



Appeal Decision

Site visit made on 4 February 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/R5510/D/19/3240394
17 Stainby Close, West Drayton, UB7 9NH

- 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 Avtar Singh Samra against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74906/APP/2019/2082, dated 19 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is 'erection of single rear extension and retention of porch and garage conversion'.
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Decision

1. The appeal is allowed. Planning permission is granted for erection of a single storey rear extension and retention of porch, and garage conversion at 17 Stainby Close, West Drayton, UB7 9NH in accordance with the terms of the application, Ref: 74906/APP/2019/2082, dated 19 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the application form and drawing number 19_66_01.

Preliminary Matters

2. A new Local Plan document¹ was adopted between the date of application for planning permission and the appeal decision. This replaces the Local Plan Part 2 Saved UDP Policies (2012). Both parties have had the opportunity to comment on any relevant implications for the appeal.
3. Development of the front of the house and the garage conversion were completed several years ago and no objection is raised to retention of these by the Council, with whom I concur. The remainder of this decision therefore focuses on the, as yet unbuilt, rear extension.

¹ London Borough of Hillingdon, Local Plan Part 2, Development Management Policies, Adopted January 2020

Main Issue

4. The effect of the proposals on the living standards of the occupiers, with particular reference to the size of the amenity space.

Reasons

5. No objections to the principle of a rear, single storey extension have been raised. However, the footprint would be 3.3 m depth across the entire back of the house and would be at the expense of part of the rear garden. The Council and appellant's calculations agree that this would reduce the garden size from 82 m² to 63 m².
6. Policy DMHB18 of the Local Plan seeks to ensure that sufficient good quality private outdoor amenity space is provided. Conversion of the garage to a bedroom has resulted in the property increasing in size from three to four bedrooms. The policy references a table of minimum standards, which state that a four-bedroom dwelling should retain a minimum of 100 m² of rear usable amenity space, which this development would not provide.
7. However, I consider that Permitted Development rights and the adopted Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions (2008) have a bearing on this case. These allow for a single-storey rear extension of up to 3 m depth without planning permission, which in this case would be a footprint of 16.8 m². The proposal does not substantially exceed this, and by virtue of requesting planning permission they would lose an additional 1.7 m² of garden, which I consider to be too small to be additionally harmful.
8. At the site visit, I observed that the garden was a convenient shape for family use and in addition, much larger amenity space is easily available by virtue of the site being near local parks. I also noted that many of the other houses on the estate have converted their garage to a habitable room and retain similar size gardens, so the reduction would not be out of keeping with the character of the area.
9. The proposed development therefore conflicts with the minimum space requirements specified in Policy DMBH18. However, I conclude, for the reasons above, that there are material considerations sufficient to outweigh the limited conflict with the development plan, given the particular circumstances of this case.

Other Matters

10. The West Drayton Conservation Area Advisory Panel, whilst not objecting, have raised concerns regarding overshadowing. However, the council states that by virtue of its single storey composition the rear extension would not be considered to have a detrimental impact upon neighbouring amenities, light levels or cause a loss of privacy, an analysis with which I concur.
11. The neighbour has requested that the adjoining wall be retained as brick in line with the style of the house, which is secured by condition (2) above.

Conclusions

12. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard

commencement condition, I shall require the use of matching materials and accordance with the approved plans in the interests of local character and good planning.

B Davies

INSPECTOR