

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	277 KINGSHILL AVENUE HAYES	
Development:	Part two storey, part single storey side and rear extension, front canopy, conversion of roof space to habitable use to include a rear dormer and 2 front rooflights and outbuilding to rear for use as storage	
LBH Ref Nos:	7175/APP/2019/3606	
Drawing Nos:	277KINGSHILL/2016/BREGS/9 Rev. A (Pre-Existing Floor Plans) 277KINGSHILL/2016/BREGS/10 Rev. A (Pre-Existing Block Plans) 277KINGSHILL/2016/BREGS/2 Rev. A (Pre-Existing Front Elevation) 277KINGSHILL/2016/BREGS/3 Rev. A (Pre-Existing Side Elevation) 277KINGSHILL/2016/BREGS/4 Rev. A (Pre-Existing Side Elevation) 277KINGSHILL/2016/BREGS/2 Rev. A (Pre-Existing Rear Elevation) 277KINGSHILL/2016/BREGS/10 Rev. A (Existing and Proposed Block Plans) 277KINGSHILL/2016/BREGS/6/2 Rev. B (As Built Ground Floor Plan) 277KINGSHILL/2016/BREGS/5/2 Rev. A (As Built First Floor Plan) 277KINGSHILL/2016/BREGS/3 Rev. A (As Built Side Elevation) 277KINGSHILL/2016/BREGS/2 Rev. A (As Built Rear Elevation) 277KINGSHILL/2016/BREGS/9 Rev. A (Proposed Outbuilding Floor Plan) 277KINGSHILL/2016/BREGS/8 Rev. A (Proposed Outbuilding Front and Rear Elevations) Location Plan (1:1250) 277KINGSHILL/2016/BREGS/8 Rev. A (Proposed Outbuilding Side Elevations) 277KINGSHILL/2016/BREGS/17 (Pre-Existing Floor Plans) 277KINGSHILL/2016/BREGS/2 Rev. A (Proposed Front Elevation) 277KINGSHILL/2016/BREGS/21 Rev. A (As Built Front Elevation)	
Date Plans Received:	04/11/2019	Date(s) of Amendment(s):
Date Application Valid:	25/11/2019	

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises a two storey semi-detached house located on a prominent corner plot on the Southern side of Kingshill Avenue with Dale Drive to the East. The property is constructed of red brick and has been previously extended by way of a loft conversion including a hip to gable extension, rear dormer and front rooflights. The property has recently been significantly extended not in accordance with the approved plans. The area lies within the Developed Area as identified within the Hillingdon Local Plan Part Two - Development Management Policies with Modifications (March 2019). The principal elevation of the property faces North West.

1.2 Proposed Scheme

The application seeks retrospective planning permission for the erection of a part two storey, part single storey side and rear extension, front canopy, conversion of roof space to habitable use to include a rear dormer and 2 front rooflights and outbuilding to rear for

use as storage.

1.3 Relevant Planning History

7175/APP/2014/4179 277 Kingshill Avenue Hayes

Part two storey, part single storey rear/side extension

Decision Date: 19-02-2015 Refused

7175/APP/2016/4210 277 Kingshill Avenue Hayes

Part two storey, part single storey side/rear extension and porch to front

Decision Date: 16-01-2017 Refused

7175/APP/2017/387 277 Kingshill Avenue Hayes

Part two storey, part single storey side/rear extension and porch to front

Decision Date: 29-03-2017 Approved

7175/APP/2018/996 277 Kingshill Avenue Hayes

Conversion of roof space to habitable use to include a rear dormer and 2 front rooflights
(Application for a Certificate of Lawful Development for a Proposed Development).

Decision Date: 25-04-2018 Approved

Comment on Planning History

The relevant planning history is listed above. It is noted that the loft conversion works have been carried out. Dated photographs confirm that the loft conversion works were carried out in combination with the side and rear extensions. The extensions approved have not been built in accordance with the approved plans and this application seeks to regularise the situation. The differences between the approved and as built plans are as follows:

1. The height of the side extension is 3.6m (3.4m as approved)
2. The height of the roof of the 3.6m rear extension is 3.7m (3.4m as approved)
3. The width and height of the porch is slightly larger and includes a front canopy across the width of the dwelling
4. A detached outbuilding has been built in the rear garden which exceeds 2.5m in height and therefore requires planning permission.

The entire development is considered unauthorized given that the certificate of lawful development is considered invalid given that the works were carried out in combination with the side/rear extensions and the total volume to the roof exceeds the 50 cubic metre limit.

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

12 neighbouring properties were consulted by letter dated 27.11.19 and a site notice was displayed to the front of the site which expired on 29.12.19. A second consultation was carried out to reflect the amended description of development on 24 January 2020.

By the close of the consultation period, no responses had been 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:

DMHB 11 Design of New Development

DMHD 1 Alterations and Extensions to Residential Dwellings

DMHD 2 Outbuildings

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the impact upon the streetscene and locality the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision. The application will assess the differences between the as built position and the fall-back approved scheme.

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also required that there is no unacceptable loss of outlook to neighbouring occupiers. With regard to rear extensions Policy DMHD1 states:

- i) 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;
- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;

The single storey rear extension alongside the boundary with adjoining Number 279 Kingshill Avenue has been built 0.3m higher than approved. Number 279 has been

extended to the rear alongside the boundary and it is considered that the additional height would not result in an unacceptable loss of light or outlook to the occupants of this property. It is considered, on balance, that the additional height does not result in a visually incongruous form of development.

With regard to side extensions, Policy DMHD1 states:

- i) side extensions should not exceed half the width of the original property;
- ii) extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded;
- iii) garages should reflect the size guidelines set out in Appendix C Parking standards; iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary or in the case of properties in the Copse Wood and Gatehill Estates, at least 1.5 metres, but more if on a wider than average plot, in order to maintain adequate visual separation and views between houses;
- v) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation;
- vi) where hip to gable roof extensions exist, a two storey side extension will not be supported; and vii) in Conservation Areas, single storey side extensions may be required to be set back.

The side extension exceeds half the width of the original dwelling and does not comply with the adopted planning policy. However consideration is given to the fall back position of the extant scheme which was approved in the previous policy context of the HDAS guidance which allowed for a side extension not exceeding two thirds the width of the original dwelling. The overall width of the side extension, in this instance is therefore considered acceptable.

The single storey side extension which forms part of the part two storey, part single storey side extension is set 0.55m off the boundary with Dale Drive has been built 0.2m higher than approved. It is however considered, on balance, that the additional harm caused by this modest increase in height, does not justify a refusal of planning permission in this instance.

The as built position includes a slightly larger porch which is attached to a front canopy across the entire frontage of the host building. Policy DMHD 1 states with regard to front extensions that:

- i) alterations and extensions to the front of a house must be minor and not alter the overall appearance of the house or dominate the character of the street. Front extensions extending across the entire frontage will be refused;
- ii) porches should be subordinate in scale and individually designed to respect the character and features of the original building; pastiche features will not be supported; and
- iii) notwithstanding the above, at least 25% of the front garden must be retained.

The proposed porch and front canopy constitutes a considerable change to the character and appearance of the existing property, which fails to be subordinate to the original property. This results in an unbalanced appearance between the other dwellings in wider area and impacts unduly on the character and appearance of the area in general. As such, the proposed front canopy and porch by reason of its size, scale, design and bulk results in an incongruous addition which is damaging to the architectural composition of the property and the visual amenities of the street scene and surrounding area. Therefore, the development is considered unacceptable as it fails to comply with the requirements of Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policy and policies DMHB11

and DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Given that the loft conversion works which were originally approved under a certificate of lawful development, were carried out simultaneously with the side/rear extension, the certificate of lawful development is invalidated and planning permission is required for the loft conversion works to include the hip to gable extension, rear dormer and front rooflights.

With regard to loft conversions, Policy DMHD1 states:

- i) roof extensions should be located on the rear elevation only, be subservient to the scale of the existing roof and should not exceed more than two thirds the average width of the original roof. They should be located below the ridge tiles of the existing roof and retain a substantial element of the original roof slope above the eaves line;
- ii) the Council will not support poorly designed or over-large roof extensions including proposals to convert an existing hipped roof to a gable;
- iii) raising of a main roof above the existing ridgeline of a house will generally not be supported;
- iv) all roof extensions should employ appropriate external materials and architectural details to match the existing dwelling; and v) in Conservation Areas, Areas of Special Local Character and on Listed and Locally Listed Buildings, roof extensions should take the form of traditional 'dormer' windows, on the rear elevation, to harmonise with the existing building. The highest point of the dormer should be kept well within the back roof slope, away from the ridge, eaves or valleys, whilst each window should match the proportions, size and glazing pattern of the first floor windows.

The proposed loft conversion fails to comply with the requirements of Policy DMHD 1. The roof alteration/extensions, by reason of their size, scale, bulk, and design fails to harmonise with the architectural composition of the original dwelling, and is 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) and policies DHMB11 and DMHD1 of the Hillingdon Local Plan - Development Management Policies (2020).

The application also seeks retrospective planning permission for the outbuilding to the rear. The outbuilding which has a footprint of 28.29m and is shown to be used for storage with a shower room, is set at least 0.5m off the site boundaries.

Policy DMHD 2 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.

The outbuilding is considered to represent a structure that appears as a subordinate addition to the main house and of a scale that would be appropriate as a minor

accompaniment. Furthermore, it is not considered to represent an unneighbourly form of development. Subject to appropriate conditions to ensure that this building remains in incidental use, the outbuilding is considered acceptable.

In terms of the garden area the development would fulfill the emerging policies Part 2 Policy DMHD1 appendix A, Part A) vi), which states that for Alterations and extensions to residential dwellings; adequate garden space is retained.

The parking provision would remain unaffected by the proposal.

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.

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed front canopy and porch by reason of its size, scale, bulk, width and design results in an incongruous addition which fails to harmonise with the architectural composition of the original dwelling and is detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

2 NON2 Non Standard reason for refusal

The roof alteration/extensions, by reason of the size, scale, bulk, and design of the rear dormer window fails to harmonise with the architectural composition of the original semi-detached dwelling, is detrimental to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part and to the visual amenities of the street scene and the surrounding area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

INFORMATIVES

- 1** 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.

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:

DMHB 11 Design of New Development
DMHD 1 Alterations and Extensions to Residential Dwellings
DMHD 2 Outbuildings
DMT 6 Vehicle Parking
LPP 3.5 (2016) Quality and design of housing developments

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