
Appeal Decision

Site visit made on 20 February 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 27th February 2017

Appeal Ref: APP/R5510/D/16/3164198
19 Church Lane, Uxbridge UB8 2XE

- 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 Sussex against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 39209/APP/2016/2669, dated 11 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is single storey rear extension incorporating the erection of a side wall as approved under 39209/APP/2016/1505.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension incorporating the erection of a side wall as approved under 39209/APP/2016/1505 in accordance with the terms of the planning application Ref 39209/APP/2016/2669, dated 11 July 2016, and 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 development hereby permitted shall be carried out in accordance with the following approved plan: MS/HM/19/15 Revision 02.
 - 3) 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.

Main Issue

2. The main issue for this appeal is the effect of the proposed development on the living conditions of the occupants of No 18 Church Lane taking particular account of outlook and light.

Reasons

3. No 19 Church Lane is part of a terrace of four houses. It is 2-storey with a 2-storey outrigger at the rear which has been extended by a single storey addition. In total the outrigger and single storey addition extend from the main rear wall of the house by some 7m. There is a similar 2-storey outrigger at the adjoining property No 18.
 4. Within the appeal site is a free standing 2m high brick wall along the boundary shared between Nos 18 and 19. This wall extends out from the main rear wall
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- of No 19 by about 7m. It was constructed as permitted development under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO)¹.
5. The proposed single storey rear extension would infill the gap between the existing side wall of No 19 and the freestanding wall. The side wall of the proposed extension would not be higher than the free standing wall. There would be a glazed mono-pitched roof sloping away from the shared boundary to a maximum height of 3.12m².
 6. The main rear elevation of No 18 has a ground floor window which serves a habitable room and the flank elevation of this dwelling's outrigger has a kitchen window and door which face towards the shared boundary. At some 7m long the proposed extension would be more than double the 3.3m guidance for the length of single storey extensions to terraced properties set out in the Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions 2008 (HDAS). This guidance seeks to minimise the effect of extensions on the living conditions of occupants of adjacent houses.
 7. In my view, adding a glazed roof over the area between the freestanding wall and the existing side wall of No 19 would not have a materially more detrimental effect than the existing wall on the outlook and light currently experienced by the occupants of No 18. Moreover, under the GPDO a 3m long extension up to 4m high could be constructed without the need for express planning permission³. Such an extension would be likely to have a greater effect on the outlook and light of No 18 than the longer, lower extension which is the subject of this appeal.
 8. I have taken account of the decision of a colleague Inspector who dismissed Appeal Ref APP/R5510/D/15/3132757 in relation to a previous proposal for a single storey rear extension at the appeal site. However, although that proposal was for a shorter extension, the side wall proposed at that time would have been about 3m high. In my view the proposed 2m high wall with glazed roof sloping away from the boundary to just over 3m in height furthest from the boundary would have less adverse effect than that of the proposal dismissed under the earlier appeal. Accordingly that decision does not lead me to any different conclusion in relation to the appeal before me.

Conclusion

9. For the reasons given above I conclude that, although the proposed development would not comply with some of the guidance in the HDAS, it would not cause unacceptable harm to the living conditions of the occupants of 18 Church Lane. It would therefore not conflict with Saved Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 2012 or those principles of the National Planning Policy Framework that seek a good standard of amenity for all existing and future occupants of land and buildings. Taking all other relevant matters raised into account I conclude the appeal should succeed.

¹ Certificate of Lawful Use or Development Ref 39209/APP/2016/1505 granted 18 May 2016

² Paragraph 3.2 Appellant's Statement of the Grounds of Appeal

³ Schedule 2 Part 1 Class A.1(f)

Conditions

10. As well as the standard condition specifying the time limits for commencement of development compliance with the approved plan is necessary to provide certainty. Materials for external surfaces should match those of the existing building in the interests of the appearance of the area.

SDHarley

INSPECTOR