
Appeal Decision

Site visit made on 18 August 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/R5510/D/3245706

44 The Croft, Ruislip, HA4 0SE

- 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 Youssef Mujahed against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 66839/APP/2019/2735, dated 16 August 2019, was refused by notice dated 11 November 2019.
 - The development proposed is described as "removal of existing structures and replacement with coherent single storey extension to improve existing single family dwelling."
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing structures and replacement with coherent single storey extension to improve existing single family dwelling at 44 The Croft, Ruislip, HA4 0SE in accordance with the terms of the application, Ref 66839/APP/2019/2735, dated 16 August 2019, subject to the conditions in the schedule attached to this decision.

Procedural Matter

2. Since the Council issued its decision, the Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies (November 2012) have been replaced by newly adopted policies in the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (2020). The aims and objectives of these policies were assessed in the Officer Report on the original application, so no prejudice arises as a result of their subsequent adoption and consideration in my decision on this appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and, whether or not the proposal could be used as a separate dwelling.

Reasons

Character and appearance

4. The appeal site is a semi-detached dwelling, at the end of a cul-de-sac, adjacent to a public right of way which runs alongside and behind the site. The street features a number of types and styles of houses, variously altered in the years since their construction. As the appeal site lies at the end of the

cul-de-sac, the house is set at an angle to the line of the road within an unusually large plot, which widens from the front to the rear. A number of outbuildings lie along the site boundary with the public right of way. These are partly visible, but not prominent in views along The Croft and their upper parts are visible over the boundary to the public right of way.

5. The proposal seeks to replace the existing range of outbuildings with a single storey, flat-roofed structure, in style, height and materials to match the existing single-storey rear and side elements of the main house. The roof of the proposal would be visible over the existing boundary, and part of the wall would be visible from The Croft to the front. The effect of the proposal on the character and appearance of the area would therefore be limited to those parts of the proposal which would be visible from the public domain.
6. I note the requirements in Policy DMHD1 of the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (2020) (the Local Plan), for alterations and extensions to be subordinate to the main dwelling in floor area, width, depth and height and to respect the design of the original dwelling.
7. On the basis of its floor area, the appeal proposal is not subordinate to the main dwelling. However, having regard to the existing character and appearance of the site and in terms of scale, height, design, appearance and overall effect, the proposal does in my view appear subordinate to the original dwelling. I also note the specific requirements in the policy regarding side extensions. In terms of the purpose of the policy, to ensure that development is appropriate to the context of the area in terms of layout, form and scale, I consider that this proposal on this site does not conflict with it.
8. The Council notes that the existing outbuildings do not have planning permission, and that as such, they do not consider them to offer an irresistible precedent for the appeal proposal. I agree. However, the Council has not suggested that these buildings are not permitted development, has provided no information as to the relationship of these buildings with the previous appeal or suggested that they are taking any action in connection with them. As such, although I note that position, I must acknowledge the spatial similarities between the appeal proposal and the outbuildings which exist on the site.
9. Whilst the appeal proposal is large, I do not consider, given the size of the site or the appearance of the proposal, that it would be so large that the overall effect would be out of keeping with, or incongruous in the street-scene. In my view, the size and shape of the plot, coupled with the proposed use of materials, scale and form to match the existing extensions to the main dwelling would not cause harm to the character and appearance of the area, particularly as the scale would not be readily appreciable from the public domain. Nor do I consider, in light of their current dissimilar appearance, that the proposal would cause harm by unbalancing the pair of semi-detached dwellings. Given the size of the plot, and the area which would remain open and available as garden, I also do not consider that the proposal could be considered overdevelopment.
10. I therefore consider that the proposal is not unduly incongruous in terms of its size, scale, width, depth or design, such that it would harm the character and appearance of the area. The proposal does therefore comply with Policy BE1 of the Local Plan: Part 1 – Strategic Policies (November 2012) and Policies DMHD1 and DMHB11 of the Local Plan. These policies seek, amongst other

things, to ensure that development is appropriate to the context of the area in terms of layout, form, scale and materials, that alterations to dwellings are subordinate to the main dwelling, respect the design of the original house, retain adequate garden space, and harmonise with the local context.

Use as a separate dwelling

11. The Council has expressed concerns, based on the proposed floor-plans and floor-area that the appeal proposal is tantamount to a new dwelling in a location in which one would not be acceptable. I note the references made by the Council to earlier appeal decisions relating to lawful development certificates. However, the issue faced by those Inspectors was different to that before me. On the basis of the information provided by the Council, those appeals considered whether or not proposed buildings, by reason of their overall size and scale were considered to represent development required for a purpose incidental to the enjoyment of the dwellinghouse in relation to the permitted development regime. I do not therefore consider that the quoted commentary means that there is a requirement to justify the size and layout of this proposal in this appeal.
12. The appeal before me is for an extension to a dwelling. Whilst the proposal is large the proposed floor plans do not, to my mind, suggest that the extension is likely to be used as, or is necessarily capable of being used as, a separate dwelling. If such a use were to be proposed in future, then it would be for the Council to consider it on its merits at such a time. However, for the purposes of this appeal, I do not consider that there is any evidence to suggest that the appeal proposal is tantamount to a separate dwelling. For the same reasons, I do not consider that the condition offered by the appellants, to control future subdivision, is necessary.
13. The proposal does therefore comply with Policies DMHD1, DMHB11 and DMT6 of the Local Plan. These policies seek, amongst other things, to ensure that development has no adverse cumulative impact on the character, appearance or quality of the existing street or wider area, harmonises with the local context and complies with standards to address issues relating to vehicle congestion and amenity.

Conditions

14. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1), requiring the use of matching materials (2) and compliance with the submitted plans (3), in order to ensure the satisfactory appearance of the completed development.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That 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.
3. That the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 020, 021, 022, 027, 001-02 Rev B, 003-02 Rev B.

End of Schedule of Conditions