



Appeal Decision

Site visit made on 20 February 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/R5510/C/22/3313928

60 Gade Close, Hayes UB3 3PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Mustafa Ahmadi against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 24 November 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an extension to the front of the property.
 - The requirements of the notice are: (i) Demolish the front extension situated in the approximate position shown hatched in blue on the plan attached to the notice and return to pre-existing condition. (ii) Remove from the land all debris, waste, building materials, plant, equipment and machinery resulting from the demolition works listed above.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds 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.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. This Decision takes into account the revised National Planning Policy Framework published on 19 December 2023.

Main Issues

3. The main issues in this appeal are:
 - The effect of the extension on the character and appearance of the dwelling and the surrounding area.
 - The effect on the living conditions of the existing and future occupiers of neighbouring residential property, having regard to outlook.

Reasons

Character and appearance

4. The appeal property contains one of a pair of modern, two-storey semi-detached dwellings. The dwelling, which has been significantly enlarged at the rear, originated with a porch on the principal elevation. The porch provides an

appreciable sense of articulation to the principal elevation of the dwelling. Together with the neighbouring porch of similar size, roof form and external materials, the porch also contributes significantly to the well-balanced appearance of the pair of dwellings.

5. The property occupies a corner plot on a small residential estate. Dwellings in the locality exhibit considerable similarities in terms of their scale, design and external materials and are generally arranged close together, either in pairs or terraces, set back varying distances from the street behind modest front garden areas. Porches of similar scale and design are reiterated on a number of dwellings throughout the street, either alongside one another or at the ends of pairs and groups of dwellings. These factors contribute appreciably to the pleasant and harmonious if otherwise unremarkable residential character and appearance of the surrounding area. Extensions to the principal elevations of properties in the locality, including enlarged porches, generally respect and reflect the established characteristics of surrounding development.
6. The enforcement notice attacks an extension to the porch. The extension front wall is aligned with that of the porch. The extension incorporates a similar lean-to roof form to the porch and spans the principal elevation of the dwelling at ground floor level between the porch and the corner with the side elevation. Given its overall width, together with the similar depth and height to the porch, the extension is viewed as an addition of significant scale in relation to the principal elevation. The extension has subsumed a substantial portion of the principal elevation, in doing so appreciably eroding the sense of articulation previously apparent at the front of the property. This has resulted in a significant alteration to the appearance of the dwelling, as well as creating a more unbalanced feel at the front of the pair of semi-detached properties.
7. Furthermore, the lighter and redder tones of the bricks on the external walls of the extension are noticeably different in colour to the darker, more red-brown shades of brickwork on the original dwelling, including the porch. The result is an appreciable mismatch between the external wall materials of the original dwelling and those of the extension. Along with the size and position of the window, which does not reflect the fenestration in the principal elevation, this accentuates the failure of the extension to successfully assimilate with the dwelling. Consequently, the extension is lacking key attributes of a subordinate or sympathetic addition, not sitting comfortably on the principal elevation and not relating well to the dwelling and the pair of properties.
8. The principal elevation overlooks a shorter arm of the street. Even so, having regard to the modest front garden area at the property the extension is readily apparent in public views, particularly when approaching from the street along the longer arm. Given its unfortunate visual qualities identified above the extension is seen as an alien feature in relation to its surroundings, being entirely at odds with the characteristics of the dwelling and the neighbouring attached property, as well as those of the prevailing local pattern of development.
9. An addition to the porch at 49 Gade Close, similar in size to the extension, was erected following the planning permission granted at appeal in 2010 which also included first floor side and single storey rear extensions¹. The extension does not compare favourably to the addition at No 49, however. That addition does

¹ Appeal Ref: APP/R5510/D/10/2126490.

not affect a significant portion of the principal elevation. The use of suitable external materials and careful detailing also helps to successfully integrate the addition with its host dwelling and the built surroundings. Also, No 49 occupies a different situation, being located at the end of a lengthy terrace where attached properties are set back varying distances from the street.

10. Therefore, the extension has unacceptably and harmfully eroded the character and appearance of the dwelling and that of the surrounding area. This is in conflict with Policy BE1 of the Hillingdon Local Plan Part 1-Strategic Policies (LP Part 1) which requires development to be of high-quality design, including by enhancing local distinctiveness, contributing to a sense of place and making a positive contribution to the locality in terms of scale and materials. It also conflicts with Policy DMHB 11 of the London Borough of Hillingdon Local Plan Part 2-Development Management Policies (LP Part 2), which requires development to be designed to the highest standards by, amongst other things, harmonising with the local context and using high quality building materials and finishes.
11. Furthermore, the extension conflicts with LP Part 2 Policy DMHD 1. This requires residential extensions to, amongst other things, have no adverse cumulative impact on the character, appearance and quality of the existing street or wider area, to appear subordinate to the dwelling in their floor area, width, depth and height and to respect the design of the original dwelling using matching materials. It also requires front extensions to be minor, not altering the overall appearance of the dwelling nor dominating the character of the street and not extending across the entire frontage, with porches being subordinate in scale and individually designed to respect the character and features of the original building.

Living conditions

12. Having regard to the significant distance from the attached neighbouring property and to other dwellings nearby, the extension has had little discernible effect on the levels of outlook enjoyed in the habitable rooms and private gardens of those properties. Consequently, there has been no unacceptable harm to the living conditions of the existing and future occupiers of neighbouring residential property. It follows that there is no conflict with the requirements of LP Part 1 Policy BE1 or criteria in LP Part 2 Policies DMHB 11 and DMHD 1 in that respect. However, an absence of harm is a neutral factor which weighs neither for nor against the granting of planning permission.

Conclusion

13. The extension has caused unacceptable harm to the character and appearance of the dwelling and of the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, for the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

Stephen Hawkins

INSPECTOR