



Appeal Decision

Site visit made on 17 December 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/F5540/D/21/3282357

98 Dukes Avenue, Chiswick, London, W4 2AF

- 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 Harpreet Gill against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00371/98/P2, dated 7 May 2021, was refused by notice dated 28 June 2021.
 - The development proposed is the construction of a single-storey, ground-floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single-storey, ground-floor rear extension at 98 Dukes Avenue, Chiswick, London, W4 2AF, in accordance with the terms of the application, Ref: 00371/98/P2, dated 7 May 2021, and the plans submitted with it, 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: Location/Block Plan; Drawing Nos DA SK 101–114 inclusive.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are the effect of the proposed extension on:
 - The character and appearance of Turnham Green Conservation Area, and
 - The living conditions of the occupiers of No 96 Dukes Avenue by way of light, outlook and sense of enclosure.

Reasons

3. No 98 is a semi-detached house situated on the eastern side of Dukes Avenue at its southern end, close to its junction with the A4. It lies at the south-eastern corner of the Turnham Green Conservation Area (CA). In common with other houses along this part of Dukes Avenue, it is a house of significant depth with a long narrow garden to the rear.

4. The appeal property has an L-shaped, single-storey rear extension, around 4.5 metres in depth at its southern end, at the boundary with the neighbouring No 100, and around 3 metres in depth at its northern end, at the boundary with No 96. This extension has a flat-roof with a height of around 3 metres. The boundaries of the rear gardens of Nos 96-100 turn very slightly to the north from the rear elevations of the houses, and each garden tapers inwards somewhat along the length of the rear gardens. The existing extension at the appeal property currently follows the boundary that slopes across the rear elevation of No 96 by a very small, but noticeable, amount.
5. The proposed development would infill much of the space between the deep part of the existing extension and the side boundary with No 96. It would continue the line of the rear elevation of the existing extension up to a point between 0.6 metres and 0.9 metres away from that boundary, and it would continue the existing height of the extension of around 3 metres. Materials would match those existing. There is currently a 1.8 metre high fence along the line of the proposed side elevation of the infill development, and a further boundary fence lying on the property boundary a little to the north.
6. Policy CC2 of the Council's Local Plan (LP) requires developments to function well in themselves and in their effect on surrounding areas; to respond meaningfully and sensitively to the site, its characteristics and constraints; and provide adequate outlook, minimise over-bearingness and overshadowing, and ensure sufficient sunlight and daylight to adjoining/adjacent dwellings. Policy CC4 of the LP indicates that developments should conserve and take opportunities to enhance any heritage asset and its setting in a manner appropriate to its significance.
7. Policy SC7 of the LP indicates that residential extensions should complement the original building, and minimise harm to neighbouring residents by way, for example, of avoiding an unacceptable loss of daylight/sunlight and outlook, or by creating an unacceptable sense of enclosure.
8. The Council's Residential Extensions Guide Supplementary Planning Document (SPD) indicates that it is important that single-storey rear extensions are secondary to the original house. They should not project too far from the rear wall of the original house as this could cause unacceptable enclosure and block daylight and sunlight received by neighbours. In the case of semi-detached houses, the maximum depth should 3.65m. Furthermore, in conservation areas, new extensions should never dominate in terms of bulk, scale or design
9. The Council contends that the proposed extension, due to its cumulative depth with the existing extension would be an intrusive and unneighbourly addition, out of scale and character with this and surrounding dwellings, as well as having a serious and adverse effect on the neighbour's living conditions through loss of light, outlook and an increased sense of enclosure.
10. The appellant contends that the infill extension would match the depth and height of the existing rear extension, and as such, would sit flush within the existing built form. The extension would also match the materials of the host property. For these reasons, the proposal would respect the host dwelling, and would not appear visually dominant. Moreover, while the proposed development would increase the overall depth of this new extension to above the maximum stated in the SPD, it would match the current height and depth of the existing extension and would not have any significant adverse effect on

the sunlight or daylight received at the rear elevation of the adjacent No 96. Finally, he notes that there are already relatively new and large rear extensions at other houses along Dukes Avenue.

Character and appearance

11. In this case, the proposed infill extension would merely continue the rear elevation of the current building and would effectively round off the ground-floor rear elevation of the house. While this would increase the overall depth of this part of the existing extension to above the maximum stated in the SPD, it would not project and further beyond what is already there. It would add only a minimal amount to the current footprint and bulk of the house and would arguably represent an improvement to the appearance of the rear of the property. It would not be visible from the street nor, given the lengths of the rear gardens, would it be readily visible from the public realm or any other meaningful point at the rear.
12. I note the existence of other examples of deep single-storey rear extensions at other properties along Dukes Avenue, but I have limited details of the background to these examples. In any case, I have dealt with this proposal on its own merits.
13. On the basis of the above, I do not consider that the proposal would be intrusive or out-of-scale and character with its surroundings, and it would not be harmful to the character or appearance of the CA.

Living conditions

14. The proposed infill development would project a further 1.5 metres beyond the existing rear elevation of the southern section of the existing extension. It would, however, be set in from the boundary with No 96 by between around 0.6 metres closest to the house and 0.9 metres at the furthest extremity. Given that the existing building slopes a little across the rear elevation of the house at No 96, the new infill would be largely hidden from view from the patio doors/windows in the rear ground-floor elevation at the neighbouring property by the existing structure. In addition, it would be only around 1 metre higher than the fence that currently occupies the line of its proposed side elevation.
15. The appellant has provided results of a sunlight and daylight survey that concludes that a good level of daylight would be retained at No 96, in accordance with BRE guidelines. There would be virtually no reduction in light when comparing the existing and proposed conditions, and where there would be reductions, they would be well within the BRE guidelines target criteria, ensuring the neighbouring occupants would not experience a noticeable reduction in daylight. Moreover, sunlight is not a material consideration as the windows face 90 degrees of due north.
16. In the light of the above, I find that the proposed infill extension would effectively have little or no adverse reduction in light at rear of the neighbouring No 96. Furthermore, by virtue of its limited scale, the existing situation at the boundary between the two properties, and the set-in nature of the proposed infill extension, I find that the proposal would not have any serious adverse effect on the neighbours' living conditions by way of light, outlook or sense of enclosure.

Conclusion

17. By virtue of its unobtrusive position, its complementary materials and design, and its limited scale, I find that the proposal would not be harmful to the character or appearance of the CA. Furthermore, by virtue of its set-in nature from the boundary, coupled with its limited height and depth, it would not be harmful to the living conditions of the occupiers of No 96 by way of light, outlook or sense of enclosure. On this basis it would not conflict with Policies CC2, CC4 and SC7 of the LP. Accordingly, I allow this appeal.

Conditions

18. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR