



Appeal Decision

Site Visit made on 9 November 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/R5510/D/20/3259401

32 Coleridge Drive, Eastcote, Ruislip HA4 8GW

- 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 R Briones against the decision of the London Borough of Hillingdon.
 - The application Ref 75584/APP/2020/1518, dated 14 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is a single storey rear conservatory extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupiers, with particular regard to private external space.

Reasons

3. The appeal property is located on a recently constructed housing estate, said to be built on a former RAF site. The estate comprises a range of dwelling types, and in the vicinity of the appeal property these have generally small and open front curtilages next to shared-surface space.
4. The appeal concerns a narrow, 3-bedroomed, mid-terraced house, positioned between two somewhat wider dwellings on either side. In addition to its small front garden, there is a larger, rectangular-shaped rear garden, predominantly lawned but with a small patio area and a shed towards the end.
5. The rear elevation of the appeal dwelling is set back from the principal rear elevations of the next door dwellings, both of which contain conservatories of similar sizes and which are separated from the garden of the appeal dwelling by substantial brick walls.
6. Much of the rear garden of the appeal property is therefore enclosed by these walls which project around 5.5 metres from its rear elevation. The remainder is enclosed by timber fencing, with a gateway leading to a shared passageway that provides access to and from the rear of the appeal property and No 30.
7. The appeal proposal would entail the erection of a conservatory between the two boundary walls. The proposed conservatory would project further than the 3.3 metres specified in Policy DMHD1 (Alterations and Extensions to Residential Dwellings) of the Hillingdon Local Plan Part 2 – Development Management Policies January 2020 (HLP2DMP).

8. Whilst it would be of a very similar scale and design to those at the next door properties¹, these have larger rear gardens. The proposed conservatory would enclose an area of some 19.5sqm of the rear garden leaving around 29sqm of remaining.
9. At the time that the appeal dwelling was granted planning permission, the rear garden area would have been less than what is now required by the development plan; for a 3-bedroomed house such as this, 60sqm of private outdoor amenity space would be required².
10. The appeal dwelling was constructed sometime before the HLP2DMP was adopted in 2020. It is unclear what standards were contained in the development plan at the time that planning permission was granted for the appeal dwelling.
11. The appellant makes reference to a Supplementary Planning Document (SPD), which is said to have required 60sqm for a rear garden of a 3-bedroomed house and to have been part of the policy framework at this time. However, this document is not in the evidence before me and in any event is planning guidance rather than part of the development plan, attracting significantly less weight.
12. I also note the references to a single storey rear extension at 37 Coleridge Drive, which was refused planning permission by the Council but allowed at appeal³ in 2017. However, I am not familiar with the details of this proposal or the appeal decision, which are not in the evidence before me; the appeal decision also predates the adoption of the HLP2DMP by almost three years.
13. Regardless of the outdoor space standards that existed at the time the estate was granted planning permission, the proposed conservatory would substantially reduce the existing private outdoor space at the appeal dwelling. The residual amount would be less than half what the development plan states is currently required for a property such as this.
14. In my view, this would significantly worsen the situation for future occupiers and would leave them with an unacceptably small area of private outdoor space. The benefits that would be derived from an extended internal living space would not be sufficient to outweigh this harm.
15. For these reasons the proposed development would adversely affect the living conditions of future occupiers, with particular regard to private external space. Consequently, the proposed development would conflict with Policies DMHD1, DMHB11 (Design of New Development) and DMHB18 of the HLP2DMP.

Conclusion

16. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

¹ The Council states that these conservatories were not granted planning permission and are now immune from enforcement action.

² Policy DMHB18 (Private Outdoor Amenity Space) of the HLP2DMP.

³ Ref. APP/R5510/D/16/3166215