



Appeal Decision

Site visit made on 25 January 2022

by Graham Wright BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/R5510/D/21/3284925

7 Waltham Avenue, Hayes UB3 1TA

- 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 Afsana Noor against the decision of London Borough of Hillingdon.
- The application Ref 8299/APP/2021/2829, dated 20 July 2021, was refused by notice dated 14 September 2021.
- The development proposed is the enlargement of existing single-storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the enlargement of existing single-storey rear extension at 7 Waltham Avenue, Hayes UB3 1TA in accordance with the terms of the application, Ref 8299/APP/2021/2829, dated 20 July 2021, 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: Location Plan, Block Plan, 7WA-AN-001 A01, 7WA-AN-002 A01 and 7WA-AN-003 A01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the exterior of the existing single-storey rear extension.

Main Issues

2. The main issues are the impact of the proposed development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupiers of 5 Waltham Avenue.

Reasons

Character and appearance

3. The appeal dwelling sits in a terrace of properties close to the corner of Waltham Avenue and Colbrook Avenue. It has an existing flat roof single storey extension to its rear, which is adjoined to the neighbouring property at 9 Waltham Avenue and which then continues along the rear of No 11. There are other examples of flat roofs in the area, both on extensions to houses and on outbuildings. Whilst the rear of the appeal property can be seen from Colbrook Avenue, it is viewed in the context of the existing extensions and outbuildings that are present.

4. The proposal would result in a projection further than that of the extensions to the rear of the adjoining properties at Nos 9 and 11, but not significantly so in relation to what is already present at these dwellings. It would also not be positioned immediately adjacent to Colbeck Avenue, along which a high brick wall forms the boundary and provides a degree of screening, and its general form and appearance would be in keeping with the locality. In such a context the extension that is proposed would not have a harmful visual impact upon its host dwelling, nor would it cause harm to the character and appearance of the surrounding area.
5. For these reasons, I conclude that the proposal would accord with Policy BE1 of the Local Plan: Part 1 Strategic Policies (LPSP) and Policy DMHB 11 of the Local Plan: Part 2 Development Management Policies (LPDMP), where they seek to protect character and appearance. Whilst I note that Policy DMHD 1 of the LPDMP sets out specific parameters that rear extensions should meet, in the circumstances of this case there would be no conflict with the overall objectives of this policy that relate to character and appearance.

Living conditions

6. The adjoining dwelling at 5 Waltham Avenue has not been extended to its rear. That said, the existing rear extension to the appeal dwelling extends out at the point closest to the rear elevation of No 5 and its ground floor windows. The proposed development would not substantially increase either the height or length in comparison to what is already present. No 5 also has a rear garden of a length that means most of its external area would be unaffected by the proposal. As a result of these factors the proposed enlargement to the existing extension would not cause harm to the living conditions of the occupiers of No 5 through overdominance, overshadowing, visual intrusion, loss of light or a loss of outlook.
7. In conclusion, the proposal would accord with policy DMHB 11 of the LPDMP, where it seeks to safeguard the living conditions of the occupiers of adjacent residential properties. There would again be no conflict with the overall aims of Policy DMHD 1 of the LPDMP where it refers to living conditions, in the circumstances of the case that I have outlined.

Conditions

8. Conditions are required with respect to the period to commence development and the approved plans, in the interests of providing certainty. It is necessary to impose a condition relating to external facing materials, to ensure that the proposal has an appropriate visual appearance. I have worded this in relation to the existing rear extension, mindful that it is intended to use matching bricks but also that the use of render would be acceptable in the context of the surroundings, if it was opted to also render the existing extension as well.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR