
Appeal Decision

Site visit made on 24 November 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/R5510/D/20/3256455

29 Barnhill Lane, Hayes UB4 9HD

- 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 Daljeet Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 18069/APP/2020/950, dated 19 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 29 Barnhill Lane, Hayes UB4 9HD in accordance with the terms of the application, Ref 18069/APP/2020/950, dated 19 March 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 approved plans: 20/BL29/12, 20/BL29/13, 20/BL29/14, 20/BL29/15 received 19/03/20 and 20/BL29/11 received 02/04/20.
 - 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 living conditions of the existing and future occupiers of the appeal property with particular regard to private external outdoor amenity space.

Reasons

3. The appeal property is a two storey semi-detached extended dwelling with a timber shed at the rear located in a mature well-established residential area. A small enclosed garden with an existing area of 85 sqm is provided at the rear of the host property¹.

¹ RJS Planning Appeal Statement July 2020 Paragraph 7.19

4. The appeal site has an extensive planning history relating to proposals to extend the property, including an appeal dismissed for a single storey rear extension in 2019². The proposal would entail the construction of a single storey extension with a flat roof that would extend partially across the width of the house and project out by about 2.0m from the rear elevation.
5. The Council requires a good quality and usable private outdoor amenity space of recommended minimum of 100 sqm to be provided for a four bedroom dwelling in line with the standards set out in Table 5.3 under Policy DMHB 18 of the Hillingdon Local Plan Part 2 Development Management Policies (January 2020) (HLPP2). The Council considers that the retained garden area of 87 sqm would be inadequate. The appellant states that the submitted plans show the provision of adequate amenity space in excess of the existing space.
6. However, irrespective of the difference between the main parties, the proposed extension would retain the vast majority of the existing rear garden. I observed on my site visit that a small timber shed originally shown in the appellant's submission had already been removed from the garden.
7. The changes and reduction in the scale of the proposed rear extension and removal of the existing outbuildings would, in my view, address the concerns raised by the Inspector on the previous appeal scheme. This would provide the occupiers with a usable garden space of sufficient quality and size to carry out leisure and family household activities, particularly during the summer months. The amount of private external open space provided would not be significantly different to the existing situation on the site and does not warrant dismissal of the appeal on these grounds. I therefore consider that the proposal would provide adequate outdoor amenity space and result in a satisfactory living environment for the occupiers in this particular case.
8. Consequently, I conclude that the development would not result in an unacceptable impact on the living conditions of the existing and future occupiers of the appeal property with particular regard to private external amenity space. It would be consistent with the overall aims of Policies DMHB11, DMHD18 and DMHD1 of the HLPP2. These policies, amongst other things, seek to ensure that all developments including extensions and alterations provide the highest standards of design with good quality and usable private outdoor amenity space for the enjoyment of the occupiers.
9. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property.
10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

² APP/R5510/D/19/3233666