
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/20/3244247

29 Wyteleaf Close, Ruislip HA4 7SP

- 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 Sujal Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 21914/APP/2019/3317, dated 9 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is two storey side extension, single storey rear extension and porch to front including demolition of a conservatory and outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has confirmed in section E of the appeal form that the description of development has changed from that stated on the application form. The revised description appears to have been taken from the Council's decision notice. I have amended it slightly in the banner heading above by inserting the word 'extension' in relation to the single storey rear addition, as it more clearly and accurately describes the proposal.
3. 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.
4. The Local Plan: Part 2 – Saved Unitary Development Plan Policies (November 2012), which includes policies BE13, BE15, BE19, BE22, AM7 and AM14 against which the planning application was initially determined, has now been withdrawn. Instead, the Council relies on policies DMHB 11, DMHB 12, DMHD 1, DMT 2 and DMT 6 of the DMP and advises that the aims and objectives of those policies are consistent with the above withdrawn policies.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, which was referred to in some detail in the Council Officer's Report and is quoted by the appellant, has also been withdrawn.

¹ Adopted December 2008

5. Most of the relevant DMP policies were referred to in the Council's decision notice and the Officer's Report, albeit they were emerging at that point. Therefore, the appellant was made aware of those policies, now adopted, during the application process and has had the opportunity to comment on them in his appeal submissions. Indeed, the appellant's Statement of Case² anticipated that the DMP was likely to have been adopted when the appeal was considered. Therefore, given that and the similar aims and objectives of the replacement policies, 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.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the existing dwelling and the area; and,
- whether there would be sufficient off-street parking and the effect on highway safety.

Reasons

Character and appearance

7. The appeal property is one of a pair of semi-detached dwellings. The house is one and a half storeys and set over two floors. It has a relatively steep pitched roof which stretches down to the first storey and has sizeable front and rear dormers serving the upper floor. The property is located at the bottom of Wyteleaf Close adjacent to a turning head. The pair of semis of which it forms part stand at the end of a line of other semi-detached properties of that same basic design. However, there are also some differently designed full two storey semi-detached houses opposite and a short terrace of houses facing towards the turning head. The area is residential in character with the houses set back from the road, some with side garages and driveways.
8. Policy DMHD 1 of the DMP, indicates, amongst other things, that proposals for alterations and extensions to residential dwellings should ensure that there is no adverse cumulative impact on the character, appearance or quality of the existing street or wider area and that a satisfactory relationship with adjacent dwellings is achieved.
9. Additionally, policy DHMD 1 says that: '*iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary....in order to maintain adequate visual separation and views between houses.*' The proposed side extension would be built up to the side boundary without any set-in. The appellant suggests that, as the extension would be one and a half storeys rather than two storeys, that provision of policy DHMD 1 should not be rigidly applied.
10. However, according to the Council, the side extension would have a width of some 2.5 metres with its dual-pitched roof rising to about 6.6 metres, just 0.5 metres or so below the ridge height of the house. Therefore, it is a sizeable addition. Moreover, although the appeal property and its most immediate

² Prepared by cr2 Planning, dated: January 2020

neighbours are one and a half storey houses, they appear to be of a similar height to the full two storey semi-detached houses along the road. Given those factors, I consider that the set-in required by policy DMHD 1, which is intended to maintain adequate visual separation between houses, is relevant and applicable to the appeal proposal.

11. It is acknowledged that the proposed side extension would comply with some of the criteria within policy DHMD 1, such as its set-back from the main front elevation and being less than half the width of the original building. Notwithstanding, as I saw on my site visit, although some properties have single storey additions, car ports or recessed garages to the side there are reasonable gaps between the gable ends of most of the pairs of semi-detached houses along the road. That visual separation gives some breathing space between the built forms and creates a sense of openness which contributes positively to the character and appearance of the area.
12. While there is an existing single-storey lean-to structure to the side of the appeal property, the height and bulk of the proposed side addition, extending out from just below the existing ridge height, would significantly diminish the visual gap between the appeal dwelling and the main built form of the neighbouring pair of semi-detached houses at Nos 30 and 31. That would create a cramped appearance and an unsatisfactory relationship with the adjacent house, which would be uncharacteristic of the general levels of separation between other pairs of semi-detached houses along the road. Consequently, it would have an adverse effect on the relatively spacious quality and character of the street scene.
13. The appellant maintains that the location of the property towards the end of the road and its set back means that the gap between it and the neighbouring pair of semis is only visible from close range. However, while Wyteleaf Close is a vehicular cul-de-sac, there is pedestrian access via connecting paths from different directions to the surrounding roads and the layout of the area is open rather than enclosed. Therefore, the closing of the visual gap would be readily apparent to pedestrians from various public vantage points near the end of the close and in views from surrounding properties. Consequently, contrary to the view of the appellant, I consider that the reduced visual separation would be noticeable and would negatively affect the character and appearance of the area.
14. Approved two storey side extensions at Nos 28 and 19 are cited by the appellant in support of the appeal proposal. The appellant suggests that those extensions were considered acceptable because of the position of the properties at the end of the close, where there is more space and the houses are not as visible in longer views. I have dealt with the issue of visibility above. While I note the appellant's opinion, those side extensions are materially different from the appeal proposal in several ways.
15. No 28 is the adjoining semi in the pair with the appeal property at No 29. However, No 28 is at the very end of the close and stands adjacent to a relatively spacious pathway and green verge area which separate it from a row of similar semi-detached houses on the next road. Therefore, there is more space next to No 28 to accommodate a side extension without significantly closing the visual gap before the next built form.

16. Similarly, although No 19 is a differently designed two storey semi-detached house opposite, it is also the last house on that side of the road with a sizeable gap between it and the row of terraced houses which stand roughly at right angles to its gable end. Therefore, once again there is more space to accommodate that two-storey side extension without detrimentally compromising visual breaks between properties.
17. In contrast to the above examples, the appeal property is the inner dwelling in the pair and not at the termination of the close. Consequently, it lacks the same generous space between it and the next built form to the north-east which is the adjacent semi at No 30. Therefore, I do not agree with the appellant that the proposed side extension to his property would have a similar minimal effect as its position and relationship with other properties in the road is materially different from Nos 28 and 19.
18. Furthermore, the appellant suggests that the side extension would help to restore symmetry between the pair of semi-detached houses, given the existing side extension at No 28. However, due to its set-ins and set-downs, the proposed side extension would differ from that at No 28, which essentially extends that house seamlessly sideways at the same ridge height. Moreover, the front dormer at No 28 is joined to and extends from the original dormer while the ground floor of the extension forms a garage. In contrast, the front dormer on the appeal extension would be separate from the existing dormer due to the set in of the structure, while the ground floor would be residential, with windows to the front rather than a garage door. Therefore, while I recognise that some of the specific design aspects of the proposal are to comply with development plan policies, given those differences, any alleged restoration of symmetry would be compromised and minimal.
19. The Council considers that the front porch element of the development would be acceptable in terms of size, scale and appearance in relation to the host dwelling and the area. However, while I note the Council's view, the porch is designed with a gable end roof rising to some 3.5 metres. Its form and height would disrupt the continuity of the existing eaves level of the main roof which is consistent across both the appeal dwelling and the other semi in the pair. Moreover, I did not see porch extensions of that design on the other similar semi-detached properties along the close. Consequently, I consider that the front porch would be unsympathetic to the host building and form an incongruous feature in the existing street scene.
20. Overall therefore, I conclude that the size, bulk and proximity to the boundary of the proposed side extension and the design of the porch would adversely affect the character and appearance of the area. In addition, the design of the porch would have a detrimental effect on the character and appearance of the host dwelling. Consequently, those elements of the proposal would conflict with policy BE1 of the Local Plan: Part 1 – Strategic Policies³ and policies DMHD 1, DMHB 11 and DMHB 12 of the DMP, insofar as they seek to ensure development is of high-quality design, integrates with the surrounding area and that extensions form a satisfactory relationship with adjacent dwellings. Furthermore, that development should harmonise with the local context taking account of, amongst other things, streetscape rhythm and gaps between structures.

³ Adopted November 2012

21. The Council has no objection on character and appearance grounds to the rear extension element of the proposal. Given its single storey nature and rear location, I take a similar view. However, I will deal with that aspect further in my conclusion.

Parking

22. The Council expresses concern that the proposed side extension would result in the loss of a parking space in the existing 'car port' area, while adding two bedrooms which would create a 5-bedroom property. The Council's Parking Standards⁴ indicate 2 parking spaces for dwellings with curtilage, which are 3 or more bed units. The appeal dwelling has a parking space on its driveway which should be unaffected by the proposal.
23. I note that the appellant submits that the lean-to area described as a car port by the Council is limited in size and not used or useable as a parking space for a standard sized car. In any event, the Council's Parking Standards are expressed as maximum levels and do not imply any minimum level.⁵ Moreover, the supporting text to policy DMT 6 of the DMP, refers to the London Plan 2016 which indicates that an appropriate balance needs to be struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.
24. Policy DMT 6 advises that: '*Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.*' However, that must be read in the context that the parking standards are maximums rather than minimums and presumably intended to reduce reliance on cars in favour of public transport, where practicable. Moreover, policy DMT 6 also indicates a degree of flexibility in that it says that the parking requirements may be varied when '*the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.*'
25. The Council suggests that the development would lead to more on-street parking '*in a street which already struggles for off street parking as not all houses benefit from parking*'. However, as I saw on my site visit, many properties do have some off-road parking and garages. Moreover, while I accept that it is only a snapshot and there may be times of the day when more vehicles are parked on the street, when I visited (between 1015 and 1045 on a weekday morning), there was on-street parking available including within the large turning head area. Furthermore, there are bus services in the immediate area and a tube station not far away which provide potential alternatives to car ownership or use.
26. As this residential close is a no-through road for vehicular traffic, levels of congestion are unlikely to be high and I cannot see that the 'queuing' referred to by the Council is a likely consequence. Given the proximity of the large turning head to the appeal property I do not consider appropriate manoeuvring space should be an issue. Therefore, while I also note the comments of a local resident, on the basis of the limited evidence before me I am not persuaded that the road is subject to particular parking stress or that the proposal would significantly affect on-street parking in the area.

⁴ Local Plan Part 2 – Development Management Policies: Appendix C: Table 1

⁵ Local Plan Part 2 – Development Management Policies: Paragraph 8.30

27. The above factors lead me to conclude that the proposed parking arrangements would be sufficient and would not result in adverse effects on highway safety. Consequently, there would not be any significant conflict with policies DMT 2 or DMT 6 of the DMP which, amongst other things, seek to ensure that development provides safe and efficient vehicular access to the highway network and that it complies with maximum parking standards and does not lead to deleterious impacts on street parking provision, congestion or local amenity.

Other Matters

28. The appellant mentions briefly in his appeal submissions that extending the house and creating a ground floor bedroom is with the intention of looking after his elderly parents in the longer term. However, the timescale is unclear, and it may be that alternative arrangements could be made if that became necessary. In any event, the planning system is more directly concerned with the wider public interest rather than private interests, unless exceptional personal need has been clearly evidenced, which is not the case here. Therefore, I give that factor limited weight.

Planning Balance and Conclusion

29. I have found that the proposed development would not adversely affect parking availability or highway safety. The scheme would provide additional internal living space for current or future occupiers of the appeal dwelling. However, the harm I have identified to character and appearance and the consequent conflict with the development plan is decisive.

30. As indicated earlier, the Council has not objected to the single storey rear extension and I see no clear reason to take a different view in that respect. Therefore, I have considered whether it would be possible for me to exercise my discretion and to issue a split decision which would allow that element of the scheme. In order for me to do so, it would be necessary for the relevant part of the proposal to be clearly severable, both physically and functionally, from the side extension.

31. However, according to the appellant's submissions and the submitted plans, the ground floor of the side extension wraps around the building into the rear extension. Therefore, it does not appear that the rear extension is clearly severable from the side extension. I also note that the appellant has not requested that I consider such a course of action. As a result of the above factors, it would not be possible or appropriate for me to exercise my discretion to issue a split decision in this case.

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

JP Tudor

INSPECTOR