



Appeal Decision

Site visit made on 20 August 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/R5510/D/24/3341937

105 The Larches, Uxbridge, Hillingdon UB10 0DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval 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).
 - The appeal is made by Mr Mohamad Atwi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 78391/APP/2024/378.
 - The development proposed is the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.00 metres, for which the maximum height would be 3.80 metres, and for which the height of the eaves would be 2.60 metres.
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Decision

1. Prior approval is refused and the appeal is dismissed.

Preliminary Matters

2. This proposal was submitted pursuant to Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The proposal is for a "larger home extension".
3. The proposal meets the size limitations for a larger home extension and, consequently, the Council notified adjoining owner/occupiers about the proposal. It received a comment from a neighbour which could broadly be considered an objection. In these circumstances, the prior approval of the local authority is required as to the impact of the proposed development on the amenity of any adjoining premises. When undertaking this amenity assessment, the scheme, in the view of the Council, would not be acceptable because of the impact on the amenities of the occupants of 107 The Larches. Prior approval was refused and this appeal is made against that refusal.

Main Issue

4. The main issue is the impact of the proposal on the living conditions of the occupants of 107 The Larches, having regard to whether or not the extension would be overbearing.

Reasons

5. 105 The Larches is one of the more central dwellings in a terrace of properties. It has a joint pedestrian access, shared with No 103, that runs under those buildings and emerges adjoining a single storey store building in the rear

- garden of No 105. The store building appears to be original and typical of these terrace properties.
6. The proposed single storey rear extension would include the removal of the store building to the rear of No 105. Because of the relationship to No 103 with its existing single storey extension, and the present effect of the store building, the proposed extension would have no undue impact on the living conditions of the occupants of the neighbouring property at No 103.
 7. No 107 is attached to the other side of the appeal property and does not have any rear extensions. A single storey store building that serves No 107 is towards the other boundary away from No 105. On the ground floor rear elevation, No 107 has two main window openings and a fairly central door with window. One of these main windows, is reasonably close to the joint boundary with No 105, where there is a panel fence between the properties. There is a hardstanding area to the rear of No 105 which appears to be used as an amenity and seating area.
 8. The proposed extension would project about 4m from the rear wall of No 105 and the highest point of the sloping roof would extend upwards reasonably close to the underside of the first floor window cills. As a consequence, there would be an appreciable extent of the extension that would project above the top of the boundary fence with No 107. This height above the top of the fence line would taper down as the extension extended away from the wall of the main house. Nevertheless, the height and extent of the extension above the fence, immediately adjoining the boundary, would be a dominant and imposing feature when experienced from the immediate area outside the rear of No 105. It would also have an intrusive presence and overshadowing effect upon the rear, ground floor window closest to the boundary and the associated use of the adjoining room area.
 9. The effects of these impacts from the proposed extension on the living conditions of the occupants of No 105 would be such that the addition would be unacceptably overbearing. In these circumstances, the proposal would not maintain suitable or acceptable living conditions for the occupants of No 107.
 10. The National Planning Policy Framework (the Framework) requires that decisions should create places with a high standard of amenity for existing and future users. I appreciate that the owners of No 107 have written to support the proposed extension. However, for the reasons I have explained, I consider that the extension would be harmful to the living conditions of the residents of this attached property. I have had regard to the impact on future occupants of that dwelling as part of my assessment and the amenities that should reasonably be enjoyed by occupiers of neighbouring properties generally. The letter of support, therefore, does not convince me that the scheme would not be unduly harmful.
 11. It appears that the letter of concern which was received by the Council at the prior notification stage did not come from the occupier of No 107. However, once an objection has been received, this requires the Council to consider the impact of the proposed development on the amenity of *any* (my emphasis added) adjoining premises, and this includes the impact on the living conditions of the occupants of No 107. This is also the approach which I have undertaken.

12. I saw at my site visit the other single storey rear extensions which have been added to some of the properties along this terrace. In particular the size and background to the addition to No 109 has been highlighted and that this addition is the same footprint as proposed in this appeal, albeit with a different form of roof. While that extension also followed the prior notification procedure, as no objections were received, the scheme constituted permitted development and the Council was not able to consider the impacts on any adjoining premises. That is not the case with this appeal. Consequently, the presence of other extensions, which all appear to have some variations in size, height and/or relationship to neighbouring properties, does not materially alter my assessment of the impact of the appeal proposal on the living conditions of the occupants of No 107. These other extensions are, therefore, not determinative in this case and I attach them limited weight in my overall assessment.
13. For the reasons explained above, I conclude that the extension would have an unacceptably overbearing impact on the living conditions of the occupants of No 107. It would, therefore, conflict with Policies DMHB 11 and DMHD 1 of the London Borough of Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the Framework which seek, amongst other things, that extension of dwellings will be required to ensure that a satisfactory relationship with adjacent dwellings is achieved.
14. As a consequence, I conclude that prior approval should be refused and the appeal should, therefore, be dismissed.

David Wyborn

INSPECTOR