

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 38 FRAYS AVENUE WEST DRAYTON MIDDLESEX

Development: Canopy to front (Part Retrospective)

LBH Ref Nos: **58891/APP/2017/4188**

Drawing Nos: PLA-01_A
 PLA-02_A
 PLA-03_A
 PLA-04_A
 PLA-05_A
 PLA-10_B
 PLA-11_A

Date Plans Received: 23/11/2017

Date(s) of Amendment(s):

Date Application Valid: 01/12/2017

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the North Western side of Frays Avenue and comprises a two storey detached dwelling. The principle elevation of the property faces towards the South East. To the North East lies 38 Frays Avenue, a two storey detached dwelling and to the South West lies 40 Frays Avenue, also a detached two storey dwelling. Some 90 m to the South West lies the Frays River.

The street scene is residential in character and appearance, comprising of a mix of two storey detached houses and bungalows. It is noted that on the North West side of Fray's Avenue (the side the application site is located on) there is a predominance of two storey dwellings whereas on the opposite side there are predominantly bungalow/chalet bungalow type properties.

There is a large rear garden with a swimming pool, a front driveway with a capacity for several vehicles exists and there is a vehicular crossover. The property has a 3.9 m deep rear conservatory, close to the boundary with no. 36 Frays Avenue.

The application site lies within the Garden City, West Drayton Area of Special Local Character (ASLC), as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application site also lies within Flood Zones 2/3.

1.2 Proposed Scheme

The proposal is for a canopy to the front (Part Retrospective).

1.3 Relevant Planning History

58891/APP/2004/1645 38 Frays Avenue West Drayton Middlesex

ERECTION OF A SINGLE-STOREY SIDE EXTENSION AND TWO-STOREY REAR EXTENSION (WORKS INVOLVE THE DEMOLITION OF AN EXISTING GARAGE)

Decision Date: 24-09-2004

Approved

58891/APP/2004/350 38 Frays Avenue West Drayton Middlesex

ERECTION OF PART SINGLE, PART TWO STOREY SIDE EXTENSION, TWO STOREY REAR EXTENSION INCORPORATING A REAR FACING DORMER WINDOW, AND NEW PITCHED ROOF TO EXISTING REAR DORMER WINDOW

Decision Date: 31-03-2004 Refused

58891/APP/2016/1957 38 Frays Avenue West Drayton Middlesex

Single storey rear extension, single storey front extension and porch to front involving conversion of garage to habitable use

Decision Date: 15-02-2017 Approved

Comment on Planning History

ENF/852/17 - Enforcement are aware of the front canopy, however no action has been taken and no enforcement notice has been issued. Hence, this application seeks to gain planning permission to regularise this development.

58891/APP/2004/1645 - Erection of a single storey side extension and two storey rear extension, involving the demolition of then existing garage. 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

Six neighbouring properties were consulted regarding the application by letter dated 05.12.17. A site notice was displayed to the front of the property which expired on 04.01.18.

By the end of the 21 day consultation period the following comments were received in objection to the application:

33 Frays Avenue:

Breaches building line to large extent, out of keeping with surrounding and neighbouring properties in a location deemed "of special local character".

West Drayton Conservation Area Advisory Panel:

The size and design of this large open canopy are out of keeping with this and the other properties in this Area of Special Local Character and so we hope that it will not be approved.

Conservation and Urban Design Officer:

This is a detached property located in the West Drayton Garden City Area of Special Local Character (ASLC). The property is characterised by a projecting front gable with a double height curved bay. The main roof is defined by a low, steeply pitched gable roof with a front pitch roofed dormer. The submitted information shows that the property has been altered to the front resulting in the previous timber framing detail to be removed. The canopy to the front is not considered appropriate. It would fail to integrate well into the character, style and built form of the property and would be considered overly large. Furthermore this type/scale of structure is not a feature within the ASLC.

Trees/Landscape Officer:

This site is occupied by a two-storey detached house on the North side of Frays Avenue. The front garden is almost entirely surfaced to provide parking for several cars and is bounded by a white-painted rendered wall. The site lies within an Area of Special Local Character.

COMMENT: The application is described as a canopy. Due to its size and shape it is almost a porte cochere! No trees have been removed to accommodate this extension.

RECOMMENDATION: No objection and no need for landscape conditions.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM14 New development and car parking standards.

BE5 New development within areas of special local character

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.

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 and the availability of parking.

Section 8 of the Hillingdon Design and Accessibility Statement: Residential Extensions (HDAS) states that porches should be designed to follow the character of the existing building; be confined to the front entrance area; be subordinate in scale and form and should not be detrimental to the visual amenity of the street scene. Front extensions that extend across the entire frontage will normally be refused. Front extensions are eye catching and change the face of the building affecting the character and appearance of the building itself and the street scene. They should not project beyond the bay window.

Policy BE5 states that "Within areas of special local character new development should harmonise with the materials, design features, architectural style and building heights predominant in the area. extensions to dwellings should respect the symmetry of the original buildings." The application site lies within the Garden City, West Drayton Area of Special Local Character (ASLC) and hence this policy is key to assessing the suitability of

this proposed development within the area.

The porch and front canopy conflicts with the HDAS guidance in that it extends beyond the bay window, has two pillars and fails to appear as a subordinate structure. Whilst an assessment of the character and appearance of similar properties within the immediate locality confirms the existence of some front porches and canopies with pillars there is no planning history relating to them. It is assumed that these porches, namely that at No. 44 and No. 34 Frays Avenue, date back to before the implementation of HDAS. However, there are a large number of properties which do not have such large front extensions such that the character of the street and the area has not been compromised to such an extent that the proposed would be considered to be in character with the street. The porch/front extension/canopy is considered to be an alien feature in terms of the character of the application and adjoining property such that by reason of its size, scale, bulk and design it would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding ASLC which it forms part of. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, 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.

It is considered that all habitable rooms and those altered by the development maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2016).

The existing hardstanding frontage provides parking for 2 or more vehicles. The application proposal would therefore be in compliance with Policy AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

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 have no indication that this was an intentional breach of planning control.

On balance, the application is recommended for REFUSAL.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The porch/canopy, by reason of its size, scale, bulk, projection forward of the dwelling and design fails to harmonise with the architectural composition of the original dwelling, and would be detrimental to the character, appearance and visual amenities of the street scene and the wider Garden City, West Drayton Area of Special Local Character. Therefore, the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, 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
PT1.HE1	(2012) Heritage

Part 2 Policies:

AM14	New development and car parking standards.
BE5	New development within areas of special local character
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.
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

Contact Officer: Nurgul Kinli

Telephone No: 01895 250230