
Appeal Decision

Site visit made on 4 December 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/R5510/D/19/3239533

10 Orchard Waye, Uxbridge UB8 2BN

- 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 Mrs K Sint against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 73843/APP/2019/2348, dated 13 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of 9 Orchard Waye, with particular regard to outlook, sunlight and daylight.

Reasons

3. The appeal relates to a semi-detached dwelling in a suburban residential location. An extension has already been constructed which appears to be largely consistent with the submitted plans. However, the middle window of the three differs in size to that shown on the plans.
4. The extension projects by about 4 metres from the rear wall and extends for the full width of the building. The Council's Housing Design and Accessibility Statement Supplementary Planning Document (HDAS) suggests that rear extensions on semi-detached dwellings should be no more than 3.6 metres in length and 3 metres in height. The development therefore exceeds the maximum depth guidelines set out in the HDAS.
5. The extension runs along the common boundary with No 9. This has a smaller single storey extension sited away from the common boundary. In combination with the development, the rear patio door to No 9 sits in an inset between the two extensions. The proximity of the extension to the common boundary, the relationship with the patio doors, its height above the existing fence and its depth ensures that it will encroach into the outlook from the patio door to a significant degree.
6. In combination with the smaller extension, the development will further constrain the existing outlook from No 9 to such an extent that it will inevitably

result in an increased and unwelcome feeling of enclosure and confinement. Although the height of the extension is consistent with the HDAS, I consider that in this context, it is still likely to have an overbearing impact that tangibly diminishes the quality of the interior environment to the material detriment of the living conditions of occupants. The ability to see along the length of the garden does not alter my conclusion that the extension is an unduly intrusive and domineering feature close to the patio doors.

7. The orientation of the site means that the extension is unlikely to affect the rear windows of No 9 for most of the day. At certain times of the year, it is possible that there could be some impact on direct sunlight and daylight entering the affected room, which could have a detrimental impact. However, there is insufficient evidence to conclude with any certainty that this would result in long term or lasting harm to the existing living conditions of residents.
8. This does not however alter my view that the development results in unacceptable harm to outlook. In coming to this conclusion, I have had regard to the fact that the HDAS is guidance only. Nevertheless, it is still an important material consideration and, in this case, I am satisfied that the excessive depth of the extension is harmful. I do not have the full details of the examples of appeals that have been drawn to my attention and thus cannot be certain they are directly comparable. Nevertheless, while the Inspectors in these cases were satisfied the conflict with the HDAS would not be harmful, this does not apply in this case. As such, these examples do not alter my conclusion.
9. The appellant has also drawn my attention to a potential fallback position whereby an extension of 3.6 metres would be acceptable. However, as far as I have been made aware, there is no permission in place for such an extension. Should an application be made, the Council would still need to assess the impact of this on the outlook of the neighbouring property. In light of the HDAS being guidance, there can be no guarantee they would find an extension of this size acceptable. This potential fallback position does not therefore outweigh my concerns.
10. In conclusion, I find that the development causes harm to the living conditions of neighbouring occupants. Accordingly, there is conflict with Hillingdon Local Plan: Part Two – Saved UDP policies BE19, BE20 and BE21 and the HDAS which seek, amongst other things, to ensure the amenity of neighbours is not harmed.
11. The Council has also referred to the emerging Hillingdon Local Plan: Part Two – Development Management Policies with Modifications document. This is at a late stage in its preparation and thus carries substantial weight. There is conflict with Policy DMHD1 of this document, which seeks to ensure there is no unacceptable loss of outlook.

Other Matters

12. There have been no objections from the occupants of No 9 or any other parties. However, I must consider the long-term effects of the development and the potential impacts on all future occupants. This does not therefore alter my decision. In addition, I acknowledge that the development does not result in harm to the character and appearance of the area. However, a lack of harm is neutral and weighs neither for nor against the development.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR