



Appeal Decision

Site visit made on 14 July 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2021

Appeal Ref: APP/R5510/D/21/3273158

56B Wood End Green Road, Hayes, UB3 2SJ

- 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 Omar Al Hashmimi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 54624/APP/2020/4303, dated 27 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is amendments to existing dormer (loft conversion).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host property and the Hayes Village Conservation Area.

Reasons

3. The appeal property is a two storey, semi-detached dwelling situated to the north of Wood End Green Road. The property has been extended by way of a conservatory to the rear and a dormer window on the rear roof slope. It is set back from the road behind a small front garden and it has a modest garden to the rear. Due to the location of the appeal property at a junction, the rear elevation is visible when approaching along Albion Road and the flank elevation visible from Wood End Green Road.
4. The appeal property lies along the western boundary of the Hayes Village Conservation Area (CA). The Hayes Village Conservation Area Appraisal (September 2015) (CAA) identifies the features which contribute to the significance of the CA as being the retained sense of the former rural village centred on the medieval Church of St Mary, green spaces that provide a setting for the village and the varied age of historic buildings.
5. The appeal property is a relatively modern dwelling, characteristic of surrounding properties and representative of its era. The immediate area around the appeal property is identified in the CAA as a gateway into the CA travelling along Wood End Green Road towards Church Walk.
6. The proposal would remove the existing unlawful single large dormer and replace it with two separate box dormer windows to the rear roof slope. The proposal is an attempt to overcome concerns raised by previous inspectors in

relation to three previous appeals for a single large dormer which have been refused and dismissed at appeal¹.

7. The rear dormers would have a width of around 2.24m, a height of 1.73m and a depth of 3.19m. The proposal would essentially remove the central portion of the existing full-width dormer with a consequential reduction in the volume of the dormers. There would be a reasonable set-in from the eaves and the sides of the roof. Nevertheless, the dormers would occupy a substantial proportion of the original rear roof slope above the eaves line, with a minimal set down from the ridge and would exceed the width of the windows to the first floor. Consequently, the dormers would fail to appear secondary to the rear roof slope and harm the character and appearance of the host dwelling.
8. The proposed alterations would lessen the visual impact to a degree when viewed from Albion Road. However, the cheek of the western dormer would appear prominent when viewed from Wood End Green Road, an important gateway into the CA. Indeed, the side profile of the proposal would be very similar to the existing dormer and previously refused schemes. In this regard, the proposal has not overcome the concerns of previous inspectors.
9. Section 9 of the CAA identifies overlarge roof extensions as one of the small-scale alterations that can harm the character or appearance of the CA. Due to the small scale nature of the proposal it would not harm the character of the CA; however, there would be harm to the appearance of the CA. This harm would be localised and less than substantial. Any harm to the significance of a heritage asset requires justification in accordance with paragraph 202 of the National Planning Policy Framework (2021). There are no public benefits that would weigh against the harm to the appearance of the CA.
10. Whilst the proposal would have some private benefits for existing occupiers in terms of improved living accommodation these benefits would not outweigh the harm which I have identified.
11. The proposal would, therefore, harm the character and appearance of the host property and fail to preserve or enhance the appearance of the CA to which I am required to have special regard and attention and to which the courts judge I am required to give considerable importance and weight. It would, therefore, be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One-Strategic Policies (2012), Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two-Development Management Policies (2019), Policy 7.8 of the London Plan (2020) which collectively seek to ensure that new development and extensions achieve a high quality of design which takes account of the character of the surrounding area and preserves or enhances the character and appearance of designated heritage assets including Conservation Areas.

Other Matters

12. Attention is drawn to a number of extensions which are cited as being similar to the appeal proposal. However, no specific details of those cases have been provided and so I cannot be certain that they benefit from planning permission or that they were decided within the same planning policy framework. Furthermore, none of the cases appear to be situated on a prominent corner

¹ Appeal reference APP/R5510/D/18/3218559; Appeal reference APP/R5510/C19/3221139; Appeal reference APP/R5510/D20/3249384

plot within a Conservation Area or at an identified gateway to the CA. A large dormer exists at 58 Wood End Green which is on the other side of the junction with Albion Road. Whilst very close to the appeal site, no details have been provided of this case and so I cannot be certain that it benefits from planning permission. Furthermore, the case is not within the Conservation Area. None of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my decision.

13. Submissions are made in relation to the appellant's human rights with specific reference to Article 6 of the First Protocol of the European Convention on Human Rights (ECHR) - the right to a fair trial and Article 8 of the First Protocol of the ECHR- the right for respect for private and family life as incorporated by the Human Rights Act (the Act) 1998. Article 8 is a qualified right, whereby interference may be justified in the public interest.
14. Due to the space requirements of his family, the appellant considers that dismissal of the appeal and the potential loss of the loft room, would result in the family having to find rented accommodation for his son and his wife which he cannot afford. Whilst I do not underestimate the appellants concerns, there is no evidence before me to support the assertion that further accommodation would need to be sought or to demonstrate that an alternative solution such as a more modest scheme would not satisfactorily resolve the issue. Those solutions are still open to the appellant and consequently, there is insufficient evidence before me that the dismissal of the proposal would restrict the ability of the appellant to take alternative action to address the accommodation issue and interfere with the Appellant's rights under Article 8 of the Act.
15. With regards to Article 6 – the right to a fair trial, the appellant has exercised his right to appeal the Council's decision to refuse the planning application. I have visited the site and considered the effect of the proposal on the character and appearance of the host property and the CA. The appellant has made submissions to the appeal process which have been taken into account in my determination. In reaching this decision, I have weighed the harm which I have identified to the character and appearance of the host property and the CA against the benefits of the proposal for the appellant in terms of providing increased living accommodation for his family. As such, I am satisfied that there is no breach of Article 6 of the Act.

Conclusion

16. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector