

Appeal Decision

Site visit made on 6 February 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/R5510/D/23/3332140

51 York Road, Northwood, Hillingdon, HA6 1JJ

- 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 K Jamal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75549/APP/2022/2288, dated 18 July 2022, was refused by notice dated 8 August 2023.
 - The development proposed is a part single/part two storey rear extension and raised terrace. (Resubmission following application 75549/APP/2020/1332).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is taken from the application form. It differs from the Council's description on the decision notice, which refers to "Erection of part single and part two storey extension to the rear and raised terrace and hip to gable roof adjustment and rear dormer (retrospective application)."
3. The development the subject of this appeal has already taken place.
4. The application¹ referred to in the description on the application form granted planning permission for a part two storey, part single storey rear extension. The development the subject of this appeal includes unauthorised works including a hip to gable conversion, a rear dormer and a raised terrace.
5. Whilst the appellant's statement sets out that the appellant is "confident that a hip to gable and rear dormer window would be permitted development," I note that development the subject of this appeal does not benefit from a permitted development certificate.
6. The Council notes that the constructed part single storey/part two storey rear extension has not been built in accordance with the revised drawings attached to this permission; and that the "as-built" plans relating to the application the subject of this appeal do not accurately reflect the height of the installed fencing along the shared boundary with Number 49 York Road.

¹ Reference: 75549/APP/2020/1332.

7. The Council states that other works, not forming part of the planning application the subject of this appeal, will be investigated separately by its Enforcement Department.

Main Issues

8. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of the occupiers of neighbouring occupiers, with regards to outlook and privacy.

Reasons

Character and appearance

9. The appeal property is a two storey semi-detached dwelling located in a residential area characterised by the presence of similar two storey-semi-detached dwellings.
10. Dwellings in the area are set back from the street behind a front garden and/or parking area and have longer gardens to the rear.
11. The presence of gardens, street trees, gaps between pairs of dwellings and distant views to open spaces provides for a sense of spaciousness and greenery and the regular spacing of pairs of dwellings and common design features, including the use of render, tiled hipped roofs and the presence of front gables and bays, lends the area a sense of uniformity.
12. During my site visit, I observed that whilst many dwellings have been altered and/or extended, such changes tend to appear in keeping with the original character of host properties and the surrounding area.
13. The development includes a hip to gable conversion and a large rear dormer. The visual impact of this is emphasised as a result of a change in levels between the appeal property and its neighbour, Number 53 York Road, which sits at a considerably lower level. During my site visit, I observed that the appeal property's gable roof and large rear dormer appear visually dominant, to the extent that they tower above No 53 in close proximity to that dwelling.
14. The harm arising from the above is exacerbated as a result of the roof level development at No 51 appearing significantly different to the roofs of neighbouring dwellings. The large gabled roof with its front rooflights and large rear dormer draws attention to itself and contrasts with the appearance of the hipped roof of the adjoining dwelling, Number 49 York Road, as well as with the hipped roofs of other pairs of dwellings close to the appeal property. This results in the development unbalancing the symmetry between Nos 49 and 51 and jarring with the area's identified sense of uniformity.
15. Further to the above, together, the hip to gable extension and large rear dormer appear unduly bulky and visually awkward against the two storey element of the rear extension approved by the planning permission referred to above. This adds to the incongruous appearance of the development and results in an extension which overwhelms and fails to appear subordinate to the original appearance of the host property.

16. In addition to the above, the raised terrace to the rear of the appeal property appears as a large and prominent feature. Combined with the very tall boundary fencing adjacent to it, the raised terrace draws attention to itself as a form of development unlike any other in the surrounding area and as such, it appears as an incongruous, dominant and visually intrusive form of development.
17. Taking all of the above into account, I find that the development harms the character and appearance of the area, contrary to the National Planning Policy Framework; to London Plan (2021) Policies D3 and D4; to Local Plan² Policy BE1; and to Development Management³ Policies DMHB11, DMHB12 and DMHD1, which together amongst other things, seek to protect local character.

Living conditions

18. During my site visit, I observed that, due to the topography of the area, the rear terrace sits high above the level of the appeal property's rear garden and even higher above the rear garden of No 53.
19. I note that the terrace provides outside access for the occupier, who has mobility issues and this is a factor which stands in its favour.
20. However, it also results in an area of outside space that sits high above the garden of No 53 from a dominant position. Whilst I am mindful that some overlooking of gardens, especially where the topography results in significant slopes, might be expected, in this case I find that the height and proximity of the terrace results in the direct overlooking of No 53's rear garden area. This results in a significant and harmful impact on the privacy to the occupiers of that property when enjoying their private outside space.
21. Further to the above, the rear boundary fence alongside the terrace between the appeal property and the garden of No 49 is notably tall. I find that the combined impact of the raised terrace and the boundary fence results in a visually dominant form of development which looms above the rear garden of No 49 to an overbearing degree, to the harm of the outlook of the occupiers of that property.
22. Given the above, I find that the development harms the living conditions of neighbouring occupiers, with regards to outlook and privacy, contrary to the National Planning Policy Framework; to London Plan (2021) Policy D3; and to Development Management⁴ Policies DMHB11 and DMHD1, which together amongst other things, seek to protect residential amenity.

Other Matters

23. The appellant, in support of the proposal, draws attention to other developments elsewhere. However, the circumstances relating to these developments do not appear to be so similar to those relating to the appeal before me as to provide for direct comparison. In any case, I have found that the proposed development would harm local character and residential amenity

² Reference: Hillingdon Local Plan Part One – Strategic Policies (2012).

³ Reference: Hillingdon Local Plan Part Two – Development Management Policies (2020).

⁴ Reference: Hillingdon Local Plan Part Two – Development Management Policies (2020).

and the impacts of this harm are not reduced by the presence of other developments elsewhere.

Conclusion

24. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR