



Appeal Decisions

Site visit made on 15 August 2023

by R Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal A Ref: APP/F5540/C/22/3301346

Appeal B Ref: APP/F5540/C/22/3301347

75 Lampton Road, Hounslow TW3 4DH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Sylvan Golden (Appeal A) and Ms Celia Golden (Appeal B) against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The enforcement notice, numbered BWR/2020/00309, was issued on 20 May 2022.
- The breach of planning control as alleged in the notice is Without planning permission, the erection of a front dormer, front roof extension and rear roof extension.
- The requirements of the notice are i) Demolish the front dormer; ii) Demolish the front roof extension; iii) Demolish the rear roof extension; iv) Restore the roof to a pre-development condition; v) remove all resultant debris from the land.
- The period for compliance with the requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (c) and (f) 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. Appeal B is proceeding on the grounds set out in s174(2)(c) and (f) of the 1990 Act.

Summary of Decisions: Appeal A is allowed, the enforcement notice is quashed , and planning permission is granted in the terms set out below in the formal decision. Appeal B is dismissed but the enforcement notice is not upheld.

The appeals of ground (c)

1. The appeals are that the matters alleged in the notice do not constitute a breach of planning control. The appellants' case is that, if the building had not been a rental property, then the alleged developments would have constituted permitted development in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
2. Within their respective statements the Council say the building has been divided into flats and the appellants accept that it is a rental property, ineligible for permitted development. I have no evidence to indicate that the building is not in use as flats. Flats would not benefit from permitted development rights for the development subject to the notice. Therefore, on the balance of probability, the development constitutes a breach of planning control for which planning permission should have been sought. The ground (c) appeals fail.

Appeal A on ground (a)

Main Issue

3. The ground (a) appeal is that planning permission should be granted for the alleged development. The main issue is the effect of the development on the character and appearance of the original building and the wider area.

Reasons

4. Lampton Road is characterised by very diverse architectural form, and includes large detached, two-storey buildings with gabled frontages (as per the appeal building), more modern houses and substantial flat blocks at varying heights. There are nearby buildings that incorporate dormer windows and mansard designs (or similar forms) in front elevation roofs. The surrounding parts of the street lack a strongly defined building line, with buildings set back from, and angled in relation to, the highway to varying degrees. The verdant nature of the street scene, by contrast, serves as a unifying factor in relation to the architectural diversity, and as such is a key part of the street's character.
5. The works to the front elevation roof comprise a mansard-style alteration to the sloping pitches behind the front gable, with the alterations situated behind the gable wall itself. To the side of the gable, set within the forward facing roof slope is a relatively small dormer extension, with apex roof. Both developments are finished in black synthetic tiles.
6. The mansard extension is set back from the frontage of the property and, from direct views of the front, is substantially screened by the gable wall. Though visible from more oblique side angles further along the street, the form and dark colouring of the structure, together with the presence of intervening tall vegetation, when viewed from the north, and the neighbouring building, when viewed from the south, gives it a recessive appearance to which the eye is not naturally drawn. Whilst the mansard roof, set behind the gable wall, is in itself an unusual design combination, the development does not appear incongruous or obtrusive within its surroundings.
7. The small front dormer window appears as a proportionate and subordinate feature in relation to the dominant front gable wall. To my mind this development does not appear as an alien feature that is unsympathetic to the original dwelling or its surroundings.
8. In considering the rear dormer extension I have had regard to the Council's Residential Extension Guidelines 2017 (SPD). This sets out that on larger detached houses, dormer extensions should be set in from the sides and the eaves and ridge levels by at least one metre. There can be no doubt that the rear dormer extension is substantial in scale. Whilst the structure is marginally above the eaves level of the property and does not appear to be built off the side parapet walls, it does occupy almost all of the rear roof slope.
9. However, I am mindful it was apparent from my visit that visibility of the structure within the public domain is limited. Because the adjacent building to the north is significantly set back from the highway, the rear dormer can be viewed from the side along Lampton Road. However, the view would be limited to a fleeting glimpse, and from this perspective the structure does not dominate the overall proportions of the main building.

10. The entirety of the structure is more apparent, viewed from a driveway to the south of the appeal site, which leads to a 'backland' development of dwellings. From here the full scale and geometric proportions of the structure are apparent, which can be seen to dominate the roof space.
11. However, critically it seems to me that the form of the building's rear elevation (below the dormer) is already substantially obscured by intervening buildings or structures and by an existing and lengthy double storey rear extension at the appeal property itself, with the latter structure substantially screening views of the dormer from the rear garden of the appeal property. Therefore, in relation to the rear of the existing building as a whole, the dormer does not draw the eye as a disproportionate feature. When also taking into consideration that the driveway view is unlikely to be seen by a large number of people, and also the variety of architecture in the surrounding area, I am not persuaded that the development results in harm to the character of the area.
12. The structures subject to the notice are finished in black synthetic tiling. When taking account of the diverse context of the surroundings, and the degree of visibility of the structures, though darker in appearance, I am satisfied the material is sufficiently in keeping with the natural slate used on nearby buildings.
13. For the reasons set out above, I consider that the developments do not harm the character and appearance of the overall building design. Neither do they interrupt any strong sense of uniformity in the street scene. I conclude that the character and appearance of the area is unharmed. Accordingly the developments do not conflict with Policies CC1, CC2 or SC7 of the Hounslow Local Plan 2015 insofar as they seek to secure high quality design that has regard to the character and context of the surrounding area and is well integrated into its surroundings. Whilst the rear dormer extension does not accord with a strict application of scale guidelines in the SPD, I nevertheless find it to be acceptable when taking into account the aforementioned circumstances.

Conclusion

14. Appeal A succeeds on ground (a) and the deemed planning application is approved. The notice will be quashed, and it follows that Appeals A and B on ground (f) do not fall to be considered.

Formal Decisions

Appeal A

15. Appeal A is allowed, the enforcement notice is quashed 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 development already carried out, namely the erection of a front dormer, front roof extension and rear roof extension at 75 Lampton Road, Hounslow TW3 4DH as shown on the plan attached to the notice.

Appeal B

16. The appeal on ground (c) is dismissed, but the enforcement notice is not upheld. I take no further action in respect of Appeal B.

R Merrett

INSPECTOR