
Appeal Decision

Site visit made on 14 January 2020

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2020

Appeal Ref: APP/R5510/D/19/3242016
20 Masterman Place, Uxbridge UB10 0QX

- 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 Varun Rehani against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74680/APP/2019/935, dated 12 March 2019, was refused by notice dated 5 September 2019.
 - The development proposed is a single-storey rear extension for use as a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension for use as a conservatory at 20 Masterman Place, Uxbridge UB10 0QX in accordance with the terms of the application, Ref 74680/APP/2019/935, dated 12 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings: Site Plan, 20, 21 & 22.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed conservatory on the living conditions of the dwelling house's residents.

Reasons

3. The property is a mid-terrace 3-storey house of recent construction, part of the ongoing St Andrews residential development by St Modwen. The four houses in this terrace (Nos 18-24 even) each have paired mono-pitched single-storey rear projections that take up half the dwellings' widths. The proposal is to infill the external gap up to the boundary of No 22 with a glazed roof conservatory.
4. This 3.2m deep, 2.6m wide area is hard surfaced. To its rear is the turfed rear garden of the new house. The conservatory would reduce the external rear amenity area from 48m² to 42m². Policy BE23 of the Hillingdon Local Plan: Part 2 – Unitary Development Plan Saved Policies (LP) requires new residential

buildings or extensions should provide or maintain sufficient external amenity space to protect the amenity of the occupants, with reference to the guidelines set out in the Hillingdon Design and Accessibility Statement Supplementary Planning Document for Residential Extensions (the SPD). Paragraph 3.13 of the SPD says that 4-bedroom houses (as this property is) should retain 100m² of private usable rear garden space.

5. Whilst it is true that the rear garden of this property would retain less than half of the required external rear private garden area required by the SPD, this is already the case. All the houses in this terrace were clearly granted permission with only 48m² of rear private amenity space, which was considered satisfactory despite the SPD requirement for 100m².
6. The appellant points out that this area will be better used if the conservatory is erected because at present it is enclosed on three sides and merely used for external storage. Whilst outside storage performs a function, I cannot see any useful reason to prevent the owner-occupier from deciding to enclose this small area with a conservatory and using it as he sees fit and reasonably wishes.
7. The Council has no other reasons for refusing to allow this proposal. There would be no adverse impact on neighbours and the whole of the open unenclosed rear garden would remain available for amenity purposes. The proposal would be a sympathetic extension to the property and would respect the character and appearance of the house, the terrace and the wider new estate.
8. For these reasons I consider that the conservatory would not result in an over-development of the site detrimental to the living conditions of the existing and future occupants of the property, and the proposal would therefore be acceptable since it would comply with LP Policy BE23.
9. Conditions are needed for reasons of precision and in order to preserve the character and appearance of this new dwelling, respectively to require the conservatory to be erected in accordance with the submitted drawings and that the elevation of the proposal matches that of the rear of the house.
10. For the reasons given above I conclude that the appeal should be allowed.

Nick Fagan

INSPECTOR