
Appeal Decision

Site visit made on 27 October 2020

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/F5540/D/20/3251823

35 Talbot Road, Isleworth TW7 7HG

- 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 and Mrs van der Westhuizen against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01109/35/P7, dated 26 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is the erection of a single storey rear wrap around extension to the house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear wrap around extension to the house at 35 Talbot Road, Isleworth TW7 7HG in accordance with the terms of the application, Ref 01109/35/P7, dated 26 February 2020, 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: Location Plan and A-7119 Revision 6.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed on the western/left side elevation of the development hereby permitted.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 37 Talbot Road.

Reasons

3. The appeal property is a 2-storey mid-terrace dwelling which has been altered by an addition to the roof and the erection of a rear addition. The proposed development includes the erection of a single storey rear extension which would infill the existing side garden between the flank wall of the outrigger/addition and the shared boundary of 37 Talbot Road. Adjacent to the boundary

the eaves height of the appeal scheme would be 2.2 metres when measured from the ground level of the property's curtilage.

4. Planning permission for a similar form of development was granted on 7 September 2012 (Ref P/2012/1927) but was not implemented and pre-dates the Council's *Residential Extension Guidelines Supplementary Planning Document* (REG) which refers to the eaves height of infill extensions of the type proposed not exceeding 2 metres in height on the boundary. Planning permission for a similar extension as the appeal scheme was granted by the Council on 15 April 2020 (Ref 01109/35/P8) but with an eaves height of 2-metres on the shared boundary with No. 37. The existence of this approved scheme represents a credible fallback position to which significant weight is attached.
5. The REG can only be guidance because it cannot take into account the circumstances of every proposal. In this case, there is an existing extension and a covered storage area between the outrigger of No. 37 and the shared boundary with the appeal property. Further, although the proposed extension would have an eaves height of more than 2-metres adjacent to the shared boundary with No. 37, the relative height difference would be 2.1-metres by reason of the difference in ground level. The height of the proposed flank wall would not be significantly greater than parts of the existing boundary treatment.
6. The existing additions to the rear of No. 37 already have an effect on the outlook from the rear ground floor windows of this neighbouring dwelling. They equally affect levels of daylight and sunlight reaching the windows.
7. There would be limited differences between the scale and height of the approved and appeal schemes which would not materially alter the outlook for the occupiers of No. 37. Similarly, there would also not be a material difference caused to the levels of daylight and sunlight received by ground floor windows because of the higher eaves height of the proposed extension. Further, there would be no significant change to the sense of enclosure that could be experienced by the occupiers of No. 37 when comparing the scale and height of the approved and proposed extensions.
8. In undertaking the assessment of the appeal it has been noted that the current occupiers of No. 37 have not objected to the proposed development. However, other people may well occupy this neighbouring property at a later date and only limited weight has been given to the current lack of an objection to the appeal scheme.
9. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 37 Talbot Road and, as such, there would not be a conflict with Policy SC7 of the London Borough of Hounslow Local Plan 2015-2030: Volume 1 and the REG. Amongst other matters, this policy seeks to minimise harm to neighbouring residents from proposed alterations and extensions by avoiding an unacceptable loss of daylight, sunlight and outlook or by creating an unacceptable sense of enclosure.

Conditions

10. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Planning Practice Guidance. Conditions are necessary to ensure that the appeal scheme is erected in accordance with the approved drawings for reasons of clarity and to secure the use of external materials which match the host property thereby reflecting its character and appearance of this dwelling. A condition is also necessary to prevent the formation of any further openings within the side elevation of the proposed extension to avoid overlooking of No. 37.
11. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR