



Appeal Decision

Site visit made on 5 March 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/R5510/C/23/3315275

80 Park Lane, Hayes UB4 8AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Prestbury Property Investments Ltd against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 19 December 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the development of a 4-metre ground floor rear extension.
 - The requirements of the notice are: (i) Demolish and remove the unauthorised ground floor rear extension. (ii) Remove from the land all debris, waste, building materials, fixtures and fittings, 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) 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.
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Decision

1. The appeal 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 4-metre ground floor rear extension on land at 80 Park Lane, Hayes UB4 8AE referred to in the notice, subject to the following condition:
 - 1) Unless within two months of the date of this decision all the external walls of the extension hereby permitted, including the side wall adjacent to the boundary with the adjoining property at 82 Park Lane, have been rendered and painted to match the external walls of the dwelling, the extension shall be demolished and all of the resulting demolition materials removed from the site. The external walls of the permitted extension shall thereafter be maintained to match the external walls of the dwelling.

Preliminary Matter

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

Ground (a) appeal

Main Issue

3. The main issue in this ground of appeal is the effect of the single storey rear extension on the living conditions of occupiers of neighbouring residential property, having regard to outlook.

Reasons

Living conditions

4. The appeal property contains an enlarged two storey, semi-detached dwelling. The enforcement notice attacks a single storey, flat roof extension erected at the rear of the dwelling. The extension is of a similar width to the dwelling and protrudes about 4 metres from the original rear elevation. In November 2021, the Council determined that prior approval was not required to erect a 4m single storey extension at the rear of the dwelling with a maximum height of 2.83m¹. There is no dispute that, the top part of the parapet wall being around 3.5m above ground level, the extension is taller than in the above scheme.
5. The extension is of a similar depth to in the prior approval scheme, protruding slightly less than 0.5m beyond the single storey addition at the rear of the neighbouring attached dwelling, 82 Park Lane (No 82). Notwithstanding the increase in height, the scale of the extension is not dissimilar to that in the prior approval scheme. The increased height is not of sufficient magnitude to make the extension appear appreciably more obtrusive or oppressive when viewed at the rear of No 82 compared to the prior approval scheme, nor has it led to the occupiers of No 82 experiencing an appreciably greater sense of enclosure by built form in outward views. Similar considerations apply in relation to the effect on the outlook of other neighbouring residential properties, which are further from the extension.
6. The extension has two external walls that are rendered and painted to match the external walls of the dwelling. However, as the side wall adjacent to the addition at No 82 currently comprises unfinished concrete blocks, the extension has an incomplete and somewhat unsightly appearance in views from the neighbouring property. This contributes to an erosion in the level of outlook otherwise enjoyed by the occupiers of No 82. There is little sound reason to indicate why the side wall could not also be rendered and painted to match the external walls of the rest of the dwelling. Doing so would assist in minimising the effects of the extension on the level of outlook enjoyed by the neighbouring occupiers and could be secured through a suitable planning condition.
7. Therefore, the extension has not led to a significant and harmful erosion in the levels of outlook otherwise enjoyed by the occupiers of neighbouring residential property and there is no unacceptable harm to their living conditions. It follows that the extension accords with Policy DMHD 1 of the London Borough of Hillingdon Local Plan Part 2-Development Management Policies (LP), which requires residential extensions to ensure that a satisfactory relationship to adjacent dwellings is achieved and that there is no unacceptable loss of outlook to neighbouring occupiers. Furthermore, by having no adverse impact on the amenity of adjacent properties the extension accords with LP Policy DMHB 11.

¹ Council Ref: 76779/APP/2021/3617

Other Matters

8. Building works allegedly undertaken during unsocial hours, associated noise and disturbance and alleged damage to neighbouring property are not planning matters and so cannot be considered in this appeal.

Conditions

9. After seeking the views of the main parties, I shall impose a condition requiring all external walls of the extension, including the side wall adjacent to No 82, to be finished to match the external walls of the dwelling within the next two months. This condition is necessary partly for the reasons already explained but also to safeguard the character and appearance of the dwelling and that of the surrounding area. The condition is drafted in the form set out above because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the implementation of the required works, because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the extension may only remain if the appellant complies with its requirements. No other conditions are necessary.

Conclusion

10. The extension does not cause unacceptable harm to the living conditions of occupiers of neighbouring residential property and accords with the Development Plan, taken as a whole. Consequently, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (f) does not therefore need to be considered.

Stephen Hawkins

INSPECTOR