

Appeal Decision

Site visit made on 3 February 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/R5510/D/16/3164083
52 Dellfield Crescent, Uxbridge UB8 2EU

- 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 Naiyer Siraj against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 4069/APP/2016/1986, dated 24 May 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the erection of a first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear extension at 52 Dellfield Crescent, Uxbridge UB8 2EU in accordance with the terms of the application Ref 4069/APP/2016/1986, dated 24 May 2016, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. The name of the appellant is given as Mr Siraj Naiyer on the planning appeal form, whereas the name appearing on the application form is Mr Naiyer Siraj. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Mr Naiyer Siraj is the appellant in this case.
3. At the site visit, I saw that there was a tall covered structure adjacent to the rear conservatory of No 52, which is not shown on the plans. I also observed that the detached outbuilding in the back garden of the appeal property extended across almost the full width of the plot, which differs to that indicated on the drawings. I have assessed the proposal on that basis.

Main issue

4. The main issue is whether or not the proposed development would provide satisfactory living conditions for the occupiers of the appeal dwelling with particular regard to private external amenity space.

Reasons

5. The appeal property is a mainly 2-storey semi-detached dwelling that occupies a modest-sized plot within a predominantly residential area. The proposal is to enlarge the dwelling with a first floor extension at the rear of the main house.
-

6. No change is proposed to the built footprint of No 52. Nevertheless, the Council considers that the amount of usable external private amenity space (PAS) available for the occupiers of the appeal property would be inadequate due to the provision of an additional bedroom. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document, *Residential Extensions* (SPD) states that at least 100sqm private rear garden area should be provided for a 4-bedroom house. Although the plans show that the finished dwelling would include 3-bedrooms, the Council states that the loft area has potential to also be used as an extra bedroom. According to the Council, the amount of useable PAS at No 52 is some 75sqm, which would fall short of the SPD's minimum threshold, by some margin.
7. Although modest in size, the area available for PAS at the rear of the enlarged dwelling could become an attractive and useable courtyard, patio or garden. Having viewed this area, it would be suitable for a range of activities including sitting and eating outside, children's play and for drying clothes. Direct access to this PAS would be both internally from the conservatory and externally from alongside the main dwelling. Because this PAS is visually enclosed by the main house and boundary treatment with good natural surveillance from the rear windows of the dwelling it would be suitable for use by young children and as a sheltered area for the elderly. These considerations, which largely relate to the quality of PAS, are also important considerations to be taken into account and weighed in the planning balance. Having regard to these particular matters, I am persuaded that a failure to meet the level of PAS provision that is stated in the SPD is insufficient reason to withhold planning permission.
8. Overall, I conclude on the main issue that the proposed development would provide satisfactory living conditions for the occupiers of No 52. Accordingly, it complies with Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies. These policies seek to ensure that new residential development provides useable PAS that is sufficient to protect the amenity of occupants and complements or improves the amenity of the area. It would also accord with the National Planning Policy Framework, which is to secure a good standard of amenity for all occupiers of land and buildings.
9. The new addition would be noticeably set back from the shared boundary with 50 Dellfield Crescent, with adequate separation to ensure no undue loss of light to the occupiers of this attached property. This set back arrangement would also avoid a strong sense of being 'closed in' as it would be experienced by the occupiers of No 50. The inclusion of obscure glazing in the new first floor bathroom window would also overcome overlooking problems towards the adjacent property on the opposite side of the site to No 50. This measure could be secured by condition.
10. The finished building would be relatively large in relation to the plot. However, adequate space would remain around it to avoid the completed dwelling appearing cramped in terms of layout. For the same reason, the proposal would not constitute over development. Consequently, there is insufficient reason to withhold planning permission on these particular grounds.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the completed house, a condition is imposed to require that the external materials match those of the existing building.
12. It is also necessary to impose a condition to require that the new first floor bathroom window includes obscure glazing and is fixed shut, as shown on the plan. This measure is required to safeguard the privacy of the users of the bathroom and the occupiers of No 54. This condition is additional to those suggested by the Council.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0973 Rev 1, Existing and Proposed 'Other' Side Elevations and the Block Plan.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Before the occupation of the extension hereby permitted the window in the side elevation serving the first floor bathroom shall be fitted with obscured glass and, with the exception of a top hung fanlight(s), shall remain fixed shut and shall be permanently retained in that condition.