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# Appeal Decision

Site visit made on 11 January 2022

**by A Price BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 February 2022**

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**Appeal Ref: APP/R5510/D/21/3282984**

**35 Glisson Road, Uxbridge UB10 0HJ**

- 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 Marek Weber against the decision of London Borough of Hillingdon.
  - The application Ref 19172/APP/2021/1566, dated 20 April 2021, was refused by notice dated 24 June 2021.
  - The development is described on the application form as 'reinstatement of original (lower) ridge height, with reduction in height and retention of rear dormer roof extension'.
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## Decision

1. The appeal is allowed and planning permission is granted for the reinstatement of original (lower) ridge height, with reduction in height and retention of rear dormer roof extension at 35 Glisson Road, Uxbridge UB10 0HJ in accordance with the terms of the application, Ref 19172/APP/2021/1566, dated 20 April 2021, subject to the conditions appended to this decision.

## Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

## Reasons

3. The appeal site forms one of a pair of semi-detached properties. It, unlike its adjoining neighbour, has undergone a hip-to-gable roof extension, with its ridge level having been raised above that of the adjoining properties. From that perspective, the pair of semi-detached properties appear unbalanced in a street generally characterised by pairs of houses with matching hipped roofs. During my site visit I noted that several nearby properties in the surrounding area (although by no means the majority) have similar such hip-to-gable additions. Whilst I do not have the details of these cases before me, or the procedure by which they were allowed, they nonetheless exist and are noticeable within the street scene.
4. The appellant has drawn my attention to the fact that a Certificate of Lawful Development was granted by the Council under Ref. 19172/APP/2019/798 for the conversion of the roof space at No 35. This included the hip-to-gable alteration and the construction of a rear dormer extension. I understand that this was constructed as per this approval apart from the ridge height, which

- was increased (therefore not in accordance with the Certificate of Lawful Development or the allowances under permitted development rights)<sup>1</sup>.
5. It is now proposed to revert to a development that is more closely aligned to that approved under this previous Certificate of Lawful Development (CLD). This would be done by reducing the ridge level back in line with the adjoining property, whilst maintaining the hip-to-gable alteration and rear dormer extension.
  6. The proposal would undoubtedly maintain the unbalanced appearance of the pair of properties, a feature which is incongruous relative to the generally consistent roofscape of the street. I agree with the Council's position that, typically, such extensions would unlikely be considered appropriate due to the imbalance created between pairs of properties (as exemplified here) and the detrimental impact this has on the character and appearance of the wider street scene.
  7. Notwithstanding this harm, the fallback position of the appellant (the CLD) weighs in favour of the proposal. The works now proposed would address the development's inconsistencies with the approved CLD (through the reinstatement of the original ridge level) and would bring the alterations back closely in line with what could be developed under permitted development rights. As the appellant has shown clear commitment to implementing the extensions under this route (through both the submission of a CLD and given that the development has already taken place, albeit not in full accordance), I do not consider the current proposal to be any more harmful than the options available to the appellant under permitted development rights. From the evidence before me, the effects of both the proposed development and fallback position would be very similar.
  8. I acknowledge the Council's reference (within its officer's report) to a previous Inspector's decision at the same site. I do not have this case before me. However, I note<sup>2</sup> that the Inspector concluded that there was no compelling evidence before them that could convince them that the fallback position at that time would be as harmful as the development then proposed. I consider that sufficient evidence has been provided to me on this occasion, as set out in the foregoing reasoning. I have seen the approved plans under the CLD and have compared them with the proposal before me. The two schemes would have a very similar effect on character and appearance. I therefore give the fallback position significant weight.
  9. The dormer extension over the main rear roof slope is large but is not unusual in its design or form and is set back from the eaves, providing some visual relief. I find this element of the scheme acceptable. In any case, this element would also have a very similar effect on the character and appearance of the area relative to the scheme pursued under the CLD (the fallback position).
  10. Consequently, I conclude that the fallback position outweighs the conflict that I have found with the development plan in terms of the effects of character and appearance, as required under the relevant provisions of policy BE1 of the Local Plan Part One and policies DMHB 11 and DMHD 1 of the Local Plan Part

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<sup>1</sup> As set out in page 4 of the officer's report

<sup>2</sup> As set out in pages 4-5 of the officer's report

Two, which in summary seek to achieve a high-quality design that respects local character and enhances the local distinctiveness of the area.

### **Conditions**

11. I have imposed a condition requiring compliance with the relevant plans together with a condition requiring that the external surfaces of the development match the existing building. These are imposed in the interests of certainty and to protect the character and appearance of the area.
12. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

### **Conclusion**

13. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

*A Price*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DWL 02; and DWL 05
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.