



Appeal Decision

Site Visit made on 23 November 2020

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2020.

Appeal Ref: APP/R5510/D/20/3255439

39 Stirling Road, HAYES, UB3 3AH

- 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 Jasbir Toor against the decision of London Borough of Hillingdon.
 - The application Ref 43206/APP/2020/932, dated 16 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed is single storey rear extension, part first floor rear extension & internal alterations
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey rear extension, part first floor rear extension & internal alterations at 39 Stirling Road, Hayes, UB3 3AH in accordance with the terms of the application, Ref 43206/APP/2020/932, dated 16 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 following approved drawing: 39SR- SSRE &FFRE/02092019/REV-F.
 - 3) The materials to be used in the construction of the external surfaces of the development shall be those specified in the application form.

Main Issues

2. The main issues in this appeal are the effect of the proposed single storey rear extension on:
 - i) the living conditions of occupiers at No 37 Stirling Road (No 37), with particular reference to outlook and daylight; and
 - ii) the character and appearance of the host property and the area;

Reasons

Living Conditions

3. The proposed single storey rear extension would extend across the width of the house and incorporate a flat roof measuring 3m in height. It would adjoin an existing single storey rear extension, and together these additions would result in a 6m projection from the original rear wall of the dwelling.

4. Policy DMHD 1 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (the Local Plan) sets out prescriptive parameters that house extensions must comply with. In the case of single storey rear extensions on semi-detached dwellings with a plot width of 5m, the depth of the extension must not exceed 3.6m. The policy's supporting text also states that the addition of conservatories or other extensions to buildings that have already been extended will not be permitted.
5. The neighbouring semi-detached dwelling at No 37 is separated from the appeal property by a single width driveway. The ground floor windows on the rear elevation of No 37 face an existing brick boundary wall and a single storey garage which are both in close proximity, and limit, to an extent, the outlook from those windows. Moreover, a neighbouring rear extension at No 35 partially encloses No. 37's garden area along with the garage building referred to.
6. Although the proposed extension would have a rearward projection beyond those ground floor windows belonging to No 37, it would be obscured by the existing brick wall and garage, in addition to a solid black metal side access gate at the appeal property. In this context the proposed extension's low roof would be partially visible by virtue of its upper portion protruding over those existing structures, yet it would not amount to harming the outlook from the rooms those neighbouring windows serve and the rear garden of No 37. Furthermore, the level of daylight received by existing rooms and the garden area of No 37 would not be substantially altered by the proposed single storey extension given its scale and the presence of intervening features.
7. Despite technical breaches of policy DMHD 1, the specific circumstances of this appeal mean that I have not found there to be any harm to the living conditions of occupiers of No 37 Stirling Road, with particular reference to outlook and daylight. The proposed single storey rear extension would still comply with the overall aims of Policies DMHD 1 and DMHB 11 of the Local Plan, which amongst other things, require proposals, to have a satisfactory relationship with adjacent dwellings and to ensure no adverse harm to the amenity of occupiers.
8. The Council's refusal reason specifically refers to the proposed single storey rear extension's impact on No 37, however, the officers report suggests that it would also harm the occupiers of the adjoining semi-detached property, No 41, in terms of loss of outlook and natural light. The proposed single storey extension would extend a short distance beyond the existing ground floor rear elevation at No 41, while its flat roof would marginally project above the boundary fence. The scale and height of the proposed single storey rear extension relative to the common boundary would not result in an adverse loss of outlook from the garden area and habitable rooms of No 41. Moreover, the neighbouring ground floor extension at No 41 has a wide set of rear patio doors and two roof lights that would ensure the room receives adequate daylight following the construction of the proposal. Therefore, I have not found that there would be harm to the living conditions of that neighbouring property's occupiers.

Character and Appearance

9. The proposed scheme also includes a first-floor extension with hipped roof which the Council consider acceptable. This would be seen in context with an

existing box dormer extension which covers a significant portion of the roof and has resulted in the dwelling's original hipped roof reverting to a pitched type. The proposed rear extension would incorporate a profile that would be similar to the existing box dormer, while its low height would be subordinate with the overall scale of the dwelling ensuring an acceptable relationship with the appearance and design of the dwelling.

10. The proposed single storey rear extension would be located on the dwelling's rear elevation and would not be seen from Stirling Road due to the existing built form screening it from view. Therefore, despite the Council's concerns, I am satisfied that it would not result in any visual change to the appearance of the appeal dwelling when viewed from the street.
11. The proposed single storey extension would have an acceptable effect on the character and appearance of the host property and the area. It would comply with Policies DMHD 1 and DMHB 11 of the Local Plan, which require proposals, amongst other considerations, to ensure no adverse cumulative impact on the character of the area and to harmonise with the local context in terms of scale, height and mass.

Other Matters

12. Concerns have been raised by third parties that the proposal would lead to increase demand for parking in the area. Yet, the Council have not raised any concerns in relation to parking, as there would be no increase in the number of bedrooms at the appeal property. I agree with their position, and therefore this matter carries little weight in my determination.
13. The third-party concerns in relation to building foundations is a land ownership issues which does not form part of my assessment.

Conditions

14. In addition to the standard time limit condition I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty. A condition relating to the construction of the extension in materials to match the existing dwelling is necessary to safeguard the character and appearance of the area.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

RE Jones

INSPECTOR