



Appeal Decision

Site visit made on 14 February 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/R5510/W/21/3277450

8 East Avenue, Hayes UB3 2HP

- 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 M Malik against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 57908/APP/2020/4214, dated 10 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is first floor extension to single storey shop.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to light and outlook.

Reasons

3. The appeal site comprises a single-storey building which is located near to the junction between East Avenue and Coldharbour Lane. The building is in retail use. No 7 Coldharbour Lane (No 7) is positioned behind the appeal property. No 7 is a 2-storey building, with a 2-storey outrigger which extends to the boundary of the appeal site. Whilst there are no windows at first-floor level on that outrigger, No 7 has a first-floor window on the main 2-storey rear elevation. The Council has indicated that this window serves a residential use, and this has not been disputed by the appellant.
4. The proposed first-floor extension to the appeal property would not be positioned in the direct path of the sun. Due to this, and the respective orientations of the appeal property and No 7, the proposal would not unduly restrict the amount of sunlight that No 7 receives.
5. Nevertheless, the proposed extension would span the full width of the appeal property and accordingly would result in a large mass of built form being positioned directly in the line of sight of the rear-facing first-floor window at No 7. The extension would also be in close proximity to that window. Consequently, the proposal would unduly restrict the levels of daylight received to that window. Moreover, the proposed extension would be a prominent and dominant feature which would be significantly harmful to the outlook from that window. The proposed extension would therefore be likely to make the room that the window serves much less pleasant to use as a result. The presence of

other separating gaps and open spaces within and around the site would not adequately mitigate the harm caused by the proposal.

6. I have had regard to the examples of grants of planning permission, referred to by the appellant. As the Officer's Report has not been provided for the permission at 63 East Avenue it is not possible to scrutinise the internal logic applied by the Council in that case. Similarly, with respect to 83 East Avenue the information before me provides minimal details as to whether the circumstances in that case were similar to the appeal proposal in relation to its effect on the living conditions of neighbouring occupiers. Therefore, it has not been demonstrated that those examples are sufficiently comparable with the proposal. Thus, my findings remain unchanged.
7. I therefore find that the proposal would have an unacceptable and harmful effect on the living conditions of the occupiers of No 7, with particular reference to daylight and outlook. The proposal would conflict with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (adopted 2020) (Local Plan) which provides that, amongst other things, development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Other Matters

8. The Council did not refuse the application in relation to its effect on the character and appearance of the area. However, even if I were to likewise reason that the proposal would be acceptable in this respect, and in compliance with the Local Plan and the National Planning Policy Framework (the Framework), this would be a neutral factor rather than one which weighs positively in favour of the proposal.
9. In principle, the proposal would make an effective use of land (as advocated by the Framework), in that it would involve an upward extension of an existing building in an urban area. In providing additional storage space and facilities in connection with an existing retail use, the proposal would likely assist with the economic potential of the unit, and assist employees in undertaking their work. In turn, the proposal would likely provide a contribution to the local economy.
10. However, I have been provided with minimal details with respect to the economic benefits of the proposal, which limits the weight that can be given to these matters. Moreover, all these benefits would only arise via a proposal that would unacceptably harm the living conditions of the occupiers of No 7. Therefore, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR