The Planning Inspectorate

Appeal Decision

Site Visit made on 11 October 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/R5510/W/21/3268930
134 Long Lane, Hillingdon, Uxbridge UB10 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Sarabdeep Lotay against the decision of London Borough of Hillingdon.
- The application Ref 74860/APP/2020/3702, dated 12 November 2020, was approved on 26 January 2021 and planning permission was granted subject to conditions.
- The development permitted is Part two storey, part single storey side and rear extension and porch to front.
- The condition in dispute is No 6 which states that: 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 roof alteration to the dwellinghouse shall be erected without the grant of further specific permission from the Local Planning Authority.
- The reason given for the condition is: To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB11 and DMHD2 of the Hillingdon Local Plan Part 2 (2020).

Decision

1. The appeal is allowed, and planning permission is granted for part two storey, part single storey side and rear extension and porch to front, at 134 Long Lane, Hillingdon, Uxbridge UP10 0EH, in accordance with application Ref: 74860/APP/2020/3702, dated 12 November 2020, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Following the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published. The parties were consulted in relation to this matter and any responses received have been factored into my assessment of the appeal.

Main Issue

3. The main issue is whether the condition is necessary and reasonable, having regard to:

   i) the character and appearance of the area; and

   ii) the living conditions for the occupants of neighbouring properties.

Reasons

Character and Appearance

4. The appeal site is a semi-detached dwelling that is set back from the principal highway. It is two storeys in height with a hipped roof. The proposed extension for which permission has been granted relates to a part two storey, part single storey extension. It would result in a generous enlargement to the existing house but would replicate the existing hipped roof feature and would generally be subservient to it in form and appearance.

5. The officer report for the original planning application provided very little justification for the imposition of condition 6. Within their statement, the Council suggest that the condition is necessary because this proposal is larger than a previously approved scheme. The condition would therefore prevent any additional increase by altering the form of the roof. However, the Council do not allude to any particular type of proposal that may cause harm. Moreover, based on the evidence before me, I am not aware of any future plans to alter the roof of the extended dwelling.

6. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. However, in my judgement, simply because an extension is larger than one previously approved, this does not provide such clear justification. Roof alterations are commonplace in suburban environments and no compelling evidence has been presented to suggest why such roof alterations would be particularly harmful in this location.

7. Accordingly, having regard to the character and appearance of the area, I conclude that condition 6 of the original planning permission is neither necessary nor reasonable. In the absence of condition 6, the proposal would still comply with the requirements of Policy DMHB11 of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies (2020) (LP) which requires amongst other things, extensions to incorporate principles of good design.

8. The condition also refers to Policy DMHD2 of the LP but this policy relates to outbuildings and is therefore not relevant to the proposal, a matter acknowledged by the Council in their submissions.

Living conditions

9. As identified above, the Council's evidence to support the imposition of condition 6 is limited and in the Council's statement, living conditions is not mentioned despite forming part of the reason for the attached condition.

10. I note the comment from an interested party suggesting that the proposal may affect light into the garden, and it follows that any roof enlargements may give rise to the same concern. However, the Council found that the original proposal was acceptable and I have no evidence before me that any future alterations are likely or indeed even planned. Accordingly, due to the lack of substantive evidence on this point, and in light of the clear advice provided within the Framework, having regard to living conditions, I conclude that condition 6 of the original planning permission is neither necessary nor reasonable. In the absence of condition 6, the proposal would also still comply with the requirements of Policy DMHB11 of the LP which seeks amongst other things,

development which does not adversely impact on the amenity, daylight or sunlight of adjacent properties.

Conditions

11. In light of my findings set out above, conditions 1 – 5 remain relevant to the development. Accordingly, these conditions are reapplied to this varied planning permission in the interests of clarity and precision, as well as to ensure a high quality of development which safeguards the living conditions for the occupants of neighbouring properties.

Conclusion

12. For the reasons identified above, the appeal is allowed, and the original planning permission is varied accordingly.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers A103-REV A, A104-REV A and A105-REV A.

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 and shall thereafter be retained as such.

4) 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 facing 132 or 136 Long Lane.

5) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.