

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 21 DAWLEY AVENUE HILLINGDON

Development: Single storey detached outbuilding to rear (Retrospective).

LBH Ref Nos: **18496/APP/2017/2087**

Drawing Nos: Block Plan (1:500)
 Proposed Floor Plan and Elevations
 Location Plan (1:1250)

Date Plans Received: 08/06/2017 **Date(s) of Amendment(s):**

Date Application Valid: 19/06/2017

1. CONSIDERATIONS

1.1 Site and Locality

The application site relates to a two storey semi-detached property located on the East side of Dawley Avenue with the principal front elevation facing West. The property is finished in white render to both front and rear elevations and has a clay tile roof. To the rear is a garden which is partly surfaced with patio slabs.

An outbuilding has already been constructed in the rear garden and has a brick wall to the front and render to the side. The roof is constructed of red clay tiles.

The application site shares its boundary with No.19 to the North and No.23 to the South. The rear garden of 1 Cromer Close is immediately to the rear of the site.

The street scene is residential in character and appearance. The application site lies within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

1.2 Proposed Scheme

The application is retrospective and is seeking planning permission for the development of a detached outbuilding for use as a gym. The plans show the building to have a bathroom inside. The proposed building would measure 5.96 m wide and 4.95 m deep. It would have a dual-pitched roof with a hip to one end and a gable to the other. The building's height is 3.75 m at its highest point and it has an eaves height of 2.6 m.

The front elevation has two large uPVC double glazed windows and a glazed uPVC door. There is a small uPVC window to the side elevation serving the bathroom.

There would be no doors or windows to the other side elevation, the rear elevation or the roof.

1.3 Relevant Planning History

18496/A/73/2502 21 Dawley Avenue Hillingdon
 Householder development - residential extension(P)

Decision Date: 03-04-1974 Approved

18496/APP/2003/712 21 Dawley Avenue Hillingdon
ERECTION OF A FIRST FLOOR SIDE EXTENSION

Decision Date: 07-05-2003 Refused

18496/APP/2008/2285 21 Dawley Avenue Hillingdon
First floor side extension.

Decision Date: 19-09-2008 Refused

18496/C/87/1533 21 Dawley Avenue Hillingdon
F/f side extn

Decision Date: 04-12-1987 Approved

Comment on Planning History

No comments.

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 two neighbouring properties to either side at Nos.19 and 23 Dawley Avenue and the neighbouring property behind at 1 Cromer Close were notified of the proposed development on 21.06.2017. A site notice was also displayed to the front of the property on 27.06.2017.

The following comments were received -

23 Dawley Avenue:

I do not like this building as it is an eyesore and affects my privacy in my home. I do not feel safe as there is no fence now stopping people from entering my garden, in which has been demonstrated as I came home one day to find plant pots placed in my garden by my neighbour without my permission. Also if a fence was to be built then the fence would have to be built on my land not on the border line as the building and sewer pipe has been built too close. Talking to my friend who is a lawyer, I have been informed that the guidelines of housing regulations of a detached building have been breached and therefore confirm my concerns that this building should not be permitted." and

It is already being used as a rented home. It makes me feel uncomfortable having strangers living and watching me in my own garden. They can see into my bedroom and it is not a nice feeling as it is so close to my own garden I feel as if i have no privacy.

This building is not being used as a gym. There are already people occupying this building. 2 adults and a child are renting this property from the owners."

Four further comments were received from members of the public -

Its a bit late when the one bedroom flat is being rented out to a couple with a small child. its an eyesore and people around lose their privacy. Also the building is over 3 meters high and has not had the correct safety checks done ie with the electrics and fire

regulations if a fire breaks out it will cause damage to my outside gym which is made of wood also I would like to point out the sewage pipe waste from toilet is not done correct as it travels along the ground on next door land and if sewage pipe breaks it will flow sewage onto next doors land.

The building is an eyesore and currently has 2 adults and 1 child living in it. There are pipes protruding into the neighbouring garden. It was illegally erected and should therefore not be allowed to remain. The roof which was over height by the original construction remains over the permitted height even after alterations had been made.

Outhouse is far too tall and far too close to boundary. Outhouse is also clearly being currently used as living space and not as a gym. Is a big eyesore for all surrounding houses and can even be clearly seen from the road itself.

I was surprised how intrusive this newly built outhouse is. It is a large structure right on the edge of a neighbour's garden with ability to look directly into said neighbour's main home kitchen window. Privacy is lost here, especially coupled with the fact the building is being rented to tenants as a main residence. There is no mention this building was planned to be used as a home, I hope its residents are not being exploited and can maintain basic living standards.

The concerns are addressed below.

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:

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

5. MAIN PLANNING ISSUES

The main issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area, the proposed use of the building, the impact on residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

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.

Policy BE15 of the Hillingdon Local Plan Part two (Saved UDP Policies) requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building. Policy BE13 requires the layout and appearance of extensions to harmonise with the existing street scene and Policy BE19 ensures any new development complements or improves the amenity and character of the area.

Section 9 of HDAS sets out the criteria against which to assess detached outbuildings and includes design guidance such as the building is to be positioned as far away from the house as possible with external materials similar to the ones used in the rear of the existing house; leaving a significant amount of usable private garden space.

The proposed outbuilding would extend to the rear boundary and the side boundary to the South, leaving no gap between the building and the boundary. HDAS normally recommends that outbuildings should be set in from the boundaries by at least 500 mm to allow space for views between buildings and access to the rear. The proposed development clearly conflicts with the guidance in this respect and is therefore considered to be over large and would have a detrimental impact of the character and appearance of the area.

Paragraph 9.3 of HDAS requires that no windows are placed on the side or rear elevations of the outbuilding. In this case a small high level window to serve the bathroom has been added to the side elevation and it is therefore contrary to the guidance.

Paragraph 9.3 also requires that the materials used for the extension should be similar to those used for the rear of the existing house. The use of red bricks and bright red tiles for the outbuilding are clearly inconsistent with the white render and grey tiles of the existing house and do not match any other buildings in the local area. The result is that the building is over-prominent and causes a detrimental impact on the character and appearance of the surrounding area.

The plans and the application form show the use of the building to be a gym, but there are serious concerns as to whether the proposed building would be used as a separate residence and therefore contrary to policy and guidance. The presence of cavity walls, double glazing and a bathroom with a shower raise concerns in this respect. At the time of the site visit it appeared that the building was being used for residential purposes and this has been confirmed by comments made by neighbours. It is considered, therefore that the building would not be ancillary to the main house and therefore conflict with paragraph 9.4 of HDAS.

As the outbuilding would be located at the end of the garden and to the East of existing dwellings there are no significant concerns in relation to overshadowing of neighbouring properties or gardens. There would be some limited overshadowing of the garden of No.19, but this would be unlikely to impact on the rear windows of the house. No objections have been raised by neighbours in this respect.

In terms of overlooking, the windows of the outbuilding would face the rear windows of the house and would be only 5.6m away. The front door of the outbuilding would be 10.5 m from the rear kitchen window of No.23 and there is clear overlooking between the two windows and therefore a loss of privacy.

The bulk and external appearance of the building also make it very prominent when viewed from the windows of No.23. Being only 10.5 m away from the window it has an unacceptable impact on the outlook from that property.

Paragraph 5.13 of HDAS: Residential Extensions requires sufficient garden space to be retained as a consequence of an extension. The property benefits from a small rear garden. The Block Plan submitted with the application shows a retained garden area 8.4 m wide and 5.6 m long, giving a total area of 47 m². This is in excess of the 40 m² that is required, assuming the host property to be a 2 bedroom house, as shown on the plans submitted with the most recent application in 2008.

There is no alteration in parking requirements as a result of this proposal.

As the proposed building would not be set in by 500 mm from the boundaries and its overall size, scale, bulk and height is considered to be excessive, in relation to the position of adjoining properties, including 1 Cromer Close, and the use cannot be considered ancillary to the main house, it is considered to be an overdevelopment of the plot which has a detrimental impact on the character and appearance of the area and the living conditions of neighbouring residents. It is, therefore, recommended for refusal. It would conflict with Policy BE1 of the Hillingdon Local Plan Part One (November 2012), Policies BE13, BE15, BE19, BE21 and BE24 of the Hillingdon Local Plan Part two (saved policies) (November 2012), Policy 3.5 of the London Plan (2016) and guidance in the Hillingdon Design and Accessibility Statement: Residential Extensions (2008).

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. If so, then this is a material planning consideration. In this case officers presently have no indication that this was an intentional breach of planning control.

The circumstances will also now be passed to the Planning Enforcement team for them to consider the expediency of enforcement action.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by virtue of its siting, size, scale, bulk, height, orientation and proximity, would be detrimental to the amenities of the adjoining occupiers, by reason of overdominance visual intrusion, loss of outlook and loss of privacy. Therefore the proposal would be contrary to policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposal is for a detached structure which, by reason of its size, scale, layout and independent access, is considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be acceptable as it could result in unacceptable impact on adjoining occupiers and additional requirements for parking and amenity space. Therefore the proposal would be contrary to Policies AM14, BE13, BE15, BE19, BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

3 NON2 Non Standard reason for refusal

The materials used in the construction of the outbuilding conflict with those on the existing and surrounding dwellings, resulting in an over-prominent development that conflicts with the character and appearance of the surrounding area. It is therefore contrary to Policy BE1 of the Hillingdon Local Plan Part One (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Document HDAS Residential Extensions.

INFORMATIVES

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:

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

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