
Appeal Decision

Site visit made on 5 February 2019

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2019

Appeal Ref: APP/R5510/D/18/3216368

49 The Brambles, WEST DRAYTON, UB7 7UH

- 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 Mrs Fahmida Mandozai against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref. 73810/APP/2018/3162, dated 31 August 2018, was refused by notice dated 23 October 2018.
 - The development proposed is part two storey, part single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupants of 51 The Brambles, with particular reference to outlook and access to light.

Background

3. The appeal property has been extended with a part two-storey and part single-storey rear extension, although it is not complete. This proposal seeks to modify the development as built, and these changes are identified in the original application as: a reduction in depth at ground- and first-floor to 3.6m; ensuring that the eaves height of the extension is the same as the existing dwelling; lowering of the roof ridge height; and the inclusion of a side window.
4. For the avoidance of doubt I have determined this appeal on the basis of the proposed development as shown on the submitted plans, rather than the development as built.

Reasons

5. The appeal property is located to the west of the attached property, No.51, and the rear elevations of both are north-facing. As a result, access to sunlight would already be affected for both properties by the orientation. No. 51 has no rear extension, and although the part of the proposal closest to the boundary would be single-storey and flat-roofed, the first-floor section would be a modest distance from the shared boundary. I accept that the first-floor windows of No.51 closest to the shared boundary are obscure-glazed, but the same does not apply to the ground-floor openings of that property.

6. UDP¹ Policy BE20 requires buildings to be laid out so that adequate daylight and sunlight can penetrate into and between them and that the amenities of existing houses are safeguarded. UDP Policy BE21 seeks to resist extensions if their siting, bulk and proximity would result in a significant loss of residential amenity. In support of its policies, the HDAS SPD 'Residential Extensions'² advises that first floor rear extensions should not extend beyond a 45-degree line of sight taken from the nearest first floor window of any room of the neighbouring property. This does not specify that it applies to habitable rooms only, although I note that the Council has applied the guideline in that way.
7. Given the proposed depth and reasonably close proximity to the boundary of the first-floor element, it would be visually intrusive and unduly dominant to the outlook for occupants of No.51 from the ground floor habitable room windows and the garden area near the house. I accept that the proposal would not breach a 45-degree line taken from the first-floor bedroom window (as opposed to the nearest window, as set out in the HDAS), and that it would accord with the guideline depth of 3.6 metres. However, the guidance also advises that rear extensions will only be allowed where there is no significant over-dominance, overshadowing, loss of outlook and daylight, and therefore this depth may not achieve the intended aim in all situations.
8. The orientation means that access to sunlight and daylight for habitable rooms of No. 51 would already be affected to a degree, and the proposal would cause overshadowing for a few hours in the evening. I do not dispute the appellant's assessment of the effect on sunlight, but it does not detail any impact on diffuse light levels. On the basis of the information available I am not convinced that further material loss of light would not arise. Furthermore, the combination of the proximity to the boundary and the proposed height and depth of the first-floor element would create a development unacceptably oppressive to the outlook of occupants of the neighbouring property. This effect on outlook is quite a distinct matter from the effect on light and shadowing.
9. There is an extension to the rear of the appeal site, but the gap between the first floor element and the shared boundary is greater than proposed in this appeal. The orientation is also more favourable. Reference has also been made to an extension at 61 The Brambles but limited information has been supplied of the development, the relationship between buildings, and the associated planning permission. As such, it offers limited weight to this proposal.
10. I appreciate that the proposal has been sympathetically designed in relation to the host property and would provide additional accommodation for the benefit of occupants of the house, but in the manner proposed this would be at the expense of the living conditions of the neighbouring residents.
11. I therefore conclude that the proposal would diminish the outlook, and potentially access to light, for current and future occupants of 51 The Brambles to a degree that their living conditions would be harmed, contrary to UDP Policies BE20 and BE21, and BE19, which seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. It would also conflict with the aims of the SPD HAS. For the above reasons, I conclude that this appeal should be dismissed.

H Lock INSPECTOR

¹ Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012)

² Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions, 2008