



Appeal Decision

Site visit made on 9 April 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2024

Appeal Ref: APP/F5540/W/23/3324577

33 Boston Park Road, Hounslow, Brentford TW8 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Rathore against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00134/33(BF)/P2.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 33 Boston Park Road, Hounslow, Brentford TW8 9JF in accordance with the terms of the application, Ref 00134/33(BF)/P2, 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 submitted plans: drawing no's GLA-01L, GLA-03L, and GLA-05L.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No.32 Boston Park Road, with particular regard to outlook and light.

Reasons

3. The appeal property is mid-terraced, it faces onto Boston Park Road, and its rear garden abuts Great West Road, partly below the Chiswick Flyover (M4). The proposed first floor extension would sit above its existing rear single storey extension; it would likely affect the light and outlook from a first floor living room window and a ground floor kitchen window on the rear side of No. 32 Boston Park Road the most. No. 32, also has its own first floor rear extension very close to the opposite side of its first floor living room window, which has a similar projection beyond its rear elevation to that of the proposal.
4. The proposed extension would project out from the rear elevation of the appeal property by some 2.5 metres, which would be less than the projection of its

existing single storey ground floor extension. It would also be set further away from No. 32 than the appeal property's ground floor part, it is said to be some 2.2 metres away from the centre of No. 32's living room window (and said to be some 0.65 metres from their common boundary).

5. The proposed extension would be most visible within No.32's living room when nearest to its window, however due to the limited projection of the proposal, and its distance from what is a relatively wide and tall window in comparison to others on its rear elevation, it would likely not be a particularly prominent feature for occupiers of the living room. Moreover, the living room window would directly face towards both Great West Road and the Chiswick Flyover and that direct outlook from the living room window would not materially change. Even taking into account No.32's own first floor extension, due to the similarly modest projection of the proposal and its lean to roof design, it would not be a dominant feature, overly enclosing or harmful to the outlook from No 32's living room window. Nor would the outlook from No. 32's ground floor kitchen window be unacceptably harmed due to the proposal's limited projection and its reduced width in comparison to the existing single storey extension it would sit above.
6. Notwithstanding that no sun lighting assessment has been submitted, the proposal would likely give rise to some loss of sun lighting to No.32's living room window in the mornings due to its orientation, however, the living room window would still receive a satisfactory level of sun lighting even allowing for its own first floor extension. As the proposal would have a smaller width and projection than the existing ground floor extension, the loss of sun lighting to the ground floor kitchen window from the proposal would also likely be limited, particularly when considering the effects of that existing extension to the appeal property. Both the kitchen and living room windows would also receive adequate daylighting given the separation from the proposed extension and their direct open aspect towards their rear garden.
7. I therefore conclude that the proposed development would have a satisfactory effect upon the living conditions of the occupiers of No. 32 Boston Park Road and comply with Policies CC2 and SC7 of the London Borough of Hounslow's Local Plan 2015-2030 (HLP), which amongst other things require development to provide adequate outlook, minimise overbearingness and overshadowing, ensure sufficient daylight and sunlight, and positively impact on the amenity of existing residents. In addition, the proposal would also comply with paragraph 135 of the National Planning Policy Framework insofar as it requires a high standard of amenity for existing and future users.
8. The Council's Residential Extension Guidelines Supplementary Planning Document A Guide for Householders adopted 20 December 2017 (SPG) says that first floor extensions to mid terraced properties will rarely be acceptable to avoid harming neighbouring occupiers. It also requires first floor extensions to be set a minimum of 2 metres away from the boundary to adjoining properties and not project further than 2.5 metres from their rear elevations. Whilst the proposal would have a degree of conflict with the SPG insofar as it would be within 2 metres of the adjoining property, even taking into account the existing first floor extension at the rear of No. 32, it would nevertheless comply with one of the main objectives of the SPG of ensuring that extensions do not harm the outlook and light for neighbouring occupiers.

9. The Council has referred to the proposal conflicting with Policy CC1 of the HLP, that policy is focussed on context and character, I did not find that policy to be directly determinative on this main issue.

Other Matters

10. An objection letter regarding the effect of the proposed development on a neighbouring occupier at No. 32 Boston Park Road, who is said to be disabled with limited mobility and spends a lot of time in their first floor living room nearest to the proposed extension, has been received. In light of this, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
11. I recognise the paramount importance of the neighbouring occupiers not experiencing an unacceptable outlook or loss of light as a result of the proposed development, these are primary considerations. Any adverse effects for neighbouring occupiers would weigh against the proposal in these respects.
12. In my decision above, I found that the proposed development would not be harmful to the occupiers of No.32 due to the modest size of the proposed extension, particularly its limited projection beyond the rear of the property, its distance from the window, and taking into account the size of the window in question and its direct orientation.
13. The benefits of the proposed development would be to provide an improved living environment for the occupiers of the appeal property and add to the overall quality of the accommodation, which weighs in favour of the proposal.
14. In view of this, and having regard to the legitimate and well-established planning policy aims of allowing appropriate extensions to existing dwellings, a refusal of permission would not be proportionate and necessary. Allowing this appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.
15. The appellant's indication of the development costs on the application form, identifies a ceiling price and not an exact cost, nevertheless it does not affect the planning merits of the appeal scheme before me. The description of development is clear that the proposal relates to a first-floor extension, and the floor plans and elevations clearly show the proposal. I am content that there is sufficient information provided to properly assess the proposed development.
16. I acknowledge the comments that the occupiers of one of the adjoining properties have said that they have not made external alterations to their property during their period of occupation, this is a neutral factor. It is also noted that a three-storey extension to the rear of the appeal property in 2012 and a two-storey rear extension in 2013 were both refused planning permission by the Council. I do not have any details of those earlier proposals before me, to ascertain whether they were comparable at all to this proposed first floor extension, I therefore attach limited weight to these decisions.

17. The objector has made comments about other recent developments nearby, and that the occupiers of No. 32 may wish to extend their property if the appeal is allowed for property value reasons. Be that as it may, these matters do not alter my conclusions in respect of the main issue in my decision above.

Conditions

18. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved, although it was not necessary to include reference to photographs, and the Design and Access Statement. A condition regarding external materials is also necessary to protect the appearance of the property, the terrace, and the area.
19. The submitted Fire Safety Statement shows how the appellants have considered fire safety as part of the design of the proposal, but for the purposes of this proposed new bathroom, I am not aware of a policy requirement making it necessary for the development to be undertaken in accordance with that Statement. In addition, fire safety is also a separate consideration at building regulations stage.
20. I note Transport for London's requested condition to prevent construction traffic causing an obstruction to nearby roads, including Great West Road and nearby bus stops. There are however parking restrictions on these roads preventing parking at certain times, any such breaches could be enforced separately. The planning practice guidance is clear that planning conditions should not be used to duplicate other regimes of control, consequently I am not persuaded that such a condition would be reasonable or necessary in this case.

Conclusion

21. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR