



Appeal Decision

Site visit made on 20 October 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021.

Appeal Ref: APP/R5510/D/21/3277486

119 Sweetcroft Lane, Uxbridge, UB10 9LQ

- 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 L Choudhary against the decision of the London Borough of Hillingdon.
- The application Ref 7170/APP/2021/351, dated 18 January 2021, was refused by notice dated 30 March 2021.
- The development proposed is a single-storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension at 119 Sweetcroft Lane, Uxbridge, UB10 9LQ in accordance with the terms of the application, Ref 7170/APP/2021/351, dated 18 January 2021, subject to the following condition.
 - 1) The development hereby permitted relates to the following approved plans: Location Plan; Drawing numbers: 01, 02, 03, and 04 – received by the Council on 28 January 2021.

Procedural Matters

2. The single-storey rear extension has already been constructed. Consequently, the proposal is retrospective.
3. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In my opinion, this does not materially change the planning policy context in respect of the main issues.
4. During the course of the appeal, correspondence has been received from the occupiers of number 117 Sweetcroft Lane stating that they withdraw all representations made against the proposal.

Main Issues

5. These are: the effect of the proposal on the character and appearance of the property and its surroundings; the effect of the proposal on the living conditions of the occupants of number 121 Sweetcroft Lane, with particular regard to outlook and natural light; and whether the proposal would be at risk of flooding or would increase flood risk elsewhere.

Reasons

Character and Appearance

6. The appeal property is a semi-detached dwelling, which is situated in a suburban residential area. In the vicinity of the site, properties vary in terms of their age, appearance and scale. A number have been extended and altered, including rear extensions. These include the appeal property.
7. The appeal proposal extends the property further at the rear by adding onto an existing single-storey extension. As a result, the Council states that the total projection from the rear of the original dwelling is approximately 10m.
8. In support of the proposal, the appellant states that it is required to provide additional ground-floor space for a disabled child, who will never be able to live independently.
9. Policy BE1 of the Hillingdon Local Plan Part 1 (LP1) seeks to achieve high-quality design and to conserve and enhance the Borough's environment. In addition, Policy DMHB 11 of the Hillingdon Local Plan Part 2 – Development Management Policies (LP2) requires new development, including extensions to be of high-quality design that harmonises with local context. These policies are consistent with Paragraph 130 of the Framework, which requires developments to add to the overall quality of the area, be visually attractive, and to be sympathetic to local character.
10. The Council also refers to Policy DMHD 1 of LP2, which (amongst other things) specifies requirements in terms of the size and depth of rear extensions. I note that the cumulative length of the extensions exceeds the limits specified. Notwithstanding the policy conflict, it is necessary to assess whether there is any unacceptable harm resulting from the proposal.
11. The extension is located at the rear of the property and is not visible from public viewpoints. Despite the cumulative size of the extensions, the flat roof, together with the extent of private garden that has been retained, ensures a degree of subordination in comparison to the original two-storey dwelling. I consider that these material considerations outweigh the conflict with Policy DMHD 1 of LP2. Therefore, I conclude that the proposal does not have a harmful effect on the character of the host dwelling or its surroundings.

Living Conditions

12. Policy DMHD 1 of LP2 states (amongst other things) that alterations and extensions to dwellings should ensure a satisfactory relationship with adjacent dwellings; and that there is no unacceptable loss of outlook to neighbouring properties. Policy DMHB 11 also seeks to protect the amenity of adjacent properties.
13. The Council considers that the proposal has an unacceptable effect on the occupants of number 121 Sweetcroft Lane (number 121) due to its length and position on the boundary. It contends that the proposal is over dominant and results in the loss of natural light.
14. In reaching my conclusion on this issue, I have taken into account the letter from the occupant of number 121 dated 11 August 2020, which give support to the proposal. I note that the letter pre-dates the planning application

submission. However, whilst the letter is not overriding, it is a material consideration.

15. I observed at my site visit that number 121 has a ground floor window on its rear elevation, relatively close to the side boundary. Whilst, there is an impact in terms of outlook, this mainly results from the original extension rather than the appeal proposal. Although the appeal proposal extends the length of wall along the side boundary, its distance from the window at number 121 and its relatively low height means that the increased impact is marginal.
16. Consequently, I consider that the proposal does not have an unacceptably harmful effect on the living conditions of the occupants of number 121. Therefore, there is no conflict with the provisions of the Development Plan, as referred to above.

Flood Risk

17. The appeal site lies within Flood Zone 2. Policy EM6 of LP1 seeks to locate new development away from Zones 2 and 3. In addition, Policy SI 12 of the London Plan states that development proposals should ensure that flood risk is minimised and mitigated. The Council points to the absence of a Flood Risk Assessment (FRA), which is required by Policy DMEI 9 of LP2. It also refers to the Planning Practice Guidance (paragraph 046), which affirms the need for a FRA in respect of householder development. The appellant states that the development is subject to the Environment Agency's Standing Advice, which states that floor levels should be no lower than existing floor levels or 300mm above the estimated flood level.
18. It is clear that neither the planning application nor the appeal submission include a FRA or full details of flood protection or mitigation measures. However, it was evident at my site inspection that the floor level of the appeal extension is the same as the earlier addition. Whilst there may be other requirements, I consider that a pragmatic approach to this issue is warranted and I am not persuaded that a refusal is justified given the height of the floor; the internal fittings being similar to the earlier addition; and the relatively modest floor area of the extension. In my opinion, I do not consider that the dwelling is at any greater risk of flooding, nor will it increase flood risk elsewhere.

Conditions

19. As the development has been completed, there is no need for the standard 3-year commencement condition. I am also satisfied that the external materials complement those used on the existing dwelling. For clarity and avoidance of doubt, a condition specifying the approved plans is imposed.

Conclusion

20. For the above reasons, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR