

Appeal Decision

Site visit made on 7 June 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/R5510/D/23/3317700

10 St Luke Close, Uxbridge, UB8 3SN

- 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 Nirmal Ahuja against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 36391/APP/2022/2104, dated 30 June 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the erection of a two storey side/rear extension and a single storey rear extension. Roof light located on rear roof slope with the demolition of outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side/rear extension and a single storey rear extension. Roof light located on rear roof slope with the demolition of outbuildings at 10 St Luke Close, Uxbridge, UB8 3SN in accordance with the terms of the application Ref 36391/APP/2022/2104, dated 30 June 2022, subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. The original application attracted considerable local opposition, including petitions. I note too that the application was considered by Planning Committee twice, and that a decision was taken only following a members' site visit.
3. Concern has been expressed in some quarters that the extended dwelling, were permission granted for the extensions, may be used in future as a House in Multiple Occupation (HMO). However, as explained in the officer report on the application and to members by the Chair of Planning Committee, a separate planning permission would be required for such a change of use, should it be contemplated, having regard to the Article 4 direction in force locally.
4. Accordingly, I cannot base my decision on conjecture. My duty is to determine the appeal on the basis that it involves operational development alone. I shall proceed on that basis.

Main issue

5. The main issue is the effect of the proposal on the character and appearance of the host property and its surroundings.

Reasons

6. The appeal property is a brick-built, end of terrace dwelling sited within a quiet cul-de-sac. The extension would elongate the terrace, as was done many years ago at the other end, but as has been pointed out, local policies and guidance have changed since the other extension was permitted.
7. The sole reason for refusal contends that *'the proposed side extension, by virtue of its width, scale and bulk would fail to be subordinate to the host dwelling, resulting in an oversized and disproportionate addition which would harm the character and appearance of the host dwelling and wider streetscene'*.
8. Judging from this and the minutes of both Planning Committees, of particular concern to those members who voted not to accept the officer recommendation to approve was the size of the proposed side extension. In this regard the width of the extension was regarded as conflicting with one of the criteria of policy DMHD 1¹, which provides that *'side extensions should not exceed half the width of the original property.'* Members were informed that the proposed width was 1.3m or so more than what it should be if the criterion were strictly applied.
9. Whilst the Council's reason for refusal is set down in the decision notice, some residents expressed other concerns. I saw that the dwelling sat in a large plot, and I have little doubt that the plot would be capable of accommodating the extensions sought whilst allowing sufficient space for the reasonable amenity and parking requirements of its future occupants. I also consider that the extensions could be carried out without materially affecting the living conditions of neighbouring residents, including those in St Nicholas Close, some of whom were signatories to the submitted petitions, and the Council does not suggest otherwise.
10. To my mind, the extension is acceptably designed, in that it reflects the design, appearance and materials of the other dwellings comprised in the terrace, taken as a whole. In time, I am confident that, if built, it would assimilate seamlessly and harmoniously into the street scene, just as the extension at the other end of the terrace has done. The side extension will therefore, to my mind, sit acceptably in its visual and spatial context without causing harm. This is a significant material consideration which attracts substantial weight and indicates to me that it is not necessary in this case to adhere strictly to the DMP policy DMHD 1 criterion in respect of widths of extensions.
11. I therefore conclude that the proposal would not result in harm to the character and appearance of the host property or its surroundings. Accordingly, the proposal accords with those provisions of policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies and those provisions of DMP policies DMHB 11 and DMHD 1 directed in combination to ensure that house extensions are well designed and reflect local character.

Conditions

12. The Council has suggested the imposition of some conditions. The suggested condition in respect of materials shall be imposed in the interests of visual

¹ Of the Hillingdon Local Plan: Part Two – Development Management Policies (DMP)

amenity. In the interests of certainty, it is necessary that the development should be carried out in accordance with the approved plans.

Other matters

13. All other matters raised in the representations have been considered, including the views of local residents. I note that officers prepared a lengthy report which dealt comprehensively with the points raised, and I share the view of officers in all respects for the same reasons. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1, 2, 3, 4, 5, 6, 7, 8 & 10.
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.