



Appeal Decision

Site visit made on 13 October 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/R5510/D/20/3249123

Simone's House, 41-41A Hillingdon Road, Uxbridge UB10 0AD

- 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 Ms Biddle against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74617/APP/2019/3919, dated 4 December 2019, was refused by notice dated 18 February 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Simone's House, 41-41A Hillingdon Road, Uxbridge UB10 0AD in accordance with the terms of the application, Ref 74617/APP/2019/3919, dated 4 December 2019, 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: A1 1010B and A1 1011B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 42 Hillingdon Road, having regard to outlook and light.

Reasons

3. The appeal site comprises a two storey end of terraced building which is a day care centre. At the back of the building, there is a part two storey and part single storey extension. Additionally, there is a partially completed rear extension behind this which is sited on a raised terraced area. It lies adjacent to the common boundary with the neighbouring property at 42 Hillingdon Road and is a continuation of the rear single storey extension. No 42 has no extensions to the rear and has ground floor windows serving habitable rooms.
4. Policy DMHD 1 of the Hillingdon Local Plan Part Two Development Management Policies (DMP) 2020 states that single storey rear extensions should not exceed 3.6 metres for the type of building and plot width at the appeal site. The policy

also states that satisfactory relationships with adjacent dwellings must be achieved and there should be no unacceptable loss of outlook to neighbouring properties.

5. The proposed development would modify the existing partially complete extension on the site but it would be approximately 5m in depth and cumulatively with the existing extension, it would be approximately 8m. Such a depth would conflict with the depth requirement within DMP Policy DMHD 1 and the policy itself.
6. However, the extension would be low in height adjacent to the common boundary with the neighbouring property. Much of the closest part of the extension would be hidden behind a boundary fence, with just a sloping pitched roof visible above. The higher part of the extension would be stepped back from the boundary. The neighbouring occupiers' main outlook from both the garden and from the ground floor windows of this property, distantly and at an angle, would be of this roof. Consequently, its size, scale, depth and proximity would not be overbearing and detrimental.
7. In terms of ambient light, there is a tall conifer tree on the northern boundary of the neighbour's garden behind this property. However, there would be unobstructed sky sources of light from the remaining part of the garden as well as from above both the existing and proposed extensions at the appeal site. The proposed extension would be to the south of the neighbouring property. Nevertheless, the proposed extension rises gradually from the boundary fence due to its design and there would be sunlight from the west in the afternoon. In absence of evidence to the contrary, there would be adequate sunlight to the neighbouring property during the day even in winter.
8. The Council has not raised any other issues in respect of the proposed extension and found the effect of the proposal on the character and appearance of the area to be acceptable, which I would concur with. DMP Policy DMHB 11 states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. For the reasons given above, the proposal would comply with this policy. The development would conflict with DMP Policy DMHD 1 but despite the depth of the extension, there would not be any site-specific harm. Accordingly, greater weight is given to the proposal's compliance with Policy DMHB 11 and the proposal would comply with the development plan taken as a whole. No other material considerations exist to outweigh that finding and planning permission should be granted.
9. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, a condition is necessary setting out the requirements for external materials.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR