



Appeal Decision

Site visit made on 11 April 2024

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/R5510/D/23/3332642

37 Fairholme Crescent, Hayes, UB4 8QT

- 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 Satnam Masih against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 20685/APP/2023/2201, dated 25 July 2023, was refused by notice dated 19 September 2023.
- The development is described as retention of ground floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for retention of ground floor rear extension at 37 Fairholme Crescent, Hayes, UB4 8QT in accordance with the terms of the application Ref 20685/APP/2023/2201, dated 25 July 2023.

Preliminary matters

2. The extension subject of the appeal is complete, and the appellant wishes to retain it. I shall proceed on this basis.

Main issues

3. The main issues are the effect of the development on: (a) the character and appearance of the host property and its' surroundings, and (b) the living conditions of the occupants of the adjoining dwelling at 39 Fairholme Crescent with particular reference to visual impact, light and outlook.

Reasons

Character and Appearance

4. The appeal property is comprised within a modest terrace of two-storey residential properties in a street largely comprised of similar development. The extension has been added to an already existing extension at the rear of the property. The new extension has no impact on the public realm but can be seen from neighbouring gardens.
5. With the aide of a stepladder, I was able to see a considerable distance north and south above the boundary fences separating the appeal property from its immediate neighbours. It was evident that virtually all properties in the locality had been extended by various lengths in a similar flat roofed fashion as the

appeal scheme, although none that I saw was quite as long. There were also a plethora of outbuildings of various designs.

6. Thus, flat roofed rear extensions are commonplace in the locality and notwithstanding its extra length in comparison to others I do not share the Council's view that the appeal development has caused harm on account of its appearance and design. That it cannot be seen in the public realm acts also as a factor favouring its retention.
7. I therefore conclude that the extension is of an acceptable design and does not harm the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with those provisions of Policies BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies and Policy D3 of the London Plan which seek to ensure developments are of a high quality design which respects the design of the original property and surrounding area.

Living conditions

8. The property of concern to the Council is No 39, largely on account of the fact that it is sited north of the appeal site. This property has been extended to the rear by means of a flat roofed extension, although it is not as long as that of the applicant's property.
9. I could see what appeared to be a kitchen window in No 39's rear elevation on the ground floor closest to the appeal property. The outlook from this would be reduced by the appeal property's enlarged extension, but clear views of No 39's rear garden would remain. However, the solid fence along the boundary, given its height, would have impaired sideways views and light to this window prior to the extension being built.
10. The same fence would also have caused overshadowing of No 39's garden and given rise to a sense of enclosure. That the extension is but a metre or so higher than the solid fence indicates to me that the extension's impact on No 39 would not be significantly greater, inside or externally, than already experienced on account of the fence. Most of No 39's garden would be substantially unaffected by the development.
11. I therefore conclude that the proposal has not resulted in harm to the living conditions of the occupants of 88 Wimborne Avenue with reference to visual impact, light or outlook. Although the proposal extends further into the garden than specified in policy DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies, it accords with two principal objectives of that policy in that the extension has a satisfactory relationship with the adjacent dwelling and causes no unacceptable loss of outlook.

Other matters

12. The Council has referred to other development plan policies but those which I have relied on are considered the most relevant in the context of this appeal.
13. The Council's suggested conditions are unnecessary since the development is complete.

14. Although not decisive in my considerations I note that the residents of 39 Fairholme Crescent on being consulted did not object at application stage and have indicated by letter for the appeal that they have no objection to that which has been built.
15. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR