to in the Council's reason for refusal. I find that the effect on living conditions is not pertinent to the main issue as the development, due to its design, scale and siting, would not cause unreasonable harm to the living conditions of occupants of surrounding residential properties with regard to loss of light or privacy. Furthermore, the differences between the approved scheme and the plans before me are minor and therefore the effect on living conditions are no greater.
19. Objection was received in relation to possible encroachment onto neighbouring land and rainwater from the development falling onto adjacent gardens. I find that these are civil matters between the parties involved and there would not be reason to withhold planning permission on the basis of these matters.
20. Objection was also received on the basis that granting planning permission for the proposal could set an undesirable precedent for future similar developments in the area. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. Given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area.

21. Objection was also received due to a suggested lack of communication between the appellant and the occupants of surrounding residential properties. Whilst such discussions can often assist the development process, the lack of such discussions would not be a reason to withhold granting planning permission.

Conditions

22. In addition to the standard time limit condition (amended to relate to the original consent), I have imposed a condition reflecting the variation to the list of approved plans. I have retained those non-disputed conditions from the previous permission that are still relevant. The condition in relation to matching materials is in the interests of the character and appearance of the area, and the conditions in relation to removal of permitted development rights and the restriction of the use of the roof are in the interests of the living conditions of occupants of surrounding residential properties in relation to privacy.

Conclusion

23. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR