



Appeal Decision

Site visit made on 18 January 2023

by **E. Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/R5510/C/21/3281479

5 Woodford Crescent, Northwood, Pinner, HA5 3TZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Yogesh Vinodchandra Patel against an enforcement notice issued by London Borough of Hillingdon.
- The notice was issued on 27 July 2021.
- The breach of planning control as alleged in the notice is
 - (i) without planning permission, the erection of a single storey side/rear extension (as shown in the approximate position hatched in blue on the attached plan):
 - (ii) without planning permission, the erection of a wraparound canopy extension (as shown in the approximate position hatched in green on the attached plan)The requirements of the notice are to EITHER
 - (i) Demolish the single storey side rear extension as shown in the approximate position hatched in blue on the attached plan and
 - (ii) Demolish the wrap around canopy extension as shall in the approximate position hatched in green on the attached plan and
 - (iii) remove from the land all debris waste building materials fixtures and fittings plant equipment and machinery resulting from the demolition works listed in 1 and two above OR
 - (i) Alter the single storey side/ rear extension (as shown in the approximate position hatched in blue on the attached plan) to accord with the approved plans (named proposed ground floor plan YOG. PA.2017A-102 are EV P 03 Proposed roof plan YOG.PA. 2017 A 103 revision P 03 proposed side elevation an proposed front elevation YOGA. PA 2017 A-104 revision P 03 and proposed side elevation and proposed rear elevation YOG.PA 2017.A105 revision P 03) attached to Planning Decision Reference 73305/APP/2018/1043 granted on 15th May 2018 and
 - (ii) Demolish the wrap around canopy extension (as shown in the approximate position hatched in green on the attached plan) and
 - (iii) Remove from the land all debris, waste, building materials, fixtures and fittings plant equipment and machinery resulting on the works listed in (i) and (ii) above
- The period for compliance with the requirements is 3 months
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) 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

Summary of Decision : The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails and the enforcement notice is upheld as set out below in the Formal Decision

Ground (a) appeal and the deemed planning application (the DPA)

Main Issue

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

Reasons

2. The appeal property is a detached bungalow with both a frontage and a garden to the rear. The property is in a residential area and Woodford Crescent consists of bungalows of largely similar appearance. Additions to the side of the main body of the bungalows tend to be set back and therefore less visible from the road.
3. The development, the subject of the notice, consists of a single storey extension to the rear and side together with an attached wrap around canopy. Planning permission was granted on the 15 May 2018 for "a single storey side/rear extension including demolition of existing garage." However, the parties do not dispute that the rear extension as constructed does not accord with that permission and that there is no planning permission for the canopy. The development does not benefit from permitted development rights. The Council has broken down the development into two separate elements, the canopy and the extension.

The canopy

4. The canopy is attached to the extension and extends into the garden to the rear and to the side. At the side, it fills the remaining gap between the extension and the boundary with No 7. However, in view of the set back and the open design of the canopy, views of it from the street scene are limited.
5. At the rear, the canopy has a depth of around 2.5 metres at the rear or the main dwelling and is not the same height as the rear extension or the host dwelling. The use of wood and perspex for the materials of the canopy which are usually associated with temporary structures is in contrast to the use of bricks for the other built development. The overall appearance of the canopy in terms of design and materials is out of keeping with the character of the host dwelling. Although the appellant refers to the canopy as a garden structure, it is visually associated with the built development to which it is attached.
6. By reason of its design and materials, the canopy is an unsympathetic addition which harms the character and appearance of the host dwelling. It is therefore contrary to Policy DMHD1 of the Hillingdon Local Plan Part 2 -Development Management Policies (January 2020) (Part 2) which requires that extensions of dwellings should respect the design of the original house and be of matching materials. It is also in conflict with Policy DMHB 11 of Part 2 which, refers amongst other things, to all development using high quality materials. I find Policy DHMB 12 : Streets and Public Realm of Part 2 which focusses upon the street scene to be less relevant than the other policies referred to in view of the location of the canopy.

The extension

7. The Council considers that the height, bulk and design of the appeal extension harms the host dwelling and the street scene. From the front, there are views of the side element of the extension with part of the extension protruding from the roof rather than being in line with the eaves of the original dwelling. However, given the set back from the road, the element of the extension visible from the front does not by itself in my view alter the character of the street scene or harm the appeal property.

8. Whilst the appearance of the bungalows from the road are largely similar, there are variations to the rear in terms of outbuildings, garages and extensions. Whilst the appellant has provided photographs of other properties where extensions do project above the original eaves of the host property although they tend to be towards the other end of the road. The presence of other extensions to the rear which may or may not have planning permission does not necessarily alter the character of an area. The extent of the relevance of the other properties is that there are other properties in the vicinity with sizeable extensions.
9. Whilst the notice is not alleging breaches of the approved planning permission, an alternative requirement seeks to bring the development to accord with the approved permission. The evidence of both parties focusses upon the differences between what has been approved and what has been built. Differences highlighted by the Council relate to the height and width of the extension and the addition of a roof lantern.
10. The appeal dwelling is located closest to No 3 which has a detached garage to the other side of the boundary to the extension. The extension part of the allegation does not alter the gap between the appeal site and No 7 to the other side. Based on the Council's measurements, the development has a depth of 4.33 metres as opposed to the approved building measurement of 4 metres although the Council's figure is not agreed. The appellant accepts that the extension is higher than approved and the difference is around 0.3 metres based upon the parties figures. Whilst the eaves of the extension are slightly higher than the host dwelling, I do consider that the increase in height results in the extension being a dominant and overbearing feature.
11. Policy DMHD 1 of Part 2 contains a series of criteria for "Alterations and Extensions to Residential Dwellings" at Section A and then has a specific set of policies for Rear Extensions at Section B. The relationship with adjacent dwellings is in my view satisfactory as the development is no closer to No 3 than the approved extension and the height of the extension is not harmful. The extension is subordinate to the main dwelling. The Council has not alleged loss of outlook to neighbouring occupiers. The extension is therefore not contrary to Section A. Section B deals specifically with Rear Extensions and refers to development dimensions.
12. The extension does not exceed 3 metres in height and there is no agreement to whether it exceeds 4 metres in depth. In the circumstances, given the size of the remaining garden and the relationship with the host dwelling and surrounding properties, I do not consider that the extension as built would harm the character and appearance of the host dwelling even if the depth is 4.33 metres. The addition of a roof lantern is not a material difference to the approved building and does not create harm given its location.
13. Whilst the Council is not alleging impact upon any wider area, the Council took into account the location of the garage at No 3 when assessing the overall scale of the approved extension. The extension does not extend beyond the garage and as the garage is taller than the boundary fence, wider views are limited and it does not harm the character and appearance of the area provided that the extension is finished with rendering.
14. There is one objection from a nearby resident who has supplied photographs which include the unfinished appearance of the breeze block walls to both sides

of the appeal site. At my site visit, I could see the relationship between the appeal site and the dwellings and gardens at No 1 and 3 as the boundary fences between those properties and the appeal site are not particularly high. Whilst the objector considers that the development is too close to the boundary to No 3, the Council has not alleged that the extension is any wider than the previously approved building.

15. The Council has confirmed that the breeze block wall to the other side of the development closest to No 7 is not part of the notice. However, the appellant has indicated that he would render both walls in the event of planning permission being granted and a condition to add render to the wall closest to No 3 could be imposed to improve the visual appearance of the extension.
16. Whilst a photograph of development permitted at 8 Ashley Close has also been provided, I do not have all the details of that appeal. Whilst the objector is concerned that there is a pattern of not complying with approvals, it remains the case that each proposal has to be assessed based upon its particular location and circumstances. For the same reasons, a grant of planning permission as part of this appeal does not create a precedent for other applications.
17. I therefore do not find that the extension harms the character and appearance of the host dwelling or the character of the surrounding area subject to appropriate conditions. Given the extent of compliance with Policy DMHD1 as a whole, I do consider that it is appropriate to grant planning permission in these particular circumstances. The extension is not contrary to Policy DMHB 11 of Part 2 which refers to harmonising with the local context. It is also not in breach of Policy DMHB 12 Streets and Public Realm which states that development should be well integrated with the surrounding area and be accessible.

Conditions

18. Conditions were imposed on the previous planning permission and the parties have suggested two similar conditions. The first condition requires external surfaces of the approved building to be rendered to match existing external surfaces of the dwelling. This condition is necessary to address the need for render on any unfinished surfaces particularly on the side wall with No 3 where breeze blocks are exposed. The condition is necessary in order to ensure that the approved extension does not have an adverse effect upon the appearance of the building or harm the visual amenity for neighbours. As the development is retrospective, the wording of the condition needs to include the sanction of demolition in the event of non-compliance. Both parties are in agreement with that course of action.
19. The second condition restricts access to the roof of the extension for maintenance and emergency purposes only and prohibits use as a roof garden, terrace or similar amenity area. This condition is necessary in the interests of protecting living conditions of nearby occupants.

Conclusions on ground (a)

20. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice and refuse to

grant planning permission on the other part. The requirements of the upheld notice will cease to have effect as far as they are inconsistent with the permission which I will grant by virtue of s180 of the Act.

Ground (f) appeal

21. Section 174(2)(f) of the Act states that an appeal may be made on the ground that the steps required by the notice to be taken, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. However, the appellants ground (f) appeal seeks a variation of the requirements to delete the requirements relating to the extension. However this is a request for planning permission which I have already addressed under ground (a). The appeal under ground (f) therefore no longer falls to be determined as it relates only to the extension which will be granted planning permission subject to the conditions as part of this appeal.

Ground (g) appeal

22. This ground of appeal is that the time given to comply with the requirements is too short. In seeking a longer period of 6 months, the appellant has not distinguished between the two elements of the development. Whilst the appellant states that the costs of work could potentially result in financial hardship, no further details are supplied. As the canopy is made of wood and perspex and the requirement is demolition, I do find that the current time scale of 3 months is reasonable. The appeal under ground (g) fails.

Formal Decision

23. The appeal is allowed in part 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 erection of a single storey side/rear extension (as shown in the approximate position hatched blue on the attached plan) on the land at 5 Woodford Crescent, Northwood, Pinner, HA5 3TZ referred to in the notice, subject to the following conditions:

- 1) Unless within 3 months of the date of this decision, the external surfaces of the single storey side/rear extension hereby approved have been rendered to match the external surfaces of the original dwelling, the single storey side/rear extension shall be demolished and all resultant materials removed from the site.
- 2) Access to the flat roof over the rear extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

The remaining part of the appeal is dismissed, the enforcement notice is upheld and planning permission is refused in respect of the application deemed to have been made under Section 177 (5) of the 1990 Act for the wraparound canopy extension on land at 5 Woodford Crescent, Northwood, Pinner HA5 3TZ.

E. Griffin

INSPECTOR