



Appeal Decision

Site visit made on 19 November 2019

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2019

Appeal Ref: APP/R5510/D/19/3236072

33 Patching Way, Hillingdon, Hayes, UB4 9YD

- 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 Hany Amin Fhmy Khalil against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 54352/APP/2019/1248, dated 9 April 2019, was refused by notice dated 13 June 2019.
 - The development proposed is Addition of single storey conservatory to rear.
-

Decision

1. The appeal is allowed and planning permission is granted for the Addition of single storey conservatory to rear at 33 Patching Way, Hillingdon, Hayes, UB4 9YD in accordance with the terms of the application, Ref:54352/APP/2019/1248, dated 9 April 2019.

Procedural Matters

2. At the time of my site visit the conservatory had been fully constructed and the proposal is therefore retrospective.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the living conditions of the occupiers of 31 and 35 Patching Way, with particular reference to outlook and daylight;
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area;
 - The effect of the proposal on the living conditions of existing and future occupiers, with particular reference to outdoor space.

Reasons

The effect on living conditions of the occupiers of 31 and 33 Patching Way

4. The appeal property is a three storey mid-terrace house, set within a development of dwellings of a similar age. The dwelling has a single storey flat roof brick built extension to the rear. Added to this extension is the single storey conservatory extension that is the subject of this appeal.

5. Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two – Saved UDP Policies seek to protect the residential amenity of neighbouring properties. Further guidance is set out in the Hillingdon Design & Accessibility Statement (HDAS) Supplementary Planning Guidance – Residential Extensions (December 2008) (the ‘SPD’). It sets out depth guidelines for extensions and states that with regard to terrace houses on a plot less than 5m wide, an extension up to 3.3 deep is acceptable. However, the depth of extensions set out in the SPD is for guidance purposes, and much will also depend upon the merits of the case and the individual relationship between adjoining sites.
6. The proposed conservatory has a depth of about 3 metres. When added to the existing brick built flat roof extension, the cumulative depth of both extensions amounts to about 6.3 metres. The conservatory has an eaves height of approximately 2.3 metres and a ridge height of around 2.9 metres, topped with finials and cresting.
7. The side boundaries of the appeal site are formed by 1.8m high close boarded fencing. The conservatory to No 33 is set in slightly from both side boundaries. The closest opening to the shared boundary on the rear of 35 Patching Way is a door with a glazed upper panel, whilst the closest opening on the rear of 31 Patching Way is a window. Neither dwelling has been extended to the rear.
8. The proposed conservatory is higher than the existing boundary fence and as such would be visible from the adjoining dwellings. However, its visual dominance is reduced by the shallow sloping design of the roof which results in the highest part of the roof structure being set in from the side boundaries of the site. Having regard to the overall low eaves and ridge height of the conservatory and transparent construction materials comprising of glazing to the walls and roof, I do not consider that it would appear dominant or visually intrusive when viewed from neighbouring dwellings. Accordingly, I conclude that the conservatory would not result in a material loss of outlook to 31 and 35 Patching Way. Furthermore, due to its low height and the glazed nature of the structure, I am satisfied that it would not have a significant impact on the amount of light received by windows and other openings on the rear elevation of Nos 31 and 35.
9. I am satisfied that there would be no significant adverse effect on the living conditions of the occupants of 31 and 35 Patching Way with particular reference to outlook and daylight. The proposal is compliant with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two – Saved UDP Policies insofar as they seek to protect existing residential amenity.

Character and appearance

10. The proposed conservatory is attached to the existing single storey flat roof rear extension to the dwelling. The conservatory is relatively small in size and scale, with a depth of about 3 metres. The eaves of the conservatory are set below the flat roof of the existing extension and this, together with the shallow pitched roof design of the conservatory, enables it to integrate satisfactorily with the existing extension and the host dwelling. As such, it would respect the architectural integrity of the dwelling and would not appear as an incongruous addition. Whilst the proposed conservatory in combination with the flat roof extension are of considerable depth, in my view the combined single storey extensions would remain subordinate in appearance to the host dwelling, particularly given its scale and three storey height.

11. In addition, the proposed conservatory itself is of a conventional design with a white UPVC frame and glazed panels. Indeed, the appellant has also drawn to my attention other existing conservatories of a similar design, most notably at Nos 29 and 37 Patching Way. The proposed conservatory would not be out of character with the surrounding area in this regard.
12. For the above reasons I conclude that the proposal would not have a materially harmful effect on the character and appearance of the host dwelling or the surrounding area and would comply with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies which when taken together, require development to be of a high quality design which improves and maintains the quality of the built environment and the character of the area and which respects the scale, form, architectural composition and proportions of the original building.

The effect on living conditions of existing and future occupiers

13. The Council's SPD provides guidance on garden space and for 3 bed houses, the guidance states that at least 60 square metres should be retained. The proposal retains a usable, rectangular shape garden although I acknowledge that it falls short of the 60 square metres recommended in the SPD.
14. The proposed conservatory is fully glazed and opens out onto the retained garden such that at times, it would be likely to be used in conjunction with it. Whilst I have had regard to the guidance set out in the SPD, I am not persuaded that the shortfall in garden size would result in significant harm to the living conditions of the existing and future occupiers of the property, particularly as the conservatory would be used in association with the garden and that the retained garden would be of a usable size and shape. Furthermore, given the single storey nature of the proposal and the amount of retained space I do not consider that the proposal would amount to an overdevelopment of the site. The appellant has also drawn my attention to the proximity of the appeal site to open space at Brookside Park and Gardens, a matter which I afford some, albeit limited, weight.
15. In conclusion on this issue, the proposal would not have a harmful effect on the living conditions of existing and future occupiers with particular reference to outdoor space. The proposal would therefore comply with Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies which seek to provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its size and shape.

Conditions

16. It is not necessary to impose any conditions as the development has already been carried out.

Conclusion

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

J Davis

INSPECTOR