

Appeal Decision

Site visit made on 10 October 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2018

Appeal Ref: APP/R5510/D/18/3207859

137 North Hyde Road, Hayes UB3 4NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Suminder Dhanoya against the decision of the Council of the London Borough of Hillingdon.
 - The application, Ref. 53992/APP/2018/1216, dated 31 March 2018, was refused by notice dated 25 May 2018.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 137 North Hyde Road, Hayes in accordance with the terms of the application, Ref. 53992/APP/2018/1216, dated 31 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing No. Series 137 NHR/P1: Plan Nos. 01; 02; 03B; 04; 05B; 06;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 4) No development shall commence until a plan and details of a hard and soft landscaping scheme for the site and a programme for its implementation has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in full accordance with the approved details and implementation programme and thereafter retained in that form in perpetuity.

Main Issues

2. The main issues are: (i) the effect of the proposed extension on the character and appearance of the host dwelling and its surroundings, and (ii) whether there would be an adequate amount of private usable amenity space for existing and future occupiers.
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Reasons

3. On the first issue, the Council's concern is that the proposed side extension would fail to be subordinate to the host dwelling as required by the Council's Supplementary Planning Document HDAS: 'Residential Extensions' ('HDAS').
4. However, as the Delegated Report acknowledges, in most respects the appeal scheme would comply with the HDAS guidelines, these being the minimum distance from the side boundary of the plot (1m); the minimum set back of the first floor from the existing front elevation (1m); the minimum set down of the roof from the existing ridge (0.5m); the maximum width of the extension relative to the existing house (57% which is between the required half and two thirds) and the rear two storey projection beyond the existing dwelling (3m which is below the maximum 3.6m). I also note that the hipped roof design would repeat that of the existing house and that because of its reduced height and matching design the roof itself would be subordinate in accordance with the requirement in HDAS.
5. Accordingly, the only failure to comply with HDAS would be in respect of the front of the ground floor, as instead of being set back by 1m it would be flush with the house wall and have a projecting bay window. However, the 45 degree tiled roof slope that links the ground and first floor elements would draw the eye to the set-back of the first floor and roof. And to my mind, the submitted drawings clearly illustrate a sufficient subordination to prevent any perception of an imbalance with No. 135, the other half of the semi-detached pair, thereby maintaining the character and appearance of the host building. Furthermore, No. 137 is at the end of the row of semi-detached houses and well separated from the bungalow at No. 139 in terms of both distance and visually by the intervening mature trees. The effect of this is that the absence of a set back ground floor would be even less apparent, as the appeal dwelling terminates rather than forms an integral part of the rhythm established by the pairs of semi-detached properties in the street scene.
6. On this issue, I conclude that the proposed extension would not have an adverse effect on the character and appearance of the host dwelling and its surroundings. There would therefore be no harmful conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 and Policies BE13, BE15 & BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies 2012. The conflict with the HDAS guidelines would be minor, whilst the appeal scheme would also accord with Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2018.
7. Turning to the second issue, the Council correctly says that the remaining garden area would at 34 sqm be well below the 100sqm required under paragraph 6.18 of HDAS. And even if I were to accept the appellant's amended figure of 55sqm (including the narrower area adjacent to the extension) this would still be only just over half the minimum requirement.
8. However, I saw at my visit that the rear and side garden area of the existing three bedroom house is currently of particularly poor quality and fails almost entirely to contribute to the amenity of the occupiers. And as the grounds of appeal point out, a condition can reasonably be imposed on a permission for the appeal proposal to require the landscaping of the area so as to provide a

pleasant outdoor amenity space for the existing family and future occupiers to enjoy.

9. Even with the smaller area than mentioned in HDAS, an improved residual garden area following the construction of the proposed extension would be suitable for sitting out and use as a play area for younger children. For older children there is a substantial area of informal space at Cranford Park within a few minutes walk. For these reasons I conclude on balance on this issue that the improvement in the quality of the private amenity space would outweigh the reduction in quantity, and that this would carry greater weight than any conflict with Local Plan Part Two Policies BE19 & BE23 and paragraph 6.18 of HDAS.
10. As I have concluded in the appellant's favour on both main issues I shall allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring matching external materials will safeguard visual amenity. The aforementioned condition stipulating the requirement for a usable amenity space will meet at least some of a family's recreational needs. As my decision to allow the appeal is contingent on this, I would anticipate that the Council would wish to use its regulatory powers to ensure its laying out to a high standard and subsequent retention in that form.

Martin Andrews

INSPECTOR



Mrs Georgia Calton
Cedar House
Vine Lane
Hillingdon UB10 0NF

Application Ref: 53992/APP/2018/1216

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Two storey side/rear extension

Location of development: 137 North Hyde Road, Hayes

Date of application: 03 April 2018

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning, Transportation and Regeneration

Date: 25 May 2018

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.

(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 53992/APP/2018/1216

SCHEDULE OF REASONS

- 1 . The proposed two storey side extension, by virtue of its siting, size, scale and design, including the lack of a set back from the front at all levels, would fail to appear as a subordinate addition and would thus be detrimental to the appearance of the original house, the visual amenities of the street scene and the character and appearance of the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.
- 2 . The proposed extension, by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the extended property, would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES:

- 1 . On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.
- 2 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

SCHEDULE OF REASONS

Standard Informatives

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM14	New development and car parking standards.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

SCHEDULE OF REASONS

guidance.

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 53992/APP/2018/1216

SCHEDULE OF PLANS

137 NHR/P1/03 Rev. B - received 25 Apr 2018

137 NHR/P1/05 Rev. B - received 25 Apr 2018

137 NHR/P/01 - received 03 Apr 2018

137 NHR/P1/04 - received 03 Apr 2018

137 NHR/P1/02 - received 03 Apr 2018

137 NHR/P1/06 - received 03 Apr 2018

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

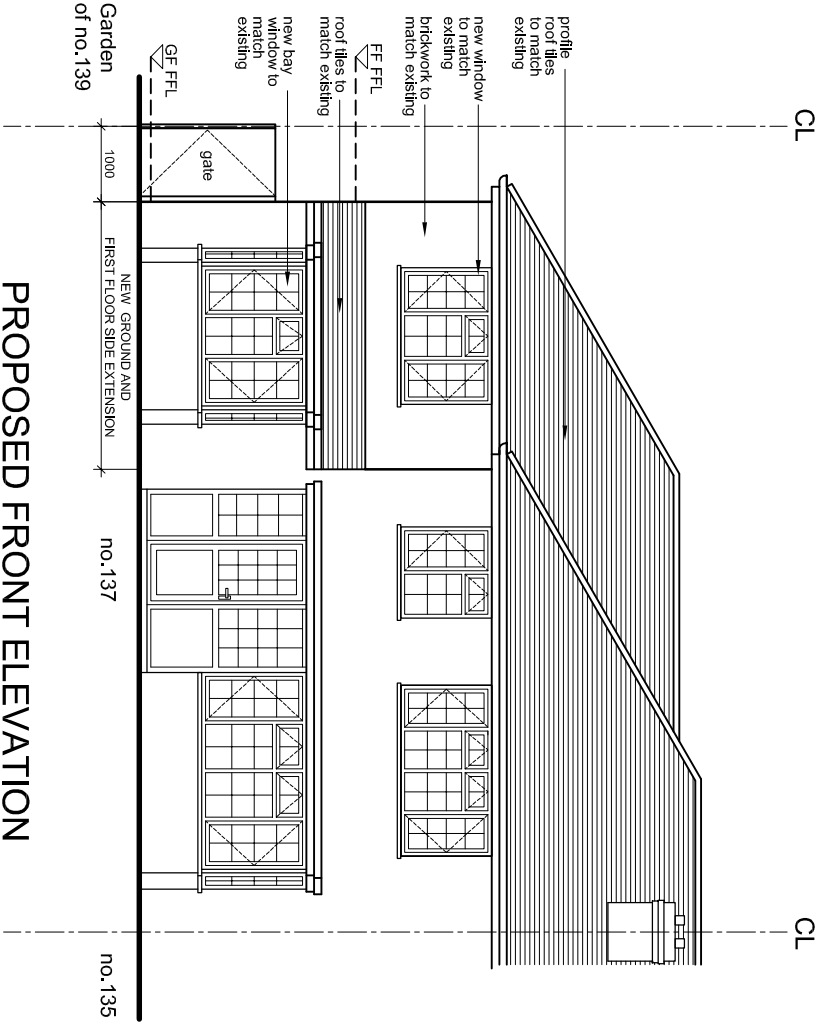
- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

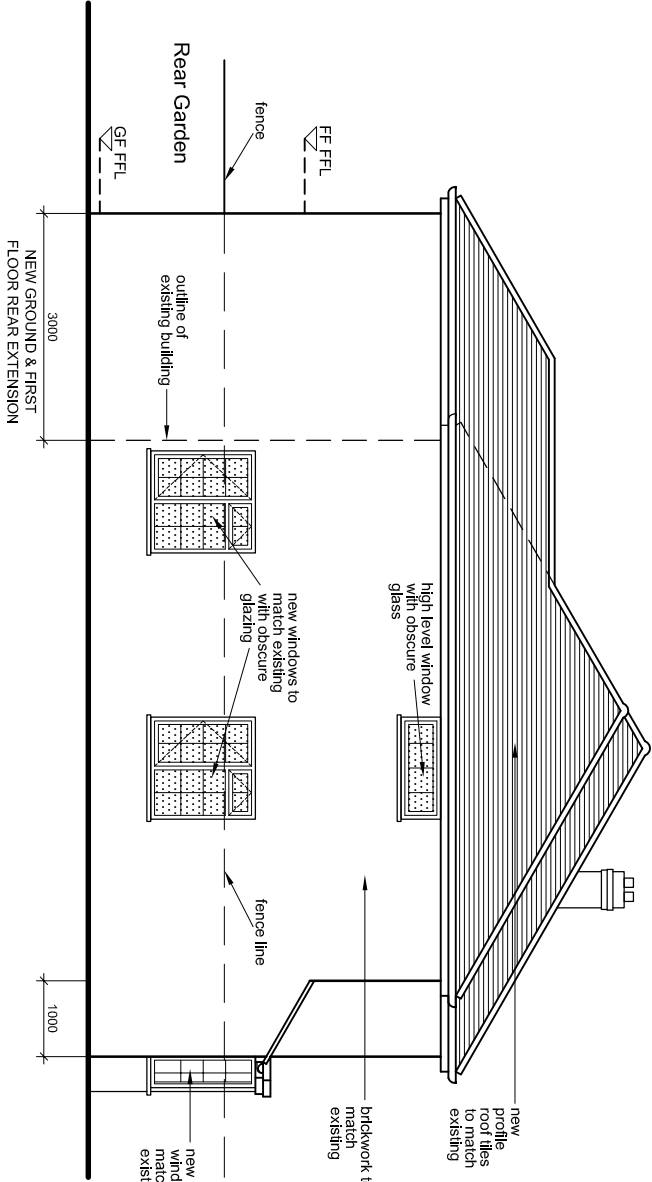
The Contractor must verify all dimensions at the site before setting out, commencing work, or making any shop drawings. Any discrepancies must be reported to the Contract Administrator / Architect before proceeding.

This drawing to be used for estimating purposes only. The Contractor must not use this drawing for construction until the structural design has been carried out and confirmation given by Building Control that the design is acceptable. Architect's drawings to be used in conjunction with the structural drawings.

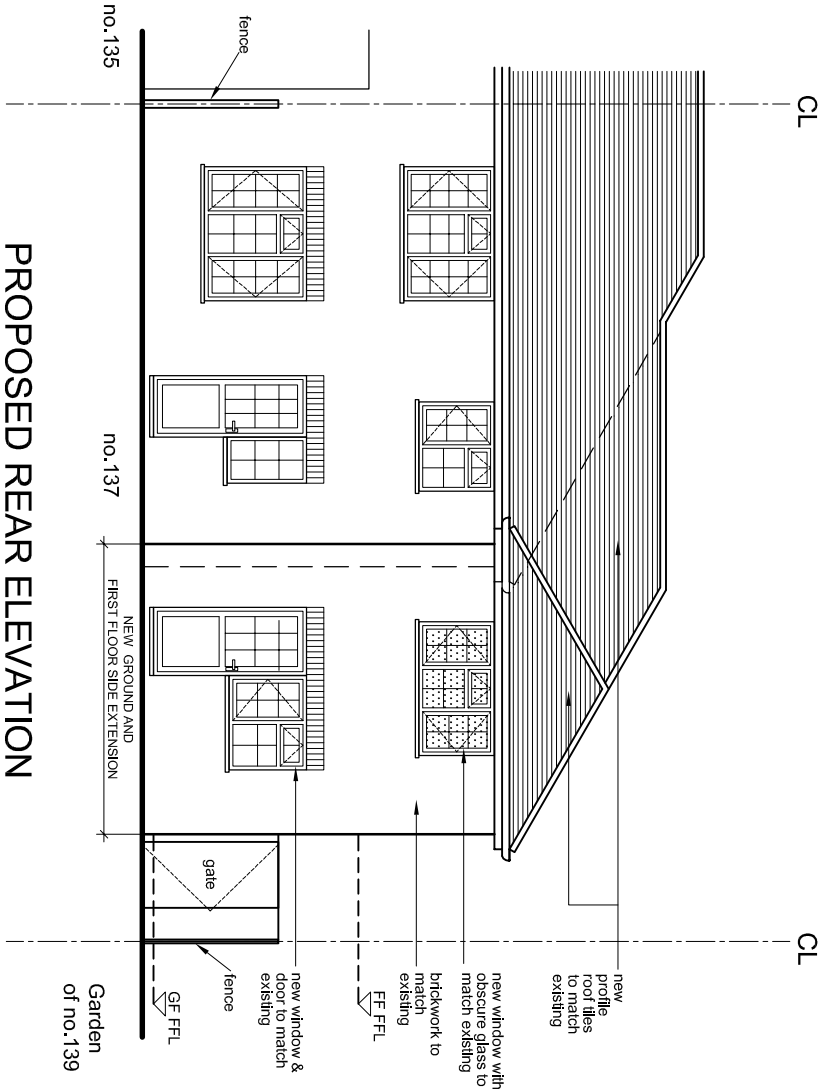
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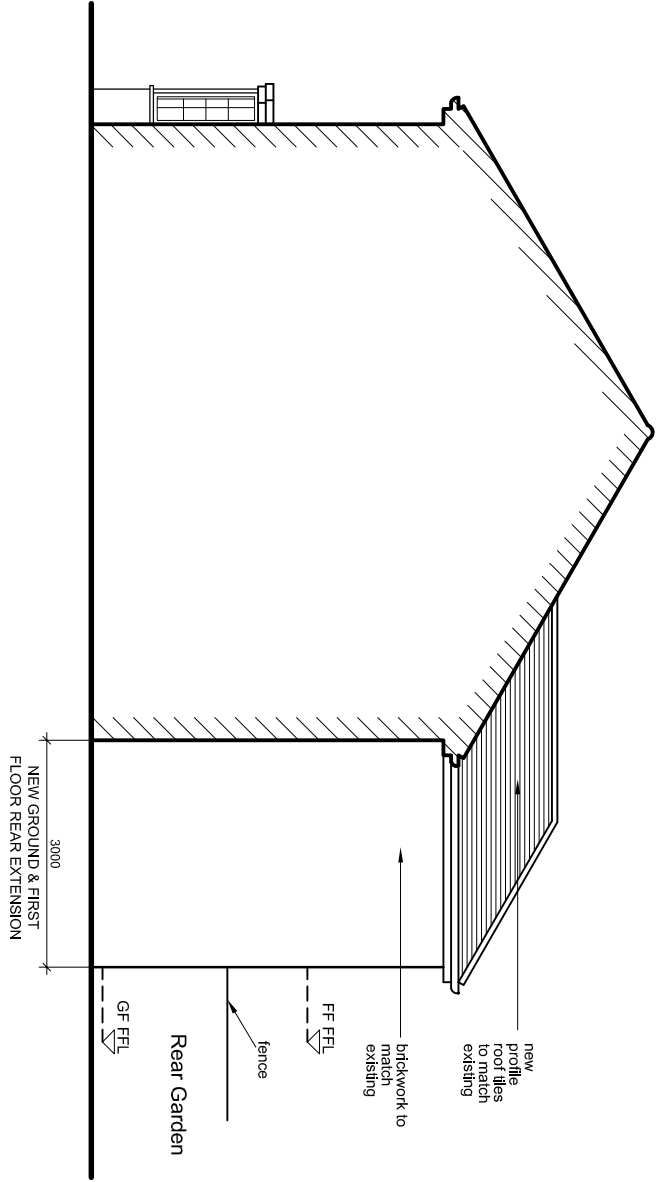
PROPOSED FRONT ELEVATION



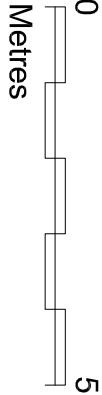
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROJECT			
137 NORTH HYDE ROAD, HAYES UB3 4NR			
DOUBLE STOREY SIDE / REAR EXTENSION			
GGC DESIGN LTD CHARTERED ARCHITECT Tel: 01895 610 932 Mob: 07976 732 636 g.g.c@nhr11@btinternet.com			
PROPOSED ELEVATIONS			
SCALE	DRAWN BY	CHECKED BY	DATE
1:100 @ A3	EG	GC	12/03/18
DRAWING No.	REV.		
137 NHR / P1 / 05	B		

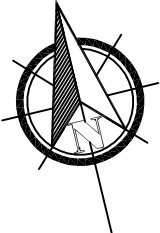
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Architect's drawings to be used in conjunction with the structural drawings.

DO NOT SCALE FROM THIS DRAWING.



KEY

Existing walls

Proposed walls

Rev	Revision notes	Initials	Date
-	-	-	-

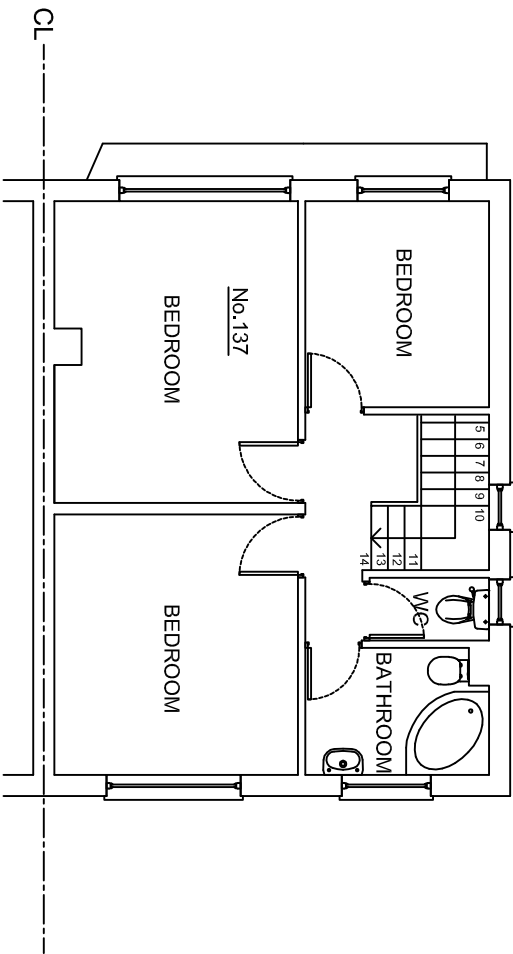


GDC DESIGN LTD
CHARTERED ARCHITECT
Tel: 01895 610 932
Mob: 07976 732 636
g.g.callon11@btinternet.com

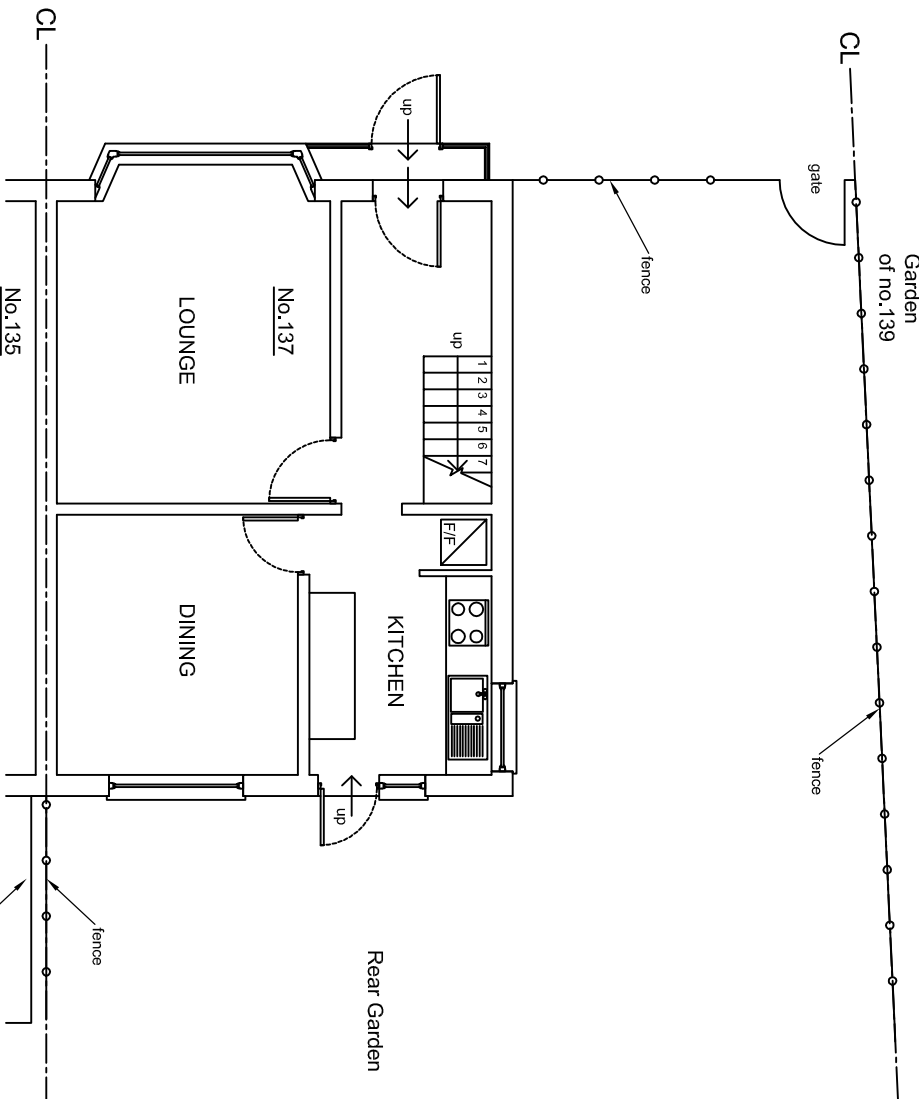
PROJECT
137 NORTH HYDE ROAD, HAYES
DOUBLE STOREY SIDE / REAR EXTENSION

DESCRIPTION
EXISTING & PROPOSED GROUND & FIRST FLOOR PLANS

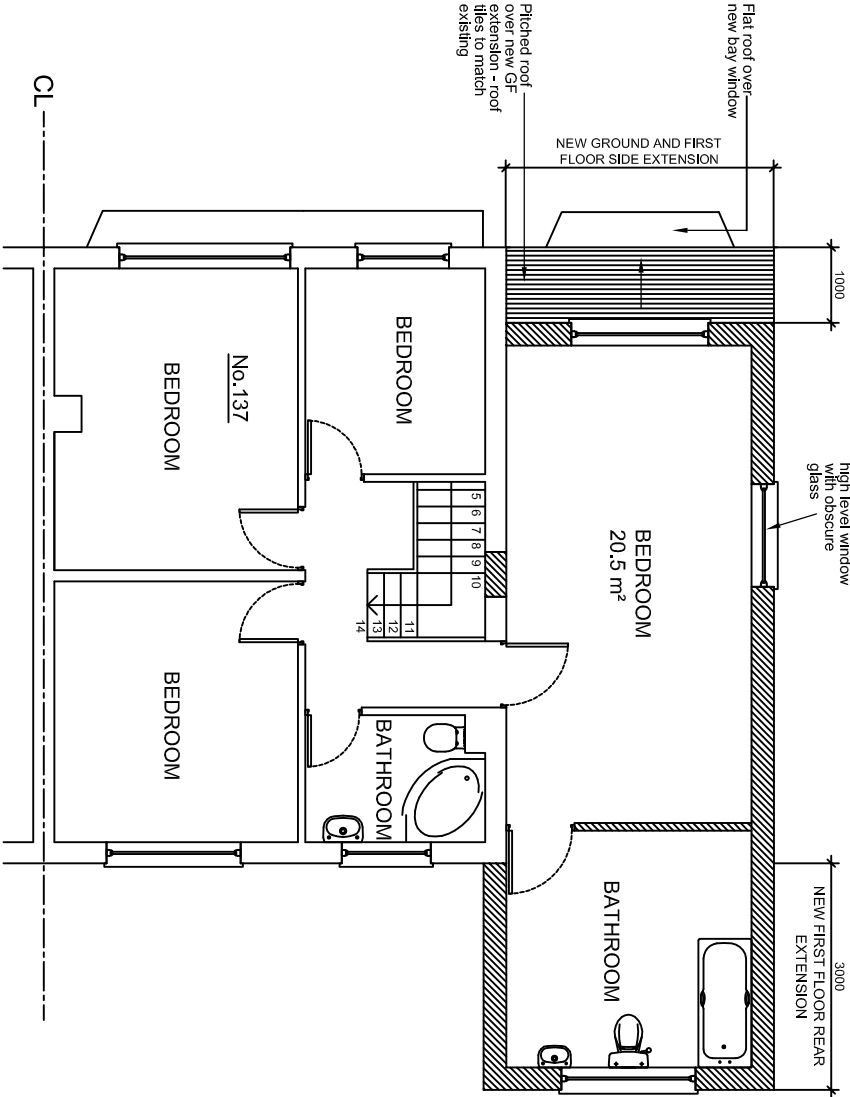
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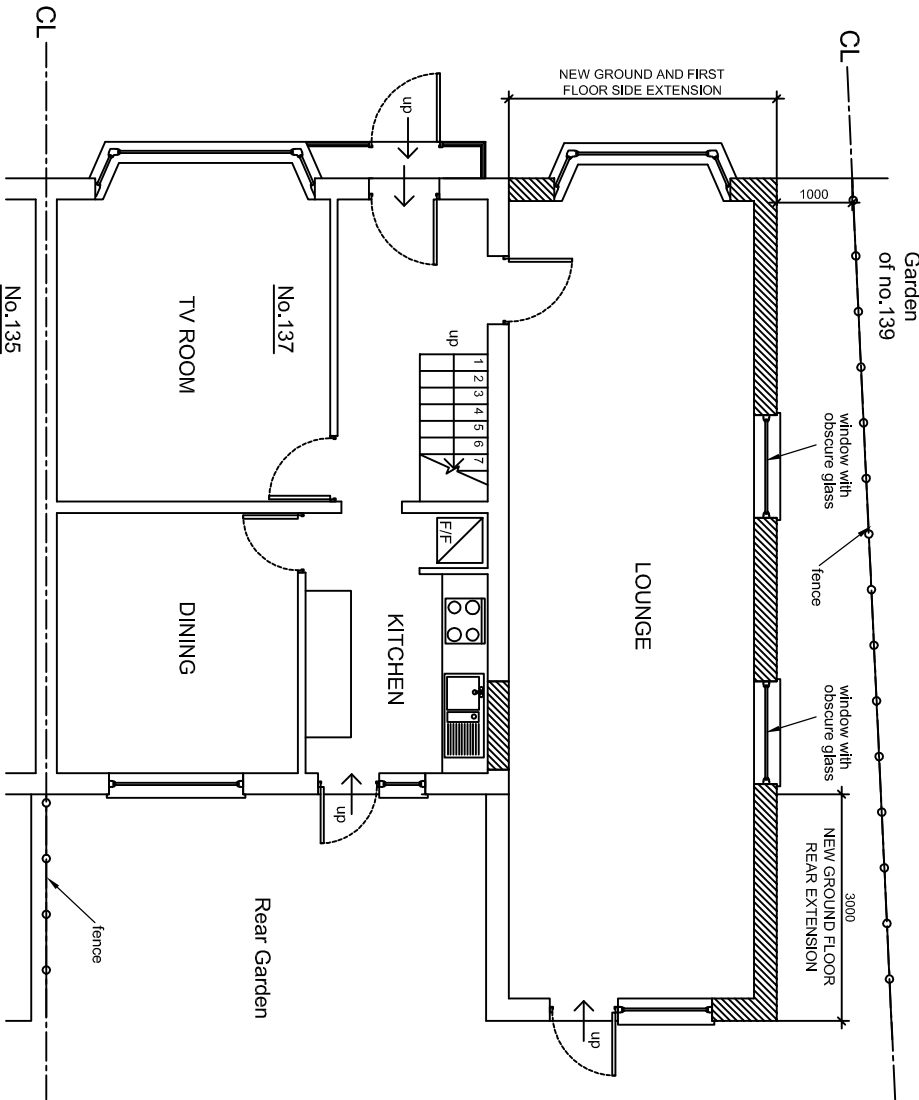
EXISTING FIRST FLOOR PLAN



EXISTING GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

