
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: 30.04.2024

Appeal Ref: APP/R5510/D/23/3333223

21 Cherry Orchard, West Drayton, UB7 7JR

- 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 & Mrs A Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 50692/APP/2023/2207, dated 23 July 2023, was refused by notice dated 29 September 2023.
 - The development proposed is a single storey rear and two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and two storey side extension at 21 Cherry Orchard, West Drayton, UB7 7JR in accordance with the terms of the application Ref 50692/APP/2023/2207, dated 23 July 2023, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Following the decision subject of this appeal, the Council granted planning permission for a similarly described proposal at the property¹. This can be described as the appellants' fall-back. I also note that planning permission was granted on appeal² for a single storey rear and two storey side extension at 35 Cherry Orchard, the property directly opposite the appeal site. These aspects of the planning history are material to my considerations.

Main issues

3. Having regard to the scheme deemed acceptable by the Council in February 2024, the main issues are the effect of the development in comparison on: (a) the character and appearance of the host property and its' surroundings, and (b) the living conditions on the occupants of the adjoining dwelling at 23 Cherry Orchard with particular reference to visual impact, overshadowing and light.

Reasons

Character and appearance

4. The appeal property is one of a pair of four similar semi-detached pairs in a short, discreet tree-lined cul-de-sac off the lengthier cul-de-sac also known as

¹ Ref 50692/APP/2023/3215 dated 2 February 2024.

² Ref APP/R5510/D/17/3190067 dated 16 March 2018.

Cherry Orchard. Only one of the dwellings in the cul-de-sac shows obvious signs of change at the front, being the property directly opposite the appeal site, subject of the successful appeal mentioned earlier, although the side extension permitted there, and since built, is smaller in scale than the one subject of this appeal.

5. Judging from the officer report, it is the proposed side extension which caused concern in terms of its effects on local character and the host property's appearance. I note that the permitted scheme has been slightly reduced in scale. The first floor front wall of the permitted side extension would be recessed a little more than in the appeal scheme, and the extension would be reduced in width³ by 27mm, or by roughly an inch.
6. To my mind, the amendments made to gain the Council's acceptance would be barely discernible in the street scene in comparison with the appeal scheme, which I found to be well designed and of an appropriate scale, being clearly subservient to that of the host property.
7. I therefore conclude that the proposal is of an acceptable design and would fit well into its visual context without harming the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with those provisions of Policies BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies and Policy D3 of the London Plan which seek to ensure developments are of a high quality design which respect the design of the original property and surrounding area.

Living conditions

8. The appellants intend demolishing the existing conservatory, which would be replaced by a rear extension. The Council granted permission recently for a rear extension of a similar appearance to that proposed now, but which is approximately 0.7m less deep than the one proposed in the appeal scheme.
9. One of the conservatory's side walls runs on the boundary shared with No 35, and this is of solid construction. The depth of the solid side wall in the recently approved scheme is comparable to that of the existing conservatory. The main judgment to be made therefore is whether the additional depth proposed in the appeal scheme would be such as to render it unacceptable in comparison with the approved scheme, taking into account existing site conditions.
10. In this respect I noted that a high hedge runs beyond the conservatory along the common boundary into the garden for a distance well beyond 0.7m. The additional depth proposed in the appeal scheme would have no greater impact on neighbouring living conditions than the hedge with particular reference to light and overshadowing. As to visual impact, in my judgment the additional 0.7m involved would have little material effect in comparison with the approved scheme.
11. I therefore conclude that the proposal would not result in harm to the living conditions of the occupants of 23 Cherry Orchard with reference to visual impact, overshadowing or light. Although the proposal extends further into the garden than specified in policy DMHD 1 of the Hillingdon Local Plan: Part Two –

³ According to the dimensions shown on the approved and refused plans respectively.

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

12. 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, and in the interests of certainty it is necessary that the development should be carried out in accordance with the approved plans.

Other matters

13. 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.
14. Although not decisive in my considerations I note that no neighbouring resident objected to the development when consulted.
15. 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. AS/01/23 Rev C & AS/02/23.
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.