



Appeal Decision

Site visit made on 30 May 2017

by **Peter D Biggers** BSc Hons MRTPI

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

Decision date: 8th June 2017

Appeal Ref: APP/R5510/D/17/3170570 32Wyre Grove, Hayes UB3 4PJ.

- 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 and Mrs Naresh Kumar against the decision of the London Borough of Hillingdon Council.
 - The application Ref 26480/APP/2016/4061, dated 7 November 2016, was refused by notice dated 30 December 2016.
 - The development proposed is conservatory to the rear of existing single dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for conservatory to the rear of existing single dwelling house at 32Wyre Grove, Hayes UB3 4PJ in accordance with the terms of the application, Ref 26480/APP/2016/4061, dated 7 November 2016, and the plans and documents submitted with it.

Procedural Matters

2. The conservatory has already been constructed on site and the application was submitted retrospectively. From my observations on site the conservatory has been built in accordance with submitted plans and therefore there is no need for conditions to be attached to the permission.

Main Issue

3. The main issue in this case is whether the proposed development would have an adverse effect on the living conditions of present and future occupants of No 32 Wyre Grove in terms of the amount of private amenity space available.

Reasons

4. Wyre Grove, where the appeal site is located, is a residential street of principally semi-detached properties and short terraces standing in fairly small plots.
 5. The *National Planning Policy Framework* (the Framework) in the Core Principles at paragraph 17 requires development to secure a good standard of amenity for all existing and future occupants of land and buildings. *Hillingdon Local Plan Part 2 – Saved UDP Policies* (HLP2) policy BE19 in seeking to ensure development complements or improves the amenity of the area remains consistent with the Framework. HLP2 policy BE23 goes on to require that new buildings and extensions should maintain external amenity space which is sufficient to protect the amenity of occupants and which is usable in terms of its shape and siting. Specifically in respect of residential extensions, the *Hillingdon Design and Accessibility Statement Supplementary Planning Document* (SPD) recommends
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that for a 4 bedroom house, which is now the case with the appeal property, 100 square metres of private external amenity space should be provided.

6. The construction of the conservatory results in an overall rear extension in excess of the guideline depth in the SPD which advises that a rear projection of up to 3.6 metres on semi-detached houses will normally be considered acceptable. The conservatory together with the existing outbuilding, which is in use as a gym and storage, leaves an external garden area for the house of c 48.5 square metres.
7. Despite the fact that this would be about half that normally sought it was clear from my visit that the shape, siting and size of the garden would provide sufficient space to carry out everyday outdoor activities such as sitting out, children's play and drying washing even when occupied by a family. Indeed there was evidence of the space being satisfactorily used for these purposes at the time of my visit. Furthermore the garden space retained would not be dissimilar to the size of some of the neighbouring rear gardens serving family housing. I am therefore satisfied that the private garden space that would be provided would be adequate for the house and that the construction of the conservatory has not in itself resulted in overdevelopment of the site.
8. There are in any event two further reasons why in this case the proposal can be accepted. First, from the evidence at my site visit I accept the appellant's argument that the conservatory itself, although not external, does contribute to the amenity space available to the property. It provides a linking amenity space between house and garden which was clearly used as a covered play area and as an extension to the sitting area available within the garden. Secondly, I note that there is a substantial area of informal open space at Cranford Park, the northern section of which (north of the M4 and along the River Crane) is only about 500 metres from the appeal site. This is within walking distance and would allow the occupiers to easily access open space should they wish to do so.
9. For these reasons and bearing in mind that the figures in the SPD are only guidance it is not unreasonable to take a more flexible approach in this case. I am satisfied that there would be no significant adverse impacts on the living conditions of the occupants of No 32 as a result of the smaller area of private external amenity space. As such the proposal would not conflict with HLP2 policies BE19 and BE23 and the Framework.

Other Matters

10. I am satisfied that due to the depth of the extensions to the neighbouring houses on either side of No 32 that there would be no adverse impacts on living conditions for the occupants of these properties in terms of privacy, outlook or light levels.

Conditions and Conclusions

11. I have considered the need for conditions against the advice in the *Planning Practice Guidance*. However as the application was retrospective and the conservatory has already been constructed in accordance with approved plans, no conditions are necessary.
12. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission be granted.

P. D. Biggers

INSPECTOR