



Appeal Decision

Site visit made on 22 September 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/R5510/D/20/3254676

41 Berwick Avenue, Hayes, UB4 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mrs Tara Haling against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74945/APP/2020/468 validated on 24 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is 6 m wide x 4 m deep rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for a 6 m wide x 4 m deep rear extension at 41 Berwick Avenue, Hayes, UB4 0NG in accordance with the terms of the application Ref 74945/APP/2020/468, validated 24 February 2020, and the details submitted with it: 'Location Plan' (1:1250), Block Plan (1:500), 'Existing information' (19-001-41-BERWICK Rev. P2), 'Proposed Ground Floor Option 1' (19-002-41-BERWICK Rev. P1), Elevations shown in 'Single Storey Rear Extension' (dated 30 July 2017) pursuant to Article 3(1) and Schedule 2, Part 1, Class A.

Main issue

2. The main issue is whether prior approval should be granted, with particular regard to the amenity of the occupiers of No 43 Berwick Avenue.

Reasons

3. The appeal site is at the end of a short terrace of 4 houses on an estate of identical, two-storey, terraced buildings, each with a central passageway. The rear garden is long, and the area immediately behind the house is covered by a large, timber pagoda structure. Boundaries with the neighbouring gardens comprise high, close board timber fencing.
4. The council consider that the amenity of the occupiers of No 43 Berwick Avenue would be harmed, with specific reference to visual intrusion, overdominance, overshadowing, loss of daylight, loss of sunlight and loss of outlook. This is on the basis that Policy DMHD 1 B of the London Borough of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that such an

extension should not exceed 3.6 m depth, the aim of which is reportedly to protect neighbouring properties from a loss of daylight and sunlight.

5. The proposed structure is to the approximate north of the rear of No 43. On this basis, I do not consider that overshadowing or loss of sunlight immediately behind the house from the additional 0.4 m would be significant. The loss of outlook and daylight, and sense of dominance would be negligible given that the proposal is 1-storey in height and there is already a high fence and large pagoda in place. Regardless, the back gardens of the houses in the area are long and private and I consider that there is plenty of scope for a satisfactory level of outlook and daylight in the remaining garden. On this basis, I do not find that there would be harm to the amenity of the occupiers of No 43.
6. Schedule 2, Part 1, Class A (A.4)(7) of the GPDO states that prior approval is required as to the impact of the proposed development on the amenity of any adjoining premises in the event that an occupant of these premises objects to the proposal. A third-party objection was received from the occupants of the property to the rear of the site, and given the distance between the houses, the Council is satisfied that they would not be adversely affected by the development, a conclusion with which I concur. In light of the requirements of the GPDO, I also consider it of some weight that the neighbours immediately adjacent, including No 43, have not objected.

Conclusions

7. For the reasons given above, I conclude that the appeal should be allowed, and that prior approval should be granted.

B Davies

INSPECTOR