

Appeal Decision

Site visit made on 20 March 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 4th April 2017

Appeal Ref: APP/R5510/D/17/3166702

2 Hillside Rise, Northwood, Middlesex HA6 1RR

- 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 K Allison against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 67933/APP/2016/2970, dated 3 August 2016, was refused by notice dated 14 November 2016.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear extension at 2 Hillside Rise, Northwood, Middlesex HA6 1RR in accordance with the terms of the application, Ref 67933/APP/2016/2970, dated 3 August 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Map; Drawing number 16/KA-1A Existing floor plans, dated 26/7/16 updated 3/8/16; Drawing number 16/KA-2A Existing elevations dated 26/7/16, updated 3/8/16; Drawing number 16/KA-4A Proposed elevations date 26/7/16, amended and updated 3/8/16; Drawing number 16/KA-3 Loft Plan dated 26/7/16.
 - 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.

Application for costs

2. An application for costs was made by Mr K Allison against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Main Issue

3. The main issues in this case are the effect of the proposal on the living conditions of existing occupiers at No 4 Hillside Rise with specific reference to privacy, light and outlook.

Reasons

4. The appeal property is situated on the southern side of Hillside Rise. The area is predominately residential characterised by one and one and a half storey dwellings set back from the road behind modest front gardens and long rear gardens. The property lies within the Northwood Hills Area of Special Local Character. The property has an existing single storey rear extension and a dormer roof extension. It is proposed to raise the roof of the single storey rear element with a new gable end window to create habitable roof space to include 1 side roof light.
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5. The Council do not raise concerns regarding the effect of the proposal on the occupiers of the neighbouring property to the west, Lyndhurst. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
6. The Council considers, however, that the proposal would result in the loss of privacy, light, outlook and visual intrusion and be over-dominant in relation to number 4 Hillside Rise (No 4) which lies adjacent to the east.
7. There would be one additional window, a roof light, in the eastern elevation which would be obscured and none opening. There would be a new window at first floor level on the new gable end. Whilst this would have views over the garden of No 4, I consider that these views would be comparable to those from the existing dormer window. Consequently, the proposal would not significantly alter the existing situation in relation to privacy.
8. There is some dispute over the existing depth and height of the existing single rear extension. I have considered the appeal on the basis of the plans before me and on the basis of observations on my site visit.
9. Paragraph 6.2 of the Hillingdon Design and Accessibility Statement (HDAS) 'Residential Extensions' Supplementary Planning Document (2008) states that two storey or first floor rear extensions will only be allowed where there is no significant over-dominance, over-shadowing, loss of outlook and daylight. Any extensions at first floor level should not extend beyond a 45 degree sight line taken from the nearest of the first floor window of any room of the neighbouring property. The 45 degree rule ensures that occupiers would have at least 90 degrees of an open view in front of their windows. If the first floor would not extend beyond a 45 degree angle, then the depth of a rear two-storey extension should not exceed 4m. The proposal would not extend beyond 4m.
10. However, the Council consider that the proposal would extend beyond a 45 degree horizontal angle measured from the middle of a principle window to a habitable room on the adjoining dwelling at No 4. In the absence of a first floor window at No 4, the Council appear to have measured the 45 degree sight line from the ground window of the adjacent property. However, I agree that the 45 degree rule set out in the HDAS does not apply in the appeal case which relates to a ground floor window.
11. Occupiers of No 4 currently have an outlook from their rear ground floor window to their own rear garden. Peripheral views of the garden of the appeal property are limited by the existing approximately 1.8m high boundary fence and the existing approximately 3m high single storey extension. I note that according to the appellant's calculation that the 45 degree sight line is breached by the corner of the existing extension. However, the proposal would not extend beyond the existing rear elevation of the appeal property and hence would not breach the sight line to any greater extent. Consequently, even if the 45 degree sight line were to apply, I do not consider that the proposal would cause a reduction in the outlook from the ground floor window of No 4 compared to the existing situation.
12. Furthermore, the eaves of the proposal would be the same height as the existing eaves on the boundary with No 4. In addition the roof would slope steeply away from the boundary with No 4, thus reducing the visual effect of the proposal when viewed from No4. Furthermore, the existing fence is approximately 1.8m high and I noted the presence of vegetation on the boundary. Moreover, whilst single storey, No 4 is set on higher ground than the appeal property. Taking these factors in combination, I consider that the proposal would not appear overbearing or dominant to the occupiers of No 4.

13. The proposed first floor extension would be located to the west of No 4. Due to the orientation of the properties, the existing ground floor extension would reduce the sunlight available to the ground floor window of No 4 late afternoon/early evening; however, due to the single-storey nature of the extension the effect would be limited. The proposal would involve the erection of a pitched gable roof over the existing ground floor extension. However, due to the relatively steep pitch of the roof, the highest point would be away from the boundary which would limit the effect on the ground floor window and the patio area. Taking this into account, I do not consider that the proposal would have a materially different effect compared to the existing situation.
14. For the reasons stated, the proposal would not have a harmful effect on the living conditions of the occupiers of No 4 in terms of privacy, outlook or light. Nor would it have an overbearing or dominant presence. The proposal would not, therefore, be contrary to saved Policy BE19 of the Council's Unitary Development Plan (UDP) 1998 which seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.
15. The proposal would also not be contrary to Policy BE20 of the UDP which states that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them and the amenities of existing houses are safeguarded. Furthermore, no conflict would arise with Policy BE21 of the UDP which states that planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity would result in a significant loss of residential amenity. Neither would conflict arise with the HDAS.

Other Matters

16. The height of the proposal would match that of the existing roof and it would not be visible from the street. Consequently, I consider that it would not have a harmful effect on the character and appearance of the area.
17. The Northwood Hills Residents Association has referred to the fact that the proposal would exceed permitted development rights. However, the proposal relates to a planning application not a Certificate of Lawful Use or Development.

Conditions

18. In addition to the standard time limit, I have imposed a condition specifying the relevant plans as this provides certainty. I have also imposed a condition specifying that the materials to be used in the construction of the external surfaces should match those used in the existing building in the interests of the character and appearance of the area. The Council indicates that there no additional conditions which they consider should be attached to any grant of planning permission.

Conclusion

19. For the reasons stated and taking all other matters in consideration the appeal should be allowed subject to the conditions specified in paragraph 1.

Caroline Mulloy

Inspector