



## Appeal Decision

Site visit made on 25 January 2022

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 February 2022**

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**Appeal Ref: APP/R5510/D/21/3282416**

**20 Denbigh Drive, Hayes UB3 1QE**

- 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 Binder Singh against the decision of London Borough of Hillingdon.
  - The application Ref 76373/APP/2021/1606, dated 22 April 2021, was refused by notice dated 18 June 2021.
  - The development proposed is erection of single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - The living conditions of future occupiers of the host property with particular reference to external amenity space; and
  - The living conditions of the occupiers of No 18 Denbigh Drive with particular reference to outlook and light.

### Reasons

#### *Living conditions – External Amenity Space*

3. The appeal property has a modest sized garden but commensurate with the size of the host dwelling as a three-bedroom property. The proposal would significantly reduce the amount of space and the appellant does not dispute the Council's calculations that it would be a reduction from 84 square metres to 48 square metres.
4. Table 5.3 within Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (LP) sets down Private Outdoor Amenity Space Standards and indicates that for a 2-3 bedroom property there should be a minimum of 60 square metres. The proposal would therefore fall considerably below these requirements. I have been referred to standards within the London Plan, however, such standards do not outweigh the locally adopted standards within the LP. As an extended 3-bedroom property the dwelling would be suitable for family occupation and, in my view, its size would not leave a useable external amenity space commensurate with this function.
5. The proposal would improve the living conditions of the occupiers of the host property by providing larger internal space with a spacious open plan

kitchen/dining room. However, this would be at the expense of access to external amenity space and does not outweigh my concerns on this matter.

6. Overall, the proposal would result in an unacceptable effect on the living conditions of future occupiers of the host property, with particular reference to external amenity space. The proposal would therefore conflict with the requirements of Policies DMHD 1 and DMHB 18 of the LP. These stipulate, amongst other things, that planning applications relating to alterations and extensions of dwellings will be required to ensure that adequate garden space is retained. In this regard, the proposal would also conflict with the requirements of paragraph 130 of the revised National Planning Policy Framework (2021) (the Framework) which seeks, amongst other things, high quality design having regard to the amenity of existing and future occupiers of properties.

#### *Living conditions – neighbouring properties*

7. I have no substantive details as to the extent of any loss of light with the attached property (No 18). Moreover, given the direction of the appeal property which is between west and north west, and the height of the proposed extension at 3m it is reasonable to conclude that there would be no significant shadowing effects.
8. The upper part and roof of the proposed rear extension would be visible from the adjoining property's rear windows which include patio doors nearest the boundary. However, given the height of the close boarded fence along the boundary, the proposal would not significantly increase visual intrusion, materially reduce light nor would it appear overbearing.
9. I therefore find that the proposal would not result in unacceptable harm to the living conditions of the occupiers of No 18 Denbigh Drive with particular reference to outlook and light.
10. The proposal would extend beyond the limits for single storey rear extensions set down in criterion i of part B of Policy DMHD 1 of the LP. However, it would not harm the living conditions of the occupiers of the neighbouring property thus complying with criterion ii) of part A of the policy. In this regard, when taken as a whole and in relation to this matter, I find no conflict with the objectives of Policy DMHD 1 or Policies DMHB 11 of the LP. These stipulate, amongst other things, that planning applications relating to alterations and extensions of dwellings will be required to ensure that a satisfactory relationship with adjacent dwellings is achieved.

#### **Other Matters**

11. I have been referred to a similar extension at No 8 Denbigh Drive. However, although I do not have full details of that case, from the evidence before me whilst its size and relationship to the neighbouring properties is similar, it has a longer garden. As such, the circumstances that applied in that case are not directly comparable to the proposal before me.
12. The absence of harm in relation to matters including the character and appearance of the host dwelling and effects on the occupiers of neighbouring properties are neutral matters weighing neither for nor against the proposal. As such, they do not outweigh the harm I have identified in relation to the extent of external amenity space to the host property.

## **Conclusion**

13. For the reasons given above, the proposal would conflict with the development plan when read as a whole and there are no material considerations that outweigh that conflict. Accordingly, the appeal is dismissed.

*Mr R Walker*

INSPECTOR