The Planning Inspectorate

Appeal Decision

Site visit made on 20 September 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021.

Appeal Ref: APP/R5510/D/21/3276157
21 Misbourne Road, Uxbridge UB10 0HN

- 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 Hamit Rai against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 71518/APP/2021/1150, dated 22 March 2021, was refused by notice dated 13 May 2021.
- The development proposed is a single storey extension.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey extension at 21 Misbourne Road, Uxbridge UB10 0HN in accordance with the terns of the application Ref 71518/APP/2021/1150, dated 22 March 2021, subject to the following conditions:

   i) The development hereby permitted shall begin no later than three years from the date of this decision.

   ii) The development hereby permitted shall be carried out in accordance with the following approved plans:

   site location plan, 15/21/MRH/101A, 15/21/MRH/102, 15/21/MRH/103A

   iii) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect on the living conditions of the residents of the neighbouring property, No 19 Misbourne Road, with particular regard to outlook and light.

Reasons

3. Policy DMHD1 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) (HLP2DMP) advises that single storey rear extensions to semi-detached dwellings with plot widths of 5 metres or more, such as the appeal property, should be a maximum of 3.6 metres in depth.

4. The proposed single storey rear extension would project over 5 metres beyond the rear elevation of the host dwelling. Whilst the corner of the extension

closest to neighbouring property, No 19 Misbourne Road, would be chamfered, the Council indicates that the resultant side elevation would still extend around 4 metres beyond the rear elevation of the host dwelling, which is not disputed by the appellant. As such, the appeal proposal would fail to comply with the 3.6 metres maximum depth criterion within Policy DMHD1.

5. Whilst the proposed chamfered side elevation would exceed the Policy DMHD1 criterion, it would be only marginally deeper than the stated limit. This feature would reduce the depth of this part of the appeal extension and limit the impact on the neighbouring property, No 19. Whilst the rear elevation of neighbouring property remains unaltered, both properties are set away from their joint boundary and therefore a good distance would be retained between the dwellings. Also, I note that the proposed extension would be of a limited height. Taking all this into account, the proposed development would not unduly harm the neighbours' living conditions in terms of loss of outlook or light.

6. I recognise that the proposed extension would exceed the maximum depth allowed under Policy DMHD1. However, having regard to the scale, mass and position of the proposed extension, the appeal proposal would not be detrimental to the living conditions of neighbouring occupiers and would therefore meet the overall aim of policies DMHB11 and DMHD1 of the HLP2DMP to protect neighbours' living conditions. On this basis, I find the appeal scheme to be acceptable.

Other Matters

7. I note the concerns raised by a neighbouring occupier regarding the maintenance of a boundary fence and access to their rear garden. However, these matters fall outside the scope of this appeal. I have therefore attached limited weight to them in considering this appeal.

Conditions

8. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. I also attach a condition in relation to materials in order to protect the appearance of the site.

Conclusion

9. For the reasons given, and having regard to all other matters raised, the appeal is allowed, subject to conditions.

Rebecca McAndrew

INSPECTOR