



Appeal Decision

Site visit made on 18 December 2023

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29.12.2023

Appeal Ref: APP/R5510/D/23/3328999

215 Ladygate Lane, Ruislip, Hillingdon, HA4 7QY

- 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 Fabian Deuter against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 22880/APP/2023/1311, dated 4 May 2023, was refused by notice dated 23 June 2023.
- The development proposed is the erection of a part single, part double-storey rear extension and creation of a porch.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single, part double-storey rear extension and creation of a porch at 215 Ladygate Lane, Ruislip, Hillingdon, HA4 7QY in accordance with the terms of the application, Ref 22880/APP/2023/1311, dated 4 May 2023, subject to the following 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: Drg Nos LL-R00-EX-101, LL-R00-EX-102, LL-R00-EX-103, LL-R00-EX-104, LL-R00-EX-105, LL-R00-PR-101, LL-R00-PR-102, LL-R00-PR-103, LL-R00-PR-104, LL-R00-PR-105 and LL-R00-PR-106.
 - 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.
 - 4) The side windows facing 16 Breakspear Road shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

Main Issues

2. The main issues are the effects of the proposed first-floor rear extension upon the living conditions at 16 Breakspear Road, with particular regard to privacy and visual impact, and upon the future living conditions at the appeal property with regard to internal space.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling set within a residential locality comprising broadly similar style and aged properties. No 215 has previously been altered including with a 3m deep single-storey rear extension and a hip-to-gable roof extension with a 'box-like' dormer to the rear across the full width of the property. The proposal would include reconstruction of the single-storey rear extension to an equivalent depth as existing but including a first-floor element over part which would be contiguous with the dwelling's side elevation and set away from the shared boundary with the attached property at No 214.

Living Conditions at 16 Breakspear Road

4. No 16 Breakspear Road is a semi-detached dwelling to the side of the appeal property and, together with its attached neighbour, is built on a 45-degree angle across its corner plot where Ladygate Lane joins Breakspear Road. As a consequence, No 16 is orientated with an outlook from its rear elevation towards and over the side splayed boundary it shares with No 215. The outside, rear corner of No 16 is recessed behind the original rear elevation of the appeal property, aligning roughly with the rear corner of the existing and proposed rear extensions.
5. The appellant has demonstrated that the first-floor extension would not breach a 45-degree line projected across the appeal site from the edge of the nearest windows at No 16. This is accepted by the Council but in their view, because of the orientation of the site, angle of the proposed first-floor rear extension, and proximity to the western boundary with No 16 Breakspear Road, the proposed extension would have an overbearing effect, especially upon the neighbour's garden space.
6. Whilst I accept that the relationship between the appeal property and No 16 is not conventional between neighbouring properties, the extension to the rear would not project any deeper than the rear elevation of No 16. Although the first-floor addition would be obviously seen from the neighbour's rear garden, due to its position principally to the side of No 16 it would not appear as an intrusive or overbearing presence from any significant vantage point. Any outlook from the new rear facing first-floor window to the extension would be no different to the existing rear facing window that occupies a similar position. The two windows proposed as part of the development to the side elevation of the existing property at first and second floor levels could both be required by condition to be obscurely glazed and fixed shut below a specified level in order to avoid any potential overlooking of No 16 and resulting harm.
7. Overall, I am satisfied that the proposed first-floor extension would be seen from 16 Breakspear Road as a well-considered and proportionate addition that would be neither overbearing nor intrusive. I am also satisfied that, with appropriate control by condition, there would be no potential for overlooking or any loss of privacy. As such, I find no conflict with Policies DMHB11 or DMHD1 of the Hillingdon Local Plan - Part 2 - Development Management Policies (2020) (HLP Part 2) as far as they require development to achieve a successful relationship with adjacent dwellings without any adverse impact upon the amenities of adjoining occupiers.

Future Living Conditions at 215 Ladygate Lane

8. The first-floor extension would provide a new bedroom that would measure 9 sqm. This would satisfy the internal space requirements for housing development for a one-bedspace single bedroom as given by Policy D6 of The London Plan 2021 (LP). The application plans show the room to be occupied by a double bed. On this basis the Council have concluded that the proposal would fail to satisfy LP Policy D6 and that as a consequence, the proposal would give rise to a substandard form of living accommodation. However, the Council accepts that all the resulting habitable rooms within the appeal property, and those altered by the proposed extension, would maintain an adequate outlook and source of natural light. Moreover, the property would maintain three other two-bedspace double bedrooms that would be unaltered by the proposal. Furthermore, because a double bed is drawn on the planning drawings, it does not necessarily follow that the room would be occupied in that manner by any future residents.
9. It is evident to me that the proposal would merely provide some additional living space within a property that has a comfortable and functional layout, and one that would be fit for purpose. As such, even if it is considered that there would be a technical breach of the internal space standards required by LP Policy D6, other material circumstances in this instance lead me to conclude that there would be no harm to the overall living conditions within the appeal property. For this reason, I find no conflict with the requirement of HLP Part 2 Policy DMHB 16 for all housing development to have an adequate provision of internal space in order to provide an appropriate living environment. Reference to the HLP Part 2 Table 5.1: *Minimum Floorspace Standards* within Policy DMHB 16 is not relevant to the determination of this appeal as the table sets out minimum internal floor space standards for new dwellings.

Conditions

10. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials that would match the existing.
11. I have addressed the issue of the proposed side windows above and included an appropriately worded condition accordingly within my formal decision.

Conclusions

12. For the reasons given, I conclude that there would be no harm to the living conditions at 16 Breakspear Road or to the future living conditions at the appeal property. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR