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## Appeal Decisions

Site visit made on 30 October 2017

**by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> April 2018**

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### **Appeal A: Ref APP/R5510/D/17/3180791**

#### **27 Lawrence Road, Hayes, UB4 8QA**

- 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 Gurinder Bains against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 40786/APP/2017/779, dated 1 March 2017, was refused by notice dated 8 May 2017.
  - The development proposed is single storey rear extension.
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### **Appeal B: Ref APP/R5510/D/17/3184404**

#### **27 Lawrence Road, Hayes, UB4 8QA**

- 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 Gurinder Bains against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 40786/APP/2017/1821, dated 16 May 2017, was refused by notice dated 28 July 2017.
  - The development proposed is first floor side extension.
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## **Decisions**

1. Appeal A is allowed and planning permission is granted for a single storey rear extension at 27 Lawrence Road, Hayes UB4 8QA in accordance with the terms of the application, Ref 40786/APP/2017/779, dated 1 March 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans received by the Council on the following dates: Location Plan 1:1250 received 2 March 2017; Proposed Floor Plans received 13 March 2017; Proposed Elevations received 13 March 2017; and Proposed Block Plan 1:500 received 13 March 2017.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
2. Appeal B is allowed and planning permission is granted for a first floor side extension at 27 Lawrence Road, Hayes UB4 8QA in accordance with the terms

of the application, Ref 40786/APP/2017/1821, dated 16 May 2017, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans received by the Council on the following dates: Location Plan received 17 May 2017; Proposed Site Layout received 17 May 2017; Proposed Elevations received 5 June 2017; and Proposed Floor Plans received 5 June 2017.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Procedural Matters.**

3. The appellant's name in the headings above is as it is shown on the application forms in respect of each of the proposals.
4. **In respect of Appeal A**, the appellant's grounds of appeal make reference to the prior approval process. However, the appellant made an application for planning permission to the Council which the Council determined. I have determined the appeal on this basis. The existing ground floor plan which forms part of the submission does not reflect what I saw during my site visit. The conservatory shown has been demolished and a single storey extension has been built on the rear of the property. This extension extends across the full width of the appeal property including to the rear of the side extension and does not accord with what is shown on the proposed floor plan.
5. For the avoidance of doubt I have determined Appeal A on the basis of the extension being 6.0 metres in depth as annotated on the proposed floor plan, and extending across the rear of the house only to the extent which is shown on the proposed floor plan and proposed elevations.
6. **In respect of Appeal B**, the Council's evidence refers in the officer's delegated report to the plans being inaccurate in terms of their detailing and not fully representing the existing property or the proposed development. Incorrect plans are also referred to in comments submitted by a neighbouring resident. However, the plans were registered as part of the application determined by the Council and the accuracy of the plans is not included in the Council's reasons for refusal.
7. The plans submitted and labelled as showing the existing ground floor plan do not reflect what I saw during my site visit in relation to the single storey rear extension as noted above. The appellant's grounds of appeal do not comment on the accuracy of the plans. The appellant refers to the proposed first floor side extension being set back 1.5 metres off the boundary with the public footpath. The existing and proposed floor plans show the first floor extension would be in line with the side wall of the existing ground floor side extension. From what I saw at my visit to the site, the distance between the single storey side extension and the boundary of the appeal site is significantly less than 1.5 metres and narrows towards the frontage of the site. This is reflected on the 1:500 site layout plan and I have determined the appeal on this basis.

8. The elevation drawings show a window is proposed in the front and rear of the extension. The proposed floor plans show a window in the front elevation only. In respect of the windows, I have determined the appeal on the basis of the elevation drawings.

### **Main Issues**

9. In Appeal A, the main issue the effect of the proposed extension on the living conditions for occupiers of the adjoining property No 25 Lawrence Road, with particular reference to outlook and sunlight.
10. In Appeal B, the main issues are the effect of the proposed extension on the street scene and on the character and appearance of the host property.

### **Reasons**

11. Lawrence Road is a cul de sac of semi-detached and short terraces of houses, all of which are slightly set back from the road. Most of the semi-detached pairs and short terraces have hipped roofs on each end. Some of the roofs are stepped to accommodate the change in ground levels.
12. The appeal property is one half of a pair of semi-detached properties on the south side of Lawrence Road. In addition to the single storey rear extension referred to above, the house has been extended by means of a flat roofed dormer covering most of the rear roof slope. A gable end has replaced the previously hipped roof, a single storey side extension has been added and a front porch. Much of the house has a rendered finish in contrast with the predominantly brick elevations of the surrounding houses.

### Appeal A

13. The Council's Supplementary Planning Document on residential extensions<sup>1</sup> (SPD) suggests that single storey rear extensions on semi-detached properties should be limited to 3.6 metres in depth from the original rear wall and, in the case of a flat roofed extension, 3m in height. The proposed extension is 6 metres in depth and replaces a conservatory which is stated to have been 4.24 metres in depth.
14. The height of the extension is stated by the appellant as 2.7 metres and by the Council as around 2.9 metres. In any event, there is no indication that it exceeds the Council's suggested maximum height of 3 metres. Whilst the depth of the extension considerably exceeds that suggested in the Council's SPD, I am mindful that the SPD predates the current position on permitted development which allows, subject to a neighbour consultation scheme and a number of other restrictions, single storey extensions up to 6 metres in depth.
15. I have taken into account that the previous conservatory was in a similar position in relation to distance from the common boundary. The south facing aspect of the rear of the neighbouring property is such that the property will continue to enjoy a significant amount of available sunlight. There is a substantial fence between the two properties. I am satisfied that the increased depth of the extension of around 1.75 metres beyond that of the former conservatory would not result in any unacceptable harm to the outlook from No 25, nor in any unacceptable degree of overshadowing or loss of light.

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<sup>1</sup> Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions, December 2008

Accordingly there would be no conflict with 'saved' Unitary Development Plan (UDP)<sup>2</sup> Policy BE20 in this respect.

16. The proposal would not conflict with 'saved' Policy BE19 which requires development should complement the character of the area. Neither would it conflict with Policy BE21 which addresses significant loss of residential amenity as a consequence of the siting, bulk and proximity of extensions.

*Other matters*

17. The neighbouring occupier of No 25 has raised issues relating to the possibility of encroachment of development onto her property. However, these are private matters between the parties involved and do not affect the planning merits of the proposal.

Appeal B

18. The proposed extension at first floor level would be above the existing ground floor side extension, but set back from the original front wall of the house. No existing or proposed roof plans are provided. The elevation drawings indicate a three sided, partial pyramidal roof form with the apex meeting the gable below the ridge of the existing main roof.
19. Some of the roofs in the vicinity of the appeal site have stepped ridge lines as well as hipped roofs. However in this case, whilst the roof would not include a ridge it would re-introduce a roof form akin to a hip.
20. The appeal property is separated from the neighbouring property to the west by a public footpath. Despite the proximity of the proposed extension to the boundary of the site, therefore, a gap would remain between the extended dwelling and the neighbouring property. This spacing between dwellings would be similar to other spacing between properties in Lawrence Road. The proposed extension would therefore not appear unduly cramped in relation to either the appeal property or its immediate surroundings. I therefore consider that the failure of the proposal to comply with 'Saved' policy BE22 which requires two storey extensions to be a minimum of 1 metre from the side boundary should not be a determining factor in this instance.
21. The extension complies with the Council's SPD on residential extensions insofar as it includes stepping back the extension from the front wall of the house. Whilst the Council suggests the extension would be around one third the width of the house, I find this would be nearer to one half, based on the submitted plans. Nonetheless, the maximum height of the roof would be a little lower than that of the existing roof and the extension overall would appear subordinate to the existing dwelling.
22. As the predominant roof form for end properties in Lawrence Road is a hip, the existing gable end appears out of place in the street scene and the proposed roof would assist in assimilating the proposed extension into its surroundings.
23. I therefore find that the proposed extension would comply with Policy BE1 of the Hillingdon Local Plan<sup>3</sup> which, amongst other matters, requires extensions to enhance the local distinctiveness of the area and make a positive contribution to the local area in terms of form, scale and materials. For similar reasons the

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<sup>2</sup> Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27 September 2007

<sup>3</sup> Hillingdon Local Plan Part 1 – Strategic Policies (Adopted November 2012)

proposal would comply with 'Saved' Policies BE13, BE15 and BE19 to the extent that these policies seek to protect the street scene, ensure development harmonises with the existing building and improves or complements the character of the area.

*Other matters*

24. No windows are proposed in the side wall of the proposed extension. No 29 Lawrence Road has a landing window facing towards the proposed extension. Whilst there would be a loss of view from this window resulting in less visible sky, the landing window does not serve a habitable room. The extension would not extend beyond the front and rear first floor walls of the existing appeal property. I concur with the Council's findings that there would be no unacceptable harm to the living conditions for occupiers of No 29 with regard to outlook, daylight or sunlight.

**Conclusions and conditions**

25. For the reasons given above, I conclude that both appeals should be allowed. The Council has suggested that in the event of either of the appeals being allowed conditions should be applied relating a standard commencement period, specifying compliance with the approved plans and securing materials to match the existing house. I agree these conditions are reasonable and necessary.

*J E Tempest*

INSPECTOR