

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, Transportation and Regeneration**

Address 9B ANGUS DRIVE RUISLIP

Development: Single storey rear extension and creation of a granny annex

LBH Ref Nos: **73758/APP/2018/1493**

Drawing Nos: 17/3159/5
 17/3159/3 Rev. B
 17/3159/2 Rev. B (Existing Site Layout)
 Location Plan (1:1250)
 17/3159/2 (Proposed Site Layout)
 17/3159/6 Rev. A
 17/3159/4 Rev. C

Date Plans Received: 24/04/2018

Date(s) of Amendment(s):

Date Application Valid: 17/05/2018

1. CONSIDERATIONS

1.1 Site and Locality

The existing property is a two-storey dwelling attached to No. 7 Angus Drive, also a two-storey dwelling. Originally a pair of semi-detached dwellings, the host dwelling has been sub-divided by virtue of a planning permission granted in 2000 to allow conversion of the ground floor of the dwelling together with a pitched roof over a single-storey rear extension to form a separate flat. This is now referred to as No. 9A Angus Drive. It has a separate front door to the host dwelling. Whilst the permission refers to a pitched roof, the flat extension appears to have a flat roof. This extension has side obscure glazed windows facing over the garden of No. 9. No. 9B is a more recent rearward extension of that unit. Originally 2.49 metres tall with a flat roof, it has been partly rebuilt to be 2.75 metres high with a flat roof and further extended to the rear so it now runs the full depth of the garden.

1.2 Proposed Scheme

The proposal is described as a erection of a single storey rear extension and creation of a granny annex. On inspection of the site it emerged that this is a retrospective scheme. An existing rear extension previously used as a workshop and store has been enlarged and the roof partially raised to 2.75 m high with a flat roof. It now extends to the full depth of the rear garden. The 'granny' annex is itself an extension from a rear extension which serves an independent single-storey flat which was formed from a side extension plus a further rear extension in 2000. It contains a bedroom, a shower room/wc and cooking./sink facilities. Although not indicated on the submitted drawing, the unit contains a large bed close to the door and a further single bed to the extreme rear.

Despite the description as a 'Granny Annex' the unit is registered as No. 9B Angus Drive for council tax purposes. The application includes considerable supporting information seeking to justify the need to accommodate an elderly relative and the application seeks a personal permission for the duration of the occupation. The applicant explains that the occupant needs close care, home visits and a settled arrangement.

1.3 Relevant Planning History

23697/77/0753 9 Angus Drive Ruislip
Householder dev. (small extension,garage etc) (P)

Decision Date: 28-07-1977 Approved

23697/APP/2000/1487 9 Angus Drive Ruislip

USE OF GROUND FLOOR OF TWO STOREY SIDE EXTENSION AS SEPARATE DWELLING
AND ADDITION OF PITCHED ROOF TO SINGLE STOREY REAR EXTENSION
(RETROSPECTIVE APPLICATION)

Decision Date: 18-10-2000 Approved

23697/APP/2002/497 9 Angus Drive Ruislip
ERECTION OF A FRONT PORCH

Decision Date: 10-04-2002 Refused

23697/APP/2006/2685 9a Angus Drive Ruislip

ERECTION OF A SINGLE STOREY GROUND FLOOR REAR EXTENSION TO EXISTING
FLAT.

Decision Date: 10-05-2007 WD

23697/B/87/1638 9 Angus Drive Ruislip
Erection of a single-storey rear extension

Decision Date: 18-12-1987 Approved

23697/D/88/1569 9 Angus Drive Ruislip

Conversion of garage/workshop to bedroom, study and bathroom (Section 53 Determination).

Decision Date: 03-08-1988 GPD

Comment on Planning History

The ground floor of a two storey side extension and single storey rear extension received permission in 2000 as an independent residential unit.

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

Neighbours were notified on 21/05/2018 and a site notice was displayed on 24/05/2018.

By the end of the consultation period one letter of support was received from the occupier of No. 11 Angus Drive, adjoining.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.5	(2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main issues in this application are the effect of the proposal on the character and appearance of the property and the surrounding area and the effect on the living conditions of neighbouring occupiers. The application is presented as a special case, based on the circumstances of the occupant and seeks a personal consent, after which the use will cease. The applicant has correctly noted that a temporary permission would not normally be granted in a case where operational development is to be undertaken. In this case the proposal includes operational development, albeit retrospective, which has added both height and depth to the former workshop and store. As operational development, this is by definition a permanent solution to what the applicant describes as a temporary issue.

The granny annex is housed in a single storey rear extension. Based on a semi-detached dwelling, the HDAS states at paragraph 3.3 that the maximum depth should be 3.6 metres and the height, with a flat roof and as stated in paragraph 3.6 of the HDAS, should not exceed 3 metres. The rear extension, before the further addition, already significantly exceeded the maximum depth requirements. The resultant development now runs the length of the rear garden and does not constitute a subordinate addition.

The occupier of No. 11 Angus Drive has indicated no objections. This property is closest to and most affected by the development. The extension replaced an attached outbuilding, of which a photograph is included in the Design and Access Statement. Whilst both the height and length of the building are increased, it is considered that it would be difficult to demonstrate harm from the building itself due to the limited change involved and distance from the main dwelling. Although there are side facing windows, due to the distance involved and single storey nature, together with existing boundary treatment, it is also considered that there will be no material loss of amenity for occupiers of No. 7 Angus Drive.

The proposal is described as a 'granny annex'. However, the extension has been registered for council tax purposes as a separate unit of accommodation. The proposal incorporates a substantial shower room, kitchen and two bed spaces which duplicate facilities within the main dwelling. Whilst the unit is currently occupied by an elderly

relative it is also indicated that persons other than the applicant undertake some care duties.

As it stands the accommodation appears to have a high degree of independence from the dwelling. Whilst, given the circumstances, the presence of a bathroom and wc may be acceptable, the unit also includes facilities for preparation of meals. Given the proximity of the main dwelling and the claimed level of support from the family, this seems like an unnecessary addition. The applicant has offered a personal permission. Such conditions are not normally favoured. They are difficult to enforce and it would not change the circumstances that this is a separate unit of accommodation. A time limited permission would not be acceptable due to the proposal including operational development. The applicant has also explicitly rejected this form of restriction. There is concern that the building as shown could easily be adapted to a completely separate unit of accommodation with occupants having no functional link. As it stands the applicant has set out to form a separate unit of accommodation though a degree of self-containment, including a kitchen and additional sleeping accommodation, which goes beyond that which might reasonably be required to retain an ancillary function. This concern is exacerbated by the fact that the unit is separately registered for council tax purposes.

The personal circumstances described including the benefit of accommodating an elderly relative in a secure environment must be acknowledged. However, it is considered that the circumstances can be given little weight in planning terms. It is considered that the development does not harm the living conditions of neighbours and that no representations have been made objecting to the proposal. However, the proposal results in an extension which is not subordinate to the host dwelling and the formation of another separate unit of residential accommodation in what was a single plot which is harmful to the character of the area.

The proposal results in what could be considered to be a 5 bedroom property. This would normally require a minimum of 100 square metres private amenity space. The overall development retains just over 100 square metres amenity space and the proposal is acceptable in this regard. There is no conflict with Policy BE23. However, as a separate unit of accommodation, it would require its own amenity space which would be difficult to achieve.

If the development were to be continued to be occupied as described, it is considered that there would not be any significant increase in car parking demand. As such the development, as described, is appropriate in terms of Policy AM14. However, were it to be separately occupied, it is likely to exacerbate car parking demand.

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.

It is recommended that permission be refused.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The extension, by reason of excessive depth results in an over dominant and visually

obtrusive form of development which is out of keeping with the local area and does not represent a subordinate addition. The proposal is therefore detrimental to the character of the dwelling and surrounding area. Therefore the proposal is 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 - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The annex, by reason of its size, scale, excessive footprint, internal layout and subdivision and the provision of facilities including a wetroom, bedroom and kitchen facilities is considered capable of independent occupation from the main dwelling and is thus tantamount to another separate dwelling in a position where such a dwelling would not be accepted, due to the impact on the existing dwellings and the requirement for car parking and amenity space. It is therefore contrary to policies AM14, BE19, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to 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. 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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2012, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. No pre-application advice was sought. It is not considered that the issues which led to the decision could be overcome without submission of a materially different scheme.

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.
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LPP 3.5	(2016) Quality and design of housing developments

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