

DELEGATED 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 14 MARLBOROUGH ROAD HILLINGDON

Development: Single storey rear extension (Retrospective)

LBH Ref Nos: **16447/APP/2019/662**

Drawing Nos: Design and Access Statement
14MARL-001
Location/Block Plan

Date Plans received : 06/03/2019

Date(s) of Amendment(s):

Date Application Valid: 06/03/2019

1. SUMMARY

The application seeks retrospective planning permission for the erection of a single storey rear extension. The proposed extension, by reason of its size, design and proximity, results in an overly dominant feature that overshadows the adjoining property at No.1 6 Marlborough Road, and as such would result in a visually intrusive and an un-neighbourly form of development, resulting in a loss of light and material loss of residential amenity.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The extension, by virtue of its size, scale, bulk, depth and proximity, is detrimental to the amenities of the adjoining occupier at 16 Marlborough Road, by reason of overdominance, 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.

INFORMATIVES

1 I52 Compulsory Informative (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 I53 Compulsory Informative (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.

Consideration of traffic generated by proposed developments.

AM7	
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.
DMHD 1	Alterations and Extensions to Residential Dwellings
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

3

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.

4

The applicant is advised that planning permission has not been sought for the subdivision of the property into two separate flats and as such, is vulnerable to enforcement action being taken by the Council.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises of a two storey semi-detached property which is currently being used as two separate flats. The submitted plans indicate that the property has been converted into two separate properties. The applicant has advised that the dwelling was subdivided more than 4 years ago and separate Council tax bills paid. However, the use has not been regularised by the submission of a Certificate of Lawful Development and as such, is currently vulnerable to enforcement action being taken.

A single storey rear extension has been added which is the subject of this application.

3.2 Proposed Scheme

The application seeks retrospective planning permission for the erection of a single storey rear extension.

3.3 Relevant Planning History

Comment on Planning History

There is no planning history of relevance to this application site.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 4th April 2019

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

4 neighbouring properties were consulted by letter dated 13.3.19 and a site notice was displayed the front of the site which expired on 4.4.19. No responses were received by the end of the consultation period.

6. 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:

AM7 Consideration of traffic generated by proposed developments.

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.

DMHD 1 Alterations and Extensions to Residential Dwellings

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

LPP 3.5 (2016) Quality and design of housing developments

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

The 6m depth of the single storey rear extension exceeds the maximum 3.6m depth for rear extensions specified in paragraph 3.3 of the Council's adopted HDAS SPD: Residential Extensions (December 2008). However, paragraph 3.15 of the HDAS SPD gives guidance that a deeper extension could be permitted where there is an existing deep rear extension at an adjoining/adjacent property, and where the proposed rear extension would not have any adverse impact on the light and outlook at adjacent properties, and would not appear dominating and obtrusive in relation to neighbouring views.

The adjoining property at Number 16 has not been extended to the rear. The 6m depth alongside the side boundary of the rear garden is considered to result in an unacceptably dominating form of extension which results in an unacceptable loss of light and outlook to the occupants of this property. The proposed extension, by reason of its size, design and proximity, results in an overly dominant feature that overshadows the adjoining property at No.1 6 Marlborough Road, and as such would result in a visually intrusive and an un-neighbourly form of development, resulting in a loss of light and material loss of residential amenity. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), to the Council's Supplementary Planning Documents HDAS Residential Extensions and to policy DMHD 1: Alterations and Extensions to Residential Dwellings of the London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019).

Given the degree of separation between the extension and Number 12 Marlborough Road, it is considered that the extension does not result in an unacceptable loss of light or outlook to the occupants of this property.

7.2 Impact on Street Scene

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. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Paragraph 3.3 of the HDAS states that single storey rear extensions proposed on semi-detached houses with a plot measuring 5m wide or more should be no more than 3.6m deep. Likewise paragraph 3.7 states that such extensions should be no more than 3.4m in height or 3m with a flat roof. This is to ensure that the extension appears subordinate to the main house.

Policy DMHD 1: Alterations and Extensions to Residential Dwellings of the London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019) states single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more. Whilst the extension exceeds the maximum depth requirements of the Council's adopted and emerging policies, it is constructed of matching materials and located to the rear of the property. It is considered that the extension does not create sufficient harm to the character and appearance of the host dwelling and locality to justify a refusal of planning permission.

7.3 Traffic Impact/Pedestrian Safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The proposal is not considered to give rise to any traffic or parking concerns.

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

The submitted plans indicate that the property has been converted into two separate properties. The applicant has advised that the dwelling was subdivided more than 4 years ago and separate Council tax bills paid. The site visit confirmed the subdivision. However, the use has not been regularised by the submission of a Certificate of Lawful Development and as such, is currently vulnerable to enforcement action being taken.

In terms of the garden area at least 100m² of rear private garden should be retained to provide adequate amenity space for a four bedroom dwelling. The resultant amenity space would be over 100sq.m which would be in excess of the paragraph 3.13 HDAS requirement. The proposal would be in accordance with Policy BE23 of the Hillingdon Local Plan Part 2.

7.6 Other Issues

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.

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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