



Appeal Decision

Site visit made on 15 November 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2022

Appeal Ref: APP/R5510/D/22/3303725

9 Kewferry Drive, Northwood HA6 2NT

- 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 Pankaj Patel against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 32794/APP/2022/737, dated 4 March 2022, was refused by notice dated 29 April 2022.
- The development proposed is two storey rear extension, conversion of garage to habitable use, alterations to the roof, first floor rear balcony and alterations to fenestration.

Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension, conversion of garage to habitable use, alterations to the roof, first floor rear balcony and alterations to fenestration at 9 Kewferry Drive, Northwood HA6 2NT in accordance with the terms of the application ref 32794/APP/2022/737 dated 4 March 2022, subject to the following 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: Location Plan, A101+A201, A102+A202, A103+A203, A104+A204, A105+A205, A106+A206, A107+A207, A108+A208 and A209.
 - 3) 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.
 - 4) The development hereby permitted shall not be occupied until the windows to the sides of the rear extension at first-floor level have been fitted with obscured glazing, and no part of the windows less than 1.8m above the internal finished floor level shall be capable of being opened. Details of the type of obscured glazing and opening arrangement shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed. The windows shall be installed in accordance with the approved details, and retained as such thereafter.
 - 5) The first floor rear balcony hereby permitted shall not be brought into use until obscured glazing panels have been installed to the sides of the balcony in accordance with approved plans A107+A207 and A108+A208. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the panels are installed. The panels shall be installed in accordance with the approved details, and retained as such thereafter.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and area; and (ii) the effect of the proposal on the living conditions of the occupiers of 7 and 11 Kewferry Drive with particular regard to privacy.

Reasons

Character and Appearance

3. Kewferry Drive is generally characterised by detached dwellings. These vary in form, architectural style, materials and appearance, but for the most part comprise large two-storey buildings which are set back from the street on generous plots. This results in a diverse street scene, albeit with an underlying spacious character.
4. The appeal site includes a detached dwelling with a single-storey projection to part of the rear elevation. The proposal includes a front porch, the conversion of the garage to habitable accommodation and alterations to fenestration to the front of the dwelling, but these would be relatively minor alterations that would not stand out in the mixed street scene. The Council has not raised concerns in relation to these elements of the proposal, and I similarly find that they would not harm the character or appearance of the host dwelling or area.
5. The proposal also includes a two-storey rear extension that would be of similar depth at ground floor level to the existing rear projection. A canopy beyond would in part support a first-floor balcony. While the rear extension would be fairly deep, the first floor level would be of lesser depth than the host dwelling. It would also be set in appreciably from the sides of the main dwelling, and the roof over the extension would be set down against the host roof. These factors in combination would break up the mass and visual bulk of the development on the site, reducing its impression of scale.
6. The canopy and first-floor balcony would project beyond the extension, but would be open to the rear, and the balcony would also be set in from the sides of the extension and open to the sky. The glazed panels at either side of the balcony would be of modest depth beyond the rear of the dwelling, and their slightly lower height relative to the first-floor rear glazing would further help to limit their visual impact. Given also the set in of the panels from the sides of the dwelling, I cannot agree with the Council that they would be prominent. In my judgement, the canopy, balcony and panels would not result in significant additional bulk or mass to the dwelling, and would not detract from its overall composition, character or appearance.
7. I acknowledge that the roof over the extension would have a crown form, and that Policy DMHD 1 of the Hillingdon Local Plan Part 2 - Development Management Policies 2020 ('the LPP2') states that large crown roofs on detached properties will not be supported. However, while the crown roof would be fairly large, I do not find that it would be excessively so when seen against the host building. The ridge and sloping roof of the main dwelling would remain readable and dominant, and would not in my judgement be overwhelmed or subsumed by the proposal.
8. Notwithstanding its overall scale, I find for these reasons that the development would appear generally subordinate to the appeal property and would not

detract from its character, appearance or architectural composition. Noting also the substantial depth of the garden that would be retained to the rear and the spacing to the sides of the extension, I find that the development would not be excessive or disproportionate on the plot.

9. Moreover, the set down and set in of the rear extension and crown roof mean that they would be largely screened from many viewpoints by the existing building and adjacent development, and they would not be prominent in the Kewferry Drive street scene. Even where there would be views of the development, there is considerable diversity in the scale and form of other dwellings nearby, and I saw that a number include crown roof sections of broadly similar scale to that proposed on the appeal site. I am not aware of the circumstances that led to these developments, but the proposal would nevertheless be seen in this context, and would not in my judgement appear out of keeping with the mass, bulk or form of other nearby buildings. It would not therefore be striking or incongruous within its surroundings, and I am satisfied that it would be a sympathetic addition to the street scene.
10. I note an earlier dismissed appeal¹ for proposed extensions and alterations to the dwelling where it was found that the significant scale of the extensions and resulting bulky roof design would harm the character and appearance of the appeal property and area. However, the extension now proposed is of lesser depth, and the roof is no longer proposed to extend out over the balcony to the rear. The revisions made significantly reduce the size of the crown roof and the bulk and mass of the development relative to the host property, and I find for the above reasons that the development now before me would no longer subsume the original dwelling or fail to respect its architectural character. Accordingly, I find that the character and appearance grounds for dismissal of the earlier appeal have been overcome.
11. I conclude that the proposal would not cause unacceptable harm to the character or appearance of the host dwelling or area. It would accord with Policy D3 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies 2012, and Policies DMHB 11, DMHB 12 and DMHD 1 of the LPP2 insofar as they together and amongst other things broadly seek high quality design that harmonises and integrates well with local context and enhances local distinctiveness; and subordinate extensions that do not adversely affect the character, appearance or quality of the street or wider area. I also find no conflict with the National Planning Policy Framework which includes requirements for development that is sympathetic to local character.
12. The Council has additionally referred to Policy D6 of the London Plan, but this concerns standards relevant to housing quality, and seems to me to be of lesser relevance here.

Living Conditions

13. The first-floor balcony would be positioned beyond the rear of the adjacent dwellings at 7 and 11 Kewferry Drive. However, it would serve a single dwelling, and given its overall size and the large rear garden providing for generous additional outdoor space, I consider that it would be unlikely to result in levels of usage or noise disturbance that would be unusual within a residential area. It would also be set in from the boundaries to the sides of the

¹ Appeal ref APP/R5510/D/21/3280596

site, and the separation would further reduce the likelihood that activity would be overly apparent from or intrusive to neighbouring properties.

14. Moreover, and in contrast to the earlier dismissed appeal, obscure glazed panels to the sides of the balcony would prevent possible views from it back towards windows and the parts of the gardens immediately to the rear of Nos 7 and 11. There would be possible views towards the rear parts of the adjoining gardens, but the balcony would be set in from the boundaries to the side of the site, and views would be little different to those already available from existing first floor windows to the appeal and other neighbouring dwellings. There would not therefore be new or notably increased overlooking. Despite its elevated position, I find as a consequence that use of the terrace would not result in a harmful loss of privacy for neighbouring properties, either actual or perceived.
15. For these reasons, I conclude that the proposal would not unacceptably harm the living conditions of the occupiers of 7 or 11 Kewferry Drive through overlooking or loss of privacy. Accordingly, I find no conflict with Policies DMHB 11 or DMHD 1 of the LPP2 which set out that balconies resulting in loss of privacy to nearby dwellings or gardens will not be permitted, and which require, amongst other things, that development does not adversely impact on the amenity of adjacent properties.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition to control the external materials of the development is necessary in the interests of the character and appearance of the area. I have also imposed a condition to require that windows to the sides of the rear extension at first-floor level are fitted with obscured glazing and restricted opening, and a further condition relating to the indicated obscured glazing panels to the sides of the first-floor balcony to ensure that they would be effective in preventing overlooking. These additional conditions are necessary to safeguard the living conditions of neighbouring occupiers.

Conclusion

17. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR