

Appeal Decision

Site visit made on 14 September 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/R5510/D/21/3270511

41 Acacia Avenue, Hayes, UB3 2ND

- 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 Aftab Adamjee against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 16106/APP/2020/3451, dated 23 October 2020, was refused by notice dated 24 December 2020.
 - The development proposed is described as '*Add a rear dormer to the existing loft conversion and two roof windows to front slope roof*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the date of the decision The London Plan 2021 (LP 2021) was published on 1 March 2021 and the National Planning Policy Framework (the Framework) was updated in July 2021. The Council's decision notice referred to Policy 7.8 of The London Plan 2016 which is now superseded, and the 2019 version of the Framework. The Council was invited to express their views on the LP 2021 and the revised Framework insofar as they both relate to the appeal. The appellant was invited to respond to their comments.

Main Issue

3. The main issue is the effect of the proposed rear dormer on the character and appearance of 41 Acacia Avenue and the wider area, including the Hayes Village Conservation Area.

Reasons

4. The appeal property is a mid-terraced, two-storey dwelling. Acacia Avenue is lined along both sides by similar style and aged properties and is an example of the inter war, low rise residential areas that lie on the fringes of the Hayes Village Conservation Area (CA), within which the site is located and which is centred around a traditional village core and interconnected open and wooded green spaces. In my assessment it is the simplicity of the architecture along

Acacia Avenue that is typical of its time and which makes a positive contribution to the area's special character.

5. The proposal would include a 'box-like' dormer to the rear elevation of the appeal property. Although not mentioned in the decision notice, the Council's Officer's report highlights that part E of Policy DMHD 1 of the Hillingdon Local Plan Part 2 (HLP Part 2) states that roof extensions should be subservient to the scale of the existing roof and should not exceed more than two thirds the average width of the original roof. It also requires that they should be located below the ridge tiles of the existing roof and retain a substantial element of the original roof slope above the eaves line. The report points out that the Policy goes on to state that the Council will not support poorly designed or over-large roof extensions.
6. In this instance the dormer would be only very marginally set below the roof's ridge and up from the eaves. It would also be just marginally stepped in from both side boundaries, spanning significantly more than two thirds of the roof. There would be little of the rear roof slope visible to frame the dormer extension such that it would effectively appear as a bulky, additional storey to the dwelling. This would be openly seen in views from the public domain to the rear looking into the CA where the roof form to this part of the terrace would be completely altered beyond its original shape and character. To my mind the dormer would precisely represent the scale and form of roof extension that Policy DMHD 1 seeks to prevent.
7. Overall, due to its size and bulk, I find that the dormer window would appear as a discordant and harmful addition that would detract from the simple form and character of No 41 and the wider terrace as a whole. Its unsympathetic appearance would fail to display the quality of design that is required by both Policy BE1 of the Hillingdon Local Plan Part 1 (HLP Part 1) and Policy DMHB 11 of the HLP Part 2, and the Framework's objectives for achieving well-designed places. Based on this level of visual harm, it follows that the proposal would neither preserve nor enhance the character or appearance of the CA, regardless of the nature or quality of development nearby, or the fact that the dormer would face towards land and property that is outside of the CA boundary. In this regard there would be conflict with HLP Part 1 Policy HE1, HLP Part 2 Policy DMHB 4 and Policy HC1 of the LP 2021, which has been drawn to my attention by the Council since the date of the original decision. Although the harm to the CA as a heritage asset would be less than substantial, there would be no public benefits arising from the proposal to weigh against the harm. As such, there would also be conflict with HLP Part 2 Policy DMHB 1 and the Framework's objectives for conserving and enhancing the historic environment.

Other Matters

8. My attention has been drawn to a large 'box-like' dormer to the rear of 49 Acacia Avenue. This can be openly seen in views from Addison Way to the rear. I do not know the planning history to this example but it stands out as an isolated roof addition in an otherwise uninterrupted roofscape and demonstrates to me the visual harm that can be created by such unsympathetic additions. The presence of the dormer at No 49 does not lend

weight in support of a proposal for a dormer at No 41 that would be over-large and poorly related to the scale and form of the existing dwelling.

9. The appellant has suggested that the shape and size of the dormer would qualify it as permitted development. However, it is not for me to determine as part of this S78 appeal whether the erection of the dormer window would be lawful or not.
10. Whilst I appreciate that the proposal would improve the quality of the living area within the loft space of the existing dwelling, this personal benefit does not outweigh the harm that I have identified.

Conclusions

11. For the reasons given, I find that the proposed rear dormer extension would be harmful to the character and appearance of 41 Acacia Avenue and the surrounding area. Accordingly, and having regard to all other matters raised, including the absence of any objections from any other interested parties or impact upon the living conditions of any adjoining or nearby occupiers, the appeal is dismissed.

John D Allan

INSPECTOR