



Appeal Decision

Site visit made on 25 October 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/R5510/D/24/3347323

15 Rushdene Road, Eastcote, Hillingdon HA5 1SW

- 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 Mrs Kamini Thayalanayagam against the decision of the London Borough of Hillingdon.
 - The application reference is 63838/APP/2022/2559.
 - The development proposed is described as the 'Erection of single storey extension to the side and rear and installation of front canopy roof, rear canopy (retrospective application).'
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Decision

1. The appeal is dismissed insofar as it relates to the front and rear canopies.
2. The appeal is allowed insofar as it relates to the single storey rear and side extension; and planning permission is granted for a single storey side and rear extension at 15 Rushdene Road, Eastcote, Hillingdon HA5 1SW in accordance with application Ref: 63838/APP/2022/2559 and the following conditions:
 - 1) The single storey rear and side extension and conversion of the garage shall be undertaken in accordance with approved plan: Proposed Ground Floor, Front, Side & Rear Elevation; Drawing No: 1023/AJ/02; Dated Jan 2021.

Preliminary Matters

3. The proposed Front Elevation as indicated on the plan¹ submitted with the appeal and to which the Council made their decision upon shows the front canopy as a gabled structure with timber framing that is supported by three posts which appears from the ground floor and front elevation plan as a continuation of the roof of the side extension (no elevation plan showing the side elevation (right) is submitted). Upon my site visit the front canopy that has been erected to the front of the dwelling is not what is shown in the proposed plan, what has been constructed is a timber framed structure with lean-to tiled roof which does not continue onto the pitch of the side extension. The Appellant's Statement of Case (SoC) shows the currently constructed front canopy in photographs and within the text describes the front canopy as constructed as the 'Proposed front Canopy' which implies that the canopy that has been constructed is what permission is sought for. However, this is not the same canopy as shown on the proposed plans. For clarity the front canopy for which permission is sought is not retrospective as the one constructed is not of the same appearance as shown on the Proposed Elevation Plan.

¹ Proposed Ground Floor, Front, Side & Rear Elevation; Drawing No: 1023/AJ/02; Dated Jan 2021

4. Taking the above into account, it is not for me under a Section 78 appeal to determine the current correct and legal development of the existing building. I have therefore made my decision on the basis of what is shown on the proposed plans, the development plan and relevant material considerations. To that end it is open to the Council to pursue enforcement action, or for the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act if they believe the lawful development is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.
5. With regards to the rear canopy, I also note differences to the proposed plans, such as the constructed canopy is 4 metres long compared to the proposed plan which is 2 metres long (however this is noted on the plans and within the Appellant's SoC). A tall brick wall is erected along one side of the canopy with a small timber enclosure and low dwarf wall around the perimeter of the canopy is shown within the Appellant's photographs² and observed on my site visit, but these elements are not shown on the proposed plan. As per the above paragraph, for clarity I have based my decision upon what is shown on the proposed plan, the development plan and any material considerations. To that end it is open to the Council to pursue enforcement action, or for the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act if they believe the lawful development is different.

Main Issue

6. The main issues are:
 - The effect of the proposed development upon the existing building and the character and appearance of the locality; and
 - The effect on the living conditions of neighbouring occupiers, with specific consideration around access to light, privacy, and sense of enclosure.

Reasons

7. The appeal site is located along Rushdene Road, which like the surrounding area was developed as a speculative housing estate which dates from the early to mid-twentieth century. Dwellings take on an arts and crafts type design with a number of semi-detached and detached dwellings, with single and double storey dwellings. Dwellings have similar designs, and setbacks which emphasise the spaces in and around dwellings. Materials consist of clay roof tiles, render and brickwork with large bow windows and prominent chimney stacks being positive features. Many of the dwellings have vegetated front and rear gardens, some street trees remain and vegetation is visible through gaps between dwellings. Gardens are relatively long. These are some of the elements that reinforce the qualities that contribute to local distinctiveness and the character and appearance of the area.
8. The appeal site is one of the characteristic semi-detached dwellings with pitched roof with two storey bow window surmounted by a forward projecting gabled roof with coaxial chimney stack. The appeal site and the neighbouring dwelling appear to have roof extensions from hip to gable which has elongated their roof form.

² Appellant's SoC Pages 12 and 15

Despite this, the pair of semi detached dwellings have elements that contribute positively to the character and appearance of the locality.

9. In undertaking extensions and alterations to existing dwellings, the Hillingdon Local Plan Development Management Policies (LPDM) Policies DMHB11 is a design led policy which seeks that development achieve a number of design principles such as being integrated with the surrounding area, appreciate scale, height, massing, building lines and gaps between structures, amongst others. LPDM Policy DMHD 1 is specifically related to household extensions and contains a number of design principles such as achieving a satisfactory relationship with the host dwelling, respecting the design and materials of the original house, and giving suggested depths and widths of front, rear and side extensions. Policy D3 of the London Plan is also referred to which seeks a design-led approach in new development.
10. As noted in the Appellant's Statement of Case (SoC) and the planning officer's report, the appeal site has previously had a side and rear extension approved planning permission³ which appears to have not been constructed in accordance with the approved plans. The proposed rear and side extension would be the same height, width and depth as the approved plan with the as constructed extension having slight alterations in terms of window positioning. The Council have expressed that they have no objections to the side and rear extension, and given the previous approval combined with the Council's opinion what I saw on my site visit, I have no reason to dispute the Council's opinion. As such the side and rear extensions are generally acceptable and compliant with LPDM Policy DMHD1 and DMHB11 and Policy D3 of the London Plan.
11. Turning to the proposed front porch, this would be constructed of timber and have a gabled roof which according to the floor plan would be in line with the projection of the front bow window. There are examples of later front porches erected along the street and in the surrounding area. Typically the front porches found in this locality do not project forward from the bow window, and tend to have a hipped or lean to roof. The proposed gabled roof form of the front canopy would be unlike any other porch in the locality and would not be sympathetic to the design of the host dwelling which are sought by LPDM Policies DMHD1 and DMHB11.
12. The Appellant has submitted an appeal decision for 13 Rushdene Road⁴ where a more solid form of front porch was granted approval. This porch contains a hipped roof and is much more in-keeping with the porches of the surrounding area. Given that the neighbouring porch is seen as the matching 'bookend' of the appeal property, the proposed gable roof would appear even more incongruous when the pair of semi-detached dwellings are viewed together which is an important consideration as to how the scheme would blend in with the character and appearance of the locality. Taking this into account, the proposed front porch extension would not have a satisfactory relationship with the host dwelling, and would be inappropriate when considering the positive qualities that reinforce the character and appearance of the locality.
13. Turning to the rear canopy, this is shown on the elevation and floor plans as a timber framed structure where the plans indicate that the roof is a 'temporary glazed panel.' The Appellant's SoC implies that the current polycarbonate roof and

³ Council Planning Ref: 63838/APP/2021/480

⁴ APP/R5510/D/22/3311245

canopy would be reduced to 2 metres. I disagree with the Appellant's SoC that polycarbonate is a high quality material, it does not stand the test of time and becomes more opaque and degrades with age particularly when exposed to the sun. This roofing material will not age well and could not be considered of high quality. Despite this, the height of the canopy is the same height as the rear extension and continues the apex and pitch of the roof so that the entire length of the rear extension would be 5.6 metres which exceeds the suggest depth of 3.6 metres as per LPDM Policy DMHB11. Given the close knit residential environment, the depth combined with the height of the canopy is large and whilst I appreciate comments from the Appellant that the openness of the structure reduces visual bulk, this does not mitigate the overall presence of the structure to an appropriate extent. The canopy is experienced together with the rear extension and would be overly long when experienced against the existing dwelling and comparing to other examples of rear extensions in the locality.

14. In conclusion of this matter, the side and rear extensions would be appropriate and compliant with LPDM Policies DMHD1 and DMHB11. The front and rear canopy extensions would be detrimental to the existing building and the character and appearance of the locality and be contrary to LPDM Policies DMHD1 and DMHB11 as described previously.

Living Conditions

15. The main concerns raised from the Council relate to the impact of the rear canopy to the neighbouring dwelling, rather than the rear and side extension. No.13 Rushdene Road adjoins the appeal site to the north and is the remaining half of the semi-detached dwelling that shares a party wall with the appeal site. This dwelling has a single storey rear extension that is approximately the same depth as the appeal site with large bifold windows that look onto the garden. To the opposite site of the appeal site is No.17 Rushdene Road which is a single storey dwelling that contains a small setback from the shared boundary with the appeal site, and contains an outbuilding close to the boundary with the appeal site.
16. In terms of access to light, the appeal dwelling faces west with the line of the sun creating a shadow which would predominantly be confined to the appeal site and projecting to the north over part of the rear garden of No.17 Rushdene Road. No.17 would still maintain access to a sufficient amount of light, particularly the remainder of the large garden area which would be largely unaffected by the shadow caused by the proposed canopy. Whilst there might be a slight change to light levels together with the openness of the canopy; I do not feel that this would be sufficient to cause material detriment to No.17 as a result of loss of light. Given the direction of the sun, it is unlikely that No.13 would be affected by an adverse amount of overshadowing or loss of light to a detrimental extent from the construction of the rear canopy. No.13 also maintains more of a setback from the canopy which would receive a sufficient amount of light to the rear of the property.
17. Turning to outlook and sense of enclosure, No.17s rear extension comes to the side of the appeal site's rear extension, with the proposed canopy projecting a further 2 metres. The canopy is tall and quite wide, however as is not a solid structure, there are some mitigatory effects in terms of sense of enclosure. The 2 metre projection would cause some enclosure of the rear garden of No.17, however this would not be a tunnelling effect given that the garden is not enclosed on both sides and there being sufficient depth and length of the garden to alleviate the

sense of outlook and enclosure. Whilst there may be some increased sense of enclosure and effect on outlook, I do not feel that it would be to the extent that would cause adverse detriment to the neighbouring occupants at No.17. For No.13, these occupier do not have a large rear extension so the projection of the rear extension and canopy would be noticeable to the rear garden space. There is a shed along the boundary at the point of the rear extension, with there being a small setback of the canopy to the boundary as well as the rear/side of No.13 also being setback. Whilst the extension is noticeable and would be different to existing conditions before e the extension, given the width and depth of the rear garden, there would be sufficient outlook to this property.

18. In conclusion of this matter, whilst the projection of the rear canopy by two metres is noticeable, I do not feel that the installation of canopy has caused material detriment to neighbouring occupiers as a result of access to light, and sense of outlook and enclosure. As such the proposed rear canopy would be compliant with LPDM Policies DMHB11 and DMHD1.

Conclusion

19. Whilst I have agreed with the Appellant that the scheme would not be detrimental to living conditions, the proposed front and rear canopies when considered as a whole against the Development Plan and material considerations have been found to be detrimental. As such the compliance of living conditions has not been sufficient enough to outweigh the harm caused to design and character and appearance. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted insofar as it relates to the side and rear extensions, subject to the conditions as detailed in this letter. As the rear and side extension is both physically and functionally severable, I consider a split decision would be a logical outcome.
20. I refer to the suggested conditions specified by the Council in their Statement of Case, if the appeal was to be allowed and have considered them in accordance with the Planning Practice Guidance (PPG).
21. As the side and rear extension has already been constructed, the standard time limit condition and matching materials condition is not required. As such Condition 1 is a standard condition which sets the approved plans which is necessary for the avoidance of doubt and in the interests of proper planning.

J Somers
INSPECTOR