
Appeal Decision

Site visit made on 18 September 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/R5510/D/19/3232681

8 Priory Gardens, Harefield, Uxbridge UB9 6AN

- 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 and Mrs G and D Barmeta against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74711/APP/2019/1064, dated 28 March 2019, was refused by notice dated 31 May 2019.
 - The development proposed is erection of two storey side extension and single storey side/rear extension. Formation of new driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers at No 33 and 35 Priory Avenue, with particular regard to outlook.

Reasons

3. The appeal property is a two storey end of terrace dwelling on Priory Gardens, with a single storey rear extension, garden space to the rear and parking space to the side. The side of the appeal property adjoins the rear gardens of No 33 and 35 Priory Avenue. Priory Gardens is characterised by terraced dwellings, which adjoin the rear gardens of dwellings along Priory Avenue. The terraced dwellings currently achieve a consistent separation distance between their principle elevation and the Priory Avenue dwellings, achieving a degree of openness.
4. The proposed two storey side extension seeks to close the gap between the end of terrace dwelling and the adjoining property boundary of Nos 33 and 35. The combined width, height and proximity of the extension along this shared boundary would result in an overly dominant built form which would appear prominent within the rear garden and habitable rooms at Nos 33 and 35. The proposal would consequently introduce a harmful sense of enclosure and therefore loss of outlook for occupiers at Nos 33 and 35.
5. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Documents (SPD) for Residential Layouts (2006) and Residential Extensions (2008) contains a clear set of criteria to guide residential extensions

so they protect the living conditions of neighbouring occupants. Although predating the current National Planning Policy Framework (the Framework), I am satisfied that the SPDs are generally consistent with the objectives under the Framework and remain appropriate for assessment purposes. The proposal would conflict with the SPD's provisions on the width of side extensions relative to host dwellings, the setback to be achieved to side boundaries, and the separation distance between two dwellings where a two storey building adjoins a neighbouring rear garden.

6. The appellant draws reference to the extension of No 5 Priory Gardens as a basis for supporting the form of the proposed development. However, I do not find these cases to be comparable as the side extension to No 5 does not directly adjoin the rear garden of a neighbouring dwelling. The appellant has also requested that assessment of this appeal be based on a reduced side extension width and greater separation to the neighbouring dwellings at Nos 33 and 35. However, I must determine the appeal based on the proposal before me and not some other scheme that has not been considered by the Council or consulted upon.
7. Accordingly, the proposed development would harm the living conditions of the neighbouring occupiers at No 33 and 35 Priory Avenue, with regard to outlook. It therefore conflicts with Policies BE19 and BE21 of Hillingdon Local Plan (HLP): Part Two – Saved UDP Policies (2007) and the HDAS SPD - Residential Extensions (2008) and Residential Layouts (2006). Collectively these policies and SPDs seek, amongst other things, to ensure development adhere to the local character to protect the living conditions of neighbouring occupiers. I note that Policy BE20 of the HLP: Part Two, although referenced in the Council's reasons for refusal, relates to light and is not considered relevant to the main issue of outlook. Based on my review of the information submitted and the location of the proposed development north of Nos 33 and 35, I am satisfied that light is not a relevant matter for consideration under this appeal.

Conclusion

8. For the reasons given above I conclude that the appeal is dismissed.

J Gibson

INSPECTOR