



Appeal Decision

Site visit made on 17 June 2024

by Megan Thomas KC Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/R5510/D/24/3337503

23A Frays Avenue, West Drayton UB7 7AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and 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 Mr Brian Worthington against the decision of the Council of the London Borough of Hillingdon.
- The application Ref. is 820/APP/2023/2782.
- The development proposed is "to construct an additional storey above the outline of the original footprint of the property."

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) "GPDO" for construction of an additional storey above the outline of the original footprint of the property at 23A Frays Avenue, West Drayton UB7 7AF in accordance with the application ref.820/APP/2023/2782 and the details submitted with it including plan nos Y1686-2023-11, Y1686-2023-02, Y1686-2023-12, Y1686-2023-01, Y1686-2023-03 & Y1686-2023-10, and subject to the conditions set out in sub-paragraph AA.2 of Class AA of Schedule 2 Part 1 of the GPDO.

Preliminary Matters

2. Schedule 2, Part 1, Class AA(b) of the GPDO permits the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction. Development is permitted under Class AA subject to limitations and conditions and a requirement that, before beginning the development, the developer applies to the local planning authority for prior approval.
3. Paragraph AA.2(3)(a) of Class AA requires prior approval to be sought as to matters which, amongst other things, include (ii) the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway. Paragraph (bb) does not apply in this

appeal. The Council's reason for refusing the application refers to the external appearance of the dwellinghouse and its impact on the surrounding area.

4. The local planning authority must, when determining an application, take into account any representations made to them as a result of any consultation, and, must have regard to the National Planning Policy Framework "NPPF" so far as relevant to the subject matter of the prior approval. I have determined the appeal on the same basis, having regard in particular to the NPPF advice on making effective use of land and achieving well-designed and beautiful places.
5. Prior approval applications must not be determined, expressly or otherwise, on the basis of section 38(6) of the Planning and Compulsory Purchase Act 2004 or as though the statutory development plan must be applied. I have had regard to policies of the London Plan 2021, policies in the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies (adopted 2020) and policies in the London Borough of Hillingdon Local Plan – Part 1 – Strategic Policies (adopted 2012) only in so far as they relate to the subject matter of the prior approval as material considerations. However, these policies have not been decisive in my determination of the appeal.

Main Issue

6. The main issue in the appeal is whether prior approval should be granted having regard to the external appearance of the dwellinghouse including the design and architectural features of the principal elevation of the dwellinghouse.

Reasons

7. The appeal site is a single storey dwelling located to the south of, and behind, no.23 Frays Avenue. Its external materials are timber. It is in a V-shaped plot with garden mainly to its east and south. It is directly north of a fork in the Frays River and so has river on two sides of the plot, forming an attractive setting for the dwelling. The plot can only be glimpsed from Frays Avenue given its backland location.
8. The West Drayton Green Conservation Area is situated to the east of the eastern river fork and includes Old Farm Road. The appeal site is outside the Conservation Area but on the fringes of it. The significance of the Conservation Area appears to me to be the attractive arrangement of residential property around and near The Green and The Closes, which are areas of open land.
9. The appeal site is situated within the Garden City, West Drayton, Area of Special Local Character. Areas of Special Local Character are non-designated local heritage assets that have a character and identity which local residents value and the Council seek to protect under local plan policy. The Garden City, West Drayton ASLC is made up of a mixture of bungalows, chalet bungalows and two storey properties, predominantly detached in nature. The scale, building lines, designs, landscaping and materials used in the buildings are all factors which are important to note if dwellings there are being extended.
10. In respect of the typology of building in the immediate vicinity of the appeal site, no.58 Old Farm Road is a bungalow and no.65 Old Farm Road is the end of a row of two storey terraced houses. Number 23 Frays Avenue is a bungalow but has some accommodation in the roof space, no.21A Frays Avenue is a two storey dwelling and no.21 Frays Avenue is single storey but

with accommodation in the roof/gable. Frays Avenue dwellings to the west of the appeal site are predominantly two full storeys.

11. The proposed works would extend the appeal dwelling vertically. It would have a new roof of a similar simple pitch to the existing one and in the front and rear (shorter) elevations it would have a cohesive fenestration arrangement. The proposed new storey would not exceed 3.5m in height and would not have any windows in its flank elevations. As noted by the Council, the external finish would match the existing with the use of timber. Protected trees would not be affected.
12. The resulting building would continue to have a 'cabin' type appearance albeit of two storeys. The style would be in harmony with its semi-rural riverside surroundings and the timber exterior would fit in with the existing garden trees and riverside setting. It would not be uncharacteristic, unduly prominent or incongruous and would continue to respect the established sense of place.
13. In relation to its proposed height, this would not be excessive given the many nearby two storey dwellings and given that it would be well-screened from many views and not unduly prominent in the immediate area. The simple lines of the proposed building would result in an acceptable design which would be pleasantly symmetrical. I consider it would be a self-effacing and unpretentious building. It would preserve the setting of the nearby Conservation Area and not detract from the Area of Special Local Character in which it stands, or the Frays Avenue streetscene.
14. Overall, I conclude that the development would be acceptable in terms of the external appearance of no.23A Frays Avenue, with regard to the design and architectural features of all the elevations of the dwellinghouse. It would be sympathetic to the surrounding area.

Other Considerations

15. Class AA.2(3)(a)(i) indicates that prior approval applications should have regard to any potential impacts on amenity of adjoining premises including overlooking, privacy and loss of light. The resulting building would not have windows in its upper storey flank elevations and the new gable end windows would be comfortably separated in distance from the gardens and windows of surrounding dwellings, making any overlooking or loss of privacy for nearby occupants untenable. The generous separation distances would also prevent the new storey from blocking any daylight or sunlight from surrounding dwellings or their gardens and they would ensure that the resulting building would not cause an undue sense of enclosure for any neighbour. I have concluded that there would be no reduction in neighbours' amenities and I note that the Local Planning Authority raised no objection in such terms.

Conditions

16. Planning permission granted for development under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO is subject to the conditions set out under Paragraph AA.2. A separate condition specifying the approved plans is not necessary as they are referred to within the formal decision. No other conditions are necessary to make the development acceptable or mitigate any perceived harm.

Conclusion

17. Having taken into account all representations made, for the reasons given above, the appeal is allowed and prior approval is granted.

Megan Thomas KC

INSPECTOR