
Appeal Decision

Site visit made on 1 September 2016

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/F5540/D/16/3153338

281 Waye Avenue, Hounslow, London, TW5 9RE

- 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 Yogesh Riazada against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01175/281/P2, dated 1 August 2015, was refused by notice dated 6 April 2016.
 - The development is described as retention of single storey rear extension.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 7 September 2016.

Decision

1. The appeal is allowed and planning permission is granted for retention of single storey extension at 281 Waye Avenue, Hounslow, London, TW5 9SJ in accordance with the terms of the application Ref 01175/281/P2, dated 1 August 2015, subject to the following condition:

The rear extension hereby permitted shall be used solely for purposes ancillary to the residential use as a single dwelling of the property known as 281 Waye Avenue.

Preliminary matters

2. The rear extension was built unlawfully and, together with other development, was subject to enforcement action by the Council. One of the requirements of the notice was that the single storey rear extension be demolished. An appeal against the enforcement notice ensued (*Ref APP/F5540/C/14/2218082*).
 3. The appellant's ground (a) appeal relating to the retention of the rear extension failed, but the enforcement appeal Inspector extended the period of compliance set out in the notice so as to '*...afford the opportunity for the appellant to see if the development can be made acceptable and for an application to be submitted and determined.*'
 4. The Inspector went on to say that '*whilst, in the light of current permitted development rights, I am affording the opportunity to seek planning permission for retention of all or part of the extension, it does not mean that the extension should be allowed to remain should planning permission not be secured for its retention. In those circumstances the requirement to demolish the extension would not be excessive.*'
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5. An application to retain the rear extension was subsequently pursued, and this appeal results from the Council's refusal to grant planning permission.

Main issue

6. The main issue is the effect of the extension on the living conditions of neighbouring residents with particular reference to visual impact, light and enclosure.

Reasons

7. The extension subject of appeal was added to another granted planning permission in 2010. It is flat roofed, and extends 2.3m or so beyond the earlier approved extension along the northern boundary of the site. Beyond the northern boundary is an access lane, about 3m wide, separating the appeal property from 283 Waye Avenue. The degree of separation is such that the extension, in my view, has had no material effect on the living conditions of No 283's residents.
8. The southern wall of the extension is about 3.5m in depth. However it is set away from the fenced common boundary shared by the appeal property and No 279 by over 1.5m. I noted that a high screen had been erected partly along the boundary on No 279's side of the fence.
9. The extension, to my mind, is sited an acceptable distance away from the boundary with No 279 so as not to materially affect its' residents enjoyment of their dwelling or rear amenity space. No convincing evidence has been produced to justify the Council's concerns as to loss of light, and the extension, bearing in mind its distance from the boundary, has had no material effect in terms of visual impact or increased sense of enclosure on the part of No 279's residents.
10. I therefore conclude that the rear extension has not harmed the living conditions of neighbouring residents, and that its retention is acceptable. Accordingly, I find no conflict with those provisions of Local Plan policies CC2 & SC7, which, in combination, are directed to ensure that development does not harm the amenities of neighbouring residents.

Conditions

11. Since the extension is already in place the Council's suggested condition that it be built in accordance with the approved plans is superfluous and unnecessary.
12. In his decision letter, with specific reference to the rear extension, the enforcement appeal Inspector said '*...I would not justify the refusal of permission solely on the basis that the unauthorised use could be recommenced, which appears to be the Council's primary concern, as, were planning permission to be granted, a condition could be imposed to prevent this.*' For the avoidance of doubt, a condition is imposed regulating the future use of the rear extension.
13. All other matters raised in the representations have been taken into account, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions. I note that, following consultation, no neighbouring resident objected to the extension's retention.

G Powys Jones

INSPECTOR