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## Appeal Decision

Site visit made on 4 June 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

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### Appeal Ref: APP/R5510/W/24/3357880

#### 17 Broadwood Avenue, Hillingdon, Ruislip HA4 7XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs Shamyka Douglas against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 14578/APP/2024/1186.
  - The application sought planning permission for new build replacement dwelling house without complying with a condition attached to planning permission Ref 14578/APP/2022/1838, dated 16 September 2022.
  - The condition in dispute is No 2 which states that: *'The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 21\_142\_P0B (received 09-09-2022), 21\_142\_P1B (received 22-08-22), 21\_142\_P2B (received 22-08-22), 21\_142\_P3B (received 22-08-22), 21\_142\_P4B (received 22-08-22), 21\_142\_P5B (received 22-08-22) and email from agent (dated 13th September 2022 concerning exterior materials) shall thereafter be retained/maintained for as long as the development remains in existence'*.
  - The reason given for the condition is: *'To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021)'*.
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### Decision

1. The appeal is allowed and planning permission is granted for new build replacement dwelling house at 17 Broadwood Avenue, Hillingdon, Ruislip HA4 7XS in accordance with the application Ref 14578/APP/2024/1186, without compliance with condition number 2 previously imposed on planning permission Ref 14578/APP/2022/1838 dated 16 September 2022 and subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appeal site has been developed in a manner that accords with neither the plans approved under application Ref 14578/APP/2022/1838 (the approved scheme), or the plans before me in the appeal (the appeal scheme). My determination is based on the merits of the latter, as shown on the submitted plans.

### Background and Main Issue

3. The appeal site is a residential plot on a suburban street. The appellant seeks to erect a replacement house of a different design to that approved.
4. The main issue is the effect that varying the condition would have on the character and appearance of the area.

## Reasons

5. The appeal scheme essentially seeks to erect a side dormer on the west roof slope rather than the east; to install a window at 2<sup>nd</sup> floor level in the front gable projection; to erect a front dormer at 1<sup>st</sup> floor level; to insert an additional window at 1<sup>st</sup> floor level in the west elevation; to position the main entrance door centrally within the projecting bay at ground floor level; and to insert a window to the side of the entrance door. To my mind, the combined effects of these elements need not be considered if any of them are unacceptable within themselves. I will therefore address the merits of each individually to begin with.
6. The proposed western roof dormer is much the same size and design as the one approved on the eastern side. It would not add any greater bulk, nor unbalance the form of the roof to any greater extent. It is not out of character in the street given the number of houses that have similar dormers on one side.
7. The proposed window at 2<sup>nd</sup> floor level in the front gable projection would be sufficiently modest in size, and leave enough gap around it within the gable face that the projection would, overall, be characterised far more by the external render and beam detailing than by glazing. As such, it would be no less respectful of local character than the approved scheme. I observed a number of examples in the street of such 2<sup>nd</sup> floor, front gable windows, including those listed by the appellant. This element would not be out of character in the local setting, therefore.
8. The proposed front dormer at 1<sup>st</sup> floor level is small, with gap enough to either side of it to be subservient to the main 'catslide' roofslope. Modest front dormers are not alien to the street; I noted such developments at Nos 46, 31, and 94, for example, along with others. Whilst the design and setting of each varies, they are common enough that this element of the appeal scheme is consistent with local character.
9. The Council states that a '*primary window in the side elevation facing the flank wall of the neighbour would not be considered to be appropriate*', but I have been left unclear as to why. As the reason for refusal cites harm to the character, appearance, and visual amenities of the street scene and wider area, I shall assess this element on that basis. An additional window at 1<sup>st</sup> floor level in the west elevation would, whilst visible from the street, be set sufficiently far back from it as to have a negligible effect on the role the appeal site dwelling plays in forming local character.
10. The creation of a main front entrance door centrally within the projecting bay at ground floor level has been undertaken in a manner broadly consistent with the appeal scheme. Whilst the street is, overall, architecturally mixed, the appeal site is nevertheless one of a number of properties of similar design. Other examples include dwellings at Nos 32 and 34, and immediately alongside the appeal site at No 15. None of these have entrance doors in their front bays and, in that context, the appeal site is visibly at odds with a recurring local characteristic.
11. At the same time, the approved scheme has already allowed for alterations to the appeal site dwelling which significantly erode the uniformity between it and the other properties mentioned above. In visiting the street, I found the effect of this to be that the appeal site is more one of a mixed array of individual dwellings than one of a set of similar ones. Given this, and that there are a number of dwellings in

the street with central front doors (as acknowledged by the Council) I do not find this element of the appeal scheme at odds with, or harmful to, local character.

12. Given I have found each element of the appeal scheme acceptable in isolation, the in-combination effects must be considered; The west dormer, front dormer, and 2<sup>nd</sup> floor gable window would draw attention to the development of the uppermost level of the appeal site dwelling in a way which the approved scheme would not. This is because the front dormer is an additional projecting element, and the window is an additional glazed opening. Further prominence would result from the proximity of these elements to each other.
13. However, it is evident from the street that many local houses have undertaken loft conversions, often with roof extensions. The appeal site would be no more prominent in this respect than, for example, No 22 or No 50, both of which have prominent side dormers and 2<sup>nd</sup> floor gable windows, or No 26 which, whilst presenting a more traditional, uninterrupted roof form to the street, nevertheless has a series of visible rooflights.
14. I recognise that these developments, and others like them in the area, may not have been approved under the same development plan but I have no reason to doubt they are a lawful part of the street. Overall, the combination of the appeal scheme elements can be accommodated within the mixed architectural styles of the street.
15. Varying the condition would not have a harmful effect on the character and appearance of the area, and the appeal scheme would not materially diminish the quality of approved development at the appeal site. I find no conflict, therefore, with Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 (2020), or Policy D3 of the London Plan (2021).

### **Conditions**

16. The Council have provided suggested conditions which the appellant has agreed to, save for Nos 1, 2, and 4, for which they have proposed alternative wording.
17. Condition 1 as proposed by the Council would require the development to be carried out within 6 months of the date of this decision. The appellant proposes a requirement for it to be commenced within a year. However, section 73(5) of the Town and Country Planning Act (1990) (as amended) states that permission must not be granted under that section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which a development must be started. This is confirmed in the Planning Practice Guidance. I cannot extend the time period within which the development must start from that set out on the original permission. Condition 1 below reflects this.
18. Condition 2 captures the plans being approved. I see no reason not to adopt the wording proposed by the appellant in the interests of clarity.
19. In respect of condition 4, each main party has suggested different wording, neither of which match that used in permission 14578/APP/2022/1838. The Planning Practice Guidance is clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier

permissions that continue to have effect. I have no information before me to show that the original wording of condition 4 has ceased to have effect. As such, I have reproduced it in that form. In the event that any of the conditions have in fact been discharged, that is a matter which can be addressed by the parties.

**Conclusion**

20. For the reasons given above, the appeal is allowed.

*A Knight*

INSPECTOR

### **Schedule of Conditions.**

1. The development hereby permitted shall be begun before the expiration of three years from the 16 September 2022.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 21\_142\_P0 (dated Mar 2024), 21\_142\_P1 (dated Mar 2024), 21\_142\_P2 (dated Mar 2024), 21\_142\_P3 (dated Mar 2024), 21\_142\_P4 (dated Mar 2024), 21\_142\_P5 (dated Mar 2024) and email from agent (dated 13th September 2022 concerning exterior materials) shall thereafter be retained/maintained for as long as the development remains in existence
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 in accordance with the details submitted and shall thereafter be retained as such.
4. Prior to first occupation a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  1. Details of Soft Landscaping.
    - 1.a Planting plans (at not less than a scale of 1:100).
    - 1.b Written specification of planting and cultivation works to be undertaken.
    - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
    - 1.d Tree protection plan
  2. Details of Hard Landscaping.
    - 2.a Refuse Storage.
    - 2.b 2no secure and accessible cycle spaces.
    - 2.c Means of enclosure/boundary treatments.
    - 2.d Car Parking Layouts (including 1 'active' and 2 'passive' Electric Vehicle Charging Points).
    - 2.e Hard Surfacing Materials.
    - 2.f External Lighting.
  3. Schedule for Implementation.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to the dwellinghouse shall be erected without the grant of further specific permission from the Local Planning Authority.

6. The rooflights hereby approved shall be conservation type and set completely flush along the roof line and shall thereafter be retained as such.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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.
8. The side dormer window and the first-floor windows in the side elevations facing Nos.15 and 19 Broadwood Avenue shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.
9. Step free access via all points of entry and exit in accordance with the approved drawings shall be provided prior to first occupation and shall remain in place for the life of the building.
10. The dwelling hereby approved shall comply with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015. All such provisions shall be provided prior to first occupation and must remain in place for the life of the building.

**Schedule ends.**