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## Appeal Decision

Site visit made on 16 October 2020

**by L McKay MA MRTPI**

**Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> November 2020.**

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**Appeal Ref: APP/R5510/D/20/3255946**

**20 Clovelly Avenue, Ickenham UB10 8PS**

- 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 Sagar Shivnani against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 75228/APP/2020/1283, dated 22 April 2020, was refused by notice dated 18 June 2020.
  - The development proposed is single storey side to rear extension, part single part double storey rear extension and proposed detached outbuilding following demolition of existing garage.
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### Decision

1. The appeal is allowed and planning permission is granted for single storey side to rear extension, part single part double storey rear extension and detached outbuilding following demolition of existing garage at 20 Clovelly Avenue, Ickenham UB10 8PS in accordance with the terms of the application, Ref 75228/APP/2020/1283, dated 22 April 2020, 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: 2019/78HH-03, 2019/78HH-04, 2019/78HH-05, 2019/78HH-06, 2019/78HH-07, 2019/78HH-08
  - 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.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. Clovelly Avenue and roads off it generally consist of pairs of semi-detached dwellings of similar age and materials, with two main design variations. Several dwellings have roof extensions, including large side dormers or hip-to-gable enlargements, such as that which has already been constructed at the appeal site. The appeal property also has a substantial box dormer taking up the majority of the rear roof slope. These roof extensions have significantly

altered the symmetry of this pair of dwellings, and are prominently visible in the street scene due to the siting of the appeal property at the end of the Avenue.

4. The proposed first floor rear extension would be relatively small in relation to the existing additions to the dwelling, and the roof pitch and materials would match the existing dwelling. While its roof would have a somewhat awkward junction with the box dormer, it would not interfere with the existing openings on the rear of it. Furthermore, very little of this proposed extension would be visible from public viewpoints, with only glimpses of part of the side wall possible through the gap between Nos 20 and 22. As such, it would not significantly alter the symmetry of the pair of dwellings compared to the existing situation.
5. Consequently, given its height, scale and form, the proposed first floor extension would appear subordinate to the existing dwelling and would not have an adverse cumulative impact on the character, appearance or quality of the existing street. As such, I conclude that it would not harm the character and appearance of the area.
6. The proposed single storey extensions would wrap around the dwelling and the side part would be visible from the road, however single storey side additions are common in the area. Furthermore, the proposed outbuilding would be screened from view by the existing dwelling and proposed extensions. As such, these elements of the proposal also would not harm the character and appearance of the area.
7. I therefore find that the proposals would not conflict with Policies DMHD 1 and DMHD 11 of the Local Plan Part 2 (LPP2), which amongst other things, require development to harmonise with the local context and avoid cumulative impacts on the area.

### **Other Matters**

8. The proposed rear extensions would result in some shading of the rear patio of No 18 in the early afternoon, an area used for sitting out. However, the patio is already shaded by the existing dwelling in the morning and given its depth and height, the proposal would only result in a short period of additional shading. Consequently, the proposal would not significantly reduce sunlight to this area.
9. The proposed first-floor extension would not extend beyond a 45-degree line drawn either horizontally or vertically from the centre of the nearest window of No 18, and as such would comply with Policy DMHD 1 B) vi). The single-storey element of the proposed rear extensions would however breach such a line, and would therefore be likely to result in a loss of daylight to No 18.
10. A single storey rear extension of the same height and depth could however be constructed under permitted development, as prior approval has already been granted. Based on the evidence before me, I consider that there is a realistic prospect that it would be built if this appeal were dismissed. The appeal proposal would not therefore result in a significantly greater impact on daylight or sunlight to No 18 than the permitted extension. In the context of this fallback position, I consider that the impact on light to No 18 does not warrant refusal of the appeal scheme.

11. Construction can cause considerable noise and disturbance, which neighbouring occupiers have already experienced during the recent roof extensions to No 20. However, although such impacts may endure for several months, they are temporary in nature. Therefore, it would not be reasonable or necessary to impose any planning conditions to control the hours or methods of construction.
12. The Planning Practice Guidance sets out that in general, the courts have taken the view that planning is concerned with land use in the public interest, so the protection of private interests, such as the impact of a development on the value of a neighbouring property, could not be material considerations. Therefore, I cannot have regard to property value when reaching my decision on this appeal.

### **Conditions**

13. Conditions are necessary to set a time period for implementation of the development and to require compliance with the approved plans, in the interests of certainty. Matching materials are also needed in the interests of the character and appearance of the area.
14. An interested party has raised concerns that the proposed outbuilding could be used for separate residential use in the future, and suggests conditions to prevent installation of services and to control its use. The outbuilding is proposed to be used for purposes ancillary to the existing dwelling and its use as a separate dwelling would require planning permission. Therefore, such conditions would not be necessary.

### **Conclusion**

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

*L McKay*

INSPECTOR