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## Appeal Decision

Site visit made on 30 October 2019

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 November 2019**

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**Appeal Ref: APP/F5540/D/19/3237290**

**66 Rosemary Avenue, Hounslow, TW4 7JG.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Mrs S Brar against the decision of the Council of the London Borough of Hounslow.
  - The application Ref. 00960/66PA3, dated 30 July 2019, was refused by notice dated 3 September 2019.
  - The development proposed is a ground floor rear extension 6 metres deep, maximum height of 3.281 metres high and 3 metres high to the eaves.
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### Decision

1. The appeal is allowed and approval is granted under a development order for the ground floor rear extension 6 metres deep, maximum height of 3.281 metres high and 3 metres high to the eaves, at 66 Rosemary Avenue, Hounslow, TW4 7JG, in accordance with the terms of application Ref.00960/66PA3 dated 30 July 2019.

### Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of the neighbouring properties.

### Reasons

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended, sets out the form of development that can be undertaken without the need for express planning permission. In relation to a terraced house Part 1 of Schedule 2 indicates that a single storey extension of no more than 6m long and up to 4m high can be erected subject to the notification procedure. In this case the Council considers that having regard to the provisions of the Local Plan and supplementary guidance, the proposed extension would have an imposing effect on the living conditions of neighbours.
4. At my site visit, I noted that the adjacent properties to the appeal site, No. 64 and No.68 are much extended including extensions at ground floor level to both properties. The scale and position of these extensions are set out in the Council's Planning Officer assessment report. I have also taken account of the objections submitted at notification stage from an occupier of No.68 and have had particular regard to their personal circumstances of having a bedroom on the ground floor and at the rear of the property.

5. The Council refers to the Residential Extension Guidelines which puts forward maximum lengths for single storey rear extensions; with terraced housing being restricted to an extension not exceeding 3.05m. However, this SPD, said to be adopted in 2017, is partially at odds with the provisions of the GPDO and this limits the weight that can be given to the blanket application of this guidance otherwise this would frustrate the government's intentions. Therefore, although I note the guidance, I will place most weight on the specific circumstances of the site.
6. Dealing with the relationship with No.64 first, I note that there are no objections to the development proposed from the occupiers of this property. A single storey rear extension exists at No.64 and there is a brick wall along the boundary some 1.3m high. I also noted that in the rear wall of the extension the nearest window to the appeal site is a small vertical window suggesting it lights a toilet, and the main rear facing window is further away from the party boundary. In the arrangement of the two properties I am satisfied that the projection and height of the proposed extension would not have an imposing and enclosing effect on the light into and the outlook from No.64. The living conditions of the occupiers would therefore not be harmed.
7. Turning to No.68, this property lies on the other side of a joint access and therefore the gap between the two flank walls of the properties would be over 2.5m apart. The existing rear extension at No.68 projects about 3m from the original rear wall of the property. Further, the closest window in the rear facing wall of this property is set in from the corner of the extension. I also noted the high wall and solid screen which exists along the boundary of the access.
8. In my judgement the proposed extension would not intrude within a splay of 45° taken from the nearest window in the rear elevation of the present extension at No.68 and this standard is often used as an indication of an acceptable relationship between adjacent properties where one extends beyond another. The approach reasonably balances the needs of an occupier intending to extend and improve their property with the effects on neighbouring property occupiers. Further, the rear elevation of No.68 lies to the west of the appeal site and with this orientation I do not consider that the proposed extension would overshadow the windows in the rear extension or the aspect from them.
9. Overall, I am satisfied that the extension proposed would not harm the living conditions of the occupiers of the adjacent neighbouring properties by causing a sense of enclosure or involve a loss of natural light. The proposal reasonably meets the requirements of Policies CC2, especially part (t), and SC7, especially part (f), regarding the need for new residential extensions to avoid or minimise harm to neighbouring occupiers.

## **Conclusion**

10. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR