
Appeal Decision

Site visit made on 6 February 2017

by Michael Boniface MSc MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/F5540/D/16/3166356

47 Dukes Avenue, Chiswick, London, W4 2AA

- 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 Ms Nadia Zaman against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00371/47/P6, dated 8 August 2016, was refused by notice dated 7 October 2016.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's grounds of appeal refer to a number of exhibits/appendices but these were not submitted with the appeal documentation. As such, I have not been able to take them into account.

Main Issues

3. The main issues are the effect on the living conditions of neighbouring occupants at No 45, with particular regard to light and outlook; whether acceptable living conditions would be created for future occupants of the appeal property, with particular regard to light and outlook; and the effect on the character and appearance of the area.

Reasons

Living conditions for neighbouring occupants'

4. The proposed extension would span the entire width of the property up to the boundary with the adjoining property, No 45. Part of the extension has been inset directly adjacent to the neighbouring dwelling to maintain a 45 degree angle from the centre of the neighbour's window in an attempt to minimise the impact. However, it would still protrude by some distance along the boundary, before stepping out further still. The inset part of the extension and the low roof height mean that limited impact would result to the closest window of the neighbouring property in terms of light, notwithstanding the position of the extension south of the neighbour's window.
5. However, the position of the extension in close proximity to the neighbouring first floor window would result in a visually prominent and intrusive form of development. When considered in conjunction with the neighbour's existing

rear protrusion, views from the first floor window would be restricted on both sides by flank walls, significantly and harmfully diminishing outlook and enclosing views to the detriment of the neighbours' living conditions.

6. This would be in conflict with Policy SC7 of the Local Plan (2015) (LP) which seeks to avoid harm to neighbouring residents, including in respect of outlook. The proposal would also conflict with the objectives of the Council's Residential Extension Guidelines (2003) (REG) which seek to avoid harm to neighbouring properties by limiting the width of rear extensions to half the width of the house and through the use of set-ins and set-backs of around 3 metres.

Living conditions for future occupants'

7. The proposed extension would result in an existing first floor bedroom being left without a window as it would be located deep within the plan of the building. The proposed roof light would, in my view, ensure that the room continued to receive appropriate levels of light and no substantive evidence has been provided to suggest otherwise. Whilst this is so, future occupants would have no outlook from the room (other than upwards) and this would not meet the high quality design and living conditions standards sought by Policy SC7 of the LP. This is notwithstanding the appellant's assertion that she does not currently look out of the window, as this does not negate the need for good quality living conditions or reflect the potential for future changes in occupation.

Character and appearance

8. The appeal property is a substantial semi-detached dwelling standing on the corner of Dukes Avenue and Wavendon Avenue, both of which are residential in character, comprising similar predominantly semi-detached dwellings. Many properties in the surrounding area appear to have been altered and extended but the traditional form and character of the street remains strongly apparent.
9. The proposed extension would span the width of the existing property under a low hipped roof that would tie in with the existing hipped roof sections of the building. Whilst the addition would not incorporate any gable feature, the existing roof already incorporates both hipped and gable elements and I do not consider that the proposed design would be in any way incongruous. The flat roof section resulting from the design would not be particularly sympathetic to the traditional design of the building or its neighbours, but this would not be prominent from the public realm when viewed from street level and so would not materially harm the character of the area.
10. A section of the extension would be inset adjacent to the neighbouring property, reducing the perception of mass and bulk when viewed from Wavendon Avenue. Furthermore, the roof height would be significantly lower than the principal building. Overall, the extension would be seen as a modest and subordinate addition to a sizeable property.
11. Whilst I do not agree with the appellant that the existing property is incongruous in the street in the absence of the proposed extension, the development would not harm the character and appearance of the area. As such, I find no conflict with Policies SC7, CC1 and CC2 of the LP in so far as they seek good design that respects local character and distinctiveness; or the

objectives of the REG which seek to protect the character of the house and the setting of the street scene.

Other Matters

12. I have had regard to the appellant's view that the development would improve the amount and overall standard of living accommodation for her and her family, better meeting family needs. I also note that the extension would accommodate family members that require care and support. However, these matters do not outweigh the significant harm that I have identified with regards to the first two main issues.
13. I note that other properties in the area have been granted planning permission for first floor or two storey extensions and that many properties have been altered and extended. However, I do not have sufficient information before me to draw any direct comparisons with the appeal proposal and I do not know the full circumstances under which other permissions have been granted. I have determined this appeal on its own merits.
14. Submissions were made relating to Article 8 of the Human Rights Act 1998 and I recognise that dismissal of the appeal would interfere with Ms Zaman (and her family's) home and family life. However, this must be weighed against the wider public interest. For the reasons given above, I have found that this proposal would be harmful to the living conditions of neighbouring occupants' and would not provide suitable living conditions for future occupants' of the appeal property. I am satisfied that the legitimate aim to avoid such harm can only be achieved by the refusal of planning permission. On balance, I consider that the dismissal of the appeal would not have a disproportionate effect on Ms Zaman or her family.

Conclusion

15. Although the development would not harm the character and appearance of the area, I have found that it would harm the living conditions of neighbouring occupants' and would not provide acceptable living condition for future occupants of the appeal property.
16. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR