
Appeal Decision

Site visit made on 22 November 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 6th December 2017

Appeal Ref: APP/R5510/D/17/3181659
106 Manor Waye, Uxbridge UB8 2BH

- 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 Jasbir Aulakh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 49737/APP/2017/1110, dated 27 March 2017, was refused by notice dated 17 May 2017.
 - The development proposed is single storey rear & part side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupants of 108 Manor Waye, with particular regard to outlook, daylight and sunlight.

Reasons

3. The appeal relates to an end terrace dwelling in a predominantly residential area. The Council's main concerns relate to the effect on outlook and light on the occupants of 108 Manor Waye resulting from the extent to which the single storey extension would project along the common boundary.
4. The rear of No 106 already projects beyond that of No 108 by around 3.3 metres by virtue of an earlier extension. This is a two storey extension in the main, the ground floor of which already extends along the common boundary. The existing extension is already likely to have some effect on the outlook of the neighbouring property and the extent to which direct sunlight can enter ground floor rooms and garden area nearest to the house at certain parts of the day.
5. The proposal would extend the built form a further 3.4m along the boundary. Although the gardens of the two properties are relatively long, approximately 6.7 metres of flank wall directly abutting the common boundary would represent a significant amount of cumulative development beyond the rear elevation of No 108. This would be well beyond that recommended in the Council's Design and Accessibility Statement Supplementary Planning Document (SPD)(2008). This suggests that for end terrace dwellings, a rear extension of between 3.3m and 3.6m is acceptable, subject to plot width.

6. The boundary treatment at the top of the garden is a tall close boarded fence and high hedge. Nonetheless, the extension would still be seen above this treatment. When taken with the existing extension, the cumulative increase in the scale of the built form along the boundary would be significant. In my view, the result of this would be a distinctly noticeable and overly intrusive feature when viewed from No 108.
7. The hedge would clearly have some effect on both the outlook of No 108 and the amount of direct sunlight and daylight entering the garden and ground floor rooms. However, it is not clear whether the hedge is in the control of the appellant and thus there can be no guarantee that this would be retained at its current height or length in perpetuity. If it were ever to be removed or substantially lowered, then the deep flank of No 106 would be an even more imposing and intrusive feature.
8. I also recognise that the boundary angles into the garden of No 106. As a result, the extension would angle away from the rear windows of No 108. This would provide a small degree of mitigation in terms of outlook from the dwelling. Nonetheless, the bulkiness, proximity, depth and height above the existing boundary would still result in an overly intrusive and overbearing form of development that would tangibly diminish the enjoyment of both the room nearest the boundary and the garden space. This would be particularly the case in the garden area where the extension would create a sense of enclosure and confinement that would detract from the enjoyment of this space.
9. Owing to the distance between the extension and the rear windows of No 108, I am not convinced that there would be a significant additional impact on either sunlight or daylight entering these rooms. Nevertheless, notwithstanding the hedge, there would be some additional effect on the garden area, particularly in terms of direct sunlight during the afternoon. In combination with the effect of the existing extension, I consider the degree of overshadowing likely to be caused or exacerbated would contribute to an unacceptable cumulative effect on the enjoyment of the garden space nearest to the dwelling.
10. As such, I find that the development would have unacceptable impact on the living conditions of the neighbouring occupants. Accordingly, there would be conflict with saved policies BE19, BE20 and BE21 of the Hillingdon Unitary Development Plan (adopted 1998, saved 2007) which seek, amongst other things, to ensure that development would not result in a significant loss of residential amenity by virtue of siting, bulk and proximity. There would also be conflict with the SPD which seeks, amongst other things, to ensure potential detrimental effects on neighbouring residents and their gardens are fully assessed.

Other Matters

11. Whilst no objections were lodged against the application, I must consider the long term implications of the development. Even if the existing occupant of No 108 does not have any concerns, this situation may change over time. This does not alter my view that the individual and cumulative impact of the development would be unacceptable.
12. I could see from the rear garden that there were other rear extensions in the vicinity of the dwelling. However, it was not clear that they were either as large as the development before me or had the same relationship with their

neighbours. As I have not been provided with any details of the approvals for these extensions I cannot conclude with any certainty that they are comparable to the development. In any event, I have considered the appeal on its own merits based on the evidence before me and my own observations.

13. Whilst I have noted the Council raised no objections in relation to the design of the extension, the effect on No 104 or the amount of garden space that would remain, these are all neutral factors that weigh neither for nor against the development and do not alter my conclusion.

Conclusion

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

S J Lee

INSPECTOR