



Appeal Decision

Site Visit made on 8 March 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/R5510/D/20/3264611

74 Long Lane, Hillingdon, Uxbridge UB10 0EQ

- 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 Bakhshish Gill against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 16806/APP/2020/2574, dated 14 August 2020, was refused by notice dated 13 October 2020.
- The development proposed is described as, "Part two storey, part single storey rear extension, conversion of garage to habitable use, involving alterations to front elevation, and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflights. (Part Retrospective)".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is clear from the Council's decision that it has no objection to the part two storey, part single storey rear extension. I have no evidence before me to reach a contrary view to the Council in this regard and therefore the consideration of this appeal focuses on the effect of the conversion of the garage to habitable use, involving alterations to the front elevation, and the conversion of the roofspace to habitable use, including a rear dormer and 2 front rooflights.
3. A Revised Ground Floor Plan (Figure 6) was submitted as part of the appellant's Grounds of Appeal. The Procedural Guide¹ states that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have considered whether the amended plan should be accepted, taking account of the principle established in *Bernard Wheatcroft Ltd v SSE*², and as the revised proposal would materially alter the nature of the scheme, I conclude that the interests of interested parties would be prejudiced if the amended plan was taken into account in this appeal. Accordingly, I have considered the same plans that the Council determined the planning application on.
4. At the site visit I saw that the development involving the conversion of the garage to habitable use, involving alterations to the front elevation, and the conversion of the roofspace to habitable use, including a rear dormer and 2

¹ Procedural Guide: Planning appeals – England (March 2021)

² JPL, 1982, P37

front rooflights had already taken place. The appeal proposal is therefore partly retrospective and I have assessed it on that basis.

5. During the course of the appeal The London Plan³ was published, which replaced all previous versions. The parties were provided with an opportunity to comment on its relevance to this appeal, and I have taken the comments received into account in my consideration of this appeal.

Main Issues

6. The main issues are:

- the effect of the development on the character and appearance of the host property and the surrounding area; and
- the effect of the development on the living conditions of existing and future occupiers, with particular reference to outlook and light.

Reasons

Character and appearance

7. The appeal site comprises a two storey semi-detached dwelling, situated in a fairly elongated plot on Long Lane, in a residential area. Nearby properties are similar in terms of their size and design.
8. I observed that the rear dormer fills a substantial portion of the roof slope. Although complementary materials have been used, due to its large scale, its height (up to the ridge of the property), and its prominent siting on the roof, it appears as a very bulky and noticeably incongruous feature on this fairly modestly-sized property. As such, it visually overwhelms the rear of the host property, and has harmed its architectural character.
9. The rear roof slope is visible from a number of nearby vantage points. Accordingly, the harm caused to the character and appearance of the host property by the dormer has reduced the contribution that the property makes to the surrounding area. Considering this, and the lack of similarly-sized developments in the roof spaces of nearby properties, the dormer has also harmed the character and appearance of the surrounding area.
10. Thus, the development has an unacceptable and harmful effect on the character and appearance of the host property and the surrounding area. It conflicts with Policy BE1 of the Local Plan: Part 1⁴ and Policies DMHB 11 and DMHD 1 of the Local Plan: Part 2⁵, which collectively require that all new developments should achieve a high quality of design which enhances the local distinctiveness of the area.

Living conditions

11. One of the rooms within the garage conversion, named 'Playroom' on the submitted plans, has been converted into a space which could be habitable. I observed that the outlook from the window in that room was very restricted, and that the room received only a small amount of natural light from it.

³ The London Plan (published 2021)

⁴ Hillingdon Local Plan: Part 1 - Strategic Policies (adopted 2012)

⁵ Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020)

Consequently, in my view it is unpleasant to occupy, and requires artificial light for it to be useable.

12. Accordingly, the development has an unacceptable and harmful effect on the living conditions of existing and future occupiers, with particular reference to outlook and light. It conflicts with Policies DMHB 11 and DMHD 1 of the Local Plan: Part 2 which collectively seek to ensure that all development incorporates principles of good design, including ensuring that the internal design and layout of development maximises sustainability. It also conflicts with Policies D6 and SI 2 of The London Plan, which respectively require that housing development should provide comfortable and functional layouts which are fit for purpose, and that residential development should be energy efficient.

Other Matters

13. The appellant has referred to permitted development rights, including a volume allowance of 50 cubic metres for additional roof space, and has made reference to a Lawful Development Certificate (LDC) at No 136 Long Lane⁶. However, I have not been provided with evidence, such as an LDC, which clearly demonstrates that what has been constructed at the appeal site is lawful in that regard. Accordingly, this matter has been given limited weight, and it does not overcome the harm identified on the main issues, above.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

⁶ Local Planning Authority reference: 46036/APP/2016/359