

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: 71 MARSHALL DRIVE HAYES

Development: Creation of an additional storey (Application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)).

LBH Ref Nos: 78778/APP/2024/2378

Drawing Nos:	Date of Plans
100	09-09-0024
101	09-09-0024
102	09-09-0024
110	09-09-0024
111	09-09-0024
113	09-09-0024
120	09-09-0024
121	09-09-0024
200	09-09-0024
112	09-09-2024
210	09-09-2024

Drawing Nos:	Date of Amended Plans:
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Date Application Valid: 2nd September 2024

1.0 RECOMMENDATION

PRIOR APPROVAL REFUSED

1. 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, height, scale, bulk, and design, which would fail to harmonise with the character and architectural composition of the existing property and surrounding area. It would be detrimental to the visual

amenity of the street scene and harmful to the character and appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, and DMHD 1 of the Local Plan: Part Two - Development Management Policies (2020) and prior approval is refused under Condition AA.2.(3)(a)(ii).

INFORMATIVES

2.0 PLANNING CONSIDERATIONS

2.1 Planning Considerations

The application seeks prior approval for the Creation of an additional storey (Application under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2020 (as amended)).

2.2 Prior Approval AA Householder

Permitted development under Class AA:

AA. The enlargement of a dwellinghouse consisting of the construction of (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted under 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 between 1st July 1948 or after 28th October 2018;

Planning Officer Comment: The application complies with (c).

(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 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 would not increase the height of the overall dwelling by more than 7 metres. 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: Application complies as roof will not exceed maximum height of existing roof.

(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 house's exterior 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 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 would use materials similar to that of the existing dwellinghouse. This would have been secured by way of a condition in the event of 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 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 principal part of the dwellinghouse following the development would be the same as the roof pitch of the existing dwellinghouse. The proposal, therefore, 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 would continue 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 for which the developer must seek prior approval from the LPA are discussed in the following sections of this report.

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'.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 'The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking.'

The proposed additional storey would be situated on top of the existing dwelling and would result in a building that is approximately 0.6m higher than the adjoining dwellings on the terrace. Due to its size and location, it is unlikely to cause any harmful loss of light to any neighbouring dwelling.

The proposal includes no side windows which would look down or towards the duplex flats at 25 and 26 Marchall Drive.

Overall, the proposal would have an acceptable impact on the amenities of neighbouring dwellings in terms of light, privacy, and overlooking.

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 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;
- architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.

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

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 the impact of a development on the external appearance of the dwelling house are not limited to the effects on the subject property itself but also include the impact on neighbouring premises and the locality.

The impact of the proposed development on the area's character and appearance has therefore been considered in the assessment below.

The development site is located within a dense residential area comprising three-storey townhouses in terraces and two-storey terraces. The terraces have a staggered layout with perceived and existing staggered rooflines. The application property is a two-storey dwelling in a prominent position at the end of the terrace adjacent to the road. The application dwelling has a higher ground level with an eaves height of 4.93m and a ridge height of 6.17m. The adjoining terrace has an eaves height of 7.6m and a ridge height of 8.57m. The proposed extension would increase the eaves height of the application property to 7.6m and ridge height to 8.8m. Given the rising ground floor level, however, this would appear as a dwelling that would be 0.6m higher at both eaves and ridge height than the dwellings within this terrace.

The proposed extension would break the area's existing ridge line, forming an incongruous and unduly prominent addition to the area, which would harm the character and appearance of the area. Due to its height, bulk, and design, the proposed extension would unbalance the visual symmetry which currently exists between the groups of similar dwellings, subsequently harming the area's character. The window levels would also appear out of place relative to the new eaves level.

Whilst no objection would be raised to the addition of an extra storey on this property, officers consider that the eaves and ridge height should match that on the remainder of the terrace. Given the change in ground floor levels, the ceiling heights internally would need to be adjusted.

For the reasons mentioned above, the proposal is considered to cause unacceptable harm to the 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

Condition AA.2.(3)(a)(iii) requires the developer to apply to the Local Planning Authority for prior approval as to the 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 on air traffic and defence assets due to its location, minor height increase, and overall massing in the context of air traffic and defence assets. 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

No representations were received.

3.2 3 neighbouring properties were consulted by letter dated 12.09.24.

The consultation period expired on 03.10.24.

There was no local response.

MoD Safeguarding - No response.

4.0 RELEVANT PLANNING HISTORY

78778/APP/2024/2477 71 MARSHALL
DRIVE HAYES

Erection of a single storey rear extension, which would extend beyond the rear wall of the original

house by 4.00 metres, for which the maximum height would be 3.00 metres, and for which the height of the eaves would be 3.00 metres.

78778/APP/2024/1265 71 MARSHALL
DRIVE HAYES

Erection of a part two storey, part single storey extension to rear and a single storey extension to front.

Decision: 22-07-24 Withdrawn (P)

4.1 Comments on Planning History

A planning application under application reference 78778/APP/2024/1265 for the erection of a part two storey, part single storey extension to rear and a single storey extension to front was withdrawn on 22.07.24 following concerns raised by the officer regarding visual impact.

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

6.0 REFERENCE DOCUMENTS

The Town and Country Planning (General Permitted Development) (England) Order 2020 (as amended))

National Planning Policy Framework (2023)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

The London Plan (2021)

Contact Officer:	Nicola Taplin	Telephone No:	01895 250230
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