



# Appeal Decision

Site visit made on 12 December 2022

by **T J Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

**Appeal Ref: APP/R5510/D/22/3305837**

**51 Royal Lane, Hillingdon, Uxbridge UB8 3QU**

- 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 D Singh against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 77348/APP/2022/1840, dated 7 June 2022, was refused by notice dated 2 August 2022.
- The development proposed is ground floor rear extension.

## Decision

1. The appeal is allowed. Planning permission is granted for ground floor rear extension at 51 Royal Lane, Hillingdon, Uxbridge UB8 3QU in accordance with the terms of the application Ref 77348/APP/2022/1840 dated 7 June 2022 subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) 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.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, GTD1171 – 01, GTD1171 – 02, GTD1171 – 03 & GTD1171 – 04.

## Procedural Matter

2. At the time of my site visit an extension to the rear of the kitchen was in place at the site. However, neither the associated steps to the rear of it nor the window and door arrangement on the principle elevation accorded with the details shown in the plans.
3. I cannot therefore be certain that the development that has been carried out is the same that has been applied for. For the avoidance of doubt, I have considered the proposal on the basis of the plans.

## Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the dwelling and the area. The second main issue is the effect of the proposal on the living conditions of the occupiers of Nos 49 Royal Lane (No.49) and 53 Royal Lane (No.53). The concerns surrounding No. 49 are with particular regard to overlooking and privacy and with regard to No.53 in

relation to overdominance, overshadowing, visual intrusion, overbearing impact, daylight/sunlight, outlook, overlooking and privacy.

## **Reasons**

5. The proposal relates to a modest pitched roof terraced dwelling, which the evidence indicates has previously been extended through the provision of a single storey extension to the rear. The property benefits from a well sized rear garden. No.53 is the adjoining property to the north-east, No.49 is set to the south-west.

### *Character and appearance*

6. Policy DMHD 1 of the Hillingdon Development Management Policies (2020) (DMP) part B)i) states that single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more. The supporting text at A1.7 further states that the addition of conservatories or other extensions to buildings that have already been extended will not be permitted.
7. Whilst it would increase the footprint of the dwelling to its rear, the extension would be set down from the existing extension, meaning it would have a subordinate appearance when viewed against the rear elevation. Further, the lengthy garden would allow the additional footprint to be comfortably accommodated within the plot and a well sized garden would be retained. A condition is suggested to incorporate matching materials and this could be included.
8. The extension would therefore read as a subordinate addition and would not fail to respect the architectural integrity of the dwelling. Within this mixed context, the extension, which would be likely to have limited views from public areas would have no unacceptable adverse effect on the character and appearance of the area.
9. The weight I afford to the above matters which act in support of the proposal outweigh the conflict with part B) i) of Policy DMHD 1 of the DMP. I do not find conflict with Policy DMHB 11 of the DMP with regard to this main issue. Amongst other things these require proposals of good design, which are appropriate to the character of an area and subordinate to the host dwelling.

### *Living conditions*

10. The extension would have blank side elevations. Whilst I acknowledge that the steps and platform access would be raised which would allow views into the neighbouring gardens at No.49 and No.53, these views would only be brief given the shallow nature of the top level of the steps which would not offer an area of the size on which residents would be likely to spend any length of time.
11. There would therefore be no significant adverse impact with regard to the living conditions of the occupiers of both No.49 and No. 53 with particular regard to overlooking and privacy.
12. The extension would form an obvious feature to the occupiers of No.53 which has not in itself been extended. However, the main ground floor windows on

the rear elevation are located on the north-eastern side of the property and in views from these windows the effect of the extension would be more limited.

13. Further, I am mindful that the extension would be of single storey design with a shallow pitched roof of limited upward projection. It is also the case that No.53 has a garden of good length and much of the garden would be well away from the extension.
14. In light of these matters, there is nothing within the evidence to indicate that the extension would result in any unacceptable overdominance, overshadowing, visual intrusion, overbearing impact, loss of daylight/sunlight or loss of outlook to the extent that there would be any significant adverse effect on the living conditions of the occupiers of No. 53.
15. There would not therefore be conflict with Policies DMHB 11 and DMHD 1 of the DMP which amongst other things require that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and that extensions will be required to ensure that there is no unacceptable loss of outlook to neighbouring occupiers.

### **Conditions**

16. Planning permission is granted subject to the standard three-year time limit. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.

### **Planning Balance and Conclusion**

17. I have identified conflict with the development plan. However, considerations indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

*TJ Burnham*

INSPECTOR