
Appeal Decision

Site visit made on 30 May 2017

by L J O'Brien BA (Hons) MA

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 20th June 2017

Appeal Ref: APP/R5510/D/17/3170734
60 Warwick Crescent, Hayes, UB4 8RF

- 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 Mrs Jaswinder Dhugga against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 23077/APP/2016/3781, dated 21 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is described as "a glass conservatory at the back of the house".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development varies between the application form, the appeal form and the Council's decision notice. In the interests of brevity and to best describe the development before me I have used the description from the appeal form.
3. The proposed development had been partially constructed at the time of my site visit. I have determined the appeal based on the submitted plans, which appear to accord with the parts of the development which have been constructed, and my observations on site.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of No 58 Warwick Crescent with particular regard to outlook, privacy and light.

Reasons

5. The appeal property, 60 Warwick Crescent, is a two-storey end-of-terrace property. There is an existing single-storey rear extension which spans the width of the property and projects approximately 3 metres from the rear wall of the dwelling. The rear gardens of both Nos 58 and 60 are fairly long but narrow.
 6. The proposed conservatory is partially complete; the shell has been constructed with bricks to approximately half of its height and provision for glazing above. The conservatory is situated to the rear of No 60 and projects
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- outwards from the rear wall of the existing extension. This has the cumulative effect of creating a rear projection with a depth of around 6.5 metres.
7. Although not fully erected at the time of my visit a glazed hipped roof forms part of the proposal which would increase the ridge height of the conservatory to approximately 3.25 metres. I also observed the high level windows of the conservatory were in situ and appeared prominent above the boundary fence when viewed from the rear garden of No 58.
 8. The height and depth of the combined rear projection lead to an extension which appears unduly dominant in views from the rear garden of the neighbouring property. The development creates an oppressive outlook and a strong sense of enclosure for those making use of the area immediately outside of the back door and the rear patio area of No 58. An existing outbuilding in the rear garden of No 58 narrows the garden at the point at which the conservatory is present thereby emphasising the overbearing impact of the development.
 9. Furthermore, the height and bulk of the conservatory would be increased from that visible during my site visit by the addition of the hipped roof once completed. The extra height and bulk added by the roof would increase the harm I have outlined above and further erode living conditions at No 58.
 10. The top level windows on the elevation facing No 58 would allow very close direct views into the rear garden area. Whilst I acknowledge that these windows are at a high level, it is not only actual overlooking, but the perception of overlooking which can harm privacy. Some degree of overlooking is common place in residential areas such as this; however, in this case the proximity of the windows to the rear amenity space of No 58 results in an unacceptable loss of privacy and consequential degree of harm to the living conditions of the occupiers of the property. While a planning condition might provide a means of mitigating this harmful aspect of the appeal scheme the wider harm outlined above would remain.
 11. For the reasons outlined above, I conclude that the development causes unacceptable harm to the living conditions at No 58 Warwick Crescent in respect of outlook and privacy. The proposal consequently fails to accord with the aims of Policies BE19 and BE21 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (LP). Amongst other things, these Policies seek to ensure that development complements or improves the amenity of the area and exclude the grant of planning permission where it would result in a significant loss of residential amenity.
 12. The guidance cited by the Council set out in the Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions, 2008 (SPD) sets a maximum depth of 3.3 metres (for plots less than 5 metres wide) and 3.6 metres (for plots in excess of 5 metres wide) for rear extensions. The SPD is clear that this guidance refers specifically to first time extensions and acknowledges that second extensions, such as conservatories, may well result in depth limits being exceeded. The SPD goes on to say that, for this reason and due to the resultant harm, conservatories on the back of existing extensions will generally be refused planning permission. Consequently, the addition of the conservatory does not accord with guidance contained within the SPD.

13. Due to the orientation of the property, the fact that the conservatory is single storey and the level of glazing, I consider that the impact of the development on sunlight and daylight levels at No 58 is minimal. There may be some loss during the late afternoon and early evening but not to such an extent as to be unduly harmful to the amenity of the occupiers of the property. In this respect I cannot see a conflict with Policy BE20 of the LP which requires buildings to be laid out so that adequate daylight and sunlight can penetrate into and between them thus safeguarding the amenities of existing houses.
14. I have sympathy with the appellant's personal circumstances and acknowledge the attempts to obtain advice from the Council. However, none of these matters are sufficient to outweigh the harm I have identified.
15. Having regard to my conclusions on the main issue and all other matters raised, I conclude that the appeal should be dismissed.

L J O'Brien

APPOINTED PERSON