



# Appeal Decision

Site visit made on 18 August 2023

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> September 2023

## Appeal Ref: APP/R5510/D/23/3322306

### 28 Jacks Lane, Harefield, Hillingdon UB9 6HE

- 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 Ian Belcher against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 76265/APP/2022/1716, dated 20 May 2022, was refused by notice dated 23 February 2023.
- The development proposed is the demolition of a garage and the erection of a part single, part three storey side extension, with alterations to the fenestration.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the adjacent occupiers at 27 Jacks Lane ('No 27'), with particular regard to outlook.

### Reasons

#### *Living conditions*

3. The house at No 27 sits at the end of a short crescent shaped terrace to the north of the appeal site. Its flank facing No 28 includes a window serving a small home office at ground floor - which is described in the Council's report as a utility; a window serving a landing; and an obscurely glazed first floor bathroom window. Its chamfered front face includes a first floor bedroom window.
4. That bedroom has a fairly open aspect towards the road and vegetation beyond, with No 28's garage roof and flank wall off-set slightly to the side. The principal parties agree that the existing flank wall of No 28 breaches a 45 degree line drawn from No 27's bedroom window.
5. However, as a result of this scheme, the flank wall of No 28 would be significantly closer to that window. Given its three storey height and its proximity to the window, which is the only one serving that room, it would be a bulky and looming presence, which would create a significant sense of enclosure within the bedroom, and which would harmfully affect those occupiers' outlook.

6. Whilst the appellant points to an alleged precedent in the relationship between 23 and 24 Jacks Lane, in that case both properties are two storeys high and consequently there is not a similar overbearing impact on their respective first floor front-facing windows compared to this scheme.
7. My finding regarding the impact on No 27's bedroom window would, to a lesser degree, hold true of the impact on the outlook from its office window, which is also the only window serving that room, although I observed on my visit that the aspect from there is already partially constrained by a shed/outbuilding in that property's garden.
8. The proposed privacy screen would prevent any significant overlooking from the scheme's first floor rear balcony towards No 27, but given the height and bulk of the proposed extension and its proximity to the boundary, I share the neighbours' concerns that it would have a somewhat overbearing impact on those parts of their outdoor amenity space closest to the side boundary.
9. I observed that No 27 also has an amenity space to the rear and on the opposite side of the house, along with north facing windows, and rear facing openings and a balcony providing an attractive view over the Grand Union Canal. They would be barely impacted, if at all, by this scheme. Notwithstanding that, for the above reasons, having considered the impact on No 27 as a whole, I conclude that the scheme would significantly harm the occupiers' living conditions.
10. It would therefore conflict with Policy DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two: Development Management Policies (2020). Amongst other things, and in general terms, these require that development should not adversely impact the amenity of adjacent properties, including that there should be no unacceptable loss of outlook.

*Other matters*

11. I note that the scheme followed on from pre-application advice which concluded that there was no in principle objection, and that it was amended during the application process. However, I have dealt with the amended scheme on its planning merits.
12. As the site falls within the Coppermill Lock Conservation Area, there is a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the area's character or appearance.
13. The host property's front elevation is slightly recessed behind most of the other properties in this row to No 38, such that the row as whole cannot be clearly seen from the road. The proposed extension would be faced in matching materials and would be subordinate in height and scale to the host property, with its front and rear faces set back from its principal elevations, thus ensuring a significant degree of articulation.
14. As a result, the scheme would not appear dominant in the streetscene, or from the canal. It would broadly respect the rhythm of the buildings in this row, and would not disrupt its architectural composition. I thus concur with the Council that the scheme would not harm the character or appearance of the Coppermill Lock Conservation Area.

15. In its favour, the scheme would find a limited measure of support from the National Planning Policy Framework as it would make an efficient use of, arguably, previously developed land, to provide additional family living space. However, in seeking to optimise the site's potential, it would not achieve an appropriate amount of development, having regard to its failure to ensure a high standard of amenity for all existing users.

### **Planning Balance and Conclusion**

16. Summing up, for the above reasons the scheme would significantly harm the living conditions at 27 Jacks Lane. Its modest public benefits would not outweigh the significant harm that it would cause. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

*Chris Couper*

INSPECTOR