



Appeal Decision

Site visit made on 12 April 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/R5510/D/22/3293226

31 St. Martins Approach, RUISLIP, HA4 7QH

- 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 Mrs Laura Shepherd against the decision of London Borough of Hillingdon.
- The application Ref 76252/APP/2021/4001, dated 27 October 2021, was refused by notice dated 22 December 2021.
- The development proposed was described as *'Single storey side and Single storey rear extension with double rear infill, open porch. 45 degree angles for the habitable rooms from the neighbour's property are included on the plans. All other windows are for hallways and bathrooms so we are explicit that these have been considered and the other windows do not count'*.

Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey side and rear extensions, two storey rear extensions, and open porch / canopy at 31 St. Martins Approach, RUISLIP, HA4 7QH in accordance with the terms of the application, Ref 76252/APP/2021/4001, dated 27 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan ('Buy A Plan'); A101 + A201; A102 + A202; A103 – A203; A104 + A204; A105 + A205; A106 + A206; A107 + A207; A108 + A208; A109 + A209 and A110 + A210.
 - 3) The development hereby permitted shall be carried out in accordance with the details set out in the 'Flood Risk Assessment – 31 St Martins Approach, Ruislip HA4 7QH' dated 18/09/2021 by L Shepherd.
 - 4) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The proposal was initially described on the planning application form in the terms set out in the banner heading, above. However, in the interests of precision I have adopted the development description set out on the Council's decision notice which more accurately and concisely describes the proposal. I am satisfied that neither main party, nor those whose views on the proposal were sought by the Council, would be prejudiced by my approach. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 33 St Martins Approach, with particular regard to daylight and sunlight and outlook.

Reasons

4. Although there are multiple elements to this proposal, the Council's main concern relates to its first-floor element at the rear corner of the appeal property and the effect upon the adjacent property at No. 33. There, there are side-facing ground floor windows within the flank elevation which face towards the side of No. 31. One of these windows, together with a partially glazed door, serve that property's kitchen area and provide the main outlook from / light into that area.
5. Despite the Council's concern regarding the proposal's effect on daylight and sunlight received by the neighbouring property's side-facing windows, a 'Daylight and Sunlight Study'¹ (DSS) commissioned by the appellant concluded that the proposal would have a 'very low' impact on the light receivable by windows and rooms at No. 33. The Council's concerns in this respect are not supported by detailed analysis and an objection² to the previous application³ related to a different, larger extension.
6. Moreover, from my observations of the relationship between the two properties confirmed my assessment of the appellant's DSS, I am not inclined to disagree with the conclusions of the DSS. Although this element of the extension would fill in the recessed first floor corner, the rebuilt ground floor flank wall and parapet wall would break up the immediate visual impact of the extension's height, whilst the receding roofline and lower ridge line would minimise its overall height.
7. The outlook towards the single storey flank wall, which would be rebuilt with a low parapet wall, would be over the same distance as is currently the case and with only very limited additional height to it. The immediate effect of this in terms of an already curtailed outlook would, in my judgement, be limited. Furthermore, the additional height at first floor level would not materially or harmfully affect outlook from the neighbouring ground level windows due to the intervening presence of the ground element and the already limiting effect of the main house and roof. Additionally, this element's lower ridge line and receding roof slope would also ensure that it would not be overpowering, excessively dominant or otherwise harmful to the outlook from the neighbouring property's side-facing windows.
8. For the reasons set out, the proposed extension would not result in harm to the living conditions of occupiers of No. 33 in terms of its effect on outlook, daylight or sunlight. As such, it would secure development of a good design that would not adversely impact upon the amenity, daylight or sunlight of adjacent properties, thereby avoiding harm thereto. There would therefore be no conflict with Local Plan Part 1 (LP1) policy BE1 or Local Plan Part 2 (LP2) policies DMHB11 or DMHD1 in this respect.

¹ 'Daylight and Sunlight Study (Neighbouring Properties)' dated 9 February 2022 by Smith Marston Building Surveyors

² Submitted on behalf of occupiers of 33 St Martins Approach by Right of Light Consulting, dated 27 July 2021

³ LPA Ref No: 76252/APP/2021/2256

9. The Council's single reason for refusal is expressed in terms of the proposal's effect on the living conditions of occupiers of No. 33. However, I am also mindful of an objection to the proposal from the occupiers of the other adjacent property at No. 29 on, amongst other matters, living conditions grounds. This two-storey element of the extension would be located close to the dividing fence between Nos. 29 and 31 but, despite its proximity, it would not be any closer to it than the appeal property's existing flank wall. Nor would it extend materially beyond the rear of No. 29.
10. Furthermore, as it would be located to the north of No. 29, I am not persuaded that it would have a significant or harmful impact upon sunlight or daylight, particularly as it would lie due north of No. 29 and where window openings on the flank elevation are limited. I am satisfied therefore that, in these terms, the proposal would not have a significant or harmful impact upon No. 29 in terms of daylight, sunlight or outlook.

Other Matters

11. Objections to the proposal on other grounds were also raised by a neighbouring resident and the local resident's association. Matters relating to construction logistics and access are between the appellant and neighbouring occupiers and are not a material consideration to which I can give any weight, whilst I have noted that the Council did not object to the proposal on flood risk grounds. I have not been presented with any compelling evidence to lead me to an alternative conclusion in this respect.

Conditions

12. I have considered the Council's suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit and plans conditions are necessary and reasonable in order to provide certainty and in the interests of good planning. A condition to ensure the use of matching materials is also necessary and reasonable in the interests of character and appearance.
13. As the site lies within Flood Zone 2, the application was accompanied by a Flood Risk Assessment⁴. A condition to ensure that the development is undertaken in accordance with the measures and mitigation set out therein is reasonable and necessary in order to mitigate the risk of, and from, flooding.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR

⁴ Flood Risk Assessment dated 18/09/2021 by L Shepherd