

Appeal Decision

Site visit made on 5 June 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/F5540/D/17/3174053
182 Hall Road, Isleworth TW7 7PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Zaher Shamshiri against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00542/182/PA2, dated 15 February 2017, was refused by notice dated 27 March 2017.
 - The development proposed is single storey rear extension 6m from original dwelling.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey rear extension 6m from original dwelling at 182 Hall Road, Isleworth TW7 7PG in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the occupiers of adjoining properties, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The submitted application form is dated 15 February 2016, though the Council states on its decision notice that it was received on 15 February 2017. I have therefore used the date of receipt as set out on the Council's decision notice in my banner heading above for reasons of clarity.

Application for costs

4. An application for costs was made by Zaher Shamshiri against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.
-

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of adjoining properties.

Reasons

6. The appeal property is a two storey semi-detached house within a residential area. There are neighbouring properties to each side and to the rear. The proposal would add a single storey rear extension across the width of the property. This would be 6m deep when measured from the deepest part of the original rear elevation and would be 3m high to the eaves with a maximum height of 3.8m.
7. The proposal would be built along the common boundary with No 184 Hall Road, the adjacent attached dwelling. However I note that this property has an existing single storey extension around 3m in depth. Therefore whilst the proposed development would project beyond the rear of the extension at No 18, the effect would be limited to approximately 3m of the proposal, as the existing extension would screen that part closest to the house.
8. I therefore acknowledge that around 3m of the extension would be visible when viewed from No 184. However the bulk of it would be screened by the existing boundary fence. In addition its height would be sloping down towards the 3m eaves. Due to its height, limited visible depth and the level of screening, I consider the proposal would not result in an unduly detrimental sense of enclosure for the occupiers of No 184 or that there would be an unacceptable impact overall on outlook. I note in this regard that the occupiers of this property have not objected to the development.
9. Furthermore as the extension would be located to the north of No 184 there would be no significant issue of overshadowing or loss of light to this property. Consequently I conclude that there would be no material harm to living conditions for the residents of No 184.
10. Owners and occupiers of several properties along Thatchers Way have raised concerns about overshadowing and loss of daylight, sunlight and privacy. However the proposal would be single storey and there would be no windows in the side elevations. Given this and the substantial distances between the appeal property and these dwellings I consider that the proposal would not be materially harmful in these regards. Consequently living conditions for the occupants of these neighbouring properties would not be adversely affected.
11. In relation to neighbouring residents on Arnold Crescent, as there would be substantial distances between these properties and the appeal proposal, there would be no detriment to amenity.
12. I acknowledge that the development would be larger than the maximum extension depth of 3.65m for semi-detached properties as set out in the Council's 'Residential Extension Guidelines' Supplementary Planning Guidelines (SPG) (2003). This seeks to ensure that daylight and sunlight to neighbouring residents is not blocked by development. I also note that the SPG pre-dates the publication of the amended GPDO which permits larger extensions subject to a number of conditions, and as such is not entirely consistent with it.

13. In this instance as I have already found that the appeal proposal would not be materially harmful to living conditions for neighbouring residents, the extension would comply with the provisions of the GPDO. In this context it would also comply with Policies CC2 and SC7 of the Hounslow Local Plan (2015) (LP), the SPG and the National Planning Policy Framework.
14. In relation to concerns raised about the proposal being an eyesore, this issue does not relate to amenity which is the only matter I can consider. Furthermore whilst the Council includes LP Policy CC1 within its reason for refusal, as this relates to character and context rather than amenity I do not refer to it within my decision.

Conditions

15. The appellant should note that under the GPDO, the development is permitted subject to a number of conditions. This includes, as set out under paragraph A3 of Schedule 2, Part 1 of the GPDO, a condition requiring that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. As such it would be unnecessary to impose a separate condition regarding matching materials as suggested by the Council.
16. Paragraph A4 (11) of the GPDO also requires that development is carried out in accordance with the approved details unless the local planning authority and developer agree otherwise in writing. In the context of this appeal the approved details include the application form and the submitted plans. I therefore do not find it necessary to impose a separate condition regarding the approved plans.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Y Wright

INSPECTOR