The Planning Inspectorate

Appeal Decision

Site visit made on 20 September 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/R5510/D/23/3315342
School House, Clifton Gardens, Hillingdon, Uxbridge UB10 0EZ

- 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 Ruin Khayri against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 77149/APP/2022/1937, dated 17 June 2022, was refused by notice dated 2 November 2022.
- The development proposed is described as extensions to existing dwelling to include: rear single storey and two storey extension, side extension to both sides of existing dwelling. New roof with raised ridge and use of roof space as accommodation over existing dwelling. Extended residential parking area to street frontage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:

   - whether the proposal would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
   - the effect on the openness of the Green Belt;
   - the effect of the proposal on the character and appearance of the host building and surrounding area; and
   - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions, including c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Annexe 2 of the Framework defines the original building as being as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. Policy DMEI 4 of the London Borough of Hillingdon Local Plan Part Two Development Management Policies document (LPP2) advises, amongst other things, that inappropriate development in the Green Belt will not be permitted unless there are very special circumstances. It goes on to state that extensions will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and the purposes for including land within it, than the existing development. In this respect, Policy DMEI 4 of the LPP2 is consistent with the Framework.

6. The Framework nor the LPP2 provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.

7. It is acknowledged by the appellant that the proposed works would result in a significant increase in the size of the existing dwelling. The Council have calculated the proposed works would result in a cumulative increase in floorspace of 202.82% over and above that of the original dwelling and a 153.62% increase in volume. These figures are not disputed by the appellant. Taken together, these increases would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.

8. Consequently, I find that by reason of the resultant disproportionate additions, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with LPP2 Policy DMEI 4, and Paragraph 149(c) of the Framework.

Openness of the Green Belt

9. The Framework states that the essential characteristics of Green Belts are their openness and permanence. An assessment of openness requires consideration of both spatial and visual aspects.

10. The proposed works would see the height of the property increased by a modest degree with a substantial increase in the footprint of the property. The introduction of the two-storey side extensions would substantially reduce the gap between the appeal building and the buildings to either side, even when taking into account the intervening access road. The proposed two-storey rear extension and single-storey additions would be less visible from the road but would still be prominent from the nearby parking area, service yard and sports

fields at the rear. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced.

11. Although the appeal property benefits from a well-sized plot and is sited between built development it would still result in a reduction in openness contrary to the fundamental aim of the Framework.

Character and appearance

12. Clifton Gardens, when accessed from Long Lane up to the appeal building, is characterised by modest semi-detached dwellings set in commensurate plots with interest provided by gables and detailing to the front elevation. This gives the area a pleasant suburban character. Notwithstanding the appeal dwelling and adjacent school building, this suburban character abruptly transitions close to the appeal site to a more open verdant character with playfields and further educational buildings beyond. As a result, there is a mixed character to the area, with built development found on one end of Clifton Gardens and verdant open spaces on the other.

13. The appeal property occupies a position close to the edge, but inside of the Green Belt boundary. Unlike nearby properties, it is separated from dwellings by a larger gap and has a different appearance, albeit it is still of a traditional appearance in keeping with these nearby properties. On the opposite side of the appeal building, separated by an access road, is a detached flat-roofed educational building. These features give the appeal building a somewhat detached appearance from the dwellings found on this section of Clifton Gardens and also from the educational building. This more isolated appearance contributes to the transition from built form to the more open verdant fields beyond the adjacent educational building.

14. The proposed development would see considerable work to the property, including increasing its height to incorporate roof dormers and multiple two-storey, and single-storey extensions. In addition, the proposal would incorporate render and a predominantly glazed large front gable that would have a contemporary appearance.

15. The proposed increase in ridge height would mean the height of the property would be comparable to 68 Clifton Gardens and other nearby dwellings. It would also be below the height of the adjacent educational building. Additionally, the side extensions would be set slightly below the new ridge height of the host building.

16. However, the proposed two-storey side extensions would inelegantly elongate the dwelling in a way that would not appear subservient or subordinate to the host property. The staggered roof form would appear contrived and would not soften the presence of the bulky extensions, which would be a jarring form out of proportion with the host property. This would result in the extensions having a competing and overpowering impact when considered relative to the massing and scale of the existing property. As such, they would be unsympathetic to and at odds with the host building, even when taking into consideration that one side of the dwelling presently has a low-level side extension. This incongruous and jarring appearance would be highly visible along Clifton Gardens.

17. Additionally, the two-storey rear extension given its scale and positioning in conjunction with the side extensions, would not respect the modest architectural form of the building and would introduce a discordant addition that would be highly visible from the playing fields, service yard and car park to the rear.

18. Taken as a whole, the extent of works, wrapping around much of the building, would be significantly at odds with the host dwelling in terms of its form, scale, massing and use of materials. It would therefore fail to respect the existing property. Additionally, the sharp contrast between size, scale, massing and contemporary design with nearby dwellings' more traditional architectural styles would be an unsympathetic and harmful change to the street scene. This harmful effect is not overcome by the presence of the nearby educational building, which despite its scale and form, has a functional appearance associated with its use.

19. Notwithstanding the harm I have identified above, the appeal property sits within a well-sized plot. When viewed from the front, a comparatively sized gap, to other dwellings on Clifton Gardens and the educational building would remain such that the development would not appear unduly cramped within the plot.

20. I conclude that the proposed development would significantly harm the character and appearance of the host building and the wider area. It would fail to accord with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies and Policies DMHB 11, DMHB 12 and DMHD 1 of the LPP2. These policies, when taken together and, amongst other things, seek to ensure that new development responds to the identity and harmonises with the context of the area through high-quality design. It would also be contrary to the Framework, where it states developments should be sympathetic to local character.

Other Considerations

21. In terms of benefits, it has been put to me by the appellant that the extension would provide additional space for the appellant's extended family. However, personal circumstances will seldom outweigh more general planning concerns. As such, I afford this consideration only limited weight within the decision.

22. The appellant has stated that permitted development rights have been unreasonably removed from the property under a previous application for a change of use[1]. I do not know the full circumstances related to the removal of the permitted development rights. However, whilst I accept that such rights may have allowed for certain forms of development, the appeal site does not benefit from such rights, and I have therefore afforded no weight to this matter.

23. In support of the application, the appellant has brought my attention to the development in the rear garden of No 68 that extends to the boundary. Whilst I do not have full details of this scheme, I note that it is single-storey and located outside of the Green Belt. In this regard, the example's design and location are materially different to the appeal proposal, and therefore I cannot draw any direct comparison that weighs in favour of the proposal.

[1] Application ref: 3505/APP/2021/1741

24. The Council found that the proposal would not harm highway safety. I have no reason to disagree. However, this matter is neutral in my consideration.

Other Matters

25. The appellant has questioned the site's location with the Green Belt. However, I have a duty to consider the appeal proposal on its merits, including the site's location within the Green Belt.

Conclusion

26. The proposed development would be inappropriate development in the Green Belt resulting in a small loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the host building and wider area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

27. Given the substantial weight to be given to Green Belt harm combined with the other identified harm and the limited benefit of the proposed scheme, the harm is not clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

A Hickey

INSPECTOR