



Appeal Decision

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2020

Appeal Ref: APP/F5540/C/19/3241528
52 New Heston Road, Hounslow TW5 0LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Kiran Bains against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The enforcement notice was issued on 29 October 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a hip to gable rear dormer roof extension.
 - The requirements of the notice are:
 - i. Demolish the rear dormer roof extension.
 - ii. Remove all resultant debris from the Land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a hip to gable rear dormer roof extension, on land at 52 New Heston Road, Hounslow TW5 0LJ, referred to in the notice.

Preliminary Matter

2. In response to travel restrictions which have been in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council were given an opportunity to comment on this approach and I have taken any responses into account.

Reasons

The ground (c) appeal

3. The appellant considers the appeal development is permitted development. The Council disagrees because of what is referred to as the failure to vertically tile hang the cheeks of the dormer. The Council has confirmed that if the rear dormer was tile hung a notice would not have been served.
4. The dormer which has been constructed is not tile hung on its flank elevation which aligns with the flank elevation of the house. Condition B.2.(a) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) requires that the material

used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

5. The Permitted Development Rights for Householders Technical Guidance is an aid to interpretation and application of the Order and is material to this case. In respect of Condition B.2.(a) the Technical Guidance states: "*...the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the **main roof** of the house when viewed from ground level.*" (Emphasis added).
6. From the information available, it is clear in this case the non-tile hung elevation of the roof extension is seen from ground level and so the roof extension which has been constructed is not permitted development. Accordingly, the appeal on ground (c) fails.

The ground (a) appeal

7. The main issue in the ground (a) appeal is the effect of the appeal development on the character and appearance of the area. The appeal property forms part of a group of semi-detached homes on one side of the road. These homes appear to have originally been built with hipped roofs and some have since been extended with hip to gable roof extensions and rear dormers.
8. The hip to gable rear dormer roof extension which has been constructed on the appeal property unbalances the semi-detached pair of which it forms part. However, from the information available, the appeal development reflects the character and appearance of the roof extension seen on the other next door property, i.e. No 54, to the right when viewed from the front.
9. My attention has been drawn to the material used on the flank elevation of the appeal development. But this treatment is consistent with that seen on No 54 in that it matches the material used on the main flank elevation of the house.
10. The Council states the roof extension at No 54 is unauthorised. But the Council has confirmed that no enforcement action has been taken in respect of the roof extension at No 54, and, that it is immune from enforcement action by reason of s171B(1) of the above Act as it has been substantially complete for a period of more than 4 years. This being the case, the roof extension at No 54 has become an established and lawful part of the character and appearance of the area.
11. In this context, I do not accept the appeal development is visually intrusive or incongruous, as is alleged by the Council. The appeal development is substantial in that it is not set in far from the eaves, or the roof ridge or from the sides of the property. As such it does not accord with section 4.10 of the Council's Residential Extensions Guidelines Supplementary Planning Document 2017. But in this case, I give more weight to the context in which the appeal development is seen than the above guidelines, both of which are material considerations.
12. Considering all of the above points, I conclude that the appeal development does not harm the character or appearance of the area. So in this regard, it does not conflict with Policies CC1, CC2 or SC7 of the London Borough of Hounslow Local Plan 2015-2030, referred to in the enforcement notice.

13. The Council's evidence indicates the window positioned on the flank elevation of the roof extension is not obscurely glazed and no conditions have been suggested by the Council in the event that planning permission is granted. The appellant states this new window is fixed shut and obscure glazed. But in any event, the evidence indicates this window is for a stairwell. As such, views into the adjoining property are likely to be fleeting. So in my judgement there is no need for a condition to secure the obscure glazing and/or fixing shut of this window.

Conclusion

14. For the reasons given above I conclude that the appeal succeeds on ground (a) and planning permission is granted. The appeals on grounds (f) and (g) do not therefore need to be considered.

L Perkins

INSPECTOR