



Appeal Decision

Site visit made on 2 August 2022

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/R5510/C/21/3279205

58 Evelyn Avenue, Ruislip, Middlesex, HA4 8AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Justin Clarke against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice, numbered HS/ENF/018636, was issued on 25 February 2021.
 - The breach of planning control as alleged in the notice is "Without planning permission, the single storey rear extension and conversion of roof space to habitable use to include 2 side dormers and 5 side rooflights, and conversion of rear of roof from hip to gable end with a new gable end window".
 - The requirements of the notice are: (i) Demolish and remove the two side dormer extensions and amend development to comply with approved plans attached to Planning Decision 74172/APP/2018/3270 and (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in compliance with (i).
 - The period for compliance with the requirement is: 3 months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) 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 single storey rear extension and conversion of roof space to habitable use to include 2 side dormers and 5 side rooflights, and conversion of rear of roof from hip to gable end with a new gable end window at 58 Evelyn Avenue, Ruislip, Middlesex, HA4 8AJ as shown on the plan attached to the notice.

The appeal on ground (b)

2. The appeal property is a detached dwelling which was previously a bungalow but has since had first floor accommodation provided in the roof space. Planning permission was granted under Council Reference 74172/APP/2018/3270 on 5 November 2018 for a single storey rear extension and conversion of roof space to habitable use to include 8 side rooflights and a gable end to rear. However, the loft conversion element of the scheme has not been undertaken in accordance with the approved plans and two dormers, fitted with obscure glazing, have been inserted in the general area where roof lights have been approved.

3. There is no dispute that these dormers are unauthorised. Although the allegation refers to the whole of the development, it is clear from the enforcement notice and the evidence before me that it is only these dormers which are of concern to the Council. Even if I were to accept the appellant's argument that the enforcement notice should only refer to the dormers, the notice could be corrected to only refer to them.
4. The appeal on ground (b) therefore fails.

The appeal on ground (a)

Main Issue

5. The main issue in respect of the deemed planning application is the effect of the two side dormers on the living conditions of the occupants of 60 Evelyn Avenue in respect of privacy.

Reasons

6. Both dormers are close to each other in the same roof plane. At my site visit I looked out of the top opening light of one of the dormers by standing on a chair. The window was open and I was able to lean slightly outwards to enable a clearer view than would ordinarily be achieved by standing on the floor within the room. In the side elevation of No 60 I could see three obscure glazed windows and an obscure glazed door.
7. One of the first-floor obscure glazed windows, in the side elevation of No 60, contained a side hung opening light and a top hung opening light. Both opening lights were open wide and through the side casement, I could see that the window had shutters behind it with the slats in an open position. I was unable to see into this room even with its side hung light wide open.
8. The other obscure glazed first floor window was also open but as this is a top hung window there was no opportunity to see into the room. The ground floor door was open but there was no view into this room beyond a washing machine or tumble drier immediately next to the door. The window next to the door had a top hung opening and therefore, there would be no appreciable views through it even if it were open.
9. Therefore, no room can be subject to any unacceptable overlooking from the dormer windows.
10. From the dormer window I was also able to see the narrow passage at the side of No 60 but this is not a garden area where occupiers tend to spend much time. The garden of No 60 was not directly overlooked as it is set further back into the plot than the dormers and in any event, an element of overlooking of private garden space is normal in suburban housing layouts.
11. The Council has referred to "perceived" overlooking but I have no substantive evidence to quantify the alleged perception.
12. The Council also says that the obscure glazing results in an oppressive environment for future occupiers of the bedrooms. However, as I have found that there can be no unacceptable overlooking, there is no need for me to require retention of the obscure glazing.

13. I conclude that the two dormers do not result in harm to the living conditions of the occupiers of No 60 and would not do so even if they were to be clear glazed. Therefore, I find no conflict with Policies DMD1 and DMHB11 of the Hillingdon Local Plan Part Two - Development Management Policies with Modifications which, in combination seek to ensure that development achieves a satisfactory relationship with adjacent dwellings and does not adversely impact on the amenities of adjacent properties.

Conclusions

14. The appeal on ground (b) does not succeed but I conclude that the appeal should succeed on ground (a) and planning permission will be granted. In these circumstances the appeal on ground (f) does not fall to be considered. As I am quashing the notice there is no need for any correction to it.

Ms S Watson

INSPECTOR