

Appeal Decision

Site visit made on 9 September 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/R5510/W/24/3340051

34A Northwood Road, Harefield UB9 6PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Chloe Couch against the Council of the London Borough of Hillingdon.
 - The application Ref is 78243/APP/2023/2511.
 - The development proposed is side extension.
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Decision

1. The appeal is dismissed and planning permission for the side extension is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. Given the Council determined the appeal on 13 December 2023 I have the Decision Notice before me, and this has informed the main issue.
3. The appellant has submitted amended plans as part of their appeal. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
4. Established case law states that, in considering whether, or not, to accept amendments to a proposal during the appeal process, it must be considered whether the proposed change involves a "substantial difference" or a "fundamental change" to the application and whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal.
5. The amendments would fundamentally change the development, when compared to those upon which the Council made its decision. These are material matters affecting the determination of this appeal. The changes have not been consulted upon. I find that neither part of the necessary test set out in the relevant case law has been satisfied and so I will not accept

the amendments. Accordingly, I have determined the appeal having regard to the same proposal on which the Council made its decision.

6. The appeal site is within the Harefield Village Conservation Area (the CA) wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of heritage assets.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the host building and the area, including the CA.

Reasons

8. Situated on the fringes of the CA, which derives a large part of its significance from its mix of historic buildings, street patterns and green spaces, the appeal site relates to a single storey bungalow with a flat roofed side garage.
9. The existing garage sits below the eaves of the host building and tapers in width towards the rear while its depth is the same as the bungalow. The proposal seeks to demolish the garage and replace it with a side extension of similar width to the existing garage. The proposed extension would feature double doors on the front elevation and sit slightly forward of the principal building line. The proposed roof would slope towards the main building and sit above the eaves of the bungalow.
10. The proposal would not be subservient to the host building and create an incongruous feature to it by reason of its height above the eaves of the host building and its forward projection of the principle building line. Because of its design, the proposal would visually harm the street scene and would neither preserve nor enhance the character or appearance of the CA.
11. In terms of the Framework, the harm that I have identified would be less than substantial. Paragraph 208 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of heritage assets, that harm should be weighed against the public benefits of the proposal.
12. The appellant has not identified whether any potential harms to the CA would amount to substantial harm, total loss of less than substantial harm and has not identified any public benefits.
13. Paragraph 205 of the Framework establishes that great weight should be given to the conservation of a designated heritage asset, and the little public benefits I have found would not outweigh the harm identified.
14. For the above reasons, I conclude that the proposed development would harm the character and appearance of the host building and would thus fail to preserve or enhance the character and appearance of the area, including the CA. Hence, it would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 4,

DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D3 and HC1 of the London Plan (2021). Together, these policies, amongst other matters, require development to conserve and/ or enhance heritage assets including conservation areas, achieve high quality design and ensure extensions are subordinate to the main dwelling. It would also not comply with the design and historic environment objectives of the Framework.

Other Matters

15. I acknowledge the appellant's comments about the Council's handling of the case, but in reaching my decision I have been concerned only with the planning merits of the case.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR