



Appeal Decision

Site visit made on 11 May 2023

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th MAY 2023

Appeal Ref: APP/R5510/C/22/3297608

77 St. Georges Drive, Ickenham UB10 8HP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Przemyslaw Jasek against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice, referenced HS/ENF/019925, was issued on 15 March 2022.
- The breach of planning control as alleged in the notice is that without planning permission, the erection of two rear dormer windows, installation of insulated white render (external wall insulation) to external elevations and installation of roller shutters to windows of dwellinghouse.
- The requirements of the notice are to:
 - i. Demolish and remove the TWO rear dormer window extensions as shown annotated in blue in Appendix 1 attached to the Enforcement Notice.
 - ii. Remove the insulated white render (external wall insulation) from the external surfaces of the dwelling house.
 - iii. Remove the roller shutters from all windows within the dwelling house.
 - iv. Remove from the land old debris items building materials resulting from compliance with points (i) to (iii) above.
- The period for compliance with the requirements is three (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.

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

Background and Preliminary Matters

1. The planning history indicates a Lawful Development Certificate for a proposed conversion of the roof from hip to gable with a window was approved in December 2019¹. From the evidence before me, it is understood that the hip to gable proposal did not include any rear dormers. The appellant has also applied for the retention of the insulated white render, a new window, PV panels, a replacement fence and roller shutters, but the application was refused and dismissed at appeal². The planning application and subsequent appeal did not consider the dormers as part of the assessment.
2. Following the dismissed Section 78 appeal, the Enforcement Notice (Notice) referenced HS/ENF/019925, was issued and requires the removal of the two dormers, the insulated white render and roller shutters on windows. Based on the plans referenced EL/100/01 Rev 06 submitted with the appeal and the appeal statement, planning permission is sought on ground (a) for the two rear

¹ Council reference 12943/APP/2019/3504

² APP/R5510/D/21/3280123

dormers that form part of the allegation in the notice. Furthermore, the appellant also proposes to add brick detailing to the main house and porch as part of the scheme to retain the rendering and roller shutters.

3. Section 177(1)(a) of the Town and Country Planning Act 1990 only allows the grant of planning permission in respect of matters stated in the enforcement notice as constituting a breach of planning control whether in relation to the whole or any part of those matters.
4. The scheme that was dismissed at appeal was alike the scheme set out on the plans referenced EL/100/01 Rev 06, but the dormers were not considered as part of the assessment, and it did not include brick detailing on the porch and main dwelling. While the scheme shown on the plans would involve additional works (adding the brick detailing to the dwelling and porch), these would be very minor works and would relate to part of the matters alleged. The details were submitted as part of the appeal submissions and all parties had the opportunity to comment on the changes.
5. Therefore, I shall consider the alternative scheme under s177(1)(a), and no injustice would be caused in me doing so.

Enforcement Notice

6. Requirement (i) under paragraph 4 of the Notice indicates that the two dormers to be removed are shown 'annotated in blue in Appendix 1'. However, the dormers are edged in a blue on the photograph in Appendix 1. Therefore, for clarity, I shall correct the notice by substituting the reference to 'annotated' in requirement (i) with reference to 'edged'. I am satisfied that such a correction would not cause injustice in this case.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

7. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

Character and Appearance

8. The appeal property at 77 St. Georges Drive is a detached two storey dwelling fronting the road. The dwellings on the St. Georges Drive are primarily detached dwellings with a consistent building line, set behind open driveways or gardens. The dwellings, for the most part, have hipped roofs and two storey front gables with bay windows, finished in brown brick and hanging tiles. Several of the properties have extended into the roof space, and there are examples of hip to gable roof extensions. Despite this, the scale, form and appearance of the dwellings have largely been maintained, which together with coherent design features and materials provide a distinct character and uniformity.
9. The appellant has provided plans, which show quoined brickwork on the corners of main dwelling, a brick plinth and brickwork over the porch. The white render finish to the appeal property has been completed to a high standard and with the installation of brick detailing, the finishes to the building in isolation are not objectionable.

10. However, in terms of its effect on the area, the white rendered dwelling significantly contrasts with the consistent brown brick and tile hung materials used within the St. Georges Drive. Although the brick detailing would correspond to the prevailing finish in the area, the white render would still be the dominant finishing material. In this regard, the brick detailing would not significantly alter the appearance of the white rendered property. Furthermore, there is no change to the roller shutters, which particularly when shut, appear utilitarian and industrial in their appearance, which is at odds with the character and appearance of a dwelling in a residential area.
11. As such, the development would be at odds with the coherent materials that add value to the distinct character and uniformity to the area. The dwelling with these finishes would be visually obtrusive and unduly prominent, detracting from the character and appearance of the area. I note that there are dwellings in proximity, which have a rendered white finish. However, these properties are on an alternate street where there is a clear transition in style and finishing from the dwellings located on St. Georges Drive. Accordingly, the existence of the white rendered dwellings nearby does not alter my conclusions on this issue.
12. In respect of the two dormers, these works are quite distinct and separate to the other works alleged in the Notice. The two dormers are flat roofed and finished in materials to match the main roof. Although I appreciate that the dormers have been added to a hip to gable roof extension, the formation of two smaller dormers rather than one larger dormer breaks up the scale and massing of the development. Furthermore, the dormers are small, subservient and sit comfortably within the extended rear roof plane. Due to their scale and position on the rear roof plane, the dormers are also not prominent from public vantage points on St. Georges Drive or adjoining streets.
13. Accordingly, the two dormers are appropriately designed and finished and do not adversely impact upon the scale, form or appearance of the existing dwelling or the wider character and appearance of the area.

Conclusion on Ground (a) and the Deemed Planning Application

14. I have found that the two dormers do not adversely impact on the character and appearance of the site or surrounding area. As such, they do not conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (Local Plan 1) and Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part 2: Development Management Policies 2020 (Local Plan 2). These policies, amongst other things, state that roof extensions should be located on the rear and be subservient to the scale of the existing roof. Also, development should maintain the quality of the built environment by ensuring development harmonises with the local context and has no adverse impact on the character, appearance, or quality of the wider area.
15. However, the white render finish, with or without the proposed brick detailing, and the roller shutters cause harm to the character and appearance of the site and surrounding area, conflicting with Policy BE1 of the Hillingdon Local Plan 1, Policies DMHB11, DMHB12 and DMHD1 of the Local Plan 2, and Policies D3 and D6 of the London Plan (2021). Again, these policies seek development that is high quality in design and harmonises with the area.

16. The rendered finish, brick detailing and roller shutters would also be contrary to the design policies set out in Section 12 of the National Planning Policy Framework, all of which seek a high standard of design which respects the local context.
17. For the reasons given above, I conclude that the appeal should succeed in part only; and I will grant planning permission for the two dormers subject of the enforcement notice, but otherwise I will uphold the notice with a correction and refuse to grant planning permission on the white insulated render and roller shutters. The requirements of the upheld notice will cease to have effect so far as it is inconsistent with the permission, which I will grant by virtue of s180 of the Town Country Planning Act 1990.

Other Matters

18. For clarity, the approval of the rear dormers does not grant consent for their respective roller shutters, which would need to be removed to comply with requirement (iii) of the upheld notice.
19. I recognise that the works were undertaken to improve the energy efficiency of the house. However, this benefit does not outweigh the harm to the character and appearance of the property and the local area that I have identified.

Conditions

20. The dormer windows as built are acceptable, subject to the removal of the roller shutters as required by step (iii) of the requirements. The Council has not suggested that any planning conditions should be imposed were I to find the scheme acceptable, and I find that none are necessary.

Formal Decision

21. It is directed that the enforcement notice is corrected by:
22. In paragraph 4 (i), *the deletion of the word 'annotated' and its substitution with the word 'edged'*.
23. Subject to the correction, the appeal is allowed insofar as it relates to the two rear dormers edged in blue on Appendix 1 of the notice. Planning permission is granted for the two dormers on the application deemed to have been made under section 177(5) of the 1990 Act as amended, at 77 St. Georges Drive, Ickenham UB10 8HP.
24. The appeal is dismissed, and the enforcement notice is upheld as corrected insofar as it relates to land edged red where planning permission is refused in respect of the insulated white render (external wall insulation) to external elevations and installation of roller shutters to the windows of dwellinghouse at 77 St. Georges Drive, Ickenham UB10 8HP, deemed to have been made under section 177(5) of the 1990 Act as amended.

M. P. Howell

INSPECTOR