



Appeal Decision

Site visit made on 18 February 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021.

Appeal Ref: APP/F5540/D/20/3261669

73 Orchard Avenue, Feltham, TW14 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1 Class A, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Noradene Mason-Thompson against the decision of London Borough of Hounslow.
 - The application Ref 00834/73/PA1, dated 16 June 2020, was refused by notice dated 3 August 2020.
 - The development proposed is ground floor rear extension 6 metres deep, maximum height of 3 metres and 3 metres high to eaves.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(7) requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

4. I consider the main issue in this appeal to be the effect of the proposed development on the amenity of existing neighbouring occupiers, with particular regard to the sense of enclosure and loss of light.

Reasons

5. Part 1 Class A, paragraph A.4(7) of the GPDO has been triggered by the objection received from the neighbouring occupier at 75 Orchard Avenue (No.75). Paragraph A.4(7) confirms that, in such circumstances, prior approval is required as to the impact of the proposed development on the amenity of any adjoining premises, including those where the occupiers did and did not make representations.

6. The appeal property comprises a semi-detached dwelling. Whilst there is an existing shed and single storey garage at the rear, the host property does not benefit from a rear extension. The existing garage is set back into the rear garden and adjoins a similar single storey garage serving No.75. Both garages are accessed by a shared drive that runs between the host property and No.75.
7. Given the above and the resulting distance that separates the rear elevations of the host property and No.75, as well as the presence of outbuildings, I do not consider that the proposed extension would result in any loss of light to the rear garden or to the rear windows of that property. Similarly, as no windows are proposed on side elevation to the new extension, there would be no overlooking of No.75. Overall, there would, therefore, be no material harm to the amenities of the occupiers of No.75.
8. The property attached to the appeal site is 71 Orchard Avenue (No.71), which benefits from a single storey 'L' shaped rear extension. The Council indicate that at its deepest this extension extends to approximately 5 metres, which then reduces to a depth of approximately 3 metres on the shared boundary with the appeal site. Beyond the smaller part of the extension, the boundary, between the properties, comprises a part brick wall and part timber fence, which the Council indicate is approximately 1.5 metres in height. The Appellant has not challenged any of the Council's measurements.
9. As I observed on my site visit, beyond the smaller extension to No.71, the height of the existing boundary wall/fence provides limited screening, allowing views from the garden of the host property into the rear garden of No.71 as well as views of the glazed patio doors in the rear wall of the smaller extension. Approximately 3 metres of this existing boundary wall/fence would be replaced by the proposed extension, with an eaves height of 3 metres.
10. Within this context and whilst acknowledging the findings of the Appellant's Daylight, Sunlight & Overshadowing Report, the projection and height of proposed extension, beyond the smaller extension to No.71, would, in my judgement, have a significant impact on the amenity of the occupiers of No.71.
11. The proposed extension would effectively have a tunnelling effect, resulting in an unacceptable sense of enclosure to the occupiers of No.71, and reducing their outlook. The impact, both to the immediate private amenity area and ground floor patio doors of No.71 would, in my judgement, be overbearing and significant.
12. Reference has been made to other successful prior approval applications in Orchard Avenue. Whilst I have not been provided with any further background to these approvals, my determination of this appeal has been made on the basis of the individual circumstances of this case and, as required, on the effect of the development on the amenity of neighbouring occupiers.
13. The Appellant has also provided a copy of a prior approval appeal decision in Sale, but this does not alter the findings I have reached above and neither is it in my opinion directly comparable. As to the sense of injustice resulting from the fact that No.71 already benefits from an extension, my determination of this appeal would not, of course, prevent the Appellant seeking approval for an alternative design for a rear extension to the host property.

14. I find therefore that the proposed development would have an adverse impact on the amenities of the neighbouring occupiers at No.71. The proposal would also be contrary to Policies CC1, CC2 and SC7 of the Hounslow Local Plan (September 2015), the Hounslow Residential Extension Guidelines Supplementary Planning Document (December 2017) and the National Planning Policy Framework (February 2019). These seek to ensure that new extensions have a positive impact on, protect and do not harm the amenities of the occupiers of neighbouring properties.

Conclusion

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

G Roberts

INSPECTOR