
Appeal Decision

Site visit made on 15 February 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/R5510/D/21/3289803
22 Pavilion Way, Ruislip, London, HA4 9JN.

- 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 K Boatin against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref. 17423/APP/2021/2933, dated 18 July 2021, was refused by notice dated 1st October 2021.
 - The development proposed is the erection of a single storey rear extension incorporating new roof over existing rear projection.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host property and the effect on the living conditions of the occupiers of neighbouring properties.

Reasons

Background

3. The appeal site comprises a two storey semi-detached property which lies in a residential area of similar properties, although the property is extended with a hip to gable roof extension and rear facing dormer window. At the rear of the ground floor there is a flat roof rear extension that provides a dining room. It is proposed to enlarge this by adding a single storey kitchen a further 2.8m in length.
4. In considering the main issues I have had regard to the Council's Local Plan Part 2 – Development Management Policies - Householder Development Policies as set out in Policy DMHD 1.

Effect on character and appearance

5. In this case the proposed extension is at the rear of the property and will not be seen in the public realm of the street scene. Although mainly flat roofed the structure would not be of such a scale that it would be harmful to the architecture of the host dwelling or to the hinterland of private rear gardens. At a total length of 5.3m there would be a minor conflict with part B (i), as related to a plot width greater than 5m, but this mathematical limitation should not be applied too strictly if all other aspects of the scheme were acceptable.

In the circumstances of this case I do not regard this breach to be critical in visual terms.

Effect on living conditions

6. The concern here is with the relationship with the adjoining property of No. 20. This has main windows to a habitable room looking along the party boundary. Although there is a boundary fence alongside the existing extension and some small shrubs further along the boundary, I am concerned that the overall length of the addition and its position almost on the party boundary would make the outlook and aspect from the main living room of No.20 very enclosed. In the absence of detailed plans of the relationship with No.20, it appeared to me at the visit that the length of the total extension proposed would breach the '45-degree Rule', as set out in paragraph A1.24 of the Policy. Although only a general 'rule of thumb', it gives a reasonable indication of where a scale of extension would be likely to materially harm the outlook and amenity of neighbours.
7. In this case I find that the proposal would be likely to result in a material loss of outlook and aspect for the occupiers of this neighbouring property and would harm their living conditions. The proposal therefore conflicts with Policy DMHD1 and DMHB 11(B) concerning the adverse impact on the amenity and daylight of adjacent properties.

Planning balance

8. This conflict with the development plan and the local harm identified has to be balanced with other considerations. However, none of these raised, including the general presumption in favour of sustainable development, outweigh this conflict and this indicates that the appeal should not be allowed.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

David Murray

INSPECTOR