



Appeal Decision

Site visit made on 20 September 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.10.2023

Appeal Ref: APP/R5510/D/23/3322520

111 Long Lane, Ickenham UB10 8QS

- 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 Ms Mandeep Birring against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 19076/APP/2022/3805, dated 14 December 2022, was refused by notice dated 28 February 2023.
- The development proposed is described as replacement of the existing conservatory with a rear extension. Erection of a ground floor side/rear extension, erection of a first floor side/rear extension. Conversion of side garage for habitable use. Conversion of roof space to habitable use to include a rear dormer and side rooflights.

Decision

1. The appeal is allowed and planning permission is granted for replacement of the existing conservatory with a rear extension. Erection of a ground floor side/rear extension, erection of a first floor side/rear extension. Conversion of side garage for habitable use. Conversion of roof space to habitable use to include a rear dormer and side rooflights at 111 Long Lane, Ickenham UB10 8QS in accordance with the terms of the application 19076/APP/2022/3805, dated 14 December 2022, subject to the conditions set out in the schedule below at the end of this decision.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning appeal form. In Part E of the appeal form it is stated that the description of development has changed and been agreed, nevertheless, a different wording has been entered on the Decision Notice to that in the appeal form. Accordingly, I have used the one given on the appeal form as it still accurately describes the proposal.
3. The appellant's appeal submission documents include amended plans. The planning appeals procedural guidance¹ advises that, if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Moreover, it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the Authority.

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate (updated April 2023)

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area with particular regard to the appeal site's location within the Ickenham Village Conservation Area (CA); and (b) the living conditions of neighbouring occupiers at No 113 Long Lane with particular regard to outlook, visual intrusion and light.

Reasons

Character and appearance

5. The appeal site is located within the CA. As such, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. Long Lane in the vicinity of the appeal site, is relatively wide with substantial semi-detached and detached dwellings, on this side of the road, set in commensurate plots with interest provided to the front elevation by gables and detailing to the front elevation. Many of the surrounding properties include modest gaps between them. Where gaps have been infilled, this is predominantly through the introduction of single-storey side extensions retaining upper views beyond. These features, alongside grass and tree lined verges give the CA a traditional, harmonious, open and verdant character and appearance.
7. The appeal relates to one of a pair of semi-detached dwellings with a hipped roof and projecting front gable. The appeal property benefits from an attached single-storey garage which largely infills the gap to No 113. No 113 is a detached property sited forward of the appeal dwelling. Despite being set in from the boundary, No 113 has a garage door with surround providing access to an area of hardstanding beyond, which gives the illusion, from some viewpoints, of the gap being infilled. Nevertheless, given the considerable offset distance between the appeal property and No 113, a suitably sized and open gap remains between the properties, retaining the open and spacious feel of the area, which also allows for views beyond.
8. The appeal property is located within a row of similarly designed semi-detached dwellings. From my observations on site and the evidence before me, a number of these dwellings have side extensions removing the gaps between properties at ground level. A limited number of these properties also have two-storey side/rear extensions set back and in from the front and side elevation.
9. The main parties have drawn my attention to an extant permission² at the appeal site. Whilst I acknowledge the extant consent, I must deal with the appeal on its own merits. In this regard, the existing attached garage largely infills the gap with No 113. The proposed ground floor element of the extension would result in built form along the front and side boundary, as is currently the case with the garage. However, given its additional footprint, it would also infill further space at the side and rear of the property. However, sited to the rear of what is already an infilled gap, the additional built form of the ground floor element of the scheme would not be prominent within the streetscene nor

² Application ref: 19076/APP/2021/4382.

would it appear at odds with the prevailing character and appearance of the CA in which it would be viewed.

10. The proposed two-storey side/rear extension would be set in and back from the front elevation. Its outward projection would not be overly wide or long with a subservient roof design. For these reasons, this element of the scheme would complement the area in recognition of the variety of two-storey side/rear extensions found close by on this side of the road. Furthermore, given the off-set distance with No 113, the setback would also maintain the gap at first-floor level and the rhythm of development along the street. Consequently, the proposed two-storey side/rear extension would be successfully assimilated with the character of local built form.
11. Further, when considering the cumulative level of development, the lengthy front drive and rear garden would allow the additional footprint to be comfortably accommodated within the plot, and a well-sized garden would be retained. The proposed development would therefore not appear cramped within the plot.
12. The Council have drawn my attention to the elevation and floorplan on the western elevation as they are not consistent with regard to the upper floor windows. Corrected plans can be secured by condition.
13. Consequently, the scheme would not harm the character and appearance of the host dwelling and would preserve the character and appearance of the CA. It is therefore in accordance with policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMHB 1, DMHB4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2 - Development Management Policies (HLP2) and Policies D1, D3, D4 and HC1 of the London Plan 2021. The aforementioned policies, when taken together and, amongst other things, seek to ensure that new development avoids harm and preserves the historic environment, achieves a high standard of design harmonising with the local context; makes a positive contribution to the local area. The proposal would also accord with the provisions of the National Planning Policy Framework (the Framework), in regard to achieving well-designed places and conserving and enhancing the historic environment.

Living Conditions

14. As confirmed in the officer report and the Decision Notice, the two-storey extension element in itself is not considered by the Council to materially affect neighbouring amenities in any material way. However, it is considered that the cumulative effect of the two-storey element together with the single-storey side/rear addition would substantially be harmful to the neighbouring occupiers at No 113 from within the garden and from rear habitable windows.
15. No 113 has windows in its rear elevation. However, a timber fence and brick wall, which transitions to a well-established tall hedge, separates No 113 from the appeal property at the point where the single-storey addition would be built minus the short gap to be retained. Moreover, within No 113's garden, a large outbuilding has been placed between the boundary and No 113's closest windows to it. In combination, the fence, wall and outbuilding would largely and effectively obstruct views of the single-storey addition from within No 113. Additionally, the nearest first-floor element of the proposal would be recessed and set away from the boundary. As a result, the proposed development would

not be visually intrusive, oppressive or significantly harm outlook from the rear windows of No 113.

16. From No 113's garden, part of the single-storey extension's roof would be seen above the existing well-established hedge and the outbuilding, but the degree of separation from the garden beyond the outbuilding would be such that it could not reasonably be perceived as either oppressive or overbearing. Whilst there would be a small area of the garden separated only by the existing hedge and a small gap between the extension and boundary, the garden is of sufficient length and width that the effect of the proposal on the use of the external space of No 113, would not be overbearing, visually intrusive or detrimentally harmful to outlook from within the garden.
17. No clear explanation or evidence to adequately illustrate to what extent light levels would be impacted nor an assessment of any compromised living conditions of existing occupiers has been provided. I observed that light does reach the rear elevation of the property and garden. Based on my observations and the evidence before me, there is no cogent evidence that points to the proposed development materially affecting daylight or sunlight within No 113 or its garden.
18. I conclude that the proposal would not result in detrimental harm to the living conditions of occupiers at No 113 through loss of outlook, visual intrusion or loss of light. The proposed development therefore accords with policies DMHD 1 and DMHB 11 of the HLP2, which seeks to ensure that new development does not harm neighbouring amenities.

Other Matters

19. I acknowledge the comments from interested parties that the gap approved under the previously allowed permission should be maintained. However, I have found the appeal scheme acceptable for the reasons set out. Furthermore, there is no substantive evidence before me to conclude that the proposed scheme will adversely affect the outbuilding or prevent future development within the garden of No 133.
20. Matters related to access during construction works would be a civil matter between the respective parties.

Conditions

21. The conditions suggested by the Council have been considered in light of the advice contained within the Planning Practice Guidance and the Framework. In addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of certainty to define the plans with which the scheme should accord.
22. A condition is necessary to ensure acceptable external materials are used within the development, in order to protect the character and appearance of the surrounding area, including the CA.
23. For the reasons given above, I have imposed a further condition requiring an amended plan for window details on the upper floor on the western elevation. This is reasonable and necessary to define the terms of the permission and to have an acceptable effect on the living conditions of the existing and neighbouring occupiers and the character and appearance of the area.

Conclusion

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

A Hickey

INSPECTOR

Schedule of 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: Dwg no: 0131-EX-00 Revision A, Dwg no: 0131-PR-10 Revision D2 and Dwg no: 0131-PR-20 Revision D2.
- 3) No development above slab level shall take place until details of the windows and glazing to be used on upper floor windows on the western elevation have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed as agreed and shall be retained thereafter.
- 4) 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.

End