



Appeal Decision

Site visit made on 19 February 2024

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

an Inspector appointed by the Secretary of State

Decision date: 27.02.2024

Appeal Ref: APP/R5510/D/23/3334001

14 Braunston Drive, Hayes, Hillingdon UB4 9RB

- 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 Rupesh Fatania against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 78149/APP/2023/2058, dated 11 July 2023, was refused by notice dated 8 September 2023.
- The development proposed is a single storey wraparound extension and a dormer extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey wraparound extension and a dormer extension at 14 Braunston Drive, Hayes, Hillingdon UB4 9RB in accordance with the terms of the application Ref: 78149/APP/2023/2058, dated 11 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: BD-R00-EX-101, BD-R00-EX-102, BD-R00-EX-103, BD-R00-PR-101, BD-R00-PR-102, BD-R00-PR-103 and BD-R00-PR-106.
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions in the host property, with particular regard to the size of the resultant rear garden.

Reasons

3. The proposed single storey extension would project around 3 metres to the rear of the host. According to the Council's calculation, that would leave 12.87 sqm of rear garden space, which it states would fall well short of its policy requirement and would result in a substandard form of accommodation.
4. I observed on my visit that many nearby properties have small rear gardens, some of which, such as at 16, 17, 18 and 27 Braunston Drive, have been shortened as a result of extensions. Although the Council maintains that some nearby rear extensions may have been built unlawfully, I have no evidence that

they are subject to enforcement proceedings, and they appear to form part of the established pattern and character of development in the area.

5. Whilst the garden here would be shorter than many nearby, the space it would provide would nevertheless be broadly commensurate with those in the surrounding area. It would provide an adequate garden, which would be suitably dimensioned for practical use, to enable the limited number of occupants of this small one bedroom dwelling to sit outside and relax, or to undertake simple domestic tasks such as hanging washing. The garden would be reasonably private and, although located close to the flank wall of 42/43 Berrydale Road, it would be south-facing.
6. The garden area would be much less than the minimum 40 sqm set out in Table 5.3 and Policy DMHB 18 of the Hillingdon Local Plan Part Two: Development Management Policies (2020) ('HLPP2'). However, the existing property already falls short of that requirement, and as that policy relates to proposals for new residential development and conversions it is of limited relevance to this proposed extension.
7. The scheme would not conflict with that part of Policy BE1 of the Hillingdon Local Plan Part One: Strategic Policies (2012) which sets out the need for functional private spaces; nor with HLPP2 Policy DMHB 11's general requirement for high design standards taking account of the local context. Having regard to HLPP2 Policy DMHD 1, an adequate garden space would be retained, and there would not therefore be a conflict with that policy.

Conditions and Conclusion

8. Turning to the matter of conditions, I have considered those suggested by the Council against the tests in the National Planning Policy Framework. As well as the standard time limit for commencement, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans. Finally, in the interests of good design, I have imposed a matching materials condition.
9. For these reasons, the scheme would not result in poor living conditions for the current and any future occupants of the host property, and having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR