



Appeal Decision

Site visit made on 6 June 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/R5510/D/22/3292091

252 Lansbury Drive, Hayes UB4 8SL

- 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 Tarlok Singh Ahuja against the decision of London Borough of Hillingdon.
 - The application Ref 66056/APP/2021/3488, dated 14 September 2021, was refused by notice dated 25 January 2022.
 - The development proposed is described as "first floor side extension and first floor rear extension".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 250 Lansbury Drive in respect of outlook.

Reasons

3. The proposed extension, whilst having a hipped roof design, would introduce a large expanse of built development within close proximity to windows in the first floor of 250 Lansbury Drive (No 250). Whilst No 250 is set at an angle to the proposed extension, given the size and bulk of the proposal and its location with regards to the first floor windows of No 250, it would appear as a dominating structure.
4. The appellant argues that the first floor windows of No 250 are not into habitable rooms. However, no formal evidence or floor plans of No 250 has been provided to offer me certainty as to whether the rooms of these first floor rear windows can be considered habitable or not. Paragraph 6d of the appellants statement of case draws my attention to a section of the Council's Officer Report from the approved development¹ of No 250. My interpretation of this extract is that the reference to non-habitable rooms is relating to neighbouring properties and not the proposed extension of No 250 as the appellant appears to interpret it.
5. In any event, the first floor rear windows of No 250 are not obscurely glazed and whether the rooms are considered habitable or not, the proximity of the proposed extension to these windows would severely reduce outlook from these rooms.

¹ Local Planning Authority Reference: 13524/APP/2017/2198

6. I have had regard to the appellants statement of case including figure 3 and comments that the first floor pair of windows to the rear of No 250 serves a single room. Nevertheless, due to the massing and positioning of the proposed extension, it would be an overbearing form of development that would compromise outlook from the pair of first floor windows that would adversely affect the living conditions of occupiers of No 250.
7. The area surrounding the appeal site is a fairly densely populated area and it is noted that no objections were raised from neighbouring occupiers. These matters do not alter the harm that I have found that the proposal would have on the occupiers of No 250 with regards to outlook.
8. Accordingly, the proposal would have a harmful effect on the living conditions of the occupiers of No 250 with regards to outlook. The proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies which seeks development to protect the amenity of surrounding land and buildings, particularly residential properties, and ensure there is no unacceptable loss of outlook to neighbouring occupiers.

Other Matters

9. The proposal would not have an adverse effect on the character and appearance of the surrounding area, nor would it compromise the living conditions of neighbouring occupiers in respect of light. I attribute neutral weight to these matters.
10. I also do not consider the approved extensions at No 250 are directly comparable to the proposed scheme particularly with regards to scale, location and orientation of development.

Conclusion

11. The proposal would not have a detrimental effect on the living conditions of neighbouring occupiers in respect of light and on the character and appearance of the area. However, these matters would not outweigh the harm I have identified with regards to the effects on the living conditions of occupiers of No 250 with regards to outlook.
12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
13. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR