



Appeal Decision

Site visit made on 13 July 2021

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/R5510/C/20/3262849

4 Hamilton Road, Uxbridge, Middlesex UB8 3AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr GS Khatra against an enforcement notice issued by London Borough of Hillingdon.
 - The notice was issued on 14 October 2020.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the erection of a single storey side/rear extension.
 - The requirements of the notice are to:
 - A(i) *Demolish and remove the single storey side/rear extension and;*
 - A(ii) *Removed from the land the debris, items, fixtures and fittings, furniture, building materials, plant and machinery resulting from the dismantling works listed above.*

Or

 - B(i) *Amend the unauthorised development so it conforms to single storey side/rear extension as specified in the approved plans under planning reference number 28273/APP/2018/2037 and*
 - B(ii) *Remove from the land the debris, items, fixtures and fittings, furniture, building materials, plant and machinery resulting from the dismantling works listed above.*
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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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 single storey side/rear extension at 4 Hamilton Road, Uxbridge, Middlesex UB8 3AJ as shown on the plan attached to the notice and subject to the following conditions:
 - 1) Within 3 months of the date of this decision, the external elevations of the extension shall have been rendered to match the render used on the elevations of the main dwelling.

Preliminary Matters

Appeal on ground (a) – that planning permission should be granted

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding residential area which lies in a designated Area of Special Local Character.

Reasons

3. The appeal site comprises a semi-detached two-storey house in the Hamilton Road, Orchard Drive and Clayton Way Area of Special Local Character (ASLC), designated by the Council in recognition of the distinctive character of the mainly 1930s houses within it. The part of Hamilton Road in which the appeal site is located shares the distinctive character of individually designed houses and bungalows, many of them displaying architectural features inspired by the Arts and Crafts movement. The appeal property contributes to this distinctive character with scalloped bargeboards and visually prominent decorative black timber boarding on the front elevation, the remainder of which is finished in pebbledash render on the first floor with brown brick below.
4. The background to the issue of the notice is that planning permission was granted in 2018 for a single-storey side/rear extension to the property, under Ref: 28273/APP/2018/2037. The extension was not built in accordance with the approved plans, about which there is no dispute. An application for planning permission (Ref: 28273/APP/2019/2221) for an amended design to reflect what had been built was refused in 2019.
5. Subsequent to the refusal, the flat roof of the extension was altered to create a monopitch roof, and photographs show that this work was underway in January 2020, before the issue of the enforcement notice.
6. The existence of the planning permission is a material consideration of great weight, in that should the appeal be dismissed the requirements of the notice offer an option to alter the extension to comply with the approved scheme.
7. The approved scheme shows that the extension was to be finished in render to match the existing dwelling. However, the extension is constructed in brick, and on the front elevation it consists of two colours of brick, one for the element which formed the front wall of the flat-roofed iteration, and another colour has been used in the subsequent infill below the monopitch roof.
8. The use of two colours of brickwork on the front elevation and a non-matching colour elsewhere creates a very poor and incongruous appearance. However, the appellant says that the intention is now to finish the elevation in render to match that used on the first floor levels of the house, as was originally intended for the approved extension. This would overcome the harm caused by the use of bricks.
9. There are also other differences from the approved and constructed extension. The extension as approved was shown as providing a utility room, kitchen, an enlargement to a dining room/lounge and an additional bedroom. Instead, the extension provides a bathroom, boiler cupboard, lobby and bedroom. The Council takes no issue with this changed arrangement, and I see no reason to take a different view.
10. Externally, the height of the extension is slightly higher than approved. The roof of the extension joins the side elevation of the house in a position

where it overlaps with part of a decorative side-facing window, which appears a bit odd, but this was also proposed as part of the approved scheme. The front window in the extension is smaller than that approved, and with a slightly different design. Two plastic air vents, a white UPVC bargeboard and black rainwater goods have also been provided.

11. My principal concern is about the use of brickwork as the finishing material. The harm it causes can be overcome by requiring the use of render to match the render used on the house. I consider that the other deviations from the approved plans are minor which do not materially affect the overall appearance of the extension.
12. As the matter of the flat roof has already been resolved, I consider that it is appropriate to grant planning permission for the development, subject to a condition requiring it to be finished in render. As the development has already been carried out, the condition I shall impose will require the rendering to take place within 3 months to ensure that the condition can be enforced against should the requirements not be met.
13. The Council has suggested that details or samples of materials should be submitted to the Council for prior approval. Such a step is unnecessary, as the requirement for matching render is clear.
14. Subject to this remedial action being taken, I find no conflict with Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies, which deals with heritage. Nor is there a conflict with Policies DMHB 1, DMHB 5, DMHB 11 or DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies, which respectively deal with heritage assets, ASLCs, the design of new development and alterations and extensions of residential dwellings.

Other Matters

15. I have had regard to a neighbour's concern about the loss of the light to 5 Hamilton Road, but the difference between the extension as built and as approved does not have a material impact on the living conditions of neighbours through loss of light sufficient to warrant refusal.
16. Neighbours have raised concerns about the use of the property as a house in multiple occupation, the presence of outbuildings and remaining garden space, and a rear dormer. However, these are not matters which are before me arising from this appeal. Concerns about flooding and the presence of rats are the province of Building Regulations and environmental health legislation respectively.

Conclusions

17. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not fall to be considered.

JP Roberts

INSPECTOR