



## Appeal Decision

Site visit made on 28 March 2023

**by J Bowyer BSc(Hons) MSc MRTPI**

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

**Decision date: 18 April 2023**

**Appeal Ref: APP/R5510/D/22/3306512**

**132 Northwood Way, Hillingdon, Northwood HA6 1RE**

- 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 Subhakanta Mohanty against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 12133/APP/2022/1824, dated 6 June 2022, was refused by notice dated 29 July 2022.
- The development proposed is erection of a part single, part double front extension and a single storey rear extension with a raised patio.

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The description of development used by the Council on the decision notice more fully and accurately sets out the development proposed than that on the planning application form, and I note that this description has been adopted by the appellant in their appeal evidence. Consequently, I have also used this description for the purposes of the appeal.
3. Given that it is located a significant distance from the appeal site, the Council's reference in the first reason for refusal to Blaydon Close appears to be an error. The appellant has assumed that the reference should instead be to Northwood Way, and I have determined the appeal on the same basis.
4. The main parties indicate that planning permission has been granted for a 'single storey front and rear extension' to the dwelling<sup>1</sup> ('the Permission'), and that there is also a Certificate of Lawfulness for works to the roof<sup>2</sup> ('the Certificate'). At the time of my visit, building works were ongoing on the site and I saw development including a rear extension and porch in place. I have nevertheless determined the appeal on the basis of the development shown on the submitted plans.

### **Main Issues**

5. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and area; and (ii) the effect of the proposal on the living conditions of the occupiers of 130 and 134 Northwood Way with particular regard to privacy.

<sup>1</sup> Application ref 12133/APP/2021/4031 for single storey front and rear extension

<sup>2</sup> Application ref 12133/APP/2021/4030 for conversion of roofspace to habitable use to include hip to gable extensions, a rear dormer roof extension and 4x front rooflights.

## Reasons

### *Character and Appearance*

6. Northwood Way near to the appeal site is generally characterised by dwellings of similar architectural styles and traditional appearance including hipped or in a few cases pitched roofs which are positioned similar distances back from the street and with fairly regular intervals between them. Although dwellings include a mix of semi-detached and detached properties and there is some variety in their scale, detailing, design and external materials, these factors provide for an overall rhythm and sense of coherence to the street scene.
7. The appeal dwelling is a detached property with a stepped front elevation. The side closest to 130 Northwood Way has a two-storey hipped roof forward projection while the first-floor part of the dwelling closest to 134 Northwood Way is of lesser depth. The proposal includes a first-floor front extension to the part of the dwelling closest to No 134 to bring it in line with the front elevation closest to No 130. The main roof would be extended over the development, creating a crown roof form with a flat section. The proposal also includes a single-storey front extension to the part of the dwelling closest to No 130 to match the depth of the deeper ground floor projection closest to No 134.
8. Policy DMHD 1 of the Local Plan Part 2 Development Management Policies 2020 ('the LPP2') states that front extensions extending across the entire frontage will be refused. The proposal would result in development of consistent depth across the entire width of the dwelling at each of the ground and first-floor levels. The appellant comments that the extension will not span the entire frontage of the dwelling, but it is not evident from the information before me that the existing front projections are original features rather than extensions. Even if I were to find that extensions would not extend across the entire frontage though, Policy DMHD 1 also includes a requirement that alterations and extensions to the front of a house must be minor and not alter the overall appearance of the house or dominate the character of the street.
9. The extensions would be set back relative to the front of No 134 and would be on a comparable building line to No 130. As a detached dwelling, the appeal dwelling also differs from its immediate neighbours which are semi-detached properties. Given these factors and the wider variety in the street scene, I am satisfied that while the proposal would notably alter the appearance of the building, the proportions of the ground and first-floor levels of the dwelling and the uniform front building line of each of these storeys across the whole width of the dwelling would not in themselves be inappropriate or visually intrusive.
10. However, the crown roof would have a reasonably large flat section relative to the host roof at the same height as the existing ridge, and would add disproportionate bulk to the roof of the dwelling. With or without the additional further works to the roof under the Certificate, this would be detrimental to its architectural integrity and character and would cause it to appear somewhat prominent. Furthermore, it would be an unusual feature in the vicinity of the site. I acknowledge that the dwelling is set back from the street and lower than Nos 130 and 134, but I saw that the existing roof ridge is clearly visible when travelling past the site. Based on my observations, the presence of the crown roof would also be readily apparent. I agree with the appellant that the roof would not dominate the skyline, and I note that the proposal would retain hipped slopes to the side of the crown section. Nevertheless, I find that it

would stand out incongruously against the more typical hipped and pitched roof form of buildings within the wider area. In my assessment, the resulting development would be a discordant feature in the street scene that would detract from the character and appearance of the host dwelling and area.

11. I acknowledge examples of extensions carried out to other dwellings nearby. However, the appellant indicates that the alterations to the roof of 131 Northwood Way, and similar alterations approved to the appeal dwelling under the Certificate, were under permitted development rights. They were not therefore assessed in the context of the requirements of the development plan. I do not know the circumstances which led to the alterations to the roof of 136 Northwood Way, and while I appreciate that the works have unbalanced the semi-detached pair, the dwelling retains a pitched roof which is broadly in keeping with the traditional styles of other dwellings nearby. I also have limited details of the circumstances which led to the development at 135 Northwood Way which limits the weight that I can afford to it. Although this dwelling does include a crown roof section, it is of very modest scale. In addition, I saw that the position of No 135 at a higher level than the road and its relationship with neighbouring buildings restrict views of the crown section from Northwood Way so that it is a relatively unobtrusive feature in the street scene. The existence of other roof extensions in the locality does not justify the harm I have identified.
12. Based on the evidence before me and my observations at my visit, I see no reason to disagree with the Council's position that the proposed rear extension, raised patio or alterations to windows and doors would not harm the character or appearance of the host dwelling or area.
13. However, this does not alter or outweigh my findings in relation to the roof. Irrespective of the use of materials and detailing to match the existing dwelling, I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the host dwelling and area, resulting in conflict with Policy BE1 of the Local Plan: Part 1 Strategic Policies 2012 and Policies DMHB 11, DMHB 12 and DMHD 1 of the LPP2. Together, these policies broadly seek development that harmonises with local context and maintains the quality of the built environment, and include requirements for good design and for alterations that do not adversely affect the character, appearance or quality of an area.

#### *Living Conditions*

14. The Council suggests that the raised patio proposed to the rear of the dwelling would have a depth of over 6m. From the information before me, it seems that this includes the depth of the steps that would provide access down on to the remaining garden. The steps would be narrow, and would reduce in height towards the rear. Noting also their function and positioning away from the boundaries of the site, I am satisfied that the steps would not facilitate harmful overlooking to neighbouring occupiers.
15. However, the main raised patio area would be of significant height above the ground level to its rear. It would span the full width of the site up to the boundaries with neighbouring dwellings, and even taking the appellant's figures, it would extend from the rear extension for a depth of 4.5m. Although the patio would be slightly lower than that approved under the Permission, it would be of significantly greater depth and width, and in my view would give rise to much greater potential overlooking to neighbouring occupiers.

16. At my visit, I saw fencing along the majority of the length of the boundaries to the sides of the appeal site which would screen views from the patio to the neighbouring windows and gardens. However, the fencing appeared to be fairly new, and is not present in photographs of the site included within the appellant's evidence. The information before me does not indicate that the fencing benefits from planning permission, and nor does it clearly demonstrate that the fencing would comply with relevant limitations to be 'permitted development' having regard to the height of the fence and ground levels. Accordingly, I am uncertain that it can be relied on to provide screening.
17. The appellant's photographs do show that there was previously fairly high fencing along the boundary with No 130. This would provide some screening, but without substantive details to demonstrate boundary treatment of sufficient height to prevent views from the patio back towards this neighbour, I cannot be sure that there would be adequate screening to prevent harmful overlooking. Even if I were satisfied that suitable screening would be provided along the boundary with No 130, the details before me indicate that the former boundary treatment to No 134 was much lower. I acknowledge that this would have allowed for a degree of mutual overlooking. However, the depth of the patio and its height above ground level would afford much more direct views down onto the neighbouring garden and back towards the windows and terrace to the rear of the dwelling which in my view would be intrusive, causing a harmful loss of privacy for occupiers of No 134.
18. I have considered the appellant's suggestion that 1.8m high boundary treatment to the sides of the patio could be secured by way of a planning condition. Based on my observations at my visit though, this would be of fairly significant height above the garden and former boundary treatment to No 134. It could therefore raise fresh considerations, for example in relation to its effect on living conditions, and I consider that there could be prejudice to the interests of neighbouring occupiers if it were provided under the auspices of a condition given that the process would not involve consultation with interested parties. I am not therefore satisfied that the overlooking that I have identified could appropriately be mitigated by way of a planning condition.
19. For these reasons, I conclude that the development would cause unacceptable harm to the living conditions of the occupiers of 134 Norwich Way through loss of privacy, and I am unable to determine that there would not also be harm to 130 Norwich Way through loss of privacy. The proposal would accordingly conflict with Policies DMHB 11 and DMHD 1 of the LPP2 which include requirements that development achieves a satisfactory relationship with and does not adversely impact on the amenity of adjacent properties.

### **Other Matters**

20. No comments from interested parties objecting to the development were submitted to the Council, but this is a neutral factor which weighs neither for nor against the proposal. The development is proposed in order to provide additional and improved accommodation including a bedroom for the appellant and their family. It would make effective use of the site, and would be likely to benefit living conditions for occupiers of the dwelling. The appellant also comments that the replacement porch would provide for a more secure and energy-efficient design with increased natural surveillance of the street. However, I note that the development previously approved as part of the

Permission would offer similar benefits in this respect, and there is no firm detail to show that these could not be achieved in the absence of the appeal scheme. In my judgement, the modest benefits of the proposal would not be sufficient to outweigh the cumulative harm that I have identified and the resulting conflict with the development plan.

### **Conclusion**

21. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR