

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 332 HIGH STREET HARLINGTON

Development: Conversion of detached garage to annex (Part Retrospective)

LBH Ref Nos: **5944/APP/2019/3259**

Drawing Nos: 1369/2019/RA-02 Rev. A
1369/2019/RA-01 Rev. A

Date Plans Received: 07/10/2019

Date(s) of Amendment(s):

Date Application Valid: 18/11/2019

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises of a two storey end of terrace house located on the western side of High Street, Harlington, which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The front garden is laid in hardstanding, with the capacity to accommodate two off street parking spaces. To the rear, access is available for cars and pedestrians.

1.2 Proposed Scheme

The application seeks planning permission for the conversion of an existing detached outbuilding, located to the rear of the garden, to be used as an annex.

1.3 Relevant Planning History

5944/APP/2019/448 332 High Street Harlington

Change of use from garage to annexe

Decision Date: 13-08-2019 NFA

Comment on Planning History

No history.

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

14 neighbouring properties were consulted by letter dated 19.11.19 and a site notice was displayed to the front which expired on 17.12.19.

By the end of the consultation period one comment was received, with following concerns:

1. Extensive works being carried out in 2018, enlarging both the footprint and height of the outbuilding.
2. Installation of velux lights.

3. Installation of double glazed windows and boiler system.
4. Concerns regarding the safety of this system.

Planning officer: Material planning concerns raised above will be discussed in the main body of this report. However, when checking historical GIS maps, it appears that the footprint of the outbuilding has remained the same.

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:

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.
DMHB 11	Design of New Development
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
LPP 3.5	(2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

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.

The existing outbuilding, positioned at the end of the property, and at a footprint of 36.9 square metres and height of 3 m. Given the large size of the garden, and the fact that this development has existed for many years, it is not considered that the development would appear an unsightly outbuilding and is not considered to compete with the existing dwelling, appearing as a subordinate structure contained within the rear garden.

Section 9 of the HDAS Residential Extensions Guidance, states: Outbuildings cannot be used as a separate business unit or as a self contained residential unit, as these could lead to a number of privacy, overlooking, noise and disturbance problems. If it is intended

to use the outbuilding for any of these uses, the proposal will be refused planning permission.

Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) states that a building within the curtilage of the dwellinghouse will be permitted if it is required for a purpose incidental to the enjoyment of the dwellinghouse. Similarly the HDAS - Residential Extensions indicates that such buildings will only be granted permission if 'The outbuilding must only be used for normal domestic uses related to the residential use of the main house'.

Policy DMHD 2 of the Alterations and Extensions to Residential Dwellings of the London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019) pertains to outbuildings and states:

The Council will require residential outbuildings to meet the following criteria:

- i) the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;
- ii) the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;
- iii) the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and
- iv) primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

It is noted that the applicant confirmed on site visit that this proposal is not for a dwellinghouse, but ancillary accommodation for family members. However, given its internal facilities to include: a bedroom, bathroom and living room with potential access from the rear in the future the proposed outbuilding as an annexe is one which is considered to be 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. The applicant confirmed that a door to the rear existed but has been bricked off due to a burglary. However, there is no planning condition that can be established to ensure this door is not erected for private access to the annex. Its use for residential purposes would lead to impacts on adjacent neighbouring properties, including that of the host dwelling, by way of loss of privacy and in particular relating to the use of the garden. The proposal is therefore contrary to Policies BE19, 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.

The dwelling retains sufficient off street parking spaces for the existing property.

Despite the size of the proposed outbuilding, sufficient space is retained to comply with the Council's guidelines in terms of private amenity space.

The desire to deal with the personal needs of other family members, and the support for the proposal is noted. However, the building proposed is a substantial structure which would be likely to have a substantial lifespan. The length of time such needs exist is likely to be much less than the lifespan of the building, which would then raise an issue about what happens if those needs end well before the lifespan of the building. In some cases those issues can be dealt with by a proposal for the annex being in a form where it is physically attached to the host property, which may assist care arrangements, and where if the personal needs come to an end that alternative incidental use can be made of the

structure without a further unit of accommodation having been created. In this case the building is sited some distance from the main building and thus this is not possible.

The application is, therefore, recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed outbuilding by virtue of its size, scale, layout and the potential of an independent access, would be tantamount to the creation of a self contained separate dwelling, where such a dwelling would not be acceptable due to its impact on the character and appearance of the host dwelling and the wider locality, the need for additional parking and amenity space and issues relating to impact on the existing and adjoining dwellings. Therefore the proposal would be contrary to Policies AM14, BE13, BE15, BE19, BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMHD 2 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) 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.

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:

AM7	Consideration of traffic generated by proposed developments.
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