
Appeal Decision

Site visit made on 17 June 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/F5540/D/24/3341065

92 Vernon Road, Feltham, Hounslow TW13 4JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Robertas Zernys against the decision of the Council of the London Borough of Hounslow.
 - The application reference is 01149/92/P2.
 - The application sought planning permission for the erection of first floor rear extension and front porch to the house without complying with a condition attached to planning permission Ref 01149/92/P1, dated 31 July 2023.
 - The condition in dispute is No 2, which states that: The development hereby permitted shall be carried out in accordance with the following approved plans and specifications: (Unnumbered location plan, 0075-GUA-1100-P2, Received: 05/06/2023, 0075-GUA-2200-P3 REV A, 0075-GUA-1201-P3 REV A, 0075-GUA-1202-P3 REV A, 0075-GUA-1203-P3 REV A, Received: 13/07/2023) therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.
 - The reason given for the condition is: In order to ensure the development is carried out
 - in accordance with the planning permission.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of first floor rear extension and front porch to the house at 92 Vernon Road, Feltham, Hounslow TW13 4JZ in accordance with the application reference 01149/92/P2 without compliance with condition No 2 previously imposed on planning permission Ref 01149/92/P1, dated 31 July 2023, but subject to the conditions set out in the schedule to this decision.

Background and a preliminary matter

2. Planning permission has been granted to enlarge the appeal dwelling with a first-floor rear extension and a front porch. The appellant seeks to amend the approved scheme by introducing a wider and larger first floor rear addition.
3. The plans show that the approved first-floor rear extension forms part of the existing dwelling. However, it was not in place at the time of my site visit.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

5. The appeal property is a 2-storey semi-detached house within a predominantly residential area. Like several other properties along Vernon Road, No 92 has been altered and extended. Specifically, the main roof has been converted from a hipped to a gable end and a large flat roof dormer with a Juliette style balcony has been placed onto the extended rear roof slope. At the time of my site visit, a full width ground floor rear addition was also under construction.
6. The proposal is to introduce a first-floor rear addition with a hipped roof onto part of the approved ground floor rear projection. As new addition would be just over half the width of the original house, it would conflict with some of the advice contained within the Council's Supplementary Planning Document, *Residential Extension Guidelines* (SPD).
7. Nevertheless, the proposal would be modest in depth and set back from the rear wall of the ground floor extension, with an eaves level to match that of the host building. Like the approved scheme, the proposal would be seen together with a large ground floor extension below, once complete, and sizeable rear dormers just above and on the attached property. In that varied built context, the proposal would not appear overly large, obtrusive nor incongruous. Although larger than its approved counterpart, the visual impact of the proposal on the rear elevation of No 92 would be similar. By respecting the scale, design and general appearance of the host building and the character of the local area, the proposal would adhere to the key principles of the SPD. Therefore, I find that a conflict with some of the guidance within the SPD is insufficient reason to withhold planning permission.
8. On the main issue, I therefore conclude that the proposed development would not harm the character and appearance of the host building or the local area. As such, it does not conflict with policies CC1, CC2 and CC7 of the Council's Local Plan 2015-2030. Together, these policies aim to ensure that development achieves a high quality of design, creates attractive places to live and, in respect of residential extensions, maintains the character of the area.
9. In reaching this conclusion, I have had regard to the examples of rear extensions that have been approved on application or at appeal to which the appellant has referred. I have, nevertheless, assessed the proposal on its own merits and find it to be acceptable for the reasons given.

Conditions

10. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. If some conditions have in fact been discharged, that is a matter which can be addressed by the parties.
11. Section 73(5) of the above Act states that planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which a development must be started. Consequently, the time

limit condition that I have imposed runs from the date of the original planning permission, which is 31 July 2023.

12. It is also necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.

Conclusion

13. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from 31 July 2023.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 0075-GUA-1100-P3, 0075-GUA-1200-P3, 0075-GUA-1201-P4, 0075-GUA-1202-P4, 0075-GUA-2200-P4 and 0075-GUA-1203-P3.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building unless otherwise shown on the approved plans.