



Appeal Decision

Site visit made on 5 July 2022

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/F5540/D/21/3289626

29 Northumberland Avenue, Isleworth, Middlesex, TW7 5HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Surendra Patel against the decision of London Borough of Hounslow.
 - The application Ref 00819/29/P4, dated 17 August 2021, was refused by notice dated 11 November 2021.
 - The application sought planning permission for erection of an open canopy structure at the rear of the dwelling without complying with two conditions attached to planning permission Ref 00819/29/P3, dated 19 October 2018.
 - The conditions in dispute are No 2 which states that: The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted 28th August 2018 and numbered TQRQM18233161914565; 04; 03; 01; 02 therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used and No 3 which states that: Once constructed, no alterations shall be made to the approved canopy, including construction of side or rear panels or walls of any sort and the canopy shall be maintained as an open structure.
 - The reasons given for the conditions are: No 2 - To ensure the development is carried out in accordance with the planning permission and No 3 - To protect the appearance of the area and neighbours living conditions.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an open canopy structure at the rear of the dwelling at 29 Northumberland Avenue, Middlesex, TW7 5HZ in accordance with the application Ref 00819/29/P4, dated 17 August 2021, without compliance with condition numbers 1 and 3 previously imposed on planning permission Ref 00819/29/P3 dated 19 October 2018 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 343-EXT-00 dated 27/07/21, 343-PRO-1 dated 27/07/21 343-PRO-02 dated 27/07/21 and TQRQM18233161914565.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Background and Main Issues

2. The appeal site is a two-storey semi-detached dwelling situated on a residential street. Permission was granted in October 2018 for erection of an open canopy structure at the rear of the dwelling. This permission was granted subject to a number of conditions.
3. At the time of my site visit the permission appeared to have been constructed and I have determined this appeal on this basis. However, motorised blinds and a triangular glazed panel have been included which were not part of the approved scheme.
4. The proposal is for the variation of condition 2 and the removal of condition 3 of the existing planning permission to allow amendments to the approved drawings to include the side panels in the canopy roof and the blinds. The appellant's also state that a further blind would be added. The Council refused the application as they were of the view that the amendments to the scheme would have an unacceptable impact on the character and appearance of the area.
5. Consequently, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The approved canopy covers almost the full width of the rear of the property and provides a sheltered area of outdoor space. The motorised blinds, when raised, sit very discreetly within the structure and are not readily visible. The glazed side panels are attractive and sit comfortably within the frame. Once lowered the blinds enclose the outdoor space and do, indeed, increase the perceived bulk and visual impact of the structure. However, the blinds are constructed of a semi-permeable material and are of a lighter colour than the canopy. The canopy is broadly aligned with neighbouring structures. The nature of the blinds is such that they would not always be fully lowered thus allowing views through and reducing any visual impact; any full enclosure is temporary in nature.
7. As such, in my view, the motorised blinds, even when fully lowered, appear as a complementary addition to the canopy without causing the structure to appear visually dominant or overly large. I note that the blinds themselves do not match the canopy. However, the blinds are of a complementary design and sit well within their context.
8. For these reasons, I consider that the proposal would not cause harm to the character and appearance of the area. The proposal would, therefore accord with Policies CC1, CC2, and SC7 of the London Borough of Hounslow Local Plan 2015 – 2030. These policies, amongst other things, seek to ensure a high quality of urban design where all new development sensitively and creatively respond to an area's character and state that poor quality designs will be refused.
9. I note that the proposal could be considered to be at odds with some of the guidance contained within the Residential Extensions Guidelines Supplementary Planning Document, December 2017. However, this document is guidance and I consider that, for the reasons set out above, it's wider aims would nevertheless be achieved.

Other Matters

10. I have noted other issues raised; including the effect on the living conditions of other nearby residents with particular regard to light. However, I concur with the Council's view that the circumstances on site are such that no undue harm would be caused in this respect. Conversely, in my view, the proposal would have a positive effect on the levels of privacy at both the host dwelling and neighbouring properties.

Conditions

11. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other condition(s) imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
12. In the interests of precision and clarity I have undertaken some minor editing of the conditions proposed. As the development has been constructed I have omitted the standard time limit condition. As the appellant's indicate that a further blind is to be added I have imposed a condition requiring the materials to match in order to protect the character and appearance of the area.

Conclusion

13. For the reasons given above I conclude that the appeal is allowed.

L J O'Brien

INSPECTOR