

Appeal Decision

Site visit made on 18 December 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2019

Appeal Ref: APP/R5510/D/18/3213136

62 The Drive, Ickenham, Uxbridge UB10 8AQ

- 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 and Mrs Suresh Velani against the decision of the Council of the London Borough of Hillingdon.
 - The application, Ref. 38634/APP/2018/2041, dated 1 June 2018, was refused by notice dated 8 August 2018.
 - The development proposed is single storey front, part first floor rear extension. New roof including rooms in the roof. Front velux and rear dormer windows
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed first floor rear extension on the living conditions for the occupiers of No. 60, the adjoining dwelling to the south, as regards light and outlook.

Reasons

3. The officer's report explains that an earlier extension similar to that now proposed was refused permission but allowed on appeal. The new scheme, the subject of this appeal, is sufficiently similar to its predecessor for the Council to accept that there can be no objection in terms of its design.
 4. However, compared to the earlier proposal the extension would increase the width of the addition. The effect of this would be to reduce its distance to the boundary with No. 60 from 6.15m to 5.5m and the distance to a bedroom window in that property from 7.15m to 6.5m.
 5. However, the appellants have commissioned a Sunlight and Daylight Report which has assessed the effect that would arise from the appeal scheme in accordance with '*Site Layout Planning for Daylight & Sunlight*' P J Littlefair 2011 published by the Building Research Establishment (BRE). The results of the BRE appraisal are favourable for the appellants, with the report on 'Daylight Distribution' concluding that all rooms assessed within No. 60 comfortably fulfil the guidelines. Having regard to that assessment it would be wrong for me to unequivocally conclude an opposite point of view as a reason for there being an unacceptable effect on the living conditions for the occupiers of No. 60.
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6. Nonetheless, I consider the Council is correct to point out that (because in carrying out the appraisal no access was afforded to the bedroom concerned in No. 60) the results are heavily qualified. Paragraph 4.3 of the BRE appraisal confirms that some of the neighbouring spaces assessed 'could fall outside the test requirement criteria'. Paragraphs 9.3 & 9.4 advise that where full access was not available reasonable estimates were made of internal layouts, floor areas, window sizes and positions, and that the calculations model was derived from a combination of architect's plans, partial site survey, site and aerial photographs.
7. Because of the above I can only give limited weight to the BRE appraisal and cannot safely conclude that the appeal scheme would not reduce the light available for the occupiers of No. 60, particularly because in paragraph 9.1 it says '*... this report should not be relied upon by any third party*'. However, as a matter of planning judgement from my visit to the appeal property itself, I am able to conclude that both the natural light and available outlook to the users of the rooms with windows in the in north east elevation of No. 60, including a bedroom in particular, are already very limited. And furthermore, that the introduction of additional built form at first floor level at No. 62 over half a metre closer to the neighbour has the potential to make the situation worse.
8. In the case of light, the effect is in my view at least possible, whilst as regards outlook I consider it is almost certain, with additional visual intrusion. The difference to any impact arising from the already approved scheme may not be great, but in a situation where the enjoyment of light and outlook is already at a low level I consider that it deserves weight and is therefore material to my Decision.
9. I acknowledge that the grounds of appeal draw together all the other factors, including design, that do not count against the appeal being allowed. But on the main issue I conclude that the proposal would be likely to unacceptably harm the living conditions for the occupiers of No. 60 through either a loss of light or outlook and possibly both. This would be in conflict with Policies BE19 & BE21 of the Hillingdon Local Plan: Part Two – Saved UDP Policies 2012; the Council's HDAS Residential Extensions SPD and paragraph 127f) of the National Planning Policy Framework 2018.
10. For the above reasons the appeal is dismissed.

Martin Andrews

INSPECTOR