



Appeal Decisions

Site visit made on 10 April 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal A Ref: APP/R5510/C/24/3340275

Appeal B Ref: APP/R5510/C/24/3340276

Appeal C Ref: APP/R5510/C/24/3340277

9 Violet Terrace, Colham Green Road, Uxbridge UB8 3QG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mrs Simone Sherwood (Appeal A), Mr Richard Sherwood (Appeal B), and Dr Donna Sherwood (Appeal C) against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 26 January 2024.
 - The breach of planning control as alleged in the notice is the development of a roof extension and part two storey, part single storey rear extension.
 - The requirements of the notice are:
 - i. Remove the roof extension (approximate position hatched green on the attached plan) with the encompassed double storey, single storey rear extension (approximate position hatched purple on the attached plan);
 - ii. Reinstate the dwelling house to the pre existing condition as described in drawing labelled 0192/9VIOL-04 and 0192/9VIOL-05 submitted with planning application reference 29457/APP/2022/1192;
 - iii. Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in compliance with requirements i and ii.
OR
 - iv. Construct the development to fully accord with the approved details of planning permission reference 29457/APP/2022/1192 namely drawings labelled 0192/9VIOL-04 and 0192/9VIOL-05;
 - v. Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the works carried out in compliance with requirements above.
 - The period for compliance with the requirements is: 3 months.
 - Appeal A 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.
 - Appeals B and C are proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed, and the enforcement notice is upheld. In respect of Appeal A, 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. Since the appeals were lodged, a revised version of the National Planning Policy Framework ("the Framework") was published in December 2024. I have considered the changes and as they are not material to the appeal development, further comments were not sought. I have, however, determined the appeals having regard to the revised Framework.

Appeal A on ground (a) and the deemed planning application

Background and Main Issue

3. Planning permission¹ was granted on 6 June 2022 (“the 2022 permission”) for the “*Erection of a part single, part double storey rear extension and hip to gable roof extension*” at the appeal property. The approved plans showed a hip to gable roof extension, along with a full width rear extension that was part two storey and part single storey. The single storey element comprised a flat roof with lantern, whilst the two-storey element included a double gable roof that was set well below the ridge line of the main roof.
4. It is accepted that the works carried out on site do not accord with the approved plans. The two-storey rear extension has been built without a double gable roof, and instead a dormer extension has been built on top that also encompasses an enlargement of the rear roof of the host building. The height of the single storey element has also been raised by virtue of a parapet roof. It is clear from the Council’s reasons for issuing the enforcement notice that these works are considered to cause undue harm to the visual amenity of the area.
5. The main issue is therefore the effect of the development on the character and appearance of the area.

Reasons

6. 9 Violet Terrace is a Victorian end of terrace dwelling located on the western side of Colham Green Road. The surrounding area is predominantly residential in character with variety in the individual design of dwellings. However, the Victorian terrace of which No 9 forms a part is largely homogenous in style, though over the years it is apparent that occupiers have carried out alterations such as new front porches. This uniformity assists in the terrace appearing as an attractive feature in the street scene.
7. The extensions to the roof, which consist of a hip to gable extension along with a large rear dormer that extends from the original rear roof slope to the top of the two-storey rear extension, have significantly increased the overall bulk and massing of the property. Due to its height, depth, and width the development represents an extremely large addition to the roof. Together with the two-storey rear extension, the development appears top heavy on what is a modest sized house, and any semblance of the original rear roof elevation has been lost.
8. The amalgamation of the works at first floor and roof level has resulted in an awkward and visually cluttered development which appears incongruous and contrived in the context of both the host property and the immediate locality. These works are also visible in the street scene due to the neighbouring residential properties to the north being set back, allowing clear views of the side elevation of No 9. When viewed from the north on Colham Green Road the extensions are dominant and intrusive causing harm to the character and appearance of the area.
9. In terms of the single storey rear extension, whilst this element is not readily visible in the wider street scene, the parapet wall and subsequent increase in the overall height of the extension has created a large expanse of brickwork that is out of keeping with the proportions with the host dwelling.

¹ Council Ref: 29457/APP/2022/1192

10. The appellant has suggested that in order to overcome the harm caused to the character and appearance of the area she could (i) change the colour of the paint used to a “historic colour”, and (ii) plant fast growing species of vines on the side elevation wall. However, neither of these measures would assist in reducing the scale or awkward nature of the development which would still appear as an incongruous and dominant feature, particularly when viewed from the north on Colham Green Road. Consequently, these measures would not overcome the harm caused to the character and appearance of the area.
11. Whilst reasonably localised in its extent, the effect of the development causes unacceptable harm to the character and appearance of the area. The development is contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (adopted November 2012), and Policies DMHD 1, DMHD 11 and DMHD 12 of the Hillingdon Local Plan: Part 2 – Development Management Policies (adopted January 2020). These policies seek, amongst other things, to ensure that all developments, including extensions and alterations, achieve a high quality of design and do not have an adverse impact on the character or appearance of the existing area.

Other Matters

12. The appellant contends that two other houses on Colham Green Road have also had their loft converted. Although specific addresses were not provided, during my site visit I could see two rear roof dormer extensions on properties to the north. Those extensions though were contained within the existing rear roof slope of the host property and, in my view, were not directly comparable to the appeal scheme before me. In any event, I have determined the appeal on its own merits and the existence of these developments does not alter my findings on the main issue in this case.
13. I also acknowledge that the appellant spoke to the Council’s Building Control team in relation to the development, and I have no reason to believe that the breach of planning control was carried out intentionally.

Conclusion on ground (a)

14. For the reasons set out above the development causes harm to the character and appearance of the area, and conflicts with the development plan when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all matters raised, I therefore conclude that the appeal on ground (a) should be dismissed, and planning permission be refused on the deemed application.

Appeals A, B, and C on ground (f)

15. For the appeals to succeed on this ground, I need to be satisfied that the steps required to comply with the requirements of the notice are excessive and lesser steps could overcome the breach of planning control or, as the case may be, the injury to amenity.
16. The notice does not specify which of these two purposes it seeks to achieve. Nevertheless, the requirements are to either completely remove the unauthorised development or build in accordance with the 2022 permission. I am satisfied,

therefore, that the purpose of the notice is to remedy the breach of planning control.

17. Lesser steps have been suggested in the form of painting the extensions in a different colour, or by planting fast growing species of vines on the side elevation of the property. However, modifying the development in these ways would not remedy the breach of planning control. In any event, I have considered the suggested lesser steps as part of the ground (a) appeal in Appeal A, and for the reasons already outlined I concluded that these steps would not remedy the harm to the character and appearance of the area.
18. Accordingly, the ground (f) appeals fail.

Conclusion

19. For the reasons given above I conclude that the appeals do not succeed. I have upheld the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Jones

INSPECTOR