

Appeal Decision

Site visit made on 12 April 2018

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2018

Appeal Ref: APP/R5510/D/18/3194256

39 Murray Road, Northwood, Middlesex, HA6 2YP

- 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 & Mrs Dhalla against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 27558/APP/2017/3292, dated 4 September 2017, was refused by notice dated 6 November 2017.
 - The development is described as demolition of existing single storey rear extension and the construction of a new single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey rear extension and the construction of a new single storey rear extension at 39 Murray Road, Northwood, Middlesex, HA6 2YP in accordance with the terms of the application Ref 27558/APP/2017/3292, dated 4 September 2017, subject to the following condition:

The development hereby permitted shall be completed in accordance with the following approved plans: the location plan and Drawing No. ALD291 PL-002A, and in accordance with the specification of materials provided in the original application form and Design & Access Statement.

Preliminary matters

2. The development subject of the appeal is well advanced in the sense that the demolition described in the description of the development has already taken place and the external envelope of the rear extension is virtually complete. The appellant, in effect, wishes to retain that already built and to complete the development. I shall proceed on this basis.
 3. The appellant has produced a set of plans which more accurately shows the as-built extension than those deposited at application stage. The new plans of the as-built show the development to be of a lower height than depicted in the original plans, which were subject to public consultation, and which drew no objection. The Council has no objection to the revised plans being utilised for the appeal. In the circumstances, and since I consider that no person would be prejudiced, I shall accept the amended plans in substitution for those originally submitted.
 4. The appeal site is located within in the Green Lane Conservation Area (CA).
-

Main issues

5. The main issues are (a) whether the development serves to preserve or enhance the character or appearance of the CA, and (b) the effect of the development on neighbouring residents' living conditions with particular reference to sunlight, overshadowing and visual impact.

Reasons

Conservation Area

6. The appeal property, a semi-detached dwelling, has been extended to the rear in two-storey fashion some time ago. This large extension spreads across virtually the whole width of the site, and has significantly affected the original character and appearance of the dwelling when viewed from the rear. The new development under construction, which is single storey, replaces another single storey extension, now demolished.
7. The comments made by the Council's conservation officer and the case officer as to the design of the proposal have been carefully noted. The extension, having regard to the guidance contained within the Council's Supplementary Planning Document on Residential Design, is considered by them to comprise an unsympathetic and too elongated an addition. I understand their concern to an extent since the extension, which is virtually flat roofed, is of a rather commonplace appearance.
8. However, balanced against this is that the extension has little or no impact on the wider scene since the rear of the house is so visually well sheltered. In this regard, the property and those neighbouring, have lengthy gardens. A row of mature trees separates the gardens from the railway lines beyond. The extension is barely noticeable in the public realm from points to the east of the railway lines. The extension cannot be seen from the street outside, to the front of the house.
9. To my mind, given the material impact that the two storey extension has already had on the character and appearance of the original dwelling, the single storey extension would have but a very limited, and not unacceptable effect. Moreover, given its secluded location, the extension would have a neutral impact on the CA, causing no harm, so that the character and appearance of the CA would be preserved.
10. I therefore conclude that the extension would sit acceptably in its visual context without harming the character and appearance of the host property or CA. Accordingly, the development does not materially conflict with those provisions of policies BE4, BE13, BE15 & BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (LP), directed in combination to ensure that house extensions should be well designed and that the Council's conservation areas are protected from the effects of harmful development.

Living conditions

11. The Council's concerns relate to the alleged impact of the development on the residents of the immediately neighbouring dwellings, Nos. 37 & 41. Since No 37, the adjoining property in the pair, stands to the north of the appeal property, the Council's concern understandably extends to the effects upon it in respect of sunlight and overshadowing.

12. It seems to me, however, that the Council in its assessment has not given sufficient weight to the impact on No 37 of the extant two-storey extension with reference to sunlight and overshadowing. The two-storey extension, given that it extends to the common side boundary, already affects the path of sunlight and causes overshadowing, particularly to No. 37's rear elevation. Having regard to the position of openings in No 37's rear elevation, particularly at ground floor level, the single storey extension would not make matters materially worse. Limited parts of the garden may be subject to a limited amount of additional overshadowing, but given the healthy extent of the garden this is not considered objectionable.
13. As to No 41, the extent and degree of separation between the single storey development and this property, coupled with the effects of the extant two storey extension, is such as to convince me that the residents of No 41 would not suffer any adverse impact if the extension were completed. I do not therefore share the Council's view that the residents of this property would suffer harmful loss of outlook or adverse visual impact.
14. I conclude that the development would not harm neighbouring living conditions. Accordingly, I find no conflict with those provisions of LP policies BE19, BE20 & BE21 directed to protect residential amenities.
15. Although not decisive in my considerations, I note that no local resident, including those residing at Nos. 37 & 41, objected to the retention or completion of the development. This adds considerable weight to my conclusions on this issue.

Conditions

16. Since the development has already begun the Council's condition relating to a commencement date is unnecessary. The Council's suggested condition in respect of materials is also considered unnecessary in view of the fact that the development is virtually complete. In the interests of certainty, it is necessary that the development should be completed in accordance with the approved plans, and in accord with the materials specified in the application form, which I consider acceptable.
17. The Council has also suggested additional conditions in respect of trees, hedges other vegetation and landscaping. I note the observations of the Council's tree officer on the original application, in particular, the comment that '*no tree loss is planned and there should be no direct impact on nearby trees.*' To my mind, the proposed additional conditions are unnecessary since the external elements of the development, including the construction of foundations, are substantially complete; trees are sufficiently distant from the development not to be materially affected and the condition requiring a landscaping scheme is excessive and unreasonable, given that this is a secluded back garden.
18. All other matters raised in the representations have been taken into account, including the Council's references to its Supplementary Planning Document on Residential Design, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR