
Appeal Decision

Site visit made on 25 July 2017

by S Jones MA DipLP

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

Decision date: 06 September 2017

Appeal Ref: APP/R5510/D/17/3174313
65 Park Road, Uxbridge UB8 1NN

- 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 Joseph Exaltacion against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70968/APP/2016/4454, dated 7 December 2016, was refused by notice dated 1 February 2017.
 - The development is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the development as set out in the decision notice because it is more concise. The extension has also been constructed so I have therefore considered this appeal on the basis that it seeks retrospective permission. There is also an alteration proposed on the side by No 63. I consider that this does not result in any prejudice to the appellant because it is clear what development is being considered.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers at No 67 Park Road, with particular regard to light, outlook and overshadowing.

Reasons

4. Jointly with No 67, the property forms a pair of two storey brick semi-detached houses with attached garages in a suburban area of Uxbridge close to the town centre. No 63 forms part of the next pair of semi-detached dwellings to the south.
5. The single storey rear extension runs across the full width of the dwelling including its attached garage. It is rectangular and its approximate dimensions are 4.5m deep x 8.4m wide. However, it is proposed to remove a corner square of the extension at the boundary with No 63. The extension would move back to be roughly level with the buildings at No 63 and then inset from the boundary by roughly 2.7m. There would be no changes on the boundary with No 67.

6. Although the scale of the extension would be reduced at this boundary, this relates to the boundary with No 63. In terms of No 67, the boundary runs very closely with No 67, and its sizeable flank wall extends out by 4.5m. The relationship between the properties here is also particularly close because No 67 directly adjoins No 65 in the middle. This half of the semi-detached pair lies on the north side of the appeal property and consequently falls in the shadow cast by the extension.
7. Furthermore, the main ground floor windows are still at the original building line, so that the full depth of the 4.5m flank wall impacts upon them and appears overbearing and dominant in the outlook from them. I note that an extension of 4m depth has been approved, however I must consider the appeal on its merits and as it is before me, which is for a larger extension. Given the bulk and proximity of the extension, I consider that it adversely affects the amount of daylight and sunlight entering the ground floor windows at No 67 to the extent that it would be oppressive and harmful to the living conditions of the occupants of No 67. Whilst it is said that the ground floor windows at No 67 are not to primary or habitable windows, they are windows to the ground floor living areas in a two storey property, and I conclude that they are windows of primary importance.
8. The reduction in the scale of the extension relates solely to the boundary with No 63 and not to this boundary with No 67. Consequently as a matter of fact this alteration would not address concerns about living conditions at No 67.
9. I do not consider that the proposed alteration significantly changes or reduces the overall impact from the extension. In my view there is a significant adverse impact on No 67 because of the above factors. Given the large size, scale, bulk and depth of the extension, and its very close proximity to No 67 plus the dominance and overshadowing arising from its northerly aspect, I conclude that consequently the development conflicts with saved policies BE19, BE20 and BE21 of the London Borough of Hillingdon Local Unitary Development Plan: Part Two-UDP Saved Policies 2012 (UDP) for these reasons, which amongst other things seek to safeguard residential amenity. These policies have been incorporated into the Hillingdon Local Plan 2012 and are broadly consistent with the National Planning Policy Framework 2012 (the Framework). The development would also conflict with the Hillingdon Design and Accessibility Statement: Residential Extensions 2008 and its guidance on the types of residential alterations and extensions that are likely to be considered acceptable, which makes it clear that extensions and alterations must not have an adverse impact on the living conditions of neighbouring properties.

Other Matters

10. The appellant states that this development is not materially different from the original application 70968/APP/2016/1977 approved. However, as it is larger overall, alters the shape, and its consequent effect on the two adjacent properties is different, I conclude it is not the same as that approval. I note the reason that the extension has been extended was to avoid a public sewer. However, it does not justify the size of the extension and cannot outweigh the harm to living conditions.
11. The appellant also refers to London Plan Policy 7.6 in support of their case for the extension in terms of design, but this clearly also refers to the avoidance of unacceptable harm to living conditions which this case did not avoid.

Conclusion

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

S Jones

INSPECTOR