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## Appeal Decisions

Site visit made on 13 September 2022

**by D Fleming BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 September 2022**

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### **Appeal A, Ref: APP/R5510/C/21/3278948**

#### **27 Woodstock Drive, Ickenham, Uxbridge UB10 8EG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr R Soraya against an enforcement notice issued by the Council of the London Borough of Hillingdon.
  - The enforcement notice was issued on 6 July 2021.
  - The breach of planning control as alleged in the notice is without planning permission, the development of a part two storey, part single storey side extension and 2 x single storey front extensions.
  - The requirements of the notice are either:
    - (i) demolish the 2 x single storey front extensions as shown in the approximate position outlined in blue on the plan attached to the notice; and
    - (ii) demolish the part 2 storey, part single storey side extension as shown in the approximate position outlined in green on the plan attached to the notice; and
    - (iii) remove from the land all debris, items, building materials to include plant and machinery and fittings resulting from compliance with points (i) and (ii) above.Or
    - (iv) demolish the 2 x single storey front extensions as shown in the approximate position outlined in blue on the plan attached to the notice; and
    - (v) reconstruct part 2 storey, part single storey side extension so that it is in full accordance with the plans approved by planning decision ref 61790/APP/2018/1659 dated 24 August 2018 (Part two storey, part single storey side/rear extension and canopy to front involving demolition of existing garages), namely drawing numbers ZD/2018/27WD-3 Rev B, ZD/2018/27WD-5 Rev C, ZD/2018/27WD-7 Rev C, ZD/2018/27WD-6 Rev B, ZD/2018/27WD-8 Rev C, ZD/2018/27WD-1 Rev B; and
    - (vi) remove from the land all debris, items, building materials to include plant and machinery and fittings resulting from compliance with (iv) and (v) above.
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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### **Appeal B, Ref: APP/R5510/W/21/3274216**

#### **27 Woodstock Drive, Ickenham UB10 8EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr R Soraya against the decision of the Council of the London Borough of Hillingdon.
- The application, Ref 61790/APP/2020/3684, dated 11 November 2020, was refused by notice dated 12 January 2021.
- The application sought planning permission for a part two storey, part single storey

side/ rear extension and canopy to front, involving demolition of existing garages, without complying with conditions attached to planning permission Ref 61790/APP/2018/1659, dated 24 August 2018.

- The conditions in dispute are Nos 2 and 4 which state that:  
"The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: ZD/2018/27WD-3 Rev B, ZD/2018/27WD-5 Rev C, ZD/2018/27WD-7 Rev C, ZD/2018/27WD-6 Rev B, ZD/2018/27WD-8 Rev C and ZD/2018/27WD-1 Rev B." and  
"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 25 or 29 Woodstock Drive."
  - The reasons given for the conditions are:  
"To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and The London Plan (2016)." and  
"To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)."
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## Decisions

### Appeal A

1. The appeal is allowed insofar as it relates to the two storey side extension and part single storey side extension and planning permission is granted on the application deemed to have been made under section 177 (5) of the 1990 Act as amended, for the side extensions.
2. The appeal is dismissed and the enforcement notice is upheld for the two single storey front extensions and planning permission is refused in respect of the front extensions on the application deemed to have been made under section 177 (5) of the 1990 Act as amended.

### Appeal B

3. The appeal is allowed in part and planning permission is granted for the two storey side extension and part single storey side extension at No 27 Woodstock Drive, Ickenham, Uxbridge UB10 8EG in accordance with the terms of the application, ref 61790/APP/2020/3684, dated 11 November 2020, subject to the following conditions:
  - (i) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, insofar as they relate to the two storey side extension and the part single storey side extension only and excluding the two single storey front extensions, numbers: PL/A515/01, PL/A515/02, PL/A515/03 and PL/A515/05;
  - (ii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 25 or 29 Woodstock Drive; and
  - (iii) Access to the flat roof over the single storey side extension hereby approved shall be for maintenance or emergency purposes only and

the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

### **Procedural Matter and Background**

4. In 2016 the Council issued a decision that prior approval was not required for a single storey rear extension across the rear of the property.
5. The appellant received planning permission in 2018 for a two storey side extension, a part single storey side/rear extension to adjoin the 2016 permission and a front roof canopy. However, the development on site departed from the original planning permission and resulted in two additional extensions to the front of the property, amongst other changes, and alterations to the approved windows on the rear elevation. As condition No 2 specified the approved plans, the appellant sought to rectify the matter by making an application to remove the condition (and condition No 4) and replace it with a condition specifying the plans that reflect the amended design. Following the refusal of this application, the Council issued an enforcement notice to remedy the breach of planning control.
6. The Council has raised no objections to the changes in the windows. These amount to an additional window at ground and first floor level on the front elevation and some alterations to the design of the windows within the rear elevation. I find condition No 4 has not been breached as there are no additional windows, doors or other openings within the walls or roof slopes of the development as built facing either No 25 or No 29 Woodstock Drive. I will therefore not take any further action in respect of this part of the appeal.
7. The Council has made no case with regard to the part single storey side extension with regard to its depth. I shall therefore proceed on the basis that the Council's concerns are in respect of the size and effect of the extensions as they are viewed from the front.

### **The ground (a) appeal, the deemed planning application and the variation of condition appeal**

#### **Main Issue**

8. The main issue in both appeals is the effect of the development as built on the character and appearance of the host property and the surrounding area.

#### **Reasons**

9. The appeal site lies within an established residential area and comprises a semi-detached property that has recently been extended to the side, rear and front. Woodstock Drive runs west to east and properties on the northern side of the road, such as the appeal site, and roads to the north of Woodstock Drive, were part of an estate built by the Ministry of Defence (MOD). The housing was laid out largely as semi-detached with generous, open plan front gardens, mainly laid to grass, which remain.
10. The houses are homogenous in style though over the years occupiers have added garages and made other alterations such as replacing the windows. Woodstock Drive has a slightly different character and appearance with more enclosed, well planted, front gardens, some with mature trees, protected by a Tree Preservation Order (TPO). The houses on the south side of the road,

which were not part of the MOD estate, vary in style, age and layout, with more detached properties, set back behind a grass verge.

11. Other than the making of the TPO, the area has no particular designation by the Council but the verdant features and the design and layout of the housing contribute towards the attractive character and appearance of the neighbourhood.
12. The Council are concerned about the size of the development, its effect on the street scene and the symmetry of the appeal site and the adjoining property at No 25. The owners of this property have also added a two storey side extension.
13. One of the defining characteristics of the former MOD houses is the two storey front projection, which forms part of the original design of the houses. The projection is a focal point that springs from the side wall of each dwelling and partially encloses each semi-detached pair. It is approximately 4m in width and 2.3m in depth with a hipped roof and appears as a strong vertical feature that balances the wide appearance of the houses. This is especially the case with the larger houses along Woodstock Drive, which a third party refers to as the former officers' accommodation, and which generally sit in more spacious plots than other houses on the MOD estate.
14. The two storey side extension permitted at No 25 in 2016 is aligned with the main front wall of the house so that the two storey projection remains as a focal point. At the time the extension was built, No 25 and the appeal site were consequently no longer symmetrical in appearance.
15. The approved plans for the two storey side extension at the appeal site also show that it would be in line with the main front wall of the building. As such, visual symmetry would be restored, in terms of massing, although the fenestration would differ from that at No 25. Whilst the side extension at the appeal site has been built slightly wider (1m according to the Council) than the approved dimension, this does not detract from the restoration of the visual symmetry of the semi-detached pair.
16. Policy DMHD 1 of Hillingdon's Local Plan: Part Two<sup>1</sup>(LP2) requires that side extensions should not exceed half the width of the original property and that two storey side extensions should be set in a minimum of 1m from the side boundary. The approved 2018 extension plans show a 1.5m set in from the boundary but the width of the two storey side extension would have been 6m, which was more than half the width of the original house at 11.5m. However, LP2 was adopted after the 2018 planning permission.
17. All of the stated requirements in Policy DMHD 1 are aimed at achieving good design. With regard to the first requirement, the two storey side extension "as built" would not accord with policy. However, having regard to the original design of the house, with the two storey front projection, I find the extension "as built" still results in a subservient development in proportion to the original dwelling, notwithstanding its width. Indeed, the increase in width is marginal having regard to the original dimensions of the house and its appearance from the road.

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<sup>1</sup> London Borough of Hillingdon Local Plan: Part Two – Development Management Policies, adopted 16 January 2020

18. The reduced gap between the appeal site and No 29 is not perceptible from the road as the appeal property is set back a considerable distance (18.5m as stated by the appellant) from the pavement. No 29 is also set well away from the shared side boundary, and at a slightly different angle, resulting in a sizeable gap, in the order of 6m, between the properties. It would appear that the side wall of the extension at the appeal site was built in the same position as the side wall of the garages that used to occupy this space. Furthermore, the gap between the side wall of the "as built" extension and the shared boundary with No 29 appears to be similar to that which exists at No 25, although that development was permitted before the adoption of LP2.
19. Given that the new roof over the two storey side extension is mainly hipped and lower than the main roof at the appeal site, I find the overall difference between the "as built" development and the approved development is minimal and therefore not harmful.
20. In conclusion, I find there is conflict with Policy DMHD 1. However, for the reasons given, namely that the character and appearance of the host property and the surrounding area has been maintained, the two storey side extension and the single storey side extension accord with Policy BE1 of the Council's local plan, A Vision for 2026<sup>2</sup> (LP1) and Policy DMHB 11 of the LP2. These require, amongst other matters, that extensions should maintain and enhance the local distinctiveness of the area and ensure that a satisfactory relationship with adjacent dwellings is achieved. Having regard to the local plan read as a whole, I find the two storey side extension accords with the development plan.
21. The Council also seek to rely on Policy DMHB 12 from the LP2. However, as this relates to development in the public realm, I have not had regard to it.
22. Turning now to the front extensions at the appeal site, these have been erected either side of the two storey front projection. The smaller of the two is a substantial porch which accommodates a pair of entrance doors and extends across one of the windows in the main front wall of the building. The larger single storey front extension increases the depth of the new lounge in the two storey side extension. It extends the two storey side extension so that it now aligns with the two storey front projection.
23. The result is that the new extensions have now buttressed the original two storey front projection, reducing its prominence and its importance as a focal feature. The extensions also over emphasise the wide design of the building and disrupt the balanced appearance with No 25. In addition, the resulting harm is increased by the use of a brick finish that does not match the two storey projection brickwork.
24. The appellant refers to similar developments along the north side of Woodstock Drive. Some of the former MOD houses along this road have now been significantly extended and I looked at these in detail at my site visit.
25. I find that all extensions to these properties have been designed so as to retain the focal point of the two storey front projection. As such, although the houses have been extended to the side, the result is that the dwellings do not appear to be excessively wide. Where a porch has been added between the main wall and the return wall of the front projection of the house, it is small. Where a

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<sup>2</sup> A Vision for 2026, Local Plan Part One – Strategic Policies, adopted November 2012

side extension at ground level is not set back in line with the main wall of the house, there is a modest set back from the two storey projection. There is also a garage door so there is no expanse of brickwork to detract from the two storey front projection.

26. Some pairs of houses feature a rendered finish on the main front wall and the two storey front projection is finished in brick. In those cases where a porch has been added, not only is it set back from the two storey front projection, but it has also been rendered and does not obscure any of the ground floor windows in the main front wall. I find none of these examples support the design of the appellant's front extensions.
27. In addition, the effect of the appellant's front extensions on the wider street scene is to harm the distinctive character and appearance of the area. The property is especially visible when approaching from the east, due to the angled siting of No 29. The appellant proposes some landscaping to mitigate the appearance of the development as well as the affixing of false shutters either side of the windows on the front elevation and Siberian larch timber cladding to the front of the single storey extensions.
28. I find that all suggestions would have very little effect on restoring the prominence of the two storey front projection. Prior to the building works, the front garden was largely laid to lawn with a narrow drive leading to the former double garage. Afterwards, the appellant hard surfaced most of the front garden except for a corner strip, which was left as lawn. The proposal for shrub planting in this area and in front of the house would help to reduce the current stark appearance of the front garden but would not overcome the harm I have identified to the host property and the surrounding area caused by the unauthorised erection of the front extensions. This is because it does not address the loss of prominence of the front projection. Similarly, shutters would do little to mitigate the appearance of the extensions.
29. The introduction of timber cladding would mask the jarring brickwork of the extensions. However, it would not mitigate their siting and as it does not feature anywhere else on the MOD estate as a contrast material, such as in the use of render, it would result in further harm to the distinctive character and appearance of the area.
30. In conclusion, I find that the single storey front extensions are inappropriate additions that harm the character and appearance of the host property and the surrounding area. These therefore do not accord with Policy BE1 of the LP1 or Policies DMHB 11 and DMHD 1 of the LP2.
31. The appeal on ground (a) therefore fails in respect of the front extensions but succeeds in respect of the two storey side extension and part single storey side extension. As the development is substantially complete, it is not necessary to impose any conditions relating to its construction.
32. With regard to the second appeal, it is necessary to vary condition No 2 to reflect that part of the appeal which succeeds, namely the two storey side extension and part single storey side extension. In allowing the appeal in part and granting planning permission I have considered those conditions imposed on the original planning permission and suggested now by the Council. I will grant a new permission with a new condition in place of the disputed condition but as the development is substantially complete, it is not necessary to require

the use of matching materials. The remaining conditions imposed on the original permission and again recommended by the Council would be necessary to prevent overlooking.

33. As I have found that the section 174 appeal succeeds in part, the appeal on ground (g) only relates to the front extensions.

### **The ground (g) appeal**

34. This ground of appeal is that the three month period given to comply with the requirements of the notice is too short. I consider that three months would be a reasonable period to carry out the physical works to remove the two front extensions. The appellant requests that this be increased to 12 months to allow time to prepare plans, obtain builder's quotes and to enter into a contract to carry out the works.
35. It is not clear what plans need to be prepared and it is considered that to extend the compliance period to a year would be excessive, having regard to the continuing harm caused by the front extensions. The appellant's case largely relates to the time before the works can commence. Whilst his concerns are understandable, I consider the removal of the front extensions by a competent builder could be achieved in the time specified. The compliance period is therefore reasonable and I have no cause to vary it. The appeal on ground (g) therefore fails.

### **Conclusions**

#### **Appeal A**

36. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with variations and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect insofar as they are inconsistent with the permission which I will grant by virtue of section 180 of the 1990 Act.

#### **Appeal B**

37. For the reasons given above I conclude that the appeal should be allowed in part and planning permission granted for the two storey side extension and part single storey side extension.

*D Fleming*

INSPECTOR