



Appeal Decision

Site visit made on 2 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2019

Appeal Ref: APP/F5540/D/19/3227415

19 Elmer Gardens, Isleworth, TW7 6EY

- 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 Burzin Mistry against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 00401/19/P1 dated 9 January 2019, was refused by notice dated 8 March 2019.
 - The development proposed is ground floor rear extension including dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposed development on the application form is 'ground floor rear extension including dropped kerb'. However, the Council's decision notice and the appellant's appeal form refer only to a single storey extension. As both parties use this description of the proposed development, I have determined the appeal on this basis.
3. The Council's reason for refusal of the proposed development refers to the "adjoining house, No. 15". However, the adjoining house to the appeal property is 17 Elmer Gardens. This and No. 21 are the properties to which reference is made within the Planning Officer's report. I therefore believe that the reference to No. 15 in the decision notice is an error and I have considered the effect of the proposed development on No. 17.

Main Issues

4. The main issues in this appeal are the effects of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of 17 Elmer Gardens, with particular regard to outlook and levels of sunlight and daylight.

Reasons

Character and appearance

5. The appeal property is a 2-storey dwelling in an established residential area, one of the inner two dwellings in a terrace of four. A number of the properties in Elmer Gardens have single storey rear extensions including No. 21 to one side of the appeal property. The proposed development would project 0.6 m deeper than the extension at No. 21 but would not be attached to it. The extension would occupy only a small area of the rear garden most of which would remain open. Given this separation from the extension on the neighbouring property and the length of the rear gardens of the appeal property and the neighbouring properties, I consider that the character and appearance of the area would be maintained. I therefore find no conflict with the

requirement of Policy SC7 of the of the Hounslow Local Plan 2015-2030 (2015) (HLP) to maintain the character of private spaces (including rear gardens).

6. The appellant contends that the proposed development accords with Policy CC1 of the HLP, which seek to conserve character. As I have found that the proposed development would maintain the character of the area, I find no conflict with Policy CC1 in this respect and I note that the Council's reason for refusal did not refer to this policy.

Living conditions

7. The neighbouring property to the appeal property, 17 Elmer Gardens, has not been extended to the rear. The patio doors in the original rear elevation of No. 17 are very close to the common boundary with the appeal property and allow sunlight and daylight to and provide outlook from a ground floor room. The proposed development would extend along the boundary with No. 17 for 3.65 m and present a blank wall 2.9 m high at the closest point to the patio doors dropping to 2.6 m at its furthest extent.
8. I consider that the extent of the proposed development along the common boundary so close to the patio doors would result in an oppressing feeling of enclosure for the occupiers of No. 17 when viewed from the area immediately to the rear of the house which is usually the most well-used in a garden. As the appeal property is located to the south-west of No. 17 the proposed development would result in the loss of sunlight received by this area during the latter part of the day. It would also reduce the outlook from the patio doors although, given the south-east orientation of the ground floor room served by the patio doors, I do not consider that the proposed extension would lead to a material loss of daylight within the room.
9. The appellant contends that the proposed development would accord with the Council's Residential Extension Guidelines, adopted as a Supplementary Planning Document in 2017, and Policy CC2 of the HLP which encourages high quality design. However, the Guideline for the maximum depth of a single storey rear extension to a terraced house is 3.05 m in order to avoid unacceptable enclosure and the blocking of sunlight and daylight to the occupiers of neighbouring properties. The proposed development would breach this Guideline and I have identified harm to the living conditions of the occupiers of No. 17 above. The Council's reason for refusal does not refer to Policy CC2 but as this policy expects development proposals to have a positive impact on the amenity of current residents it lends no support to the proposed development.
10. Accordingly, for the reasons outlined above, I conclude that the proposed development would cause material harm to the living conditions of the occupiers of No. 17. I therefore consider that the proposed development would be contrary to Policy SC7 of the HLP which requires development proposals to minimise harm to neighbouring residents.

Other matters

11. I note the appellant's reference to the granting of planning permission for other rear extensions to properties in Elmer Gardens. However, full details of those other developments have not been provided but in any event, I have to consider this appeal based on the circumstances of the site and the plans before me.

Conclusion

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

Martin Small

INSPECTOR