



## Appeal Decision

Site visit made on 24 April 2025

**by D Cramond** BSc MRTPI

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

**Decision date: 06 May 2025**

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**Appeal Ref: APP/R5510/D/25/3361233**

**49 Falling Lane, Yiewsley, Middlesex UB7 8AB**

- 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 Mukesh Chhaya against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 16917/APP/2024/2747.
  - The development proposed is the erection of a single storey conservatory to the rear.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey conservatory to the rear at 49 Falling Lane, Yiewsley, Middlesex UB7 8AB in accordance with the terms of the application, Ref 16917/APP/2024/2747, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three 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 & Drawing 49-001.
  3. Notwithstanding the above condition 2 the conservatory hereby permitted shall not be occupied until all windows on the northern side have been fitted with obscured glazing with fixed panes and these shall be retained thereafter.

### Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the host property and the locality; b) living conditions for neighbours; and c) living conditions for future occupiers.

### Reasons

3. The appeal property is a two-storey semi-detached home in a neighbourhood of broadly similar dwellings. It, and immediately adjoining houses, have generous rectangular rear gardens and nicely proportioned and detailed front elevations close to the estate road. The area is of established residential character and the streetscene is one of pleasing suburban appearance with some regularity which is not shared in terms of rear development or rear building lines. The appeal proposal is as described above.
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*Character and appearance*

4. The proposed conservatory would be attached to an existing flat roofed single storey extension. Of concern to the Council is that this cumulative depth and size of built form would represent disproportionality on the host property and on comparables in the wider area; the case is made that character and appearance would be harmed.
5. As noted above, in contrast to the fronts, the rear of dwellings in this neighbourhood varies appreciably. The scene is irregular, both in terms of original building line and in the style and size of free-standing garages and outbuildings and attached extension structures. Most original upper floor levels remain as originally designed but at garden level it is a very different picture. To my mind, on this stretch of homes, this generally indicates people adapting their accommodation to meet needs and aspirations. Certainly, control should be applied where aims are excessive but I would not class this proposed conservatory, whether attached to an existing modest extension or not, in that category.
6. The design of the conservatory is simple and would not be visually overwhelming in this instance. There are degrees of subordination and control by firm dimensions cannot always be suitable across the board. In the wider picture the scheme would not be harmful, the original building would still be legible, and the pleasing street scene would be unaltered. The open rear garden would remain generous. I understand the context of the Council removing the largest permitted development right and seeking to secure proportionate enlargement schemes. In this particular case I would deem that the plans would pass the proportionality test. In my opinion the lightweight design would not unduly detract visually from host property and its context and would have no marked negative impact upon the aesthetic qualities of the surrounding area. It warrants some flexibility from the Council's normal policy on depth of extensions which is embodied in Policy DMHD 1 referred to below.
7. Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (DMP), as well as Policy D3 of the London Plan (2021) (LP) are relevant. These policies share common themes of seeking to protect the character and appearance of buildings and their neighbourhood, to ensure harmonious development and the safeguarding of local distinctiveness. I conclude that the appeal scheme would not run contrary to these policies.

*Living conditions for neighbours*

8. The Council is concerned that the scheme would impinge upon privacy currently enjoyed by the neighbours to the north. This is because the conservatory is shown to have side boundary windows from which one could look across onto the neighbours' patio and backwards into rear windows.
9. I would agree that there would be a privacy issue if the conservatory was to be constructed in the form envisaged by the Council. However, as the Appellant rightly suggests, the solution to this would be obscure glazed and non-opening windows. A condition to this effect would, to my mind, be legitimate,

reasonable and effective. It would not be prejudicial to neighbours who, in any event, raised no representations at the time of the planning application.

10. With such a condition I would conclude that there would be no conflict with DMP Policies DMHB 11 and DMHD 1 or LP Policy D3 which, taken together and amongst other matters, seek to ensure that new development is neighbourly.

*Living conditions for occupiers*

11. The Council is concerned that direct and short distance views would be provided from the rear garden and patio area of No.51 Falling Lane into the proposed sun room leading to a harmful loss of privacy to users of the room at this host property.
12. However, on the stretch of garden beyond the planed scheme the side boundary screen fencing limits looking back into the structure in the same way as the current arrangement. Permitted development would allow a modest increase to the height of this fencing should either party feel the need. In terms of people looking directly into the structure from the abutting patio to the north, I would agree with the Appellant that a requirement, via a reasonable planning condition, to install obscure glazing with fixed panels would completely overcome this concern.
13. I therefore conclude that the proposed development would not be contrary to LP Policy D3 which, amongst other matters, calls for high quality residential amenity for the occupiers of any new development.

*Conditions*

14. The scheme should have the standard commencement condition. I agree with the Council that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. As noted above, I agree with the Appellant that it would be prudent for windows on the northern elevation to be obscure glazed and fixed in order to protect the privacy of immediate neighbours and future occupiers.

*Overall conclusion*

15. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property or the locality nor on living conditions for neighbours or future occupiers. Accordingly, the appeal is allowed.

*D Cramond*

INSPECTOR