



Appeal Decision

Site visit made on 8 March 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/R5510/W/21/3277226

119 Charville Lane, Hayes UB4 8PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Nawab Karimy against London Borough of Hillingdon.
 - The application Ref 50525/APP/2021/178, is dated 14 January 2021.
 - The development proposed is Proposed demolition of detached garage building; Demolition of main roof over dwelling and extension to form first floor and second floor with side and rear dormers; rooflights to main roof at front and side; Proposed Single and two storey rear and side extension with rooflight's to lean to roof; Insulating, rendering and painting white external elevations and Demolition of existing railings and gates and proposed brick wall Flank and Front with piers with wrought iron railings and gates to front boundary.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matter

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council have set down why the application would have been refused had it been empowered to do so. I have drawn on this, together with other evidence before me, to inform the main issues in this appeal.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed front boundary treatment on the character and appearance of the area; and
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal site lies within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for several exceptions. One such exception is an extension to an existing building if it does not represent a disproportionate addition over and above the original building.
5. The Framework's advice is supported in Policy G2 of the London Plan (2021) (LP) which also seeks to protect Green Belt land from inappropriate development. In addition, Policy EM2 of the Council's Local Plan: Part One - Strategic Policies (2012) (LP1) stipulates, amongst other things, that any proposals for development in the Green Belt will be assessed against national and London Plan policies. Moreover, Policy DMEI4 of the Council's Local Plan: Part Two – Development Management Policies (2020) (LP2) advises, amongst other things, that extensions will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and the purposes for including land within it, than the existing development. In so far as it relates to this main issue, these LP, LP1 and LP2 policies are consistent with the Framework.
6. There is no definition of disproportionate development within any of the policies I have been referred to or within the Framework. There are differences between the appellant's and Council's floor area figures. However, even if I take the appellant's calculations the increase from 202m² to 316.05m², would be a considerable increase. Moreover, the proposal would also significantly increase the volume of the host dwelling with the reconfiguration of the roof and additional floor.
7. The appeal property would, in effect, be altered from a modest dormer bungalow to a large two storey dwelling with a second floor in the roof space. This would, in my view, amount to a disproportionate addition over and above the size of the original building. It would therefore be inappropriate development for the purposes of Green Belt policy.
8. In this regard, it would conflict with the relevant requirements of the Framework and Policy G2 of the LP, Policy EM2 of the LP1 and Policy DMEI4 of the LP2, insofar as they relate to this matter.

Openness

9. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and has both spatial and visual aspects. The proposal would increase the footprint and volume of the host building and, with the increased built form along the boundary treatment, it would result in a small reduction in openness which would be clearly seen from the public realm.
10. Whilst the visual effects of this is moderated, to a degree, by the presence of buildings to the rear and sides along the road, it nonetheless adds to the harm that I have already identified by reason of inappropriateness and the conflict with the relevant guidance in the Framework.

Character and appearance

11. The front boundaries of dwellings along this part of the street include a mixture of hedgerows, walls, railings and fencing at varying heights. It appeared to me that there was no overriding pattern. The proposed railings and walls would, in this context, not appear at odds with this mix of boundary treatments. Whilst the pillars and railings would be relatively tall, there would be some variation in height and the bulk of the boundary would allow views to permeate through or on to planting moderating the visual effects. In this regard, it would not appear a stark feature.
12. I therefore find that the proposed front boundary treatment would have an acceptable effect on the character and appearance of the surrounding area. I therefore find no conflict with the requirements of Policies BE1 and EM2 of the LP1, Policies DMHB11, DMHB12, DMHD1 and DMEI4 of the LP2, Policy G2 of the LP or the relevant provisions of the Framework, insofar as they relate to this main issue. These, amongst other things, seek to achieve high quality design in all new buildings, alterations and extensions.

Other considerations

13. The Framework states 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
14. I understand that extending the property might meet the appellant's need for increased accommodation. However, personal circumstances will seldom outweigh more general planning concerns. As such, I afford this consideration only limited weight within the decision.
15. There are other large detached houses to the east of the site and a recent housing development to the rear. However, I have no firm details regarding the circumstances associated with these schemes so cannot be sure that they represent a direct parallel to the appeal proposal in respect of the application of green belt policies.
16. Moreover, the large, detached dwellings to the east have first floor accommodation in the roofspace, whereas the proposal would result in a large two storey dwelling with a second floor in the roofspace. In this regard, and from the evidence before me, I am not satisfied that they are comparable in scale and massing.
17. Moreover, whilst I have found no harm in relation to the character and appearance of the area, the absence of harm in this or other considerations weigh neither for nor against the proposal.
18. Concerns regarding the processing of the application, including matters relating to timeframes and communication are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.
19. Consequently, these other considerations do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Conclusion

20. For all the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
21. Therefore, I conclude that the appeal should be dismissed and planning permission is refused.

Mr R Walker

INSPECTOR