



Appeal Decisions

Site visit made on 18 March 2025

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 07 May 2025

Appeal A Ref: APP/R5510/C/24/3348551

27 Eastbury Road, Northwood HA6 3AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Tushar Shah against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 18 June 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a replacement dwelling at 27 Eastbury Road.
 - The requirements of the notice are to:
 - (i) modify the development in accordance with plans for the development of the two storey front extension, part 2 storey part single storey rear extension, conversion of roof space to habitable use to include three roof lights, in as far as approved by part allowed planning appeal decision reference: APP/R5510/D/20/3250793 dated 29 October 2020 (LPA planning application reference: 75352/APP/2020/183); drawing no. A871-1 (dated Dec 2019).
 - (ii) modify the façade to be in accordance with drawing no. A871-1, dated (Dec 2019), approved by part allowed planning appeal decision reference: APP/R5510/D/20/3250793 dated 29 October 2020 (LPA planning application reference: 75352/APP/2020/183); including change to fenestration arrangement and windows in terms of size, location and materials, add white banding over the converted garage, and change bargeboard to match colour (white).
 - (iii) replace all materials used in the construction of the external surfaces of the dwelling to match details as shown on drawing no. A871-1, dated (Dec 2019), approved by part allowed planning appeal decision reference: APP/R5510/D/20/3250793 dated 29 October 2020 (LPA planning application reference: 75352/APP/2020/183); including, replacement of all window and door frames to white UPVC frames, replacement of barge boards and fascias to white, and replacement of roof tiles to interlocking red concrete tiles.
 - (iv) remove all roof lights and replace with three south facing roof lights at loft floor level in accordance with details shown on drawing no. A871-1, dated (Dec 2019) in terms of location, size and materials, approved by part allowed planning appeal decision reference: APP/R5510/D/20/3250793 dated 29 October 2020 (LPA planning application reference: 75352/APP/2020/183).
 - (v) modify the side roof dormers at first floor to match original in terms of external materials, including replacement of tiles on all surfaces to interlocking red concrete tiles in accordance with the details approved under part allowed planning appeal decision reference: APP/R5510/D/20/3250793 dated 29 October 2020 (LPA planning application reference: 75352/APP/2020/183).
 - (vi) complete the front porch to be in accordance with the approved plans found in part allowed planning appeal decision reference: APP/R5510/D/20/3250793 dated 29 October 2020 (LPA planning application reference: 75352/APP/2020/183).
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/R5510/W/24/3347534

27 Eastbury Road, Northwood HA6 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr T Shah against the decision of the Council of the London Borough of Hillingdon.

- The application Ref is 75352/APP/2023/2684.
 - The development proposed is a proposed replacement dwelling and outbuilding at rear.
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Appeal C Ref: APP/R5510/C/24/3348553

27 Eastbury Road, Northwood HA6 3AJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Tushar Shah against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 18 June 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of an outbuilding at 27 Eastbury Road.
 - The requirements of the notice are to:
 - (i) demolish and remove the outbuilding in its entirety as shown in the approximate position outlined in blue and hatched on the attached plan.
 - (ii) Remove from the land all debris, items, building materials resulting from compliance with point (i) above
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B

2. The appeal is dismissed insofar as it relates to the outbuilding and planning permission is refused. The appeal is allowed insofar as it relates to the replacement dwelling at 27 Eastbury Road, Northwood HA6 3AJ in accordance with the terms of the application ref: 75352/APP/2023/2684 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the conditions attached at Schedule 1.

Appeal C

3. The appeal is dismissed and the enforcement notice is upheld

Preliminary Matters

4. The site visit was arranged as an accompanied visit. A representative from the Council did not attend. The visit was changed to 'access required' and access to the inside and outside of the dwelling and the outbuilding was provided by the appellant.
5. Application ref: 75352/APP/2020/183 dated 15 January 2020, was refused by notice dated 23 March 2020. An appeal decision ref: APP/R5510/D/3250793 dated 29 October 2020, part allowed the proposed development insofar as it related to the two storey front extension, part two storey part single storey rear extension, conversion of roof space to habitable use to include 3 x roof lights and conversion of garage to habitable use. The development was to be carried out in accordance with approved plan ref: A871-1 and materials to be used in the construction of the external surfaces of the development were conditioned to match those used in the existing building.

6. The original dwelling was subsequently demolished and re-built. This has resulted in a new dwelling, however the outcome is similar to the development that was allowed on appeal albeit with some variations. Although the replacement dwelling has been constructed, my decision is based on the application and the plans submitted for the proposal. Therefore, the decision concerns the development as proposed, even though it may differ in part from what has been built.

Appeal B – s78 replacement dwelling and outbuilding

Main Issues

7. The main issues are whether the replacement dwelling and the outbuilding preserve or enhance the character or appearance of the Northwood, Frithwood Conservation Area (the CA) in terms of visual impact and the impact of the development on the living conditions of occupiers of neighbouring properties.

Reasons

8. The appeal property is within the CA. I am therefore required to pay special attention to the desirability of preserving or enhancing the CA, in accordance with the statutory duty as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. The significance of the CA is largely derived from its large, individually designed detached houses in the Arts and Craft style with landscaped gardens and tree lined streets. The street scene is residential in appearance, predominantly characterised by generous plot sizes with a leafy open character and detached dwellings which are set back from the road. There are examples of more recent infill development of differing styles. The appeal proposal is a replacement of a mid-20th Century detached infill dwelling and a domestic outbuilding.
10. Immediately to the south of the property is No. 25 Eastbury Road (No. 25), a large, three-storey detached house in the Arts and Crafts style. It towers over the appeal property and has windows in its side elevation looking towards the side elevation of the appeal site. Immediately to the north is garden land to the front of number No. 29 Eastbury Road (No. 29), which is set deep within the plot and away from the street. Thus, the dwellinghouse is situated beyond the rear garden of the appeal property.
11. The original property was unique in its form and character comprising a front and rear gable ended building with the first floor contained within the roof space. The proposed replacement dwelling would replicate the building's simple triangular appearance which gave it a well-defined form and a distinctive appearance set among the more architecturally grand houses in the CA. The front of the building would be extended to align with its neighbour at No. 25 and extended to the rear at both ground and first floor. A further floor would be incorporated into the roof space.
12. There is no dispute between the parties that what is proposed with regard to the footprint, ridge height, eaves height and architectural form of the appeal property matches that allowed on appeal in October 2020. I am also mindful that the requirements of the enforcement notice require works to the property that reflect the planning permission granted by that appeal. Therefore, I give these matters substantial weight.

13. Nevertheless, there are elements of the proposal that differ from what had previously been allowed on appeal and these form part of the reasons for the refusal of the planning application for the replacement dwelling and the reasons for issuing the enforcement notice. I shall now address these matters.
14. There is a notable prevailing material palette of traditional red brick finish and red/brown clay tiles, which is cohesive and visually attractive within the street scene, and this contributes to the distinct character of the area. The application plans and appeal submissions refer to the proposed external elevations of the property having a rendered finish, although no details are provided regarding the style of finish or colour. I accept that there are some examples of rendering in the locality including the original dwelling that was part rendered on the front elevation and the previous appeal approval included an element of front rendering. However, the details of the proposed finish are scant and without such details I am not able to fully consider whether a rendered finish to the entire property would be appropriate. Nevertheless, I consider that if the property was fully rendered, it would appear incongruous and would likely be harmful to the character and appearance of the surrounding CA.
15. With regard to the fenestration, the windows on the front elevation sit comfortably in relation to the design of the property. They are moderately larger but fewer in number than those displayed on the original property and those allowed by the previous appeal. To the rear, the arrangement has been slightly varied from what had been previously approved as alterations to the former property and I consider that they are acceptable. The application plans detail the openings as being white UPVC, although I note that what has actually been installed are casement windows with dark frames which, in my opinion, are visually more pleasing. The front door is shown on the plans as a single door with slim glazed panels either side and I consider this to be in keeping with the appearance of the property as proposed.
16. The porch as shown on the plans is a wide flat-roof canopy style projection supported by two slim pillars and a level entrance to the property. There are no details regarding materials or colour. The porch as proposed would extend to almost 40% of the width of the dwelling and project 2m from the front elevation measuring 2.5m in height. While the proposed porch would be relatively wide, it is not of a dissimilar style to that previously allowed, and its lean proportions, as shown on the application plan, assimilate with the frontage of the property.
17. The roof of the former property, including its dormers, was originally covered with ridged red and brown tiles. The appeal proposal states that the roof would be constructed using smooth interlocking grey tiles. As the property has been built, I was able to see the effect of the proposed materials on the house and the surrounding area. Due to the architectural style of the property, the roof is a dominant feature. The roof covering has a contemporary appearance which is particularly incongruent in its setting. The dark colour of the tiles and the complete coverage of the dormer windows on both sides draws the eye, making the roof more prominent and it is viewed in stark contrast to its neighbours and to most other properties in the road. While I acknowledge that there are different roof tiles exhibited on nearby houses, they are mostly of a traditional form that make a positive contribution to the CA, whereas the roof on the appeal property fails in that regard. The appellant, in their appeal submissions, has put forward an option for alternative materials or finishes to the roof and I am satisfied that a more

appropriate finish would fit with the character of the area and overcome the identified harm. Such a proposition could be required by conditions to secure an acceptable alternative.

18. The design of the south side elevation as proposed incorporates a dormer with two windows. Where previously there were windows in the original property at this level, these provided light to a bathroom and the stairwell. The layout for the proposed replacement dwelling shows that these would provide a second opening to a bedroom and an obscured opening to a bathroom. The two dormers in the north roof slope would provide a second window to a bedroom and an obscured opening to a bathroom, where previously there were two bedrooms. The addition of these dormers is acceptable in the light of them being minor changes to what previously existed and to that which had been allowed on appeal. However, as the openings in the south side are for habitable rooms and due to the proximity of the neighbouring properties, I consider that the privacy of neighbouring residents would be compromised. To overcome any loss of privacy, the use of conditions would secure appropriate measures to prevent such harm.
19. The application plan indicates that the area within the roof space on the second floor would provide space for a bedroom and a prayer room. At the time of my visit, it was laid out as an office and an area to relax and watch television. The rooflights provide natural light to the space, however, as I saw at my visit, there are clear views across neighbouring land from these openings and this is of particular pertinence where previously in the original house there had not been any openings at this height. While there would be an impact on the living conditions of neighbouring occupants due to a loss of privacy, conditions could ensure measures are implemented to mitigate any harm by requiring the rooflights to be obscure glazed and non-opening.
20. The Council refer to a 'proliferation' of roof lights at the higher level resulting in harm to the CA. I note that the roof lights that have been installed vary from what is proposed by the application, however, the proposal before me show four roof lights on the south roof slope and one on the north roof slope, the plan shows the openings to be modest in size. I consider that the use of low-profile conservation roof lights in the size and positions as shown on the application plan would be an acceptable addition to provide natural light for the additional floor as proposed and as previously allowed on appeal.
21. Overall, I find that the replacement dwelling as proposed, and subject to conditions, would mitigate any harm identified to the CA and the living conditions of neighbouring residents. By reason of its design, which replicates the original property incorporating the permitted extensions and alterations, the proposed dwelling would have an overall neutral effect on the CA whereby its character and appearance would be preserved. In this respect, the development is compliant with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) ('the HLP Part 1'), Policies DMHB 1, DMHB 4, DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) ('the HLP Part 2'), Policies D3 and HC1 of the London Plan (2021) ('the LP 2021') and the National Planning Policy Framework ('the Framework'). These, among other matters, aim to enhance the local distinctiveness of the area, preserve or enhance Hillingdon's distinct and varied environment, and not adversely impact on the living conditions of adjacent residents

The outbuilding

22. Turning to the outbuilding, this appear to have been constructed in accordance with the application plans and is situated to the rear of the plot close to the common boundaries with the neighbouring properties either side. Policy DMHD 2 of the HLP Part 2 requires such buildings to be constructed to a high standard and, among other things, not compromise the amenity of neighbouring occupiers. The outbuilding is said to have a floor area of 35sqm, being 7.25m wide, 4.8m deep with a flat roof that is 2.7m in height. It is set 1.5m from the rear boundary and 3.1m from each of the side boundaries. Solar panels have been installed on the flat roof of the outbuilding which project some 30cm above the flat roof resulting in an overall height of 3m. The pretext to Policy DMHD 2 states that as a general guide, an outbuilding should be no greater than 30sqm.
23. The outbuilding is of a basic design with large openings along its frontage. The flat roof overhangs the front of the building, and its walls are rendered. Although not shown on the plans, the internal space has been divided to provide a toilet and wash hand basin and space that, at the time of my visit, was being utilised for domestic storage. The building is positioned close to the boundary with No. 29 and its house is within 5m of the structure. Landscaping that previously provided a screened boundary between the properties is said to have been removed and only a close boarded fence, over which the blank rendered wall of the outbuilding protrudes, divides the properties. The ground levels of the appeal site are said to be approximately 80cm higher than the ground level at No.29 and thus the extent of the blank rendered wall is much more visible.
24. The building is a bulky box-like structure which fails to complement the visually pleasant rear elevations of the surrounding neighbouring properties or harmonise with the style of the host dwelling. This, in addition to its proximity to neighbouring properties, would result in the outbuilding being very prominent and this would undoubtedly have an overbearing impact which would likely compromise the outlook from close neighbouring properties, particularly from No. 29, leading to an undesirable feeling of enclosure.
25. In the context of the CA, the overall scale, siting and design of the outbuilding has a dominant appearance. While this would be limited to those within relatively close proximity, I consider that the building to be an anomaly in this setting which, in addition to resulting in a harmful impact upon the living conditions of the nearby residents, would fail to preserve or enhance the character or appearance of the CA.
26. Having regard to the Framework, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. While the harm caused by the outbuilding to the significance of the CA would be less than substantial, it is a matter of considerable weight and importance. Paragraph 215 of the Framework requires such harm to be weighed against the public benefits of the development. In this case, none have been suggested and none are apparent which could outweigh the harm I have identified. Overall, I find that there is conflict with the Framework and Policies BE1 and HE1 of the HLP Part 1, Policies DMHB 1, DMHB 4, DMHB 11, DMHB 12, DMHD 2 and DMHB 11 of the HLP Part 2, and Policies D3 and HC1 of the LP 2021

Conditions

27. A list of conditions was provided by the Council, and I have utilised those which I considered appropriate with modest amendments where required for the purposes of clarity and proper planning.
28. The purpose of condition 1) is to require the appellant to comply with a strict timetable for dealing with the external materials and surfaces for the dwelling and the hard and soft landscaping, which need to be addressed in order to make the development acceptable. The condition is drafted in this form because, in the case of a retrospective grant of permission where development has already taken place, it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matters. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission effectively falls away.
29. As the building work has already commenced, the standard three-year time limit condition to implement the planning permission is not necessary. A condition to specify the approved plans/drawings is required for the avoidance of doubt and in the interests of certainty. A condition to ensure soft landscaping works are carried out and maintained is necessary to enhance the visual amenities of the locality.
30. A condition requiring the dormer windows in the side elevation facing No. 25 Eastbury Road and the roof lights to be permanently obscure glazed and non-opening is deemed necessary to preserve the privacy of those neighbours. A condition to secure the use of conservation roof lights is deemed necessary for the property's location in the CA.
31. Conditions to ensure that the dwelling has step-free access and compliance with technical specifications for an M4(2) dwelling is to ensure accessible and adaptable housing of an inclusive design is achieved and maintained. Conditions relating to energy efficiency and water usage and management are deemed necessary in the interests of energy and water conservation and to ensure the development does not increase the risk of flooding.

Conclusion on Appeal B

32. For the reasons given and taking into consideration all other matters that have been raised, I conclude that the appeal should be allowed in part by allowing the replacement dwelling, subject to conditions. The remaining development is contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding.

Appeal A on ground (g)

33. The appeal on ground (g) is that the compliance period specified in the notice in accordance with s173(9) of the 1990 Act, falls short of what should be reasonably

allowed. The appellant requests the time period be extended from 3 months to 12-15 months.

34. Section 180(1) of the 1990 Act provides that the enforcement notice shall cease to have effect so far as inconsistent with the planning permission granted. Therefore, I do not consider it necessary to vary the notice regarding the time period to comply with the notice.

Appeal C on ground (g)

35. The appeal on ground (g) is that the compliance period specified in the notice in accordance with s173(9) of the 1990 Act, falls short of what should be reasonably allowed. The appellant states that longer is needed to plan and implement and claims that it is not practical that this would be achieved within a period of 3 months. A period of 12 months is requested.
36. Having observed the nature of the building at the appeal site, I have no reason to consider that 3 months is an unreasonable amount of time to undertake the works to comply with the notice.
37. The appeal on ground (g) therefore fails.

S A Hanson

INSPECTOR

Schedule 1 - Conditions

- 1) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision details of all materials and external surfaces for the dwelling shall have been submitted for the written approval of the local planning authority and these shall include a timetable for their implementation. Details should include information relating to make, product/type, colour and photographs/images.
 - ii) Within 3 months of the date of this decision, a landscaping scheme shall have been submitted for the written approval of the local planning authority and these shall include a timetable for its implementation. The scheme shall include: -
 1. Details of Soft Landscaping
 - a. Planting plans (at not less than a scale of 1:100),
 - b. Written specification of planting and cultivation works to be undertaken
 - c. Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 2. Details of Hard Landscaping
 - a. Car Parking Layouts (2no car parking spaces including 1 'active' and 1 'passive' electrical car charging points)
 - b. Hard Surfacing Materials
 - c. External lighting and security measures
 - iii) If within 6 months of the date of this decision the local planning authority refuse to approve the schemes in 1) i and 1) ii above or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iv) If an appeal is made in pursuance of the above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be maintained/retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The development hereby permitted shall be carried out in accordance with the details shown on the submitted plan number A871-2c, but subject to condition 1 i) as far as materials and external surfaces are concerned.

- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The dormer windows in the side elevation facing No.25 Eastbury Road and the rooflights in both roof slopes shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.7 metres taken from internal finished floor level for so long as the development remains in existence. All roof lights shall be low-profile conservation roof lights, installed completely flush along the roof line.
- 5) The dwelling hereby approved shall provide step free access via all points of entry and exit. Such provision shall remain in place for the life of the building.
- 6) The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan, and comply with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015. All such provisions must remain in place for the life of the building.
- 7) The dwelling hereby approved shall achieve an energy efficiency standard of a minimum of 10% CO2 improvement over Building Regulations requirement Part L 2013 (TER Baseline).
- 8) The dwelling hereby approved shall achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations).
- 9) Within 3 months of the decision date, a scheme for the provision of sustainable water management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI5 of the London Plan (2021) and will:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

 - iv. provide details of water collection facilities to capture excess rainwater;

v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

END OF SCHEDULE