



Appeal Decision

Site visit made on 18 January 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/R5510/C/21/3281945

Elmwood, Old Howletts Lane, Ruislip, HA4 7RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mark De Costa against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice] was issued on 30 July 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an elevated first floor front extension and supporting columns. ("the breach") outlined and shaded in blue.
 - The requirements of the notice are
 - (i) Remove the elevated first floor front extension and supporting columns.
 - (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in in compliance with the works above
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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. It is directed that the enforcement notice is varied by deleting the words "plant equipment and machinery" from requirement (ii).
2. Subject to that variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

3. The allegation and the requirements need to flow from each other. The requirement to remove plant equipment and machinery is superfluous when the allegation relates to the erection of a structure. No injustice is caused to either party by this deletion as the wording of the requirement secures the removal of the building and debris and waste arising from the works. I will amend the allegation accordingly

The Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. The appeal dwelling known as Elmwood is located within a small cul de sac off Bury Street. The character of the area is residential with a mix of detached and semi-detached dwellings. On Old Howlett Lane itself, the appeal dwelling and No 163 Bury Street have a frontage with vehicular access. One side of the lane is made up of garages that are to the rear of dwellings on Arlington Drive.
6. The only elements of the appeal site that are visible from the street are gates for both vehicular and pedestrian access, and hardstanding and a garage. The appeal dwelling itself is set back and to the side of No 163. There are therefore no impacts upon the streetscene as there are no views of the dwelling or the development from the lane.
7. The two storey substantial dwelling itself is of a distinctive style with white rendering and has a cottage style appearance from the front. Whilst third parties refer to additions and alterations to the original cottage, they are largely at the rear. From the front, the appeal dwelling does have a cohesive design.
8. The development consists of a first floor extension supported by struts which is in front of the building line of the original dwelling. The extension is to the side of the appeal site that shares a boundary with 163 Bury Street. At the rear, the appeal dwelling backs onto gardens of dwellings on St Catherine's Road.
9. The structure is around 4.35 metres by 3.5 metres and its intended use is as an office. There is no access to the development through the host dwelling. A wooden external staircase provides access to an existing extension as the development has been built onto that extension and shares a wall with it. The allegation relates to the extension element that projects in front of the appeal dwelling only.
10. The walls of white plastic cladding contrast with the material used in the main dwelling which is brick built with white render. The two wooden supporting columns are set back under the structure itself which emphasises its size and box-like shape. The sloping mono pitch roof is in contrast to the more traditional pitched roof of the main dwelling. Whilst the appeal dwelling does have a different style of windows at ground and first floor level, the window to the front of the appeal extension does not match either style. Whilst the appellant has indicated that he would make visual improvements to the structure, it is not clear how those improvements would overcome the matters I have referred to.
11. The location of the development in front of the building line of the original dwelling in an elevated position combined with the size, scale and design result in an incongruous addition which is out of keeping with the appeal dwelling. I do therefore consider that the development does harm the character and appearance of the host dwelling.
12. The appellant has referred to the need for separate home work space for the four adults in the family and the absence of a backyard. However, the original extension is described as a study and there are no details of what other options have been explored to achieve more office or work space including reviewing the internal configuration of the existing dwelling or renting office space elsewhere for the appellant's business. I note the family's specific personal circumstances, but any grant of planning permission would not be personal to the appellant and would result in a permanent permission which would be in

place beyond the appellant's occupation. Whilst the appellant has offered to demolish the structure if he was to move, the structure is a permanent structure and could remain in situ for several years.

13. The nearest dwelling at No 163 has a row of tall conifer trees and a detached garage with a pitched roof along the boundary with the appeal dwelling. I do find that views of the development outside of the appeal site are limited given the location of the appeal site in relation other dwellings. The harm that I have found is therefore limited to the harm to the appeal dwelling itself rather than the surrounding area.
14. The development is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Policies DMHB 11 of the Hillingdon Local Plan- Part Two Development Management Policies (January 2020) (Part Two) which collectively require new development to be of good design in terms of form, scale and materials. It would also be in breach of Policy DMHD1 Part Two which, amongst other things, requires that extensions of dwellings should respect the design of the original house and be of matching materials. Policy DMHB 12: Streets and Public Realm (Part Two) is referred to the reasons for issuing the notice but not the Council's statement and I do not consider it to be relevant to the appeal.

Conclusion

15. For the reasons given, I conclude that the appeal should not succeed. I shall vary and then uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

E Griffin

INSPECTOR