

Appeal Decision

Site visit made on 26 February 2019

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

an Inspector appointed by the Secretary of State

Decision date: 18th March 2019

Appeal Ref: APP/R5510/D/18/3218841

30 Cotswold Close, Uxbridge UB8 2NA

- 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 K Perpali against the decision of the Council of the London Borough of Hillingdon.
 - The application, Ref. 64109/APP/2018/3357, dated 18 September 2018, was refused by notice dated 13 November 2018.
 - The development proposed is a part first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a part first floor rear extension at 30 Cotswold Close, Uxbridge in accordance with the terms of the application, Ref. 64109/APP/2018/3357, dated 18 September 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: 2629-01/MP; 2629-02/MP; 2629-03/MP; 2629-04/MP; 2629-05/MP;
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the pair of semi-detached houses of which the dwelling forms part and on the street scene of Cotswold Close.

Reasons

3. The Notice of Refusal refers to the first floor rear extension in combination with the existing roof extension being visually intrusive to the detriment of the character, appearance and the symmetry of the pair of semi-detached houses of which it forms a part and to the visual amenities of the street scene and surrounding area.
 4. However, in the absence of heritage assets in the form of listed buildings and conservation areas or other local designations it is fairly unusual for a Local
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Planning Authority to concern itself with maintaining the symmetry and balance of the rear elevations of semi-detached pairs. There are of course exceptions, for example where the aesthetic quality of the buildings and / or symmetry of a matching pair is of particular note, or where the rear of the properties is prominent from public vantage points.

5. From my visit to the site and its surroundings I did not form the view that either of these exceptions apply in this case. In terms of the merits of the building itself, the previous hip to gable roof extension and the more recent (possibly still under construction) front porch extension has had an effect on the symmetry of the pair with No. 29, but in the context of other buildings in the Close this has had little effect.
6. However, the roof extension at the rear of the property is wholly disproportionate to No. 30 and the pair of houses as an entity. Its total dominance and visual impact on the building is such that any attempt to 'retain' symmetry and balance is in my view a pointless exercise. Indeed, paradoxically, whilst I agree with the Council that the proposed hipped roof of the first floor addition would have an awkward relationship with the dormer, I consider that overall the additional projection would to some extent lessen rather than increase the dominance of the original building and its setting. This would occur through the addition's hipped roof above the original eaves line reducing the perception of the dormer's bulk arising from it currently standing in isolation as a large box structure on the sloping roof of the original dwelling.
7. In respect of the second consideration, the prominence of the addition from the public realm, I am puzzled as to the Council's reference to an adverse effect on the visual amenities of the street scene because there would only be glimpses of the extension's side wall in the gap between Nos. 30 and 31. And in relation to Whitehall Road the grounds of appeal are correct to argue that the distance is too great for there to be any visual impact. In any event I repeat my view that to the extent that the addition would be seen, it would serve as a mitigating effect on the visual impact and incongruity of the existing dormer.
8. Given my criticism of the existing dormer it should perhaps be noted firstly that this extension; the hip to gable addition, and the existing single storey rear extension were all constructed under permitted development before the appellant purchased the property. And secondly, I am also aware that there is an almost identical dormer extension a couple of properties away from the dwelling and other such extensions in the general locality.
9. In conclusion, for the reasons explained I consider on the main issue that the appeal scheme would not have an unacceptable effect on the character and appearance of the pair of semi-detached houses of which the dwelling forms part and on the street scene of Cotswold Close. There would therefore be no harmful conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012; Policies BE13, BE15 & BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies 2012, and the Council's HDAS 'Residential Extensions' SPD 2008. There would similarly be no conflict with Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019.

10. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed to avoid uncertainty and is in the interests of proper planning. A condition requiring matching external materials will safeguard visual amenity by ensuring a harmonious form of development.

Martin Andrews

INSPECTOR



Mr Ajay Modhwadia
239 Western Road
Southall
UB2 5HS

Application Ref: 64109/APP/2018/3357

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:

First floor rear extension

Location of development: 30 Cotswold Close, Uxbridge Middx,

Date of application: 18 September 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: 13 November 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: 64109/APP/2018/3357

SCHEDULE OF REASONS

- 1 . The proposed first floor rear extension, by reason of its siting in this open prominent position, size, scale, bulk and design and its combination with the existing large roof extensions would represent an incongruous and visually intrusive form of development to the detriment of the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part and to the visual amenities of the street scene and surrounding area. Therefore the proposal would be contrary to Policies 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.

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.
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.: 64109/APP/2018/3357

SCHEDULE OF PLANS

2629-05/MP - received 18 Sep 0018

2629-01/MP - received 18 Sep 0018

2629-02/MP - received 18 Sep 0018

2629-03/MP - received 18 Sep 0018

2629-04/MP - received 18 Sep 0018

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeals to the Secretary of State

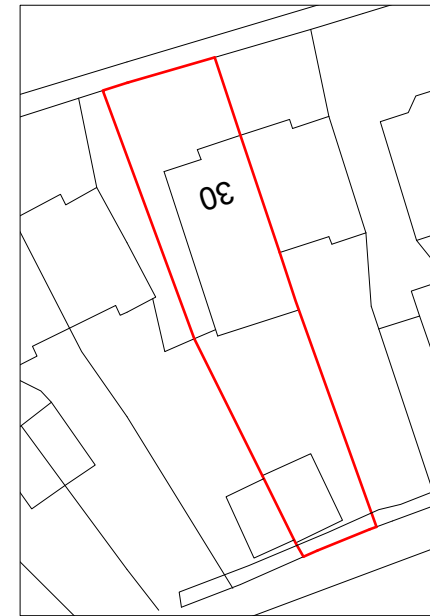
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- As this is a 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.

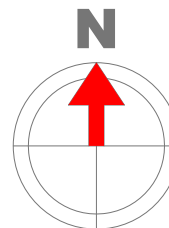
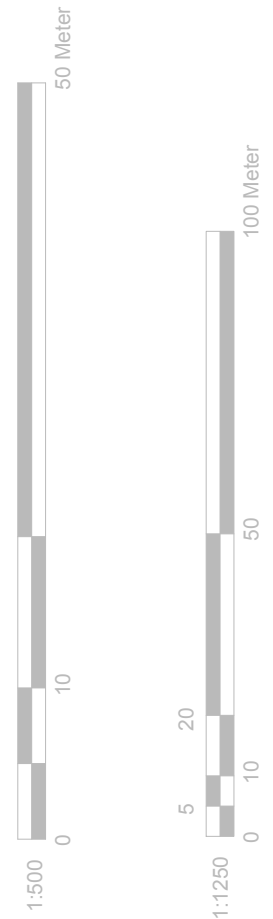
- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably 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.

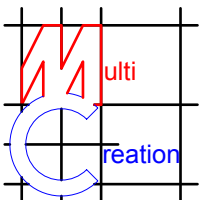


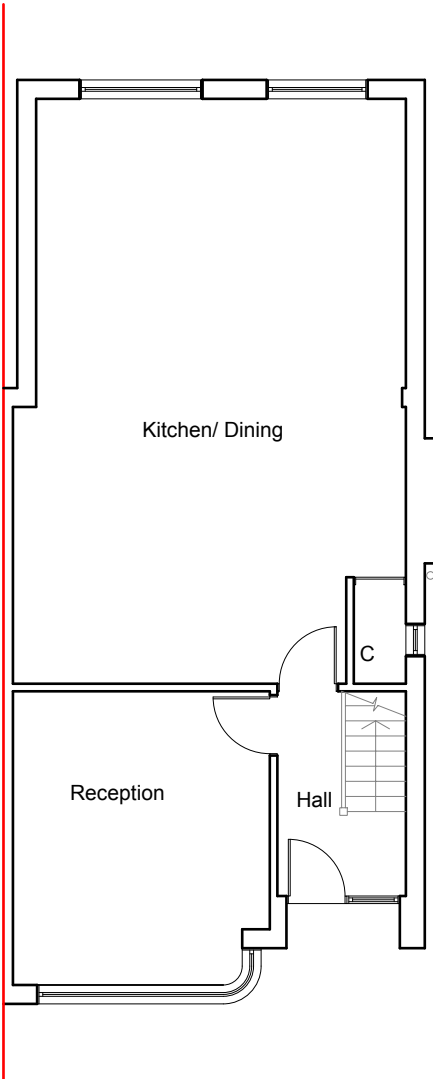
Location Plan
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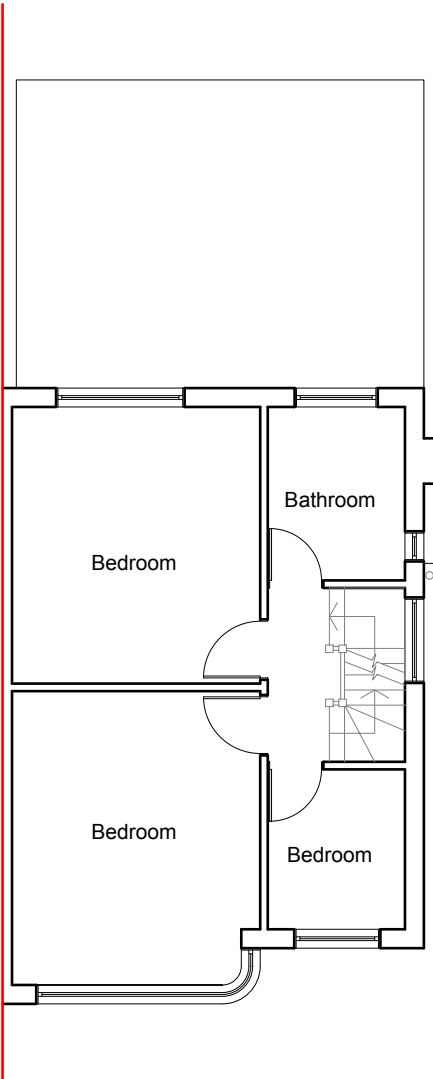
Block Plan
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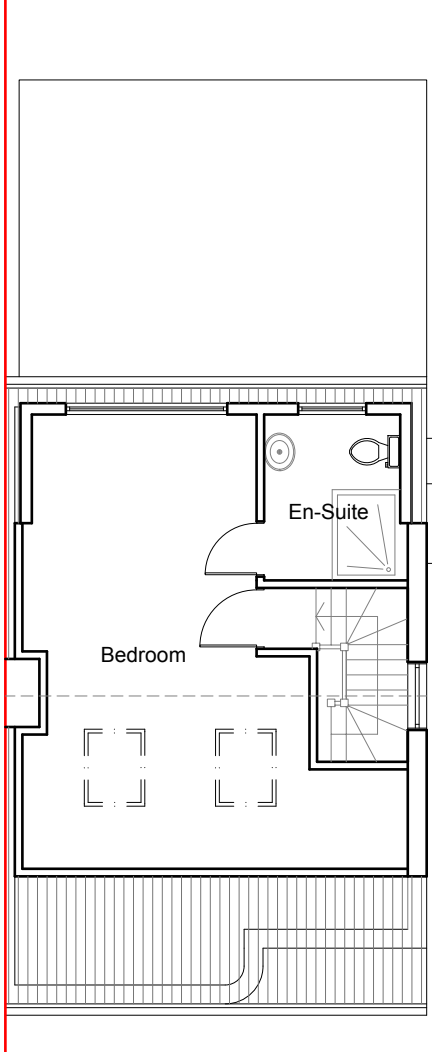
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	30 Cotswold Close	Location Plan	Date: 18/09/2018
	Uxbridge	Block Plan	Drawing No.: 2629 -05/MP
	Middx		Revision
UB8 2NA			
239 Western Road, Southall, Middx, UB2 5HS Tel: 020 8571 1369 Fax: 020 8843 2008			



Existing Ground Floor Plan
Scale 1:100

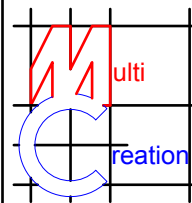


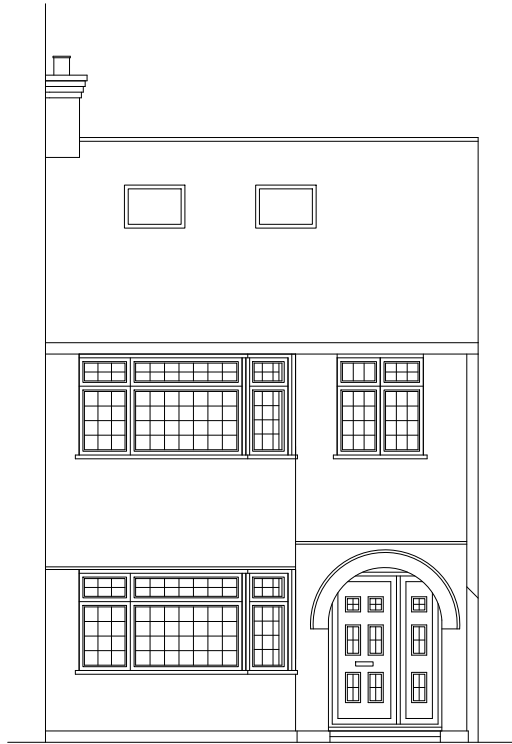
Existing First Floor Plan
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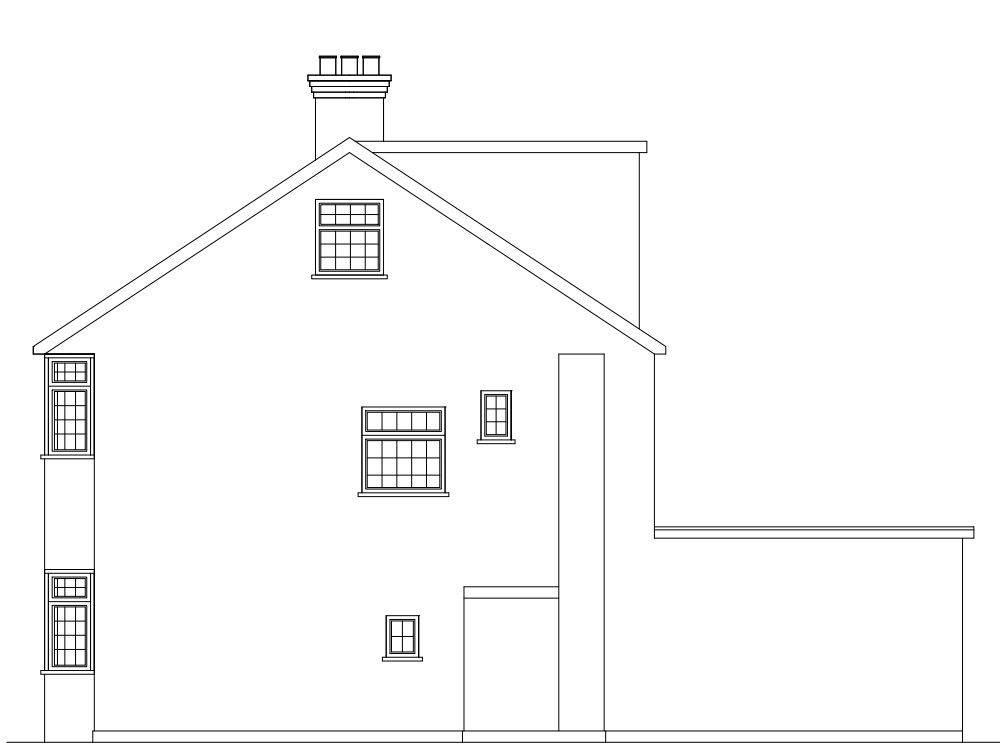
Existing Loft Floor Plan
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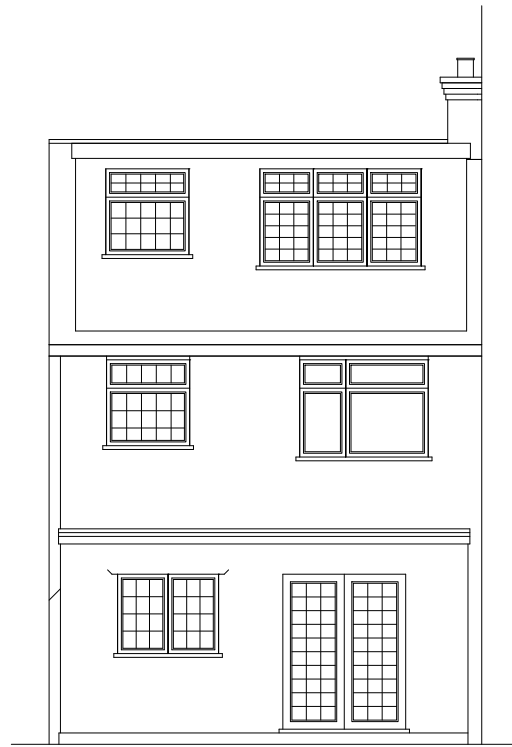
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	Uxbridge		Drawing No.: 2629 -01/MP
	Middx		Revision
	UB8 2NA		
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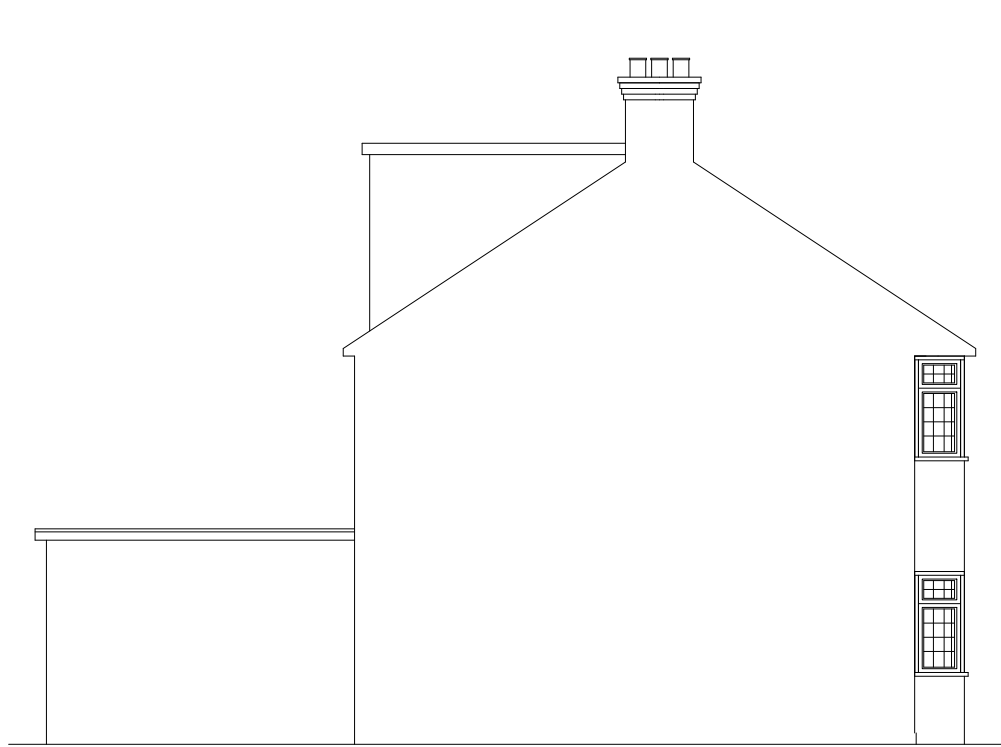
Existing Front Elevation
Scale 1:100



Existing Rear Elevation
Scale 1:100

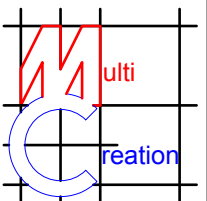


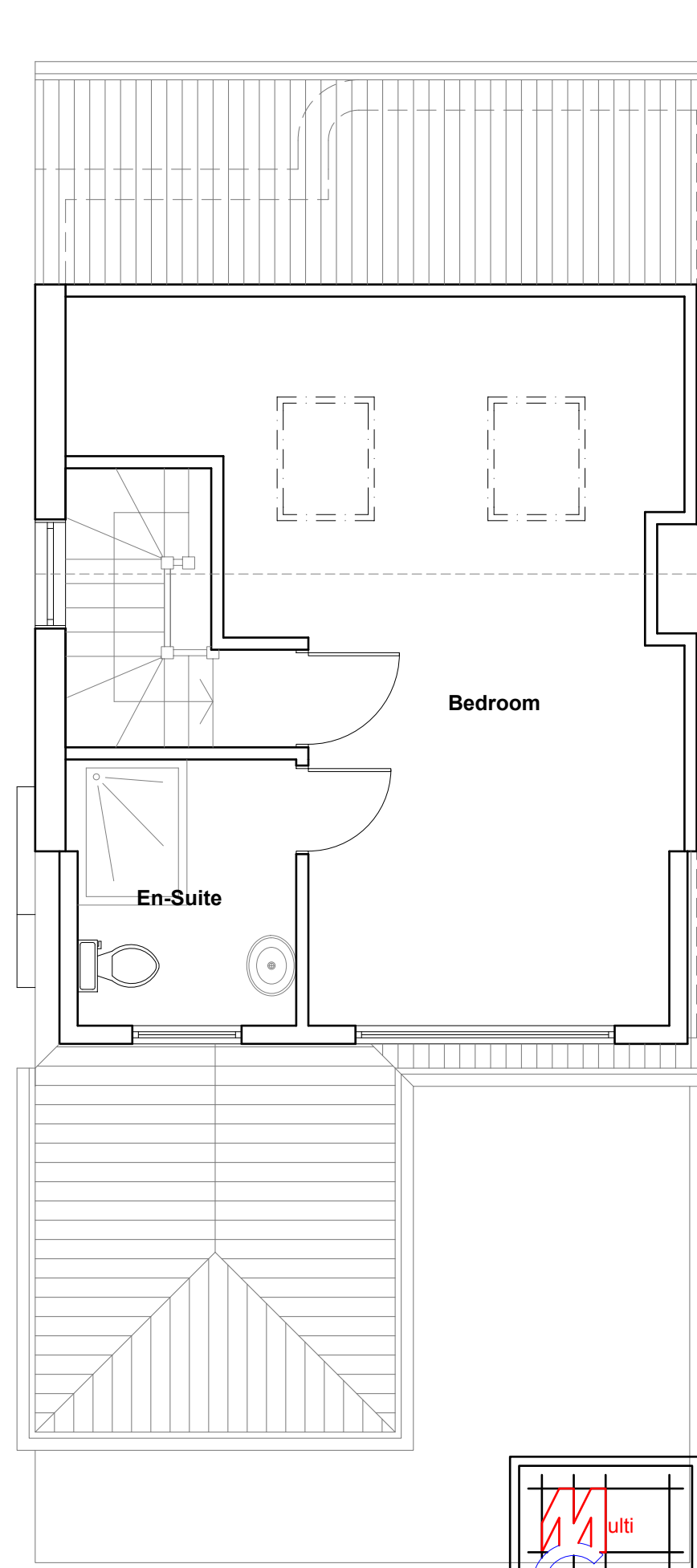
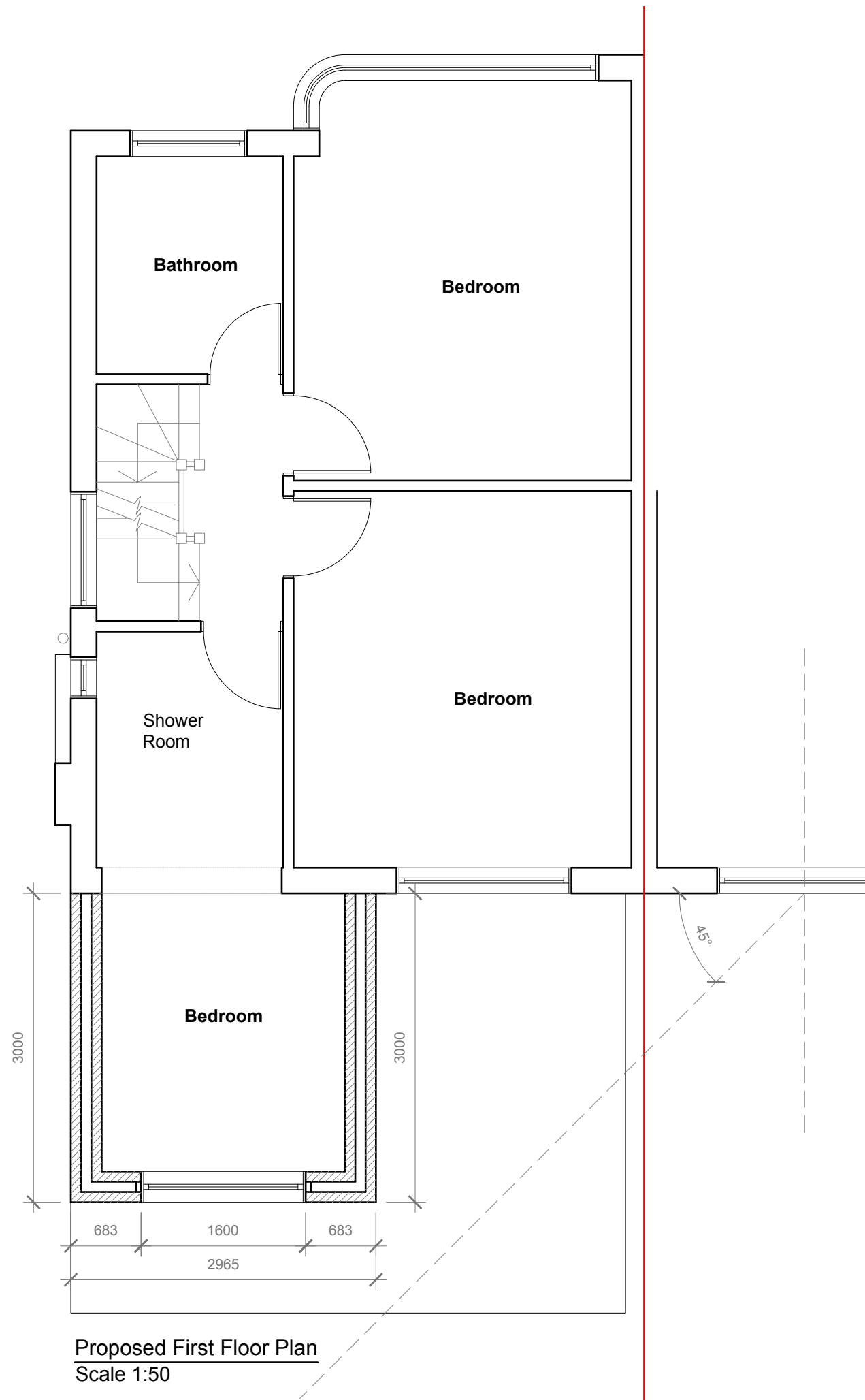
Existing Side Elevation
Scale 1:100

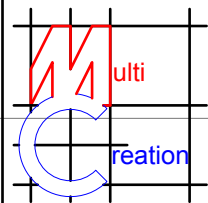


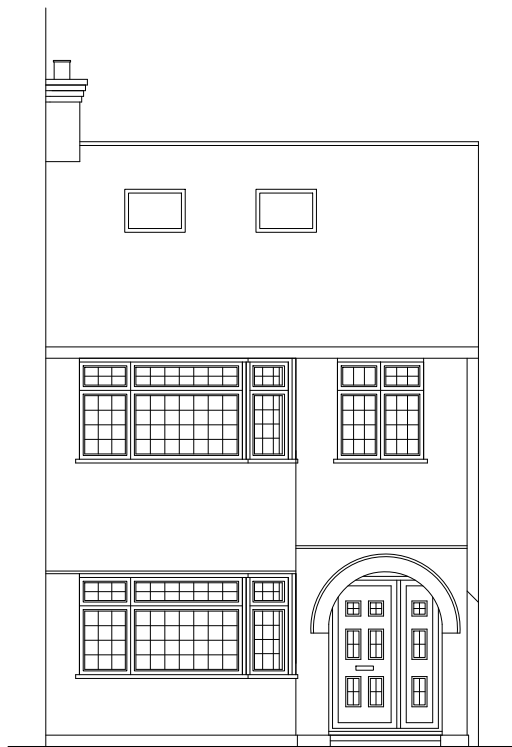
Existing Side Elevation
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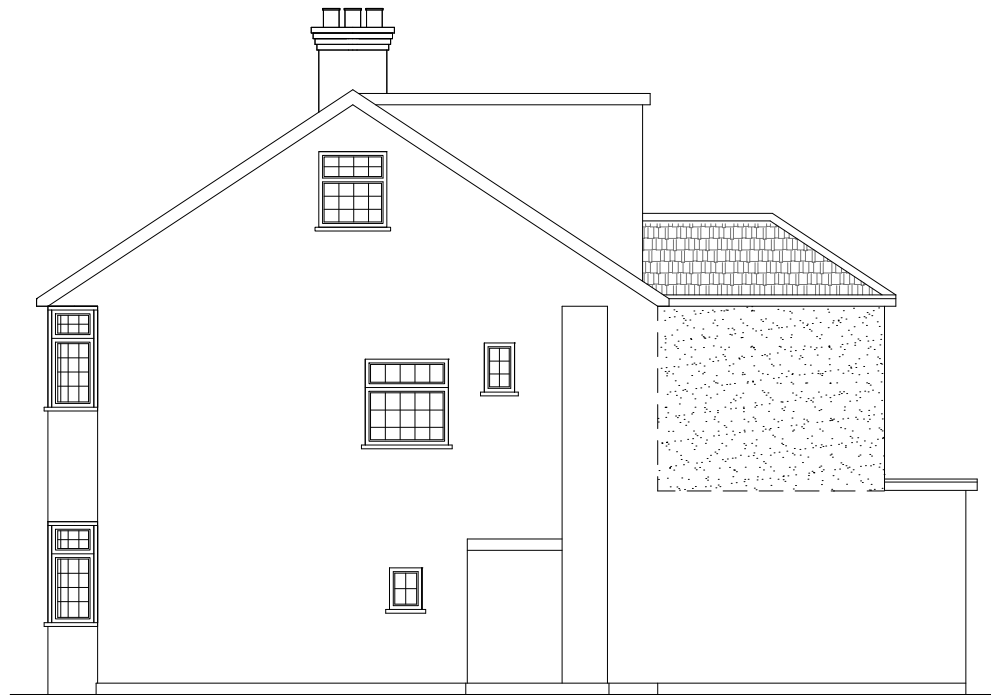
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	30 Cotswold Close	Existing Elevations	Date: 18/09/2018
	Uxbridge		Drawing No.: 2629 -02/MP
	Middx		Revision
	UB8 2NA		



	Project:	Title:	Scale: 1:50 @ A3
	30 Cotswold Close	Proposed First	Date: 18/09/2018
	Uxbridge	Floor & Loft Plans	Drawing No.: 2629 -03/NM
	Middx		Revision
	UB8 2NA		
239 Western Road, Southall, Middx, UB2 5HS Tel: 020 8571 1369 Fax: 020 8843 2008			



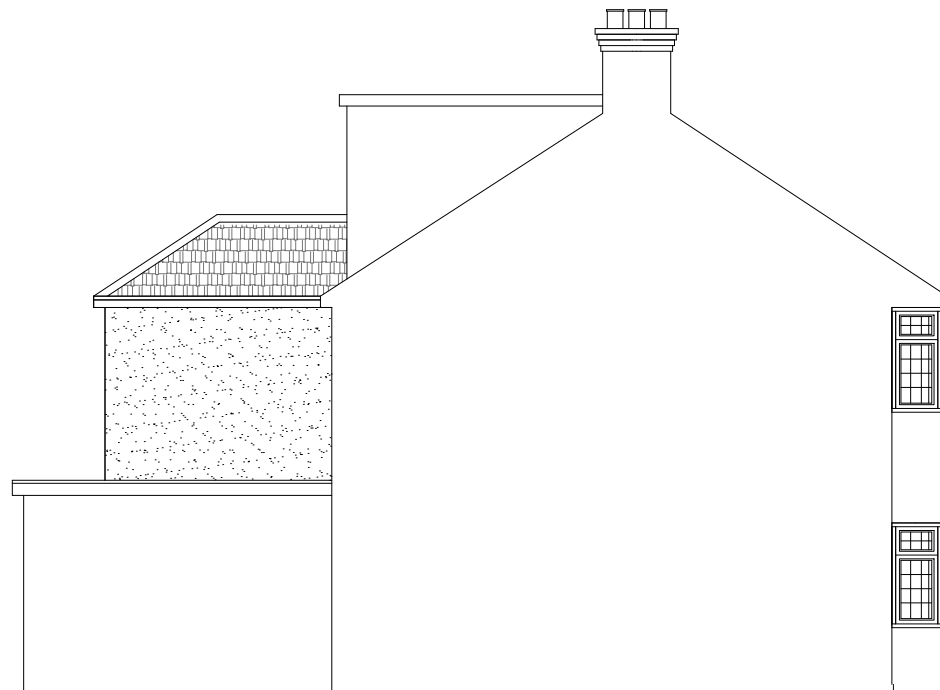
Proposed Front Elevation
Scale 1:100



Proposed Rear Elevation
Scale 1:100



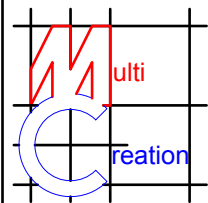
Proposed Side Elevation
Scale 1:100



Proposed Side Elevation
Scale 1:100

Proposed External Finish
Materials to Match Existing
External Finish Materials



	Project:	Title:	Scale: 1:100 @ A3
	30 Cotswold Close	Proposed Elevations	Date: 18/09/2018
	Uxbridge		Drawing No.: 2629 -04/MP
	Middx		Revision
	UB8 2NA		
239 Western Road, Southall, Middx, UB2 5HS Tel: 020 8571 1369 Fax: 020 8843 2008			