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## 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: 11<sup>th</sup> July 2017**

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**Appeal Ref: APP/R5510/D/17/3170365**

**50 Longmead Road, Hayes, Middlesex, UB3 2HD**

- 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 M A and S A Ansari against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 58618/APP/2016/4191, dated 15 November 2016, was refused by notice dated 20 January 2017.
  - The development proposed is described as "part two storey, part single storey rear extension and porch to front".
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### Preliminary Matter

1. For the reasons that follow, I find the proposed porch to be acceptable and it is clearly severable both physically and functionally from the proposed rear extension. Therefore, I intend to issue a split decision in this case and grant planning permission for the porch.

### Decision

2. The appeal is dismissed insofar as it relates to the proposed part two storey, part single storey rear extension. The appeal is allowed insofar as it relates to the front porch and planning permission is granted for a front porch at 50 Longmead Road, Hayes, Middlesex, UB3 2HD in accordance with the terms of the application, Ref 58618/APP/2016/4191, dated 15 November 2016 so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they are relevant: 50/ANS/301A, 50/ANS/101, 50/ANS/200, 50/ANS/300, 50/ANS/102.
  - 3) The materials to be used in the construction of the external surfaces of the front porch hereby permitted shall match those used in the existing building.

### Main Issues

3. The main issues in this appeal are:
    - the effect of the proposed development on the character and appearance
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of the area, and

- the effect of the proposal on the living conditions of the occupiers of the host dwelling in respect of the amount of private usable amenity space, and
- the effect of the proposed development on the living conditions at No. 51 Drenon Square with particular regard to privacy.

### **Reasons**

4. No. 50 Longmead Road, the appeal property, is a two-storey mid-terraced dwelling set-back from the road behind a front garden area which currently comprises an area of hardstanding (large enough to park two cars) and a small area of soft landscaping.
5. The proposal is for a single storey rear extension which would span the entire width of the ground floor of the property and project approximately 4 metres from the rear building line. In January 2017 the Council determined that an extension such as this would not require prior approval. The proposal also includes a first-floor rear extension which would project around 3.6 metres from the rear of the dwelling and be approximately 4.6 metres wide. A front porch is also proposed.

#### *Living conditions at the host dwelling*

6. The proposed rear extension would occupy a significant proportion of the rear garden area of No. 50. The first-floor extension would provide an additional bedroom, creating a four-bedroomed property. As such guidance contained within the Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions, 2008 (SPD) requires a rear garden area of 100 square metres to be retained following any rear extension.
7. The Council contends, and the appellant does not disagree, that only approximately 50 square metres of private garden space would remain following the development. In my view, the limited rear garden area which would remain would be insufficient to serve a dwelling of the size proposed. The remaining garden area would also be of a sub-standard quality as the proposed extension would appear overbearing and dominant to those using the amenity space.
8. The remaining garden area would also fall significantly short of what is required by the SPD. Whilst the figure contained within the SPD is only guidance its aim is echoed in policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (LP). This policy requires extensions to maintain external amenity space which is sufficient to protect the living conditions of the occupants.
9. I therefore conclude that the proposed rear extension would have an unacceptably harmful effect on the living conditions of the occupiers of No. 50 Longmead Road. Accordingly, the proposal would be in conflict with policy BE23 of the LP and the guidance contained within the SPD. The aims of LP policy BE19 which seeks to ensure that new development complements or improves the amenity of the area would also not be met.

#### *Living conditions at No. 51 Drenon Square*

10. The boundary to the rear of the site's garden is the side boundary of No. 51 Drenon Square. The window in the first-floor of the proposed extension would be considerably closer to the boundary with No. 51, and its garden area beyond, than is currently the case. The increase in the proximity of the rear wall, and window, of No. 50 to No. 51 would increase the perception of overlooking and whilst, I acknowledge that the new window would not directly overlook any habitable rooms, it would allow direct views into the garden area of No. 51. The proposal would, consequently, harm the privacy of those using this amenity space. This harm adds to my concerns regarding this aspect of the proposal.
11. The Council state that a distance of 21 metres is suggested by the SPD to maintain adequate living conditions and hold that in this case the distance would be 14 metres. This figure in the SPD, however, refers specifically to the distance between the windows of habitable rooms and due to the layout in this instance is not applicable. Nevertheless, the SPD does seek to ensure that extensions are designed so as to protect the privacy of adjoining occupiers and goes on to say that direct overlooking will not be permitted.
12. Consequently, I conclude that that the proposed rear extension would cause harm to the living conditions at No. 51 Drenon Square in respect of privacy. The proposed development would therefore be in conflict with the aims of the SPD in this respect and would also be contrary to LP policies BE19, BE21 and BE24 which exclude the grant of planning permission where it would result in a significant loss of residential amenity, particularly with regard to privacy.

#### *Character and appearance*

13. The Council's concerns relating to the effect of the proposed development on the character and appearance of the area are limited to the impact of the front porch. The front porch would have a pitched roof and would project approximately 1.5 metres from the house. It would be situated in line with the current front door towards the centre of the front garden area.
14. The new projection would require a realignment of the two parking bays to either side of the door and the plans indicate that the current area of soft landscaping would be removed. The SPD states that when parking layouts are altered at least 25% of the front garden area may be required to be maintained for planting and soft landscaping and also guides applicants not to replace the whole front garden with hardstanding.
15. However, the current area of soft landscaping covers only a minimal proportion of the garden area and makes a limited contribution to the character and appearance of the area. Many other properties have hardstanding to the front. The SPD sets out guidance in order to protect the character and appearance of the area. In my view, the existing circumstances mean that only a negligible amount of harm would be caused by the replacement of the soft landscaping with hardstanding and the character and appearance of the area would not suffer unduly. Therefore, I consider that the 25% figure is not appropriate in this instance.
16. Accordingly, I conclude that the proposed porch would not cause unacceptable harm to the character and appearance of the area. In this respect, the proposal would not be in conflict with the aims of policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and policies BE13, BE19 and BE38 of the LP.

Amongst other things, these policies seek to ensure that development improves and maintains the quality of the built environment and provides a high quality of design which harmonises with, and makes a positive contribution to the local area. The proposal would also accord with the parking standards set out within policy AM14 of the LP which requires 3 and 4 bedroomed dwellings to have 2 parking spaces.

17. I note the appellant's willingness to provide soft landscaping and to have this required by condition. However, given my findings detailed above I do not consider such a condition to be necessary.

### **Conclusion**

18. The proposed part two storey, part single storey rear extension is unacceptable for the reasons given above. However, it is severable from the remainder of the proposed development and therefore, while the appeal fails in relation to the rear extension, it succeeds, subject to conditions, in respect of the proposed porch.

### **Conditions**

19. In addition to the standard commencement condition, one that requires the development to be undertaken in accordance with the approved plans is necessary in the interest of certainty. A condition which requires the external surfaces to match those of the existing building is necessary in order to ensure a satisfactory appearance to the proposed development.

*L J O'Brien*

APPOINTED PERSON