



Appeal Decisions

Site visit made on 25 March 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal A Ref: APP/F5540/C/23/3334910

Appeal B Ref: APP/F5540/C/23/3334911

27 Camrose Avenue, Feltham TW13 7DA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mrs Clare Cassidy and Appeal B is made by Mr Matthew Cassidy against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The notice was issued on 13 November 2023.
- The breach of planning control as alleged in the notice is 'Without planning permission the erection of a first floor side extension and an 'L-shaped' roof dormer extension to the Land'.
- The requirements of the notice are to:
 - i. Demolish the 'L-shaped' roof dormer extension.
 - ii. Demolish the first floor side extension.
 - iii. Remove all resultant debris associated with the above works from the Land.
- The period for compliance with the requirements is: 3 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Act. 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 section 174(2)(f) and (g) of the Act.

Summary Decisions: Appeal A is allowed; the enforcement notice is corrected then quashed and planning permission is granted in the terms set out below in the Formal Decisions. In these circumstances, Appeal B proceeds no further.

Preliminary Matters

1. Although scheduled as an accompanied site visit, a Council officer did not attend. After agreement with the appellants, I was given internal and external access to No.27 Camrose Avenue and the case was not discussed. There is no injustice to the main parties from proceeding with my site visit on this basis. I viewed the surrounding area alone.
2. Since the enforcement notice was issued, a revised National Planning Policy Framework was published in December 2024 and altered by minor amendments in February 2025. It does not materially affect my determination of both appeals and there is no injustice to the main parties.

Enforcement Notice

3. I have a duty to make sure the enforcement notice is in order. The requirements set out in schedule 5 reflect the breach of planning control in schedule 3 but do not specify how No.27 should be reinstated after the demolitions, so there is uncertainty. I shall therefore add a requirement to this effect. I am satisfied that no injustice will be caused to the main parties.

Appeal A on ground (a)

Main issues

4. Ground (a) is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. It does not therefore seek to regularise other extensions and alterations built at No.27 included in the planning permission refused by the Council¹. The main issue is:
 - the effect of the first floor side extension and the L-shaped roof dormer extension on the character and appearance of No.27 and the area.

Reasons

5. No.27 is one end of what was a short terrace of four two-storey inter-war or early post-second world war houses, similar in these regards to others in this road and elsewhere in this residential estate. Many of these houses have since been extended sideways at ground floor (as had already been No.27) and first floor (as had already been No.29 next to it) which has reduced gaps between the terraces. Also by some dormers added to original rear roof slopes, including end hipped main roofs altered to a gable or wider across two-storey side extensions. While the multitude of designs and external materials of these extensions is an established part of the streetscene, or as viewed from rear access alleys, the sequence of two-storey adjoining front projecting gables and bays remain the most locally distinctive features of these houses and the estate.
6. At No.27 the first floor side extension fills most of the remaining gap with No.29, but the equivalent extension at No.29 has a lower flat roof so this limits the terracing effect. The pitch of the front roof slope is at a shallower angle than the main front roof slope, which now ends as a gable, so these two roof planes diverge away from each other. However, the difference in pitch is not substantial and though asymmetric with an unusual overlapping bargeboard style raised edge, this can only be seen in a purposeful upward view from the pavement in one direction.
7. Moreover, there is a distinct step down to a new ridge line set further back over this extension which is subservient to the main roof. A recessive presence at the front is reinforced by this extension inset behind the front elevations of No.27 and No.29 either side. Although some dimensions of this part of the first floor side extension do not fully reflect the Council's relevant guidelines², it is as a result broadly in-keeping with the form and external materials of No.27, the Camrose Avenue streetscene and houses in the estate with similar first floor side extensions.
8. Much of the L-shaped roof dormer extension is in principle a typically conventional design. Though in this case the flat roof is virtually flush with the main ridge of the house, most of the lower edge terminates almost at eaves level and one side runs next to the original rear pitched roof slope of No.25 Camrose Avenue. It therefore stretches horizontally and vertically across all of the original two-storey part of the house. While the roof over the first floor side extension is narrower and includes a pitched roof slope lower down, combined with a flat roof and gable end position, this nub juts out to one side of the main part of the dormer, across the rest of the extended house. In these respects variances from the Council's guidelines are

¹ Planning application Ref 00200/27/P1

² Residential Extension Guidelines Supplementary Planning Document A guide for Householders, December 2017

greater and result in a notable scale, massing and bulk of angular built form protruding beyond the original plane of the roof slope in this elevated position.

9. However, I saw the other rear dormers that have been specifically referred to³. There is evidence these have been granted planning permission or issued a lawful development certificate by the Council. I also saw several other rear dormers elsewhere in the estate, including near No.27.
10. The design of all these dormers do not include the same combination of features as has been built at No.27 or match it exactly. Nevertheless, they have significantly altered the rear elevations of these houses. Some are very similar in proportion or extent of box like form to No.27 and stretch across a first floor side extension with a more pronounced side nub or none at all, so are larger than the L-shaped roof dormer extension at No.27. While mostly red or brown roof tiles (and where present, dormer tile-hanging) prevail in the estate, the grey tile-hanging used at No.27 matches other alterations and extensions to this house. This colour roof tile also exists at some other houses in the estate so it is not incongruous as such.
11. As at No.27, the rear dormers can be glimpsed in part or more so at distance from roads in the estate. As a result, they are not unduly prominent or conspicuous in these regards. A more visually dominant presence is noticed from the alleys but this cannot be seen with, and does not alter the essence of, the two-storey front projecting gables and bays in the main streetscenes of the estate, including No.27.
12. Taking account of all of this, I find that the first floor side extension and the L-shaped roof dormer extension does not harm the most important aspects of the character and appearance of No.27 or the area. The development therefore complies with Policies CC1, CC2 and SC7 of the Council's Local Plan, September 2015. They include that residential extensions in urban areas should respond to an area's established character, not harm the appearance of the building or its built environment context and maintain the general streetscene.

Other matters

13. Alleged damage to private property or trespass and danger, injury or effect on health as a result of development, including during construction works and compensation claims in these regards, are civil matters between the respective parties. The effect of development on private property value or whether it restricts a possible future intention to carry out other development is not a material planning consideration. Notwithstanding the enforcement notice, the appellants are able to ask for planning permission to be granted retrospectively and dissatisfaction with how the Council investigated the breach of planning control is not a matter within the scope of these appeals. There is little evidence that the first floor side extension and the L-shaped roof dormer extension, being works above ground, required investigation of toxic gas at the site due to proximity of a landfill site nearby.

Conditions

14. No conditions were suggested by the Council and the development is complete. I consider that no conditions are necessary.

³ Nos.50, 133 and 207 Fernside Avenue

Conclusion on Appeal A on ground (a)

15. For the reasons given above, I conclude that ground (a) succeeds and planning permission will be granted.

Appeal A on grounds (f) and (g)

16. In light of my conclusion on ground (a), there is no need for me to consider ground (f) or ground (g).

Appeal B

17. The enforcement notice will be corrected, then given my conclusion on Appeal A on ground (a) it will be quashed, so I do not need to consider Appeal B any further.

Formal Decisions

18. It is directed that the enforcement notice is corrected by:

- In schedule 5, renumber requirement 'iii.' as 'iv.' then insert a new requirement 'iii. *After the demolitions in i. and ii. reinstate these parts of the building in accordance with the 'as existing' plans submitted with application Ref 00200/27/LAW1.*

19. Subject to that correction, 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 Act for the development already carried out, namely the erection of a first floor side extension and an L-shaped roof dormer extension on land at 27 Camrose Avenue, Feltham TW13 7DA referred to in the notice.

20. I take no further action in respect of Appeal B.

Robin Buchanan

INSPECTOR