

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 Option

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

REFUSAL RECOMMENDED: GENERAL

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

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

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 | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 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. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

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

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:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. Report of the Head of Planning and Enforcement**Address** 1 BIRCHWAY HAYES**Development:** First floor side extension and demolition of existing shed**LBH Ref Nos:** 53788/APP/2016/2523

Drawing Nos: Location Plan (1:1250)
 0-1
 14
 7
 8
 10
 11
 12
 13

Date Plans Received: 27/06/2016**Date(s) of Amendment(s):****Date Application Valid:** 28/07/2016**1. CONSIDERATIONS****1.1 Site and Locality**

The application site is located on the Northern side of Birchway, being the first residential dwelling on this side of the road. The site is occupied by a two storey semi-detached dwelling with a single storey side and rear wraparound type extension. There is a large outbuilding to the rear of the site which has not been depicted on the submitted plans.

To the East of the site exists the adjoining dwelling 3 Birchway, which is un-extended. To the West is a site, formerly a filling station and recently developed as a Sainsbury's Local located on the corner of Birchway and Coldharbour Lane. A high timber fence separates the application site from what was the filling station.

There is vehicular access to the frontage leading to hardstanding within the front driveway.

The street scene is residential in character and appearance generally comprising two storey semi-detached dwellings on Birchway. The application site lies within a developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

1.2 Proposed Scheme

The application seeks planning permission for the erection of a first floor side extension to provide a 4th bedroom. The submitted plans confirm the removal of the existing wood shed to the rear.

1.3 Relevant Planning History

53788/APP/2013/1410 1 Birchway Hayes

First floor side extension and first floor rear extension

Decision Date: 29-07-2013 Refused

53788/APP/2014/562 1 Birchway Hayes

First floor side extension and first floor rear extension

Decision Date: 23-04-2014 Refused

53788/APP/2015/2762 1 Birchway Hayes

First floor rear extension

Decision Date: 15-09-2015 Approved

Comment on Planning History

53788/APP/2015/2762 - Erection of first floor rear extension (extant)

53788/APP/2014/562 for a First floor side extension and first floor rear extension which was refused for the following reasons:-

1. The proposed first floor side extension, by virtue of its siting and unconventional eaves design would represent an incongruous form of development which would fail to harmonise with the architectural composition of the application property and the semi-detached pair that the application property forms a part of. It would be detrimental to the character and appearance of the host dwelling, the semi-detached pair, the street scene and the surrounding area generally and would thus be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposal would fail to provide private amenity space of a size and quality commensurate with the size of the extended property and would therefore fail to afford an adequate standard of residential amenity for existing and future occupiers of the enlarged dwelling. The proposal is therefore contrary to Policy BE19 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

This application was further dismissed at appeal. The Inspector agreed with the Council that the side extension was unacceptable on visual amenity grounds and that the extension, resulting in an increased demand for private amenity space (going from 3 to 5 bedrooms), would result in a substandard provision.

Planning application 53788/APP/2013/1410 for 'First floor side extension and first floor rear extension' was refused on 29/07/2013 for the following reasons:

1. The proposed first floor side extension, by virtue of its siting, size, scale and design and in particular its roof design would represent an incongruous and visually intrusive form of development which would result in a visual imbalance to the application property and the semi-detached pair that the application property forms a part of. It would be detrimental to the character and appearance of the host dwelling, the semi-detached pair, the street scene and the surrounding area generally and would thus be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposal would fail to provide private amenity space of a size and quality commensurate with the size of the property and would therefore fail to afford an adequate standard of residential amenity for existing and future occupiers of the enlarged dwelling. The proposal is therefore contrary to Policy BE19 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

Appeal reference APP/R5510/D/13/2205263 was dismissed on 19/11/2013. Paragraph 5 of the Inspector's report states:

The proposed side extension, with its uncharacteristic side gable and distinctly different angle of roof pitch to that of the original house, would appear as a discordant and incongruous feature in the context of the existing dwelling. It would also unduly detract from the balance and symmetry of the pair of semi-detached houses. Furthermore, I consider that in the context of the surrounding area, the extension would have a jarring effect and detract from the prevailing balanced appearance to the semi-detached houses in the street, all the more so given the prominent location of No 1.

Paragraph 7 states:

I saw at my site visit that the existing rear garden space is constrained due to an existing single storey rear extension to the house and a large out building at the back of the garden. However, it appeared to be a reasonably sized garden for the existing three bedroom dwelling. The Council highlight that for the proposed larger dwelling, comprising five bedrooms, the required standard as set out in the Residential Extensions SPD is for a garden size of 100 square metres. The existing garden size falls well short of this figure.

The Appeal Inspector states as part of Paragraph 8:

Whilst there would be no loss of existing garden space as a result of the proposed development, the significantly larger house, with two extra bedrooms, would be likely to increase the demand on the outdoor space in terms of basic household functions and recreation. Given the significant shortfall in the size of the rear garden area, this would unduly detract from the living conditions of present or future residents of the property. As such the development would be contrary to Policy BE23 of the UDP Saved Policies and the Residential Extensions SPD which, in respect of this issue, together seek to ensure that new residential extensions provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the building.

LDC application 53788/APP/2013/1166 was approved on 09/07/2013 for 'Conversion of roof space to habitable use to include a rear dormer, 2 front rooflights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)'. This had not been erected at the time of the site visit.

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

The Hayes Garden Village Residents Association and 5 neighbouring properties were consulted by letter dated 1.8.16 and a site notice was displayed to the front of the site

which expired on 8.9.16.

No responses have been received.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

LPP 3.5 (2015) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main issues for consideration relate to the effect of the proposal on the character and appearance of the original house, on the street scene and surrounding area generally, and on residential amenity. Parking matters are also to be discussed.

The main considerations are the design and impact on the character of the existing property, the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision. Put simply, has this scheme overcome the various previous reasons for refusal?

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Paragraph 5.10 of the HDAS Guidance Residential Extensions requires side extensions to have a maximum width of between a half and two thirds of the width of the original dwelling. The design of the roof should also match that on the host dwelling. During consideration of the previous appeal, the Inspector advised:

"Instead of the eaves overhanging to match the existing roof, they would stop short of the new side wall and a gutter would be placed on top of the wall. A similar arrangement exists on the house opposite the appeal site but this is in relation to a single storey addition and is therefore not so prominent in the street scene. The appellant's proposal would be visible when viewed straight on and even though the extension would be set back marginally from the front elevation, I consider the unconventional eaves design would not match either the eaves detail at No 1 or the adjoining house at No 3. It would therefore unduly detract from the balanced and symmetrical appearance of this pair of dwellings".

The current proposal does not fully address the Inspectors previous concerns in terms of the eaves overhang and proposes a roof design which results in an unconventional crown roof. The proposal is therefore considered to represent an incongruous addition which would be detrimental to the character and appearance of the host dwelling, the semi-detached pair, the street scene and the surrounding area generally and would thus be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

The proposed extension, being screened from the neighbour at adjoining number 3 by the extant consent would not result in a loss of residential amenity to the occupants of this property. Furthermore The Sainsbury' Local Store is located to the west. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE22 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016).

In terms of the garden area at least 100m² of rear private garden should be retained to provide adequate amenity space for a four bedroom dwelling. The resultant amenity space, following the removal of the wood store, would be 89 sq.m which would 11 square metres below the required standard. During consideration of the previous appeal for the extensions to create 5 bedrooms the appeal Inspector advised that level of amenity space was unacceptable. In this case however, only 1 additional bedroom would be created (resulting in 4 in total) and the garden area would be increased as the submitted plans confirm the removal of the store. Subject to a condition requiring the removal of the store prior to the commencement of the development, it is considered, on balance, that a refusal reasons relating to outdoor amenity space could not be justified, given the modest shortfall proposed.

The existing hardstanding frontage would provide parking for two vehicles which is considered to be ample for the resultant property, in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed first floor side extension, by virtue of its siting, size, scale and roof design would represent an incongruous form of development which would fail to harmonise with the architectural composition of the original semi-detached dwelling, would be detrimental to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part and to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.
- 2 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Standard Informatives

- 1 The decision to REFUSE 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).
- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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:

AM7 Consideration of traffic generated by proposed developments.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2015) Quality and design of housing developments

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