



Appeal Decision

Site visit made on 24 April 2025

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/R5510/D/25/3360744

85 Falling Lane, Yiewsley, Middlesex UB7 8AB

- 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 Dr Wazir Khan against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 56688/APP/2024/3240.
- The development proposed is the erection of a rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear conservatory at 85 Falling Lane, Yiewsley, Middlesex UB7 8AB in accordance with the terms of the application, Ref 56688/APP/2024/3240, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 85FL/WK/001 Rev A01; 85FL/WK/002 - Rev A01; 85FL/WK/003 - Rev A01; 85FL/WK/004 Rev A01; & 85FL/WK/005 Rev A01.
 2. The conservatory hereby permitted shall not be occupied until all small and large panels on the northern side have been fitted with solid totally obscure material in a form which cannot be opened; these panels shall be retained thereafter.

Preliminary Matter

2. The development has been partially completed; this does not affect my assessment.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the host property and the locality and b) living conditions for neighbours.

Reasons

4. The appeal property is a two-storey semi-detached home in a neighbourhood of broadly similar properties. It, and immediately adjoining houses, have generous rectangular rear gardens and nicely proportioned and detailed front elevations close to the estate road. The area is of established residential character and the streetscene is one of pleasing suburban appearance with

some regularity which is not shared in terms of rear development or rear building lines. The appeal proposal is as described above.

Character and appearance

5. The proposed conservatory would be attached to an existing flat roofed single storey extension. Of concern to the Council is that this cumulative depth and size of built form would represent disproportionality on the host property and on comparables in the wider area; the case is made that character and appearance would be harmed.
6. As noted above, in contrast to the fronts, the rear of dwellings in this neighbourhood varies appreciably. The scene is irregular, both in terms of original building line and in the style and size of free-standing garages and outbuildings and attached extension structures. Most original upper floor levels remain as originally designed but at garden level it is a very different picture. To my mind, on this stretch of homes, this generally indicates people adapting their accommodation to meet needs and aspirations. Certainly, control should be applied where aims are excessive but I would not class this proposed conservatory, whether attached to an existing modest extension or not, in that category.
7. The design of the conservatory is simple and would not be visually overwhelming in this instance. There are degrees of subordination and control by form dimensions cannot always be suitable across the board. In the wider picture the scheme would not be harmful, the original building would still be legible, and the pleasing street scene would be unaltered. The open rear garden would remain generous. I understand the context of the Council removing the largest permitted development right and seeking to secure proportionate enlargement schemes. In this particular case I would deem that the plans would pass the test. In my opinion the lightweight design would not unduly detract visually from host property and its context and would have no marked negative impact upon the aesthetic qualities of the surrounding area. It warrants some flexibility from the Council's normal policy on depth of extensions which is embodied in Policy DMHD 1 referred to below.
8. Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (DMP) are relevant. These policies share common themes of seeking to protect the character and appearance of buildings and their neighbourhood, to ensure harmonious development and the safeguarding of local distinctiveness. I conclude that the appeal scheme would not run contrary to these policies.

Living conditions

9. The Council is concerned that the scheme would impinge upon privacy and a sense of space currently enjoyed by the neighbours to the north. In terms of the former point, this is because the conservatory's plans have been read by the Council to have side boundary windows from which one could look across onto the neighbours' patio and backwards into rear windows. The latter concern, re overbearing, arises from the depth of the development.

- 10.I would agree that there would be a privacy issue if the conservatory was indeed to be constructed in the form envisaged by the Council. However, as the plans indicate, the scheme would have solid side panels and not windows. Providing these panels are fully opaque and non-openable there would be no impact upon privacy. Indeed, the neighbouring patio would be more shielded from view than at present.
- 11.Turning to the depth of development, bearing in mind that the adjoining home has itself got a rear single storey extension, the additional length of structure visible along the shared rear boundary would be a little less than 5 metres. I would not deem this to be an excessive overbearing length, particularly as the roof form would be relatively low, less than the single storey extension, and it would slope downwards with the whole structure being of lightweight appearance and sitting only a little above the existing screen fence. This would not be an overbearing built form in my opinion.
- 12.In all the circumstances the planned rear extension on the appeal property would be reasonable in residential amenity terms.
- 13.DMP Policies DMHB 11 and DMHD and Policy D3 of the London Plan (2021) are pertinent as taken together, and amongst other matters, they seek to ensure that new development is neighbourly. I conclude that this scheme would not conflict with these policies for the reasons I have given.

Conditions

- 14.The Council suggests that the scheme should have the standard commencement condition but this is not necessary as works have begun. I agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. Whilst the approved plans indicate solid side panels there is not specific reference to them being unopenable and a condition to this effect is appropriate in the interests of neighbouring residential amenity.

Overall conclusion

- 15.For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the host property or the locality nor on living conditions for neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR