
Appeal Decision

Site visit made on 20 June 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 06 July 2017

Appeal Ref: APP/R5510/D/17/3176776

6 Hamilton Road, Uxbridge UB8 3AJ

- 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 T Plaha against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 5670/APP/2017/42, dated 4 January 2017, was refused by notice dated 30 March 2017.
 - The development proposed is ground floor rear, front, two storey side extension including loft conversion with dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 5 Hamilton Road in terms of light and outlook.

Reasons

Character and appearance

3. Hamilton Road is a cul-de-sac. While most of the properties are two storeys, being a mixture of detached and semi-detached properties, there are also a small number of bungalows. The Council has identified it as lying in the Orchard Drive, Hamilton Road, Clayton Way Area of Special Local Character (ASLC). However, this is not a Conservation Area. Within the ASLC, under the terms of Policy BE5 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012) (the UDP) new development should harmonise with the materials, design features, architectural style and building heights predominant in the area, and extensions to dwellings should respect the symmetry of the original buildings. While some of the properties are quite close together there are generally gaps between them, particularly at first floor level, and this provides part of the character of the area and makes it distinctive.
4. The Council has published the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) (the HDAS). This was adopted following public consultation and is written so as to provide clear and

unambiguous guidance on the types of residential extensions and alterations which are likely to be considered acceptable. As regards two storey side and first floor side extensions the HDAS considers proposals in terms of their setting and with particular reference to the character and quality of the overall street scene. As this is in accordance with paragraph 58 of the National Planning Policy Framework (the Framework), which indicates that decisions should aim to ensure that developments respond to local character, reflecting the identity of local surroundings, I am able to give this part of the HDAS significant weight.

5. The proposed extension would involve the removal of a single storey lean-to side extension on the northern side of the property. This has a translucent sheeting roof and is open to the front and therefore has a lightweight character. The replacement two-storey extension would extend to the north with a hipped roof for the width of the existing main dwelling and would continue the ridge of the existing ridge and roof planes. To the rear a single storey flat roofed rear extension would be replaced with a single storey lean-to extension across the whole width of the existing property as well as the side extension. To the front a new lean-to roof would replace the existing porch and extend in front of the side extension. There would be a loft conversion with a dormer in the rear roof plane.
6. The proposed extension would come close to the boundary with 5 Hamilton Road. The exact distance is not dimensioned on the application drawing but would appear to be less than 0.5 m. Policy BE22 of the UDP states that residential extensions of two or more storeys in height should be set back a minimum of 1 m from the side boundary of the property for the full height of the building. This is taken through in the HDAS which indicates that in order to protect the character of and appearance of the street scene and protect the gaps between properties preventing houses from combining visually to form a terraced appearance there should be a minimum of 1.5 m from the boundary. Whatever the precise dimension, the proposal would be less than the 1 m set out in Policy BE22 and the 1.5m set out in the HDAS. The existing property is close to the southern edge of the appeal site meaning that the proposal would extend across the vast majority of the width of the appeal site.
7. The design is such that the proposed extension would not appear subservient to the main house. While subservience is not, of itself, a requirement, that the proposal does not have this characteristic means the overall composition of the resultant building would appear bulky with the roof being particularly dominant as an architectural feature.
8. While there are gaps on either side of the appeal property to both 5 and 7 Hamilton Road the extent of the proposed development would extend across the vast majority of the width of the appeal site. This would result in a bulky building out of keeping with the wider character of the area with its significant, in terms of effect, gaps between properties.
9. The Council is concerned about the dormer on the rear elevation. However, this could not be seen from the public domain and would appear as a relatively small element within the overall roof (albeit that I have found the roof would be bulky). I am therefore satisfied that this element, of itself, would not represent an overly dominant and visually intrusive addition to the property had the other elements been found to be acceptable.

10. The appellant has referred to a number of other extensions on properties in the surrounding area. However, I do not have the full planning histories of these developments and, in any case, each case needs to be considered on its individual merits based on the planning circumstances, including the development plan, pertaining at the time of the decision.
11. Through its bulky design and lack of space on the northern side of the appeal site the side extension would be harmful to the character and appearance of the area. It would therefore be contrary to Policies BE1 and HE1 of Hillingdon Local Plan: Part One - Strategic Policies (November 2012) which require that development should improve and maintain the quality of the built environment where extensions enhance local distinctiveness and conserve and enhance locally recognised historic features such as an ASLC. It would also be contrary to Policies BE5, BE13, BE15, BE19 and BE22 of the UDP in that it would fail to harmonise with the existing street scene, and the scale, form and architectural composition of the original dwelling, and would not complement or improve the amenity and character of an area, as well as previously set out. It would also be contrary to the guidance of the HDAS set out above. Finally, it would be contrary to paragraphs 58 and 64 of the Framework as set out above, and which indicates permission should be refused for development that fails to take the opportunities for improving the character and quality of an area.

Living conditions

12. The adjoining property to the north, 5 Hamilton Road, is located approximately 3 m from the joint boundary. This area provides an access through to an outbuilding located to the side and rear of that property. There are a number of openings in the south elevation of No 5. At ground floor, from the rear, is a door which appears to open into a store, then a window which appears to light a kitchen, next the back door with a glazed panel and finally a small window which unlike the kitchen window is obscure glazed. Towards the front of this elevation is a tall window spanning between the ground and the first floors. At first floor level are two obscure glazed windows.
13. I have not been provided with floor plans of No 5, but it can reasonably be assumed that the windows with obscure glazing are to non-habitable rooms, and the window between ground and first floors is to a stairway. However, as taps could be seen through the clear glazed window it is reasonable to assume that this is to a kitchen. The Council's report indicates that this is the primary window to this room and the appellant has not disputed this.
14. The construction of a two storey element in close proximity to that kitchen window would result in an overbearing effect to those in the kitchen and in the immediate area between the two properties and a loss of light within the kitchen. This would be significantly harmful to the living conditions of the occupier of that property as the extension would be to the south and would result in the material loss of sunlight and daylight when compared with the existing situation.
15. Consequently, the proposal would not result in satisfactory living conditions for the occupier of No 5. As such it would be contrary to Policies BE19, BE20 and BE21 of the UDP which seek development within residential areas to complement or improve the amenity of the area, that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them and the amenities of existing houses are safeguarded, and states that

planning permission will not be granted for extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity. It would also be contrary to the HDAS which indicates that large two storey extensions can overshadow habitable rooms of neighbouring property. Finally, it would also be contrary to paragraph 17 of the Framework which seeks a good standard of amenity for all existing occupiers of land and buildings.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR