



Appeal Decision

Site visit made on 10 January 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/R5510/D/21/3287845

110 Exmouth Road, Ruislip HA4 0UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against refusal to grant planning permission.
 - The appeal is made by Mr Sriram Akella and Mrs Sukumari Akella against the Council of the London Borough of Hillingdon.
 - The application Ref 27930/APP/2021/3219, dated 19 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is single storey rear extension and conversion of garage to habitable use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of the neighbouring property at no. 112 Exmouth Road with particular regard to outlook and light.

Reasons

3. The appeal site is an end of terrace property, located adjacent to no. 112 Exmouth Road. The appeal dwelling has an existing 'L shaped' single storey rear extension which would be infilled as a result of the proposed development. There is a proportion of the existing rear extension which is located adjacent to no. 112, and it is this element which would be extended. The development would retain the existing modest height and flat roof arrangement. No. 112 does not have any extensions to its rear elevation. I was able to see at my site visit that the other property adjoining no. 112 (no. 114) also has a single storey brick built rear extension.
4. Policy DMHD 1 of the Local Plan¹ sets out criteria for rear extensions to terraced dwellings, and confirms that these should not protrude too far from the rear wall of the original house. The parties state that the development would result in a total depth of between 4.5-4.6m across the full extent of the rear elevation of the host dwelling. This would create a solid flanking wall along the boundary and would protrude beyond the existing rear elevation of no.112 and would be contrary to the depths set out in Policy DMHD 1. Whilst I acknowledge that the development would remain modest in height, I consider that the overall built form would create an oppressive and dominant effect to

¹ London Borough of Hillingdon Local Plan part 2 Development Management Policies (January 2020)

the living conditions of this neighbouring property and would cause harm to living conditions by way of harm to outlook from unneighbourly dominance arising from the development. I have also had regard to the effect of the development in the context of the extension to no. 114, also adjacent to no. 112. I consider that the depth of the proposed development would reduce the amount of daylight available to the neighbouring property by way of overshadowing to their rear windows, thus causing significant harm to the living conditions of the occupiers of no. 112 Exmouth Road.

5. I was able to see that there is some planting to the boundary in the location of the proposed new extension, nonetheless this does not overcome the stark and enclosing nature of the proposed development which would contribute to an unneighbourly sense of enclosure and overshadowing to no. 112. I consider that this depth, and the overall dominance of the development combined with the proximity to, and the relationship between the neighbouring property would result in an unacceptable impact by way of loss of daylight and sunlight and overshadowing.
6. For these reasons I conclude that the proposed development would cause harm to the living conditions of neighbouring properties by way of an oppressive outlook and an unneighbourly sense of enclosure and overshadowing to no. 112 Exmouth Road. The development would therefore conflict with DMHD 1 and DMHB 11 of the Local Plan. These, amongst other things, seek to ensure developments protect do not cause unacceptable loss of amenity to adjacent occupiers. I consider that these policies are consistent with the provisions of the National Planning Policy Framework and can therefore be given substantial weight.

Other Matters

7. Whilst the gardens to both the appeal site and no. 112 are relatively long and wide and are facing north-easterly which may reduce the extent of overshadowing, this does not overcome the harm identified.
8. Reference has been made to an appeal which was allowed at Harvey Road, Uxbridge, for a flat roofed rear extension to a semi-detached property. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

9. The proposal would harm the living conditions of the adjoining occupiers at 112 Exmouth Road. There are no other considerations which outweigh this finding or the conflict with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Rebecca Thomas

INSPECTOR