



Appeal Decision

Site visit made on 7 September 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Appeal Ref: APP/R5510/D/20/3247111

11 Repens Way, Hayes, UB4 9PR

- 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 P Stephens against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 68898/APP/2019/3878, dated 2 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host house and surrounding area.
 - The living conditions of No 9 Repens Way with particular regard to loss of outlook.

Preliminary matters

3. The policies relied upon at the point that planning permission was refused have since been replaced by Policies DMHB 11 and DMHD 1 of the London Borough of Hillingdon Local Plan: Part Two – Development Management Policies (2020) (the 'LP'). I have therefore relied upon the updated policies in the new local plan in coming to a decision. The Council's Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) has also been withdrawn.

Reasons

Character and appearance

4. The appeal site is a modern, end of terrace, brick-built house that has previously been extended with a dormer window into the roof. The proposal is to add a rear single-storey extension of 3.3 metres depth and 3.6 metres height. This structure would project approximately 1 metre beyond the side of the existing house footprint, to fill the width of the rear garden.

5. Policy DMHD1 of the LP requires that a single storey rear extension in a plot of this width does not exceed 3.3 metres in depth and that a sloping roof should not exceed 3.4 metres in height. The proposal is therefore higher than the level specified in the policy and in conflict with this requirement. No explanation is before me to justify the exceedance of the standards in the LP.
6. The proposal would result in a 3.6 metre high, blank wall when viewed from the adjacent footpath, which would lead to a sense of enclosure and loss of outlook. This would conflict with the wider objectives of Policy DMHD 1, to avoid adverse impact on the character, appearance and quality of the street and area. It would also conflict with Policy DMHB 11, which requires that streetscape elements, such as degree of enclosure, should be in harmony with the local context and that proposals should not adversely impact the amenity of open space.
7. At the site visit I did not observe that the rear of the ground floor was particularly prominent when viewed from the pavement and verge behind because it was well screened by high, close boarded wooden fencing. Views from the busy road beyond this would be fleeting. In addition, I consider that the additional bulk would appear minor when viewed from the street in front. I also noted that there were several other side extensions in the area. In this regard I do not consider that the proposals would be harmful, but this is insufficient to overcome the harm to the character and appearance of the area when viewed from the footpath.
8. Turning to the effect on the house itself, I do not find the proposed extension to be out of proportion. The footprint of the extension mimics the shape of the high garden fence and in design, the proposal is sympathetic to the original building. The original house is narrow, but the extension is modest and, especially as only a single-storey, I do not consider that the building would appear unbalanced or dominant.
9. The proposal therefore exceeds the height standard required by local policy. Although I do not find that there would be harm to the host house and wider area, there would be harm to the character and appearance of the immediate locality when viewed from the footpath, through introduction of a prominent blank wall, which would reduce the quality of the street, in conflict with Policy DMHD 1.

Living conditions

10. The small garden at No 9 Repens Way runs parallel to the proposed extension. The introduction of a 3.3 metre long blank wall of significant height, albeit sloping, along the boundary would result in a large proportion of the garden becoming more enclosed. The proposed extension would therefore reduce the outlook from the garden of No 9.
11. To some extent this is acceptable, when viewed in the context of potential permitted development rights and the height standards provided by Policy DMHD 1. However, given that there would be a loss of outlook, further information is required to justify exacerbation of this through the exceedance of the standard, which is not before me. On this basis, I consider that the additional loss of outlook is unacceptable.

12. The proposal would be in conflict with Policy DMHD 1, which requires that there is no unacceptable loss of outlook to neighbouring occupiers, and Policy DMHB 11, which requires that proposals should not adversely impact the amenity of adjacent properties.

Other matters

13. The appellant has raised concerns about the Council's management of the case. This is a matter between the appellant and the Council, and I have not considered it further. I note their observation that the decision was based on an updated Local Plan. For the avoidance of doubt, the courts have confirmed that Inspectors need to make their decisions on the basis of the development plan in place at the time of their decision.
14. I appreciate that the neighbours have not objected to the proposal, but the proposal must still be determined in accordance with the local development plan.

Conclusions

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

B Davies

INSPECTOR