
Appeal Decision

Site visit made on 11 June 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/F5540/W/23/3334712
79 Bath Road, Hounslow TW3 3BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Parmar against the Council of the London Borough of Hounslow.
 - The application Ref 00083/79/P11 is dated 26 June 2023.
 - The development proposed is the erection of a part single storey side and rear extension.
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Decision

1. The appeal is dismissed and planning permission for the erection of a part single storey side and rear extension is refused.

Procedural matters

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.
3. The Council issued a decision notice after the appeal submission, which states that planning permission is refused for the following reason:

"The proposed development, by virtue of its positioning adjacent to the boundary with No 77 Bath Road and habitable room windows would result in an unacceptable loss of outlook and increased sense of enclosure for the occupiers of the property, resulting in harm to their living conditions. The proposed development would therefore be contrary to Local Plan Policies CC1, CC2, SC7, the Residential Extension Guidelines and the principles of the National Planning Policy Framework."

Main issue

4. Against that background, the main issue is the effect of the proposed development on the living conditions of the occupiers of 77 Bath Road with particular regard to outlook and sense of enclosure.

Reasons

5. The proposal is to erect a single storey extension within the recess at the back of the appeal property, which is a detached bungalow within a predominantly residential area. The appellant states that the new addition would be shorter than a similar proposal that was recently refused planning permission on application, and at appeal.

6. The new flank wall would be close to and along the boundary between the site and the adjacent 2-storey dwelling, which is 77 Bath Road. From what I saw, there are windows and a glazed door in the side elevation of No 77 that directly face the site. Views of the new mono-pitched roof projecting noticeably above the proposed sidewall or a replacement boundary fence through these windows would be direct and at close range. According to the Council, these windows provide the sole source of light to and external outlook from a living room, which is a main habitable space.
1. Due to its height and position close to the boundary, the proposal would visually dominate the outlook from the living room windows of No 77 and unduly heighten a sense of enclosure for its occupiers. The main effect would be to diminish the reasonable enjoyment of the living room served by these windows for the occupiers of No 77. Therefore, the proposed development would be unneighbourly. Consequently, the proposal does not overcome the objections raised to the previous appeal scheme.
7. An existing brick wall marks the boundary between the site and No 77 and it, too, would be visible from its living room windows. Compared to the existing structure, the new flank wall would be slightly lower in height and set back from the boundary to be a little further away from these windows. However, a narrow gap would still remain, and the proposal would introduce additional built form with the roof sloping away from view just beyond the new boundary feature. As a result, the presence of the appeal scheme would still feel unduly imposing to the occupiers of this neighbouring property.
8. On the main issue, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 77. As such, it conflicts with Policies CC2 and SC7 of the Council's Local Plan 2015-2030 and the guidance within its *Residential Extension Guidelines* Supplementary Planning Document insofar as they aim to safeguard residential amenity. It would also be inconsistent with the National Planning Policy Framework, which requires development to achieve a high standard of amenity for all users.
2. Once complete, the enlarged house would provide additional living space for the appellant's extended family. However, there is nothing before me to indicate that these needs could only be met in the manner proposed. I agree that the additional loss of natural light to the living room windows of No 77 due to the proposal would not be appreciable. However, these considerations do not outweigh the significant harm that I have identified.
9. An interested party raises additional concern with regard to the effect of the proposal on privacy and the potential for damage during the construction phase. These are important matters and I have considered all the submitted evidence. However, given my findings on the main issue, these matters have not been critical to my decision.
10. Overall, the proposed development would conflict with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR