
Appeal Decision

Site visit made on 11 April 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.04.2024

Appeal Ref: APP/R5510/D/23/3333858

29 Tudor Road, Hayes, UB3 2QB

- 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 Mr Muhammad Kamran against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 67020/APP/2023/2122, dated 14 July 2023, was refused by notice dated 6 September 2023.
 - The development is the erection of a single storey extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension to rear at 29 Tudor Road, Hayes, UB3 2QB in accordance with the terms of the application Ref 67020/APP/2023/2122, dated 14 July 2023, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Since it more accurately and succinctly describes the appellant's development, I have adopted the description used in the Council's decision notice rather than that seen in the original application form.
3. The extension subject of the appeal has been substantially erected but is incomplete. Work has stopped. The appellant wishes to retain that built and to complete the development in accordance with the submitted plans. I shall proceed on that basis.

Main issue

4. The main issue is the effect of the development on the living conditions on the occupants of the adjoining dwelling at 27 Tudor Road with particular reference to visual impact and outlook.

Reasons

5. The appeal property is an end of terrace dwelling set in a predominantly residential area. The extension has been attached to an existing extension to the property so that their combined lengths amount to about 6m.
6. With regard to the alleged effect of the new extension on 27 Tudor Road, the Council's officer report says the following:

There is no rear extension at this site, the resultant impact of the 6m metre extension on this neighbour results in a harmful sense of enclosure and loss of

outlook, particularly to the window on the rear elevation near the boundary line and the key external amenity space serving the rear of the property. As such, the proposal is considered to create a harmful impact to the amenity of this neighbouring dwelling.

7. With the aid of a stepladder, I was able to see clearly over the boundary fence into No 27's rear areas. I saw the window referred to in the Council's officer report. I could also see what I would describe as a rudimentary lean-to structure erected across the width of No 27's rear elevation. This was a timber framed structure with what appeared to be a roof made of a polycarbonate material.
8. This structure to an extent would affect the outlook from the window of concern to the Council, but a degree of outlook would also have been affected by the pre-existing extension. The additional length of extension involved would not render matters materially different. As to the alleged impact on the amenity area, the extension has replaced a solid fence which would itself have imparted a sense of enclosure. The additional height of the extension in comparison would not, in my view, make matters materially worse.
9. I therefore conclude that the proposal has not resulted in harm to the living conditions of the occupants of 27 Tudor Road with reference to visual impact, or outlook. Although the proposal extends further into the garden than specified in policy DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies, it accords with two principal objectives of that policy in that the extension has a satisfactory relationship with the adjacent dwelling and causes no unacceptable loss of outlook.

Conditions

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

Other matters

11. The Council has referred to other development plan policies but those which I have relied on are considered the most relevant in the context of this appeal.
12. Although not decisive in my considerations I note that the residents of 27 Tudor Road on being consulted did not object at application stage.
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 be completed in accordance with the following approved plans: the location plan and the two unreferenced plans showing the existing and proposed floor plans and elevations respectively.
2. 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.