

Appeal Decisions

Site visit made on 20 April 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 12 May 2017

Appeal A – Appeal Ref: APP/R5510/W/17/3167148 39 Marvell Avenue, Hayes UB4 0QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Brar against the Council of the London Borough of Hillingdon.
 - The application Ref 30007/APP/2016/3646 is dated 2 October 2016.
 - The development proposed is demolition of existing extension and erection of new single-storey rear extension with a depth of 5m.
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Appeal B – Appeal Ref: APP/R5510/W/17/3167146 39 Marvell Avenue, Hayes UB4 0QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Brar against the Council of the London Borough of Hillingdon.
 - The application Ref 30007/APP/2016/3645 is dated 2 October 2016.
 - The development proposed is demolition of existing extension and erection of new single-storey rear extension with a depth of 6m.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of existing extension and erection of new single storey rear extension with a depth of 5m in accordance with the terms of the application, Ref 30007/APP/2016/3646, dated 2 October 2016, and the plans submitted with it, subject to the following conditions:
 - (i) the development hereby permitted shall begin not later than 3 years from the date of this decision; and,
 - (ii) the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Appeal B

2. The appeal is allowed and planning permission is granted for demolition of existing extension and erection of new single storey rear extension with a depth of 6m in accordance with the terms of the application, Ref
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30007/APP/2016/3645, dated 2 October 2016, and the plans submitted with it, subject to the following conditions:

- (iii) the development hereby permitted shall begin not later than 3 years from the date of this decision; and,
- (iv) the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Preliminary matter

3. The Council did not issue a decision on the applications prior to the appeal being lodged. Had it done so the Council indicated that it would have refused the applications for reasons relating to the impact of the proposal on the character and appearance of the host building and surrounding area, and the impact on the living conditions of the occupiers of No 37 Marvell Avenue. It is on this basis that I have considered the main issues of the appeals to be those identified below.

Main Issues

4. The main issues in both appeals are as follows:
- (i) the effect of the proposed development on the living conditions of the occupiers of No 37 Marvell Avenue, with particular regard to outlook and light; and,
 - (ii) the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons

5. The development plan for the area comprises the Local Plan Part 1¹, Saved Unitary Development Plan Policies² and the London Plan³. The Council's SPD⁴ regarding residential extensions is also before me.
6. Saved policies BE1, BE13, BE15 and BE19 seek to ensure that new development is to a high quality of design that maintains or improves the design quality of an area and harmonises with existing buildings and the local area. Saved policies BE19, BE20 and BE21, together with the guidance in the SPD seek to protect the living conditions of occupiers. Paragraphs 9 and 60 of the National Planning Framework (the Framework) also seek development of good design quality that makes positive improvements to people's quality of life. Within its core principles, the Framework also seeks a good standard of amenity for all. The consistency between the development plan and the Framework means that I attach weight to the saved policies identified.

Living conditions

7. The appeal property is a semi-detached house with a single storey rear extension, 3 metres in length. Adjoining the appeal property is No 37 Marvell Avenue which has not been extended to the rear; a window at ground floor

¹ The Hillingdon Local Plan: Part 1 – Strategic Policies adopted on 8 November 2012

² London Borough of Hillingdon Unitary Development Plan (adopted 1998), Saved Policies 27 September 2007 and adopted on 8 November 2012 to serve for an interim period as the Hillingdon Local Plan: Part 2

³ The London Plan (consolidated with alterations since 2011) adopted March 2015

⁴ Hillingdon Design Accessibility Statement (HDAS), Supplementary Planning Document: Residential Extensions, December 2008

level and perpendicular to the close boarded fence on the shared boundary relates to an internal living area. Since the window at ground floor level faces the garden, there would be no direct view of the proposal from inside the dwelling although an extension would be visible above the existing fence. Given the pitch of the roof proposed, however, the highest part of the extension would be away from the boundary and therefore, whether 5 or 6 metres in length, the proposal would not create a sense of enclosure or be unduly overbearing on views from the ground floor window at No 37 to be harmful to outlook.

8. The Council's SPD recommends that rear extensions on plots the size of the appeal site should be no more than 3.6 metres in length, from the rear wall of the original house. This is to help guard against the loss of daylight and sunlight to neighbouring properties. The proposed extension, at 5 or 6 metres, would exceed this recommended distance and would be within the sun's path, largely during the latter stages of the day as the sun moves from east to west. Some shadow would be cast by the extension, over the ground floor window at No 37. However, the window concerned is double-paned and therefore sufficient in size to allow good levels of daylight and sunlight into the internal living space. The extension of the proposed development above the existing fence would not be such that levels of daylight and sunlight would be reduced to a level that would be harmful to living conditions.
9. In all, therefore, an extension of the height proposed and to 5 or 6 metres in length would not unacceptably harm the occupier's living conditions at No 37, with particular regards to outlook and light. As such the proposals would accord with saved policies BE19, BE20 and BE21 and with paragraph 9 of the Framework.

Character and appearance

10. As well as the appeal property, a number of houses within the row of properties within which No 39 sits have single storey rear extensions. The rear elevations of these properties overlook houses and gardens within a different street. An extension of 5 or 6 metres in length would be a notable extension in comparison with other extensions. However, the overall form and height of the proposals would not be out-of-keeping with these developments. Furthermore, the development would not be visible from public view to have a harmful impact on the character and appearance of the area.
11. An extension of 5 or 6 metres would be a notable addition to the existing property. However, the design and form of the proposal would be sympathetic to the design and form of the original dwelling. Furthermore, the scale of the proposal, whilst at 5 or 6 metres would be long, would not be such that its bulk and mass would detract from the form of the host dwelling to be unduly harmful to its character and appearance.
12. I note the Council's reference to the SPD and the recommended length of 3.6 metres for a single storey rear extension. However, this suggested distance is to ensure that extensions appear 'subordinate' to the original house and therefore not block daylight and sunlight received by neighbouring properties; this is not directly relevant to the issue of character and appearance. Notwithstanding this, I have found that an extension of 5 or 6 metres in length would be sympathetic to the form and scale of the original house and therefore would not be harmful to the character and appearance of the host dwelling or

the surrounding area. As a result the proposals would accord with saved policies BE1, BE13, BE15 and BE19 and with paragraphs 9 and 60 of the Framework.

Conditions

13. The Council has suggested two planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). I have included the standard time limitation for commencement as this provides certainty, as advised by the PPG.
14. I have considered the Council's condition that materials should be approved prior to the commencement of development. In line with the PPG a pre-commencement condition such as this is rather onerous, particularly given that the development would be to the rear of the existing property and out of public view. In the interests of character and appearance generally, however, I consider a condition regarding materials to be necessary. I have therefore imposed a condition to ensure that the materials match the existing property.

Conclusion

15. For the reasons set out above, I conclude that the proposals would not be contrary to the development plan or the Framework and therefore the appeals are allowed.

R Walmsley

INSPECTOR