

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** 32 WYRE GROVE HAYES**Development:** Single storey rear conservatory (Retrospective).**LBH Ref Nos:** **26480/APP/2016/4061****Drawing Nos:** 1464.A2.01
Location Plan (1:1250)**Date Plans Received:** 07/11/2016**Date(s) of Amendment(s):****Date Application Valid:** 07/11/2016**1. CONSIDERATIONS****1.1 Site and Locality**

The application property is a semi-detached property located on the North Western side of Wyre Grove. The application site lies within the Developed Area as identified within the Hillingdon UDP. The property is constructed of red brick and render and has a pantile hipped roof. The front garden has been laid to hardstanding providing off-street parking for 2 cars. The original garage to the side has been converted to habitable accommodation, although the front garage door has been retained. The rear garden is flat and enclosed. The property has been extended by a single storey rear extension and a secondary extension in the form of a conservatory. This application seeks to regularise the conservatory. A detached outbuilding is located to the rear and a private amenity space of 48.5 square metres is retained. The adjoining property at number 30 has a rear extension along the boundary with a mono-pitched roof projecting 3.6 m and a further canopy projecting 3.1 m (which does not have a valid planning permission and was not in place in 2014). Number 34 has been extended 6m to the rear. There is no planning history relating to this extension.

1.2 Proposed Scheme

The application seeks retrospective planning permission for the erection of the secondary single storey rear conservatory.

1.3 Relevant Planning History

26480/APP/2012/1845 32 Wyre Grove Hayes

Single storey rear extension with 3 rear rooflights and conversion of garage to habitable space.

Decision Date: 09-10-2012 Approved

26480/APP/2014/3111 32 Wyre Grove Hayes

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 2.6 metres, and for the which the height of the eaves would be 2.5 metres

Decision Date: 26-09-2014 Refused**Comment on Planning History**

The following planning history is considered to be of relevance to this application:

26480/APP/2014/3111 - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 2.6 metres, and for the which the height of the eaves would be 2.5 metres was refused for the following reasons:-

1. The Council of the London Borough of Hillingdon made an Article 4(1) Direction on 20 September 2013 under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended. The Direction relates to development comprising the enlargement, improvement or other alteration of a dwelling house where the enlarged part would have a single storey and would:

(i) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres

The Article 4(1) direction removes permitted development rights for this type of development from the date the Direction came into force on 22nd September 2014. Planning permission is therefore required for such development now that the Article 4 Direction is in force.

The Council consulted on the Article 4 Direction from 25th September 2013 to the 25th October 2013 and considered representations received during this period. The Council confirmed the Direction on 10th July 2014 (confirmed under seal on 22 July 2014) therefore it came into force on 22nd September 2014.

The Article 4 Direction applies to the whole of the London Borough of Hillingdon. A copy of the Direction, including the map defining the area covered may be seen free of charge at Main Reception of the Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW from 8.45 am to 5.00 pm Monday to Friday or can be viewed on the Council's website: www.hillingdon.gov.uk.

2. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 as the enlarged part of the dwellinghouse (including existing extensions) would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.

3. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, as the proposed development would unduly detract from the amenities of the adjoining occupiers, at Nos. 30 and 34 Wyre Grove by reason of visual intrusion, overdomination, overshadowing, loss of daylight, loss of sunlight and loss of outlook.

26480/APP/2012/1845 - Single storey rear extension with 3 rear rooflights and conversion of garage to habitable space - Approved.

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**

3 neighbouring properties were consulted by letter dated 11.11.16 and a site notice was displayed to the front of the site which expired on 13.12.16

1 letter of objection has been received raising concerns about the retrospective nature of the development.

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.

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 (2016) Quality and design of housing developments

5. **MAIN PLANNING ISSUES**

The main considerations are the design and impact on the character of the existing property, the impact upon the street scene and locality, the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision.

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 3.3 of the HDAS states that single storey rear extensions proposed on semi-detached houses with a plot measuring 5m wide or more should be no more than 3.6m deep. Likewise paragraph 3.7 states that such extensions should be no more than 3.4m in height. This is to ensure that the extension appears subordinate to the main house.

The cumulative 6.72m depth of the proposed single storey rear extension would exceed the maximum 3.6m depth for rear extensions specified in paragraph 3.3 of the Council's adopted HDAS SPD: Residential Extensions (December 2008). However, paragraph 3.15 of the HDAS SPD gives guidance that a deeper extension could be permitted where there is an existing deep rear extension at an adjoining/adjacent property, and where the

proposed rear extension would not have any adverse impact on the light and outlook at adjacent properties, and would not appear dominating and obtrusive in relation to neighbouring views. Given that both adjoining properties have been extended by a similar depth, the proposed extension would not give rise to an unacceptable loss of light, outlook or privacy. Consideration is given to the fact that the secondary rear extension at number 34 does not have a valid planning permission. However, this property was previously extended by a rear extension projecting 3.6m in depth. The conservatory extends 3.1m beyond the rear wall of this authorised development which does not create an unacceptable loss of light, outlook or privacy. As such the development does not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The extended dwelling has 4 bedrooms. One of the bedrooms is within the original converted garage with three at first floor level. In terms of the garden area at least 100 square metres of rear private garden should be retained to provide adequate amenity space for a four bedroom dwelling. The resultant amenity space falls significantly below this level at an area of 48.5 square metres. The conservatory, by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property, results in over-development of the site detrimental to the residential amenity of the existing occupiers. The proposal is therefore contrary to policies BE19 and BE23 of the saved UDP and the guidance contained within the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions (December 2008).

The parking provision remains unaffected.

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. The agents covering letter confirms that the applicant's had, by mistake, misunderstood the need to apply for planning permission for a conservatory.

The application is recommended for refusal. Consideration about the expediency of taking enforcement action will therefore have to be considered.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The conservatory, by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property, results in over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's 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.
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	(2016) Quality and design of housing developments

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