



Appeal Decision

Site visit made on 12 October 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/R5510/D/21/3277720

34 Harvey Road, Uxbridge UB10 0HS

- 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 Florica against the decision of the London Borough of Hillingdon.
 - The application Ref 24232/APP/2021/641, dated 16 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is a ground-floor rear extension and the installation of a side facing ground-floor window.
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Decision

1. The appeal is allowed and planning permission is granted for a ground-floor rear extension and the installation of a side facing ground-floor window at 34 Harvey Road, Uxbridge UB10 0HS in accordance with the terms of application Ref 24232/APP/2021/641, dated 16 February 2021 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: 084-PLP, 084-P04, 084-P05, 084-P06 (all dated February 2021).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Regard has been had to the revised national policy as a material consideration in the decision-making process. However, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. There is therefore no requirement to seek further submissions on the revised Framework.
4. Construction of the development was in progress at the time of the site visit. The appeal will therefore be considered with regard to this.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of 36 Harvey Road, with regard to light, outlook, and whether or not it would be overbearing or visually intrusive.

Reasons for the Recommendation

6. The appeal site forms one half of a semi-detached two-storey building. Most properties along the road are similar in this respect. The rear elevation of 36 Harvey Road extends out at ground-floor level to a small degree. There are examples of development on Harvey Road which are similar to the proposal.
7. The extension would have a flat roof and adjoin the boundary between Nos 34 and 36. It would have a depth greater than that allowed by Policy DMHD 1 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020) (LPP2). However, when considered in relation to the rear elevation of No 36 it would not be excessive. The proposal would also marginally exceed the height requirements of Policy DMHD 1. However, this would be a minor addition which would not appear excessive.
8. Given the orientation of Nos 34 and 36, direct sunlight to the rear elevations is limited. Due to this, and the size of the extension, the light available to the rear windows of No 36 would not be significantly reduced by the development. The evidence provided also appears to indicate that trees of a greater height than the extension had previously occupied this general area. The layout of the properties, and the tall fence that separates their rear gardens, indicates that most views out from the ground-floor windows of No 36 would typically be confined to the garden. Given this, and the extension's limited depth and height, it would not be overbearing, visually intrusive, or restrict outlook from the ground-floor windows of No 36, and harm would not arise.
9. For these reasons the development would not harm the living conditions of the occupiers of 36 Harvey Road. It would therefore comply with Policies DMHD 1 and DMHB 11 of the LPP2 where they relate to ensuring development does not adversely impact the amenity, daylight, and sunlight of adjacent properties and that there is no unacceptable loss of outlook to neighbouring occupiers. Whilst the development would not adhere to the dimensions referred to in Policy DMHD 1, the Council appears satisfied that the development in this respect, isolated from the living conditions of No 36, is acceptable. The development would comply with the overarching objectives of the development plan as a whole.

Other Matters

10. The site is not within a conservation area, and there has been no evidence provided to suggest that the trees felled were subject to a tree preservation order. As such, the removal of trees is not a substantive matter in the determination of this appeal.

Conditions

11. Standard conditions relating to the commencement of the development and compliance with the plans, in order to provide certainty, are recommended. The Council have suggested a condition ensuring the external materials match the existing building. However, this would be at odds with the plans provided,

and no issue has been raised in respect of the materials. As such, this condition would be unnecessary and sufficient information is provided on the plans, which would be secured by the second condition. In its officer report the Council has suggested that the proposed flank window should be controlled by a condition to secure obscure glazing and restricted opening. This would be a ground floor window with an outlook to a shared access/driveway where privacy is limited. As such a condition to control this window is not necessary.

Conclusion and Recommendation

12. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR