
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/24/3336344

90 Wimborne Avenue, Hayes, UB4 0HH

- 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 Mrs. Shakila Maan against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44670/APP/2023/3174, dated 2 November 2023, was refused by notice dated 28 December 2023.
 - The development is described as retention of rear conservatory extension.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of rear conservatory extension at 90 Wimborne Avenue, Hayes, UB4 0HH in accordance with the terms of the application Ref 44670/APP/2023/3174, dated 2 November 2023.

Preliminary matters

2. Since it more accurately describes the appellant's development, I have adopted the description of the development used in the Council's decision notice rather than that seen in the original application form.
3. The extension subject of the appeal is substantially complete, and the appellant wishes to retain it. I shall proceed on this basis.

Main issue

4. The main issue is the effect of the development on the living conditions of the occupants of the adjoining dwelling at 88 Wimborne Avenue with particular reference to visual impact and outlook.

Reasons

5. The appeal property is a semi-detached dwelling with a reasonably lengthy garden standing in a predominantly residential street displaying distinct suburban characteristics. The property has been previously extended at the rear and the extension subject of the appeal is an addition to the original, roughly doubling its length. The side walls of the original and new extensions were built on the boundary separating the appeal property and its adjoining property at No 88.

6. A concrete post and timber fence runs along the boundary separating Nos 88 & 90, and the extension replaced a short length of this. I could see that the side wall of the conservatory was higher than the solid fence, but not by much, and the wall is not so high in comparison as to give rise to the consequences alleged by the Council. The outlook from the ground floor window of No 88 closest to the appeal property is already affected by No 90's existing single storey extension, and the new extension, of a slightly lower height, has little or no effect on this aspect. That the newly built extension is only marginally higher than the existing fence means that whilst a small section could be seen above the level of the fence from within No 88 and its garden, its visual impact would be minimal and not unacceptable.
7. I therefore conclude that the proposal has not resulted in harm to the occupants of 88 Wimborne Avenue with reference to visual impact 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

8. The Council has referred to other development plan policies but that to which I have referred is considered the most relevant in the context of this appeal.
9. The Council has suggested the imposition of some conditions, but those suggested are unnecessary since the extension is already in place.
10. Although not decisive in my considerations, I note that the occupants of the next door property at No 88 did not object at application stage.
11. The appellant has referred me to several appeal decisions, but I find that the circumstances of each case can differ, and this appeal has therefore been determined on its merits.
12. 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