



Appeal Decision

Site visit made on 17th June 2024

by **Megan Thomas K.C. Barrister-at-Law**

an Inspector appointed by the Secretary of State

Decision date: 9th July 2024

Appeal Ref: APP/R5510/D/24/3341936

123 Charville Lane, Hayes, Hillingdon UB4 8PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Habib Burhani against the decision of the Council of the London Borough of Hillingdon.
- The application Ref. is 8692/APP/2023/2858.
- The development proposed is extensions and loft conversion including dormers.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has requested that the decision is taken on the basis of revised plans marked revision E, rather than on the plans against which the planning application was refused by the Council. In relation to the appeal evidence, the revision E plans accompany the appellant's Statement of Appeal. However, it would be procedurally unfair for me to determine the appeal decision on the basis of the revision E plans because they have not been subject to formal public consultation. That means that the public has not had the opportunity to see or comment on those amended plans. That would cause substantial prejudice and be procedurally unfair.

Main Issues

3. The site is in the Green Belt. The main issues in the appeal are:
 - whether the proposal constitutes inappropriate development in the Green Belt having regard to the National Planning Policy Framework 'NPPF' and development plan policies
 - its effect on the openness of the Green Belt
 - in relation to the proposed dormer structures, their effect on the character and appearance of the host dwelling

- in relation to the proposed dormer structures, their effect on the living conditions of existing and future residents of the appeal property in relation to light, ventilation and outlook
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether there are very special circumstances justifying the proposal.

Reasons

Whether inappropriate development

4. The appeal property is a detached single storey dwelling located on the north side of Charville Lane. It has 135 Charville Lane to its immediate east and 121 Charville Lane to its west. It stands back from the Lane and has a parking area at the front and a rear garden. It is situated within the Green Belt within a residential area.
5. The proposed development includes a rear extension with habitable roof accommodation and 6 dormer extensions (1 x front, 2 x right side, 2 x left side & 1 x rear). The rear extension would measure approximately 4m beyond the original rear building line, span the full width of the rear of the property and match the ridge height of the existing dwelling. It would replace an existing conservatory at the site.
6. The NPPF sets out the national policy approach to development in the Green Belt and articulates the concept of "inappropriate development" in the Green Belt. It says that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. When buildings are being extended or altered it indicates that an exception to "inappropriate development" can be made out where it is judged that the extension or alteration to the building does not result in disproportionate additions over and above the size of the original building.
7. The building is a modestly-sized single storey dwelling. Taking into account that the proposal includes the demolition of the rear conservatory, I consider that the proposed additions to the property at the rear and in the form of 6 dormer structures, would result in disproportionate additions over and above the size of the original building. The proposed development would be 'inappropriate development' in the Green Belt and would not be an exception as articulated in paragraph 154(c) of the NPPF or as articulated elsewhere in the NPPF or in local policy.

Impact on openness

8. The essential characteristics of Green Belts are their openness and their permanence. In this case the proposed dormers would increase the volume, bulk and massing of the dwelling. This would result in a perception of loss of openness of the Green Belt. However, that harm would, in this case, be limited in extent.

Effect of proposed dormers on character and appearance

9. In terms of potential harm to the character and appearance of the host dwelling from the proposed rear extension, I consider that owing to it being at the rear of

the dwelling and having a modest depth it would not cause undue harm. I have noted that its height would conflict with policy DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020), but nevertheless its overall size and scale would not cause unacceptable harm.

- 10.Turning to the dormers, two are proposed in the west roof slope, two in the east roof slope, one in the front roof slope and one in the rear roof slope. Whilst each is proposed with sympathetic pitched roofs with front hips, the size and number would overwhelm the modest appearance of the dwelling resulting in a cluttered, disproportionate and top heavy appearance to the dwelling. They would dominate the dwelling. This would be exacerbated by the fact that from the front the dwelling already appears unduly squeezed into its plot in terms of its width, leaving only a modest gap between the western flank and the common boundary with no.121 Charville Lane and a single storey side extension on the eastern flank of the dwelling being built almost up to the common boundary with no.135 Charville Lane to the east.
- 11.On my site visit, I noted extensions including dormers which had been undertaken in the immediate area, however, I have judged the proposed development on its own individual merits and conclude that the proposed dormers would be unduly harmful. Furthermore, the dividing wall of the proposed bedrooms in the front and rear dormers in the roof divides those windows vertically in half in visual terms. This is poor design in my view and would also be detrimental to the character and appearance of the resulting dwelling.
- 12.On this issue, I conclude that the proposed dormers would significantly harm the character and appearance of the host dwelling and would be contrary to policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (adopted 2012), policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020) and policy D3 of the London Plan (2021).

Living conditions of Existing and Future Occupants

- 13.In the roof space, two proposed bedrooms at the rear and two proposed bedrooms at the front would each be served by one dormer window which would have a vertical intersecting wall dividing each of the two windows in two. The amount of natural light reaching each of those bedrooms would be extremely low, especially as each is an L-shape and the main floor area of each bedroom is located away from the windows making it hard for light to penetrate the main part of each bedroom.
- 14.Turning to consideration of the living conditions of a future occupant, the 'half' window serving each room would be unacceptably small and also distant from the main area of the bedroom. This would give an undue sense of enclosure and oppressiveness for any occupant of those bedrooms. In relation to the potential for ventilation there would be a top light opening window for each bedroom and I consider that this, on balance and taking account of the configuration of rooms on the proposed upper floor, would be sufficient to adequately ventilate the bedroom.
- 15.I therefore consider that there would be an unacceptable level of light and outlook to the first floor bedrooms causing unacceptable living conditions for current and

future occupiers, contrary to the spirit of policy DMHB 16 of the Hillingdon Local Plan Local Plan: Part 2 - Development Management Policies (adopted 2020).

The balancing exercise

16. I have found the proposed development to be inappropriate development in the Green Belt. NPPF policy indicates that substantial weight against the grant of planning permission must be attached to inappropriate development in the Green Belt by reason of its inappropriateness. In addition to this harm, I have found that there would be some limited harm to the openness of the Green Belt. There would also be harm to the character and appearance of the host dwelling from the proposed dormer structures and there would be harm to the living conditions of existing and future occupants of the host dwelling by reason of inadequate light and outlook to the proposed bedrooms. I have borne in mind the benefits that would flow from having additional accommodation at the appeal site, however, my conclusion is that the harm I have identified is not clearly outweighed by other considerations in this case. Consequently, very special circumstances do not exist to allow the grant of planning permission for the proposed development.

Conclusion

17. Having taken into account all representations made for and against the proposal, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR