The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020

by E Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/R5510/D/19/3242887
54 Copperfield Avenue, Uxbridge UB8 3NX

- 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 Faisel Ali against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 14521/APP/2019/2702, dated 6 August 2019, was refused by notice dated 8 October 2019.
- The development proposed is for two loft dormers, a rear gable extension and rearrangement of the internal loft space.

Decision

1. The appeal is allowed, and planning permission is granted for two loft dormers, a rear gable extension and rearrangement of the internal loft space at 54 Copperfield Avenue, Uxbridge UB8 3NX in accordance with the terms of the application 14521/APP/2019/2702 dated 6 August 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: 0215-PLA-50_D, 51_B, 52_B, 53_B, 54_B, 55_B, 56_B, 57_B, 58_A.

    3) The external surfaces of the extension hereby approved shall match those used in the construction of the existing building.

    4) The extension hereby permitted shall not be occupied until the dormer windows in the side elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the extension on the living conditions of the neighbouring property at No 54A Copperfield Avenue with particular regard to light and outlook.

Reasons

3. Located in a residential street, the appeal property is one half of a pair of semi-detached properties with 54A having been subdivided into flats. Across the rear of both properties is a large single storey flat roofed extension.

4. The proposed alterations are all at first floor level. There is no dispute between the main parties about the acceptability of the proposed dormers in respect of design or living conditions. I have no reason to disagree.

5. The point of contention between the main parties is whether the 1.1m rear projection of the existing gable would adversely affect the living conditions of the neighbour at No 54A in respect of outlook and light.

6. The Council's policies which seek to safeguard the living conditions of the occupiers of neighbouring properties are set out in the saved policies of the adopted Hillingdon Local Plan UDP 2012 (UDP) and the emerging Hillingdon Local Plan: Part Two – Development Management Policies with Modifications 2019 (Emerging Plan). These are then supported by the Hillingdon Design and Accessibility Statement (HDAS) SPD (SPD).

7. In drawing up the SPD the Council relies upon the British Research Establishment guidance for the protection of sunlight and daylight. In both the 45 degree line and the 25 degree line the proposal accords with these standards, as such I must conclude the level of sunlight and daylight to the neighbour would be acceptable and the appeal scheme would not have significant enclosing or shading effects.

8. Given that the extension would be only 1.1m deep and angled away from the adjacent dormer window, the effect on the living conditions of the neighbour would be marginal and as such would not materially harm the outlook or appear dominant.

9. The first floor dormer window in 54A has an open aspect across the rear and is unimpeded in this respect, the introduction of the roof for the proposed extension would therefore not create a sense of visual enclosure adversely harming the living conditions of the neighbour.

10. For the above reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of No 54A Copperfield Avenue in respect of outlook and light. It would therefore accord with policies BE19, BE20 and BE21 of the UDP; policy DMDH1 of the Emerging Plan and the SPD which collectively seek to protect the living conditions of the occupiers of neighbouring properties.

Other Matters

11. A neighbouring objection raises concerns of a loss of privacy to properties at the rear of the application site, on Micawber Avenue. The council requires a minimum of 21 m distance maintained between facing habitable rooms to ensure that the development does not negatively impact upon enjoyed neighbourly amenities. The distance between the proposed gable end and the rear elevations of properties on Micawber Avenue will be over 80 m and as such is in compliance with the policy. No loss of privacy is considered to occur.

12. None of the other matters raised alter or outweigh my conclusion that the appeal should be allowed.

Conditions

13. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

14. In the interests of the character and appearance of the area and the design of the host property, it is necessary to impose a materials condition. In the interests of the privacy of the occupiers of No 52 Copperfield Avenue, it is necessary to impose a condition requiring the side facing dormers to be obscure glazed and only have top hung openings as detailed on the drawings.

Conclusions

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

Edwin Maund

INSPECTOR