

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

**FULL STATEMENT OF CASE IN SUPPORT OF
SECTION 78 APPEAL**

Part two storey, part single storey side and rear extension and
porch to front involving demolition of existing extension

On Behalf of Dr Mustfa Ghulam

41 LANNOCK ROAD, HAYES, UB3 2NG

Our ref: YM/Mustafa/1020/gm
LPA ref: 40857/APP/2020/1915

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Members of the Royal Town Planning Institute
Registered in England 7911049 at 32 Woodstock Grove, Shepherd's Bush, London W12 8LE

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APPENDICES

- 1) Application Ref: (40857/APP/2020/2689) Approved Plans
26/10/2020

1 SITE AND SURROUNDINGS

- 1.1 The appeal site comprises a two storey semi-detached house located on the southern side of Lannock Road to the east of the Lake Farm Park Academy. The property has been previously extended by way of a single storey front/side extension. An extract from the site location map is shown in Figure 1.



Figure 1: Site location

- 1.2 The immediate surrounding area is predominantly residential in character. The residential properties along Lannock Road have been extended over the years.

- 1.3 The site is not located in a conservation area and the property is not listed.

2 RELEVANT PLANNING HISTORY

- 2.1 The appeal site had planning approvals for Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension Planning ref: 40857/APP/2020/2689 on 26/10/2020; and single storey side extension Planning ref: 40857/87/1931 on 10/11/1987.
- 2.2 On 21/08/2020, planning application for Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension was refused (reference 40857/APP/2020/1915). The refusal was principally based on visual character issues and impacts on neighbours' living conditions. An extract of front elevation of the proposal is shown in Figure 2 below.

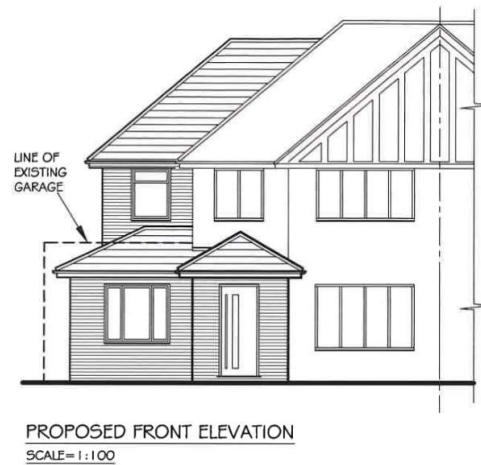


Figure 2: Front elevation of two-storey side extension proposal - Refused 21/08/2020

- 2.3 The appellant subsequently had planning approval for the proposal of Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension (see Figure 3). However, this current planning application (reference 40857/APP/2020/1915) which was refused on 21/08/2020 - see figure 2 - has the same designed front porch as the approved planning application (reference 40857/APP/2020/2689).
- 2.4 The application which was refused in 21/08/2020 (reference 40857/APP/2020/1915 see figure 2 is the subject of this current appeal.



Figure 3: Front elevation of single-storey side extension proposal – Approved 26/10/2020

- 2.5 The reasons for refusal (reference 40857/APP/2020/1915) as stated within the Decision Notice are:

"The proposed front porch/extension in combination with the side extension, by reason of the size, scale, bulk, width and design would appear as an overly dominant and incongruous form of development which would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the

character, appearance and symmetry of the pair of semi-detached houses and to the 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 DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)."

3 APPEAL PROPOSAL

- 3.1 Single Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension.

4 PLANNING POLICY

- 4.1 MHCLG's National Planning Policy Framework (2019)
- 4.2 GLA's London Plan (2016)
- 4.3 GLA's New London Plan (Emerging)
- 4.4 LBH's Local Plan: Part 1 – Strategic Policies (2012)
- 4.5 LBH's Local Plan: Part 2 – Development Management Policies (2020)

5 AMPLIFICATION OF THE APPELLANT'S GROUNDS OF APPEAL

- 5.1 The LPA refused the appeal proposal due to the visual impacts on the character and appearance of the area. As such, the remainder of the statement focusses on this main issue. The LPA does not raise any other objections and no third party representations were received by the LPA during the application process.

Character and appearance

- 5.2 Policy BE1 of the Local Plan: Part 1 – Strategic Policies (2012) and Policy DMHB 11 of the Local Plan: Part 2 – Development Management Policies (2020) essentially seek to ensure that new development incorporates high

quality design and architecture to enhance the character and appearance of the built environment.

- 5.3 Policy DMHD 1 of the Local Plan: Part 2 – Development Management Policies (2020) provides further level of detail to manage the design of alterations and extensions to residential dwellings. In particular, in terms of side extensions, the policy says that side extensions should not exceed half the width of the original property. Furthermore, the policy notes that side extensions to corner plots should ensure that the openness of the area is maintained.
- 5.4 The LPA argues that the appeal proposal includes the addition of a porch which would project considerably beyond the front projecting bay of this semi-detached dwelling, which is mirrored by the adjoining dwelling. The porch would be attached to the replacement side extension and when considered cumulatively, fails to appear sympathetic to the architectural integrity of the host dwelling or the symmetry of the pair of semi-detached properties. The LPA says that this would result in an incongruous form of development within the streetscene. The LPA sees the proposal to be harmful to the character and appearance of the area.
- 5.5 The appellant finds the assessment of the porch in the refused application (ref: 40857/APP/2020/1915) to be inconsistent with the judgement in the application that was approved in 26/10/2020 application ref: 40857/APP/ 2020/2689 in that the size of the porch is actually the same in both of them - yet in one it is deemed acceptable and in the other it is not. The LPA states that the porch "fails to appear sympathetic to the architectural integrity of the host dwelling" whereas in the approved application it states the following in relation to the proposed porch and extensions "the proposed extensions are considered subordinate in scale and in keeping with the character and appearance of this property and the streetscene".
- 5.6 The provision of the Policy DMHD 1 restricts all side extensions to less than half the width of the original property. The full width of the original property is 5.5m, whereas the proposed side extension has a width of 2.6m; this is less than half of the size of the original dwelling. The extension would extend further in line with the existing front building line. The proposed side extension falls within the recommended guidelines.

- 5.7 The LPA continues to state that “the porch would be attached to the replacement side extension and when considered cumulatively, fails to appear sympathetic to the architectural integrity of the host dwelling or the symmetry of the pair of semi-detached properties. As such the proposal would result in an incongruous form of development within the streetscene”
- 5.8 Paragraph 126 of the National Planning Policy Framework does encourage LPAs to use design guides and design codes to achieve high quality standard of design. However, it goes on to state that:
- “...level of detail and degree of prescription should be tailored to the circumstances in each place, and should **allow a suitable degree of variety** where this would be justified.” [Emphasis added]*
- 5.9 Our position on statement 5.7 is that, not only is the width of the proposed side extension in accordance with policy, additionally there are other material considerations which further indicate the proposed side extension to be well designed and thus acceptable and in accordance to council policies.
- 5.10 The proposed side extension would be modest single storey in height with a pitched roof of maximum height of 3.5m and eaves height of 2.5m. Such height is wholly reasonable and human in scale; and is often expected of a single storey extension. Indeed, the neighbouring property no. 39 is positioned in a way to avoid any potential over-dominance. In this context, the extension would not result in a visually incongruous or dominant structure.
- 5.11 Moreover, the proposed single-storey side extension would be seen against the backdrop of the host dwelling which is double-storey. The host dwelling would therefore remain the principal structure and the proposed extension would appear as a clearly subordinate addition to the dwelling. The proposed set in from the front at first floor level and rear elevations would further ensure that the side extension appears as an obvious extension structure that is proportionate and subservient to the host dwelling.

- 5.12 The fenestration details and finish materials would match the existing property, and as such the extension would visually blend with the host dwelling. In this context, the proposed extension would harmonise with the architectural composition of the host dwelling.
- 5.13 Whilst the appeal proposal is acceptable on its own merits, there are comparable developments such as No 80 Lannock Road (see Figure 5) that clearly demonstrate the acceptability of modest side extensions in prominent locations.



Figure 5: Front elevation of No. 80

- 5.14 In summary, there are material considerations which would indicate that the proposed development would be wholly acceptable in design terms. Ultimately, the development would not be harmful to the character and appearance of the surrounding area.
- 5.15 The appeal proposal would thus be consistent with the intentions of the LPA's Development Plan which is to ensure that new development incorporates high quality design and architecture to enhance the character and appearance of the built environment.

Additional considerations

- 5.16 The appellant has already gained permission for the front porch and two storey side extension. The appellant would extend the side extension to be in line with the existing front building line. The design of the roof of the side extension and height is in accordance with Hillingdon's policy DMHD 1.
- 5.17 The Inspector is requested to give significant weight to the approved application (ref: 40857/APP/2020/2689) and inconsistency of LPA assessment of the refused application ref: 40857/APP/2020/1915); as well as the design compliance of the proposed side extension with LPA policies.

6 CONCLUSION

- 6.1 The appeal proposal is well designed and it would not be harmful to the character and appearance of the surrounding area.
- 6.2 The appellant has had permission for the front porch and two storey side extension. The addition of the side extension extending forward in line with the front of the existing house is in accordance with the Planning Policies of Hillingdon. The proposal would not appear as an overly dominant and incongruous form of development, as the design is sympathetic to the original dwelling and as such would appear as a subordinate extension.
- 6.3 The appeal proposal would be consistent with the general intentions of the LPA's Development Plan, which is to ensure that new development incorporates high quality design and architecture to enhance the character and appearance of the built environment.
- 6.4 The Inspector is respectfully requested to allow the appeal and grant planning permission for the proposed development at the appeal site.

APPENDIX 1

Application Ref: (40857/APP/2020/2689) Approved Plans

Mr Korban Ali
141 Langley Road
Slough
SL3 7DZ

Application Ref: 40857/APP/2020/2689

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **GRANTS** permission for the following:-

Description of development:

Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension (Resubmission)

Location of development: 41 Lannock Road, Hayes

Date of application: 07 September 2020

Plan Numbers: See attached Schedule of plans

Permission is subject to the condition(s) listed on the attached schedule:-



Head of Planning, Transportation and Regeneration

Date: 26 October 2020

- NOTES:
- (i) Please also see the informatives included in the Schedule of Conditions.
 - (ii) Should you wish to appeal against any of the conditions please read the attached sheet which explains the procedure.
 - (iii) This decision does not convey any approval or consent which may be required under any by-laws, building regulations or under any Act other than the Town and Country Planning Act 1990 (as amended).

GRANT OF PLANNING PERMISSION

Application Ref: 40857/APP/2020/2689

SCHEDULE OF CONDITIONS

- 1 · The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 · The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing Nos. 1765/2B and 1765/3C.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2016).

- 3 · The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

- 4 · Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved without the prior approval of the Local Planning Authority.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

- 5 · The first floor side window facing No. 39 Lannock Road shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

SCHEDULE OF CONDITIONS

- 6 . Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with policy policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

INFORMATIVES:

- 1 . The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

- 2 . 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.

SCHEDULE OF CONDITIONS**Standard Informatives**

- 1 The decision to GRANT 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 GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) 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 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments
- 3 You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
- 4 You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control that is considered to cause harm to local amenity.
- 5 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Resident Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).
- 6 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your

SCHEDULE OF CONDITIONS

neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).

- 7 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception, Civic Centre, Uxbridge, UB8 1UW.
- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- 9 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -
 - A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.
 - B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
 - C) The elimination of the release of dust or odours that could create a public health nuisance.
 - D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours

SCHEDULE OF CONDITIONS

set out in (A) above, and by means that would minimise disturbance to adjoining premises.

- 10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.
- 11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- 12 You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

GRANT OF PLANNING PERMISSION

Application Ref.No.: 40857/APP/2020/2689

SCHEDULE OF PLANS

1765/4 - received 25 Aug 2020
1765/2B - received 25 Aug 2020
1765/1B - received 25 Aug 2020
1765/3C - received 07 Sep 2020

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

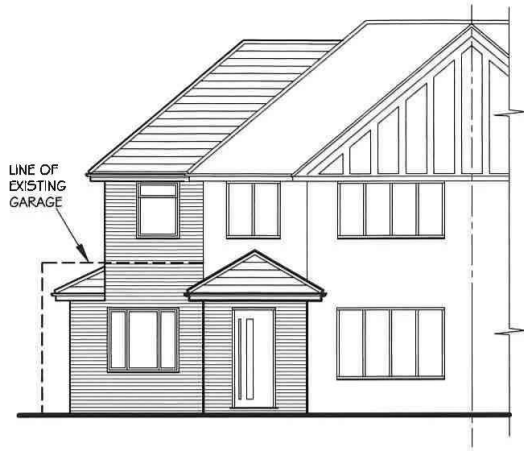
Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice
- Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

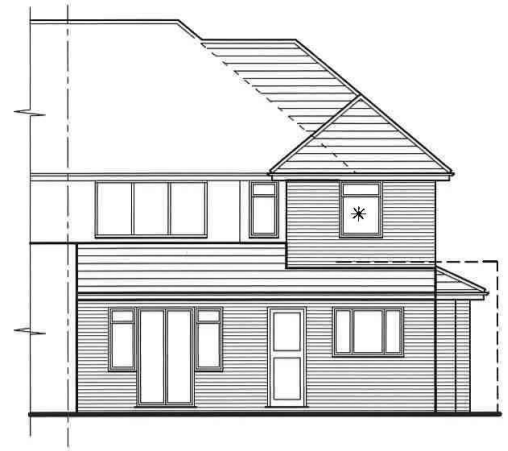
Purchase Notices.

- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

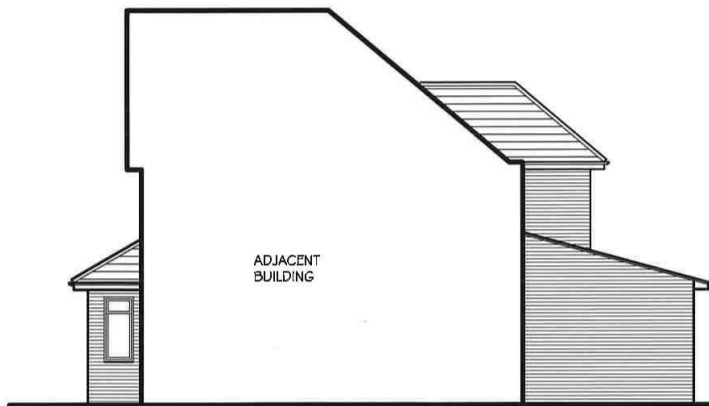
In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



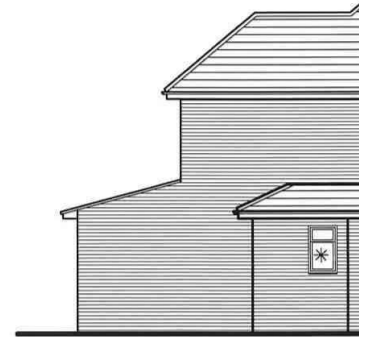
PROPOSED FRONT ELEVATION
SCALE= 1:100



PROPOSED REAR ELEVATION
SCALE= 1:100



PROPOSED SIDE ELEVATION
SCALE= 1:100

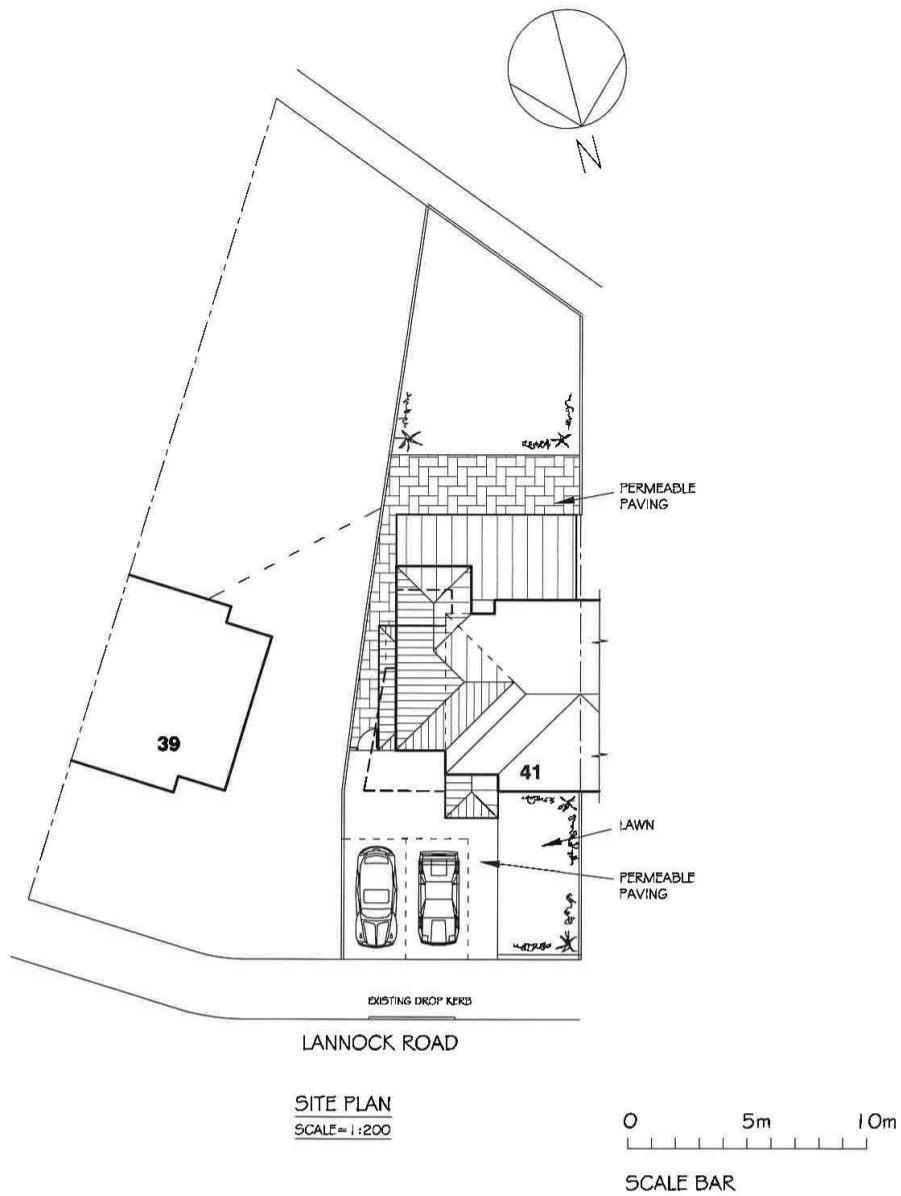


PROPOSED SIDE ELEVATION
SCALE= 1:100



SCALE BAR

Job	41 Lannock R
Client	Dr Ghulam Mustaf
Drawing	Proposed Elevation
Date	March 2020



SITE PLAN
SCALE = 1:200

0 5m 10m
SCALE BAR

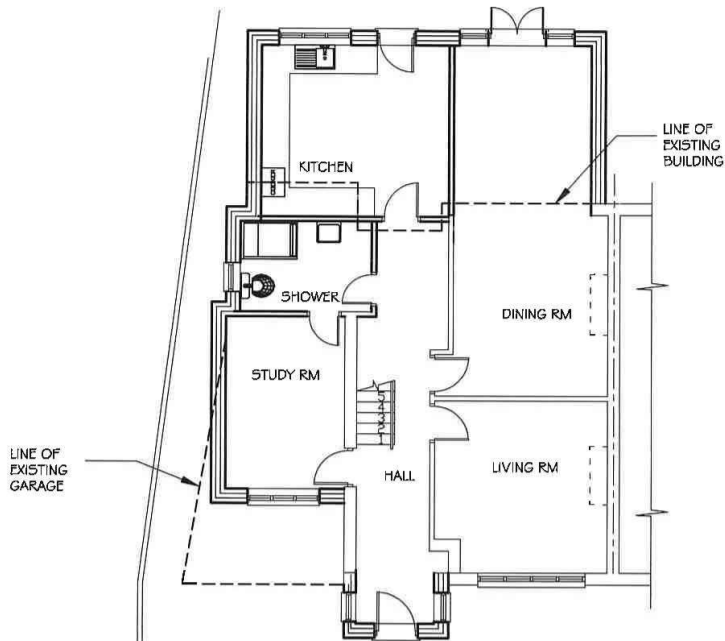
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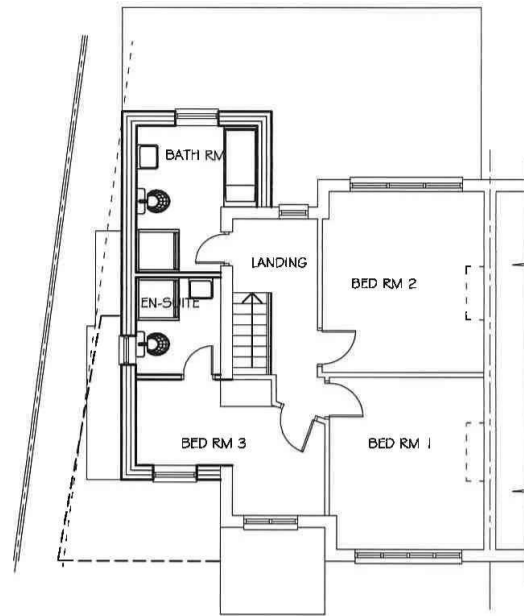
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LOCATION F
SCALE = 1:1250

Job	41 Lannock R Side and Rear
Client	Dr Ghulam Mustaf
Drawn by	Site and Location P
Date	March 2020



PROPOSED GROUND FLOOR PLAN
SCALE= 1:100



PROPOSED FIRST FLOOR PLAN
SCALE= 1:100

Job	41 Lannock R Side and Rea
Client	Dr Ghulam Musta
Drawing	Proposed Plans
Date	March 2020

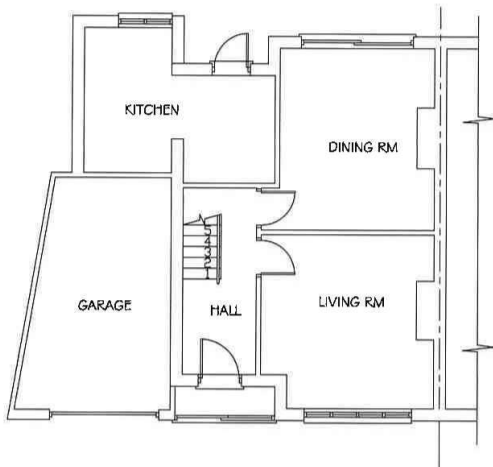


EXISTING FRONT ELEVATION
SCALE= 1:100

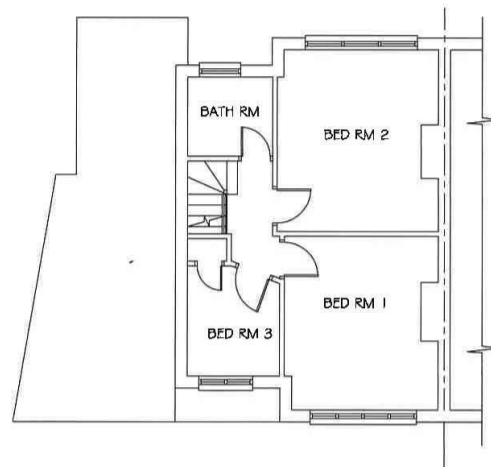


EXISTING REAR ELEVATION
SCALE= 1:100

EXISTING SIDE EL
SCALE= 1:100



EXISTING GROUND FLOOR PLAN
SCALE= 1:100



EXISTING FIRST FLOOR PLAN
SCALE= 1:100

Job	41 Lannock R Side and Rear
Client	Dr Ghulam Mustaf
Drawing	Existing Plans and I
Date	March 2020

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 41 LANNOCK ROAD HAYES

Development: Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension (Resubmission)

LBH Ref Nos: **40857/APP/2020/2689**

Drawing Nos: 1765/4
1765/2B
1765/1B
1765/3C

Date Plans Received: 25/08/2020 **Date(s) of Amendment(s):**

Date Application Valid: 07/09/2020

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises a two storey semi-detached house located on the southern side of Lannock Road to the east of the Lake Farm Park Academy. The property has been previously extended by way of a single storey front/side extension. The adjoining property at number 45 has a similar front/side extension.

1.2 Proposed Scheme

The application seeks planning permission for the erection of a part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension (Resubmission)

1.3 Relevant Planning History

40857/87/1931 41 Lannock Road Hayes
Erection of a single storey side extension

Decision Date: 10-11-1987 Approved

40857/APP/2020/1915 41 Lannock Road Hayes

Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension

Decision Date: 21-08-2020 Refused

Comment on Planning History

40857/APP/2020/1915 - Part two storey, part single storey side and rear extension and porch to front involving demolition of existing extension was recently refused for the following reason:-

1. The proposed front porch/extension in combination with the side extension, by reason of the size, scale, bulk, width and design would appear as an overly dominant and incongruous form of development which would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character, appearance and symmetry of the pair of semi-detached houses and to the 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 DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

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

4 neighbouring properties were consulted by letter dated 9.9.20

1 letter of objection has been received from the occupants of 43 Lannock Road raising concerns about loss of light to the lounge at the rear.

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 1 Alterations and Extensions to Residential Dwellings

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 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 DMHD 1 requires:

- 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;
- iv) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet; v) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
- vi) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres;
- vii) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
- viii) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported; and
- ix) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

With regard to side extensions Policy DMHD 1 requires:

- 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 proposal would involve the replacement of the existing single storey side extension and its replacement with the part two storey, part single storey side extension. The proposed extension to the side would be set back by the required 1m from the front elevation. The proposed side extension would not exceed half the width of the original dwelling and would appear as a subordinate extension. The dimensions of the rear extension are fully compliant with the policy requirements set out above. As such the proposed extensions are considered subordinate in scale and in keeping with the character and appearance of this property and the streetscene.

The proposal also includes a replacement porch and front extension. Policy DMHD 1

requires:

- 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 proposal includes the addition of a porch which would respect the architectural integrity of the host dwelling. It differs from that previously refused in that it is now not linked to the side extension and will appear similar to other porches in the nearby vicinity.

The proposals are not considered to result in an unacceptable loss of light or outlook to occupants of the adjoining and adjacent properties. A condition to ensure retention of the obscure glazing and to ensure no additional windows would protect neighbours from any loss of privacy.

In terms of the garden area the development would fulfil 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.

The application is considered to have addressed the previous reason for refusal and is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing Nos. 1765/2B and 1765/3C.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2016).

3 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing

building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved without the prior approval of the Local Planning Authority.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5 HO6 Obscure Glazing

The first floor side window facing No. 39 Lannock Road shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6 HO7 No roof gardens

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

INFORMATIVES

- 1** The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

- 2** 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

Standard Informatives

- 1 The decision to GRANT 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 GRANT 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 1 Alterations and Extensions to Residential Dwellings
DMT 6 Vehicle Parking
LPP 3.5 (2016) Quality and design of housing developments

- 3 You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
- 4 You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control that is considered to cause harm to local amenity.
- 5 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the

Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).

- 6 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
- 7 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning Services Reception Desk, Civic Centre, Uxbridge, UB8 1UW.
- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- 9 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -
- A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.
- B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek

prior

approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

- 10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.
- 11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- 12 You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made

good

to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

Contact Officer: Nicola Taplin

Telephone No: 01895 250230