

Appeal Decision

Site visit made on 20 December 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/R5510/D/16/3163030

147 Waltham Avenue, Hayes, Middlesex UB3 1TE

- 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 Mrs Nirmal K Badwal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 7315/APP/2016/2475 dated 24 June 2016, was refused by notice dated 15 September 2016.
 - The development proposed is described as *'At the back of the extended kitchen, I have polycarbonate sheets shelter open to garden but closed to boundary with access to shared driveway. Both side boundary walls are 2/3 brickwork and 1/3 covered with clear sheets size of secondary open extension 18 x 14 feet. Please see supporting letter and 5 photos of structure with description on the back of photos.'*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As I saw during my visit the development is already in place.
3. The description of development used by the Council in their decision letter was *'single storey rear extension with polycarbonate roofing (retrospective)'*. However, I note from the appeal form that the appellant prefers the term *'installation of partial open canopy to rear'*. I regard the latter description as more accurately describing the development than that provided on the application form and used in the banner heading.
4. The Council's second reason for refusal refers to the effect of the proposed development on *'the adjoining occupier at 147 Waltham Avenue'*. The appeal property is no. 147 but in reaching my decision I have taken account of the effect of the development on neighbouring occupiers at 145 and 149 Waltham Avenue.

Main Issue

5. The main issues are:
 - the effect of the extension on the character and appearance of the host property and surrounding area; and
 - the effect of the development on the living conditions of neighbouring occupiers with particular reference to outlook and visual impact.
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Reasons

Character and Appearance

6. The appeal property is a two storey end of terrace dwelling which has previously been extended to the rear at ground floor level. Many of the neighbouring properties also have single storey rear extensions.
7. The appeal scheme comprises a further structure at ground floor level comprising a mono pitched polycarbonate roof and sides rising above the original boundary walls. The new structure is supported by timber posts whilst to the rear facing the garden it is open. The new structure does not extend as high as the original rear extension. Within the boundary wall to the east is a gateway which leads from the new development to the driveway between the appeal property and 145 Waltham Avenue.
8. The development extends into the garden further than other rear extensions in the locality and when considered in the context of the original extension would constitute an addition of approximately 7.5m from the original building. Moreover it extends the full width of the property. I therefore find that by reason of its depth it would not be a sympathetic addition to the dwelling. Whilst the polycarbonate roof and sides would not be in keeping with the materials which form the original property, as a lightweight construction the development would at least be distinguished from the original building and extension. Moreover, the fact that the structure remains open on its southern elevation reduces the visual impact of the structure.
9. Nevertheless, I find that by reason of its depth the development is detrimental to the character and appearance of the original house and neighbouring properties. It is therefore contrary to Policy BE15 of the Hillingdon Local Plan: Part 2 – Unitary Development Plan Saved Policies, (November 2012), (the Local Plan) which requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building. It would also be contrary to Policy BE13 of the Local Plan which requires the layout and appearance of extensions to harmonise with features of the area and Policy BE19 in respect of ensuring that any new development complements or improves the character of the area.
10. The development is also contrary to guidance within the Hillingdon Design and Accessibility Statement (HDAS): Residential Extensions, December 2008 by virtue of not appearing subordinate to the original house and because of the depth of the new development in the context of the previous extension.

Living Conditions

11. The development extends approximately 3.7m beyond the adjoining single storey rear extension at 147 Waltham Avenue. However, I find that notwithstanding the additional height above the existing boundary wall because of the lightweight construction of the structure and its sloping roof it would not result in an overbearing impact for the occupiers of 149 Waltham Avenue. With regard to the effect on the neighbouring occupiers at 145 Waltham Avenue I find that taking account of the projection of the appeal scheme beyond the rear of the neighbouring property together with the separation distance because of the driveway between the properties, there is no materially adverse impact in terms of outlook and visual impact.

12. Consequently I find that the development is not contrary to Policy BE19 of the Local Plan in respect of ensuring that new development complements or improves the amenity of the area or Policy BE21 which aims to prevent new development which results in a significant loss of residential amenity.

Other Matters

13. The appellant has sought to justify the need for the development on the basis of her disability, stating that the development assists in addressing her various health issues. In support, she has provided letters from hospital consultants confirming her condition and the benefits to her of the development. Consequently I am aware that refusing planning permission would have a direct impact upon her.
14. However, I am not satisfied that alternative measures to assist in the appellant's care have been fully explored and that the appeal scheme is the only form of development which would address such matters. Therefore, on the basis of the evidence before me, the appellant's personal circumstances are not sufficient to outweigh the harm that the development has on the character and appearance of the area that I have identified above. In coming to this conclusion I have also had regard to the fact that the development is a permanent structure.
15. The appellant also referred to a number of other schemes in the area as setting a precedent for the development and raised concerns about the impact of development at 145 Waltham Avenue. However, I do not know the circumstances in which these schemes were developed and in any case I have considered the appeal scheme on its own merits.

Conclusion

16. I have concluded that the development adversely affects the character and appearance of the host property and surrounding area but it does not adversely affect the living conditions of neighbouring occupiers. Having considered all matters raised in support of the development I conclude that they do not outweigh the harm arising from it.
17. In reaching my decision I have had due regard to the Public Sector Equality Duty contained within the Equality Act 2010 and in particular the protected characteristic of disability. It is clear that my decision to refuse planning permission will have an effect on the appellant.
18. However, I have concluded that the needs of the appellant do not outweigh the harm caused by the development and that alternative options for meeting those needs have not been fully explored. In these circumstances, withholding planning permission is a proportionate response to the harm that would arise from the development.
19. For the reasons set out above the appeal is dismissed.

Kevin Gleeson

INSPECTOR