
Appeal Decision

Site visit made on 27 April 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 19 May 2017

Appeal Ref: APP/R5510/D/16/3165966

108 Balmoral Drive, Hayes UB4 0BZ

- 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 Rajesh Manandhar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 69484/APP/2016/2447, dated 24 June 2016, was refused by notice dated 3 October 2016.
 - The development proposed is described as "*retention of rear extension*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that the rear extension has been completed. I have therefore determined the appeal on the basis that the development has already occurred.

Main Issues

3. The main issues are the effect on:-
 - The character and appearance of the area;
 - The living conditions of the occupiers of 110 Balmoral Drive with regard to outlook, sunlight and daylight and the living conditions of the current and future occupiers of 108 Balmoral Drive with regard to outlook, sunlight, daylight and external amenity space.

Reasons

Character and appearance

4. The appeal property comprises a modern end of terrace dwelling located within a mainly residential area. The majority of dwellings in the immediate vicinity of the appeal site are of a similar architectural style to that of the host building. These dwellings are arranged in terraces with alternate rows orientated at 90 degrees and parallel to Balmoral Drive. A large proportion of the terraces that have a parallel orientation have their rear elevations and gardens fronting onto Balmoral Drive. I noted at my site visit that the majority of gardens, within close proximity of the site, have low concrete panel walls with timber panel fences behind them on their boundaries with Balmoral Drive. The timber panel fences appeared to be around 1.8m to 2m in the main.
 5. The extension is single storey with a flat roof and it extends practically the full width of the garden. It is attached to a single storey extension that is of similar width and height that had previously been constructed on the rear of the dwelling. The side elevations of the new extension have been clad with timber boarding that is normally used as a fencing material. The rear elevation
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- of the extension is within close proximity of the boundary with Balmoral Drive. That boundary is presently formed of UPVC cladding, to the same height as the extension, with a door inserted within it.
6. The extension significantly increases the footprint of the dwelling. The *'Hillingdon Design and Accessibility Statement- Residential Extensions'* Supplementary Planning Document 2008 (SPD) provides guidance that for the host dwelling an extension of up to 3.6m long would be acceptable. The new extension when combined with the previous one is considerably longer than 3.6m. As a result, I consider the resulting extension to be disproportionately large in relation to the existing dwelling.
 7. Furthermore, the height of the extension is appreciably taller than the predominant boundary treatments that are in close proximity to the dwelling. Due to its overall size, height and siting the extension is unduly prominent and obtrusive despite the use of timber cladding which attempts to disguise the extension as a fence. The discordant nature of the extension is plainly discernible from Balmoral Drive. I acknowledge that the UPVC cladding to the rear boundary could be replaced with timber. However, this would not mitigate the harm identified above.
 8. Taking into account all of the above I conclude that the extension has a significantly harmful effect on the character and appearance of the host building and the area. As such it conflicts with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (LP), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (HUDP) which, amongst other things, seek to ensure high quality development that enhances complements or improves the character of the area, satisfactorily relates to the street scene and extensions to existing buildings that harmonise with the scale, form and proportions of the original building. The development would also not comply with the guidance on single storey rear extensions within the SPD.

Living conditions

9. The adjoining dwelling 110 Balmoral Drive (No 110) has not been extended to the rear and I noted at my site visit that there is a window and glazed door on the rear elevation at ground floor level. The flank wall of the extension appears to form the boundary with No 110 and as stated above, has been clad with timber. It extends from the older extension, at a similar height to that extension, to within close proximity of the Balmoral Drive boundary. It is appreciably taller than a fence that could be erected without planning permission under permitted development rights.
10. Consequently, I consider that due to its height and the overall length of the extension that it is likely that it could be experienced by occupiers of No 110 from their rear window and when in their garden as overbearing and oppressive.
11. The Council's Officer Report makes no distinction between sunlight and daylight and it does not include any technical evidence such as sunlight or daylight analysis in relation to this matter. The ground floor window in the rear elevation of No 110 faces approximately south-west and as the extension is to the south-east of that window it is likely that there is a loss of direct sunlight at certain times of the day received in that room.
12. However, the position and height of the older extension, the mature tree adjacent to No 108 and the orientation of the neighbouring dwellings would have influenced light penetration to the rear of No 110 prior to the new

- extension being constructed. On balance, I consider that the additional loss of sunlight resulting from the proposal would not be so great as to be appreciable.
13. In relation to daylight the large window and glazed door on the rear elevation to No 110 would ensure that there is a good level of daylight received within that room. This will not be significantly reduced by the proposal as the extension would be beyond the existing extension.
 14. The older extension contains a bathroom and kitchen and its construction meant that the living room had no external windows. The additional extension results in the kitchen and bathroom now also having no external windows. As a result the kitchen has no external outlook or source of sunlight or daylight. My assessment of the appeal site and the development lead me to conclude that this leads to an overbearing sense of enclosure when within the kitchen.
 15. Furthermore, when considered with the severely restricted levels of daylight and sunlight received in that room the development is significantly harmful to the living conditions of the present and any future occupiers. Policy 3.5 of the London Plan specifies that room layouts should be functional and fit for purpose.
 16. HUDP Policy BE23 states that new residential buildings should provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The SPD states at paragraph 3.13 that a 3 bedroom house should retain a minimum of 60m² garden space as a consequence of an extension. The area retained as garden space between the extension and the rear boundary is notably constrained in its depth and would be substantially smaller than that sought in the SPD and those of surrounding properties.
 17. As a result, in my view, the amount of amenity space would not be commensurate with the size of the property and would not provide adequate space for typical domestic outdoor activities. I recognise that the appellant considers that indoor space for a child's playroom is of more use to his family. However, it does not constitute outdoor amenity space for the purposes of HUDP Policy BE23.
 18. I recognise that the present occupiers of No 110 have not objected to the development. However, the lack of objections from them does not outweigh the harm caused by the development.
 19. I conclude that the extension causes material harm to the living conditions of the occupiers of No 110 in terms of outlook and to the living conditions of the current and future occupiers of No 108 with regard to outlook, sunlight, daylight and external amenity space. This factor outweighs my findings regarding sunlight and daylight in relation to the occupiers of No 110. It follows that the proposal would conflict with HUDP Policies BE19, BE20, BE21, BE23 and Policy 3.5 of the London Plan which together seek, amongst other things, development that complements or improves the amenity of the area, does not result in a loss of residential amenity and should be laid out so that adequate daylight and sunlight can penetrate into it.

Conclusion

20. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR