
Appeal Decision

Site visit made on 7 June 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/R5510/D/22/3312541
5E Frays Way, Uxbridge, UB8 2RJ

- 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 Miss R Kaur Sarao against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 77453/APP/2022/2448, dated 1 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 5E Frays Way, Uxbridge, UB8 2RJ in accordance with the terms of the application Ref 77453/APP/2022/2448, dated 1 August 2022, subject to the conditions set out in the attached Schedule.

Main issues

2. The main issues are the effect of the proposal on: (a) the living conditions of the appeal property's residents with reference to private amenity space, and (b) the character and appearance of the host property and its surroundings.

Reasons

Amenity space

3. The appeal property is a hybrid form of terraced dwelling, in the sense that it is situated at the end of a short terrace, except that another terrace is adjoined at the rear. The dwelling has two separate amenity spaces, one at the side, and the other at the front. The proposed extension would be built on the former.
4. The Council acknowledges that it has no specific policy or guidance as to the level of amenity space considered adequate in existing dwellings but relies principally on that required in respect of new development. Table 5.3, referred to in the body of policies DMHB 17 and DMHB 18¹, provides the standard of amenity space provision which should be aimed at in new residential development.

¹ Of the Hillingdon Local Plan: Part Two – Development Management Policies (DMP)

5. But the explanatory text to policy DMHB 17 also provides that other considerations other than size should apply, including the quality of the spaces provided, that is:

Private outdoor amenity space will be required to be well located, well designed and usable for the private enjoyment of the occupier. In assessing the quality of all amenity space in development proposals, whether individual or communal, consideration will be given to the shape and position and whether the layout has regard to matters such as daylight and sunlight, noise, enclosure and privacy.

6. In this case there may well be reasonable grounds for concluding that the application of the term amenity space to the area which would be lost to development may be a misnomer. I saw that it was a small area wholly enclosed in turn by the flank wall of the appeal property, a high timber fence to the front and rear, and a brick wall along the boundary with the adjacent school topped by high metal link fencing. There was no outlook other than to the sky, and I found it a rather grim dismal area, even on a sunny day, used for storage and circulation.
7. Against this, the dwelling has a south facing amenity area to the front significantly larger than most neighbouring properties in this part of Frays Way. Whilst it may not be private, it is nevertheless an area that could be adapted for flexible use.
8. In my view, the loss of the space to the side would not deprive the residents of the appeal property in such a manner that their current living conditions would be materially harmed with specific reference to private amenity space. I so conclude on the first main issue.

Character and appearance

9. The development would be comprised of a flat roof extension, with its front wall taking over the spot currently occupied by a plain timber fence, albeit that the extension would be a little higher than the fence. When approached from both the west and east, views of the extension would be largely masked by extant development, including the brick wall and palisade fencing fronting the school's car park; one of the school's outbuildings, and neighbouring dwellings in Frays Way. It would be most exposed in views from the south for a short distance when approaching along Waterloo Road. But because of its small scale, and that it would replace an extant timber fence, the extension's presence, notwithstanding the door and window in the front elevation, would not prove particularly noticeable.
10. In this respect, the Council acknowledges that the extension's height '*would be appropriate to the host dwelling*' but consider its width to be excessive at more than half the width of the dwelling to which it would be attached. However, in my view, the Council have given insufficient weight to the presence of the fence and its visual impact, and to the fact that the appeal dwelling forms part of a small terrace. I consider the extension to be entirely proportionate in scale in its terraced context.
11. I therefore conclude that whilst the proposal may not strictly comply with all of policy DMHD 1's criteria, the proposal would not result in harm to the character and appearance of the host property or its surroundings. Accordingly, the

proposal accords with those provisions of policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies and those provisions of DMP policies DMHB 11 and DMHD 1 directed in combination to ensure that house extensions are well designed and reflect local character.

Conditions

12. The Council has suggested the imposition of some conditions. The suggested condition in respect of materials shall be imposed in the interests of visual amenity. In the interests of certainty, it is necessary that the development should be carried out in accordance with the approved plans.

Other matters

13. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh the considerations that led me to my overall conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1575-S-01; 1575-S-02; 1575-01 & 1575-02.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.