



Appeal Decision

Site visit made on 16 August 2022 by N Unwin BSc (Hons) MSc

Decision by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th September 2022

Appeal Ref: APP/R5510/D/22/3301140

94 Swakeleys Road, Ickenham UB10 8BB

- 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 Ms Melanie Meyers against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 10517/APP/2022/406, dated 9 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is described as single storey rear extensions, front porch, conversion of side garage with a roof extension above to form a mezzanine floor.
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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.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of No. 96 Swakeleys Road, with particular reference to outlook, daylight and sunlight;
 - the character and appearance of the host property and surrounding area; and
 - flood risk.

Reasons for the Recommendation

Living Conditions

4. The neighbouring property at no. 96 is positioned close to the shared boundary. The existing ground floor windows within its eastern elevation face a high fence and hedgerow along the boundary. There is a large side dormer within the eastern roof slope with three windows, two of which serve bedrooms. The proximity to the western gable of the appeal property affects the level of daylight received through these windows as well as their outlook.
5. The proposed side extension would adjoin the shared boundary with no. 96. The front and rear roof slopes would follow that of the host dwelling, incorporating a flat roof at approximately the same height as the top of the windows within the eastern dormer of no. 96. The proposal would therefore result in very little space between the appeal property and windows within the

side dormer of no. 96. It would be significantly closer than the existing gable. This relationship would seriously restrict the daylight received by these windows and would also result in the proposal appearing completely overbearing when viewed from them. As such the proposal would result in an unacceptable impact on the living conditions of the occupiers of these habitable rooms.

6. Due to the orientation and proximity to the appeal property, the eastern dormer windows of no. 96 currently receive little direct sunlight. As such the proposal would not result in a material loss of sunlight.
7. The proposed single storey rear extension would adjoin the boundary with no. 96. As it would only extend a modest amount beyond the rear elevation of no. 96 and would not protrude significantly above the existing boundary fence, its impact on the rear and side windows and garden area would be limited. Therefore, the proposed rear extension would not result in an unacceptable impact on the neighbouring occupiers at no. 96.
8. Nevertheless, as the relationship with the dormer windows would be unsatisfactory and as there would be an unacceptable loss of outlook, the proposed development would not comply with the expectations of Policy DMHD 1 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020). This sets out overarching principles in relation to alterations and extensions to residential dwellings.
9. The appellant has cited a Lawful Development Certificate (LDC) (ref: 68968/APP/2013/118) issued by the Council for a dormer within the eastern roof slope of no. 96. The appellant maintains that the existing dormer does not match the plans submitted with the LDC application and is not permitted development. The lawfulness or otherwise of the neighbouring dormer is not a matter for me to consider in reaching my recommendation for this s78 appeal. In the absence of any substantive evidence of enforcement action by the Council, I have considered this proposal in light of the existing dormer. Furthermore, even if the windows in the dormer were obscure glazed, as the appellant suggests, the proposal would continue to result in an unacceptable loss of daylight to these habitable rooms.
10. Overall the proposed development would harm the living conditions of the occupiers no. 96. As well as the conflict with Policy DMHD 1 it would also be contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) which, among other things, seeks to protect amenity.

Character and Appearance

11. The area surrounding the appeal site is residential in character with a street scene formed of dwellings of varying architecture set back from the highway. Many of the dwellings within the area have been altered with, among other additions, single storey front extensions. There is a variation to the building line along this section of Swakeleys Road.
12. The appeal property is a 1.5 storey dwelling set back from Swakeleys Road. The front elevation is relatively reserved with an attractive well-proportioned character and a modest single storey flat roofed garage adjoining the western elevation. The rear elevation has undergone greater alteration with a large rear dormer almost the entire width of the roof slope forming a prominent feature.

13. The proposal involves a central porch with pitched roof to the front elevation. The existing adjoining garage would be replaced with a single storey side extension with a sloping roof to the front and rear and flat top. A single storey rear extension would utilise a crown roof projecting approximately four metres into the rear garden and running the width of the existing dwelling and side extension.
14. The continuation of the proposed rear extension beyond the side elevation of the host dwelling, combined with the large crown roof would create an awkward addition. In particular, the interaction between the proposed roof and the existing dormer would be particularly cumbersome. Whilst not part of the wider public realm the juxtaposition of the constituent parts of the resulting dwelling would represent a poor standard of design. As such, this element of the proposal conflicts with Policy DMHB 11 of the Part 2 Local Plan which refers to all developments. Moreover, it would exceed the height specified for rear extensions in Policy DMHD 1 which also indicates that large crown roofs on detached dwellings will not be supported.
15. The side elevation would be subordinate to the existing dwelling, preserving its existing well-proportioned character and would reflect the scale of other alterations within the area. Although the proposed side extension would adjoin the boundary with no. 96, a visual separation would be maintained between the properties. As its height would be below that of the host dwelling the relationship between the two would not appear cramped.
16. Nevertheless, because of its poor design the proposal would not be well related to the existing chalet bungalow and so would harm its character and appearance which would have a negative impact on this suburban area as a whole. The proposal would be at odds with the Part 2 policies referred to and with Local Plan Part 1 Policy BE1 which seeks a high quality of design.

Flood Risk

17. The appeal site is located within Flood Zones 2 and 3. A site-specific flood risk assessment (FRA) has been submitted as part of the appeal. The submitted FRA makes optimum use of information already available such as the Environment Agency's Flood Map. This information has then been used to identify proportionate sustainable drainage and flood resilience methods which could be secured through condition.
18. As such, the proposal would make appropriate provision for flood risk mitigation to ensure it is safe for its lifetime (taking account of the vulnerability of its users), without increasing flood risk elsewhere. The proposal would therefore comply with Policy EM6 of HLPP1 and Policy DMEI 9 of HLPP2 which require development to be resilient to all sources of flooding.

Conclusion and Recommendation

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

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

David Smith

INSPECTOR