



Appeal Decision

Site visit made on 11 March 2020

by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Appeal Ref: APP/R5510/D/19/3242206

308 Long Lane, Hillingdon, Uxbridge, Middlesex UB10 9PF

- 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 Ashwin Pankhania (known as Mr Ashwinkumar Pankhania) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 47928/APP/2019/2438, dated 19 July 2019, was refused by notice dated 26 September 2019.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although referred to within the Council's reasons for refusal, at the time that the application was determined, the London Borough of Hillingdon Local Plan: Part Two – Development Management Policies (DMP) was emerging. However, the Council has advised with its appeal submissions that the DMP was adopted on 16 January 2020. Therefore, it now carries full weight and forms part of the development plan for the area.
3. The Local Plan: Part 2 – Saved Unitary Development Plan Policies (November 2012), which includes policies BE13, BE15 and BE19 against which the planning application was initially determined, has now been withdrawn. Instead, the Council relies on policies DMHB 11, DMHB 12 and DMHD 1 of the DMP and advises that the aims and objectives of those policies are consistent with the above withdrawn policies. The Council's Supplementary Planning Document HDAS: Residential Extensions¹ has also been withdrawn.
4. The DMP was referred to in the Council's decision notice and the Officer's Report, albeit that it was emerging at that point. Therefore, the appellant was made aware of it and relevant policies, since adopted, during the application process and had the opportunity to comment on them in his appeal submissions. Indeed, the appellant comments on policy DHMD 1 of the DMP, the most directly relevant policy, in his appeal statement. Given those factors and that the replacement policies have similar aims and objectives to the previous policies and guidance, it has not been necessary to invite further comments on the now adopted DMP. I am obliged to determine the appeal on the basis of the current development plan, which includes the DMP.

¹ Adopted December 2008

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the existing property and the area.

Reasons

6. The appeal property is a two-storey detached house sited on a corner plot at the junction of Long Lane and Ryefield Avenue in a residential area. It appears that the house has been extended in the past and includes a two-storey side extension at the same ridge and eaves height as the original property and a further single storey side addition towards the rear. Therefore, the house has already been extended significantly.
7. The proposed further two-storey side extension would be attached to the existing two-storey side extension and would infill the area to the front of the existing single storey side addition. Although it would be set down from the ridge height of the main roof and set in from the front elevation, it would still be a sizeable structure at about 3.7 metres wide, 6 or so metres deep and 7.5 metres to its ridge.
8. Policy DHMD 1 of the DMP advises, amongst other things, that new extensions should appear subordinate to the main dwelling and respect the design of the original house. In addition, the policy indicates that there should be no adverse cumulative impact on the character, appearance or quality of the existing street scene or wider area. With specific reference to side extensions it states that they should not exceed half the width of the original property.
9. While the side addition would not extend beyond the existing rear single storey side element, it would significantly widen the house to the front over two storeys. Notwithstanding that the set-in from the boundary and set back from the front elevation within the design comply with some of the criteria within policy DMHD 1, the cumulative impact, when viewed in addition to the previous extensions, would be to overwhelm the modest form and aesthetic of the original house. It would elongate the house to the side disproportionately to the detriment of the character and appearance of the existing building.
10. According to the Council's calculations, which have not been disputed, although the new extension would be 3.7 metres wide, the combined width with the existing two-storey side extension would amount to about 7 metres, which would be wider than the original width of the dwelling. The cumulative effect of the proposed two-storey side extension, when considered in the context of the already extended house, would result in a building that appears incongruously large in relation to the nearest neighbouring dwellings, at a prominent corner location.
11. In consequence of the above, the proposal would fail to comply with criteria within policy DMHD 1 which seek to protect the character and appearance of dwellings and the street scene.
12. Moreover, the existing single storey rear side extension already extends beyond the building line of the front of the dwellings running along Ryefield Avenue, which are set back from the road. Although the Council refers to the closing of an important gap, given that the appeal dwelling is on a corner plot

with the highway along Ryefield Avenue adjacent and separating it from buildings on the other side of the road, in this case a Church, I do not agree that the proposal would 'close the gap'. However, the two-storey side addition would add significant further bulk and height at the side of the property and exacerbate the visual intrusion in sight lines looking back from the east on Ryefield Avenue. The extension would draw the eye on this prominent corner plot and, notwithstanding the existence of some large properties in the wider area, adversely affect the character and appearance of the immediate street scene. Those harmful effects would not be sufficiently mitigated by the use of matching materials or similar window designs.

13. The appellant points to the fact that permission was granted in 2006² for the rear side addition and that the new side extension would be in line with it. However, that existing extension is relatively modest, single storey and towards the rear part of the property. Therefore, its effect is not comparable or equivalent to a larger and higher two storey extension to the front and side of the dwelling.
14. According to the appellant there are numerous large properties in the area which have been extended. While that may be, all proposals need to be judged on their individual merits and in their particular context, which is the approach I have taken in considering the appeal before me.
15. In particular, the appellant draws my attention to properties with two-storey side extensions along Victoria Avenue, just to the east of Long Lane, which are also on corner plots at Nos 1, 43 and 63. I viewed those dwellings on my site visit, and while they have two-storey side extensions, those additions do not appear to be attached to pre-existing two storey extensions. Therefore, those schemes are different from the appeal scheme, which would add another two-storey side extension to a house which has already been extended to the side. It is that aspect which would lead to the cumulative harmful effects identified above.
16. Overall therefore, I conclude that the proposed development would harm the character and appearance of the existing dwelling and the area. Consequently, it would conflict with policy BE1 of the Local Plan: Part 1 – Strategic Policies³ and policies DMHB 11, DMHB 12 and DMHD 1 of the DMP, insofar as they seek to ensure development is of high-quality design which harmonises with local context, taking account of building lines and setbacks. Furthermore, that extensions respect the design of the original house, appear subordinate and avoid adverse cumulative impacts on the character, appearance and quality of the street and wider area.

Other Matters

17. The appellant advises that the extension is intended to provide additional living space for his growing family. While I am sympathetic to that aspiration, the planning system is more directly focussed on the wider public interest rather than private benefits, unless exceptional personal need has been clearly evidenced and justified, which is not the case here. Therefore, I give that aspect limited weight.

² 47928/APP/2006/1065

³ Adopted November 2012

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR