



Appeal Decision

Site visit made on 11 September 2020

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/R5510/D/20/3253931

11 Marsworth Close, Hayes, Hillingdon UB4 9SZ

- 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 Mazan Al Sha'ar against the decision of the London Borough of Hillingdon Council.
 - The application Ref 56411/APP/2020/100, dated 6 January 2020, was refused by notice dated 17 March 2020.
 - The development proposed is single storey extension to side.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

3. The character of Marsworth Close is defined by two storey frontage properties that are set back from the highway by a garden or landscaping, creating a sense of openness. Whilst this is not a characteristic that is protected or promoted within planning policy, it is a salient feature of the area.
4. The appeal property is no different in this regard, despite the house being in a prominent position on a corner plot. The dwelling is set in from its site boundaries, leaving an area of landscaping that sets apart the house from the highway, contributing positively to the open character of the area.
5. The development would abut the site boundary. The space between highway and building would therefore be lost. Together with the overall bulk and mass of the development, the proposal would appear overly dominant in the street scene and harmful to the open character described. I recognise that development to the height proposed and on a boundary is not unusual. However, in this case, when considered in the context of the open character of the area and the prominence of the appeal site, development of this scale would be harmful to the character and appearance of the area.
6. Although the form and scale of the appeal property is different to its adjoining neighbour, space to the front and side of the property is replicated next door which reinforces the properties as a pair of semi-detached houses. Extending

up to the site boundary would create a cramped appearance for no.11 which, in turn, would be harmful to the setting and character of the semi-detached houses and the wider area.

7. Development Management Policy DMHD 1¹ seeks side extensions that are limited in width to less than half the width of the original property to avoid over-dominance of the original house. The proposed development would be over half the width of the host dwelling. The appellant draws my attention to paragraph 126 of the National Planning Policy Framework which suggests that the level of detail and degree of prescription within design guides and codes should be tailored to the circumstances in each place and should allow a suitable degree of variety. It is not within the remit of this appeal for me to comment on the merits of policy DMHD 1. However, in drawing paragraph 126 to my attention, the appellant alludes to the importance of considering the full circumstances of the case and not deciding the development solely on a prescriptive application of policy.
8. Whilst the width of the extension does not comply with policy, it would not appear unduly dominant alongside the form and scale of the host property. Whilst extending to the eaves of the existing dwelling, the height of the development would not appear excessive compared with the overall height of the appeal property. Its set-back from the front and rear elevations would create a subservient appearance, as would the vernacular and complementary materials proposed. These matters, however, would not overcome the harm that I have found for the position of the proposal within its plot and in relation to its surroundings.
9. It was apparent from my site visit that the tree on site is not of the stature and maturity as that shown in the photographs before me. The development would not, therefore, be well screened by mature planting.
10. The development would improve the standard of accommodation available, bringing it more in line with recommended space standards. However, there is no justification for a kitchen of the size proposed, such that I could give important weight to personal circumstances.
11. Whilst properties no.27 and no.33 Marsworth Close are in public view, they are not juxtaposed to the highway in the same way as the appeal site. Consequently they do not make for fair or reasonable comparisons with the development proposed to be precedents in favour of the appeal. Notwithstanding this, each case must be decided on its own merits, according to the facts and circumstances pertaining to that case, and it is on this basis that I have decided the appeal.
12. And so, when taking all matters into account, I conclude that, whilst the proposal would not adversely affect the character and appearance of the host building, it would adversely affect the character and appearance of the area. The development would therefore be contrary to policies BE1 of the Local Plan, Part 1²; DMHB 11 of the Local Plan, Part 2³; and Development Management Policy DMHD 1 which seek, amongst other things, development that achieves a high quality design and is appropriate to context.

¹ London Borough of Hillingdon, Local Plan Part 2, Development Management Policies 2020

² London Borough of Hillingdon, Local Plan, Part 1, Strategic Policies, Adopted November 2012

³ London Borough of Hillingdon, Local Plan Part 2, Development Management Policies, Adopted Version 16 January 2020

Conclusion

13. For the above reasons, and having regard to all matters raised, I conclude that the development would be contrary to the development plan. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR

