

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 50 MORAY AVENUE HAYES

Development: Single storey outbuilding to rear for use as a gym/store/utility (Retrospective)

LBH Ref Nos: **8788/APP/2019/1229**

Drawing Nos: Planning Statement
 XEVA/50MA/102 Issue A
 XEVA/50MA/101 Issue A
 XEVA/50MA/104 Issue A
 XEVA/50MA/103 Issue A
 Location Plan (1:1250)

Date Plans Received: 09/04/2019 **Date(s) of Amendment(s):**

Date Application Valid: 09/04/2019

1. CONSIDERATIONS

1.1 Site and Locality

The application relates to an extended two storey, semi-detached property located to the West of Moray Avenue. The brick and render dwelling is set back from the road by 8 metres of hardstanding which provides space to park at least two cars within the curtilage of the dwelling house. To the rear of the property lies a garden area which acts as private amenity space for the occupiers of the dwelling house.

The application property is attached to No.52 Moray Avenue to the North. To the South runs a public footpath beyond which is the side boundary of No.48 Moray Avenue. To the rear lies the rear gardens of Nos.73 and 75 Church Road.

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

1.2 Proposed Scheme

The application is seeking retrospective planning permission for the erection of an outbuilding to the rear used as a utility, store, gym and bathroom. The outbuilding is split into three sections. There is a main part of the outbuilding which contains the gym, storage and bathroom. There are two smaller areas attached to each side of the main building which are both labelled as 'utility'. In total, all sections of the outbuilding have a width of 13 metres at the front. The southern wall splays outwards to a maximum width of 14 metres. The southern 'utility' has a depth of 4.75 metres, the main section has a depth of 3.9 metres and the northern 'utility' has a depth of 3.4 metres. It is characterised by a flat roof with a small slope with a maximum height of 2.6 metres. The kitchen area within the main section is to be removed.

It is noted from the site visit that the North 'utility' is actually used as a store, there is a boiler and washing machine in the 'kitchen' area and the rear window of the gym is a high window which is wider than what is demonstrated on the plans.

1.3 Relevant Planning History

8788/APP/2014/1380 50 Moray Avenue Hayes

First floor side/rear extension

Decision Date: 25-06-2014 Refused

8788/APP/2014/2381 50 Moray Avenue Hayes

First floor side/rear extension

Decision Date: 08-09-2014 Approved

8788/B/97/1669 50 Moray Avenue Hayes

Erection of a single storey side and rear extension incorporating integral garage

Decision Date: 22-12-1997 Approved

Comment on Planning History

The host property has been extensively extended following the granting of planning permission 8788/APP/2014/2381 on 08/09/2014.

The outbuilding is currently part of an enforcement case ref: ENF/300/18.

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

Five neighbouring properties were notified of the proposal on 15/04/2019. A site notice was also displayed which expired on 13/05/2019.

One objection was received:

The building is built up to the property border. The building height is also against building code. The building although sought for storage and a gym the future usage will more than likely be for accommodation.

Officer comments: The impact of the outbuilding's height and position on neighbouring properties will be discussed in the report below. The ability of the outbuilding to be used independently of the host dwelling will also be considered. The height of the outbuilding exceeds permitted development allowance and so planning permission is required.

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.
DMHD 1	Alterations and Extensions to Residential Dwellings
DMHD 2	Outbuildings
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

5. MAIN PLANNING ISSUES

The main planning 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 street scene, the impact on the amenity of adjoining occupiers and the provision of acceptable residential amenity space.

Section 9 of the Hillingdon Design and Accessibility Statement: Residential Extensions (HDAS) states that any outbuilding must be used for normal residential activities and the outbuilding should be incidental to the house. The outbuilding should be positioned as far away from the house as possible and set in from the boundaries by at least 0.5 metres. If a flat roof is proposed it should not exceed 3 metres in height.

The plans demonstrate that the outbuilding is used as two utilities, a store, a gym and a bathroom, the existing kitchen area would be removed. a games room, store and bathroom. It is a large building which spans the full width of the garden and has a footprint of 55.6 square metres which would be 112% of the footprint of the original dwelling house. Paragraph 9.0 of HDAS states that 'the building must be used for normal residential activities ancillary to the main house'. The outbuilding would have separate bathroom facilities, would be capable of independent access from the side gate along the public footpath. It is also noted that there is a door leading to the rear of the outbuilding which is a small area of land which would not be considered to be usable as garden space. The outbuilding consists of five rooms, two of which are separate to the main outbuilding area, however, the main section includes a separation between the gym and store. As such, it is considered that the outbuilding would be capable of independent occupation from the main dwelling and no proof has been provided for the need for such a large outbuilding with two utilities along with a large store room and large gym and bathroom.

As the footprint of the outbuilding is greater than that of the original dwelling house it cannot be considered to be subordinate, or a minor accompaniment to it. Although the application property benefits from a wider plot, the outbuilding is built up to both side boundaries contrary to HDAS recommendations and as such, it is considered to be dominant within the garden. It is also sits adjacent to a public footpath and is thus very visible.

Subsequently, it is considered that the outbuilding would be capable of independent occupation from the main dwelling and is this tantamount to a separate dwelling house in a position where such a dwelling would not be acceptable due to requirements for parking and amenity space. In addition, the outbuilding by reason of size, scale and bulk would appear an incongruous addition to the side and so would fail to appear subordinate to the existing dwelling and would detract from the character of the surrounding area. As such, the application would fail to comply with Policies AM14, BE13, BE15, BE19 BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The outbuilding is positioned at the end of the rear garden and so is located 24 metres from the rear elevations of the neighbouring properties. A side window is installed facing No.52 on the Southern utility room. However, due to the siting of this window it is considered that it would not result in the loss of privacy to this neighbour. The outbuilding is located a minimum of 0.5 metres from the rear boundary and it is considered that due to the limited height it would not have a detrimental impact on the rear neighbours. Two rear windows are installed, one is high level and obscure glazing (the plans demonstrate this window incorrectly) and the other serves a bathroom. As such it is considered that these would not result in the loss of privacy to the rear neighbours. Subsequently, it is considered that the outbuilding would not cause any undue loss of residential amenity any neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy. As such, the proposal is in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Following the development over 100 square metres of private amenity space has been retained. As such, sufficient garden space remains for the dwelling house and so the proposal would comply with Policy BE23 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 proposed outbuilding by reason of its size, scale, bulk and design would create an unduly incongruous form of development which would fail to be subordinate to the existing dwelling house and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be 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 - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed outbuilding, by reason of its size, scale and the availability of independent access to it, 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 accepted due to requirements for parking and amenity space and the impact on the adjoining properties. It therefore results in an overdevelopment of the site, out of character with the spacious character and layout of the area and contrary to Policies AM14, BE13, BE15, 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 Documents HDAS: Residential Extensions and HDAS: Residential Layouts.

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.

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:

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.
DMHD 1	Alterations and Extensions to Residential Dwellings
DMHD 2	Outbuildings

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement,
Supplementary Planning Document, adopted December 2008

Contact Officer: Charlotte Spencer

Telephone No: 01895 250230