



Appeal Decision

Site visit made on 25 January 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/R5510/D/21/3282163

20 Roseville Road, Hayes UB3 4QX

- 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 Syed Fahim against the decision of London Borough of Hillingdon.
 - The application Ref 15490/APP/2021/1989, dated 17 May 2021, was refused by notice dated 2 August 2021.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 20 Roseville Road, Hayes UB3 4QX in accordance with the terms of the application, Ref 15490/APP/2021/1989, dated 17 May 2021, 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: Location Plan; Proposed Block Plan; Dwg No: PA 01; PA 02; PA 03; and PA 04.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 18 Roseville Road (No 18) with particular reference to light and outlook.

Reasons

3. The appeal property is a two-storey semi-detached dwelling which currently has a single storey rear extension. The attached property (No 18) also has a single storey rear extension and, as such, the full length of the proposed extension would not be fully appreciated from within the ground floor rooms or garden at No 18.
4. Where seen, it would measure 2.6m in height and thus have a particularly low built form which would not be substantially greater than the height of the existing brick wall along the boundary. In this regard, the proposal would not appear unduly oppressive or create a sense of enclosure from within the garden or property at No 18.

5. The proposed extension would be positioned to the south of No 18 where the sun would be at its highest and given the particularly low height of the extension there would not be any significant shadowing effects or loss of daylight.
6. Drawing the above together, the proposal would not result in an unacceptable effect on the living conditions of the occupiers of No 18 with particular reference to light and outlook.
7. The proposal would extend beyond the limits for single storey rear extensions set down in criterion i of part B of Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (LP). However, as the proposal would not harm the living conditions of the occupiers of the neighbouring property it would comply with criterion ii) of part A of this policy. As such, I find no conflict with the overall objectives of Policy DMHD 1 or Policies DMHB 11 of the LP. These stipulate, amongst other things, that planning applications relating to alterations and extensions of dwellings will be required to ensure that a satisfactory relationship with adjacent dwellings is achieved.
8. In addition to the standard implementation condition, it is necessary in the interests of precision, to define the plans with which the scheme should accord to those submitted with the application. A condition concerning external materials is required in the interests of the character and appearance of the area.
9. For the above reasons the appeal is allowed.

Mr R Walker

INSPECTOR

Mr Jubayr Islam
planningNdesign
Flat 28, Brassett Point
Abbey Road
London
E15 3LA

Application Ref: 15490/APP/2021/1989

Date of Decision: 2nd August 2021

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:-

Application number:	15490/APP/2021/1989
Date your planning application was submitted:	7th June 2021
Site location:	20 Roseville Road Hayes
Description:	Single storey rear extension
Application submitted by:	Mr Jubayr Islam
Plans that this decision was based on:	See attached Schedule of Plans

Permission is refused for the reason(s) listed below:-

1. The proposed extension, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupier at 18 Roseville Road, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

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. The Council's supports pre-application discussions. 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 the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) 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

Part 2 Policies

DMHB 11 Design of New Development

DMHB 18 Private Outdoor Amenity Space

LPP D6 (2021) Housing quality and standards

2. 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).

Date of Decision: 2nd August 2021

Yours Faithfully,



James Rodger
Head of Planning, Transportation and Regeneration

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

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 15490/APP/2021/1989

SCHEDULE OF PLANS

Block Plan (1:500).	Received	17-05-2021
PA 02.	Received	17-05-2021
PA 04.	Received	17-05-2021
PA 01.	Received	17-05-2021
Proposed Block Plan (1:500).	Received	17-05-2021
PA 03.	Received	17-05-2021
Location Plan (1:1250).	Received	17-05-2021

WHAT TO DO WHEN A HOUSEHOLDER PLANNING APPLICATION IS REFUSED

If your planning application is refused but you still want to pursue it, contact your local planning department.

If you think you could make changes that resolve the reasons for refusal, you may be able to amend your application and submit it again.

Amending your planning application

If you think you could change your application to respond to the reasons for refusal, contact us about what to do next. We can give you more information about deadlines and any fees for submitting an amended application

Residents Services
London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW

Email: planning@hillington.gov.uk

www.hillingdon.gov.uk

Appealing to the Planning Inspectorate

If you think the decision to refuse your application was incorrect, you may want to appeal to the Planning Inspectorate, which is an independent and impartial body.

If you want to appeal, the deadline is 12 weeks from the date on the decision letter, or 4 weeks if you've received an enforcement notice. Around 1 in 3 appeals is successful.

You'll need some documents to hand, so before you start, read the guidance and access the service at:

<https://appeal-planning-decision.planninginspectorate.gov.uk>

If you're unable to complete your appeal online call the Planning Inspectorate helpline on 0303 444 5000 (charges at a local rate).

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 20 ROSEVILLE ROAD HAYES

Development: Single storey rear extension

LBH Ref Nos: **15490/APP/2021/1989**

Drawing Nos: Location Plan (1:1250)
 Block Plan (1:500)
 PA 01
 PA 02
 PA 03
 PA 04
 Proposed Block Plan (1:500)

Date Plans Received: 17/05/2021

Date(s) of Amendment(s):

Date Application Valid: 07/06/2021

1. CONSIDERATIONS

1.1 Site and Locality

The application site is a two storey, semi detached property located centrally on Roseville Road. The site benefits from a vehicle crossover which provides two off-street car parking within the curtilage of the site and an existing extension to the rear.

The surrounding area is predominantly residential in character, comprising two storey terraced properties. The adjoining property No 18 Roseville Road benefits from an existing rear extension, approximately the same depth as the existing rear element at the application site.

The application site is 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.

1.2 Proposed Scheme

The proposal is for demolition of the existing garage and rear extension, as well as the erection of a single storey rear extension, 6 metres deep with a flat roof at 2.6 metres in height.

1.3 Relevant Planning History

15490/APP/2021/763 20 Roseville Road Hayes

Single storey outbuilding to rear for use as a home office (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 15-04-2021 Approved

Comment on Planning History

15490/APP/2021/763- CLD for an outbuilding located in the rear garden.

This proposal seeks to demolish the existing outbuilding and erect it in the location

approved under 15490/APP/2021/763.

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

Four neighbours were consulted on 8 June 2021. The consultation period ended on 29 June 2021. No comments were received.

4. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 18 Private Outdoor Amenity Space

LPP D6 (2021) Housing quality and standards

5. MAIN PLANNING ISSUES

DESIGN

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character. Part Two - Saved Unitary Development Plan Policies of the Local Plan contains policies that seek to safeguard the appearance, character and amenities of the local street scene and surrounding area.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 States that:

- i) single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more;
- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground

level;

The single storey rear extension would extend into the rear garden by 6m with a flat roof 2.6m in height. The width of the proposed extension would be 5.48 metres, which is the entirety of the rear elevation. Although the proposal has a modest height, the depth of the extension would result in it not appearing as subordinate feature and would represent a visually overdominant and unsympathetic form of development. However, as this would be to the rear of the property, it would not impact upon the visual amenity of the street scene and therefore a reason for refusal would be difficult to justify on design grounds alone

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

IMPACT ON NEIGHBOURS

The proposed single storey extension by reason of its overall depth, is considered to have a visually intrusive and over-dominant impact upon the residential amenities of the adjoining property at No 18 Roseville Road, given the modest size of the existing extension at that property, being approximately 2.9 metres in depth. The proposal would result in a 6m length of extension on the boundary with the adjoining property and would exceed the depth normally allowed. Taking into consideration the location of the proposed extension and its depth, it is considered to have a visually intrusive and over-dominant impact upon the residential amenities of the adjoining property. Therefore, the application proposal would constitute an un-neighbourly form of development and would be in conflict with policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

OTHER MATTERS

It is considered, that all the proposed habitable rooms, and those altered by the development would still maintain an adequate outlook and source of natural light, therefore complying with Policy D6 of the London Plan (2021).

Policy DMHB 18 of the Development Management Policies (2020) expects a minimum 60 sq.m of private amenity space to be retained for a 2/3 bedroom property. The proposal would exceed this requirement, in compliance with the policy requirements.

The proposed development will not have adverse impact upon issues of parking.

Refusal is recommended.

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed extension, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupier at 18 Roseville Road, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

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. The Council's supports pre-application discussions. 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

Part 2 Policies:

DMHB 11 Design of New Development

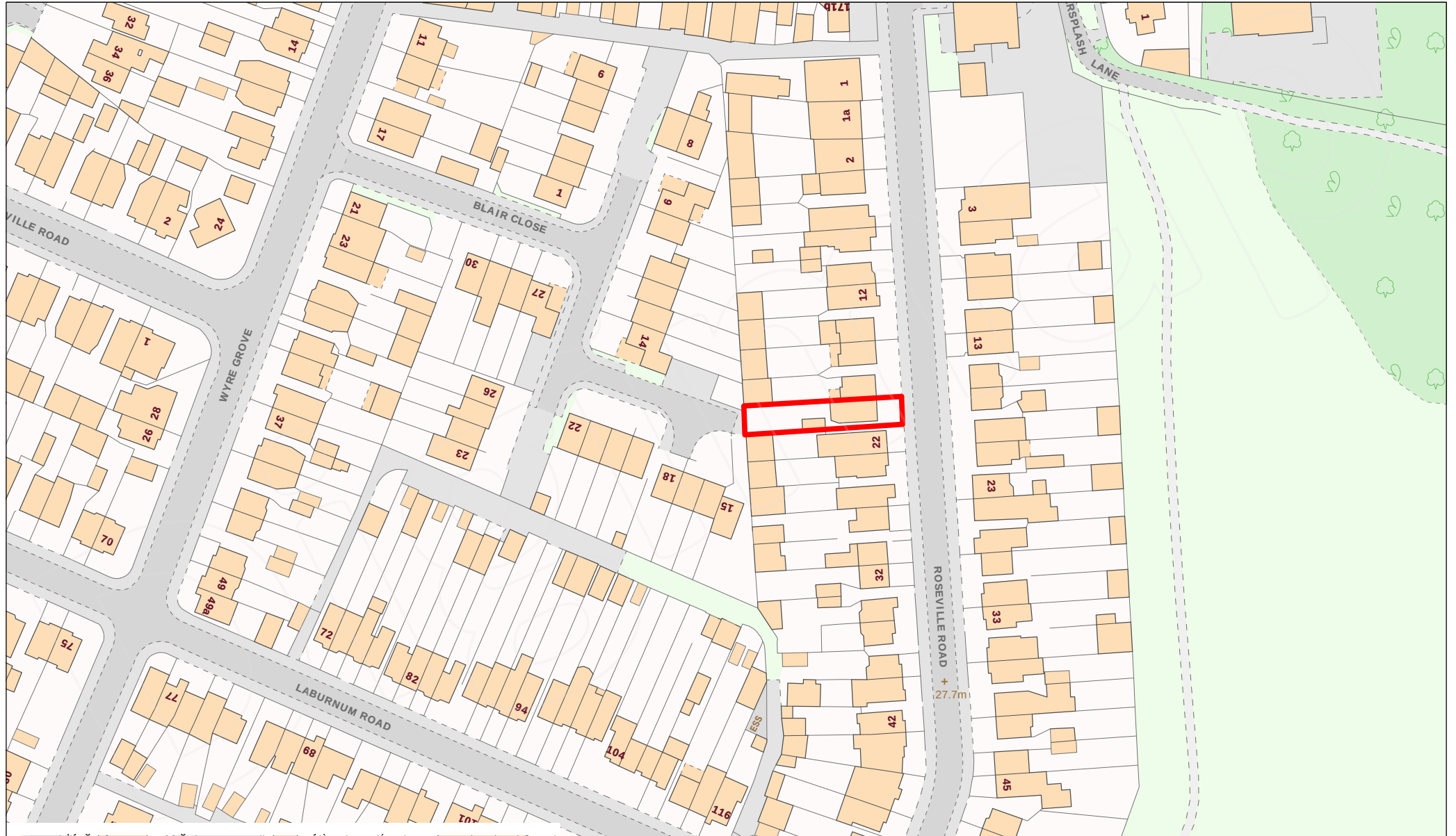
DMHB 18 Private Outdoor Amenity Space

LPP D6 (2021) Housing quality and standards

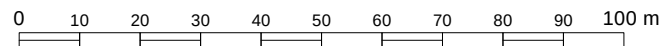
Contact Officer: Hardev Gill

Telephone No: 01895 250230

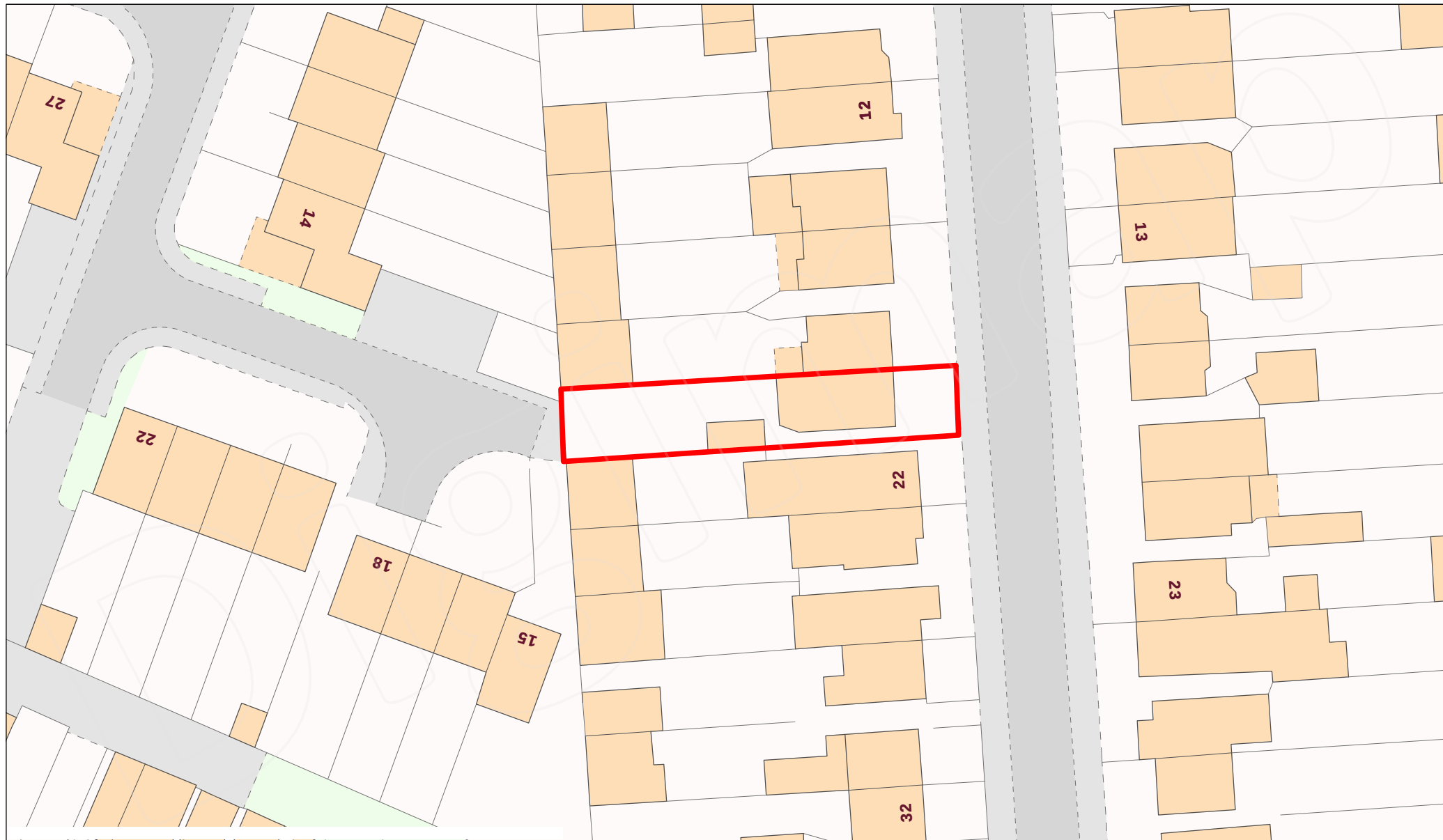
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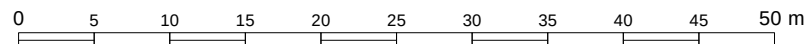
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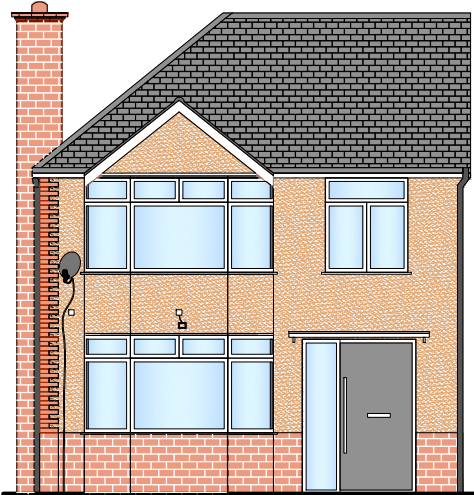


Block Plan

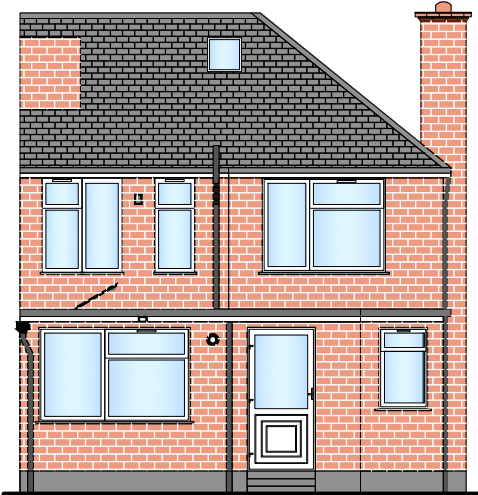


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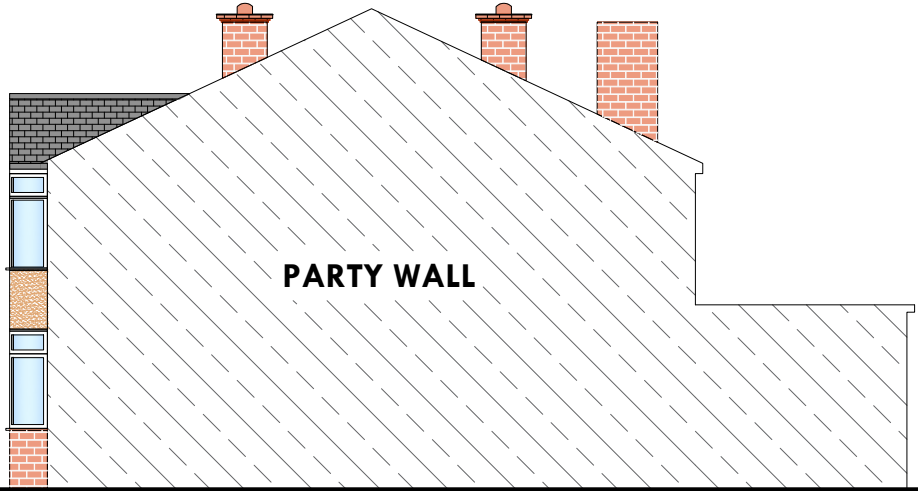




EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION



EXISTING RIGHT ELEVATION



EXISTING LEFT ELEVATION



DRAWING STATUS:
PLANNING

DISCLAIMER:
Drawing to be read in conjunction with all other relevant documentation.

All written dimensions to be checked on the site before work commences. Discrepancies, where identified, must be reported to the designer.

PLANNING APPLICATION

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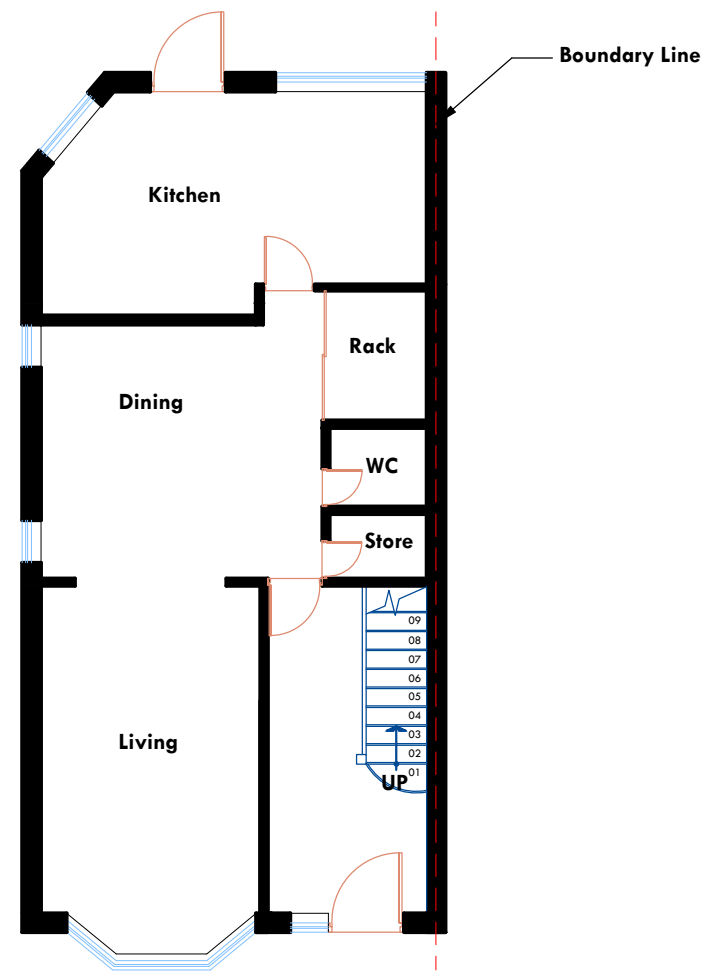
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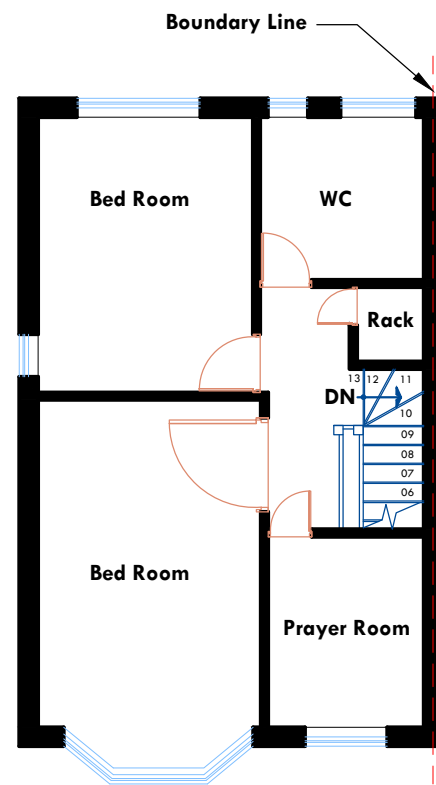
CLIENT:

Syed Fahim

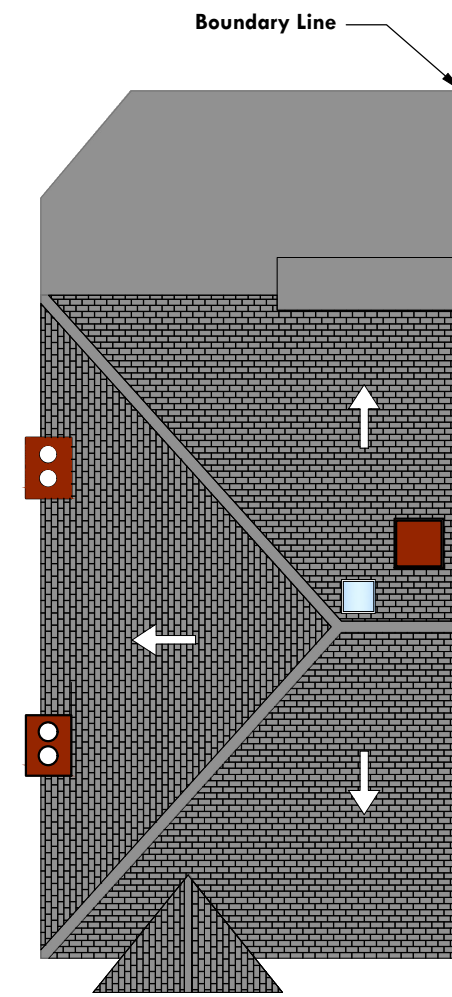
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20/21	PA 02	-



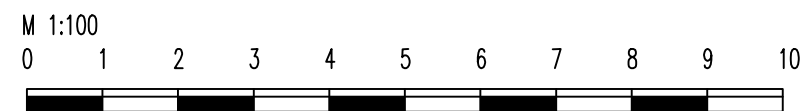
EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



EXISTING ROOF PLAN



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PLANNING APPLICATION

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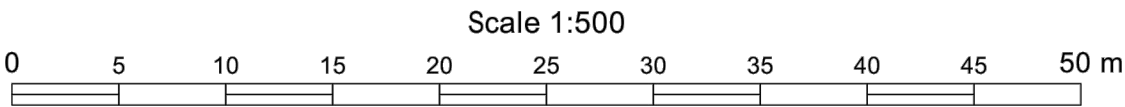
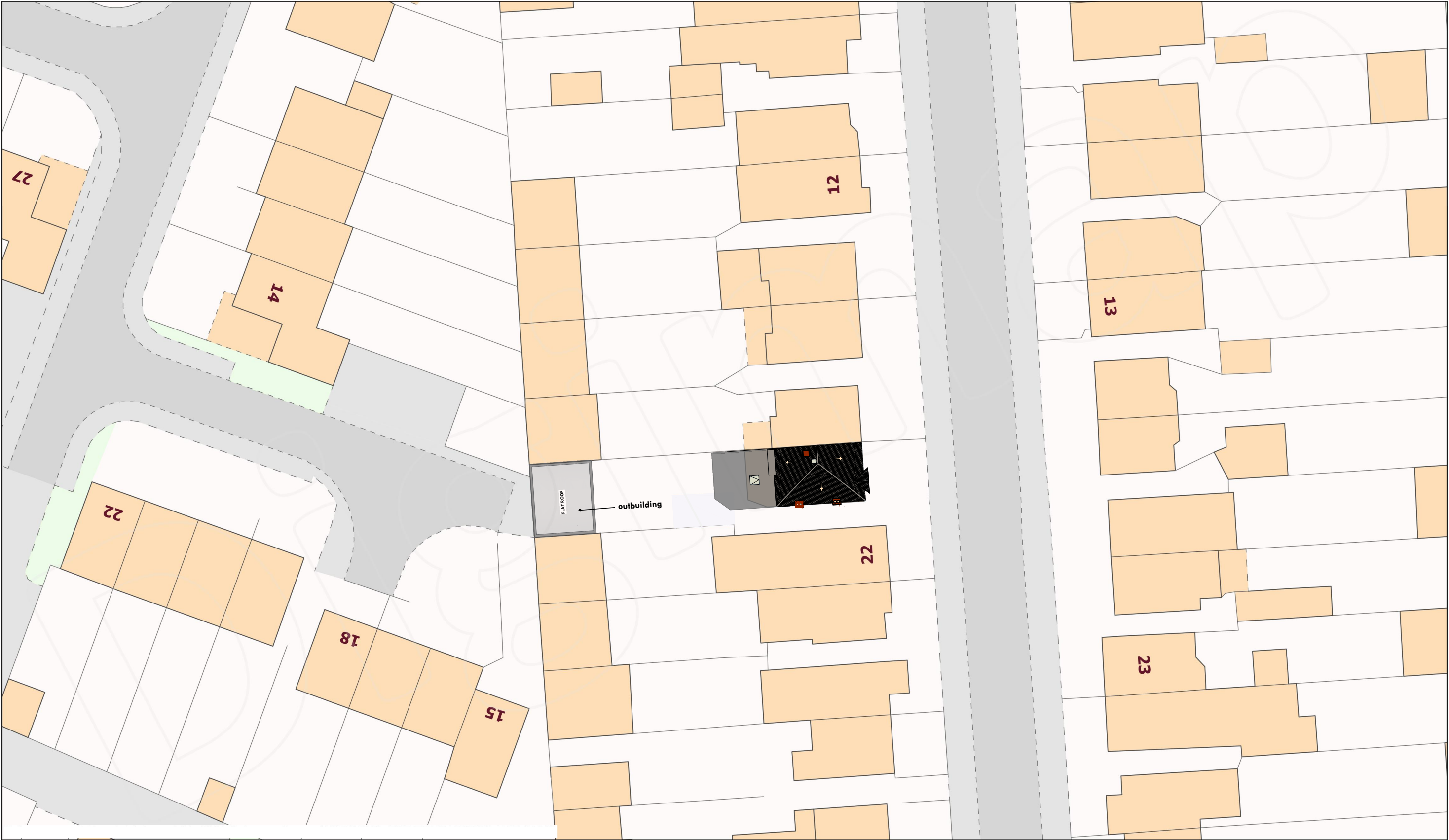
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CLIENT:

Syed Fahim

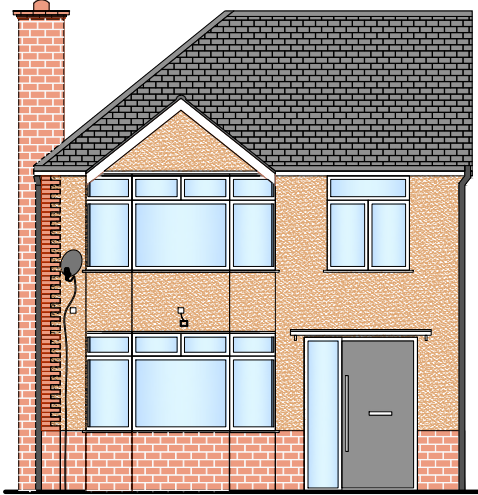
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20/21	PA 01	-

Proposed Block Plan

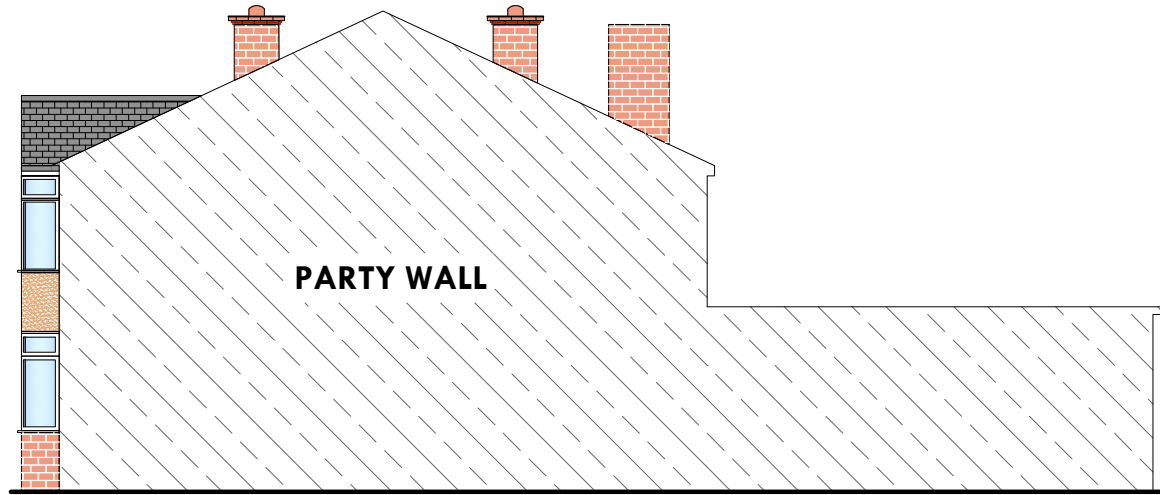


Projection: British National Grid

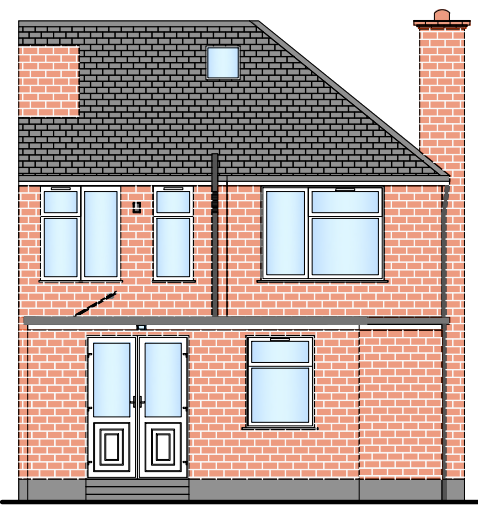




PROPOSED FRONT ELEVATION



PROPOSED RIGHT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED LEFT ELEVATION



DRAWING STATUS:
PLANNING

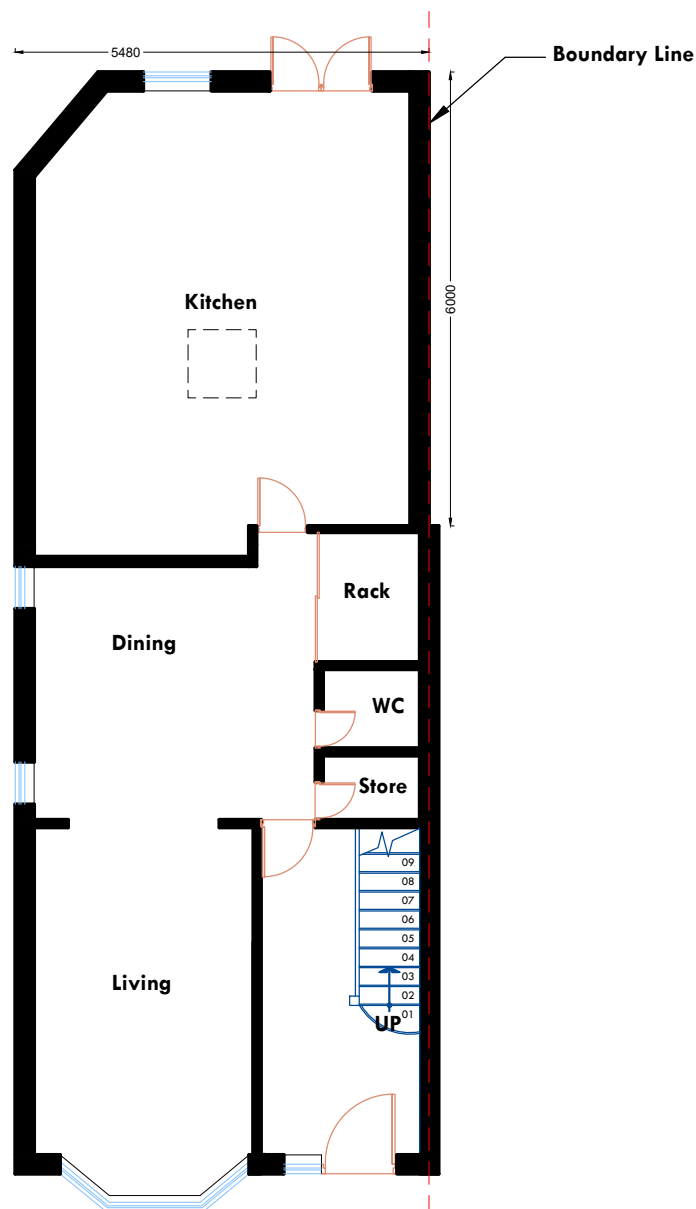
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Drawing to be read in conjunction with all other relevant documentation.

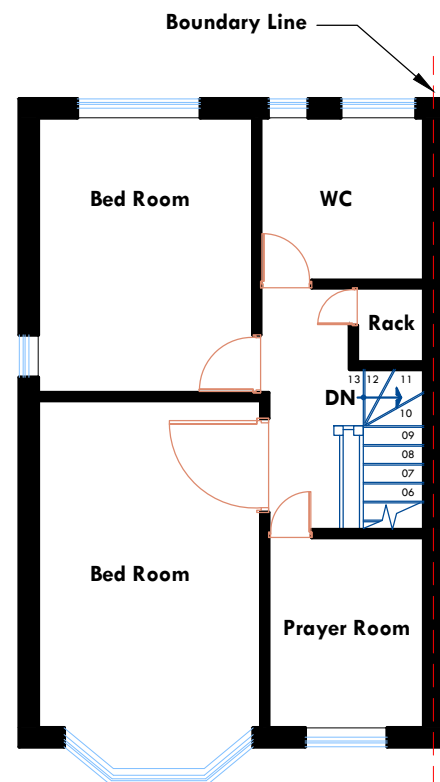
All written dimensions to be checked on the site before work commences. Discrepancies, where identified, must be reported to the designer.

PLANNING APPLICATION

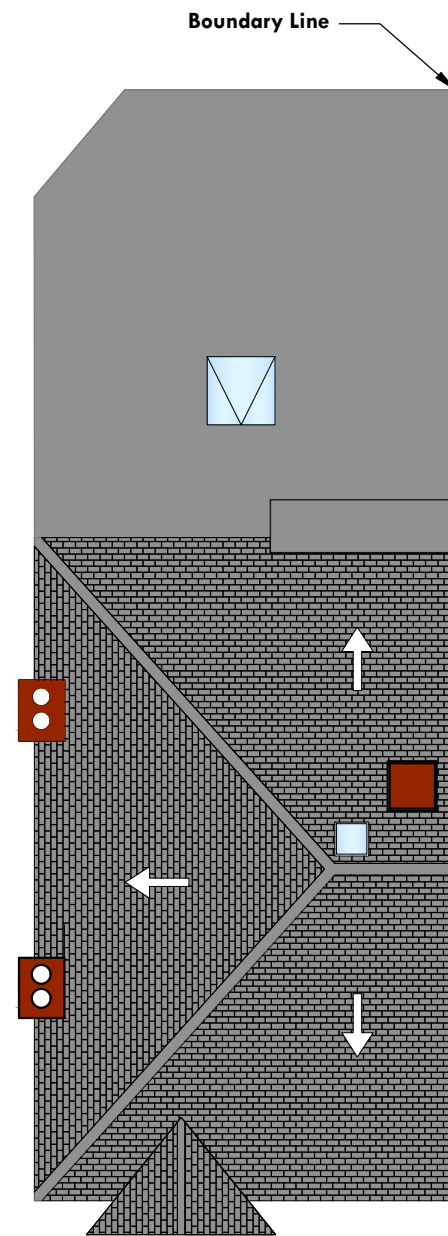
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CLIENT: Syed Fahim			
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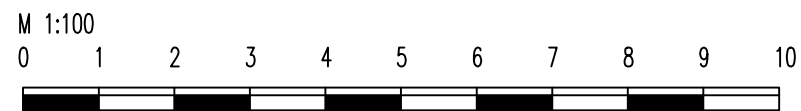
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN



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PLANNING APPLICATION

Rev.	Date	Drawn By	Checked By

PROJECT:

20 Roseville Rd, Hayes UB3 4QX

CLIENT:

Syed Fahim

DRAWN:	DATE:	10/03/2021
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20/21	PA 03	-