



Appeal Decision

Site Visit made on 24 November 2020

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

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020.

Appeal Ref: APP/R5510/D/20/3254991

73 Mildred Avenue, Hayes, UB3 1TR

- 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 M Sandhu against the decision of London Borough of Hillingdon.
 - The application Ref 73310/APP/2020/945, dated 17 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is retention of existing conservatory.
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Decision

1. The appeal is allowed, and planning permission is granted for the retention of existing conservatory at 73 Mildred Avenue, Hayes UB3 1TR, in accordance with the terms of the application Ref 73310/APP/2020/945, dated 17 March 2020, and the plans submitted with it.

Preliminary Matter

2. The conservatory has already been built and is consistent with the submitted drawings. Therefore, I have determined the appeal on the basis that the appellant is seeking permission for what is now in place.

Main Issues

3. The main issues in this appeal are:
 - the effect of the appeal development on the character and appearance of the host property and surrounding area; and
 - the effect of the appeal development on the living conditions of No 75 Mildred Avenue, with particular reference to outlook.

Reasons

Character and Appearance

4. The appeal site comprises an end of terrace dwelling located at the junction of Mildred Avenue and Pinkwell Avenue. The dwelling and rear garden is located at a marginally lower land level to Pinkwell Avenue and the appeal property is separated from the road by a brick boundary wall extending the length of the dwelling's rear amenity space. The appeal conservatory has already been built and adjoins an existing, part single storey, part two storey rear extension. A further addition on the appeal dwelling, comprises an existing rear roof extension, which covers the majority of the roof plane.

5. 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 terrace dwellings with a plot width over 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.
6. The conservatory has a depth of 4m and in combination with the existing additions, has a rearward projection that exceeds the limit outlined in Policy DMHD 1. However, the conservatory has a low roof height, while having a width that is more reduced than the other additions. This ensures that the conservatory appears subordinate to the existing dwelling, while its glazed frame gives it the appearance of a lighter, less bulky addition, in contrast to the heavier masonry and brickwork used in the construction of the other rear extensions.
7. The Council has concerns that the proposal will not harmonise with the architectural composition of the original dwelling. But this has largely been lost at the rear of the property by the introduction of the roof addition, which has removed the dwelling's original hipped roof, and the construction of the two-storey extension. The appeal conservatory will further change the architectural form at the rear of the dwelling, yet in doing so, it will not significantly detract from its existing appearance which includes the taller and more prominent roof and two storey additions. On this basis, the proposal will not unacceptably harm the appearance of the dwelling.
8. From the surrounding streets, the existing brick boundary wall significantly screens the conservatory, while the lower land level upon which it is built results in only the highest parts of its mono-pitched roof being perceptible from public vantage points. Consequently, it will not have a detrimental visual effect on the wider area.
9. Despite technical breaches of policy DMDH 1, the specific circumstances of this appeal mean that I have not found there to be any harm to the character and appearance of the host property and the surrounding area. The proposed conservatory will still comply with the overall aims of Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan Part 2, Development Management Policies, adopted January 2020 (the Local Plan), and Policy BE1 of the Hillingdon Local Plan: Part 1, Strategic Policies, adopted November 2012. These, amongst other things, require proposals, to harmonise with the local context in terms of scale, height and mass, and ensure that there is no adverse impact on the character, appearance and quality of the wider area.

Living Conditions

10. The neighbouring terrace property at No 75 Mildred Avenue (No 75), is separated from the appeal property by an existing boundary fence running the length of its rear garden. The existing single storey rear addition at the appeal dwelling is sited close to the boundary fence and is visible from the rear windows of No 75 and its garden area.
11. The conservatory is set further away from the boundary fence than the existing single storey rear addition and has a roof that only marginally projects above the height of the boundary. Furthermore, the relatively modest scale of the

conservatory and the separation distance it maintains from the neighbouring dwelling's garden and ground floor windows ensures that there is no adverse effect on the outlook of occupiers at No 75.

12. Therefore, the development does not harm the living conditions of No 75 Mildred Avenue, with particular reference to outlook. It will therefore comply with 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 ensure no unacceptable loss of outlook.

Other Matter

13. The Council has also raised concerns with regard to the loss of daylight and sunlight, yet these are not specifically referred to in their refusal notice. Nevertheless, the conservatory's modest scale and separation distance from No 75's rear ground floor windows will ensure no adverse harm to its occupiers in terms of loss of daylight/sunlight.

Conditions

14. There is no requirement for a plans condition as I was satisfied that the submitted plans matched the conservatory I saw during my site visit, while a commencement of development condition would not be required given that the appeal development has already been built.

Conclusion

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

RE Jones

INSPECTOR