



Appeal Decision

Site visit made on 18 July 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/F5540/D/24/3341428

22 Ivy Road, Hounslow TW3 2DH

- 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) (GPDO).
 - The appeal is made by Mr Ajit Sachdeva against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00644/22/PA1.
 - The development proposed is described as a 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 22 Ivy Road, Hounslow TW3 2DH in accordance with the application ref. 00644/22/PA1 and the details submitted with it (including plans: Location Plan, ref. A/621/01-22; A/621/02-22; and A/621/03-22, 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) (GPDO), 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.

5. In light of the above, my assessment will be strictly limited to the effect of the proposal on the living conditions of adjoining premises.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the occupiers of 20 Ivy Road (no. 20) with particular regard to outlook and levels of daylight.

Reasons for the Recommendation

7. The appeal site comprises a two-storey end terraced dwelling with a full width, flat-roofed, single storey rear extension. No. 20 adjoins the appeal property, possessing an elongated garden with an open aspect to the rear. The garden area closest to the dwelling is flanked by the single storey rear extensions of the adjoining properties and a modest boundary fence bordering its length. As such, the outlook from the ground floor rear windows of no. 20 and garden area closest to them is channelled to the rear of the garden, with the majority of daylight obtained from this direction.
8. The proposal would be marginally higher than that of the existing rear extension, protruding a modest distance further along the boundary with no. 20. Given the existing extension of the appeal property and boundary fence, the additional built form 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. 20 and adjoining garden area, preventing any overbearing impact. Furthermore, the open aspect to the rear of the garden would be unaffected by the proposal, maintaining current levels of daylight received from the rear ground floor windows and adjoining garden area of no. 20.
9. The Council has referred to the provisions of the Residential Extension Guidelines Supplementary Planning Document (2017) (REGSPD), which recommends a maximum depth of 3.05 metres for a single-storey rear extension to a terraced dwelling to avoid the loss of outlook and daylight of neighbouring dwellings. Nevertheless, 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). Therefore, I do not consider the proposal's conflict with the guidance set out within the REGSPD, on its own, to be a determinative factor in this appeal.
10. Accordingly, the proposed development would be acceptable in terms of its effect on the living conditions of the occupiers of no. 20, with particular regard to outlook and levels of daylight. Insofar as they are material considerations, I have had regard to, and find no conflict, with Policies CC2 and SC7 of the London Borough of Hounslow Local Plan 2015-2030 (2015) and the Residential Extensions Guidelines Supplementary Planning Document (2015), which when read together require new development to minimise harm to neighbouring residents.

Other Matters

11. The Council has assessed the proposal against the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraphs A.1 and A.2 of the GPDO and found it to comply. Excluding no. 20, the Council raise no concerns regarding the effect of the proposal on the living conditions of any other adjoining

premises. I see no reason to take an alternative view on either of these matters.

12. As explained above, Schedule 2, Part 1, Class A Paragraph A.4(7) of the GPDO limits the assessment of the proposal to its impact on the amenity of any adjoining premises. As such, the future use of the proposal, the effect of the proposal on the character and appearance of the area, and the lawfulness of structures between Heath Road and Ivy Road are not matters for my consideration in this appeal. Moreover, any disturbance during construction would be for a temporary period and would not amount to unacceptable effects on living conditions.

Conditions

13. 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

14. 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

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr R Walker

INSPECTOR