



Appeal Decision

Site visit made on 22 June 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2021

Appeal Ref: APP/R5510/D/21/3269359

174 The Fairway, Ruislip HA4 OSH

- 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 James Norton against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 49681/APP/2020/3973, dated 1 December 2020, was refused by notice dated 14 January 2021.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 174 The Fairway, Ruislip HA4 OSH in accordance with the terms of the application, Ref 49681/APP/2020/3973, dated 1 December 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 plans: 174/0; 174/2; 174/3; 174/4; 174/5; 174/6; 174/7 and 174/8.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the 176 The Fairway, having regard to outlook, light and privacy.

Reasons

Living conditions

3. The appeal site comprises a two storey detached dwelling fronting onto the Fairway which has a rear single storey extension. It is within a row of similarly sited detached dwellings with many having single storey rear extensions to the rear. In this regard, the neighbouring two storey dwelling at 176 The Fairway has a single storey extension with a gently sloping roof over. Within its extension, there is a kitchen and living accommodation. A patio area and garden lie beyond this. There is bedroom living accommodation at the first floor of this neighbouring dwelling.
4. The proposed two storey extension would utilise the existing footprint of the rear extension and would not extend beyond this. It would be separated from the neighbouring dwelling by separate narrow access ways serving both

properties. The neighbouring property's accessway would be of limited amenity value due to its largely functional nature, allowing just access given its restricted width. The neighbour's garden and patio areas would be a significant distance away from the extension. For all these reasons, there would be no significant loss of outlook or adverse sense of enclosure to neighbouring occupiers using their property.

5. The proposed extension would be approximately west of the neighbouring dwelling at No 176. Within their extension, the neighbours have two roof lanterns providing light to their kitchen and living areas in addition to glazed openings within the rear walled elevation. Although the neighbour's roof lantern closest to the extension would be overshadowed during the afternoon, there are other openings ensuring satisfactory sunlight into the living areas, including the other lantern and glazed openings. For neighbour's first floor accommodation, there would be loss of sunlight during the afternoon, but this would not be significant. The affected room is a bedroom which is not sensitive like living areas that are in use during the day. Given the size of their neighbour's garden, there would be no significant overshadowing or loss of sunlight to it during the afternoon.
6. In terms of ambient light, openings and amenity areas would receive such light from sources other than the direction of the extended dwelling on the appeal site. Furthermore, the submitted drawings show that the proposed development would not breach a 45 degree line taken from the centre point of the nearest first floor window at No 176. Therefore, the loss of light to the neighbouring property would not be significant.
7. The extension's first floor bedroom windows would face onto the garden of the appeal property. Consequently, any views from the windows into the neighbouring property would be at an angle and indirect, and any overlooking would be limited and would not be adverse.
8. For all these reasons, the development would not harm the living conditions of the neighbouring property, having regard to outlook, light and privacy. Accordingly, the proposal would comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (LP1) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (LP2) 2020. In terms of the National Planning Policy Framework (the Framework), the development would promote a high standard of amenity for existing and future occupiers.

Other matters

9. Few dwellings have been developed with first floor extensions to the rear but the proposed extension would be subservient in nature with design and materials matching the host dwelling. In this regard, the depth of the extension would be less than half that of the original dwelling whilst its height would be no higher than existing. For all these reasons, the extension would not harm the character and appearance of the area. There is no substantiated evidence to demonstrate that the extension would cause subsidence given the geology of the area or that the proposal would result in adverse flooding. The extension would have to comply with building regulation construction requirements. Therefore, these considerations would not individually or cumulatively outweigh the acceptability of the scheme.

Conclusion

10. The proposal would comply with policies of the LP1 and LP2, and the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be granted.
11. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings. There is no necessity to require matching external materials as the plans indicate this. There is no necessity to require the obscure window glazing for the rear bedroom for the reasons indicated.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR