



HILLINGDON

LONDON

The Owner and/or Occupier
. Eastbury Road
Northwood
HA6 3AJ.

Our reference: APP/10159, 10160 and 10161

29 July 2024

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 174**

Site Address: 27 Eastbury Road, NORTHWOOD, HA6 3AJ

**Alleged breach: Appeal A - Without planning permission, the erection of a replacement dwelling at 27 Eastbury Road; Appeal B - Without planning permission, the erection of an outbuilding at 27 Eastbury Road;
Description of Development: Appeal C - Proposed replacement dwelling and outbuilding at rear (Retrospective application).**

Appellant's name: Mr Tushar Shah

Appeal references: Appeal A - APP/R5510/C/24/3348551; Appeal B - APP/R5510/C/24/3348553; and Appeal C - APP/R5510/W/24/3347534

Appeal start date: 26 July 2024

I refer to the above details. Three appeals have been made to the Secretary of State against two enforcement notices issued by London Borough of Hillingdon on 18 June 2024 and 1 against refusal of a planning application. The three appeals have been linked by the Planning Inspectorate and will be considered together.

The enforcement notices were issued for the following reasons:
Appeal A –

- (a) Under the provisions of Section 55 (1) of the Town and Country Planning Act 1990 (as amended) the outbuilding constitutes as development for which planning permission has not been granted.

- (b) The replacement dwelling, by reason of its overall design including the use of unsympathetic modern materials and poor fenestration (including excessive proliferation of rooflights) results in an incongruous, dominant and visually intrusive form of development that fails to preserve or enhance the appearance and character of the Northwood, Frithwood Conservation Area. The development leads to less than substantial harm to the significance of the designated heritage asset and harms the visual amenities of the street scene and the surrounding area. There are no public benefits that outweigh the harm identified. The development is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and HC1 of the London Plan (2021), Paragraphs 135, 140 and 208 of the National Planning Policy Framework (2023) and Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.
- (c) The replacement dwelling, by reason of the scale, siting and proximity, the positioning and proximity of the dormer window and rooflights in the south facing elevation, respectively, results in visual intrusion and loss of outlook that would be harmful to the residential amenity of the neighbouring occupiers at No.29, and an unacceptable loss of privacy and overlooking that would be harmful to the residential amenity of the neighbouring occupiers at No.25. The development is contrary to Policies DMHB 11 and DMHD 2 of Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policy D3 of London Plan (2021) and Paragraph 135(f) of the National Planning Policy Framework (2023).
- (d) It appears to the Council that the replacement dwelling has been substantially completed within the last four (4) years.

Appeal B –

- (a) Under the provisions of Section 55 (1) of the Town and Country Planning Act 1990 (as amended) the outbuilding constitutes as development for which planning permission has not been granted.
- (b) The outbuilding, by reason of its scale, siting and poor overall design, and loss of hedging, results in an incongruous, dominant and visually intrusive form of development that fails to preserve or enhance the appearance and character of the Northwood, Frithwood Conservation Area. The development is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 1, DMHB 4, DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and HC1 of the London Plan (2021), Paragraphs 135, 140 and 208 of the National Planning Policy Framework (2023) and Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.
- (c) The outbuilding, by reason of the scale, siting, and proximity to the rear boundary and neighbouring property results in visual intrusion and loss of outlook that is harmful to the residential amenity of the neighbouring occupiers at No.29. The development is therefore contrary to Policies DMHB 11 and DMHD 2 of Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policy D3 of London Plan (2021) and Paragraph 135(f) of the National Planning Policy Framework (2023).
- (d) It appears to the Council that the outbuilding has been substantially completed within the last four (4) years.

The enforcement notices require the following steps to be taken:

Appeal A –

- (i) Modify the development in accordance with plans for the development of 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, 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 barge board 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 rooflights and replace with three south facing rooflights at loft floor level in accordance with the 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 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).
- (vii) Remove from the land all debris, items, building materials resulting from compliance with point (i) to (vi) above.

Appeal B –

- (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 planning application for Proposed replacement dwelling and outbuilding at rear (Retrospective application) was refused on 1st May 2024 (Appeal C).

The appellant has appealed against the Enforcement notices on the following grounds:

Ground (g) – that the time given to comply with the notice is too short.

The planning appeal is seeking to grant planning permission for the development.

The appeals will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>
If you do not have access to the internet, you can send your comments to:

Jeremy Richards
The Planning Inspectorate
Team E1
Temple Quay House
2 The Square
Bristol
BS1 6PN.

All representations must be received by 6 September 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available from Planning Services if required.

You can get a copy of one of the Planning Inspectorate's guides to taking part in appeals booklets from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Roz Johnson
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