The Planning Inspectorate

Appeal Decision

Site visit made on 6 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by M Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/F5540/D/20/3246566
88 Whitton Dene, Hounslow, Middlesex TW3 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended).
- The appeal is made by Mr Deepak Kapoor against the decision of the Council of the London Borough of Hounslow.
- The application Ref 01203/88/PA1, dated 20 November 2019, was refused by notice dated 6 January 2020.
- The development proposed is described as single storey rear extension to come out 8m from rear wall.

Decision

1. The appeal is allowed, and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) for a ground floor rear extension 8 metres deep, maximum height of 3 metres, 2.862 metres high to eaves at 88 Whitton Dene, Hounslow, Middlesex, TW3 2JU, in accordance with the application made on 20 November 2019, and the details submitted with it including the Unnumbered Site Location Plan and plan numbers 01, 02 and 03, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. This is how I have proceeded in this appeal.

5. I have revised the description of the proposed development in the formal decision from that shown in the banner header, which has been taken from the application form. The description in the formal decision establishes the dimensions of the proposed development, which I consider to be a more concise description. I note that the dimensions are set out in the application form and upon the drawings.

Main Issue

6. I consider that the main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of 90 Whitton Dene and 48 and 50 Millward Road, with particular regard to outlook and impact on light.

Reasons for the Recommendation

7. 88 Whitton Dene is a detached dwelling with a single storey rear extension. The appellant wishes to replace that extension with a new single storey rear extension.

8. The rear garden of the appeal site has a raised area beyond a much lower patio area that has high boundary walls on either side. I observed that no 90 Whitton Dene (no 90) benefits from a single storey rear extension. The Council indicate that this is 6 metres deep and that the proposed extension would project beyond this by 2 metres. The proposed extension would be extensively screened by the boundary wall when viewed from both the dwelling and rear garden at no 90. It would also be set in from the shared boundary. As such, the proposal would not result in an unacceptable sense of enclosure and loss of outlook affecting the living conditions of the occupants of no 90. Further, given the single storey nature of the proposed extension and the intervening boundary wall, no unacceptable loss of sunlight or overshadowing would occur.

9. The property at 48 Millwood (no 48) sits higher than the appeal site with its rear boundary running along the side boundary to the rear garden of the appeal site. The rear windows at no 48, other than for a window serving the garage, are angled away from the location of the proposed extension. As such, the areas served by these windows would be unaffected by the proposal. I observed a window in the side elevation of the single storey projection to the side of no 48, which would directly face the proposed extension. However, given the ground difference between the properties, the proposed extension would not appear overbearing from this window. While the roof of the proposed extension is likely to be visible from the rear garden of no 48, it would not, as a result of its single storey nature, the difference in ground levels and intervening boundary treatment result in an unacceptable sense of enclosure or loss of outlook to the occupants of that property.

10. To the side of the existing single storey at the appeal dwelling, the boundary wall between the dwelling and 50 Millward Road (no 50) is lower than the section of high boundary wall to which I have already referred. The rear elevation of no 50 faces the side elevation of the appeal dwelling, while the rear boundary to the rear garden runs along the side elevation. As such, the outlook from this property and rear garden when facing north is already restricted. The occupants at No 50 Millward Road (no 50) have objected to the proposed extension on the grounds that it would spoil the view afforded from their property. They are also concerned that the proposal would result in a cluttered appearance and they have raised concern regarding a window in the

existing extension that they indicate must be filled in to comply with a previous planning permission. However, my consideration in this matter is restricted only to the living conditions of adjoining neighbours.

11. The proposed extension would be visible from the rear of no 50 and its rear garden and would restrict the view through to the appeal property from the north east corner of that garden. However, given the existing relationship between the properties, the orientation between no 50 and the proposed extension, and the single storey nature of the proposal, the proposed extension would not significantly affect the living conditions of the occupants of no 50 over and above the current situation.

12. The appeal site also adjoins 35a Park Close to the rear. Given the distance between the proposed extension and that property, no harmful impacts on the living conditions of the occupants of that dwelling would occur.

13. In light of my findings, I consider that the impact of the proposed development on the amenity of nearby occupiers would be acceptable. It would comply with Policies CC2 and SC7 of the London Borough of Hounslow Local Plan 2015-2030, Volume One (2015) (LP). Among other things, these policies expect development proposals to minimise harm to neighbouring residents. Although the proposal would conflict with the maximum depth suggested for rear extensions by the Council's Design Guidance for Extensions and Alterations (2017), the proposal would comply with its aim of protecting the living conditions of occupants of neighbouring properties from unacceptable impacts.

14. The Council also refer to Policy CC1 of the LP. This Policy is concerned with the design of development proposals and how they relate to their surroundings. As I am only able to consider the impacts of the proposed extension on the living conditions of the occupants of adjoining dwellings this policy is not relevant to my assessment.

Recommendation and Conditions

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

16. Schedule 2, Part 1, Class A, Paragraph A.3 of the GPDO sets out a number of conditions that works benefitting from Permitted Development under Class A must comply with. This includes the condition that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

17. The Council request a condition that the proposed development begin not later than three years from the date of this decision. As the development is subject to prior approval and not planning permission, such a condition cannot be attached. A condition is also requested that the development be carried out in accordance with the approved plans. The appeal has been assessed on the drawings submitted with the application and prior approval granted on that basis. As such, it is clear those drawings constitute the Prior Approval. A condition is requested that the external materials match those used in the existing building. I have assessed this issue in the preceding paragraph. The Council also request a condition that all openable parts of any side window in the extension shall be more than 1.7 metres above finished floor level and obscure glazed. Further, once built, no further side windows shall be installed.

Given the single storey nature of the proposed development, I do not consider that such a condition is necessary.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and prior approval is granted.

Martin Seaton

INSPECTOR