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## Appeal Decision

Site visit made on 24 October 2017

**by Daniel Hartley BA Hons MTP MBA MRTPI**

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

**Decision date: 03 November 2017**

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**Appeal Ref: APP/R5510/D/17/3180277**  
**72 Monmouth Road, Hayes UB3 4JJ**

- 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 G K Bhamra against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 59658/APP/2017/953, dated 15 March 2017, was refused by notice dated 9 May 2017.
  - The development proposed is a two storey side/rear extension and a first floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey side/rear extension and a first floor rear extension at 72 Monmouth Road, Hayes UB3 4JJ in accordance with the terms of application Ref 59658/APP/2017/953, dated 15 March 2017, subject to the attached schedule of conditions.

### Procedural Matter

2. I have taken the description of development from the Council's decision notice rather than the planning application form as this more accurately describes the appeal proposal.

### Main Issues

3. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 74 Monmouth Road in respect of outlook and light.

### Reasons

4. The appeal site comprises a semi-detached dwelling positioned on a bend in Monmouth Road. It is proposed to erect a two storey side and rear extension which would measure about 3.6 metres in width and would project about 3.6 metres from the original rear wall of the property. The first floor rear extension would have a hipped roof and would have a maximum height of approximately 6.6 metres.

#### *Character and appearance*

5. I have no reason to disagree with the Council that the proposed extensions would be in proportion and scale with the host dwelling and that they would not

have a detrimental impact upon the balance and symmetry of the pair of semi-detached dwellings.

6. The two storey side extension would be built very close to the side boundary with No 74 Monmouth Road. The Hillingdon Design and Access Statement (HDAS) Supplementary Planning Document 2008 – Residential Extensions (SPD) states that *"the Council requires all residential extensions and buildings of two or more storeys in height to be set back a minimum of 1 metre from the side boundary of the property for the full height of the building. This protects the character and appearance of the street scene and protects the gaps between properties - preventing houses from combining visually to form a terraced appearance"*. This requirement is also repeated in saved Policy BE22 of the adopted Hillingdon Unitary Development Plan 2007 (UDP).
7. As the two storey extension would be about 0.2 of a metre from the side boundary, this part of the proposal would not accord with the SPD or Policy BE22 of the UDP. However, the appeal site is on a bend in a road and hence the plot is large. Owing to this, as well as the chamfered spacing of No 72 and No 74 Monmouth Road, the open gap between the properties is much larger than for others in the street. On this basis, I am satisfied that the two storey extension could be erected relatively close to the side boundary with No 74 Monmouth Road without it have a materially adverse impact upon the open gap between the properties. Furthermore, and given the resultant spacing between the buildings, the proposed side extension would not lead to a terracing impact. For these reasons, the two storey extension would not in fact be in conflict with the design aims of the SPD which states that *"a relaxation of the 1m set-in may be considered where the openness of the corner plot would be maintained and return building lines are not breached"*.
8. For the reasons outlined above, and notwithstanding the fact that the two storey extension would not be set back by a minimum of 1 metre from the boundary with No 74 Monmouth Road, the proposal would not have a significantly adverse impact upon the character and appearance of the area and would therefore accord with the design aims of Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 (LP); saved Policies BE13, BE15, BE19 and BE22 of UDP and the SPD.

#### *Living Conditions*

9. Given the position and scale of the first floor rear extension it would not have a detrimental impact upon the occupiers of No 70 Monmouth Road in respect of loss of light, privacy or outlook. In order to maintain the privacy of the occupiers of this neighbouring property, a planning condition could be imposed which prevented the insertion of window openings in the side elevations of the proposed extensions.
10. The two storey side extension would extend beyond a 45 degree horizontal angle when measured from the centre line of the nearest habitable room windows of No 74 Monmouth Road. In this regard, there would be some conflict with the SPD. However, taking into account the generous separation distance between the proposed side extension and the neighbouring property, as well as the orientation of the two dwellings, I do not consider that the infringement of the 45 degree standard would give rise to a material loss of outlook or light for the occupiers of No 74 Monmouth Road. I reach this view also in the knowledge that whilst the proposed side extension would be two

storeys it would not project as far into the rear garden as the existing single storey addition to the house.

11. There are no window openings proposed for the side elevation facing No 74 Monmouth Road and this arrangement could be controlled by means of the imposition of a planning condition.
12. I conclude that whilst the proposal would represent an infringement of the 45 degree standard, subject to the imposition of planning conditions the development proposal would not have a significantly detrimental impact upon the living conditions of the occupiers of neighbouring residential properties (including No 74 Monmouth Road) in respect of outlook, light and privacy. Therefore, the proposal would accord with the residential amenity aims of the SPD and saved Policies BE19, BE20 and BE21 of the UDP.

### **Conditions**

13. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
14. In the interests of the character and appearance of the area, a planning condition is necessary relating to materials. In the interests of the living conditions of the occupiers of Nos 70 and 74 Monmouth Road, a planning condition is necessary which prohibits the insertion of window/door openings within the walls or roofs of the two storey extension and first floor extension.

### **Other Matters**

15. The appellant has referred me to examples of similar developments elsewhere which have been built/approved. It has not been necessary for me to consider these developments in detail as I have found that the appeal proposal is acceptable.

### **Conclusion**

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

*Daniel Hartley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Location Plan and Drawing No FEB/17/07.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved without the prior approval of the Local Planning Authority.