

Appeal Decision

Site visit made on 11 August 2020 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/R510/D/20/3249850

93 Snowden Avenue, Uxbridge UB10 0SE

- 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 D Lachlar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75292/APP/2019/3998, dated 10 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed as described on the application form is: Erection of a single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey rear extension at 93 Snowden Avenue, Uxbridge UB10 0SE, in accordance with the terms of application Ref 75292/APP/2019/3998, dated 10 December 2019 and 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 development, hereby permitted, shall be carried out in accordance with the following approved plans: PL - 01 REV A, PL - 03 REV A, PL - 04.
 - 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbouring property, No. 91 with regard to daylight and sunlight, and outlook.

Reasons for the Recommendation

4. No.93 is a two-storey residential property located in a long-terraced row. To the rear of the property is an existing shed located close to the rear elevation of the house and which runs along part of the shared boundary with No. 91. The neighbouring property at No. 95 has a single storey extension that runs along the shared boundary which the Council note as having a projection of 5 metres.
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5. The proposal seeks to extend across the entire rear elevation and project out into the rear garden by 6 metres. The roof would be flat with a glazed lantern in the centre. Along the shared boundary with No. 91 the roof would be chamfered thus reducing the height of the eaves along this boundary. Due to the presence of the existing shed, which is of a considerable size, the proposed extension, despite being slightly taller, would not make the pre-existing situation significantly worse in terms of the effect on outlook and sense of enclosure. Moreover, as the neighbouring property is slightly raised above the ground floor level of the appeal property the effect of the proposal along this shared boundary would be further reduced. From the drawings and what I observed during my site visit because of the orientation of the properties there would not be an affect in terms of loss of direct sunlight or daylight on the neighbouring window located closest to the shared boundary as the existing extension at No. 91 overshadows this window already.
6. The proposed extension would exceed the parameters for rear extensions as set out in Policy DMHD 1 of the LP2, which requires rear extensions on terraced properties with a plot width of 5 metres or more to project out by no more than 3.6 metres, however, given the existing situation in terms of the existing shed, its proximity to the shared boundary, the lower ground levels at the appeal site together with the proposed design incorporating a chamfered roof profile, the impact from the proposal on the living conditions of the neighbour at No. 91 in regards to daylight, sunlight, and outlook would not be significantly greater than what already exists.
7. Whilst there would be some conflict with Policy DMHD 1, given the site-specific circumstance of this proposal, these are such that the adverse effects the policy seeks to avoid would not occur in this instance. These amount to material considerations that would indicate it is possible to grant permission for a development that does not meet the requirements of the development plan policy.
8. Accordingly, the proposal would not harm the living conditions of the neighbouring occupier at No. 91 in regard to daylight and sunlight, and outlook and would therefore comply with the requirements of Policies DMHD 1 and DMHB 11 which together expect new extensions to dwelling houses to preserve the living conditions of neighbouring occupiers.

Conditions

9. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. A condition is necessary for the materials to match those that are used in the existing property to maintain the character and appearance of the area.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

11.I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be allowed.

Chris Preston

INSPECTOR