



Appeal Decision

Site visit made on 22 November 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/R5510/D/24/3351070
131 Waltham Avenue, Hayes, UB3 1TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Withey against the decision of the London Borough of Hillingdon.
 - The application Ref is 38802/APP/2024/1517.
 - The development proposed is ground floor extension to existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for Ground floor extension to existing extension at 131 Waltham Avenue, Hayes, UB3 1TE in accordance with the terms of the application, Ref 38802/APP/2024/1517, and the plans submitted with it, 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 shall be carried out in accordance with the following approved plan: K/1016/WA2.
 - 3) Materials used in the construction of external surfaces of the development hereby approved shall match in appearance those found in 131 Waltham Avenue, the host dwelling.

Main Issue

2. The main issue is the effect of the development on living conditions for occupiers of 129 Waltham Avenue.

Reasons

3. The appeal site is a terraced dwelling located in an area of largely two-storey housing dating from the middle decades of the twentieth century. Waltham Avenue has a predominantly suburban character with long garden plots and avenue trees scattered along the pathway edges with forecourt areas dominated by residential parking. The proposal would add 3.0m to an existing single-storey rear extension, also filling the plot width.
4. It is contended that the additional built form proposed at No.131 would unacceptably impair the living conditions of the adjacent, unextended dwelling, No.129 Waltham Avenue (No.129) by its dominance and overshadowing effects,

including loss of light and outlook. The garden areas to the appeal site and neighbours are long and have an open southerly outlook, some with extensions and therefore with differing degrees of enclosing built form along shared boundaries. The proposal would introduce built form along the boundaries with both neighbours. However, whilst the adjoining dwelling on its western side (No.133) is already enlarged to a greater extent than the existing situation at No.131 such that the proposal would be of no effect to those occupiers, what is proposed would introduce an additional 3m of single-storey built form along the shared boundary on its eastern side.

5. The Council's reasons for refusal (RFR) include an unsupported reference to policy DMHB1 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (LBH DMP) which is intended to prevent harm to heritage assets. In that regard it appears that the Council have in part refused the proposal with reference to a policy which is not relevant, there being no reference to assets of heritage value in the Council's submission.
6. However, Policy DMHB11 of the LBH DMP also given as RFR requires high standard of design and that development 'should not adversely impact' upon the amenity, daylight and sunlight of adjacent properties. The circumstances of each case will differ and in that regard the open outlook and southerly orientation are material in this matter and several of the neighbouring dwellings have large rear extensions. Although the proposal would extend a single-storey height enclosure to a depth of 6m from its rear elevation I note that No.129 has more than one seemingly temporary structures already within its garden and close to the rear habitable room windows which limit outlook and access to daylight. Taking all factors into account, I consider that the impact of what is proposed would not be unacceptable due to the extent of outlook and southerly orientation available to occupiers of No.129 and, consequently, there would be no conflict with the relevant policy that I have outlined above or with the development plan taken as a whole.
7. I therefore conclude, for the reasons given and taking all matters raised into account, that the appeal should succeed subject to the usual plans and timing conditions and a condition which would ensure the appearance of the development would match the existing building.

Andrew Boughton

INSPECTOR