

DELEGATED DECISION

Prior Approval Application under Part 1,
Schedule 2, Class AA of The Town and Country
(General Permitted Development) (England)
Order 2015 (as amended)

Class A

Development consisting of the enlargement of
a dwellinghouse by the construction of
additional storeys

The delegation powers schedule
has been checked. Director of
Residents Services can determine
this application.

Case Officer:

Signature:

Date:

A delegated decision is
appropriate and the
recommendation
conditions/reasons for refusal and
informatives are satisfactory

Team Manager:

Signature:

Date:

The decision notice for this
application can be issued.

Director / Member of Senior
Management Team:

Signature:

Date:

Report of the Head of Development Management and Building Control

Address: 139 NORTH HYDE ROAD HAYES

Development: Construction of one additional storey (Application for Prior Approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

LBH Ref Nos: 13207/APP/2023/3059

Drawing Nos:	Date of Plans
J/602/03	20-10-2023
J/602/05	20-10-2023
J/602/07	20-10-2023

Drawing Nos:	Date of Amended Plans:
J/602/01-A	09-11-2023
J/602/02-A	09-11-2023
J/602/04-A	09-11-2023
J/602/06-A	09-11-2023

Date Application Valid: 19th October 2023

1.0 RECOMMENDATION

PRIOR APPROVAL REFUSED

1. PAR Prior Approval - Refusal

The proposed development, by reason of its siting in this prominent corner plot position, size, scale, bulk, site coverage would result in the loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

2. PAR Prior Approval - Refusal

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended) as the proposal, by reason of its siting, scale, bulk, height, and design would result in harm to the amenities of numbers 4 Wyre Grove and 137 North Hyde Road by reason of loss of light, overlooking, loss of outlook and a harmful loss of privacy contrary to Policies DMHB 11 and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020). Therefore Prior Approval is refused pursuant to Condition AA.2.- (3)(a)(i) of Schedule 2, Part 1, Class AA, the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended).

INFORMATIVES

2.0 PLANNING CONSIDERATIONS

2.1 Planning Considerations

The application is seeking prior approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in order to construct an additional storey to the existing dwelling resulting in a property with a maximum height of 7.6m.

2.2 Prior Approval AA Householder

Development not permitted by Class AA

AA.1. Development is not permitted by Class AA if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class

G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

Planning Officer Comment: No prior changes of use have taken place at the site. The proposal complies.

(b) the dwellinghouse is located on-

(i) article 2(3) land; or

(ii) a site of special scientific interest;

Planning Officer Comment: The site is not located within any of the mentioned land designations. The proposal complies.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

Planning Officer Comment: According to the local authorities records the property was built in the

early 1950s and therefore complies.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

Planning Officer Comment: The existing dwellinghouse has not been enlarged in the manner mentioned above. The proposal complies with this section of the legislation.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

Planning Officer Comment: The existing dwelling is approximately 4.85m in height. The additional storey will increase the total height of the building to approximately 7.6m in height (measured to ridge). The resulting dwelling would not exceed 18m in height and therefore complies with this section of the legislation.

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than-

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

Planning Officer Comment: The additional storey will increase the height of the dwelling by a total of 2.75m. The proposal complies with this section of the legislation.

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres-

(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

Planning Officer Comment: The host dwellinghouse is a detached property.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of-

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

Planning Officer Comment: The floor to ceiling height of the additional storey would not exceed 3m, nor would it exceed the internal floor to ceiling height of any storey of the principal part of the existing dwellinghouse. The proposal complies with this section of the legislation.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

Planning Officer Response: The additional storey would only be constructed on the principal section of the dwelling as shown in the submitted plans. The proposal complies with this section of the

legislation.

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

Planning Officer Comment: There would be no visible support structures on or attached to the exterior of the house upon completion. The proposal complies with this section of the legislation.

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Planning Officer Comment: There would be no engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations. The proposal complies with this section of the legislation.

Conditions:

AA.2.-(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows-

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Planning Officer Comment: The application form indicates that the proposed development will use materials that will be of similar appearance to that of the existing dwellinghouse. This would have been secured by way of a condition, in the event of an approval. The proposal complies with this section of the legislation.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

Planning Officer Comment: The plans show no windows on the side elevation and therefore the proposal complies with this section of the legislation.

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

Planning Officer Comment: The roof pitch of the proposed extension would be the same as the roof pitch of the existing dwellinghouse. The proposal complies with this section of the legislation.

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Planning Officer Comment: The submitted plans show that the resulting dwellinghouse continues to be used as a dwellinghouse (Use Class C3).

Other Matters:

Before beginning the development, the developer must apply to the local planning authority for prior approval as to the following:

- (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
- (ii) the external appearance of the dwellinghouse, including the design and architectural features of
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
- (iii) air traffic and defence asset impacts of the development; and
- (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012⁴⁵ issued by the Secretary of State.

The matters which the developer must seek prior approval for from the LPA are discussed in the sections of this report that follow.

2.3 Impact on the Amenities

With regard to Condition AA.2.-(3)(i) which requires that prior approval be sought regarding 'impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light' .

No. 4 Wyre Grove is a two storey semi-detached property located to the south of the site. This neighbouring property contains windows in its side elevation facing towards the application site which serve non-habitable rooms or as secondary windows to habitable rooms. The additional storey and increase in height of the proposed building, would lead to an unacceptable loss of outlook, sense of enclosure and overbearing impact for the occupiers at No.4 Wyre Grove. The proposed first floor windows facing towards the private amenity space of No.4 Wyre Grove would give rise to a perceived sense of overlooking and loss privacy for the occupiers at No.4 Wyre Grove. A condition requiring these windows to be obscure glazed and non-opening up to 1.8 metres would not mitigate this loss of privacy/overlooking issue.

No. 137 North Hyde Road is a two storey semi-detached property located to the west of the site. This neighbouring property has been extended by a two storey side/rear extension. According to the approved drawings for this neighbouring extension (Ref: 14176/APP/2019/2059) , the windows which face towards the application site serve as secondary windows for the lounge (at the ground floor level) and bedroom (at first floor level). Given the eastern siting of the proposed building, together with its size, scale and height, it is considered that the proposal would be overbearing and have overshadowing effect on the private external amenity space at No.137 North Hyde Road.

Overall it is therefore considered that the proposal would have an unacceptable impact on the amenities of neighbouring dwellings.

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended) as the proposal, by reason of its siting, scale, bulk, height, and design would result in harm to the amenities of numbers 4 Wyre Grove and 137 North Hyde Road by reason of loss of light, overlooking, loss of outlook and a harmful loss of privacy contrary to Policies DMHB 11 and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020). Therefore Prior Approval is refused pursuant to Condition AA.2.-(3)(a)(i) of Schedule 2, Part 1, Class AA, the Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended).

2.4 Impact on the External Appearance of the Dwellinghouse

Paragraph AA.2.-(3)(ii) of Class AA requires prior approval to be sought for 'the external appearance of the dwellinghouse, including the design and architectural features of - (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure.

In addition, Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that extensions will be required to ensure that there is no adverse cumulative impact of the proposal on the character, appearance of quality of the existing street scene.

Prior to the assessment of the applications visual acceptability the following should be noted. A recent High Court decision (Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors EWHC 208 (Admin) (03 February 2022) found that "impact on amenity" is not limited to overlooking, privacy or loss of light. Furthermore The phrase "adjoining premises" includes neighbouring premises and is not limited to premises contiguous with the subject property. It also concluded that the restrictions set out within Class AA regarding a developments impact on the external appearance of the dwelling house is not limited to the impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

The impact of the proposed development on the character and appearance of the area has therefore been taken into consideration in the assessment below.

The application site is located on a prominent corner plot, close to the junction with North Hyde

Road and Wyre Grove. This section of North Hyde Road is predominately defined by two-storey semi-detached houses, with the exception of a small commercial parade at 141 to 171 North Hyde Road. There is a degree of uniformity between the semi-detached houses within the immediate vicinity of the site, in terms of the two-storey scale, original hipped roofs and external finish.

The site currently accommodates a modest scale bungalow which sits comfortably within its context and allows for views across the junction of North Hyde Road and Wyre Grove. At present the property's front elevation is a modest single storey bungalow. The additional storey would unbalance its existing architectural composition and subsequently harming its appearance the areas character and appearance.

The proposed development, by reason of its siting in this prominent corner plot position, size, scale, bulk, site coverage would result in the loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

For the reasons mentioned above the proposal is considered to cause significant harm to external appearance of the dwellinghouse (including its design and architectural features) as well as the general character and appearance of the area. The proposal fails to comply with paragraph AA.2.-(3)(ii) of the legislation.

2.5 Air Traffic and Defence Asset Impacts of the Development

With regards to Condition AA.2.-(3)(iii), the proposal is not considered to have any impact upon air traffic and defence assets due to its minor height increase and overall massing. The proposal therefore complies with this section of the legislation.

2.6 Impact on a Protected View

With regards to Condition AA.2.-(3)(iv), the development will not impact any protected views identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State. The proposal therefore complies with this section of the legislation.

3.0 COMMENTS ON PUBLIC CONSULTATION

3.1 Any Neighbour Objections

Two neighbouring properties were consulted on 07-11-23. The consultation period expired on 02-12-23. No objection was received from the neighbouring dwelling in relation to the proposal.

3.2 N/A

4.0 RELEVANT PLANNING HISTORY

13207/A/XX/10403

Erection Of Town Houses (Outline Application).

13207/C

T/P Pre-Corres (Enforcement).

13207/B/XX/14135

Kitchen/Bathroom Extension And Porch.

13207/XX/10097

Erection Of A Pair Of Semi-Detached Houses With Integral Garages (Outline Application).

13207/APP/2022/256 139 NORTH HYDE
ROAD HAYES

Erection of 2 no. three-bedroom dwellings, following the demolition of existing bungalow with associated landscaping, parking and bin/cycle storage

Decision: 08-04-22 Refusal

13207/APP/2021/3656 139 NORTH HYDE
ROAD HAYES

Demolition of the existing bungalow and the construction of a three storey block comprising a basement for use as a communal gym and 4 x self-contained flats together with associated amenity space, parking, refuse and recycling

Decision: 03-12-21 Refusal

13207/APP/2021/1099 139 NORTH HYDE
ROAD HAYES

Demolition of the existing single storey bungalow and the construction of a three storey block comprising a basement, commercial unit, 2 x 2 bed flats and 1 x 1 bed flat together with

associated amenity space, parking, refuse and recycling.

Decision: 21-05-21 Refusal

13207/PRC/2020/180 139 NORTH HYDE
ROAD HAYES

Demolition of the existing single storey bungalow and the construction of a three storey block comprising 6 flats together with associated amenity space, parking, refuse and recycling.

Decision: 23-10-20 Objection

4.1 Comments on Planning History

The relevant planning history attached to this site is referenced above.

5. ADVERTISEMENT AND SITE NOTICE

5.1 Advertisement Expiry Date: Not applicable

5.2 Site Notice Expiry Date: Not Applicable

6.0 PLANNING POLICES AND STANDARDS

The following Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

1. DMHB 11 Design of New Development

Design of New Development

2. DMHB 12 Streets and Public Realm

Streets and Public Realm

3. DMHD 1 Alterations and Extensions to Residential Dwellings

Alterations and Extensions to Residential Dwellings

4. **LPP D1 (2021) London's form, character and capacity for growth**
(2021) London's form, character and capacity for growth
5. **LPP D3 (2021) Optimising site capacity through the design-led approach**
(2021) Optimising site capacity through the design-led approach
6. **LPP D4 (2021) Delivering good design**
(2021) Delivering good design
7. **NPPF4 NPPF 2021 - Decision-Making**
NPPF 2021 - Decision-Making
8. **NPPF12 NPPF 2021 - Achieving well-designed places**
NPPF 2021 - Achieving well-designed places

6.0 REFERENCE DOCUMENTS

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
National Planning Policy Framework (2021)
The London Plan (2021)
Hillingdon Local Plan: Part 1 - Strategic Policies (2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (2020)
Accessible Hillingdon Supplementary Planning Document (2017)
Planning Obligations Supplementary Planning Document (2014)

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