



Appeal Decision

Site visit made on 12 November 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/F5540/D/20/3251491

26 Hampton Lane, Feltham, TW13 6PD

- 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 Darran Levins against the decision of London Borough of Hounslow Council.
 - The application Ref 00548/26/P6 dated 8 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is the introduction of a single storey extension. 6 metres in length, with a gable roof from 2m to 3.3m tall.
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Decision

1. The appeal is allowed, and planning permission is granted for the introduction of a single storey extension, 6 metres in length, with a gable roof from 2m to 3.3m tall at 26 Hampton Lane, Feltham, TW13 6PD in accordance with the terms of the application ref: 00548/26/P6, dated 8 February 2020, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Location Plan EX001 S1 April 2019, Proposed GF Plan GA110 S1 February 2020, Proposed 1F Plan GA111 S1 February 2020, Proposed Rear Elevation GA120 S1 February 2020 and Proposed Rear Section GA121 S1 February 2020.
 - 3) The external materials for the rear extension shall match that of the existing dwelling or be undertaken with the details specified on the approved plans only. Any alteration to the approved materials will require submission to, and approval in writing from, the Local Planning Authority prior to use.

Main Issues

2. The main issues are i) the impact of the proposal upon the living conditions of neighbouring occupiers and ii) the impact of the proposal upon the character and appearance of the host dwelling and the surrounding area.

Reasons

Neighbouring Living Conditions

3. The appeal site comprises a two storey, mid terraced, dwelling. The property does not appear to have previously been extended though it is noted that at the time of my site visit construction works/footings had been started for an

extension, but that these did not match the proposal which is before me within this appeal. I noted that the adjoining properties have been extended (albeit one is more akin to a greenhouse) and the Council state these are *no deeper than 2.60 metres* (though it is noted that the appellant contends that no. 28's extension is 3.11 metres).

4. The appellant has submitted a previous appeal decision for the site¹ which was following refusal of prior approval for a 6-metre single storey rear extension. The appeal was dismissed. The Inspector in the previous appeal was clear that *the flank wall of the extension would project well above the existing boundary for the depth of the extension*. As such it was found that *the significant portion of the extension from the rear of the appeal property and the height of the flank all, would result in an increased and unacceptable sense of enclosure for the occupiers of adjoining properties*. The dismissal was, I find, as a result of a proposal which would have resulted in 2.7m flank walls right up to the boundary then combined with the overall depth.
5. The previous scheme was for a similar overall height but the eaves height has been reduced in the scheme before me from 2.7 metres to 2 metres. I note, from my site visit, that there is currently timber panel fencing in the region of 2 metres in height along the boundaries of the appeal site. The eave height of the proposal would be level with this however, the highest point would be set in from the boundaries by around 2.25 metres. As a result of this I do not find that the proposal would present as enclosing for the neighbouring properties. Given that the eave height is consistent with the existing boundary treatment height I do not find that there is an overbearing presence on the boundary.
6. The aspect to the rear is relatively open for an urban area and the proposal would be located to the South East of no. 28. The appellant has submitted evidence as to the impact of the proposal upon neighbouring daylight and sunlight which demonstrates that there will be reduced direct sunlight but that this is limited, above the existing boundary height, and that any additional shading equates to 0.7% and 4% respectively of the existing total garden areas for no. 24 and no. 28 respectively. It is also consistent with the 25-degree test. The Council have not commented, nor provided any further evidence, on this. Based on the evidence before me I do not find that the proposal would result in unacceptable levels loss of daylight, outlook or overshadowing.
7. In terms of planning history I only have decision notices before me. Within this appeal the Council have submitted no statement and the Council's report, I find, does not robustly justify or assess the multiple impacts upon neighbouring living conditions which are listed within the first refusal reason. Furthermore the Council do not appear to respond to the evidence put forward in the appellant's planning statement as to why, they feel, the proposal still results in the stated impacts, particularly in relation to daylight and overshadowing.
8. Based on the evidence before me I find the proposal would be consistent with London Borough of Hounslow Local Plan 2015 – 2030 (LP) Policy CC2 which supports high quality urban design, seeks to minimise overbearingness and overshadowing and ensure sufficient daylight/sunlight to adjacent dwellings and LP Policy SC7 which expects development to minimise harm to neighbouring residents through high quality design.

¹ APP/F5540/D/18/3201895

9. I acknowledge that the proposal is contrary to the guidance (re: maximum depths) set out within the Residential Extensions Guidelines Supplementary Planning Document 2017 (SPD). Despite this the maximum depths are stated as it is considered that anything larger *could cause unacceptable enclosure and block daylight and sunlight*. As outlined above, on the evidence before me, the proposal is consistent with the aims of the SPD in relation to neighbouring amenity and it is clear in the SPD that the final test of acceptability will depend on the particular circumstances of the site.

Character and Appearance

10. The proposal is acknowledged to add notable depth to the rear of the property, however, the plots for the properties in the area are quite long and narrow and the proposal will leave sufficient garden. I find the proposal, when viewed from the rear elevation, will still present as subservient below the first-floor windows. The public views of the proposal will be limited as a result of the garaging along Shepherd Close to the rear. Views of the proposal would, of course, be possible from neighbouring properties but I find that overall the proposal would have insufficient impact upon the appearance of the area to warrant refusal.
11. The appellant's submissions demonstrate varied character as a result of outbuildings and extensions to the rear of properties within the immediate area. Whilst the presence of such development does not set a precedent, and each case should be considered on its own merits, the Council do acknowledge them as likely to be lawful. The ad-hoc development in the area I find contributes to the generally undefined, well-developed, character of the area and I do not find the proposal would result in a bulky, obtrusive or incongruous addition which would harm the character of the area or the host property itself.
12. The proposal would be consistent with LP Policy CC1 which requires development respond to the wider context and history of the area, LP Policy CC2 which requires development to respond meaningfully to the site, its characteristics and constraints and LP Policy SC7 which requires all additions not to harm the existing character and appearance of the building and its context.
13. The proposal would also be consistent with the guidance in the SPD in that it requires extensions to complement the existing building and maintain the character of the general street scene and the character and value of private spaces. The proposal does not dominate the host property and the existing character of the dwelling and surrounding area can still be appreciated.

Other Matters

14. I note two objections to the scheme from neighbouring properties. I have assessed the impacts of the proposal above within this decision. Fear of a precedent for future development is not a reason for refusal, each case must be considered on its own merits. I note comments from the previous application however, depth is only one element for consideration and I have considered the proposal before me within this appeal against the relevant LP policies and SPD guidance, based upon the evidence before me. I have discussed over shadowing, loss of sunlight and overbearingness above.

15. I note comments regarding views from the back bedrooms, however, assuming that the bedrooms are on the first floor of the property in question I have no evidence before me to suggest the proposal would be overbearing given that it is below, and set away, from the first floor windows. The Council have not raised specific issue with the roof being a gable roof and I find no reason to conclude differently on this particular design point. Concerns regarding future use of the proposal, or whether the extension is necessary for the occupants, are matters which fall outside the scope of this appeal.

Conditions

16. The Council has not suggested any conditions. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. In order to ensure a satisfactory appearance, I have attached a condition requiring materials for the external elevations to match that of the existing dwelling or be accordance with the approved plans only.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to the conditions.

Eleni Randle

INSPECTOR