

Appeal Decision

Site visit made on 8 November 2018

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

an Inspector appointed by the Secretary of State

Decision date: 14 November 2018

Appeal Ref: APP/R5510/D/18/3208671

10 Attlee Road, Hayes UB4 2JB

- 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 Ahmed Zaki against the decision of the Council of the London Borough of Hillingdon.
 - The application, Ref. 65635/APP/2018/1071, dated 20 March 2018, was refused by notice dated 15 May 2018.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 10 Attlee Road, Hayes in accordance with the terms of the application, Ref. 65635/APP/2018/1071, dated 20 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 1636/1 & 1361/2;
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for the adjoining occupiers at No. 12 Attlee Road, with particular regard to outlook and light. The other effects referred to in the Notice of Refusal all fall within these two categories.

Reasons

3. The proposed single storey rear extension would be the full width of the end of terrace house and to a depth of just over 5m with a maximum height of 3.7m. The Council's concern is essentially that the extension would exceed the maximum 3.6m depth and 3.4m height stipulated in its adopted SPD, the Hillingdon Design and Accessibility Statement: 'Residential Extensions' 2008 ('HDAS'). As a result, it is considered that there would be an unacceptable loss of outlook and light.
-

4. However, in this case there would be a dual pitched roof rising at a shallow angle to the apex at a height just 0.3m above the HDAS guideline, whilst at the boundary the eaves height would be a relatively modest 2.3m. Bearing in mind these figures in combination with the design, and that the proposed extension would be sited to the east, there would be only a limited loss of light – mainly in the form of sunlight for a brief period in the first part of the morning.
5. There is a single living room window in the rear wall of No. 12, and whilst I acknowledge that the length of the extension would exceed the HDAS guideline maximum by 1.4m I do not consider this additional length would materially affect the outlook from that room. As regards the outlook from the garden, the houses in the terrace have relatively long gardens that back on to other gardens in Kingshill Avenue. The effect of this is for the houses in the terrace to have an open aspect with long direct views over their own and neighbours' rear curtilages. And in these circumstances, I consider the additional metre or so in length over the HDAS figure would in itself be unlikely to be perceived as being 'overdominant'.
6. Furthermore, the occupiers of No. 12 have not objected to the proposal and having regard to this and the climate of even more generous limits of length and height under the Government's temporary prior notification approval scheme I take the view that these are additional factors supporting a more flexible approach. In this regard the grounds of appeal also refer to the similarly sized but perhaps less sympathetically designed extension at No. 8 allowed on appeal in 2012. In reaching a decision the Inspector would have considered the effect on the adjoining attached property at No. 6, and in my view the current proposal would be likely to have a lesser impact on the neighbour's living conditions than in that case.
7. On balance, I conclude that the proposed extension would not have an unacceptable effect on the living conditions for the adjoining occupiers at No. 12 Attlee Road, with particular regard to outlook and light. There would therefore be no harmful conflict with Policies BE19, BE20 & BE21 of the Hillingdon Local Plan: Part Two – Saved UDP Policies 2012 and paragraph 127f) of the National Planning Policy Framework 2018.
8. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans will avoid uncertainty and be in the interests of proper planning. A condition in respect of external materials will ensure a harmonious form of development and safeguard visual amenity.

Martin Andrews

INSPECTOR



Mr Ali
141 Langley Road
Slough
SL3 7DZ

Application Ref: 65635/APP/2018/1071

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Single storey rear extension

Location of development: 10 Attlee Road, Hayes Middx,

Date of application: 21 March 2018

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning, Transportation and Regeneration

Date: 15 May 2018

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.

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

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 65635/APP/2018/1071

SCHEDULE OF REASONS

- 1 . The single storey rear extension, by virtue of its size, scale, bulk, depth, height and proximity, would be detrimental to the amenities of the adjoining occupiers at 12 Attlee Road, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES:

- 1 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

SCHEDULE OF REASONS

Standard Informatives

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.HE1 (2012) Heritage

Part 2 Policies:

- BE5 New development within areas of special local character
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- AM14 New development and car parking standards.
- HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
- LPP 3.5 (2016) Quality and design of housing developments

SCHEDULE OF REASONS

guidance.

END OF SCHEDULE

Address:

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

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 65635/APP/2018/1071

SCHEDULE OF PLANS

1636/1 - received 21 Mar 2018

1636/2 - received 21 Mar 2018

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 HOUSEHOLDER 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

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 10 ATTLEE ROAD HAYES MIDDX

Development: Single storey rear extension

LBH Ref Nos: **65635/APP/2018/1071**

Drawing Nos: 1636/1
1636/2

Date Plans Received: 21/03/2018

Date(s) of Amendment(s):

Date Application Valid: 21/03/2018

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises of a two storey end of terrace dwelling situated on the North East side of Attlee Road, Hayes. The property is constructed from brick, is characterised with a gable ended roof and is set back from the adjacent highway to accommodate a front garden laid in hardstanding. The rear garden is of a stretched size and consists of a detached outbuilding on the shared boundary with No. 8.

The surrounding area is residential in character, comprising of two storey semi-detached properties, located within the designated Barnhill Estate Area of Special Local Character (ASLC), as identified within the Hillingdon Local Plan (November 2012).

1.2 Proposed Scheme

Householder consent is sought for the erection of a single storey rear extension.

The proposed extension would measure just over 5 m in depth, 5.8 m in width and would have a dual pitched roof with a maximum height of 3.7 m. The extension would be finished in materials to match the existing.

1.3 Relevant Planning History Comment on Planning History

The site benefits from no relevant planning history.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

A total of 4 adjoining and nearby neighbouring properties were consulted via letter dated 05.04.18 including a site notice displayed outside the premises on 12.04.18.

One letter of representation received from Hayes Conservation Area Advisory Panel stating they raise no objections to the proposal.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

BE5 New development within areas of special local character

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

AM14 New development and car parking standards.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

LPP 3.5 (2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main planning issues are the effect of the development on the character and appearance of the original building, the street scene and the level of impact on the residential amenity and light levels of the adjoining neighbours.

Policy BE15 of the Hillingdon Local Plan Part Two (Saved UDP Policies) requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building. Policy BE5 requires development to harmonise with the materials, design, architectural style of the area and retain a form of symmetry. Policy BE13 requires the layout and appearance of extensions to harmonise with the existing street scene and Policy BE19 ensures any new development complements or improves the amenity and character of the area.

The Council's Adopted SPD the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) or HDAS, contains design guidance (below) for all types of extensions.

Section 3.0 Single Storey Rear Extensions states that extensions should always appear subordinate to the original house, and therefore should not protrude out too far from the rear wall. This is to prevent extensions from blocking the daylight and sunlight enjoyed by neighbouring properties.

Paragraph 3.3 indicates that on semi-detached/terraced houses on a plot more than 5 m wide an extension up to 3.6 m deep is acceptable. Pitched roofs will be acceptable and should not exceed 3.4 m in height. If adjoining neighbours already have a very deep extension, in such instances permission may be granted for a new extension of a similar depth if it does not result in adverse impact upon sunlight and daylight.

The proposed single storey rear extension would measure 5.02 m deep, would extend the full width of the original rear wall and would be characterised with a dual pitched roof with a maximum height of 3.7 m. The extension, although of a depth and height which would exceed the recommended limitations outlined within the SPD, would comprise of a single storey composition, would have a relatively low level roof which would reflect the gable roof and pitch of the host dwelling, and given the distance from the rear boundary wall would avoid appearing cramped.

The proposed extension would reflect a similar extension to No. 8 which was allowed at appeal under planning ref: 67983/APP/2012/139, where it was considered

'The Council is concerned that the extension would be overly bulky, lacking in subordination to the appeal dwelling and would set an unfortunate precedent in the ASLC. I would have sympathy with these points if the proposal was not to be, effectively, attached to an adjoining extension of matching depth on the terraced home alongside. The addition would not generally be read in isolation and I cannot ignore what exists alongside the boundary. Furthermore in this instance, not least as a result of the relatively generous gap along the other side enjoyed by this property and the narrow width of built footprint of the dwelling, requiring a set-in from the side elevation would be unnecessary visually and overly onerous for the appellant in terms of reduction of potential floorspace. The extension, in these circumstances, will be comfortably absorbed within the curtilage.

The extension, in these circumstances, will be comfortably absorbed within the curtilage. The extension would not feature in the street scene and would not be harmful to the outlook (or amenity) of neighbours. I would certainly not see any decision here as setting a precedent locally; the arrangement of the existing property and plot is an unusual one, the scale and nature of the adjoining extension is not one replicated on many dwellings so far as I could see, and each case in the future should always be determined on its own merits as in this instance.'

It is therefore considered the proposal would satisfactorily integrate with the appearance of the host dwelling and would not detract from the visual amenities of the street scene and Barnhill Estate Special Area of Character.

The proposed extension would continue to comply with the objectives set out in Policies BE5, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 protects the privacy of the occupiers and their neighbours.

With regards to No. 8 situated to the South East; this benefits from a 5.4 m deep rear extension and combined with the separation gap between the two properties, the proposed extension given its single storey height would not result in an adverse impact upon their residential amenities and light levels of that property.

No. 12 the attached mid-terrace dwelling to the North West, does not benefit from any form of rear addition, as such it is considered a single storey rear extension projecting over 5 m beyond the original rear wall with a height of 3.7 m along the shared side boundary would result in an overbearing, overshadowing and visually intrusive addition when viewed from their rear aspect.

The single storey rear extension, by reason of its size, scale and siting is considered to be an overbearing and visually intrusive addition that would harm the residential amenities of the adjoining occupiers at No.12 Attlee Road and would therefore be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan Part Two: Saved UDP Policies (November 2012).

The application site would retain in excess of 100 sq m of rear private amenity area which is usable in terms of its size and shape and as such would accord with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposal would not result in an alteration to the existing off street car parking layout, and such would continue to comply with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The single storey rear extension, by virtue of its size, scale, bulk, depth, height and proximity, would be detrimental to the amenities of the adjoining occupiers at 12 Attlee Road, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES

- 1** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Standard Informatives

- 1** The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies:

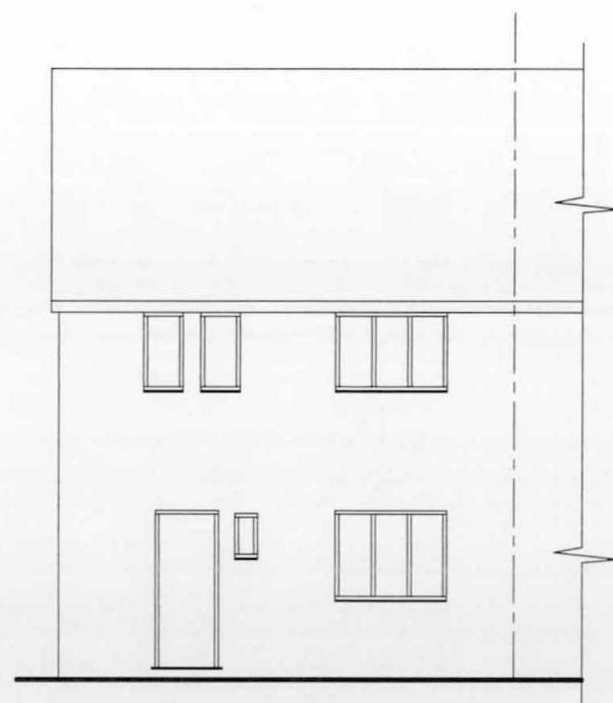
PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM14	New development and car parking standards.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

Contact Officer: Naim Poptani

Telephone No: 01895 250230



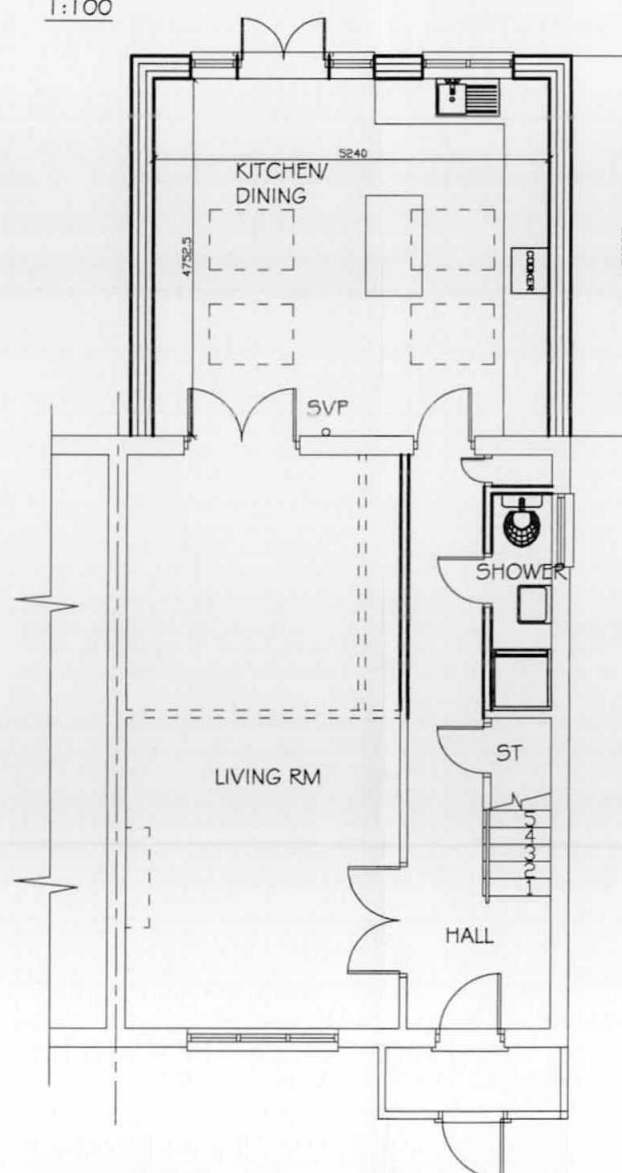
EXISTING REAR ELEVATION
1:100



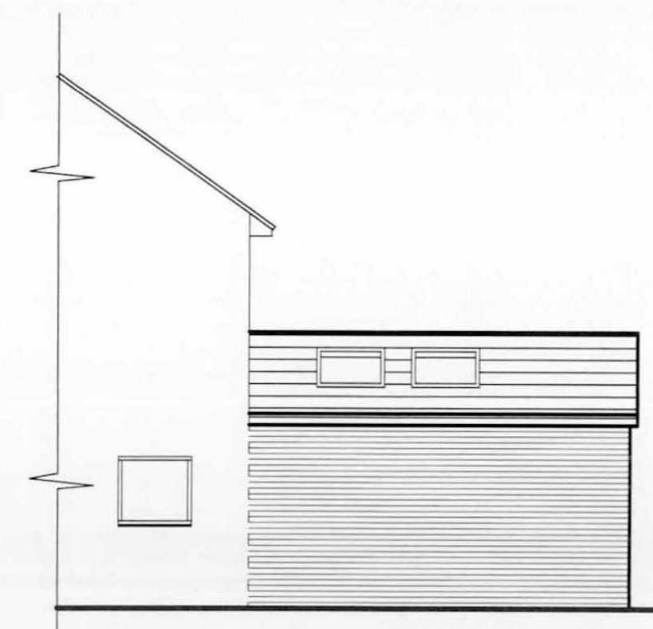
EXISTING GROUND FLOOR PLAN
SCALE=1:100



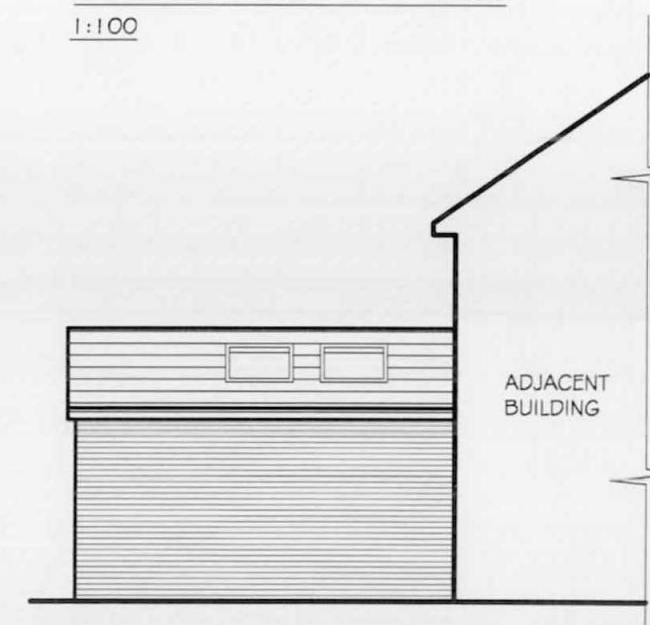
PROPOSED REAR ELEVATION
1:100



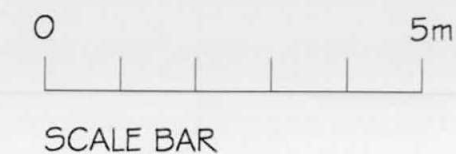
PROPOSED GROUND FLOOR PLAN
SCALE=1:100



PROPOSED SIDE ELEVATION
1:100



PROPOSED SIDE ELEVATION
1:100



21 MAR 2018

K A ARCHITECTURAL DRAWING SERVICES 141 LANGLEY ROAD, SLOUGH SL3 7DZ TEL/FAX 01753 541 824, MOBILE 07939213221			
Job	10 Attlee Road, Hayes Rear Extension		Date Revisions
Client	Mr Ahmaed Zaki		
Drawing	Existing/ Proposed Plans and Elevations		
Date	March 2018	Scale	As Shown (A3)
		Dep. No.	1636/2