



Appeal Decision

Site visit made on 16 October 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 2nd November 2020.

Appeal Ref: APP/R5510/D/20/3245782

36 The Larches, Uxbridge UB10 0DL

- 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 Mansoor against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 33078/APP/2019/3144, dated 25 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is a single storey rear extension of 4m depth.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 36 The Larches, Uxbridge UB10 0DL in accordance with the terms of the application, Ref 33078/APP/2019/3144, dated 25 September 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PB-19/LARCH/03, PB-19/LARCH/04, PB-19/LARCH/10

Procedural Matters

2. Since the Local Planning Authority (LPA) issued its decision, it has adopted the Hillingdon Local Plan Part 2: Development Management Policies (2020) (LPP2). The LPA has confirmed that the policies of the previous Local Plan Part 2 (2012) and the Supplementary Planning Document cited in its reason for refusal have been withdrawn. Due to the change in policy circumstances, the appellant has been offered the opportunity to comment on the new policies, however no comments have been received.
3. I saw at my site visit that a single storey rear extension had been constructed, however it appeared to be somewhat taller than is shown on the plans submitted for the appeal, with the top of the roof ending approximately half-way between the ground floor and first floor windows. As I cannot be certain that what has been built is what is shown on the submitted plans, I have decided the appeal on the basis of the plans before me. Therefore, I have amended the description in the header above to remove reference to matters that are not development.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 38 The Larches in respect of outlook and light.

Reasons

5. Due to its orientation, the existing two-storey dwelling on the appeal site will already shade of the rear of No. 38 during the late afternoon and evening, and the existing fence will also shade part of the rear garden. The siting of the proposed extension would result in some additional shading during the afternoon, however as it would only be single storey, with a relatively low, flat roof, this would only be for a short period, and would only affect a small area of the neighbouring property. The rear of No 38 and its garden would still benefit from sunlight for the whole morning. Consequently, although the proposed extension would be slightly deeper than LPP2 Policy DMHD 1 B) i) indicates would be acceptable, it would not significantly adversely affect the living conditions of the occupiers of No 38 in respect of light.
6. Due to the height of the existing boundary fence between Nos 36 and 38, only a modest proportion of the proposed extension would be seen from No 38 above the fence. Furthermore, the outlook to the rear garden and to the other side of No 38 would be unaffected by the proposal. Consequently, while the proposed extension would be visible from the garden and rear windows of No 38, given its limited height and flat roof it would not be a particularly intrusive form of development. As such, it would not result in an unacceptable loss of outlook for the occupiers of that property.
7. Consequently, the proposal would not significantly adversely affect the living conditions of the occupiers of No 38 in respect of light and outlook. While the proposal would exceed the dimensions set out in criterion B) i) of LPP2 Policy DMHD 1, I note that the policy wording only sets out that the specified dimensions 'should' be met, not that they must be complied with, as is required by other criteria of the same Policy. The proposal would comply with the overarching requirements in Policy DMHD 1 A) ii) and v) that extensions achieve a satisfactory relationship with adjacent dwellings and do not result in an unacceptable loss of outlook to neighbouring occupiers. Overall therefore, I find no conflict with the requirements of that Policy. I also find no material conflict with the requirement of LPP2 Policy DMHB 11 that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties.

Conclusion

8. For the reasons given above, the appeal is allowed.

Conditions

9. As the proposal does not appear to accord with what has been built, conditions are necessary to secure implementation of the proposal within a specified period and compliance with the approved plans, in the interests of certainty. The Council suggests a condition to require use of matching materials, however given the small scale of the extension, and given that it would not be seen from public viewpoint the use of other materials would not materially affect the character and appearance of the area. Therefore, control over materials is not necessary.

L McKay

INSPECTOR