

APPELLANT: MR G BHUDIA

SITE: 3 OWEN ROAD HAYES UB4 9JY

PROPOSAL: Erection of a first floor side extension

LPA REFERENCE: 46647/APP/2021/4542

APPLICATION DATE: 15/12/2021

DECISION DATE: 26/02/2022

SITE DESCRIPTION:

The application property is located on the corner of Owen Road and Hughenden Gardens. The property is of masonry construction with a tiled pitched gable end roof. It is an end of terrace house. The adjoining dwelling is No. 2. The appeal property has an area of hardstanding to its frontage, used for off street parking spaces. The house has a single storey side extension and a garage to its side. The application site is residential in nature, not designated within a Conservation Area, nor an Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land.

The non-adjoining neighbouring dwelling No. 4 is located to the West of the site.

STATEMENT OF CASE:

The application proposal (46647/APP/2021/4542) was refused for the following reason:

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The proposed first floor rear extension by virtue of its size, scale, bulk and depth would be detrimental to the amenities of the occupiers at 4 Owen Road by reason of overdominance, overshadowing, potential visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

It is to be clarified that the Council raises no concerns of a visual or character perspective.

The officer report for the application states:

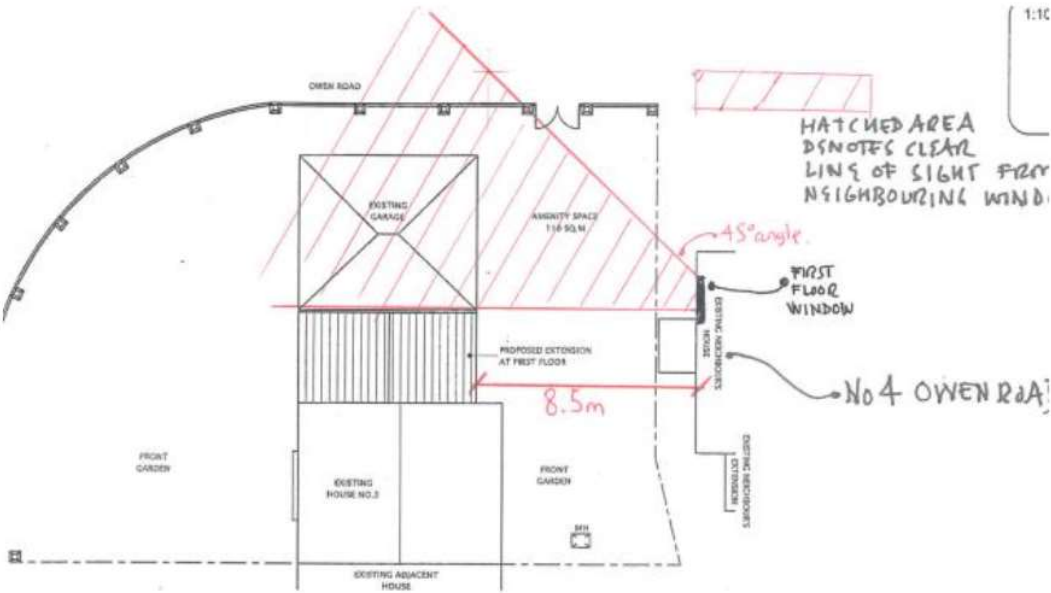
“Number 4 is located to the rear of the property. It is observed that No.4 contains a first floor flank window which faces towards the application site, there is a distance of approx 8.5m between the proposal and window at No.4. The window in question is a main habitable room in the property. The outlook of this window is already compromised as they look out by the existing building but that is the established relationship. The new extension would make this much worse and be in their direct line of sight. Furthermore, it would cause a loss of daylight/sunlight due to the orientation of the properties. Taking these circumstances into account, it is considered that the proposed first floor side extension would cause significant harm to the living conditions of No.4, in terms of loss daylight/sunlight, loss of outlook and overbearing effect, and is a justifiable and reasonable ground for refusal on this basis.”

It is firstly to be clarified that the window referred to at the property No. 4 is a secondary window to a single front bedroom, which has its primary window facing its frontage. Therefore, the impact referred to above is not to a primary window.

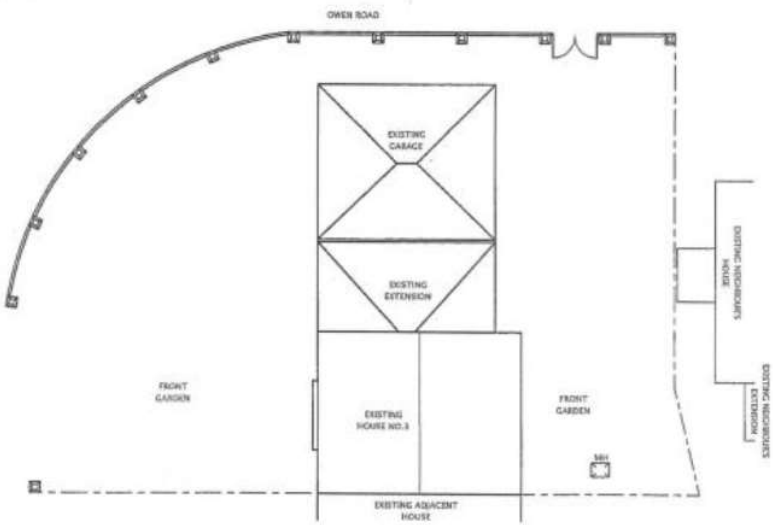
It is considered that the proposed extension would not unacceptably impact on the outlook from the first floor flank window at No. 4 Owen Road. There would be a minor obscuring of the view from said window, however, the majority of the outlook would remain to an acceptable degree. This is clearly evident from the photo below, which has been taken from the front of the site, facing the front of the site/flank of No. 4. Perpendicularly, the proposed extension would obscure only a tiny fraction of the respective window. The appeal Inspector is requested to study this when attending the site.



The below diagram is self-explanatory, showing the wide outlook from the side window at No. 4 Owen Road;



PROPOSED BLOCK PLAN (SCALE 1:200)



EXISTING BLOCK PLAN (SCALE 1:200)

The officer reports reads 'Furthermore, it would cause a loss of daylight/sunlight due to the orientation of the properties'. We also disagree with this sentiment. Given the orientation of the properties, we believe that there would not be a significant loss of daylight/sunlight. This will be evident from the Inspector's visit. It is to be noted that the dwelling No. 4 is located to the West of the proposed extension.

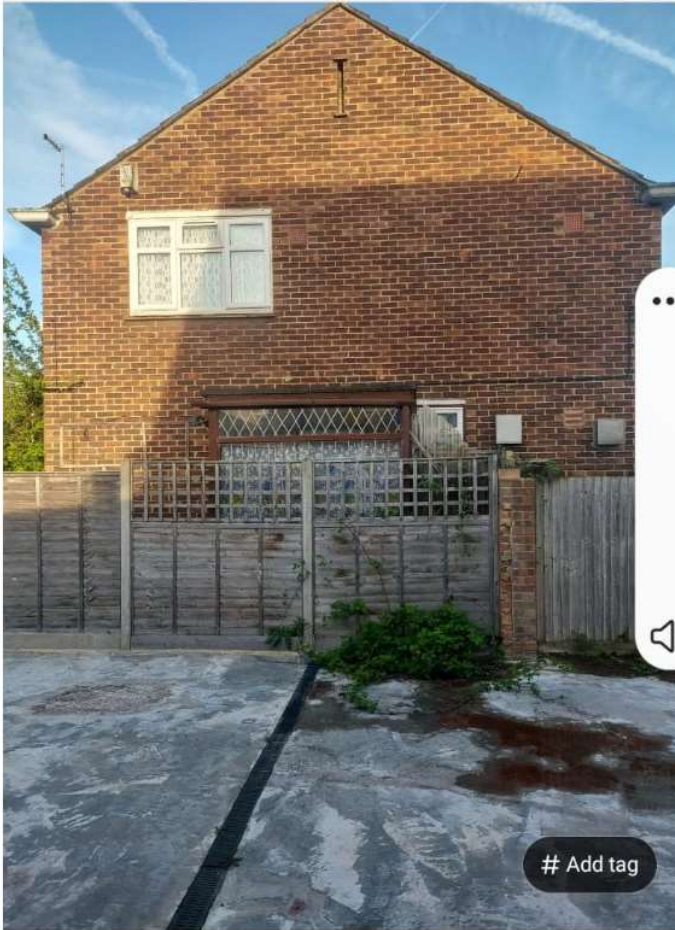
As the sun rises in the East, to the West, via South, it is clear that there would be some minimal shadow created towards No. 4 in the early morning, however, the morning, lunchtime, after and evening there would be no loss of daylight/sunlight to No. 4 as a result of the proposed extension.

The applicant has taken photographs to illustrate the impact of the extension on No. 4. It is clear to see that there would be some overshadowing during the very early morning, however, from 9am onwards, throughout the rest of the day, there would be no overshadowing/loss of sunlight.

Date of photo 15/04/2022

Time of photo 06 51

15 Apr 06:51



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7.06 MB 3000x4000

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Date of photo 15/04/2022

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The Inspector is respectfully requested to allow this Appeal.