The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/R5510/D/19/3230606
41A Hillingdon Road, Uxbridge, UB10 0AD

- 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 Ms. N Biddle against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 74617/APP/2019/593 dated 14 February 2019, was refused by notice dated 29 April 2019.
- The development proposed is the retention of the existing conservatory extension.

Decision

1. The appeal is dismissed.

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.

Main Issue

3. The effect of the proposed development upon the living conditions of the occupants of No. 42 Hillingdon Road regarding outlook and light.

Reasons for the Recommendation

4. The appeal property is a two-storey residential terrace with an existing extension to the rear. It benefits from a sizeable back yard which is separated from neighbouring No. 42 by a fence which runs along the boundary between the two properties. The conservatory to which this appeal relates is located along part of the boundary fence. It projects from the current rear extension at the appeal site, extending the dwelling further beyond the rear elevation of the neighbouring property. In doing so, the conservatory introduces a further element of solid brick wall along part of the boundary with No. 42, which towers over the existing fence.

5. By virtue of the height, position and scale of the conservatory extension, the development has the potential to result in a loss of light to No. 42 such that it would reduce the amount of direct sunlight and daylight reaching both the habitable rooms of the property and the external private amenity space. Similarly, as acknowledged by Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) proposals of substantial scale, particularly when built close to a party boundary, may be over-dominant in

relation to the adjoining property or its private amenity space. In this case the depth of the conservatory, combined with its height and proximity to the boundary, would result in a greater sense of enclosure from the rear yard of No. 42 and would have an overbearing visual effect.

6. With regards to the outlook from No. 42, it is recognised that the conservatory extension does not obstruct views from the rear windows into the back garden. However, the conservatory has the potential to affect outlook to the left when looking from these rear windows. This viewpoint will already be somewhat affected by the existing extension at the appeal site and the boundary fence. Nonetheless the addition of the overall bulk, scale and massing of further development along this section of the boundary wall would result in a harmful effect on the outlook from No. 42 by further reducing the views available in this direction.

7. For the reasons given above I find that the proposed development would have a materially harmful effect upon the living conditions of the occupants of No. 42. Accordingly, the scheme would conflict with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies, dated November 2012 and the Hillingdon Design and Accessibility Statement Supplementary Planning Document on Residential Extensions dated December 2008.

Other considerations

8. The appellant has referred to the fact that many houses in the surrounding area benefit from extensions but has given no information on the nature of these developments or their comparability to this appeal. The appellant has, however, provided details of the planning permission relating to an extension at No. 40 Hillingdon Road. In making this recommendation the appeal has been assessed on its own merits based on site specific circumstances.

9. The appellant advances personal circumstances. The property is currently occupied by vulnerable adults. The positive impacts that the conservatory extension would have in terms of reducing the amenity of the appeal property are also acknowledged. However, such circumstances can be afforded little weight in planning terms, and do not override the other considerations identified in this recommendation.

Conclusion and Recommendation

10. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor INSPECTOR