

## DELEGATED HOUSEHOLDER DECISION

- Please select each of the categories that enables this application to be determined under delegated powers  
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

### APPROVAL RECOMMENDED: GENERAL

Select an Option

|    |                                                                                                               |                          |
|----|---------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. | No valid planning application objection in the form of a petition of 20 or more signatures, has been received | <input type="checkbox"/> |
| 2. | Application complies with all relevant planning policies and is acceptable on planning grounds                | <input type="checkbox"/> |
| 3. | There is no Committee resolution for the enforcement action                                                   | <input type="checkbox"/> |
| 4. | There is no effect on listed buildings or their settings                                                      | <input type="checkbox"/> |
| 5. | The site is not in the Green Belt (but see 11 below)                                                          | <input type="checkbox"/> |

### REFUSAL RECOMMENDED: GENERAL

|    |                                                                 |                          |
|----|-----------------------------------------------------------------|--------------------------|
| 6. | Application is contrary to relevant planning policies/standards | <input type="checkbox"/> |
| 7. | No petition of 20 or more signatures has been received          | <input type="checkbox"/> |
| 8. | Application has not been supported independently by a person/s  | <input type="checkbox"/> |
| 9. | The site is not in Green Belt (but see 11 below)                | <input type="checkbox"/> |

### RESIDENTIAL DEVELOPMENT

|     |                                                                                  |                          |
|-----|----------------------------------------------------------------------------------|--------------------------|
| 10. | Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | <input type="checkbox"/> |
| 11. | Householder application in the Green Belt                                        | <input type="checkbox"/> |

### COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

|     |                                                                                                                                   |                          |
|-----|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 12. | Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses | <input type="checkbox"/> |
| 13. | Refusal of change of use from retail class A1 to any other use                                                                    | <input type="checkbox"/> |
| 14. | Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.   | <input type="checkbox"/> |

### CERTIFICATE OF LAWFULNESS

|     |                                                             |                          |
|-----|-------------------------------------------------------------|--------------------------|
| 15. | Certificate of Lawfulness (for proposed use or Development) | <input type="checkbox"/> |
| 16. | Certificate of Lawfulness (for existing use or Development) | <input type="checkbox"/> |
| 17. | Certificate of Appropriate Alternative Development          | <input type="checkbox"/> |

### CERTIFICATE OF LAWFULNESS

|     |                                                                                                                 |                          |
|-----|-----------------------------------------------------------------------------------------------------------------|--------------------------|
| 18. | ADVERTISEMENT CONSENT (excluding Hoardings)                                                                     | <input type="checkbox"/> |
| 19. | PRIOR APPROVAL APPLICATION                                                                                      | <input type="checkbox"/> |
| 20. | OUT-OF-BOROUGH OBSERVATIONS                                                                                     | <input type="checkbox"/> |
| 21. | CIRCULAR 18/84 APPLICATION                                                                                      | <input type="checkbox"/> |
| 22. | CORPSEWOOD COVENANT APPLICATION                                                                                 | <input type="checkbox"/> |
| 23. | APPROVAL OF DETAILS                                                                                             | <input type="checkbox"/> |
| 24. | ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval | <input type="checkbox"/> |
| 25. | WORKS TO TREES                                                                                                  | <input type="checkbox"/> |
| 26. | OTHER (please specify)                                                                                          | <input type="checkbox"/> |

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

**Item No.**                      **Report of the Head of Development Management and Building Control**

**Address:**                      5A BARNARD GARDENS HAYES

**Development:**                Conversion of roofspace to habitable use to include a rear dormer and 3no. front roof lights. conversion from hip to gable end

**LBH Ref Nos:**                78396/APP/2023/3233

**Drawing Nos:**                Proposed Plans and Elevations 03/09/2023  
                                          The location plan 19 Sep 2023  
                                          Block plan 19 Sep 2023  
                                          Existing Plans and Elevations 03/09/2023

**Date Plans received:**                                              **Date(s) of Amendments(s):**

**Date Application valid**

## **1. CONSIDERATIONS**

### **1.1 Site and Locality**

The application property relates to a flat which occupies the first floor of a two storey semi-detached property located on the east side of Barnard Gardens, Hayes. The external walls of the property are covered by a traditional hipped roof, with the area to the front of the property covered by hardstanding. At present, there is room for two vehicles to be parked to the front of the application property, with an existing vehicular crossover located to the eastern side boundary of the application site serving both flats.

The surrounding area is residential in character, comprising of two storey semi-detached properties of a similar scale and design. The site is not located within a Conservation Area or adjacent to a listed building

### **1.2 Proposed Scheme**

The proposal is for the conversion of roofspace to habitable use to include a rear dormer and 3no. front roof lights. conversion from hip to gable end.

### **1.3 Relevant Planning History**

#### **Comment on Planning History**

No relevant planning history 09-11-23, 1 objection has been received following the expiry of the public consultation dated 04-12-23.

## 2. Advertisement and Site Notice

2.1 Advertisement Expiry Date: Not applicable

2.2 Site Notice Expiry Date: Not applicable

## 3. Comments on Public Consultations

Letters were sent to 10 neighbouring properties dated 09-11-23, 1 objection has been received following the expiry of the public consultation dated 04-12-23.

The following concerns are raised in the objection received:

- Reduction in privacy due to overlooking
- Disturbance during the construction of the proposed development

Case Officer comment:

With regards to construction noise, in the event of an approval a standard informative reminding the applicant of the construction times would be added. Privacy matters are discussed in the Main Planning Issues section of the report.

## 4. Local Plan Designation and London Plan

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                                       |
| DMEI 14 | Air Quality                                                     |
| DMHB 12 | Streets and Public Realm                                        |
| LPP GG3 | (2021) Creating a healthy city                                  |
| LPP SI1 | (2021) Improving air quality                                    |
| DMHB 18 | Private Outdoor Amenity Space                                   |
| DMHD 1  | Alterations and Extensions to Residential Dwellings             |
| DMT 6   | Vehicle Parking                                                 |
| LPP D4  | (2021) Delivering good design                                   |
| LPP D3  | (2021) Optimising site capacity through the design-led approach |
| LPP D6  | (2021) Housing quality and standards                            |

## 5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the

impact upon the streetscene and locality the impact upon the amenities of adjoining occupiers, and the reduction in size of the rear.

## CHARACTER AND APPEARANCE

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) with advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also required that there is no unacceptable loss of outlook to neighbouring occupiers.

With regard to roof extensions Policy DMHD1 states:

- i) roof extensions should be located on the rear elevation only, be subservient to the scale of the existing roof and should not exceed more than two thirds the average width of the original roof. They should be located below the ridge tiles of the existing roof and retain a substantial element of the original roof slope above the eaves line;
- ii) the Council will not support poorly designed or over-large roof extensions including proposals to convert an existing hipped roof to a gable;
- iii) raising of a main roof above the existing ridgeline of a house will generally not be supported;
- iv) all roof extensions should employ appropriate external materials and architectural details to match the existing dwelling; and
- v) in Conservation Areas, Areas of Special Local Character and on Listed and Locally Listed Buildings, roof extensions should take the form of traditional 'dormer' windows, on the rear elevation, to harmonise with the existing building. The highest point of the dormer should be kept well within the back roof slope, away from the ridge, eaves or valleys, whilst each window should match the proportions, size and glazing pattern of the first floor windows.

The application proposes a hip to gable and rear dormer loft extension to facilitate an addition bedroom to the first floor flat. As set out in Policy DMHD 1 roof extensions should be located to the rear. The proposal for a hip to gable extension would therefore contravene Policy DMHD 1 and in particular point i) and ii). The proposed plans indicate that the rear dormer would expand into the proposed new gable end thus extending beyond two thirds of the original roof form.

Taking these points into consideration, the extensions would fail to appear subservient to the host dwelling and would appear over dominant and harmful within the local context, given that the prevailing character comprises of mainly hipped roofs. It is therefore considered that the proposal would comply with Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies DMHB 11, DMHB 12, and Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## RESIDENTIAL AMENITY

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

No.7.A is located directly beneath the application property and is therefore the principle property which requires an assessment. The development would involve the installation of rear facing windows at roof level which would overlook the rear garden of No.7.A. The objection received during the public consultation period regarding privacy and overlooking concerns is noted however it is clear that the existing first floor rear facing windows would already overlook the rear garden. The proposal for additional windows at a higher level is not considered to give rise to significant additional harm. As such the proposal is would not result in detrimental harm to the residential amenities of neighbouring properties.

**External Amenity Space Provision:**

No impact on existing external amenity space provision.

**Parking and Highway Safety:**

No impact on existing parking arrangements.

**Conclusion:**

The main body of the report demonstrates that the proposal complies with the overarching objectives of the relevant policies set out in the Hillingdon Local Plan: Part One Strategic Policies (2012) and Part Two - Development Management Policies (2020). It is therefore concluded, taking all matters into account, that planning permission should be refused.

## **6. RECOMMENDATION**

**REFUSAL for the following reasons:**

**1. NON2 Non Standard reason for refusal**

The proposed development, by reason of the design and excessive size, scale and bulk of the hip to gable and rear dormer would result in an incongruous and visually obtrusive form of development which would fail to respect the architectural composition of the original dwelling and would be detrimental to the character and appearance of the street scene and surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

## **INFORMATIVES**

### **Standard Informatives**

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 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).

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.

#### Part 1 Policies

PT1.BE1 (2012) Built Environment

#### Part 2 Policies:

|         |                                                                 |
|---------|-----------------------------------------------------------------|
| DMHB 11 | Design of New Development                                       |
| DMEI 14 | Air Quality                                                     |
| DMHB 12 | Streets and Public Realm                                        |
| LPP GG3 | (2021) Creating a healthy city                                  |
| LPP SI1 | (2021) Improving air quality                                    |
| DMHB 18 | Private Outdoor Amenity Space                                   |
| DMHD 1  | Alterations and Extensions to Residential Dwellings             |
| DMT 6   | Vehicle Parking                                                 |
| LPP D4  | (2021) Delivering good design                                   |
| LPP D3  | (2021) Optimising site capacity through the design-led approach |
| LPP D6  | (2021) Housing quality and standards                            |

3. You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
4. You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control that is considered to cause harm to local amenity.
5. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).
6. You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank

Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).

7. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
    - carry out work to an existing party wall;
    - build on the boundary with a neighbouring property;
    - in some circumstances, carry out groundworks within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM.
  8. Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
  9. Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -
    - A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays Bank and Public Holidays.
    - B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
    - C) The elimination of the release of dust or odours that could create a public health nuisance.
    - D) No bonfires that create dark smoke or nuisance to local residents.
- You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.
10. You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

11. To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
12. You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**Contact Officer:** Christopher Brady      **Telephone No:** 01895 250230