



Appeal Decision

Site visit made on 27 May 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2020

Appeal Ref: APP/R5510/D/20/3247074

5 Chiltern Road, Eastcote, HA5 2TD

- 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 A. Joseph against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 54673/APP/2019/2201 dated 28 June 2019, was refused by notice dated 26 November 2019.
 - The development proposed is described as retrospective planning application for the patio to the rear of the dwelling/house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence confirms the development subject of the appeal commenced prior to the submission of the application. At my visit the foundations and walls were completed. However, no surfacing, screens or fencing had been erected. I am considering the appeal on this basis.
3. The London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (the Part 2 Local Plan) was adopted by the Council on 16 January 2020. It replaces the 2012 saved Unitary Development Plan policies. As a result of the adoption of the Part 2 Local Plan document, the Council has withdrawn the Residential Extensions Supplementary Planning Document. Consequently, I have had regard to the newly adopted policies in my decision and the parties have been provided with an opportunity to comment.
4. The Council's second reason for refusal refers to several different types of living conditions. Having regard to their definition and the description of the effects as set out in the Council's report, some duplicate one and other. Therefore, I have had regard to these matters in setting out the main issues below.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the host property; and,
 - the living conditions of the occupiers of No. 3 Chiltern Road, with particular reference to outlook, overshadowing and daylight.

Reasons

Character and appearance

6. The appeal site is a detached dwelling set within a generous plot, recently extended with a single and two storey white rendered extension. The development is understood to seek to replace a previous patio area that was on the area of the extension. The garden and floor level of No. 3 appears at a slightly higher level than the appeal site. However, the appeal site and neighbouring plots slope down to the rear. Being only one step down from the bi-fold doors of the extension results in the new patio being at a significantly increased height in relation to the appeal site and surrounding rear gardens.
7. Although the patio is a sizeable structure, it appears subservient in relation to the host property. The dwellings in Chiltern Road appear to integrate white render, natural pebble dash and a variety of brick and tile colours. The appeal site dwelling is mainly finished in brown brick and white render. The red bricks of the plinth walls have little visibility outside the appeal site and are not considered out of keeping with the appeal site dwelling, or the composition of dwellings in the surrounding area.
8. Many of the dwellings nearby appear to integrate PVC or aluminium double glazed windows. However, the window frames are generally white in colour and integrate relatively narrow frames, such as on the appeal site dwelling. The proposed grey non-see through PVC privacy screen along each side of the patio would appear very close to the property boundaries. It would introduce a large grey and PVC mass that would appear visually jarring, not be in keeping with and harmful to the character and appearance of the host property. The positioning, substantial size, and height of the screens significantly above the boundary fencing would be prominently visible to neighbouring properties. This positioning and height, means that the harm from the screens could not be overcome with the provision of planting, as proposed by the appellant.
9. For the reasons set out above, the development would be harmful to the character, appearance and composition of the host property. Therefore, it would conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012) (the Part 1 Local Plan) and Policy DMHB11 of the Part 2 Local Plan. In combination and amongst other things these policies expect development to be designed to the highest standards and incorporate principles of good design including building materials and finishes. The Council has also made reference to Policy DMHB12. However, as this is related to streets and the public realm, it is not as relevant.

Living conditions

10. The new patio area occupies almost the entire width of the plot finishing almost flush to the boundary with Nos. 3 and 7. The patio would not appear to protrude significantly beyond the rear elevation of No. 7. No 3 does not appear as deep as the appeal site dwelling. Although No. 3 has a part width single storey rear extension, given the recent single and two-storey extension, No. 5 now extends significantly further back than the main elevation of No. 3. The screen along the patio would increase the depth difference by a further approximately three metres, at a height of between approximately 2.2m – 2.6m which is considerably higher than the existing boundary fence.

11. The single storey extension to No. 3 would provide a limited degree of relief from the development. However, when viewed from the rear ground floor windows, patio and garden area, the combination of the proximity of the screen to the site boundary, the cumulative depth and the height, would result in it feeling significantly overbearing. For this reason, the development would be significantly harmful to the outlook of the occupiers of No. 3.
12. The Council's reason for refusal refers to the development being unacceptable due to overshadowing and a loss of daylight. The substantial height, width and orientation of Nos. 3, 5 and 7 mean that those dwellings cast a shadow over the windows of No. 3 and part of the garden closest to its rear façade, for part of the day during some of the year. The development might cause some additional overshadowing. However, the height and depth of the screen would mean that it is likely for much of the year and for a significant part of the day, to be partly or wholly within a shadow caused by the dwellings. Therefore, it is likely that the amount of further overshadowing would be very limited in duration and extent.
13. Given the limited effect from overshadowing and the height and orientation of the development, it would not be likely to significantly reduce the overall amount of daylight received to the rear windows and garden of No. 3. Therefore, it would not be likely to result in significant harm to the living conditions of the occupiers of No. 3 with reference to daylight or overshadowing. However, this does not mitigate the other findings in respect of living conditions.
14. For the reasons set out above, the development would result in significant harm to the living conditions of the occupiers of No. 3 Chiltern Road with reference to loss of outlook. Therefore, in this regard, the development conflicts with Policies DMHD1 and DMHB11 of the Part 2 Local Plan. Amongst other things these expect development to protect the amenity of neighbouring residential properties. In specific regard to overshadowing and daylight, I do not find harm having regard to the policies.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR