
Appeal Decisions

Site visit made on 13 June 2017

by Oliver Blower MA (T&CP)

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

Decision date: 5 July 2017

Appeal A: APP/R5510/D/17/3172785 56 Dawley Road, Hayes UB3 1NB

- 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 Sarvjit Hayer against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 53514/APP/2016/1872, dated 17 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is described as "*proposed single storey rear extension with tiled roof and new front vehicle crossover*".
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Appeal B: APP/R5510/D/17/3172782 54 Dawley Road, Hayes UB3 1NB

- 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 Sarvjit Hayer against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 23042/APP/2016/1871, dated 17 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is described as "*proposed single storey rear extension with a tiled roof, and a new vehicle crossover installed*".
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Decision

1. The appeals are dismissed.

Procedural Matters

2. I note in relation to the first reason for refusal concerning 56 Dawley Road (Ref 53514/APP/2016/1872), the Council refers to the loss of daylight and sunlight to 52 and 56 Dawley Road. It is clear from the evidence, however, that this reference should be to 54 and 58 Dawley Road.

Main Issues

3. The main issues are the effect of the proposed rear extensions on 1) the living conditions of neighbouring occupiers with particular regard to loss of daylight and sunlight and 2) the character and appearance of the host buildings and immediate area.
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Reasons

Living Conditions

4. The development plan includes the London Borough of Hillingdon Unitary Development Plan saved policies, September 2007 (UDP). Policy BE20 of the UDP seeks to ensure that adequate daylight and sunlight can penetrate into and between buildings and the amenities of existing houses are safeguarded. Policy BE21 of the UDP seeks to ensure that planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.
5. Further guidance is given in the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions 2008 (SPD). This recommends that where adjoining houses already have a very deep rear extension which may exceed the stated guidelines limit; permission may be given for a new extension of similar depth if it does not result in a loss of daylight, sunlight or outlook to neighbouring properties.
6. I note that the Council has confirmed that prior approval is not required for 4m deep single-storey rear extensions to both houses (refs 23042/APP/2016/932 and 53514/APP/2016/933). Although not expressly stated, these extensions are likely to be constructed in the event that the proposed developments fail, thus I give these fallback positions some weight.
7. The proposed 5m deep extension at No 54 would be built close to the boundary with No 56. Due to its proximity to No 56, its excessive depth and large flank wall, it would unacceptably diminish the levels of sunlight and daylight entering the rear habitable room windows of No 56. For the same reasons, the 5m deep extension at No 56 would also diminish sunlight and daylight entering the rear habitable room windows of No 54. In my assessment these harms would be materially greater than the 4m fallback positions.
8. I acknowledge that these particular harms would vanish if both extensions could be guaranteed to be built in tandem, as the rear most windows of each extension would be level with the other. However, despite the combined ownership of the sites and the appellant's assurances, in the absence of a legal agreement conditions cannot be imposed to ensure that both extensions are completed concurrently.
9. No 58 has a narrow window to its east elevation. The proposed extension at No 56 would have a flank wall higher than the existing lower boundary treatment close to the narrow window of No 58, diminishing the levels of sunlight and daylight reaching the room. However, due to the greater space between properties and the slope of the proposed roof, the effect of the extension beyond a depth of 4m would be broadly similar to that of the existing fence. Thus, on balance, the proposed extension would not be appreciably more harmful to the living conditions of the occupiers of No 58 than the appellant's fallback position.
10. I note that the proposed extensions would broadly align with the depth of the rear extensions at No 52 and 58 Dawley Road, thus their depth would not significantly reduce daylight or sunlight reaching the primary windows on the rear most elevations of these extensions.

11. Notwithstanding the above, as either of the proposed extensions could be built independently of the other, I conclude that each would cause unacceptable harm to the living conditions of neighbouring occupiers at No 56 or 54, with particular regard to loss of daylight and sunlight. The extensions are therefore contrary to policies BE20 and BE21 of the UDP and the Residential Extensions SPD.

Character and appearance

12. Policy BE13 of the UDP seeks to ensure that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance. Policy BE15 of the UDP seeks to ensure that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.
13. Policy 7.4 of the London Plan (2016) seeks to ensure that buildings should provide high quality design response that has regard to scale, proportion and mass.
14. The Residential Extensions SPD recommends that rear extensions should always be designed so as to appear 'subordinate' to the original house, and advises that an extension up to 3.6m deep is acceptable to a semi-detached house on a plot more than 5m wide. However, the SPD goes on to advise that where adjoining houses already have a very deep rear extension which may exceed the stated guidelines limit, permission may be given for a new extension of similar depth.
15. The proposed rear extensions would be broadly the same depth as those of the adjacent houses at No 58 and 52 Dawley Road. I also note that there is a 5m deep extension at No 50 Dawley Road which was recently granted permission.
16. Given the prominence of deep single-storey rear extensions to houses in the immediate area, the proposed extensions would not look out of place. Their low height and use of matching materials would appear subordinate to and in keeping with the scale of the semi-detached pair. Thus they would not harm the character and appearance of the houses or area, in accordance with UDP policies BE13, BE15, London Plan policy 7.4, and the Residential Extensions SPD.

Conclusion

17. I note that the Council has not objected to the proposed vehicle crossovers and I have no reason to disagree. Nonetheless the proposals as a whole are unacceptable due to the harm caused to the living conditions of the occupiers of 56 and 54 Dawley Road, for the reasons given above. Consequently, having had regard to all other matters raised, I dismiss the appeals.

Oliver Blower

Appointed Person