



Appeal Decision

Site visit made on 3 August 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023

Appeal Ref: APP/F5540/D/23/3318002

191 Fernside Avenue, Feltham TW13 7BQ

- 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 A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Piotr Strus against the decision of the Council of the London Borough of Hounslow.
 - The application ref. 00442/191/PA1, dated 27 January 2023, was refused by notice dated 3 March 2023.
 - The development proposed is the erection of single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 191 Fernside Avenue, Feltham TW13 7BQ in accordance with the application ref. 00442/191/PA1, made on 27 January 2023, and the details submitted with it (including plans ref. PLA001 F01; PLA002 F01; PLA003 F01; PLA004 F01; and PLA005 F01), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises, considering any representations received.

Main Issue

5. The effect of the proposal on the living conditions of the occupiers of 193 Fernside Avenue, with particular regard to outlook, and levels of daylight and sunlight.

Reasons for the Recommendation

6. The appeal site comprises a two-storey terraced dwelling with a full width, flat-roofed, single-storey rear extension projecting approximately 3.5 metres to the rear. No. 193 adjoins the northern elevation of the appeal property, with a small lean-to projecting from the rear elevation. The rear garden of No. 193 is elongated, flanked by the single storey rear extensions of the adjoining properties and a high boundary fence, with an open aspect to the west. As such, the outlook from the ground floor rear windows of the dwelling and garden area closest to them is channelled to the rear of the garden with the majority of daylight and sunlight obtained from this direction.
7. The proposal would be marginally higher than that of the existing rear extension, protruding approximately two metres further along the boundary with No. 193. Given the existing high boundary fence, the additional built environment along the shared boundary would be limited. The use of a flat roof would further minimise the proposal's built form when viewed from the rear elevation windows of No. 193, preventing any overbearing impact. Furthermore, the open aspect to the west would be unaffected by the proposal, maintaining current levels of daylight and sunlight received from the rear ground floor windows and adjoining garden area of No. 193.
8. The Council has referred to the provisions of the Residential Extension Guidelines Supplementary Planning Document (2017), which seeks to avoid a loss of outlook, and daylight and sunlight of neighbouring dwellings. In this regard, it suggests a maximum depth of 3.05 metres for a single-storey rear extension to a terraced dwelling. However, this measurement is guidance rather than policy and in any event conflicts with the permissible dimensions set out in Schedule 2 Part 1 Class A Paragraph A.1 (g). As such, I do not consider that the proposal being greater than this measurement would, on its own, lead to it being unacceptable.
9. For the above reasons, the proposed development would be acceptable in terms of its effect on the living conditions of the occupiers of No. 193, with particular regard to outlook, and levels of daylight and sunlight. Insofar as they are material considerations relevant to the main issue of the case, the proposed development would accord with the aims of Policies CC1, CC2, and SC7 of the London Borough of Hounslow Local Plan 2015-2030, which together require new development to not result in harm to the living conditions of neighbouring residents by avoiding an unacceptable loss of daylight, sunlight, or outlook.

Conditions

10. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted

as part of the application to the local planning authority. No further conditions are necessary.

Conclusion and Recommendation

11. The appeal scheme would, on the basis of the above, comply with the relevant provisions of the legislation under which it should be considered. For that reason, I recommend the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

John Morrison

INSPECTOR