

Report of the Head of Development Management and Building Control Committee Report – Application Report

Case Officer: **Emilie Bateman**

42576/APP/2024/2465

Date Application Valid:	13.09.24	Statutory / Agreed Determination Deadline:	17.01.25
Application Type:	Householder	Ward:	South Ruislip

Applicant: **Mr T McCabe**

Site Address: **100 Exmouth Road, Ruislip**

Proposal: **Retention of a double storey rear and side extension with amendments to fenestration and height of existing single storey rear extension**

Summary of Recommendation: **GRANT planning permission subject to conditions**

Reason Reported to Committee: **Required under Part 3 of the Planning Scheme of Delegation (Petition received)**



Summary of Recommendation:

GRANT planning permission subject to the conditions set out in Appendix 1.

1 Executive Summary

- 1.1 Planning permission is sought for the retention of a double-storey rear and side extension, along with amendments to the fenestration and the height of the existing single-storey rear extension.
- 1.2 Planning permission had previously been granted in April 2024 (42576/APP/2024/413) for the erection of a two-storey side/ rear extension which is of a similar design, scale and bulk to the as-built extensions. The main discrepancy from the previously approved scheme was the positioning of the neighbour dwelling at No. 102 Exmouth Road which did not reflect the positioning on-site, as well as modest discrepancies in the measurements. This current application seeks to regularise the proposed development with the neighbouring property footprint now accurately represented on the plans.
- 1.3 During the course of the assessment, site inspections were carried out at both the application site and the adjoining neighbouring property at No. 102 Exmouth Road, where Officers carried out detailed measurements and survey of the extension as-built and its relationship with the neighbouring property. The amended plans received now represents an accurate reflection of the development “as built” in the context of the neighbours.
- 1.4 The application is subject to a petition containing 22 signatures in objection to the proposal. The concerns raised within the petition are set out in more detail in Section 6 of this report, but in summary refer to neighbouring amenity impacts.
- 1.5 Cumulatively, the proposed side and rear extensions are considered acceptable from a design perspective and would continue to appear subordinate in the context of the existing dwelling house and the wider street scene. Whilst it is recognised that the two-storey extension is not set in 1m in from the application site boundary, this was considered acceptable under the original permission granted in April 2024. From surveying the character of the local area, it is evident that several extensions have extended out to the boundary of the site. The prevailing character along the street scene is quite varied and recent appeal decisions have also been allowed against this policy. Overall, the scheme is finished to a quality design, with matching materials and would not cause harm to the street scene. On this basis, the slight departure from the policy is considered acceptable.
- 1.6 The proposal would not cause significant harm to neighbouring amenity. The accurate footprint plans show that there would be a marginal breach of the 45-degree sightline of the nearest window serving the kitchen at ground floor of No. 102 Exmouth Road. However, this room is served by 2 additional windows which

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do not breach the 45-degree sightline, and which ensure outlook is maintained to the rear garden. A Daylight and Sunlight Report was requested during the assessment stage and the findings of this report demonstrate full compliance with the BRE Daylight Sunlight standards for Daylight, Sunlight and Overshadowing. Privacy is protected with obscure glazing to side windows, and rear windows would not result in undue overlooking. In addition, the extension would not create a sense of enclosure for neighbouring properties. Consequently, the proposal does not result in harm to neighbouring residential amenity that would warrant a reason for refusal.

- 1.7 It is considered that the proposed development would not have a detrimental impact on the character and appearance of the surrounding area or on highway safety.
- 1.8 Due regard has been given to local residents' objections, including the petition against the application. However, it is concluded, that the proposal complies with the broad aims of the Development Plan and no material considerations indicate that a contrary decision should be taken. The planning application is therefore recommended for approval subject to the conditions set out in Appendix 1.

2 The Site and Locality

- 2.1 The application site comprises an end of terrace house situated on the north-eastern side of Exmouth Road. The house is a two-storey dwellinghouse with a single-storey, flat roof rear extension. The existing property has an existing rear extension and a partially constructed two-storey side/rear extension, subject to this application.
- 2.2 The street scene is residential in character and appearance comprising terraced properties. No. 102 Exmouth Road is located to the North of the application site and forms part of the adjacent terrace. No. 98 Exmouth Road is located to the South of the application site and forms part of the adjoining terrace.

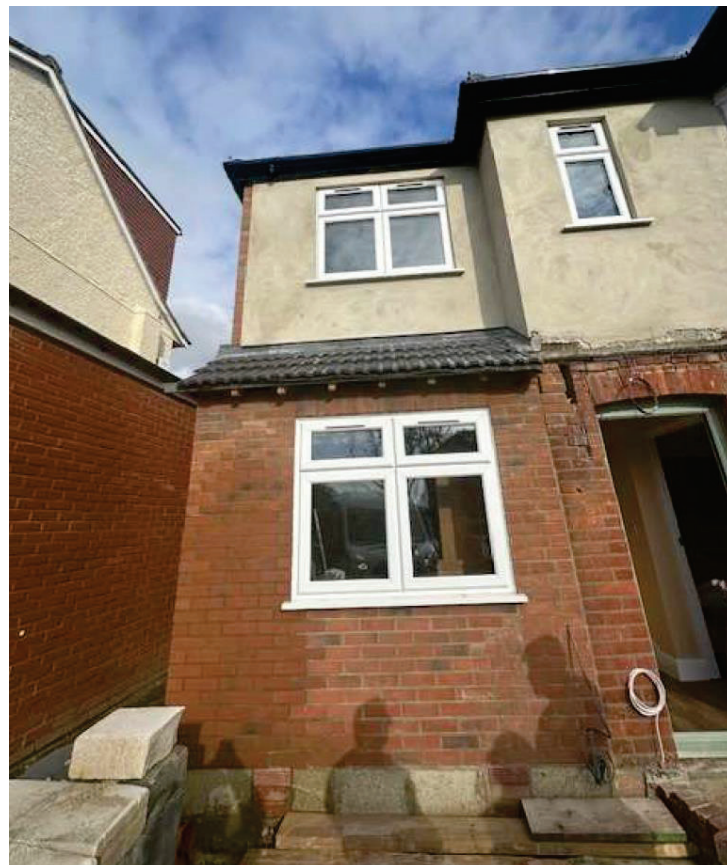
Figure 1: Location Plan (application site edged red)



Figure 2: Street View Image of the Application Property



Figure 3: Extension (as built) to the front



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Figure 4: Extension as built taken from rear garden of 102 Exmouth Road



3 Proposal

- 3.1 Planning permission is sought for the retention of a double storey rear and side extension with amendments to fenestration and the height of existing single storey rear extension.
- 3.2 Planning permission had previously been granted in April 2024 for a similar scaled development. However, following an investigation from the Planning Enforcement Team, it was noted that the footprint of the neighbouring property at No.102 had been misrepresented on the previously approved drawings. Under the previous application, the projection of the two-storey element to the rear of No. 102 had measured approximately 1.6m; however, the actual depth is 2.38m beyond this adjoining neighbouring property. This current application seeks retrospective permission to regularise the dwelling as-built. The neighbour's footprint is now accurately depicted on the block plan and proposed plans. There are also minor changes to the footprint which have been depicted in the revised plans.
- 3.3 The two-storey side extension measures 2.63m in width (at ground and first floor level) and extends a depth of 9.3m, of which 3.330m is situated beyond the original rear wall of the dwelling. The first-floor side element is set back 0.5m from the existing front wall and is served by a hipped roof that is stepped down 0.5m from the main ridge line. As noted, the two storey rear extension projects 3.330m beyond the original building line and measures 5.2m in width. It is served by a hipped roof set down which again is set down from the main ridge line by 0.5m.

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The existing single storey rear extension includes a flat roof and roof light with a maximum height of 3m.

- 3.4 The two-storey side extension is set from the site boundary by approximately 0.48m to the rear of the site which slightly increases to the front to approximately 0.6m. Approximately 1.130m is maintained between the flank wall serving the single storey side element of No. 102 Exmouth Road and the flank wall of the two-storey element to the front. The two-storey extension is treated with brick work to the front and render to the rear, both matching the existing arrangement.

Figure 5: Existing 'As Built' Floorplans (please note – larger version of plan can be found in the Committee Plan Pack)

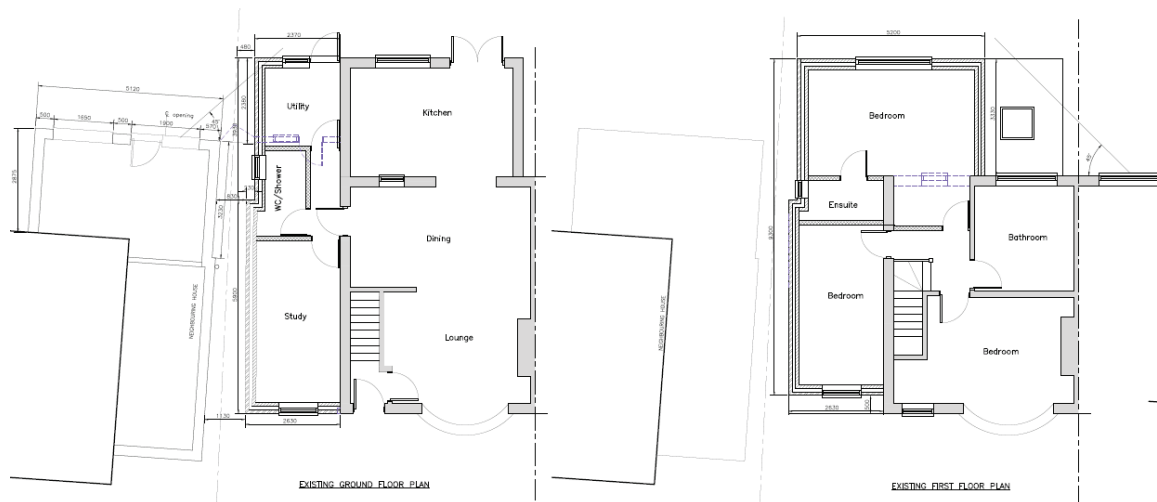


Figure 6: Existing 'As Built' Elevations (please note – larger version of plan can be found in the Committee Plan Pack)



4 Relevant Planning History

- 4.1 A list of the relevant planning history related to the property can be found in Appendix 2.

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4.2 Planning permission was granted in 2024 (ref. 42576/APP/2024/413) for the erection of a two-storey side/ rear extension which is of a similar footprint, scale and bulk to the as-built extensions. However, there was a discrepancy in position and measurements of the neighbour dwelling (No.102) on the approved plan, including the location of the 45-degree sight lines. Given the discrepancies, the current application was submitted to regularise the development as-built.

5 Planning Policy

5.1 A list of planning policies relevant to the consideration of the application can be found in Appendix 3.

6 Consultations and Representations

6.1 The adjoining neighbouring properties and South Ruislip Residents Association were consulted on 30th of September 2024.

6.2 Following revised plans and additional information (Daylight and Sunlight Assessment) a reconsultation took place which expired on 28th of November 2024.

6.3 Representations received in response to public consultation are summarised in Table 1 (below). Full copies of the responses have also separately been made available to Members.

Table 1: Summary of Representations Received

Representations	Summary of Issues Raised	Planning Officer Response
A petition of 22 signatures has been received against the application	1. The petition received wanted the Committee to fully consider overshadowing effects on the neighbour's amenity, exacerbated by the original misinterpretation of the plans on the original application	The revised application subject of this assessment is an accurate reflection of the proposed development in the context of the neighbouring properties. Site surveys have been undertaken by Planning Officers who have measured the extension as-built and its relationship with the common boundary at No.102 Exmouth Road. A site inspection has also been undertaken by Planning Officers at No. 102 Exmouth Road and measurements have been

		<p>taken to correlate the plans and ensure the built form is an accurate reflection of the site circumstances.</p> <p>This impact on daylight, sunlight and overshadowing are discussed in detail at paragraphs 7.27– 7.52 of this report</p>
<p>Over 19 letters of objection have been received from a total of 4 individual households</p>	I. Inaccurate plans (dimensions, no north arrow etc.).	Discussed at paragraphs 7.10 of this report.
	II. Error in drawing of rear building line of No. 102 previously approved plans. Disputes the claim that this was due to inaccurate OS site plan data. The error was not a result of misleading OS data but was at least in part due to failed decision making when preparing the plans in the most sensitive of areas.	The current application aims to regularise the misrepresentation of the neighbouring property under the original approved application. Under this current application, Planning Officers have undertaken a detailed survey of the application site, measuring the extension as-built and its relationship with the neighbours' boundary. Measurements have also been undertaken at No. 102 Exmouth Road and the resultant plans depict an accurate reflection of the development as-built in the context of the neighbouring properties.
	III. Not in accordance with Local Policy (side extensions and 45-degree rule).	Discussed at paragraphs 7.18 and 7.24-7.26 of this report.
	IV. Overshadowing/ loss of light.	Discussed at paragraphs 7.27– 7.52 of this report.
	V. Overlooked / loss of privacy.	Discussed at paragraphs 7.53 -7.56 of this report.

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	VI. Overdevelopment – the development is too large as built.	Discussed at paragraphs 7.9 - 7.20.
	VII. The development does not comply with policy DMHD1 where two storey side extensions should be set in a minimum of 1m from the side boundary.	Discussed at paragraphs 7.13 - 7.16.
	VIII. Concerns regarding bathroom window having clear windowpane.	Discussed at paragraph 7.55.
	IX. Boundary line dispute.	This is not a material planning consideration and would be a civil matter between both neighbouring properties. Officers are satisfied that a site location plan has been submitted indicating the ownership of the site in red. Certificate A has been completed on the application form which confirms that the applicant has sole ownership of the part of land in question. There is no reason to doubt that the development is within the ownership of the applicant.
	X. Sense of enclosure.	Discussed at paragraphs 7.24 – 7.26.
	XI. Guttering/Drainage concerns	Drainage and guttering issues would not be material planning considerations as part of this assessment. Drainage matters would be captured within a Building Regulations application. Notwithstanding this, it is noted that the development is set in from the site boundary with

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		sufficient space for guttering and drainage within the site curtilage itself.
A letter was also received from a Daylight and Sunlight Consultant (Daylight Lab) on behalf of residents of a neighbouring property.	<p>The letter did not dispute the findings within the Daylight Sunlight report. It wished to make further observations which are summarised below:</p> <ul style="list-style-type: none"> • Previous planning application was granted based on inaccurate drawing information - error in drawing the rear building line of No.102 on the previously approved plans, which is in fact set back by approximately 2.4m from the as-built extension at No.100 rather than the 1.6m originally suggested. • Loss of amenity to No 102 through reductions in sunlight exposure and increased sense of enclosure. • Expressed their view that all rear facing windows at No. 102 should be deemed a material consideration for sunlight testing (even windows facing slightly northern of due east or west) – based on their interpretation these windows would 	<p>These matters are discussed further within the amenity section of the report in paras 7.47-7.52.</p> <p>Importantly, it is noted from the letter that the Daylight Sunlight Professional does not disagree with the findings which confirm full compliance with the BRE Daylight and Sunlight guidance.</p> <p>The letter respectfully asks that the APSH should be considered for all windows. However, the BRE guidance is clear that only windows 90-degrees due south should be tested for sunlight. As the neighbouring property is situated to the north of the site, there is no requirement for this APSH test to take place.</p>

	<p>fail the Annual Probably Sunlight Hours and suffer greater losses in Winter Probable Sunlight Hours.</p> <ul style="list-style-type: none"> • Also note that the overshadowing extends over the area of garden closest to the rear façade of No. 102 which is an important amenity. • Provided a shadow analysis. 	
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7 Planning Assessment

Principle of Development

- 7.1 The proposal is for an extension to an existing residential dwelling. As such, the principle of development is supported by national, regional, and local planning policies, subject to the considerations set out below.

Design / Impact on the Character and Appearance of the Area

- 7.2 Paragraph 135 of the National Planning Policy Framework (NPPF 2023) states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area.
- 7.3 Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) requires that new developments achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.
- 7.4 Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all development to be designed to the highest standards and incorporate principles of good design, either complementing or improving the character and appearance of the area.
- 7.5 Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to protect and improve the public realm.
- 7.6 Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the streetscene and should appear subordinate to the main dwelling.

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7.7 With regard to rear extensions, Policy DMHD 1 requires:

- i) single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more;
- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;
- iv) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet;
- v) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
- vi) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres;
- vii) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
- viii) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported; and
- ix) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

7.8 With regard to side extensions, Policy DMHD 1 requires:

- i) side extensions should not exceed half the width of the original property;
- ii) extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded;
- iii) garages should reflect the size guidelines set out in Appendix C Parking standards;
- iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary or in the case of properties in the Copse Wood and Gatehill Estates, at least 1.5 metres, but more if on a wider than average plot, in order to maintain adequate visual separation and views between houses;
- v) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation;
- vi) where hip to gable roof extensions exist, a two-storey side extension will not be supported; and
- vii) in Conservation Areas, single storey side extensions may be required to be set back.

7.9 The application proposes the retention of a two storey rear and side extension, including amendments to fenestration and height of the existing single storey extension. A similar scheme was recently approved on the application site (ref: 42576/APP/2024/413 dated 9th April 2024). The scheme was subsequently built out. However, the approved plans were inaccurate with the footprint of the

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neighbouring property not accurately depicted on the drawings and a slight variation in the footprint. This application seeks to regularise the as-built scheme.

- 7.10 It is noted that the Planning Officer has been to site and the neighbouring dwelling. The Officer has confirmed that the measurements on the proposed plans, as well as the positioning of the neighbours' extension at No. 102 Exmouth Road are accurately reflected within this revised application.
- 7.11 The double storey side extension has a maximum width of 2.630m, which results in a 1.13m gap between the wall of the side extension and the wall of the neighbouring side extension. The side extension marginally steps in and extends back to the depth of the rear wall of the pre-existing single storey rear extension, at both ground and first floor. The extension would not exceed half of the width of the original dwelling and would therefore conform in principle with policy requirements in terms of scale and width.
- 7.12 At first floor, the side extension is set in by 0.5m and is set down from the ridge by 0.5m. It is noted that the existing dwelling is a terraced property and as a result does not require to be set back by 1m from the front elevation, unlike two storey side extensions to detached and semi-detached properties as required by policy DMHD 1.
- 7.13 The two-storey side extension is not set in 1m from the side boundary. However, the immediate area has a plethora of examples whereby side extensions (both single and two storey) have been built-up to the mutual boundary. A survey of properties along the street shows that there is a variety of side extensions that have been completed over time. The following properties also have two storey side extensions that do not maintain a 1 metre set in from the side boundary. These include property Nos. 48, 56, 120, 142 and 160 Exmouth Road, along on the same side of the street as the application site. On the opposite side of the street, Nos. 47, 49, 97, 115, 129 and 135 all have two storey side elements that also do not strictly conform with the policy guidance.
- 7.14 Furthermore, there has been two allowed appeals in recent years at Nos. 48 and 129 Exmouth Road. Within paragraph 6 of the appeal decision ref. APP/R5510/D/19/3232054 (48 Exmouth Road), the Planning Inspector commented that although the scheme was not technically compliant with the 1 metre set in, the overall design of the extension allowed the scheme to maintain an openness between the neighbouring property at No. 50 Exmouth Road. The Planning Inspector also noted that a large proportion of properties on the street had extensions close to the boundary, stating the following:

“However, in this case, the design of the first floor element, including the pitched roof design; the position 1m from the side boundary; and the set back from the main front wall, would ensure that a sufficient gap would be provided to No 50 to preserve the visual break between these neighbouring properties. Consequently, the buildings would continue to be viewed in the street scene as separate, distinct entities. Whilst the ground floor element would be close to the side

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boundary, a large proportion of properties in the street scene have side extensions or garages that are close to the side boundary. The proposed development would not, therefore, lead to a significant terracing effect or appear cramped or out of place in the street scene.” (Appeal Decision 48 Exmouth Road APP/R5510/D/19/3232054)

- 7.15 Unlike neighbouring examples, the application does retain an adequate gap between the site itself and the neighbouring dwelling, retaining side access. It is therefore considered that given the multitude of examples, a refusal on this basis would not hold up at appeal. In addition to this, application reference 42576/APP/2024/413 does hold some weight and is a material planning consideration given the marginal discrepancies between the previous application and that currently under consideration. The previous application considered the extensions to be subservient and acceptable in terms of set in from the side boundary.
- 7.16 As such, it is considered that the proposed development would respect the architectural composition of the host dwelling, and it would not have a detrimental impact on the existing dwelling house and street scene. The overall design and scale would be sympathetic to the existing dwelling. It is considered, given its modest size and design, the proposed two storey side extension would not cause harm to the character and appearance of the dwelling, nor would it lead to a cramped form of development along the street scene. Given the prevailing character, the slight departure from the policy on two storey side extensions is therefore acceptable in this instance.
- 7.17 To the rear, the roof of the existing single storey rear extension has been amended and raised in height, with a flat roof and centralised roof light. The eaves of the flat roof measures 2.7m. At first floor the dwelling benefits from a 3.3m deep rear extension which measures 5.2m wide, where it integrates with the single storey element which extends the remaining width of the property to the southern boundary with No. 98 Exmouth Road.
- 7.18 It is acknowledged that at ground floor the side/rear extension breaches the 45-degree sight line from the nearest kitchen window at No. 102 Exmouth Road. The breach is marginal as demonstrated on the plans and in addition to this, the kitchen benefits from a large secondary window which would not be obstructed. On this basis, it is acceptable in respect to design and impact on character and appearance. The impact on sunlight and daylight is considered further in this committee report.
- 7.19 Given the acceptable depth, height and overall massing, the extension appears both proportionate and a subordinate addition to the original building. The set down from the roof and the overall roof form would be sympathetic to its original design. The two-storey rear extension would be a subservient addition that would not appear as an incongruous or over-dominant form of development when seen from the rear of the property.

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- 7.20 Overall, the proposal is considered to satisfactorily integrate with the appearance of the original dwelling, and considering the surrounding context of neighbouring development it would not unduly harm the character, appearance and visual amenities of the host dwelling and the surrounding area. As such, the development proposal would accord with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local plan - Part Two (2020).

Residential Amenity

- 7.21 Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new developments should not result in loss of privacy, overlooking and loss of sunlight and daylight.
- 7.22 Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that alterations and extension of dwellings do not result in an unacceptable loss of outlook to neighbouring occupiers.
- 7.23 The primary neighbours to consider in terms of amenity impacts are No. 102 Exmouth Road and No. 98 Exmouth Road, located to the North and South, respectively.

45-degree sight line

- 7.24 As mentioned previously, it is acknowledged that at ground floor the extension breaches the 45-degree sight line from the nearest ground floor window at No. 102 Exmouth Road, which serves the kitchen. The breach is marginal as demonstrated on the plans and in addition to this, the kitchen benefits from a large secondary window which would not be obstructed. These kitchen windows on the rear elevation of No. 102 Exmouth Road can be seen in Figure 4. On this basis, it is acceptable and would not lead to a sense of enclosure. The outlook from these windows would remain onto the rear garden without being compromised. The effect on sunlight and daylight is considered in the paragraphs below.
- 7.25 No. 98 Exmouth Road also benefits from a single storey extension which is sited next to the existing single storey rear extension at the application site. There are no concerns raised regarding the marginal increase in height of the adjacent single storey rear extension.
- 7.26 At first floor the extensions clear the 45-degree sight lines from the nearest habitable room windows at both Nos. 102 and 98 Exmouth Road.

Daylight/Sunlight Assessment

- 7.27 Objectors have raised concerns regarding the impact of the extensions on the adjacent neighbouring property at No.102 Exmouth Road.
- 7.28 The applicants have provided a Daylight/Sunlight (DLSL) Assessment to support the application. It is noted that an objection has been received in regards to the

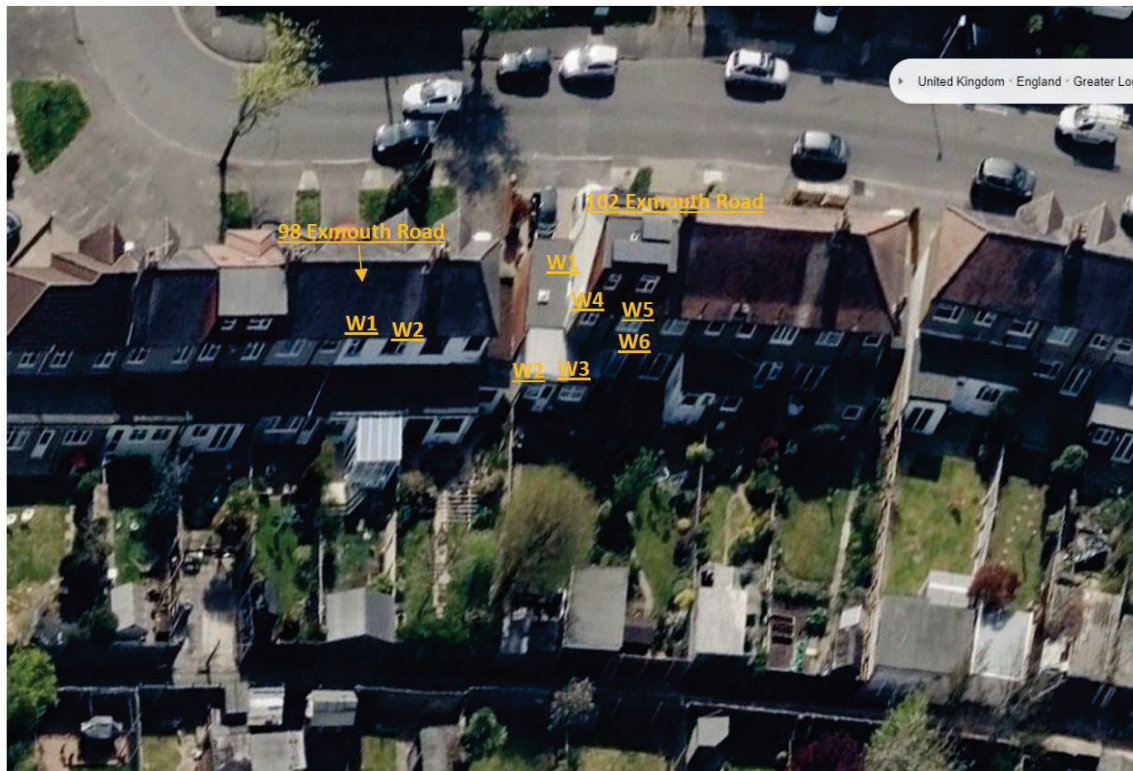
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accuracy of these measurements, however, to confirm, the DLSL Assessment is based on the most recent drawing, of which the measurements were verified by the Planning Officer through a site survey at both the application site and the neighbouring property.

- 7.29 The Daylight/Sunlight Assessment has assessed the light impacts on the neighbouring properties at Nos. 98 and 102 Exmouth Road and has used the Building Research Establishment guide: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) which is the recognised standard for daylight and sunlight assessments. The BRE guidance provides numerical guidelines although it is emphasised that advice given is not mandatory and the guidance should not be seen as an instrument of planning policy, but these (numerical guidelines) should be interpreted flexibly.

Figure 7: Windows tested at Nos. 98 and 102 Exmouth Road



Daylight Impact

- 7.30 The daylight report has applied the Vertical Sky Component (VSC) to assess the neighbouring windows against loss of daylight. The BRE Guidelines stipulate at paragraph 2.2.23 that:

If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lower window, subtends an angle of more than 25 degrees to the horizontal, then

the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:

- The VSC measures at the centre of an existing main window is less than 27%, and less than 0.80 times its former value.
- The area of the working plane in a room which can received direct skylight is reduced to less than 0.8 times its former value.

In simpler words, the BRE Guidance advises that a room with 27% VSC or at least 80% of the former value, will be adequately lit. In cases where rooms are lit by more than one window, the average of their VSC should be taken.

Table 2: Daylight impact assessment on tested windows demonstrating compliance with BRE guidance*

Building Name	Vertical Sky Component				
	Window Name	VSC Existing	VSC Proposed	Pr/Ex	Meets BRE Criteria
98 Exmouth Rd	W1	39.62	38.99	98%	YES
98 Exmouth Rd	W2	39.62	39.41	99%	YES
102 Exmouth Rd	W1	34.57	27.78	80%	YES
102 Exmouth Rd	W2	38.07	34	89%	YES
102 Exmouth Rd	W3	38.62	37.87	98%	YES
102 Exmouth Rd	W4	39.44	38.01	96%	YES
102 Exmouth Rd	W5	39.54	38.94	98%	YES
102 Exmouth Rd	W6	34.32	34.32	100%	YES

* Extracted from pp. 7-8, 'Analysis of Site Layout for Sunlight and Daylight - Neighbouring Analysis', dated November 2024, Stinton Jones Consulting Engineers.

- 7.31 The potentially affected windows of the neighbouring dwelling at No. 102 Exmouth to the north, have been tested for reductions in light because of the two-storey rear extension. A total of six windows were tested at this property and all six windows have passed the VSC test.
- 7.32 The nearest ground floor window which is closest to the extension at W2 showed a slight reduction in daylight values from 38.07% to 34%. As this would remain over the 27% requirement under the BRE guidelines, it therefore meets the VSC criteria. Similarly, the second ground floor window serving this kitchen (W3) was also tested and the proposed VSC results demonstrate that the percentage light is well above 27% threshold with a figure of 37.87%. These windows would retain an acceptable 89 percent (W2) and 98 percent (W3) of their pre-development daylight values.
- 7.33 The dining room window at No. 102 Exmouth Road (W6) is set further away from the extension and no changes to the daylight provision has occurred, retaining 100 percent of the pre-development daylight. At first floor W4 serves a bathroom (non-habitable room) and W5 serves the first-floor bedroom. This bedroom window (W5) remains at a 38.94% daylight value, which is well above the 27% requirement to be considered adequately lit. The impact to this bedroom would be

a 2 percent loss of daylight, retaining 98 percent of its pre-development value. The assessment confirms that all potentially affected windows at No. 102 Exmouth Road meet the BRE Criteria for daylight provision and is acceptable.

- 7.34 On the southern boundary is No. 98 Exmouth Road. Given the existence of a single storey extension, only two windows on the first floor were identified for testing. As this property already passed the 45-degree test, there were no concerns regarding daylight and sunlight. Nevertheless, both windows tested passed the VSC test and would retain sufficient daylight well above the 27% value.
- 7.35 Overall, the daylight assessment confirms that all windows tested meet the VSC criteria set out in the BRE guide: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022). As such, Officers are satisfied that the two-storey extension would not lead to an unacceptable loss of daylight to either neighbouring property.

Sunlight Impact

- 7.36 The effect on sunlight has been evaluated through the Annual Probable Sunlight Hours (APSH) test. This tests sunlight to windows of habitable rooms which fall within 90-degrees due south of the development and calculates how many hours in a year a window would receive direct sunlight. The BRE Guidelines state that sunlight will be adversely affected if after the development, sunlight received in a year is less than 25% of APSH (or less than 5% annual probable sunlight hours between 21st September and 21st March). Where a development causes a reduction below these values, the reduction should not be greater than 20% of its former value.
- 7.37 Paragraph 3.2.3 of the BRE Guidelines is quite clear in the windows that need to be assessed for loss of sunlight. It states

“To assess loss of sunlight to an existing building, it is suggested that all main living rooms of dwellings and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. Normally loss of sunlight need not be analysed to kitchens and bedrooms.” (Quotation from Building Research Establishment guide: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) page 24)

- 7.38 As such, it is important to emphasise that there is no requirement within the BRE Guidance to analyse North-facing windows for sunlight. It is only windows within 90 degrees of due south that should be tested. Therefore, the only window to be assessed for sunlight impacts at No. 102 Exmouth Road is W1. This window is situated at first floor level along the flank wall. Whilst this window most likely serves the stairwell (non-habitable room), the results of the testing nevertheless demonstrate that this window complies with the sunlight requirement. Specifically, this window would still receive an APSH of greater than 25 percent for the whole year (66 percent) and a Winter PSH of greater than 5 percent (16 percent).

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Table 3: Impact on sunlight to applicable neighbouring windows, demonstrating compliance with BRE guidance*

Building Name	Annual Probable Sunlight Hours									
	Window Name	Window Orientation	Annual Ex	Annual Pr	Pr/Ex	Meets BRE Criteria	Winter Ex	Winter Pr	Pr/Ex	Meets BRE Criteria
102 Exmouth Rd	W1	153°	76	66	87%	YES	22	16	73%	YES

* Extracted from p. 8, 'Analysis of Site Layout for Sunlight and Daylight - Neighbouring Analysis', dated November 2024, Stinton Jones Consulting Engineers.

7.39 Further to this and as already noted, the window serves a hallway which is a non-habitable room and as such, the impact on sunlight would not be assessed in the same way as for example a living room space. On these findings, Officers are satisfied that the proposed extension would comply with the BRE guidance and not lead to an adverse loss of sunlight to the main habitable rooms of No. 102 Exmouth Road over and above the existing circumstances. This is largely due to the neighbouring property site orientation.

7.40 With regards to No. 98 Exmouth Road, as the two-storey rear extension would be outside the 45-degree line of the nearest windows of this neighbouring property, there is no requirement for a sunlight analysis to be carried out for this neighbouring property.

7.41 Therefore, the only window to be assessed for Sunlight is W1 at No. 102, which passes the BRE guidance and therefore the impact of the development is acceptable.

Sunlight to Garden

7.42 Another concern that has been raised from the representations received, is the level of overshadowing to the rear garden at No. 102 Road from the proposed development. The Daylight and Sunlight Assessment has also undertaken a review of the level of sunlight received to both neighbouring properties.

7.43 In paragraph 3.3.17 of the BRE Daylight Sunlight Guidance document it states:

It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on the 21 March. If as a result of new development, an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. (Quotation from Building Research Establishment guide: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) page 29)

Table 4: Daylight impact assessment on tested windows demonstrating compliance with BRE guidance*

Building Name	Sunlight to Gardens						Meets BRE Criteria
	Amenity Area	Lit Area Ex	Lit Area Pr	Existing %	Proposed %	Pr/Ex	
98 Exmouth Rd	61.39	38.78	38.78	63%	63%	100%	YES
102 Exmouth Rd	152.26	125.40	115.47	82%	76%	92%	YES

* Extracted from p. 8, 'Analysis of Site Layout for Sunlight and Daylight - Neighbouring Analysis', dated November 2024, Stinton Jones Consulting Engineers.

- 7.44 The submitted Daylight and Sunlight Assessment demonstrates that sunlight amenity to both neighbouring gardens at Nos. 98 and 102 Exmouth Road would retain adequate sunlight on March 21st. For No. 98 Exmouth Road, the lit area would not alter from the existing circumstance, meaning that the extension would have no impact on sunlight to their garden.
- 7.45 The findings for No. 102 Exmouth Road show that prior to the extension, 82% of the existing garden received at least 2 hours of sunlight on 21st March. This would fall to 76% of the garden receiving sunlight on this day, with the extension built. Whilst it is accepted that there would be a slight increase in overshadowing, this would still be well within BRE guidance which advises at least 50% of the garden to be acceptable. The level of sunlight value for the neighbour's garden at No. 102 Exmouth Road would remain above 80% (0.8 times its former value) of their original sunlight value (at 92%).
- 7.46 Whilst there is a slight increase in overshadowing from the pre-existing garden conditions, this would not be uncommon for proposed development works of this nature. Given that this overshadowing is modest and is within the guidelines set out in the BRE guidance, the impacts of overshadowing to the garden at No. 102 Exmouth Road is acceptable and would not represent a justifiable ground to refuse the application.

Representations from third parties and residents on Daylight Sunlight Assessment

- 7.47 Representations were received regarding the accuracy of the DLSL assessment and if the assessment should have been based on a 3D model rather than the plans. However, given the significant margins of compliance and taking into account what rooms the windows serve, and if there are secondary windows serving the rooms, the findings indicate that the results would not materially differ with the use of such technologies. As such, requesting 3D analysis would not be proportionate or reasonable.
- 7.48 A further letter was received during the consultation stage from The Daylight Lab representing a neighbouring property as their "formal objection to the scheme". The Daylight Lab commented on the detail within the applicant's Daylight Sunlight

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report. The Daylight Lab letter confirmed that they “do not dispute the overall findings of the submitted Daylight & Sunlight Assessment, in so much as the overarching aims of the BRE guidance are met and daylight tests were found to produce acceptable results”. However, they “wish to draw attention to the limitations of sunlight testing, whereby any window that faces even slightly north of due east or west and/or does not serve a living room is ignored.” Rather, they “believe that sunlight test results to all the rear facing windows at No.102 should be deemed a material consideration”. Were these windows to be assessed, the Daylight Lab concluded that they would fall below the APSH criteria and winter testing. Similarly, the letter highlighted the overshadowing of the garden area closest the neighbour’s rear façade as representing an important area of amenity being closest to the garden access door and kitchen.

7.49 The points raised within the letter are duly noted. However, the Building Research Establishment guide: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022) is the recognised standard for sunlight and daylight assessments across most Local Planning Authorities in England and Wales. This is also set out in the Local Plan.

7.50 Para 5.41 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) “Site layout planning for daylight and sunlight: A guide to good practice”.

Consequently, there is no justification for departing from the established and recognised methodology and testing (nationally and locally) for assessing sunlight and daylight impacts of a development.

7.51 As the Daylight Sunlight report submitted by the Applicant is assessed against the methodologies within the BRE Daylight Sunlight guidance and as outlined within the Local Plan, it would not be reasonable to require the kitchen windows to be tested for sunlight given they would not be positioned 90-degree due south. Similarly, garden sunlight would meet the methodology and testing set out in the BRE guidance which are not disputed by Daylight Lab. As such it would not lead to a significant decrease in the outdoor amenity space to warrant a refusal, given it meets the BRE tests.

7.52 In spite of the comments received from the third party Daylight Sunlight professional, the Local Planning Authority are satisfied that the development would not cause detrimental harm to either neighbouring amenities (Nos. 98 and 102 Exmouth Road) from a daylight and sunlight perspective.

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Privacy

- 7.53 Objectors also raised concerns regarding privacy resulting from the side elevation windows and first floor rear elevation windows.
- 7.54 It is noted that the side elevation windows serve a WC/shower room and ensuite at the ground and first floors. These are obscurely glazed, as confirmed on the site visit. Notwithstanding this, a condition will be added to ensure they remain as obscured glazing and non-opening below 1.8 metres from floor level.
- 7.55 The first floor rear elevation window serves a bedroom and would have similar views and outlook as the pre/existing first floor rear elevation and is acceptable. It is noted that the other first floor rear elevation window serves a bathroom and is shown to be obscurely glazed. Notwithstanding this, there would be no concerns with undue overlooking should it be clear glazed, given that it overlooks the rear garden of the application site. It is also noted that there is no policy to demand obscured glazing specifically for bathrooms, where there would not be any concerns with neighbouring amenity impacts. Consequently, it is not considered necessary to condition this rear elevation window to be obscure glazed. In addition, the adjacent neighbour to the rear of the site (No. 119 Queens Walk) has a separation distance in excess of 38 metres, window to window.
- 7.56 For the reasons outlined above, it is concluded that the proposal would have an acceptable impact on neighbouring residential amenity in compliance with policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

Living Conditions – Application Property

External Amenity Space

- 7.57 The property would retain over 100sq.m of private amenity space post development to meet the standards set out in Table 5.3 of Policy DMHB 18 (Private Outdoor Amenity Space) of the Hillingdon Local Plan Part 2: Development Management Policies (2020). The proposal, therefore, would not undermine the provision of external amenity space, in accordance with Policy DMHB 18 and Policy DMHD 1 of the Development Plan.

Internal Amenity

- 7.58 It is considered that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy D6 of the London Plan (2021).

Highways and Parking

- 7.59 Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that developments provide acceptable levels of car parking in line with the Council's Parking Standards (Appendix C Table 1).

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- 7.60 The former garage was converted to a habitable room under a previous planning permission (ref. 42576/APP/2018/774 dated 9th April 2024). As such, the parking provision would remain unchanged by the proposals. The proposal would, therefore, be in accordance with Policy DMT 6 of the Hillingdon Local Plan Part Two - Development Management Policies (2020).

8 Other Matters

8.1 Human Rights

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

8.2 Equality

Due consideration has been given to Section 149 of the Equality Act with regard to the Public Sector Equality Duty in the assessment of this planning application. No adverse equality impacts are considered to arise from the proposal.

8.3 Local Finance Considerations and CIL

Not applicable. The proposed development is not CIL liable.

9 Conclusion / Planning Balance

- 9.1 On balance, it is considered that the proposed development would not cause harm to the character and appearance of the host dwelling and the surrounding area or adversely impact the living conditions of neighbouring occupiers. The proposal would accord with the overarching objectives of the Development Plan. Consequently, the application is recommended for approval subject to the conditions set out in Appendix 1.

10 Background Papers

- 10.1 Relevant published policies and documents taken into account in respect of this application are set out in the report. Documents associated with the application (except exempt or confidential information) are available on the [Council's website here](#), by entering the planning application number at the top of this report and using the search facility. Planning applications are also available to

inspect electronically at the Civic Centre, High Street, Uxbridge, UB8 1UW upon appointment, by contacting Planning Services at planning@hillington.gov.uk.

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APPENDICES

Planning Application

42576/APP/2024/2465

Appendix 1: Recommended Conditions and Informatives

Conditions

1. HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2. HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing Numbers: 100ER/P101 Rev B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

3. HO4 Materials

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 and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4. HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5. HO6 Obscure Glazing

The side windows facing 102 Exmouth Road shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6. HO7 No roof gardens

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

Informatives

1. I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 6	Vehicle Parking

LPP D3 (2021) Optimising site capacity through the design-led approach
LPP D6 (2021) Housing quality and standards
NPPF12 -23 NPPF12 23 - Achieving well-designed and beautiful places

Appendix 2: Relevant Planning History

42576/APP/2018/774 100 Exmouth Road Ruislip

Conversion of garage to habitable use, single storey side/rear extension and alterations to roof of existing single storey rear extension

Decision: 15-05-2018 Approved

42576/APP/2024/413 100 Exmouth Road Ruislip

Erection of a two storey side/ rear extension

Decision: 09-04-2024 Approved

Appendix 3: List of Relevant Planning Policies

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D6 (2021) Housing quality and standards

NPPF12 -23 NPPF12 23 - Achieving well-designed and beautiful places