The Planning Inspectorate

Appeal Decisions

Site visit made on 3 December 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal A Ref: APP/R5510/D/19/3237616
65 Swanage Waye, Hayes UB4 0NZ

- 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 Goldy against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 31181/APP/2019/1528, dated 2 May 2019, was refused by notice dated 28 June 2019.
- The development proposed is erection of first floor rear extension.

Appeal B Ref: APP/R5510/D/19/3239245
65 Swanage Waye, Hayes UB4 0NZ

- 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 Goldy against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 31181/APP/2019/2398, dated 17 July 2019, was refused by notice dated 6 September 2019.
- The development proposed is erection of first floor rear extension.

Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Procedural Matter

3. As set out above, there are two appeals on this site. Whilst the planning history of the site is relevant to the consideration of both proposals, I have considered each proposal on its own individual merits. However, to avoid duplication I have dealt with the two appeals together, except where otherwise indicated.

Main Issue

4. The main issues for **Appeal A** are the effect of the proposal:

   - on the character and appearance of the area; and
   - on the living conditions of occupants of the neighbouring dwelling at No 63 Swanage Waye with particular regard to levels of outlook and light.

5. The main issue for **Appeal B** is the effect on the living conditions of occupants of the neighbouring dwelling at No 63 Swanage Waye with particular regard to levels of outlook and light.

Reasons

Appeal A:

Character and appearance

6. Swanage Waye is situated within a residential area characterised by predominantly two-storey terraced and semi-detached dwellings. No 65 is a mid-terrace dwelling with a large box dormer and a single storey flat roofed extension to its rear elevation. Other dwellings in the terraced block that the appeal dwelling is situated within have no rear extensions. From my observations during my site visit, rear extensions to other neighbouring dwellings to the rear of the appeal site were predominantly single storey. I noted one example of a first-floor rear extension, to a dwelling on Brookside Road, which had a simple subservient hipped roof form.

7. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential Extensions (2008) states amongst other things that the roof lines of a rear first floor extension should normally be parallel to those of the existing building and that it is desirable that any two-storey extension to a house with a pitched roof should also have a pitched roof. Poor designs out of character with their surroundings will be rejected.

8. The original character of the rear elevation of the dwelling has been diminished, particularly by the existing dormer. The proposal would introduce a further contrasting roof element in the form of a crown roof. This does nothing to provide a more cohesive design to the rear elevation and the composition of varying architectural elements would have a cluttered appearance. Even accounting for the matching materials proposed, the design of the proposal and the cumulative effect of extensions on the appearance of the dwelling would appear incongruous and out of keeping with the traditional roof forms generally seen on surrounding dwellings. Whilst there would be no impact on the street scene, the development would be prominent from rear gardens and windows serving neighbouring properties on Swanage Waye and Brookside Road.

9. The appellant contends that the appeal dwelling is of no particular architectural merit, is not a listed building and is not situated within a Conservation Area. Even so, there is still an onus in local and national policy for proposals to be of high quality design which harmonise with the architectural style of the host building.

10. To conclude, the proposal would have a harmful impact on the character and appearance of the host dwelling and its immediate setting. Consequently, in that regard, the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012) and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (2007) (Saved UDP Policies) which amongst other things seek high quality design which complements or improves the character of the area and state that development will not be permitted where it fails to harmonise with the scale, form, architectural composition and proportions of the original building.

11. The proposal would also conflict with the Council's HDAS SPD and the National Planning Policy Framework (the Framework) which amongst other things states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions for occupants of No 63 Swanage Waye

12. The HDAS states amongst other things that there is a general presumption against first floor rear extensions to terraced houses where the extension would abut or come close to the shared boundary with the adjoining house. Extensions will only be allowed where there is no significant over-dominance, overshadowing, loss of outlook and daylight.

13. The neighbouring terraced dwelling at No 63 has a small rear patio area with high close boarded fencing to its perimeter. From my observations on site, this is the main usable private outdoor space serving this neighbouring dwelling. Even accounting for the intervening rear access path that sits between the proposed extension and the boundary of this neighbouring property, the close proximity and height of the proposal would be imposing for neighbouring occupants using the patio area at No 63.

14. The appellant contends that the development does not abut the boundary with No 63, the roof line would be lower than the main roof, and the projection of the extension would comply with the 45-degree rule from neighbouring windows as set out in HDAS. Even so, this does not overcome the overbearing impact of the proposal on the rear patio serving No 63 having regard to the layout of this neighbouring external space, the boundary treatments in place and the close proximity of the proposal.

15. Noting the relative orientation of the proposal to No 63, whilst there is the potential for there to be some limited impact on light during mornings, there is nothing before me, for example in the form of a daylight / sunlight survey to persuade me that any loss of light would be materially harmful to neighbouring living conditions. I have therefore not identified conflict with Policy BE20 of the Saved UDP given this particular policy specifically relates to proposals being laid out so that adequate daylight and sunlight is retained. However, this does not override my concerns in respect of the oppressive impact that the proposal would have on the neighbouring patio area.

16. To conclude, the development would have a dominating effect on the main private outdoor space serving No 63 resulting in material harm to outlook for occupants of this neighbouring dwelling. Consequently, in that regard, the development would be contrary to policies BE19, BE21 of the Saved UDP Policies which amongst other things seek to safeguard the amenity of the area and state that permission will not be granted for extensions which by reason of their siting, bulk and proximity would result in a significant loss of residential amenity. The proposal would also conflict with Paragraph 127 of the Framework which promotes a high standard of amenity for existing and future users.

Appeal B:

Living conditions for occupants of No 63 Swanage Waye

17. The only alteration to the design of the proposal when compared to the development proposed under Appeal A, is the alteration of the roof to a hipped

roof. Consequently, the height, depth and proximity of the proposal and the potential relationship with the patio area serving No 63 is relatively unchanged. For these reasons, the alternative scheme proposed under Appeal B does not overcome my concerns as to the likely overbearing impact that the proposal would have on the living conditions for occupants of No 63.

18. To conclude, the proposal would have a harmful effect on outlook for occupants of No 63 as a result of the relationship of the proposal with the main outdoor space serving this neighbouring dwelling. Consequently, in that regard, the development would be contrary to policies BE19 and BE20 of the Saved UDP Policies (2012) and the Framework.

Other Matters

19. The appellant contends that the development would not result in any material harm in terms of overlooking impacts. The Council did not refuse the proposal on the grounds of any loss of privacy. I also note the suggestion that energy efficient construction materials and methods using high performance thermal insulation and low carbon emitting appliances would be utilised. No substantive details have been provided in this respect. In any case, this would not overcome the harm I have identified under the main issues.

Conclusions

20. For the reasons given, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

M Russell

INSPECTOR