



Appeal Decision

Site visit made on 25 June 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/R5510/D/19/3228960

93 Brixham Crescent, Ruislip HA4 8TT

- 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 & Mrs Simpson against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 64579/APP/2019/540 dated 13 February 2019, was refused by notice dated 9 April 2019.
 - The development is a proposed single storey rear extension, part two storey rear extension, two storey (rear of) side infill extension. Roof alterations to raise existing side extension roof ridge level with ridge of existing house.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, part two storey rear extension, two storey (rear of) side infill extension and roof alterations to raise existing side extension roof ridge level with ridge of existing house at 93 Brixham Crescent, Ruislip HA4 8TT in accordance with the terms of the application, Ref 64579/APP/2019/540, dated 13 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5527/001 (Rev A), 5527/002 (labelled Rev A, with a note referencing Rev B).
 - 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Drawing No. 5527/002 is labelled Revision A. However, in the Notes section, that drawing also makes reference to Revision B. The parties confirmed that this drawing is the correct drawing for this proposal and I have considered it accordingly.

Main Issues

4. The effect of the proposed extension on the character and appearance of the host property and the surrounding area, and on the living conditions of the occupants of Nos 91 and 95 Brixham Crescent, with particular reference to outlook and light.

Reasons for the Recommendation

Character and appearance

5. The appeal property is set in a street where side and rear extensions are a common and noticeable part of the character and appearance of the area. The varied form and styles of these extensions is the context within which the appeal proposal is considered.
6. There is no dispute between the parties that the height and massing of the single storey element of the proposal would be of an acceptable scale, and sufficiently subordinate to the host property. I concur.
7. In terms of the two storey extension, whilst this, taken with the existing two storey side extension would result in the original dwelling being heavily extended, I find that the extension's scale and design would respect the character and appearance of the host property. The height of the rear part of the extension would be lower than the ridge height of the host property and when viewed from the rear it would appear as a subordinate addition.
8. The proposal also includes the raising of the ridge line above the existing side extension so that it would be in line with the original dwelling. Although such an increase would conflict with the guidance set out within the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Residential Extensions (December 2008), I consider that the proposed increase in height would be small and would be unlikely to be noticeable in the street scene, particularly given that the roof design would respect the existing property, and given that there are other similarly designed roofs in the locality. In this regard the proposal would not be harmful to the host property or the locality.
9. In light of the foregoing, I conclude that the proposal would respect the character and appearance of the host property and the area in general, in accordance with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) and saved policies BE13, BE15 and BE19 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) (Saved Policies 27 September 2007) (UDP). These policies collectively seek to achieve a high quality of design which complements or improves the character of the area.

Living conditions

10. A tall boundary fence exists between the appeal property and No 91. The proposed single storey element of the extension would not project significantly above this fence and would be unlikely to have an adverse effect upon the outlook from the rear of this property as a result.
11. Whilst the two storey element of the proposal would be visible from the rear of No 91 and its garden, the property's open outlook down the rear garden would

remain. The two storey extension would be located sufficiently far away from the party boundary to ensure that it would not harm the outlook from the rear of No 91, or result in a loss of light to the rear rooms or garden. These areas would be unlikely to be less pleasant places to use as a result of the proposal. Harm to the living conditions of the occupiers of No 91 would be unlikely to result.

12. The HDAS makes reference to the 45 degree angle in terms of daylight and sunlight and depth of rear and first floor rear extensions. It states that any two storey extension extending beyond a 45 degree horizontal angle measured from the middle of a principle window to a habitable room on the adjoining dwelling may not be acceptable.
13. In this case, the submitted drawings indicate that the first floor of the extension would not extend beyond a 45 degree angle drawn from the rear first floor window of No 95. Whilst the drawings are helpful in this regard, it remains necessary for me to consider the effect of the proposal on the living conditions of nearby occupiers.
14. Although the new extension would be sited close to the party boundary with No 95 and its side wall would be visible from the rear facing windows, it would be unlikely to be visually intrusive to the occupiers of No 95 because of its relationship to rear facing windows. Moreover, the open outlook that is afforded to this property down its rear garden would be unaffected by the proposal.
15. Although concern has been raised in respect of loss of light, I have no substantive evidence before me to demonstrate that this would be the case. Given my findings above and having regard to the relationship of the proposal to No 95 and its garden, any loss of light would be likely to be limited and would be unlikely to affect the living conditions of the occupiers of this property or make the rooms or garden of this property less pleasant to use.
16. In light of the foregoing, I conclude that the proposal would not adversely affect the living conditions of the occupants of Nos 91 and 95 Brixham Crescent. Therefore, the proposal complies with saved policies BE19, BE20 and BE21 of the UDP, which collectively seek to ensure that the amenities of existing houses are safeguarded. There would also be no conflict with the guidance contained in the HDAS in respect of rear extensions.

Conditions

17. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have considered the conditions against the advice on conditions set out in the National Planning Policy Framework and the Planning Practice Guidance.
18. A condition is necessary requiring that the development is undertaken in accordance with the approved plans to provide certainty. A condition is also necessary controlling external materials to secure an acceptable appearance for the development.

Conclusion and Recommendation

19. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

R C Kirby

INSPECTOR