



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: 05 May 2020

Appeal Ref: APP/R5510/D/19/3244016

Fairfield, Church Hill, Harefield, Uxbridge UB9 6DX

- 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 John Mullane against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 74263/APP/2019/2267, dated 4 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is part two storey, part single storey rear extension, single storey front extension and conversion of garage to habitable use to include alterations to side elevations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the Council's decision notice and the appeal form, as it more fully and accurately describes the proposed development than that in the application form.
3. At the time that the application was determined, the London Borough of Hillingdon Local Plan: Part 2 – 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. I must determine the appeal on the basis of the current development plan.
4. The Local Plan: Part 2 – Saved Unitary Development Plan Policies (November 2012), which includes policies BE4, BE13, BE15, BE19, BE20 and BE21, against which the planning application was initially determined, has been withdrawn. Instead, the Council now relies on policies DMHB 1, DMHB 4, DMHB 11, DMHB 12 and DMHD 1 of the DMP, which it suggests have aims and objectives consistent with the above withdrawn policies. The Council's Supplementary Planning Document HDAS: Residential Extensions¹ has also been withdrawn.
5. The appellant has been provided with the opportunity to comment on the relevant DMP policies and has done so. I have taken those comments into consideration in determining the appeal.

¹ Adopted December 2008

6. The Council does not object to the single storey front extension and conversion of garage to habitable use and, given the relatively minor nature of those alterations and the limited effect on the original house, I see no reason to take a different view on that aspect of the proposal. Therefore, this decision will focus mainly on the part two-storey, part one-storey rear extension.

Main Issues

7. The main issues are the effect of the proposed development on:
- the character and appearance of the host dwelling and the Harefield Village Conservation Area (HVCA); and,
 - the living conditions of occupiers of neighbouring properties, with particular regard to outlook and light.

Reasons

Character and appearance

8. Fairfield, the appeal property, is a two-storey detached dwelling with a brick and tiled façade and a gabled roof, finished in concrete tiles. It benefits from an integral garage to the front and a single storey extension to the rear. The house is situated on Church Hill and is set back from the road, with a long rear garden sloping away from the house. Fields and woodland lie beyond to the east.
9. The appeal property is located on the outskirts of Harefield Village but within the HVCA. Although the HVCA includes much of the main built up area of the village, it also encompasses fields and woodland which give the conservation area a semi-rural character and appearance that contributes to its significance.
10. Policy DMHD 1 of the DMP deals with 'Alterations and Extensions to Residential Dwellings'. It indicates, amongst other things, that it should be ensured that alterations and extensions do not have an adverse cumulative impact on the character, appearance and quality of the street or area and that a satisfactory relationship with adjacent dwellings is achieved. It also advises that new extensions should appear subordinate to the main dwelling and that all extensions in conservation areas should be in keeping with the original house, including in terms of scale and proportions. With regard to rear extensions, policy DHMD 1 indicates that full width two-storey extensions are not considered acceptable in conservation areas.
11. The appeal proposal is a revised scheme, following pre-application advice from the Council about a previous version. However, the proposed development would extend the existing property by some 3 metres over two storeys to the rear, across the full width of the house. As the extension is to ridge height, it would also extend the existing main pitched roof back that distance. At ground floor level the single storey element would stretch back a further metre, 4 metres from the original rear elevation of the house. Effectively therefore, the scheme is extending the original house backwards at its full height and width. Consequently, due to its design and scale, the rear extension would be disproportionate in the context of this relatively modest 3-bedroom house and fail to appear subordinate to it. The use of matching materials would not sufficiently mitigate the negative effect.

12. Although to the rear, and matching the form of the original roof, the extension would significantly increase the bulk and span of both the roof and side elevations of the house. Notwithstanding the set back from the road, the slope of Church Hill and the partial screening effects of vegetation in some views, those changes would be noticeable from the public highway, and be even more apparent from the adjacent properties, The Shimmings and Hillcrest. The overall bulk, scale and design of the rear extension would have an adverse effect on the character and appearance of the original dwelling.
13. The appeal property is a relatively modern house with a simple front gable design, similar to some other properties along Church Hill. Although the appeal property and the two immediately adjacent dwellings, The Shimmings and Hillcrest, are relatively close together, their current positions, proportions and built forms enable some views from the road between the houses towards pleasant greenery and trees beyond. Such views help to soften the immediate urban environment and give a sense of space, which contributes positively to the character and appearance of this part of the HVCA, and thereby to the conservation area considered as a whole. The scale and form of the two-storey element of the rear addition would diminish those views and, therefore, have an adverse effect on the character and appearance of the HVCA.
14. The appellant recognises that policy DMHD 1 advises that two storey rear extensions are not considered acceptable in conservation areas, but suggests that, in this case, it would '*maintain the order and symmetry of the rear fenestration of this property*'. While I agree that all proposals need to be considered on an individual basis, here it is the overall bulk and scale of the proposed rear extension which is at issue and causes harm. In any event, appropriate fenestration could potentially be maintained via an alternative scheme, which did not cause the harm identified.
15. The Council also expressed concern about the glazed doors proposed at first floor level to the rear, with the suggestion that they would allow access to the flat roof of the ground floor extension, creating '*a potential balcony situation*'. However, the appellant advises that the intention of the glazed doors was to maximise views across the countryside beyond, and that a balustrade in front of each of them is proposed, which would prevent use of the flat roof. That aspect could be secured by condition, if necessary. There would be limited views of the glazed doors and they would be in keeping with those proposed at ground floor level. Therefore, that aspect of the proposal would not cause any significant harm to the character of the property.
16. A new large window opening is proposed at first floor level in the side elevation of the existing house. It would serve a new stairwell which forms part of the internal reconfiguration of the house. The appellant indicates that it would be obscure glazed to prevent overlooking into the adjoining property. The window would be seen in some views from the road in the same field of vision as the front elevation of the house. As the window would be noticeably larger than the windows to the front and of contrasting style, it would appear incongruous. The cumulative effect, in combination with the two-storey rear extension, would be unsympathetic to the existing dwelling.
17. Overall, a consideration of the above factors leads me to conclude that the proposed development would harm the character and appearance of the host dwelling and the HVCA. Consequently, it would conflict with policies BE1 and

HE1 of the Council's Local Plan: Part 1 – Strategic Policies², which seek to ensure that new development is of high-quality design appropriate to the locality and that conservation areas are safeguarded. The proposal would also fail to comply with policies DMHB 1, DMHB 4, DMHB 11, DMHB 12 and DMHD 1 of the DMP, which together seek to ensure that extensions and alterations do not harm the historic environment. Furthermore, that they harmonise with the local context, avoid adverse cumulative impacts on character and appearance and are in keeping with the original house, in terms of proportions and scale.

18. In addition, the proposal would be contrary to similar policy aims contained within the National Planning Policy Framework (the Framework)³, such as at paragraph 127c) which requires development to be sympathetic to local character, and those within chapter 16, which seek to protect designated heritage assets, such as conservation areas.

Living Conditions

19. Policy DHMB 11 of the DMP states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties. Similarly, Policy DMHD 1, which is focussed on residential alterations and extensions, indicates that it should be ensured that they do not result in an unacceptable loss of outlook to neighbouring occupiers. It also advises, at paragraph B) vi), that: *'two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property....'*
20. While the Council Officer's Report says that the rear extension would extend beyond the 45-degree line in relation to the neighbouring property to the south, The Shimmings, that approach is more usually applied to houses on a similar building line, where one of the properties is extending to the rear. Indeed, in the discussion of the 45-degree rule within the supporting text of the DMP, the accompanying illustrations show dwellings on the same rear building line. Given the existing diagonal relationship between the appeal property, Fairfield, and The Shimmings, the appeal dwelling would already be dominant in views from the front elevation windows of that adjacent dwelling, particularly from the dormer windows at first floor level. Therefore, the 45-degree rule, which is in any case only a guide, is of limited direct relevance.
21. Nevertheless, the house at The Shimmings is only about 5 metres or so away from Fairfield and stands at a land level which is about 1 metre lower. Given that relationship, the proposed two-storey element of the rear extension would add significantly to the scale and visual bulk of Fairfield. Moreover, it would advance the built form of the appeal dwelling towards The Shimmings and its already dominant effect would be accentuated to an extent that would be overbearing. Therefore, it would adversely affect the outlook of occupiers of that adjacent property.
22. While The Shimmings is located south of the appeal property, given the proximity, the increase in the size of Fairfield would also be likely to lead to overshadowing and loss of light during some parts of the day. The appellant has not specifically disputed that aspect or provided compelling evidence to the contrary.

² Adopted November 2012

³ February 2019

23. Instead, the appellant, referring to the existing relationship, says that The Shimmings appears dominant from the rear of the appeal property and overshadows it. However, such effects would be limited to an extent because The Shimmings is at a lower land level and is a one and a half storey chalet bungalow rather than a two-storey property. It is also said by the appellant that The Shimmings overlooks the rear patio at Fairfield. In any case, even if all that were so, that is a pre-existing situation and would not justify a proposal that, while of some benefit to the occupiers of the appeal property, would cause significant harm to occupiers of the neighbouring dwelling.
24. Furthermore, I note that occupiers of the adjacent property to the north, Hillcrest, expressed concerns at the planning consultation stage that the rear extension would potentially have an overbearing and overshadowing effect. While such concerns are referred to in the 'Comments on Public Consultations' section of the Council Officer's Report, there does not appear to be a specific assessment of the effects in relation to that property. I have no reason to suppose that the appellant was unaware of those concerns.
25. Hillcrest is at a slightly higher land level. However, it is a bungalow in close proximity and on a similar rear building line to the appeal property. It also benefits from extensive ground floor patio doors to the rear. Given that relationship, the proposed rear extension, much of it over two storeys and across the full width of the appeal property, would have an overbearing and enclosing effect when experienced from the rear of Hillcrest. It would also be likely to cause some overshadowing during parts of the day.
26. I conclude, therefore, that the scale and form of the rear extension would have a material adverse effect on the living conditions of occupiers of neighbouring properties, with particular regard to outlook and light. It follows that the proposal conflicts with policies DHMB 11 and DMHD 1 of the DMP, which seek to ensure that the living conditions of adjacent occupiers are safeguarded.

Other Matters

27. The appellant says that the proposed extensions and refurbishment of the house would create more modern, usable family accommodation. However, while the development would provide additional internal living space, that would essentially be for the private benefit of the occupants rather than for the benefit of the wider public. The planning system is more generally focussed on the wider public interest than private benefits, unless exceptional personal need has been evidenced, which is not the case here. In any event, an alternative scheme may be possible to extend and modernise the property, without having adverse effects.
28. While the appellant is unhappy about aspects of the way in which the Council allegedly dealt with the application, there is no claim for costs before me. Therefore, that is a matter between the main parties.

Conclusion

29. As detailed in paragraph 193 of the Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. That is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Although I have identified harm to

the character and appearance of the HVCA, given that the proposal relates to one dwelling in part of the conservation area, I consider the level of harm to be 'less than substantial'.

30. Paragraph 196 of the Framework indicates that, in such circumstances, the less than substantial harm should be weighed against the public benefits of the proposal. However, there are no clear public benefits associated with the scheme to outweigh the harm. In any event, I have also found that there would be harm to the character and appearance of the existing dwelling and to the living conditions of neighbouring occupiers.
31. The Council does not consider that the front extension would be harmful, and I have taken a similar view. Although I have discretion to issue a split decision, the submitted plans and the proposed internal reconfiguration of the property do not suggest that the front extension is clearly severable, physically and functionally, from the rear extension element. I also note that the appellant has not requested that I take such a course. As a result of those factors, a split decision would not be appropriate.
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