



Appeal Decision

Site visit made on 2 October 2020

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/R5510/D/20/3252248

28 Botwell Lane, Hayes, UB3 2AE

- 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 Tarlok Ahuja against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 17587/APP/2020/643, dated 24 February 2020, was refused by notice dated 16 April 2020.
- The development proposed is proposed ground floor rear extension, floor plan redesign and all associated works at 28 Botwell Lane.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect of the proposal upon the living conditions of the occupants of the building and 26 Botwell Lane, with particular regard to outlook and daylight, and whether the proposal would be sustainable in terms of energy efficiency.

Reasons

3. The appeal site relates to a 2-storey terraced house. The proposed development would replace an existing flat roof single storey rear extension, and attached canopy, to provide a new kitchen and dining area. It would be a similar height to the existing extension.
4. The proposal would not extend significantly further than the structures it would replace. However, the canopy roof joins the extension just below its roof and is slightly pitched such that it slopes down away from the extension. At eaves level it sits just above the height of the boundary fence. It is open on three sides and the roof consists of translucent panels. Consequently, it appears as an attached but subordinate light and open shelter. The part of the proposed extension that would replace it would have a greater visual impact because of its uniform height, solid walls, and roof.
5. The proposed extension would be slightly set in from the boundary with No 26. However, it would project 6 metres along the boundary and the roof would be above the height of the fence that runs along it. Access to No 26's garden appears to be from the room nearest the boundary, which has large floor to ceiling windows. The outlook from these windows and the garden would be

significantly different from that which currently exists. Although the height of the extension is within limits allowed under the General Permitted Development (England) Order 2015, the length of the extension is twice the allowance and it would appear visually intrusive and over dominant in views from No 26.

6. The orientation of the terrace and height of the proposed extension is such that the potential for increased shade and a reduction in direct sunlight to No 26 and its garden would not be significantly greater than already exists. However the visual intrusion and over dominance that I have identified are such that the proposal would conflict with Policies DMHB 11 and DMHD 1 of the London Borough of Hillingdon Local Plan: Part Two - Development Management Policies (16 January 2020) (LP) which require that development should not adversely impact on adjacent properties in terms of loss of outlook, and restricts single storey rear extensions to a depth of no more than 3.6 metres.
7. Outlook and access to daylight for the existing lounge is mainly provided from south facing windows on the front elevation of the house. The proposal is to divide the lounge into a reception room and smaller lounge with glass sliding doors between the two. That would allow similar levels of light to enter the rooms as is currently the case. Opening the sliding doors would also achieve a similar outlook. The dining room would therefore be the only room without access to natural light or windows. This would not cause such a detrimental impact on the occupant's living conditions or affect the energy efficiency of the house to a level that would justify withholding planning permission. In this regard the proposal does not conflict with policies DMHB 11 and DMHD 1 of the LP and 5.3 of the London Plan (March 2016) which require that development should incorporate principles of good design and maximise sustainability. As noted by the appellant policy 3.5 of the London Plan relates to new housing development and is not relevant to the proposal.

Other Matters

8. The appellant has referred to appeals for extensions in the area that were allowed. I note that one appeal related to a more modestly sized extension. In the other case the Inspector referred to a substantial fence between the properties and the replacement of an existing conservatory, rather than an extension and open canopy. In any case no details of the proposals have been provided to me and I am therefore unable to assess any direct comparability with the current appeal proposal.
9. I note that there are other extensions to the rear of properties on Botwell Lane including No 30. These were mainly next to properties that had themselves been extended and thus may be less visually intrusive to neighbouring occupants than the proposal. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.
10. The appellant has referred to various sections of the National Planning Policy Framework, including the approach that should be taken where policies are out of date or absent. In this case the LP was adopted in 2020 and the Framework in paragraph 12 states that permission should not usually be granted where a planning application conflicts with an up-to-date development plan.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR