



Appeal Decision

Site visit made on 12 July 2021

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/R5510/D/21/3272393

7 Windsor Gardens, Hayes, UB3 1QY

- 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 and Mrs R Thapa against the decision of Council of the London Borough of Hillingdon.
 - The application Ref 13664/APP/2020/4301, dated 25 December 2020, was refused by notice dated 18 February 2021.
 - The development proposed is single storey rear extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension to existing dwelling at 7 Windsor Gardens, Hayes, UB3 1QY in accordance with the terms of the application, Ref 13664/APP/2020/4301, dated 25 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: TP/206/01, TP/206/02, TP/206/03 and TP/206/04.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the building; and,
 - the living conditions of occupants of the neighbouring property, with particular regard to outlook and light.

Reasons

Character and appearance

3. The proposal site relates to a 2 storey terraced house with an existing rear extension and attached rear lean-to. The lean-to has solid side walls, a perspex roof and a low block work wall, but is otherwise open to the rear garden. The

proposed development would replace the lean-to with a single storey flat roofed extension.

4. The Council cite a previous refusal in 2016 for a replacement extension on the appeal site which referred to that proposed extension being more solid in appearance than the existing lean-to. It claims that since then solid side walls have been added to the lean-to and question whether it is lawful.
5. Although it is not for me to determine whether the lean-to is lawful it appears that it has existed on the appeal site in some form for over 4 years. It is bounded on one side by a brick side wall on a rear extension at 9 Windsor Gardens which is the same depth and matches the height of the existing lean-to. On the other side a boundary hedge between 5 Windsor Gardens and the appeal site obscures views of it from the neighbour's garden. The change to the lean-to side walls would only therefore have been apparent from within the appeal site.
6. Whilst the rear elevation of the proposed extension would not be open to the garden, and as such would appear more solid than the existing lean-to, it would have bi-folding doors which would lighten its appearance. In my view, the proposed extension would be an improvement on the existing lean-to in terms of its design, use of materials and appearance. Although the proposal would conflict with the depth limit proscribed in policy DMHD1 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020)(DMP), there would be little noticeable increase in bulk over that which currently exists and the cumulative depth of the extension would be reduced by 0.5m, as acknowledged by the Council.
7. Overall, I conclude on this main issue that despite technical breaches of policy DMHD1, the site specific circumstances of this appeal mean that the scheme would still comply with the overall design aims of policies DMHD1 and DMHB11 of the DMP and policy BE1 of the Hillingdon Local Plan Part One - Strategic Policies (November 2012) (SP) which require all development to achieve a high quality design and to not adversely affect the character, appearance or quality of the area.

Living conditions

8. The proposed extension would not be significantly bulkier than the existing lean-to and would have a reduced depth as noted above. The fence and boundary hedges in the garden of No 5 would screen the proposal from views from the ground floor windows and rear garden of the property. As a result, the proposed development would be no more visually intrusive and have no more effect on the living conditions of occupants of No 5, in terms of their outlook, than is currently the case, nor would it lead to increased overshadowing. The proposal would not therefore conflict with policy BE1 of the SP and policies DMHD1 and DMHB11 of the DMP which require that there should be no unacceptable loss of outlook to neighbouring occupiers and no adverse impact on the amenity, daylight and sunlight of adjacent properties.

Conditions

9. Conditions should be imposed to require the use of matching materials for the extension in the interests of appearance and to list the plans for the avoidance of doubt.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR