



Appeal Decision

Site visit made on 21 September 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/F5540/D/21/3271993

248 North Hyde Lane, Southall, UB2 5TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J. Singh against the decision of the London Borough of Hounslow Council.
 - The application Ref 00815/248/PA1, dated 11 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is the erection of an additional storey above the existing two storey house.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice.
4. The appellant has submitted plan No. Xeva/248NHL/107 during the appeal process which shows the footprint of the proposed development and a diagram illustrating the orientation of the sun in relation to the site. Plan No. Xeva/248NHL/107 was also submitted during the appeal process. The appellant states it is a correction of plan No. Xeva/248NHL/101 and should supersede it. It shows a minor modification to the proposed second floor plan with the wall bordering the neighbouring property having been slightly adjusted so as not to encroach on the party wall line.
5. As the operative part of the proposed development has not changed and the submitted plans only include minor changes and provide clarification, I accept the amended plans as I conclude that no parties would be prejudiced by this course of action.
6. The proposal was submitted as a prior approval application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO). Although the

parties have referred to a number of policies from Hounslow Council's Local Plan – Volume One (2015-2030), I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be given to development plan policies however they cannot form the basis for a planning judgement in determining the application.

Main Issues

7. The main issues in this appeal are:

- The effect of the proposal on the external appearance of the dwellinghouse; and
- the impact of the proposal on the amenity of any adjoining premises including overlooking, privacy and the loss of light.

Reasons for the Recommendation

External Appearance

8. The appeal site comprises a two-storey, semi-detached property located on the southern side of North Hyde Lane within an established residential area. The appeal property features a hipped roof, as well as red brick and ground floor bay windows facing Prestwick Close to the west. It's appearance is typical of the surrounding area in which it lies. Indeed, the urban form to the south of North Hyde Lane and along Prestwick Close and Ringway is characterised by wide green verges, open spaces, small blocks of symmetrical short terraces, and semi-detached properties. The appeal property is identical to a number of other semi-detached and end-of-terrace hipped roofed dwellings in the vicinity, such as at No. 252 North Hyde Lane.
9. The Council has indicated that the proposal complies with all the criteria set out in Class AA.1 of the GPDO, and that development is therefore permitted subject to a determination as whether prior approval is required. The grounds of assessment listed in Class AA.2 (3)(a)(ii) of the GPDO relate to the external appearance of the dwellinghouse, including the design and architectural features of the principal elevation of the dwellinghouse, and any side elevation of the dwellinghouse that fronts a highway. The Council has contended harm in the context of the Class AA.2 grounds of assessment.
10. Whilst the development would replicate the size and scale of the existing windows and would be finished with materials broadly similar to the existing dwelling, the resultant front elevation would appear bland in design terms due to the lack of architectural detailing. I acknowledge that the proposed fenestration would be symmetrical with that existing centrally within the first floor, however, the principal elevation would be dominated by vast expanses of monotonous red brick. It would also have an imposing top-heavy appearance being overly tall in relation to its width. It would appear unbalanced and incongruous in the context of the existing building as a result.
11. In addition to the above consideration, the development would feature prominently within the street scene due to its considerable height and proximity to the main road. Its significant height and resultant mass would dominate the neighbouring property and would appear as an incongruous and disproportionate addition when seen from Prestwick Close and North Hyde Lane.

12. The area is characterised by short terraces of a similar scale, form and height. The proposed erection of an additional storey to the appeal property would disrupt the balanced and underlying symmetrical nature of the area. It would appear excessively bulky and fail to harmonise with the surrounding pattern of development and would harm the prevalent symmetrical rhythm of the area which manifests itself through consistent building heights.
13. Whilst Paragraph AA.2(3)(a)(ii) requires an assessment of the external appearance of the dwellinghouse including the principal elevation and any side elevation that fronts a highway, the Order does not explicitly exclude consideration of other matters such as the height in the wider context and the resultant impact on the streetscene. Nevertheless, the harm to the dwelling itself, as identified above, remains regardless of the adverse impact on adjoining properties and the harm found to the overall streetscene.
14. Given the above, the development would not be acceptable in terms of its external appearance and does not comply with Class AA.2 (3)(a)(ii) of the GPDO. It would also conflict with the aims of section 12 of the National Planning Policy Framework (NPPF) which seeks to ensure proposals are well-designed and respect their context.

Neighbouring Amenity

15. The grounds of assessment listed within Class AA.2 (3)(a)(i) of the GPDO relate to impact on the amenity of adjoining premises including overlooking, privacy and the loss of light.
16. As the rear outlook of the neighbouring property at No.13 Prestwick Close is south-east-facing, it would not experience a considerable reduction in light penetration due to the proposed increase in height of the appeal property. I am satisfied the living conditions of the occupants of No.13 would not be adversely impacted in this regard.
17. However, the development would appear excessively obtrusive when seen from the rear garden of No.13. Notwithstanding the neighbouring property's 3m rear extension, the proposal would have an adverse visual impact when seen from the neighbouring garden given its imposing height. It would drastically and negatively alter the outlook from the rear of No.13 due to its excessive scale and would lead to an increased sense of enclosure. For these reasons I consider that the outlook from No. 13's rear garden would be unreasonably and adversely affected.
18. The Council state that the proposal would allow elevated views into neighbouring gardens resulting in a loss of privacy for neighbouring occupants. However, the plans indicate there would only be new second floor windows within the northern and south-western elevations of the appeal property. The proposed windows within the northern elevation would face the garden of No.241 North Hyde Lane, on the opposite side of the road. Due to the sufficient separation distances between the buildings, there would not be any harmful overlooking in this regard. Similarly, the proposed window within the south-western elevation would be oriented towards the front gardens of the properties on Prestwick Close. As this window would serve an en-suite bathroom and given the front gardens of the neighbouring properties do not constitute the main outside amenity space for the neighbouring occupants, I find that the proposal would not result in a loss of privacy due to overlooking.

19. For the above reasons, I conclude that the proposed development would adversely impact on the living conditions of the occupants of 13 Prestwick Close. It would therefore not comply with Class AA.2 (3)(a)(i) of the GDPO and would also fail to adhere to the guidance set out in the NPPF which requires developments to ensure a high standard of amenity.

Other Matters

20. I note the appellant's comments regarding Local Planning Authorities seemingly misinterpreting Permitted Development legislation, however this has not altered my view that the development would be unacceptable for the reasons given above.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR