

Appeal Decision

Site visit made on 8 February 2021

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/R5510/D/20/3264091

112 Woodrow Avenue, Hayes, UB4 8QP

- 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 A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Danny Thanapal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 8666/APP/2020/2814, dated 4 September 2020, was refused by notice dated 2 October 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the amenity of adjoining premises.

Reasons

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4 (7) requires that the local planning authority assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises. Part A.4 (9) requires that any representations are taken into account; and that the amenity of all adjoining premises, not just adjoining premises which are the subject of representations, be considered. I have determined the appeal on this basis.
 4. The proposal would result in a four metres deep, three metres high, single storey rear extension across the full width of this terraced property. Representations from 114 Woodrow Avenue raised a concern that the proposal would cause loss of daylight and sunlight; and would be over dominant and visually intrusive, resulting in a loss of outlook. It is not relevant whether it is the current resident or the owner that has made a representation.
 5. Number 114 is situated immediately to the north of the proposed extension. The extension will therefore restrict sunlight to the adjacent property but only between mid-morning and midday. Given the position of the sun at these
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times, the extent of shading would be more limited. My main concern however is that the gardens of these properties are narrow and the depth of the extension would increase the enclosure of the rear patio area and reduce the outlook from the patio doors. The extension to the other side of the property already reduces the outlook from this area making any further enclosure more significant.

6. Although at four metres deep, the proposal would only be a metre larger than an extension that would not require prior approval, given the very limited width of the garden; and the existence of the extension at number 116, I find that the greater depth would result in it being overbearing for the adjoining residents when in the room served by the patio doors and in the area of garden immediately outside them. Whilst the proposal would not alter the conditions within the remainder of the garden, the space immediately adjacent to the house offers particular amenity value and this would be unacceptably reduced.
7. I have also considered the other attached neighbouring property. The proposed side wall would be immediately adjacent to the patio doors of that dwelling. It would therefore reduce the outlook from the house and the patio area. However, being the end terrace, it has a more open aspect to the south. Being to the south, it would also not suffer any significant reduction in sunlight. I am satisfied that the amenities of occupiers of this property would not be unacceptably harmed.
8. Reference has been made to the Council's policies which generally accept extensions larger than 3 metres but not as deep as 4 metres for a property such as this. Whilst the policy is informative, I can only consider the impact on amenity. Furthermore, the policy does not establish a fall-back position as an application has not been submitted and tested against the policy and other considerations. Reference has also been made to the existing canopy. I do not know the status of this structure but in any event, it is open sided and is situated away from both side boundaries. I do not find its impact to be comparable to this proposal. I have been provided with appeal decision letters relating to other properties. It is not possible to assume from the decision letters provided that the relevant circumstances of each case are entirely similar to this proposal, although it is clear that there are significant differences in some respects. In any event, I must consider this proposal on its own merits.
9. As the proposal would result in unacceptable harm to the living conditions of the residents of 114 Woodrow Avenue with regard to outlook, I dismiss the appeal.

Peter Eggleton

INSPECTOR