
Appeal Decision

Site visit made on 7 June 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/R5510/D/23/3314760

83 Chiltern View Road, Uxbridge, UB8 2PA

- 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 & Mrs Omar Hussain against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 57449/APP/2022/3276, dated 26 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is the erection of a single storey and first floor rear extension, rear dormer and the removal of rear chimney.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey and first floor rear extension, rear dormer and the removal of rear chimney at 83 Chiltern View Road, Uxbridge, UB8 2PA in accordance with the terms of the application Ref 57449/APP/2022/3276, dated 26 October 2022, subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. Planning permission was granted recently by the Council for most of the elements of the appeal scheme, including the first floor rear extension, the rear dormer and the removal of the rear chimney¹. The Council recognise this in its officer report, which is directed to an assessment of the effects, both singly and cumulatively, of the additional element, that is, the proposed single storey rear extension.
3. Building works² were in progress when I visited, and it appeared that the 2022 permission referred to above had been implemented. In these circumstances I shall limit my assessment, in the same manner as the Council, to the effects of the single storey extension, both singly and cumulatively.
4. The appeal site is located within the Greenway Conservation Area (CA).

Main issues

5. The main issues are (a) whether the single storey addition would preserve or enhance the character or appearance of the CA, and (b) the effects of the single storey addition on the residents of 84 Chiltern View Road with specific reference to visual impact and light.

¹ 57449/APP/2022/1867 dated 31 August 2022

² But not the proposed single storey extension

Reasons

Character and appearance

6. The appeal property is a detached dwelling set at the western end of what is a relatively lengthy street displaying a variety of house types and styles, ranging from detached and semi-detached dwellings, to terraces of varying ages, including some quite recently built. A bungalow stands on one side of the appeal property, which is a detached dwelling. Viewed from the street, despite the differences in house types, styles and detailing, the dwellings present a unified and pleasant picture.
7. In the Council's view, the addition of the proposed ground floor rear extension to the approved two storey extension would result in an excessively deep addition to the original building, disproportionate in terms of its scale and form.
8. Whilst the Council express sympathy for the personal circumstances cited by the appellant as justification for the additional extension, the officer report says that *this is not considered to outweigh the harm caused to the conservation area, as the character and appearance (sic) would not be preserved by the excessive bulk and depth of rear additions*. The Council therefore concluded that *the proposed part two storey, part single storey rear extension would result in an incongruous addition to the property*. It is thus the cumulative impact of another extension which concerns the Council.
9. The permitted scheme under construction will alter the original character and appearance of the dwelling at the rear to a significant extent. However, the impact of the approved extensions on the street scene and the CA would be minimal and acceptable, with the side elevations of the two storey extension only being seen in limited oblique views at relatively close quarters from outside the site. Since the proposed single storey extension would be built deeper into the site, it would hardly be noticeable from the street having, to my mind, a neutral impact on the CA whose appearance would thus be preserved.
10. I do not share the Council's view that this modest well-designed addition, taking into account the alterations to the original dwelling already permitted, would result in harm either to the character and appearance of the original dwelling or the CA as a whole. Policy DMHD1³ sets out a detailed and prescriptive regime by which to assess residential extensions, and I recognise that a permission here would run counter to some of its provisions. However, I have balanced the provisions of this policy against other relevant policies of the development plan.
11. I conclude that the proposal would not result in harm and the character and appearance of the CA would thus be preserved. Accordingly, the proposal accords with those provisions of policy HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies and policies DMHB1, DMHB4 and DMHB11 of the Hillingdon Local Plan: Part Two – Development Management Policies, directed in combination to ensure that development is well designed at to ensure that the Borough's Heritage Assets including conservation areas are not harmed by inappropriate development.

³ This is set out as Appendix A to the Hillingdon Local Plan: Part Two – Development Management Policies

Living conditions

12. As confirmed in the officer report, the two-storey extension already granted permission is not considered by the Council to materially affect neighbouring amenities in any material way. However, it is considered that the cumulative effect of that extension together with the single storey addition would *result in an unacceptably oppressive and overbearing outlook to the occupants of adjacent number 84 Chiltern View Road*.
13. No 84 is a bungalow, and windows in its eastern elevation look out across the appeal property's drive, towards the side elevation of the original, un-extended appeal dwelling. Neither the outlook from, or light to these windows would be affected by the proposed single storey addition, which would be some distance away.
14. No 84 also has windows in its rear elevation. However, a high timber boundary fence separates No 84 from the appeal property at the point where the single storey addition would be built. Moreover, within No 84's garden, a shed has been placed between the fence and No 84's closest window to it. In combination, the fence and shed would largely and effectively obstruct views of the single storey addition from within No 84. From No 84's garden part of the single storey extension's roof would be seen above the fence, but the degree of separation would be such that it could not reasonably be perceived as either oppressive or overbearing, as claimed by the Council.
15. The Council alleges in its decision notice that No 84's residents would be affected by loss of light, but no reasoning for this assertion is provided in the officer report. To my mind there is no cogent evidence that points to the single storey addition materially affecting daylight or sunlight within No 84.
16. I conclude that the proposal would not result in harm to No 84's residents' living conditions. Accordingly, no conflict arises with those provisions of policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part Two – Development Management Policies, directed to ensure that new development does not harm neighbouring amenities.

Conditions

17. The Council has suggested the imposition of some conditions. The suggested condition in respect of materials shall be imposed in the interests of visual amenity. In the interests of certainty, it is necessary that the development should be carried out in accordance with the approved plans.
18. In view of the presence of protected trees on or near the site the Council has also suggested a tree protection condition similar to that attached to the 2022 permission. I have not been informed whether the requirements of that condition were discharged prior to construction commencing. Since the grant of this permission brings development closer to trees, I consider it necessary to ensure their future health and shall therefore impose a condition designed to ensure that this is achieved, albeit it is in a different format to that suggested by the Council. I note that a drawing was submitted showing some details related to tree protection, but this is considered insufficient.

Other matters

19. The Council has referred to other development plan policies but those which I have relied on are considered the most relevant in the context of this appeal.
20. I have noted the appellants reason for wanting the single storey rear extension, based on personal family circumstances. However, the appeal has been determined on its planning merits alone and no weight has been attributed to the personal circumstances cited.
21. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh the considerations that led me to my overall conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 101 Rev P1; 102 Rev P2; 103 Rev P2; 104 Rev P5; 191 Rev P2; 192 Rev P2 & 193 Rev P2.
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, unless otherwise agreed in writing by the local authority.
4. No site clearance, preparatory work or development shall take place in respect of the single storey rear extension hereby permitted until a scheme for the protection of the site's trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the trees shall be carried out as approved.