

Appeal Decision

Site visit made on 11 October 2016

by Roy Merrett BSc(Hons)18 DipTP MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/R5510/D/16/3155432
51 Frays Avenue, West Drayton, UB7 7AG

- 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 John Revell against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 43989/APP/2016/1368, dated 7 April 2016, was refused by notice dated 22 June 2016.
 - The development proposed is a single storey rear extension with flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with flat roof at 51 Frays Avenue, West Drayton, UB7 7AG in accordance with the application Ref 43989/APP/2016/1368, dated 7 April 2016 and subject to the following conditions:-
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 001/4; 001/5; 001/6; 001/7; 004/1; 004/2; 004/3; 004/4.
 - 2) Unless within 1 month of the date of this decision details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the extension shall be removed.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matter

2. The development subject to this appeal had been started at the time of my visit however my decision is based on the plans before me.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No 53 Frays Avenue with particular regard to outlook and natural light.
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Reasons

4. The appeal property has been substantially extended to the rear. However the dwelling is situated within an extensive plot and even with the proposed extension in place would leave a large rear garden space.
5. In terms of impact on light, I acknowledge that the proposed extension would project markedly beyond the rear elevation of the neighbouring dwelling at No 53. However I noted during my visit that from the rear of that dwelling, the proposed extension would be broadly in line with a tall backdrop of very mature trees situated to the south-east. The presence of these trees would already obstruct the passage of morning sunlight to a degree irrespective of the extension. I therefore consider that the proposal would have a minimal impact in terms of overshadowing the neighbouring property.
6. Whilst the projection of the extension would be expected to impact on daylight at the rear of No 53 to an extent, this would be substantially mitigated by the very extensive and spacious area of land to the rear of that property which is free from built development. In addition, and critically, the extension would incorporate a flat rather than pitched roof which would serve to further minimise obstruction to natural light.
7. The projection of the extension would result in some impact on outlook to the rear of No 53. However this impact would be reduced by the aforementioned spacious garden area directly behind the dwelling and the incorporation of a flat roof to minimise the height of the proposal. The development would not therefore have an overbearing presence that would result in an oppressive outlook for residents.
8. The Council has drawn my attention to a previous proposed extension to the property which was the subject of an appeal but which was found to be unacceptable by the appeal Inspector at that time (Ref APP/R5510/D/16/3143177). However, I note that the proposal in that case involved a pitched rather than flat roof over the extension. Compared with the present appeal, that proposal was therefore larger in scale and would have resulted in greater impact on natural light and outlook. The previous appeal decision does not therefore naturally lead to the conclusion that the revised proposal would be unacceptable which I have assessed on its own merits.
9. For the above reasons I conclude that the development would not result in harm to the living conditions of the occupiers of No 53 Frays Avenue with regard to outlook and natural light. Accordingly it would not be in conflict with Policies BE19, BE20 and BE21 of the London Borough of Hillingdon Local Plan Saved Unitary Development Plan Policies 2012 insofar as they seek to protect the living conditions of residents. The proposal would not accord with the guidelines regarding extension depth as set out in the Council's Design and Accessibility Statement Supplementary Planning Document Residential Extensions 2008. However I consider that the specific circumstances and context of this proposal justify a relaxation of that guidance in this case.

Conditions and Conclusion

10. For the above reasons, and having considered all other points raised, I conclude that the appeal should succeed and planning permission be granted.

11. Conditions specifying the plans and details of external materials are needed to safeguard the character and appearance of the area.
12. The purpose of condition 2 is to require the appellant to comply with a strict timetable for resolving the external materials of the extension which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the development authorised by the grant of planning permission may only be retained if the appellant complies with the specified requirements.

Roy Merrett

INSPECTOR