

Appeal Decision

Site visit made on 9 August 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/R5510/D/22/3311878

231 Long Lane, Hillingdon, Uxbridge UB10 9JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mark Baldwin (plansdesigned) against the decision of the council of the London Borough of Hillingdon.
 - The application Ref 65967/APP/2022/2863, dated 16 September 2022, was refused by notice dated 9 November 2022.
 - The development proposed is for the erection of two additional storeys.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issues

3. I have taken the description of development from the appeal form since this most accurately and concisely describes the development to which the appeal relates. It does not change anything fundamental, and the same description appears on the decision notice. I have considered the appeal on this basis. I have also had regard to the policies of the development plan insofar as solely them being material considerations relevant to the main issues.
4. The requirements of the above mentioned legislative provisions grant a planning permission for the enlargement of a dwellinghouse subject to limitations and conditions considered under the prior approval process. These include, for the purposes of the appeal, an assessment as to the effect of the proposal on the amenity (living conditions) of any adjoining premises and the design and architectural features of the principle elevation and any side elevation that fronts a highway. A proposal under Class AA would also not comply with the description of permitted development if, amongst other things, the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018. These matters form the main issues of the appeal.

Reasons for Recommendation

Living Conditions

5. There is a first floor window in the side elevation of No 229 which is already in close proximity to the corresponding side elevation of the appeal building. Whilst this relationship does have a reducing effect on the amount of light into that window and some of the garden space to the side and immediate rear of No 229, the substantial additional height of the resulting building would exacerbate the situation, as well as increasing the amount of time during the day when the space served by said window, and areas of the garden of No 229 closest to the resulting building, would lack natural light. This would be harmful to the living conditions of the occupiers of No 229, unacceptably reducing the quality of the experience of the concerned spaces.
6. Insofar as they are material to this main issue, the scheme would be contrary to the aims of Policies DMHB 11 and DMHD1 of the Hillingdon Local Plan Part 2 (2020) which, amongst other things, seek to maintain neighbour amenity.

Design and Architectural Features

7. Long Lane hosts a number of dwellings which, whilst of different designs and materials, have a pleasant consistency to their two storey height and presentation/set back from the road edge. This consistency results in an even rhythm to the buildings as a group. Whilst the appeal building, due to its rendered exterior and use of a noticeably different roof covering, does stand out, it shares the above characteristics with its neighbours. These elements contribute positively to the character and appearance of the area.
8. The scheme would add two whole new storeys to the building and whilst material would be repeated, the overall height specifically would make the building appear anomalous in the street scene, unacceptably reducing the quality of its consistency. As such, the design and architectural features of the relevant elevations would not be acceptable.
9. As far as they are material to the main issue, the scheme would be contrary to the aims of Policy BE1 of the Hillingdon Local Plan Part 1 (2012) and Policies DMHB11, DMHB12, and DMHD 1 of the Hillingdon Local Plan Part 2 (2020), which collectively and amongst other things seek to ensure that there is no adverse impact of the proposal on the quality of the existing street.

Construction of the Dwellinghouse

10. There are no records available to me to show when the appeal building was built. It seems some works were carried out to it in 2009 and there remains some ambiguity as to whether they resulted in the partial or complete demolition of the building as it was. I have not seen sufficiently compelling evidence as to the precise and/or full extent of these works which, as a result, calls into question whether the building as it is now was erected outside of the dates set out.
11. The appellant refers to an affidavit, but I have not seen a copy. Even if it were to be sufficiently clear that the construction date of the appeal building was between the active dates set out, this would only ensure that the appeal scheme complied with the description of permitted development, it would not be sufficient to make it acceptable under Class AA since, as has been explained

above, it would fail against two of the limitations and conditions as prior approval matters.

Other Matters

12. Given the separation distance between the rear of the appeal site and the houses backing onto it, the additional storeys would not reduce privacy for the occupants of other properties. The appellant also makes reference to additional space being needed for elderly parents albeit, at the time the proposals are presented, such a need is identified as being a possible future one. In any case, the provisions of the relevant legislation do not allow for balancing of other considerations in the same way a proposal seeking express planning permission would.
13. I note the appeal case examples cited by the appellant and their relevance to the CAB Housing Judgement¹. Whilst the appellant disputes their applicability to the appeal scheme, the merits of the one subject of this appeal have been considered in light of both the relevant legislation and the principles established by said judgement.

Conclusion and Recommendation

14. Whilst a definitive conclusion cannot be drawn on the third main issue, if it was found to be in favour of the appellant, it would not affect findings in regard to the other two. The effect of this is to recommend the appeal be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representatives' report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR

¹ CAB Housing Ltd. & Ors vs Secretary of State for Levelling Up, Housing and Communities & Ors EWHC 208 (Admin) (2022)