



Appeal Decision

Site visit made on 14 July 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2021

Appeal Ref: APP/R5510/D/21/3274122

140 Waltham Avenue, Hayes, UB3 1TE

- 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 Ms Rashpal Kaur Grewal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 14388/APP/2021/678, dated 18 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of existing occupiers (no 142 Waltham Avenue) and future occupiers with specific reference to outlook, daylight and sunlight.

Reasons

3. The appeal property is a two-storey, semi-detached dwelling which has a rear, single storey extension with a depth of around 3.6m. Number 142 Waltham Avenue (no 142) adjoins the appeal property to the west and number 138 Waltham Avenue (No 138) lies to the east separated by a pathway. The properties are served by relatively long, but narrow gardens to the rear.
4. The appeal proposal seeks to extend the existing rear extension by around 2.4m resulting in a cumulative depth of around 6m. No 142 has a conservatory which lies on the shared boundary. The occupiers currently have an outlook from the conservatory to their rear garden. Views are also available from the occupier's garden to the garden of the appeal property.
5. The extension would immediately adjoin and extend some depth along the shared boundary with No 142. Due to the orientation to the east of no 142, the proposal would result in a significant loss of morning sunlight and daylight to the rear and in particular the conservatory. The proposal would extend some depth along the shared boundary and it would reduce the outlook from the garden and appear imposing to the occupiers of No 142. Direct conflict, therefore, arises with criterion i of part B of Policy DMHD 1 which requires single storey rear extensions on terraced or semi-detached houses with a plot width of 5m or less to not exceed 3.3m in depth or 3.6m where the plot width is 5m or more and criterion ii and v of part A of the Policy which requires a

satisfactory relationship with adjacent dwellings to be achieved and that there is no unacceptable loss of outlook to neighbouring properties.

6. I acknowledge that there is an existing rear extension; however, this is only around 3.6m in depth and, therefore, does not have such an imposing presence and has a less harmful impact on the daylight and sunlight received to the conservatory. There is vegetation currently on the shared boundary of the appeal property with No 142; however, this provides a softer boundary and allows glimpses of light through the vegetation. Furthermore, the vegetation may be removed at some point in the future. In contrast, the appeal proposal would present a solid, impermeable and permanent barrier immediately adjoining the boundary to the detriment of the living conditions of existing occupiers.
7. The existing ground floor bedroom of the appeal property enjoys a good outlook from the rear window towards the garden. Due to the proposed extension the bedroom would only be served by a window to the side elevation which would face onto the side pathway and the flank elevation of No 138 and fence beyond. Consequently, occupiers of the ground floor bedroom would have a poor outlook and day light and sunlight would be restricted.
8. Attention is drawn to other ground floor extensions in the area; however, no details are provided and so I cannot be certain that these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my decision. Furthermore, the suggested minor alterations to the internal layout would not overcome the harm which I have identified.
9. The proposal would have some benefits to existing occupiers in terms of improved and extended living space in order to adapt the property to meet the health concerns of the occupier. I have taken account of the personal statement of the existing occupier and do not underestimate the concerns raised. However, the benefits to the existing occupiers would not outweigh the significant harm which I have identified.
10. For the reasons stated, the proposal would harm the living conditions of existing and future occupiers with specific reference to outlook, daylight and sunlight. It would, therefore, be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan – Part 2: Development Management Policies (2020) and Policy LPD6 of the London Plan (2021) which collectively seek to ensure that extensions to dwellings achieve a satisfactory relationship with adjacent dwellings and the provision of sufficient daylight, sunlight, and outlook for existing and future occupiers.

Conclusion

11. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector