



Appeal Decision

Site visit made on 30 November 2021

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/R5510/C/20/3258594

35 Hillside Road, Northwood HA6 1PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Pankaj Karamchandani against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 23 July 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a hip to gable roof enlargement, rear dormer roof extension adjoined to a single storey rear infill extension and installation of a raised platform.
 - The requirements of the notice are: (i) Demolish and remove the hip to gable roof enlargement, the rear dormer roof extension, the adjoining single storey rear infill extension hatched in blue and raised platform hatched in green; (ii) Remove from the land the debris, items, fixtures and fittings, furniture, building materials, plant and machinery resulting from the compliance works listed above.
 - The period for compliance with the requirements is: Three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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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 erection of a hip to gable roof enlargement, rear dormer roof extension adjoined to a single storey rear infill extension and installation of a raised platform at land as shown on the plan attached to the notice.

Ground (a)

2. There is a planning history to developments approved at the appeal property that are material considerations. On 5 July 2018, the Council issued a Lawful Development Certificate (LDC) (Ref: 73803/APP/2018/1769) for '*Conversion of roofspace to habitable use to include a rear dormer, 2 front rooflights and conversion of both sides of roof from hip to gable end with a new gable end window*'. Furthermore, on 9 July 2018, the Council granted full planning permission for (Ref: 73803/APP/2018/1782) a '*Single storey rear extension, conversion of garage to habitable use involving alterations to front elevation and raising of garage roof*'.
3. I accept that as the development appeared to be carried out as one operation, the roof extension would not have been development permitted by the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

However, it is in my view still legitimate to assess the impact of the development carried out against what could have been lawfully done by the planning permissions granted by the GPDO and the Council.

4. The hip to gable parts of the LDC have been built as were found to be lawful. The rear dormer is, however, wider and closer to the eaves of the property than the LDC scheme. The single storey rear extension has the same depth as approved, but the height has been increased to match the height of an existing rear projection. I shall consider the planning merits of the development against this background. The main issues are the effects of the development on the character and appearance of the area and the living conditions of the occupier of 33 Hillside Road, with particular regard to outlook and privacy.

Character and Appearance

5. The marginal increase in height of the single storey extension has no material effect on the character and appearance of the area compared to what was approved. Being at the rear it is hardly visible from the road. As for the rear dormer, its slightly wider dimensions means that its side cheeks are only very marginally more visible when passing by at the front than would have been seen compared to what could have been lawfully constructed. Despite the Council's concerns about the hip to gable changes, these would have taken place as lawful development anyway. Moreover, there are in any event several nearby gable end properties with glimpsed views of large rear roof dormers. Against this background, the development carried out does not look out of place and the character and appearance of the area has not been harmed.
6. The development accords with the design aims of policy DMHD1 from the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) (LP).

Living Conditions

7. I note that due to the hill the properties are on, No. 33 next door is on lower land than the appeal property. However, even taking this into account, the very marginally wider dormer and the slightly taller extension are not materially more dominant on the outlook from next door compared to the changes that would have occurred from the approved and lawful developments.
8. I saw that the level of the patio at the rear of the appeal house is higher than the adjoining ground level nearest to next door due to the slope of the garden. I stood on the closest corner to No. 33, but my views back towards next door and into the neighbour's garden were largely obscured by tall dense evergreen vegetation that straddled both sides of the common boundary. Moreover, it seems to me that given the expanse of the patio it would only be occasionally that persons would be so close to this side of the terrace, and even then they are more likely to be seated and engaged with activities in their own garden than attempting to peer into next door. Therefore, while I have had regard to the concerns raised by the neighbour, I do not find that the appeal development has caused undue harm to their amenity.
9. The development accords with the aims of policy DMHD1 from the LP as they relate to safeguarding the living conditions of neighbouring occupiers.

Conclusion

10. For the reasons given, I conclude that the appeals succeed on ground (a). I shall grant planning permission for the development as described in the notice. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Gareth Symons

INSPECTOR