



Appeal Decision

Site visit made on 18 June 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/R5510/D/24/3337188

139 North Hyde Road, Hayes, Hillingdon UB3 4NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Jigar Chheda against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 13207/APP/2023/3059.
 - The development proposed is described as construction of one additional storey to original footprint.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of one additional storey to original footprint at 139 North Hyde Road, Hayes, Hillingdon UB3 4NR in accordance with the terms of the application, Ref 13207/APP/2023/3059, and the plans submitted with it, J/602/01-A; J/602/02-A and site location plan, subject to the conditions set out in sub-paragraphs AA.2(2) and AA.2(3) of the GPDO and to the condition below:
 - 1) The development hereby permitted shall not be occupied until the first-floor windows facing No 4 Wyre Grove have been fitted with obscured glazing to at least scale 4 on the Pilkington scale, and no part of those windows that is less than 1.8 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), sets out permitted development rights for development consisting of works for the construction of one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.
3. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis. Since the application was determined, a revised Framework was published on 19 December 2023 and later amended on 20 December 2023. Whilst I have had regard to this, the issues most relevant to

this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and this would disadvantage no party.

Main Issues

4. There is no dispute regarding the limitations set out in paragraph AA.1. Consequently, the main issues are whether prior approval should be granted having regard to the:
 - external appearance of the dwellinghouse and of the area; and
 - amenity of the adjoining premises at 4 Wyre Grove and 137 North Hyde Road, with particular regard to light levels, privacy and outlook.

Reasons

External appearance

5. The host property is a detached bungalow located within a prominent corner plot near the junction of North Hyde Road with Wyre Grove. The bungalow occupies a central position within the plot with generous gaps to the side which, together with its modest size and scale, allows for views across the junction. The surrounding area is characterised by semi-detached properties and there is a terraced commercial parade nearby. Generally, these buildings are two storeys, so there is a degree of uniformity in terms of the scale of properties in the immediate area.
6. In terms of design and architectural features, the proposal would reflect the typical details and key features of the property, including its roof form, window style and materials. As a result, harm would not arise regarding the details of the proposal's external appearance.
7. The additional storey would increase the height of the existing bungalow. However, as the street scene is predominantly characterised by two storey properties, the depth, width and height of the dwelling would result in an acceptable massing that would not be inconsistent or disproportionate with other buildings in the street scene. As such, the proposal would not appear incongruous in its surrounding context. The gaps to the side boundaries are generous, as the bungalow is surrounded by outdoor space and the proposal would not increase its footprint. Therefore, some views across the junction would remain through the existing side gaps. Consequently, the proposal would sit comfortably in its surrounding context.
8. For the reasons above, the proposed development would conform with the requirements and criteria of Article 3 and Schedule 2, Part 1, Class AA, paragraph AA.2.(3)(a)(ii) of the GPDO.
9. The development plan is not determinative for prior approval. However, Policies D1, D3 and D4 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) and Policies DMHB11 and DMHB12 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) (DMP) seek to ensure, amongst other things, that development proposals incorporate principles of good design and make a positive contribution to the local area. The Framework supports development that is sympathetic to local

character. As such, the local and national policy context would support the conclusions reached above.

Adjoining premises

10. 4 Wyre Grove (No 4) is a two-storey dwelling situated to the rear of the site. This neighbouring dwelling contains windows in its side elevation facing towards the site which serve non-habitable rooms or as secondary windows to habitable rooms, as set out in the officer report. While the proposal would increase the height and massing of the host building, given the nature of the windows on No 4's side elevation, a change in outlook would not unduly affect the living conditions of these neighbours. Moreover, the proposal would be sited at some distance from No 4's garden, so it would not appear unduly overbearing from this space.
11. The extension would have first floor rear windows facing No 4. However, the plans submitted indicate that these would be obscure glazed. In addition, the proposal's rear elevation would be stepped in, and a reasonable gap would be provided between its windows and No 4. As such, the proposal would ensure that the privacy within No 4 and its garden would be maintained to an acceptable standard.
12. 137 North Hyde Road (No 137) is a two-storey dwelling located to the side of the site. No 137 has windows at both ground and first floor levels facing the site which, in accordance with the evidence, serve as secondary windows to habitable rooms. Whilst the proposal would be taller than the existing bungalow, it would have its roof sloping away from the boundary. In addition, there would be a generous gap between the proposal and the side elevation of No 137. For these reasons, the proposed development would not appear unduly overbearing in terms of the outlook from within No 137 and from its garden.
13. No 137 has a two-storey side and rear extension, which likely casts some shadow on its garden space. Further, having regard to the position and passage of the sun, I find it unlikely that the proposal would have a discernible effect in terms of the light levels received by the garden space of No 137.
14. For the reasons given above, the proposal would have an acceptable effect on the amenity of the adjoining premisses at No 4 and No 137 with particular regard to light levels, privacy and outlook. Accordingly, it would accord with paragraph AA.2.(3)(a)(i) of the GPDO. The provisions of the development plan, so far as they are relevant, have been considered. Having regard to the parameters set out within the GPDO, the scheme would not conflict with the aims of DMP Policies DMHB11 and DMHD1, where these policies support development that does not adversely impact the amenity of adjacent properties.

Conditions

15. Prior approval under Class AA is subject to conditions specified in paragraphs AA.2.(2) and AA.2.(3). Paragraph AA.3(15) allows for the imposition of conditions reasonably related to the subject matter of the prior approval. In the interests of protecting the privacy of the adjoining premises, I have imposed a condition requiring the rear windows to be obscure glazed and fix shut below an internal height of 1.8m. For clarity, I have set out within my formal decision that the scheme shall be carried out in accordance with the submitted plans.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed, and prior approval granted.

P Terceiro

INSPECTOR