



Appeal Decision

Site Visit made on 29 November 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/L5810/D/21/3281798

8A Park Avenue, Hounslow TW3 2LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Adam Gibbins against the decision of Richmond Upon Thames London Borough Council.
 - The application Ref 21/1723/PDE, dated 6 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is 5m single storey rear extension with pitch roof.
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Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO for a 5m single storey rear extension with pitch roof at 8A Park Avenue, Hounslow TW3 2LZ in accordance with the application Ref 21/1723/PDE, dated 6 May 2021, and the details submitted with it including Drawings Location Plan, Block Plan, 01, 02, 03, 04 pursuant to Article 3(1) and Schedule 2, Part 1, Paragraph A.4 (2).

Applications for costs

2. An application for costs was made by Mr Adam Gibbins against Richmond Upon Thames London Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. I have taken the description of development from the application form. Although different to that on the appeal form and decision notice, no confirmation that a change was agreed has been provided.
4. As part of their appeal submissions, the appellant provided a Daylight and Sunlight Study. This was not before the Council at the time of their submission. Therefore, I cannot be satisfied that parties, including third parties, have had sufficient and fair opportunity to comment on it. In order to avoid prejudice to these parties, I have assessed the scheme on the same information as the Council and upon which notification took place.
5. The decision notice refers to Schedule 2, Part 4, Class A of the GPDO. However, the application form and officer report indicate that the submission and assessment of the scheme was under Part 1, Class A.

6. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 1, Class A of it do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to the prior approval matters.
7. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
8. The Council have not identified conflict with these other than paragraph A.4(7) of the GPDO that states where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. From the evidence before me I have reached the same finding.
9. Therefore, the main issue of the appeal is the effect of the proposed development on the living conditions of the occupiers of adjoining premises.

Reasons

10. The proposal would be located on the boundary with 8 Park Avenue (No 8) and would extend above the existing boundary treatment on gently sloping land. Nevertheless, the eaves would not be significantly taller than the boundary fence, and the shallow pitch of the roof would reduce the prominence of the extension from within No 8 and its garden.
11. The closest openings to the appeal site at No 8 are French doors with side lights. They are set in from the boundary to some degree, are tall and wide. While a side kitchen window faces the appeal site, it currently looks towards the boundary fence and there is an alternative outlook from a rear elevation window. From within No 8 rear, windows direct views over the garden rather than towards the proposed extension. No 8 has its own rear projection. However, this is of limited depth allowing an appropriate outlook from the outdoor patio and seating area. This would prevent a tunnelling effect. Consequently, the proposed extension would not be an overpowering presence from No 8.
12. The extension would be set in from the boundary with 10 Park Avenue (No 10). Much of the extension would be screened in views from within No 10 and its rear garden by No 10's own rear projection and the existing boundary treatments. Rear elevation windows at No 10 are orientated towards the garden with only angled views towards the appeal scheme. The large openings on the rear elevation provide a good outlook away from the appeal site. These factors would reduce the scale and massing of the proposed extension as it would be experienced from No 10 and prevent it being an overbearing feature.
13. The extension would project beyond a line drawn at 45 degrees at No 8. Nonetheless, given the course of the sun, and therefore the direction of shadowing, and the orientation of the properties, the impact on sunlight from the extension would be limited to the early morning at No 10 and late evening at No 8.
14. There would be a shallow pitch roof, sloping away from the side boundaries and the eaves immediately adjacent would not be greatly taller than existing

boundary treatments. These factors would limit any impact on light reaching windows and gardens at the neighbouring properties. The limited projection beyond the rear of No 10 would further reduce effects at that property. Furthermore, the large openings at ground floor level at the adjacent properties allow a good degree of light to enter these rooms. The rear elevation kitchen window at No 8 provides a further source of light.

15. Even without more detailed British Research Establishment tests I am satisfied that the proposal would maintain a reasonable relationship with the adjacent properties and not lead to excessive loss of daylight and sunlight.
16. Proposed windows are only at ground floor level and given the presence of boundary treatments would not lead to any significant overlooking at adjacent properties.
17. The extension would be of a greater depth than the SPD¹ states is usually acceptable. However, the SPD also indicates that the final test of acceptability will depend on the particular circumstances on the site, which may justify greater rear projection.
18. Based on the individual circumstances of the scheme, the proposed development would not unacceptably harm the living conditions of the occupiers of adjoining premises. While there would be a technical breach of the SPD, insofar as they are a material consideration, the scheme would not be contrary to the amenity protection aims of the SPD, Policy LP8 of the London Borough of Richmond Upon Thames Local Plan and the Framework.

Other Matters

19. I acknowledge comments regarding the effect of the proposed development on nearby trees, microclimates and the clarity of the plans. However, planning permission is granted for the enlargement of a dwellinghouse subject to compliance with certain limitations and conditions by the GPDO. The proposal meets these requirements.

Conditions

20. Conditions relating to matching materials, the commencement of the development and that it is in accordance with the plans are not necessary as these are all addressed by the provisions within paragraphs A.3 and A.4 of the GPDO. Conditions relating to roof pitches, upper floor windows and obscure glazing are not needed as the proposal is only single storey.

Conclusion

21. For the reasons given above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR

¹ London Borough of Richmond Upon Thames Local Plan Supplementary Planning Document House Extensions and External Alterations