



Appeal Decision

Site visit made on 10 January 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/R5510/D/21/3285856

139 Bury Street, Ruislip HA4 7TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
 - The appeal is made by Mr David Ayonoadu against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 20795/APP/2021/2836, dated 16 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is first floor rear extension, conversion of roof space into habitable use to include front and rear rooflights, alterations to the existing conservatory to form a flat roof single storey rear extension (including external alterations) and new side and rear windows/doors.
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Decision

1. The appeal is allowed and permission is granted for first floor rear extension, conversion of roof space into habitable use to include front and rear rooflights, alterations to the existing conservatory to form a flat roof single storey rear extension (including external alterations) and new side and rear windows/doors at 139 Bury Street, Ruislip HA4 7TQ in accordance with the terms of the application Ref 20795/APP/2021/2836, dated 16 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: B99580-3103; B99580-1101 A; B99580-3300 A.; B99580-1100 A.; Location Plan (1:1250); B99580-1201 A; B99580-3500 A; B99580-1102 A; B99580-3100 A; B99580-3101 A; B99580-3200 A; B99580-1200 A; B99580-3102 A; B99580-1103 A; B99580-3201 A; B99580-1300 A.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural matters

2. The description of development in the heading above has been taken from the Council's decision notice. However, in Part E of the appeal form it is stated that the description of development has not changed from that stated on the planning form. Notwithstanding this, I have used the description as used on the Council's decision notice as this more accurately describes the proposal as shown on the plans and I have considered the appeal on this basis.

3. The proposal includes works to provide a flat roof to the existing conservatory extension as well as provision of rooflights to the front and rear roofslopes and replacement doors and windows. There appears to be no dispute between the parties as to the acceptability of these elements of the proposed development. I shall therefore confine my detailed considerations to the proposed first floor rear extension.

Main Issues

4. I consider the main issues in this appeal to be:
 - i. impact of the development on the character and appearance of the building and the surrounding area and;
 - ii. the impact of the proposed development on the amenity of the occupiers of no 141 Bury Street with particular regard to daylight and outlook.

Reasons

Character and appearance

5. The appeal site is located on a wide road in a primarily residential area. Dwellings tend to be located within generous plots, set back from the road with an element of parking or garden spaces to frontages and sizeable gardens to the rear. Houses are of varying appearance and scale, with some being detached and others being semi-detached, as well as a mix of single storey and two storey dwellings. I was able to see at my site visit the variety of treatments and alterations to dwellings, with a diversity in the use of materials and finishes, extensions and features to dwellings. Despite this mixture, the main character and appearance is one of a spacious and residential area as a result of generous plots, the wide street and vegetation.
6. The appeal site is a brick two storey detached dwelling with hipped roof features above bay windows and hanging tiles to the first floor and an enclosed canopied porch to the front elevation. It is set well back from the road and pavement, with a parking area to the front. To the rear, there is a single storey conservatory addition with a lantern-style roof.
7. The dwelling is located with its front elevation parallel to the road. It is set behind the rear elevation of no. 123 and level with the front elevation of no. 141. No 141 Bury Street is a semi-detached property which is sited at an angle to the appeal site. This dwelling is finished in a white painted render with brick detailing.
8. The proposed development would introduce a first floor above the existing cat-slide roof to the rear and extend the rear hipped roof slope to provide accommodation in the roofspace. This would take the form of a part crown roof with double gable arrangement set below the ridge of the existing roof. The development makes use of the existing footprint of the ground floor and dwelling.
9. Policy DMHD 1 of the Hillingdon Local Plan¹ ("the Local Plan") sets out criteria for alterations and extensions to dwellings. Section E sets out specific guidance for roof extensions. Policy DHMB 11 and BE 1 of the Local Plan

¹ London Borough of Hillingdon Local Plan Part 2: Development Management Policies (January 2020)

Part 1² deal with design of new development expecting all developments to be designed to the highest standards. Whilst I accept that the development would span the full width of the dwelling, the extensions would remain within the existing dimensions, including below the ridge of the original roofline. The depth of the extensions would not protrude any further than the existing single storey rear extension and would respect the original hipped roofline, retaining the original character and appearance, albeit with the introduction of the two subservient gables. The Council accepts that the existing roof arrangements are complicated however taking into account the above findings, I do not consider that the proposed development would be top heavy or unacceptably dominant to the existing roof outline or the overall appearance of the dwelling.

10. The proposal would only be glimpsed from the street and as such I consider that the proposed extension to the rear would not cause harm to the character and appearance of the host dwelling or the local area and as such would not be visually intrusive. In addition to this, I was able to see that there have been other rear extensions to dwellings along the street and within the wider locality, with varying results, and do not consider that the proposed development would unduly dominate or be at odds with the overall character and appearance of the host dwelling or the local area.
11. The proposed materials are to match that of the existing, with the use of brick to the ground floor and painted render to the first floor, and this, together with the other considerations lead me to conclude that there would be no harm to the character or the streetscene as a result of the proposed development. As such there would be no conflict with Policies DMHD 1, DMHB 11 and BE1 of the Local Plan and Local Plan Part 1 which expect, among other things, new development to provide high quality design which harmonises with the local context and be well integrated with the surrounding area. I consider that these policies are consistent with the provisions of the National Planning Policy Framework (The Framework) and can therefore be given substantial weight.

Living Conditions

12. The neighbouring property at no. 141 does not appear to have been extended and I was able to see at my site visit that there were a number of windows to the rear elevation. This neighbouring property has a long garden, which faces west. The appeal site is set at a slight angle to this neighbour, reflecting the bend in the road.
13. As described above, the proposal would introduce a roof extension to the main roof and above the existing rear extension. There would be no extension to the depth of the existing footprint, being 3.2m. Both the appeal site and no. 141 are set away from the common boundary. The interface along this boundary is the original two storey dwelling, the single story rear extension with mono-pitched roof, and brick wall to rear conservatory. There are no windows facing the neighbour. The development would introduce additional height to the existing arrangements.
14. The Council suggests that there may be failure to demonstrate compliance with the 45 degree test and that there would be some loss of daylight/sunlight to any occupiers of no.141. The appellant has provided in the appeal documents a plan to demonstrate that the development would not cross the 45 degree

² Hillingdon Local Plan: Part 1 – Strategic Policies (November 2012)

line. Policy DMHD 1 confirms that two storey extensions should not extend into an area provided by the 45 degree line of sight. Whilst there is some concern that the 45 degree line does not confirm compliance with all windows to no. 141, the appeal documents show that even at the closest point of no. 141, the 45 degree line would be breached only marginally at the corner of the development and I see no reason to disagree with this conclusion. I was able to see at my site visit that to the ground floor of no. 141 there was a double window in a single storey element, with a glazed door beyond; and to the first floor a window set back from the boundary to the appeal site.

15. Given that the development would not extend beyond the existing rear walls of the dwelling and taking into account the layout and relationship and orientation between the two properties, I am not persuaded that the additional height to the appeal property would exacerbate any issues of harm to outlook or daylight which may already exist.
16. Taking the above points together I therefore find no harm to the living conditions of occupiers of no. 141 in terms of outlook or daylight. As a result, I find no conflict with the relevant provisions of Policies DMHB 11 and DMHD 1 of the Local Plan which require new development to not have an unacceptably adverse effect on the amenity of neighbouring properties.

Conditions

17. In addition to the standard timescale for implementation condition, it is necessary to attach a condition to confirm the approved drawings in the interests of certainty. In the interests of the character and appearance of the area, I have also imposed a condition to ensure that the external surfaces materials would match the existing.
18. Whilst there is a suggestion for obscure glazing to the windows facing no. 141, this is detailed on the plans and as such is not necessary.

Conclusion

19. I have found that there is no harm to the character and appearance of the local area. I therefore conclude that, subject to the above conditions, and having regard to all other matters raised, the appeal should be allowed.

Rebecca Thomas

INSPECTOR