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## Appeal Decision

Site visit made on 16 June 2020

**by R Satheesan BSc PGCert MSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 July 2020**

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**Appeal Ref: APP/F5540/C/19/3239618**

**35 Springwell Road, Heston TW5 9EA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Sukhprit Singh Arora against an enforcement notice issued by the Council of the London Borough of Hounslow.
  - The enforcement notice was issued on 26 September 2019.
  - The breach of planning control as alleged in the notice is without planning permission the erection of a second single storey rear extension and canopy covering.
  - The requirements of the notice are:
    - i. Demolish the second single storey rear extension and canopy covering
    - ii. Permanently remove all resultant debris from the Land as a result of carrying out the works above.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a second single storey rear extension and canopy covering at 35 Springwell Road, Heston TW5 9EA referred to in the notice.

### Ground (a) appeal and the Deemed Planning Application

#### Main Issues

2. The main issues are the effect of the development on:
  - the character and appearance of the host building and the area;
  - the living conditions of the neighbouring occupiers at 37 Springwell Road with regard outlook.

#### *Character and appearance*

3. The appeal site is in a residential area characterised by predominantly two storey residential properties containing extensions and outbuildings of varying sizes, designs and materials. The appeal property has recently been added to

with a single storey front extension, two storey side extension, a single storey rear extension and loft conversion with rear dormer. There is also a single storey outbuilding at the rear of the rear garden.

4. The London Borough of Hounslow Residential Extension Guidelines, 2003 (HREG) advises that the recommended maximum depth for a single storey extension on a semi-detached property is 3.65m. Whilst the combined overall depth of the extensions and canopy exceeds this guideline, the second extension and canopy is relatively modest in size and scale and limited in height. The unauthorised development has also been well designed using lightweight glass material and matching bricks so that the development would complement the character of the house. The second rear extension has a conservatory style appearance.
5. Furthermore, there are limited public views of the development due to the location of the development at the rear of the property, and its modest height, rising marginally above the existing side boundary with No 37 Springwell Road. Additionally, I observed during my site visit that there are large number of properties in the vicinity of the site with extensions of varying sizes and designs, many of which are not dissimilar in size and scale as the current development. Consequently, in this context, the development is not out of keeping with the surrounding area.
6. Therefore, although the combined depth of the extensions and canopy would exceed 3.65m in depth and does not strictly accord with the advice contained in the HREG, the development adequately respects the context and character of the property and the area generally. I therefore conclude that the second single storey rear extension and canopy covering does not have a harmful effect upon the character and appearance of the host building and area generally. In this respect the development complies with Policies CC1, CC2 and SC7 of the London Borough of Hounslow Local Plan, 2015 (LP). Amongst other things, these state that development proposals should conserve and enhance particular features or qualities that contribute to an areas character; promote and support high quality urban design; and that all additions do not harm the character and appearance of the building and its context by ensuring that development has regard to the relevant design guidance.

#### *Living conditions with regard to outlook*

7. The HREG advises that second extensions, canopies or conservatories added to existing extensions (and therefore exceeding the above depth) can severely overshadow neighbour's houses and will normally be refused. The glazed canopy cover positioned next to the private access road to the side of the appeal site, and away from neighbouring properties, does not result in any harm to the living conditions of neighbouring occupiers.
8. The second single storey rear extension projects approximately 3m from the existing first extension and the existing single storey rear extension at No 37. However, owing to the modest height of the second single storey rear extension, with a shallow pitch roof only marginally above the existing the existing boundary treatment, the extension does not have a harmful effect in relation to outlook or increased sense of enclosure of occupiers of No 37.
9. As such I find no conflict against Policies CC2 and SC7 of the LP, which amongst other things states that new development should minimise harm to

neighbouring residents and future occupiers through high quality design. I also find that the site specific circumstances of this appeal site mean that the development does not conflict with the aims of The HREG which seeks to ensure that second extensions, canopies or conservatories added to the existing extensions do not overshadow and enclose neighbours' houses .

*Other Matter*

10. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

**Conclusion**

11. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

*R Satheesan*

INSPECTOR