



Appeal Decision

Site visit made on 13 June 2019

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2019

Appeal Ref: APP/R5510/D/19/3227181

17 Kenbury Close, Ickenham, UB10 8HU

- 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 Christopher and Anna Gibney against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 64557/APP/2018/4155, dated 26 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is a single storey side and rear extension, new front porch, loft conversion including hip to gable and four skylights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the host property and the area, and (2) the living conditions of neighbouring occupiers at No. 16 and No. 18 Kenbury Close with reference to daylight, sunlight and outlook, and in respect of No. 16, the effect on privacy.

Reasons

Character and Appearance

3. The appeal property consists of a detached bungalow property which has accommodation in the roofspace. It is situated on a cul-de-sac which contains other bungalows as well as two storey semi-detached dwellings. The surrounding properties have regular features such as curved bay windows with gable features over. I was able to see at the time of my visit, that many of the properties have been subject to extensions and alterations. Despite this variation, the setback of properties behind front gardens and drives, as well as the presence of grass verges and street trees, gives the area a spacious and verdant character.
4. The proposal seeks a number of additions to the property, including a side extension on the western side of the dwelling, where its height would be higher than the existing ridge height of this building. The development would also see the existing roof altered from a hipped form to a gable at the front and rear. Whilst the increase in height would not be in accordance with the guidance in the Hillingdon Design and Accessibility Statement 'Residential Extensions' (HDAS), I do not consider that in this instance it would be necessarily harmful, as the extended and altered appeal property would still be lower in height than

the neighbouring two storey semi-detached dwellings to the east, and would provide a transition to the bungalows to the west. I note the hipped roof design of the bungalows in the area, but these do also have, as the Council have acknowledged, smaller front gable features. In this context, I do not consider the alteration to the roof form would have a detrimental visual effect. This is particularly the case as the Appellant has set out that the proposals would entail the removal of the large and bulky dormer on the western side of the dwelling, which I was able to see at the time of my visit, was not a characteristic feature of the area.

5. The proposal also seeks permission for a single storey rear extension. I note its height, but for the aforementioned reasons, and its siting to the rear, I do not find that its ridge height, which would be in excess of the guidance set out for single storey extensions in the HDAS, would result in it appearing as an incongruous addition. Similarly, the roof form would be different to the architectural composition of the original dwelling, but it would assimilate with the other proposed additions to the property that would have gable features.
6. The proposed porch would project forward of the existing forward projecting wing of the dwelling. It would however only have a depth of 1.2m and the extent of its projection forward of the existing front would be small. It would also have an open design and therefore, despite the guidance in the HDAS setting out that it must not project past the line of any bay window, it would not create a dominant addition to the dwelling.
7. I therefore conclude that the proposal would not have an unacceptable adverse impact on the character and appearance of the host property or the area. The proposal would not therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies or Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (Local Plan: Part Two) which seek, amongst other matters, developments that complement or improve the character of the area. It would also not be contrary to the HDAS, which seeks a high quality residential environment or Section 12 of the National Planning Policy Framework (Framework).

Living Conditions

8. The proposed rear extension would span the width of the existing property and project 4 metres from the rear. It would be situated around 1.2m from the boundary with No. 18 Kenbury Close at its closest point. I was able to see that the appeal site is already set back from this neighbouring property and the Council state that due to this siting, the proposal would have an overall projection of 11m to the rear of No. 18. Whilst I note the extent of this projection, the existing dwelling already projects, according to the Appellant, 6.7m to the rear of this neighbour. No. 18 also has an existing garage along the boundary and although its height is limited, the proposed rear extension is also a single storey structure. Even though the height of the rear extension proposed would be greater than the garage, the appeal property is angled away towards the rear, increasing the separation with No. 18. This element of the development would therefore not have an unduly adverse impact on light or on the outlook of this neighbouring property's occupiers.
9. The other neighbouring property, No. 16, is setback from the appeal property. The proposed side extension would bring the appeal property closer to this neighbouring building. I acknowledge the side extension proposed would be

setback from the front of the existing dwelling, but it would nevertheless, project past the front of No. 16 by around 4.9m. This neighbouring property is angled slightly towards the appeal property and has a bay window on the front elevation which is close to the common boundary. Although the roof of the proposed single storey extension would slope away from No. 16 and I note the existing dormer that would be removed, this element of the proposal would extend past the existing ridgeline, resulting in an increase in the overall height of the appeal dwelling. As a result, and despite the nearest front window on No. 16 being a bay and not a flat window, I consider there would be an unacceptable adverse impact by virtue of the loss of daylight and sunlight to the occupiers of this neighbouring property, due to the proximity and size of the side extension. It would also unacceptably compromise the outlook of this neighbouring property's occupiers from this window.

10. The proposal would also incorporate a number of rooflights facing No. 16, including two that would be the only windows serving a bedroom. I note the Council's reference to them being located lower than 1.5m above the floor level. However, from my site observations, given the location of these on the side elevation relative to No. 16's windows on its side elevation as well as this neighbour's main outdoor amenity area being sited to the rear, I consider there would be no undue impact arising by way of loss of privacy.
11. I therefore conclude that the proposal would have an unacceptable detrimental impact on the living conditions of the neighbouring occupiers at No. 16 by virtue of the loss of daylight, sunlight and outlook. It would be contrary to Policies BE19, BE20 and BE21 of the Local Plan: Part Two, which state, amongst other matters, that planning permission will not be granted for extensions that would result in a significant loss of residential amenity. Although the HDAS sets out guidance, it would also conflict with this, and the National Planning Policy Framework, which seeks, amongst other matters, a high standard of amenity for existing and future users. It would therefore not be the form of sustainable development that the Framework sets out a presumption in favour of.

Other Matters

12. Reference has been made to an appeal decision in relation to the HDAS setting out guidance. Whilst I accept this point, I am not aware of the full circumstances of this referenced appeal case. I can however confirm that I have considered this appeal before me on its own merits.
13. The appeal proposal would improve the character and appearance of the dwelling and in turn that of the street scene. This would not however outweigh the harm that would be caused to the living conditions of neighbouring residents.
14. The Appellant has stated that a 2 metre wall or fence could be erected which would have a greater impact upon the amenity and outlook of the bay window than the appeal scheme. Whilst this may be so, there is no evidence before me to indicate that such a wall or fence would be constructed if the appeal should fail, and to the contrary, a means of enclosure would not provide internal living accommodation that the appeal proposal seeks. I do not therefore consider that this is a fallback position against which the appeal scheme should be assessed, and consequently I have attached limited weight to it.

Conclusion

15. I have found in the Appellant's favour in relation to the effect of the proposal on the character and appearance of the host property and the area, and also on the effect on the living conditions of neighbouring occupiers at No. 18 Kenbury Close. I also found that there would be no unacceptable impact on the living conditions of No. 16 Kenbury Close in relation to privacy. However, I conclude that the appeal proposal would be unacceptable in relation to the impact on the neighbouring occupiers at No. 16 by virtue of the loss of daylight, sunlight and outlook.
16. For the reasons given above and having considered all other matters raised, including the accessible location of the site to a range of services, facilities and open space and reference to the Planning Practice Guidance, the appeal should be dismissed.

F Rafiq

INSPECTOR