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## Appeal Decision

Site visit made on 17<sup>th</sup> June 2024

**by Megan Thomas K.C. Barrister-at-Law**

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

**Decision date: 11<sup>th</sup> July 2024**

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### **Appeal Ref: APP/R5510/D/24/3341943**

#### **44 Warren Road, Ickenham UB10 8AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr M Ali against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref. is 17392/APP/2024/121.
  - The development proposed is a single storey rear conservatory.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey rear conservatory at 44 Warren Road, Ickenham UB10 8AD in accordance with the terms of application ref.17392/APP/2024/121, dated 17 January 2024, 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 shall be carried out in strict accordance with the following plans: 44WR-RE/10022022/RevG-2/2 dated 10 February 2022 and 44WR-RE/10022022/RevG-1/2.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Main Issues**

2. The main issues in the appeal are the effect of the proposed conservatory in conjunction with the recently constructed rear extension on the character and appearance of the host dwelling and the effect on the living conditions of nos 42 and 46 Warren Road in relation to light and outlook.

### **Reasons**

#### *Character and appearance*

3. The appeal site is located on the south side of Warren Road with no.42 to its west and no.46 to its east. It is a two-storey detached dwelling with a rear

dormer which has recently been extended with a part two storey part single storey extension to the rear following the demolition of a conservatory (application ref:17392/APP/2023/3444).

4. The area is predominantly residential. 42, 44 and 46 do not have large separation distances between them on their flank elevations. The appeal site has some attractive trees in its rear garden and there is an outbuilding at the garden's far end.
5. The proposed conservatory extension would be about 4m deep, about 7m wide with a maximum height of about 3.4m and an eaves height of about 2.4m. It would be set in from both sides of the existing single storey rear extension. It would be made from contemporary materials and would appear lightweight in nature.
6. It would add additional mass and bulk to the rear of the appeal property and cumulatively the depth of extensions at the rear would be about 8m from the main rear wall. However, it would not exceed the height of the single storey rear extension and it would be narrower, so that there would be a graduation of widths the further into the garden that built development protruded. It would also be slightly rounded rather than have right angle corners.
7. It would sit on a low plinth wall but otherwise the minimalist metal frame, transparent sides and roof would enable it to appear lightweight in appearance. As a result, it would not dominate the character of the rear elevation despite the individual or cumulative depth and despite its exceedance of prescribed measurements in policy DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). Overall, extensions that have taken place at the rear plus the proposed conservatory would be subordinate to the original dwelling. The area of rear garden remaining free of built development would be sufficiently large to provide useable private outdoor amenity space for the occupants of the dwelling.
8. On this issue, I conclude that the proposal would not harm the character or appearance of the host dwelling and would not be contrary to policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (adopted 2012) or policies DMHB 11 or DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020).

#### *Living conditions of Occupants at 42 and 46 Warren Road*

9. I have considered whether the proposed development taken alone or cumulatively with recent rear extension would lead to a loss of outlook, sense of enclosure or be visually intrusive for occupants of nos 42 and 46 Warren Road. Whilst it may be possible for those occupants to glimpse the conservatory roof, it would not be unduly close to either of the common boundaries. In relation to no.42, the conservatory would be closest to its common boundary with the appeal site, but the separation distance would be such as to rule out any sense of enclosure. The boundary treatment includes fencing which is of a height providing effective screening. The separation distances from the common boundary with 46 are more generous and, again, would prevent any feeling of enclosure to the occupants of 46 when in their rear garden.

10. In respect of potential loss of light, the siting of the proposed conservatory would not materially block daylight or sunlight from the rear garden or rear windows of either no.42 or no.46. This would also be the case when assessed cumulatively with the existing rear extension. As to visual amenity for neighbours, there is no right to a view from a window or a garden. This is distinguishable from loss of outlook or undue enclosure where a new extension might be of such proximity and dimensions so as to be oppressive to a neighbour. I have not found there to be a loss of outlook as a result of the proposal and I have given reasons for this above. The neighbours would see the conservatory and parts of the rear extensions from upper floor rear windows but it would not harm their residential amenity.
11. On this issue, I conclude that the proposed conservatory, considered alone or cumulatively, would not harm the living conditions of the occupants of 42 or 46 Warren Road in relation to loss of light or outlook. The proposal would not conflict with policies DMHB 11 or the relevant parts of DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020).

### **Conditions**

12. The Council proposed some conditions in the event that the appeal was successful. I have considered those in the light of PPG. For the avoidance of doubt there is a condition which ties the proposal to the submitted plans and in order to protect the character and appearance of the host dwelling there is a condition requiring the materials to be used in the construction of the external surfaces of the development to match those used in the existing building.

### **Conclusion**

13. Having considered all relevant representations, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

*Megan Thomas K.C.*

**INSPECTOR**