
Appeal Decision

Site visit made on 4 December 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2018

Appeal Ref: APP/R5510/W/18/3206520
63 Colbrook Avenue, Hayes UB3 1TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Jasdeep Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 41741/APP/2018/1347, dated 6 April 2018, was refused by notice dated 17 May 2018.
 - The development is described as '*single storey rear extension*'.
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Decision

1. The appeal is allowed and, for the reasons given below, approval is granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the erection of a single storey rear extension which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.4 metres and for which the height of the eaves would be 3 metres at 63 Colbrook Avenue, Hayes UB3 1TQ in accordance with the terms of the application Ref 41741/APP/2018/1347, dated 6 April 2018, and the details submitted with it, including the plan titled 'Ground Floor', pursuant to Article 3(1) and Schedule 2, Part 1, Class A and paragraph A.4 of the GPDO.

Procedural Matters

2. The original application form was undated and so I have adopted as the 'date of the application' the date given on the appellant's appeal form and the Council's decision notice. That date is set out in my banner heading, above. I have also adopted the more detailed description set out on the Council's decision notice, and subsequently adopted by the appellant on the appeal questionnaire, in my decision as it more accurately and fully describes the proposal for the purposes of the GPDO.

Background and Main Issues

3. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. Until 30 May 2019, paragraph A.1.(g) of that Class makes provision for single storey rear extensions up to 6 metres in length beyond the rear wall of the original dwelling house and 4m in height for properties other than detached dwellings.

Development will not be permitted by Class A where it exceeds the limitations will set out therein, or the relevant limitations set out elsewhere within Class A.

4. Where development that is permitted by Class A exceeds the limits set out in paragraph A.1.(f) but is allowed by paragraph A.1.(g), paragraph A.4. sets out the process by which notification of the proposal has to be made to the local planning authority (LPA). Owners or occupiers adjoining the proposed development are required to be served notice¹ of the proposal by the LPA and, where any owner or occupier of any adjoining premises objects, the prior approval of the LPA is required² as to the impact of the proposed development on the amenity of any adjoining premises.
5. Although, the Council refused prior approval for the proposed single storey rear extension they have expressly not determined whether or not the proposal would comply with the restrictions, limitations and conditions imposed by Part 1, Class A of the GPDO. It is therefore incumbent upon me to consider first, whether or not the proposal would exceed those restrictions, limitations or conditions. Having done so, and if necessary, I am required to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received.
6. Having regard to the above, the main issues are whether the proposal benefits from the planning permission (permitted development) granted by Part 1, Class A of the GPDO and, if so, the effect of the proposal on the living conditions of occupiers of 61 Colbrook Avenue in respect of light and outlook.

Class A

7. The proposed single storey extension would be located on the rear elevation of the host dwelling, a semi-detached property with a generously long rear garden. The extension would project 4 metres in depth from the rear elevation and measure 3 metres in height to eaves level and 3.4 metres to its highest point. The extension would extend across the entire width of the dwelling's rear elevation and so would be located within 2 metres of the adjoining half of the semi-detached property (No. 61).
8. From all that I have read and seen, I am satisfied that the proposal would not exceed the restrictions, limitations or conditions set out at paragraphs A.1.(a) to (e) and (h) to (k) of Class A.1. Although it would exceed the limitation set out at paragraph A.1.(f)(i) it would not exceed those set out at paragraph A.1.(g)(i) or (ii).

Living conditions

9. The appeal property is a semi-detached dwelling paired with No. 61. The rear extension would extend across the entire width of No. 63's rear elevation, up to the boundary with No. 61, where it would project to a depth of 4 metres and with height varying from 3 metres (eaves level) to 3.4 metres at its highest point.
10. The adjoining property has not been extended at the rear, although a detached garage is located a short distance to the rear of the property. Like the appeal property, it has a two storey bay with chamfered corners at the rear that is

¹ Paragraph A.4.(5)

² Paragraph A.4.(7)

positioned close to the proposed extension. I accept that the proposal, at 4 metres in depth, would exceed the 3.6 metre guideline for single storey rear extensions as set out in the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document. However, it would do so by only a small amount, whilst the heights at eaves level and the highest point would comply with the relevant HDAS guidelines.

11. More compelling, however, is that the outlook to the rear of No. 61 is an open, south facing one across rear gardens of considerable length. The gardens of the properties beyond on Wentworth Crescent are equally generous and the outlook to the rear is pleasantly expansive. Being south facing, the rear of No. 61 would receive a good level of daylight and sunlight, whilst the chamfered bay window would capture available light. I accept that, being located broadly due west of the rear of No. 61, there may be certain times of the day and at certain times of the year that the proposed extension would result in some overshadowing of the rear of No. 61. However, I do not consider that that would amount to the oppressive or overbearing impact presence that the Council fear, or would result in an unacceptable loss of light or outlook to the rear of No. 61.
12. I do not therefore agree that such an extension in this location would be especially oppressive or overbearing or seriously impair the daylight or sunlight that neighbouring residents might reasonably expect to enjoy here. As I have found that the scheme would satisfy the relevant limitations imposed by the Order, I consider that the impact of the proposal would not seriously impinge on the amenity enjoyed by any adjoining owner or occupier, as informed by the provisions of policies BE19, BE20 and BE21 of the Hillingdon Local Plan Part Two – Saved UDP policies. Hence, prior approval is deemed to be granted and the proposal would constitute permitted development.

Other Matters

13. The objection to the proposal was on the grounds that the extension would restrict vehicular access to the detached garage located in the rear garden of the appeal property. That may well be the case, but it would not preclude access to the rear in totality, whilst I saw that there was sufficient space at the front of the property for the parking of two vehicles clear of the access between Nos. 63 and 65. I note that the Council were satisfied that the proposal would be in compliance with policy AM14 of the Hillingdon Local Plan – saved UDP Policies, and that the application was not refused on these grounds. Nor am I persuaded that the proposal would result in harm in this respect.

Conclusion

14. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed. This development, permitted under Article 3(1) and Schedule 2, Part 1, Class A, is subject to the conditions and requirements set out in paragraphs A.4(13), A.4(14) and A.4(15) of the Order, which specify that the development shall be completed on or before 30 May 2019, that the developer shall notify the Local Planning Authority in writing of the completion of the development as soon as reasonably practicable after completion, and such notification shall include the name of the developer, the address or location of the development, and the date of completion. The standard conditions set out in the GPDO at Schedule 2, Part 1, A.3 also apply which in this case require that the materials to be used in any exterior work of

the extension must be of a similar appearance to those used in the construction of the exterior of the existing dwelling.

Graeme Robbie

INSPECTOR



Jasdeep Singh
63 Colbrook Avenue
Hayes

Application Ref: 41741/APP/2018/1347

Process set out by condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990 (as amended by section 4(1) of the Growth and Infrastructure Act 2013)

The Council of the London Borough of Hillingdon as the Local Planning Authority hereby confirm that their **PRIOR APPROVAL IS REFUSED** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority.

Address of the proposed development:

63 Colbrook Avenue Hayes

Description of proposed development:

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.4 metres, and for which the height of the eaves would be 3 metres.

Date of application:

06 April 2018

Plan Numbers:

Location Plan - received 06 Apr 2018

Location Plan - received 06 Apr 2018

Reason for Refusal:

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the proposed development would unduly detract from the amenities of the adjoining occupier, at 61 Colbrook Avenue by reason of visual intrusion, overdominance, overshadowing, loss of daylight, loss of sunlight and loss of outlook.

INFORMATIVES:

It is important that you read and understand all the following informatives

1. This written notice indicates that the proposed development will not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is important to note that this written notice doesn't indicate whether or not the proposed development

would comply with any of the other limitations or conditions of Schedule e Part 1 Class A.

2. Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

END OF SCHEDULE



James Rodger
Head of Planning, Transportation and Regeneration

Date: 17 May 2018

Address:
Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Transportation and Regeneration

Address 63 COLBROOK AVENUE HAYES

Development: Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.4 metres, and for which the height of the eaves would be 3 metres.

LBH Ref Nos: 41741/APP/2018/1347

Drawing Nos: Location Plan
Location Plan

Date Plans Received: 06/04/2018 **Date(s) of Amendment(s):**

Date Application Valid: 06/04/2018

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the proposed development would unduly detract from the amenities of the adjoining occupier, at 61 Colbrook Avenue by reason of visual intrusion, overdominance, overshadowing, loss of daylight, loss of sunlight and loss of outlook.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

2.0 Planning Considerations

The site is situated within the Developed Area as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) where the prevailing character of the area is residential.

The application seeks prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.4 metres, and for which the height of the eaves would be 3 metres.

The proposed extension clearly constitutes development as described under the Planning Acts. The site is not in a Conservation Area, World Heritage Site or Area of Outstanding Natural Beauty (AONB). There are no conditions restricting permitted development rights on this property, nor is there an Article 4 Direction removing these rights for this type of proposal.

The four neighbouring properties sharing a boundary with the application site, namely

numbers 65 and 61 Colbrook Avenue and 5 and 7 Wentworth Crescent were consulted by letter dated 23.04.18 and a site notice was displayed to the front of the site which expired on 14.05.18. By the close date of the consultation period one objection to the application has been received.

3.0 Relevant Planning History

4.0 Any Neighbour Objections

The four neighbouring properties sharing a boundary with the application site, namely numbers 65 and 61 Colbrook Avenue and 5 and 7 Wentworth Crescent were consulted by letter dated 23.04.18 and a site notice was displayed to the front of the site which expired on 14.05.18. By the close date of the consultation period one objection to the application has been received in respect to the lack of parking on site and the potential loss to the garage space.

5.0 Assessment of Impact on Neighbours

Having received a minimum of one neighbour objection, prior approval is required for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.4 metres, and for which the height of the eaves would be 3.0 metres.

The principal issue to consider is the impact of the proposed extension on the residential amenities of occupants of properties which share a common boundary with the application site.

Paragraph 3.3 of HDAS requires single storey rear extensions to properties that have a width more than 5 m, to be a maximum of 3.6 m deep, in order to protect the neighbouring occupiers from a loss of daylight and sunlight. The proposed extension would project 4 m in depth, have a flat roof at a maximum height of 3.4 m and would therefore exceed the maximum dimensions of the HDAS guidance.

The adjoining property, Number 61 Colbrook Avenue (to the East) has not been extended to the rear. It is considered that the proposed extension at a depth of 4 m and maximum height of 3.4 m alongside the side boundary would represent an oppressive and overbearing form of development to the occupants of this property who would suffer an unacceptable loss of light and outlook. As such the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan Part Two Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Documents HDAS Residential Extensions.

Number 65 Colbrook Avenue (to the West) has not been previously extended by way of a rear extension. However, the extension proposed to the application site will be screened by way of garages to both properties and by way of a driveway separating the two properties. As such it is considered that the proposed development would not have an unacceptable loss of residential amenities to this neighbour.

The properties in Wentworth Crescent, to the rear are considered to be far enough away not to be unacceptably impacted by this proposal.

The neighbour objection relates to the loss of access to the garage for application site, if a 4.0 m extension is to be built. Although plans are not detailed enough to consider whether this is the case, the garage is some distance away from the proposed 4.0 m single storey rear extension. The garage space will not be lost and the front garden existing to the

property is capable of accommodating 1 off street parking space. As such the minimum 2 spaces requirement is met and the proposal is in compliance with the Council's parking standards and Policy AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

The application is recommended for refusal.

6.0 ALL CLASSES

If Semi or Terrace - does exceed 6 m or 8 m ?

NO (Article 4 direction restricts to 4 m)

Is the dwelling a flat or a maisonette?

NO

Is there a planning condition removing permitted development rights?

NO

Is the building listed/ in a Conservation Area?

NO

Contact Officer: Nurgul Kinli

Telephone No: 01895 250230