



Appeal Decision

Site visit made on 21 February 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15th April 2019

Appeal Ref: APP/R5510/D/18/3218297
106 Manor Waye, Uxbridge, UB8 2BH

- 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 J Aulakh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 49737/APP/2018/2898, dated 8 August 2018, was refused by notice dated 3 October 2018.
 - The development proposed is a single storey rear and part side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed extension on the living conditions of the occupants of No 108 Manor Waye, with particular reference to outlook and light.

Procedural Matters

3. The Council and appellant have advised that in 2017 an application for a single storey side and rear extension for No 106 Manor Waye was refused planning permission. This application was subsequently the subject of an appeal, which was dismissed.
4. The evidence from both the Council and appellant indicates that the main difference between the earlier appeal proposal and the current scheme is the extent to which the current scheme is set in from the boundary with No 108 Manor Waye.
5. Given the similarities between the proposals and the issues that they raise in terms of the effect of the proposals on the living conditions of the occupants of No 108 Manor Waye, the previous appeal decision is a material consideration in this case.

Reasons

6. No 106 is an end of terrace property with a two-storey extension to the rear which extends beyond the rear elevation of No 108. The proposal would see a single storey extension added to this two-storey element, which would be set in from the boundary with No 108. It would have a flat roof.

7. The Council Officer's report notes that the single storey extension proposed would extend a further 3.4 metres approximately, beyond the existing extension, giving a total depth of extension of about 6.7 metres from the original rear elevation of the building. No 108 Manor Way has not been extended at the rear of the property.
8. As the boundary between the properties is at an angle and not perpendicular to the rear elevation, the gap between the side wall of both the existing and proposed extension and the boundary narrows as the building extends into the garden. At its furthest point, the Council estimate, the new extension would be about 0.5 metre from the boundary.
9. The depth and height of the proposed extension would remain unchanged from the previous proposal that was dismissed at appeal. Although it would be set back marginally further from the boundary than the previous proposal, its proximity to the boundary, coupled with its height and depth would result in an overly intrusive and overbearing form of development that would tangibly diminish the enjoyment of both the room nearest the boundary and the garden space of No 108.
10. Furthermore, the proposed extension, in combination with the existing extension, would create a sense of enclosure and confinement in the garden of No 108 that would detract from the enjoyment of this space. It is noteworthy that in dismissing the earlier appeal on the site that the Inspector found similarly in this regard.
11. I have not been provided with evidence that the proposal would have a significant additional impact, beyond that already arising from the existing extension, on either the sunlight or daylight entering the rear windows of No 108. However, there is a high probability that the proposal would result in some additional overshadowing of the garden of No 108 particularly during the afternoon, but given the set back of the scheme from the boundary and scale of the existing hedge, the adverse impact on sunlight conditions on the garden would be limited and not sufficient to justify refusal of the scheme on that ground alone.
12. However, having regard to the other impacts of the proposals and notwithstanding that the proposed extension would be marginally further away from the boundary than the previous scheme that was dismissed on appeal, I do not consider that this change to the proposal is sufficient to overcome the previously raised concerns.
13. I note the submissions made that the proposal would enhance living conditions for the appellant's family. While improvement in living conditions for the existing and future occupants of the host property may provide some benefits to its occupants, these are outweighed, in this instance, by the unacceptable impact the proposal would have on the living conditions of the occupiers of No 108. The absence of an objection being raised by the occupiers of this property does not lead me to conclude differently.
14. I also note that the appellant had pre-application discussions which led them to believe the revised scheme might address the Council's earlier concerns. However, the decision of the Council was to refuse the planning application for the reasons set out in the decision notice and it is on this basis that the appeal was submitted.

15. My attention has been drawn to a number of similar sized extensions that have been approved by the Council for other properties on Manor Waye. I have very limited information about these other schemes or what impact they may have on the living conditions of nearby occupiers. In addition, each case must be judged having regard to the particular circumstances of the case, and this is the approach that I have taken in this case. Accordingly I give very limited weight to this consideration.
16. In conclusion, I find that proposed development would have an unacceptable impact on the living conditions of the occupiers of No 108 Manor Way in terms of loss of outlook and, to a more limited degree, overshadowing in the garden. The proposal would therefore conflict with saved Policies BE19, BE20, and BE21 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998, saved 2007). These policies seek, amongst other things, to ensure that new development would not result in a significant loss of residential amenity by virtue of their siting, bulk and proximity. It would also conflict with the London Borough of Hillingdon – Hillingdon Design and Accessibility Statement (2008) which seeks, amongst other things, to ensure that detrimental effects of residential extensions on the living conditions of neighbours are avoided.

Conclusion

17. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

Anthony Thompson

INSPECTOR