The Planning Inspectorate

Appeal Decision

Site visit made on 6 July 2016

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2016

Appeal Ref: APP/R5510/D/16/3150103
110 Ryefield Avenue, Hillingdon, Middlesex UB10 9BZ

- 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 Stas Prokofiev against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 71272/APP/2015/4686, dated 21 December 2015, was refused by notice dated 17 February 2016.
- The development proposed is the retention of existing single storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant describes the development as the retention of the existing single storey rear extension. However, it would be more appropriately described as seeking retrospective planning permission for the erection of the extension. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring dwellings, specifically number 108 Ryefield Avenue, and with specific regards to outlook and whether or not the development is overbearing and over shadowing.

Reasons

4. The development is a single storey extension to the rear of the existing terraced dwelling. It has a pitched roof that runs into a flat section where it adjoins the host building. Save for a slight set in from the shared garden boundaries either side, it is almost the full width of the rear of the dwelling and is finished in painted render. Bi-folding glazed doors open into the garden.

5. Number 108 Ryefield Avenue has also been also extended to the rear, in the form of a smaller, partially glazed, flat roof porch. This extension is closer to the opposite shared garden boundary to the development. The windows in the patio doors that serve the rear ground floor room of No 108 and the small area of patio space to the immediate rear of the dwelling are therefore somewhat 'hemmed in' by built form on both sides.

6. Whilst I accept that this is not an uncommon situation, in this case the extent of the projection of the development and its proximity to the shared garden boundary does exacerbate a sense of enclosure. In addition, the elevation of the development as it faces the garden of No 108 presents a blank, flat, elongated and featureless wall which is oppressive and stark to both the aforementioned windows and patio area.

7. These factors combine to be overbearing to the occupiers of No 108 and as a result compromise the outlook from both the patio area and the ground floor rear patio doors to an unacceptable degree.

8. I note that the Council consider the development does not unacceptably compromise natural light to neighbouring dwellings and I do not disagree. Similarly, and having reviewed the evidence presented to me, I also consider that by virtue of its design and overall height the development does not result in a loss of sunlight to the ground floor room or patio area of No 108 to the point that an unacceptable shadowing effect would occur. In addition, I accept that the extension is subordinate to the main dwelling and appropriate in design terms.

9. However, my findings in these respects do not alter my view that the development has a detrimental effect on the living conditions of the occupiers of No 108 through being overbearing and unacceptable in terms of outlook.

10. The development is therefore contrary to saved Policies BE19, BE20 and BE21 of the adopted Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012) and the adopted Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document 'Residential Extensions' 2008.

11. These Policies seek to ensure that, inter alia and along with one of the core principles of the National Planning Policy Framework (Framework), new development does not have an adverse effect on the living conditions of existing or future occupiers of land and buildings.

Other Matters

12. I acknowledge the HDAS states that on a terraced or semi-detached dwelling with a plot width of more than five metres, a single storey extension of 3.6 metres would be acceptable.

13. The development is four metres in projection from the rear of the dwelling and as such, by definition, it does not comply with the HDAS. The guidance in the relevant section of the HDAS exists to advise on what may be acceptable as an extension to a dwelling and to ensure that it would not (in the case of single storey extensions to the rear) have an unacceptable effect on the living conditions of neighbouring occupiers.

14. I accept that the development is 400mm longer than that which the HDAS considers acceptable but to my mind and in this context this is not minor or marginal and in any event, for the reasons I have given above, in its current form it causes harm to the living conditions of the occupiers of No 108.

15. I also note that the current occupiers of No 108 did not object to the planning application when consulted. However, the lack of objection is not a justified reason to absolve the need to objectively assess the effects of a given development for which express planning permission is required.

16. I acknowledge that the Framework states that there is a presumption in favour of sustainable development and suggests that where it accords with the Development Plan it should be approved without delay. In the case of the development however, I have found harm arising out of its effects which, as a result, conflicts with the aims of the Development Plan and as such it cannot be considered sustainable in the context of the Framework.

17. In addition, I have considered the appellants suggestion that they would accept any reasonable and appropriate planning conditions should I be minded to allow the appeal. In this case however, and owing to the harm caused by the development, I do not consider that any planning conditions would sufficiently mitigate it or make it acceptable in planning terms.

Conclusion

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

John Morrison

INSPECTOR