

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: 27 January 2017

Appeal Ref: APP/R5510/D/16/3163583

65 Queens Walk, South Ruislip, Middlesex HA4 0LX

- 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 Rish Udhian against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 3205/APP/2016/3330, dated 6 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is ground and first floor rear/side extension (part single storey and part double storey); first floor side extension over existing ground floor side extension.
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Decision

1. The appeal is allowed and planning permission granted for ground and first floor rear/side extension (part single storey and part double storey); first floor side extension over existing ground floor side extension at 65 Queens Walk, South Ruislip, Middlesex HA4 0LX in accordance with the terms of the application, Ref 3205/APP/2016/3330, dated 6 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 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: 65QWE/P2/05 Rev E; 65QWE/P2/06 Rev B and 65QWE/P2/07 Rev E.
 - 4) The high level window proposed to serve the first floor study shall be glazed with permanently obscured glass and shall be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

Application for Costs

2. An application for costs was made by Mr Rish Udhian against the Council. This application is the subject of a separate decision.
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Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with regard to the provision of internal living space, daylight and outlook.

Reasons

4. The appeal property is a two storey semi-detached dwelling with a hipped roof and a single storey side extension. A part two storey, part single storey extension is proposed to the side and rear. The first floor side extension would be set in approximately 1.5 metres from the boundary with 67 Queens Walk.
5. The proposal includes the provision of a study at first floor level. In order to protect the living conditions of the neighbouring occupiers of 67 Queen's Walk it is proposed that the high level window on the side elevation would be obscurely glazed and be non-opening below a height of 1.8m from internal floor level. The separation distance between the proposed window and the flank wall of the neighbouring property would be approximately 3.5 metres. The study would have no outlook and would receive limited levels of natural light. As the study would be large enough to be occupied as a habitable room, the Council argued that it would not provide adequate living conditions for future occupiers.
6. I accept that there would be no outlook for users of the study, that by virtue of the Technical Housing Standards - Nationally Described Space Standard and the Local Plan that it can be considered as a habitable room, and that the room could be used as an additional bedroom without the need for planning permission. However, I do not identify any conflict with Policy BE19 of the Hillingdon Local Plan: Part 2 - Unitary Development Plan Saved Policies, (November 2012) (the Local Plan) which aims to ensure that any new development complements or improves the amenity and character of the area whereas the issue in this case relates to the living conditions of future occupiers. For similar reasons I do not find conflict with Policy BE21 which states that planning permission will not be granted for extensions which would result in a significant loss of residential amenity.
7. Policy BE20 of the Local Plan states that buildings should be laid out so that adequate daylight and sunlight can penetrate into them and that the amenities of existing houses are safeguarded. Notwithstanding the proposed rooflight, based on the size of the proposed high level window I find that limited natural light would be provided to the study such that it would not meet the requirements of Policy BE20.
8. The Hillingdon Design and Accessibility Statement (HDAS): Residential Extensions, December 2008 makes reference to daylight and sunlight matters. However, I have not been presented with evidence to demonstrate that the light to the proposed study would be in conflict with the guidance and therefore do not find any conflict with the HDAS.
9. Policy 3.5 of the London Plan, 2015 advises that new dwellings should have adequately sized rooms and convenient and efficient room layouts to meet the changing needs of Londoners. It goes on to state that development proposals which compromise the delivery of elements of the policy may be permitted if they contribute to the achievement of other objectives of the London Plan. The

policy incorporates minimum space standards for development which reflect the Technical Housing Standards. Notwithstanding the reference to space standards the proposal would not be in conflict with this policy by virtue of providing adequately sized rooms and efficient room layouts.

10. Nevertheless, I find that the degree of conflict with Policy BE20 would be minor in this particular case. Moreover, overall the scheme would provide acceptable living conditions for future occupiers and meet other objectives of the development plan. On this basis I find that the harm arising from a lack of compliance with the development plan to be minimal and that overall the scheme would meet wider policy objectives.

Other Matters

11. Concern was raised by a neighbour that the side extension would adversely affect the daylight reaching the neighbouring property. Based on the setback distance from the boundary at first floor level I find that the proposal would not result in material harm in terms of loss of privacy, overshadowing or loss of light. The effect of the proposal on drainage and flooding is addressed below.

Conditions

12. In addition to the standard implementation condition I have imposed a condition specifying the relevant drawings with which the scheme should accord as this provides certainty. A condition relating to materials is also necessary to ensure the appearance of the development is satisfactory. In order to prevent potential overlooking a condition requiring the side window at first floor level to contain obscure glazing and be fixed shut is appropriate. I have given consideration to the comments of the Council and the appellant about a potential condition regarding drainage but on the basis of the minimal increase in impermeable land cover I do not consider that the condition is necessary or reasonable.

Conclusion

13. For the reasons set out above, and having taken into account all other matters raised the appeal is allowed.

Kevin Gleeson

INSPECTOR