

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 26 COPTHALL ROAD EAST ICKENHAM

Development: Single storey garage to front (Part retrospective)

Appellant Comments ("AC"): Retrospective is not a term of development. A more accurate and complete description of the development as a whole would be "demolition of the existing timber garage and its replacement by erection of a brick/block garage."

LBH Ref Nos: 10265/APP/2020/3063

Drawing Nos: L.02
L.01

Date Plans Received: 28/09/2020

Date(s) of Amendment(s):

Date Application Valid: 06/10/2020

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a two storey semi-detached dwelling situated on the south western side of Copthall Road East at its junction with Bushey Road. The property has a rendered finish set beneath a tiled roof. The property benefited from a single storey detached garage to the front of the site. The remainder of the front garden comprises a driveway, providing 1 parking space. There is an enclosed landscaped garden to the rear.

AC: The LPA tacitly acknowledges the pre-existence of detached single storey garage to the front of the site. This was not visible in the public realm/street scene as it was concealed/camouflaged behind a high privet hedge. Within the area and neighbourhood, this forward location outbuilding at this site forms a unique part of the character and it is that uniqueness that the Appellant has sought to replace and retain.

The area is residential in character and appearance mainly comprising semi detached properties.

1.2 Proposed Scheme

The current application seeks planning permission for a single storey garage to front (Part Retrospective). The previously existing garage has been demolished and a much larger structure has been substantially built. The high privet hedge has been removed along the site boundary.

AC: The pre-existing garage has been demolished as it was dilapidated and structurally unsound. The Appellant obtained confirmation from building control department that no notification to building control was necessary. The existing replacement garage is partly built at a height of 2.1m from the highest ground level and there's a *de minimis* increment in footprint from the pre-existing timber garage. The proposal includes re-instatement of the high privet hedge to attain the status quo ante in terms of non-visibility of the replacement structure from the public realm and street scene through screening/camouflaging to reduce its prominence.

1.3 Relevant Planning History

Comment on Planning History

This application is the result of an ongoing Planning Enforcement investigation reference ENF/480/20 in regard to a structure being constructed to the front of the property.

Other site history

10265/C/95/1281 - Erection of a first floor side extension - Approved 30/11/1995

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

6 neighbouring properties and the local residents association were consulted by letter dated 7/10/2020. The consultation period expired on 28/10/2020.

Seven written representations have been received objecting to the proposal summarised as follows: -

Detrimental to the visual amenity
Out of character with the surrounding area
Detrimental to residential amenity
Overall scale and bulk
Prominence on the street scene
Highly visible on this corner plot
Loss of outlook

Officer response - The concerns raised above will be addressed in the 'Main Planning Issues' section of this report

4. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHD 2 Outbuildings

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main 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 surrounding area, the impact on the residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

AC: In making that assessment it is also imperative to note the pre-existing garage building also formed part of the dwelling and was located in the front curtilage of the dwellinghouse; thus it formed part of the character and appearance of the area. Also of note is the angular street positioning of the dwellinghouse in relation to its neighbours and the separation distances in order to assess what is the differential impact on character and appearance and neighbouring amenity resulting from the replacement building and whether that supplementary differential impact by virtue of a *de minimis* increase in size and area is such that it causes significant harm in the overall planning balance. The Appellant avers that it does not once the privet hedge and fencing has been re-instated.

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 2 - Development Management Policies (January 2020) states that: A) All development, including extensions, alterations and new buildings, will be required to be designed to the highest standards and, incorporate

principles of good design including: i) harmonising with the local context; ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

Policy DMHD 2 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020) 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; **AC: The 2.1m high building is of a high design compared to the pre-existing building and is further away radially to compromise neighbouring amenity**
- 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; **AC: Notwithstanding a slight increment in footprint, the building is proportionate to the footprint of the front garden and overall size of curtilage of the dwellinghouse.**
- 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; **AC: It is** and
- iv) primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted. **AC: It is not intended for such**

The detached garage is located forward of the existing building. It would essentially comprise a front extension leaving a small gap of approximately 2m between the front elevation of the host dwelling and proposed garage wall. The structure is to be used as a garage, measuring 6 m in depth and between 6 m and 4 m in width. The maximum height of the garage is between 2.2 m and 2.7 m high, with a flat roof. The development is not considered to respect the character of the area especially on this prominent corner plot, and would result in an addition that would create a precedent in the locality.

AC: The pre-existing detached garage was in a similar position and also located forward of the existing building. It is not a front extension as it is not attached and given the sufficient 2m gap. The internal useable area is less than 20sqm (less than the 30sqm under DMHD 2) and the height taken from the highest point of ground level is only 2.1m. The development is a replacement of a structure that was part of the character of the area and the new garage in modern materials continues to respect that uniqueness element as part of the area's character. The corner plot setting and lay of the land/curtilage allowed the original garage to be located at the front contributing to character and it is irrational and perverse to suggest that its replacement will now be harmful to character of the area. Moreover, the issue of precedence for others does not arise because a) the pre-existing garage was already a precedent that didn't result in other similar forward garages being built in the area and b) each proposal is site specific with its own supporting features (such as the privet hedge along the front boundary here) and ought to be considered on its own individual merits in the overall planning balance and c) the LPA has control to prevent harmful development on a case by case basis.

The precedent set would mean other dwellings in this area carry out similar developments, resulting in the loss of front garden spaces, incongruous additions to the street scene and in this particular case loss of the general openness of the area. As such, it is not considered a subordinate or ancillary development. As such, it is considered that the development is in contrary to Policy DMHD 2, and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

AC: On this logic, the precedent was already there with the presence of the now demolished timber garage but it didn't to date "result in other dwellings carrying out similar developments in their front garden spaces." The issue of setting a precedent is a red herring because the new structure is in principle a replacement of what already existed whereas other dwellings, if indeed they were to introduce similar, would be doing so from

a different starting point, not having had a pre-existing front outbuilding; that is unique for the site and hence a material consideration in the instant case that ought to be taken into account.

The development would not result in a loss of parking space, but will simply formalise the existing space.

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed garage, by reason of its siting in this open prominent position, size, scale, bulk and height would result in an incongruous addition and would thus be detrimental to the visual amenities of the street scene and the character and appearance of the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

INFORMATIVES

- 1** On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

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
DMHB 12 Streets and Public Realm
DMHD 2 Outbuildings
DMT 6 Vehicle Parking
LPP 3.5 (2016) Quality and design of housing developments

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