

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 106 MANOR WAYE UXBRIDGE

Development: Single storey side and rear extension.

LBH Ref Nos: **49737/APP/2018/2898**

Drawing Nos: 17/106/MWU/102
 17/106/MWU/101
 18/106/MWU/103/A
 Location Plan
 18/106/MWU/104/A

Date Plans Received: 08/08/2018

Date(s) of Amendment(s):

Date Application Valid: 08/08/2018

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises of a two storey end of terrace dwelling situated on the Northern side of Manor Waye, Uxbridge. The property is finished in smooth render, is characterised with a hipped roof and is set back from the frontage to accommodate an entire area of hardstanding and lies within an extensively sized plot with a stretched rear garden. The house benefits from a porch addition and a two storey rear extension. The principle elevation faces almost due South.

The surrounding area is residential in character and is made up of a mix of dwelling types. To the West of the site lie pairs of semi-detached chalet bungalows, and to the East, terraced blocks which differ between 2 and 3 storey height.

1.2 Proposed Scheme

Householder consent is sought for the erection of a single storey side and rear extension. The proposed extension would be an extension to an existing two storey rear extension and would measure 1.2 m in width to the front, would project 6.9 m in depth to protrude 3.4 m beyond the current rear wall to partly extend across it with a maximum width of 7 m. The extension would have a flat roof with a maximum height of 2.8 m and would be finished in materials to match the existing.

1.3 Relevant Planning History Comment on Planning History

49737/APP/2017/1110: Single storey side and rear extension - Refused

1. The proposal, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupiers at 108 Manor Waye, by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

The application was subsequently appealed and dismissed at appeal where the appeal

inspectorate quotes 'Nonetheless, the bulkiness, proximity, depth and height above the existing boundary would still result in an overly intrusive and overbearing form of development that would tangibly diminish the enjoyment of both the room nearest the boundary and the garden space. This would be particularly the case in the garden area where the extension would create a sense of enclosure and confinement that would detract from the enjoyment of this space.

Owing to the distance between the extension and the rear windows of No 108, I am not convinced that there would be a significant additional impact on either sunlight or daylight entering these rooms. Nevertheless, notwithstanding the hedge, there would be some additional effect on the garden area, particularly in terms of direct sunlight during the afternoon. In combination with the effect of the existing extension, I consider the degree of overshadowing likely to be caused or exacerbated would contribute to an unacceptable cumulative effect on the enjoyment of the garden space nearest to the dwelling.

As such, I find that the development would have unacceptable impact on the living conditions of the neighbouring occupants. Accordingly, there would be conflict with saved policies BE19, BE20 and BE21 of the Hillingdon Unitary Development Plan (adopted 1998, saved 2007) which seek, amongst other things, to ensure that development would not result in a significant loss of residential amenity by virtue of siting, bulk and proximity. There would also be conflict with the SPD which seeks, amongst other things, to ensure potential detrimental effects on neighbouring residents and their gardens are fully assessed.'

The current application 49737/APP/2018/2898 continues to seek a single storey side and rear extension however the sole difference between the existing and previous application is the proposal now seeks to square off the rear extension as opposed to reflecting the angle of the site boundary and would be set back a maximum of 1 m reducing to 0.5 m from the shared side boundary. The proposal would constitute an extension to an extension to project a total of 6.7 m in depth, and although would be marginally set back from the shared boundary, given its size, scale, bulk and siting would continue to result in an overbearing, overshadowing and visually intrusive addition which would result in undue harm to the residential amenities of the adjoining neighbour.

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

A total of 4 adjoining and nearby neighbouring properties were consulted via letter dated 14.08.18 including a site notice displayed outside the premises on 20.08.18.

No representations 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:

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.
AM14	New development and car parking standards.
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 planning issues are the effect of the development on the character and appearance of the original building, the street scene and the level of impact on the residential amenity of the adjoining neighbours.

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.

The Council's Adopted SPD the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) or HDAS, contains design guidance (below) for all types of extensions which should appear subordinate in scale to the original building.

Paragraph 4.0 Single Storey Side Extensions states careful consideration needs to be applied to the size, scale, depth, location, height, and overall appearance. The design of the extension should not dominate the existing character of the original property and should appear subordinate. Pitched roofs will be acceptable, however the roof should not exceed 3.4 m at its highest point. In order for extensions to appear subordinate, the width and height of the extension should be considerably less than that of the main house and be between half and two thirds of the original house width depending on the plot size and character of the area.

Section 3.0 states single storey rear extensions up to 3.6 m deep will be acceptable on terraced/ semi-detached houses.

The proposed single storey side and rear extension would be set back 4.9 m from the principal elevation, would measure 1.2 m in width and would project parallel with the Western building line to wrap almost entirely the width of the existing two storey rear extension to measure a total of 6.7 m in depth. The total of the 'old' and 'new' extension would result in an excessive depth, however the 'new' extension, by virtue of its considerable set back from the principal elevation, its single storey composition and low level flat roof would satisfactorily integrate with the appearance of the host dwelling. Furthermore the side/rear extension would replicate an existing extension to the adjoining neighbour to the West at No. 104, and given the size of the rear garden would fail to appear cramped within its respective plot and would fail to detract from the visual

amenities of the street scene and surrounding area.

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 requires that development should protect the privacy of the occupiers and their neighbours.

The total of the 'old' and 'new' single storey rear extensions would measure a maximum of 6.7 m in depth. The adjoining neighbour to the West at 104, benefits from a similar single storey side/rear extension which projects 3.3 m beyond their rear wall. It is considered as the proposed single storey side/rear extension would protrude 3.4 m beyond their rear wall, and given the adequate separation gap, the proposed extension would not result in a detrimental impact upon the residential amenities and light levels of the adjoining occupiers.

With regards to No. 108 who are adjoined to the East, they benefit from no form of rear extension. It is noted that the proposed rear extension would be set back a maximum of 1 m from the shared side boundary reducing to 0.5 m at its furthest point, however given the cumulative size, scale, bulk and length of the rear extensions it would not overcome the previous reasons for refusal nor the appeal decision and therefore would continue to appear as an overbearing, overshadowing and visually intrusive addition when viewed from their nearest rear habitable aspects. This application fails to adequately address the previous reason for refusal or the Inspectors findings in dismissing the appeal.

The single storey side/ rear extension, by reason of its size, scale and siting is considered to be an overbearing structure that would overshadow the adjoining property at No. 108 resulting in a loss of their residential amenities and light levels and would therefore be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan Part Two: Saved UDP Policies (November 2012).

The application site would retain in excess of 100 sq m of rear private amenity area which is usable in terms of its size and shape and as such would accord with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposal would not result in an alteration to the existing off street car parking layout, and such would continue to comply 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 proposal, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupiers at 108 Manor Waye, by reason of over-dominance, overshadowing, visual intrusion and loss of light. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a), b) or c) to be added depending on the refusal circumstances:

a) 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.

b) In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

c) In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable. However, the amendments required to make the application acceptable are substantial and would materially change the development proposal. They would require further consultation to be undertaken prior to determination which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider the submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

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:

BE13	New development must harmonise with the existing street scene.
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BE19	New development must improve or complement the character of the area.
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