

Appeal Decision

Site visit made on 31 May 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/R5510/D/22/3307089

15 Brookside Road, Hillingdon, Hayes UB4 0PQ

- 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 Jasbinder Sandher against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 30809/APP/2022/1634, dated 19 May 2022, was refused by notice dated 14 July 2022.
 - The development proposed is the erection of a first floor side extension, part first floor rear extension and conversion of flat roof to pitch roof on rear single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal has been taken from the Council's decision notice, which is more accurate than that provided on the application form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The site is an end of terrace dwelling at the junction of Brookside Road and Dorchester Way, in a built-up residential area of dwellings of various styles. It is part of a row of two-storey dwellings opposite a grassed area which, although overgrown, provides a break in built form. While these dwellings have design differences, the terrace retains a certain consistency, flanked at either side by single storey side projections. While not identical, these lend balance to the row and provide a visual gap at either side of the grassed area.
5. The materials and fenestration details of the proposal would complement the dwelling. The extension would be built flush with the existing front elevation, with an eaves and ridge height that would match the current roof along the front and side, while set down at the rear. Due to its positioning above the current side extension, it would not alter the overall footprint of the dwelling.
6. However, the proposal would span the full front width of the side extension and match its depth, and would introduce a pitched roof to the rear extension, adding significant bulk to the property. Although the side extension already exceeds half the width of the property, the introduction of the built form of the

proposal would be an overwhelming addition, failing to appear subordinate or to respect the original character and proportions of the dwelling.

7. Due to its corner positioning and the adjacent green space, the site occupies a prominent plot in the surrounds where, even acknowledging surrounding trees and the overgrown nature of the open area, it is highly visible in the immediate locality. The proposal would therefore be a prominent addition at the site, with its added bulk reading as unduly dominant in the surrounds. Its infill of the gap at first floor level on this end of the terrace would reduce the openness adjacent to the green space and unbalance this row of dwellings, such that it would appear as an awkward and out of place feature in context.
8. The proposal would be set in from the side boundary of the site and, due to its generous rear garden, would retain ample separation from the Dorchester Way properties, with a building line that would follow the curve of the highway. Nevertheless, when viewed from the corner of Dorchester Way it would read as a largely featureless expanse of built form at the corner of the street, further adding to its dominance when viewed from this location.
9. Reference has been made to altered properties and recently granted planning permissions in the area, including dwellings with sizeable two storey side extensions. I acknowledge that such variation exists within the surrounds, including extended corner properties present at junctions. However, it remains that the immediate group of properties surrounding the site have a notable and pleasing consistency and balance that the proposal would disrupt. In any event, each scheme is decided on its own merits, and reference to development elsewhere carries little weight.
10. For the reasons given above, the proposal would overall result in significant harm to the character and appearance of the area. In this regard, it would fail to comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies November 2012; Policies DMHD1, DMHB11 and DHMB12 of the DMP; and Policies D4 and D8 of the London Plan 2021 and the provisions of the National Planning Policy Framework insofar as they seek to ensure good design in the public realm that harmonises with the local context and maintains local character, including extensions and alterations that are subordinate and do not impact the character of the street or wider area.

Other Matters

11. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance equality of opportunity. The proposal would provide additional living space for residents that are elderly and/ or suffer from various medical conditions, and I note the evidence submitted in this regard. The proposal would therefore relate to persons who share relevant protected characteristics. It does not follow from the PSED that the appeal should succeed, rather that the benefit to these residents should be taken into account in the planning balance.
12. I do not doubt that the proposal would provide additional living space to meet the needs of residents of the property that are elderly and/ or suffer from medical conditions. It would introduce additional space for bedspaces and home working opportunities. I have given considerable weight to this identified benefit. However, it remains that the proposal should not unduly

impact the character and appearance of the area. As such, I do not consider that the identified benefit would outweigh the significant harm outlined above.

13. I note the reference to a previous appeal at the site¹, refusing planning permission for a similar development under previous planning policies, and the appellant's comments regarding the condition of the surrounding area regarding the current condition of the surrounds. However, for the avoidance of doubt, on the basis of the information submitted with this appeal and my observations on site, I find that the proposal would not comply with current planning policy as it relates to the character and appearance of the area, for the reasons listed above.

14. There are no objections from neighbouring residents. Notwithstanding that, it is necessary to ensure that surrounding character is respected and that adequate living conditions are maintained. Consequently, the lack of an objection is not sufficient to outweigh the harm identified above. Similarly, although the parties agree that the proposal would not cause concerns relating to living conditions, highway safety or the environment, this represents a lack of harm, which is neutral in the planning balance.

Conclusion

15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR

¹ APP/R5510/D/16/3147070