

## 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 | <input type="checkbox"/> |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds                | <input type="checkbox"/> |
| 3. There is no Committee resolution for the enforcement action                                                   | <input type="checkbox"/> |
| 4. There is no effect on listed buildings or their settings                                                      | <input type="checkbox"/> |
| 5. The site is not in the Green Belt (but see 11 below)                                                          | <input type="checkbox"/> |

### REFUSAL RECOMMENDED: GENERAL

- |                                                                    |                          |
|--------------------------------------------------------------------|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | <input type="checkbox"/> |
| 7. No petition of 20 or more signatures has been received          | <input type="checkbox"/> |
| 8. Application has not been supported independently by a person/s  | <input type="checkbox"/> |
| 9. The site is not in Green Belt (but see 11 below)                | <input type="checkbox"/> |

### RESIDENTIAL DEVELOPMENT

- |                                                                                      |                          |
|--------------------------------------------------------------------------------------|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | <input type="checkbox"/> |
| 11. Householder application in the Green Belt                                        | <input type="checkbox"/> |

### 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 | <input type="checkbox"/> |
| 13. Refusal of change of use from retail class A1 to any other use                                                                   | <input type="checkbox"/> |
| 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.  | <input type="checkbox"/> |

### CERTIFICATE OF LAWFULNESS

- |                                                                 |                          |
|-----------------------------------------------------------------|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | <input type="checkbox"/> |
| 16. Certificate of Lawfulness (for existing use or Development) | <input type="checkbox"/> |
| 17. Certificate of Appropriate Alternative Development          | <input type="checkbox"/> |

### CERTIFICATE OF LAWFULNESS

- |                                                                                                                 |                          |
|-----------------------------------------------------------------------------------------------------------------|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings)                                                                 | <input type="checkbox"/> |
| 19. PRIOR APPROVAL APPLICATION                                                                                  | <input type="checkbox"/> |
| 20. OUT-OF-BOROUGH OBSERVATIONS                                                                                 | <input type="checkbox"/> |
| 21. CIRCULAR 18/84 APPLICATION                                                                                  | <input type="checkbox"/> |
| 22. CORPSEWOOD COVENANT APPLICATION                                                                             | <input type="checkbox"/> |
| 23. APPROVAL OF DETAILS                                                                                         | <input type="checkbox"/> |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | <input type="checkbox"/> |
| 25. WORKS TO TREES                                                                                              | <input type="checkbox"/> |
| 26. OTHER (please specify)                                                                                      | <input type="checkbox"/> |

**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**                      25 OAK AVENUE ICKENHAM

**Development:**              Extension to existing outbuilding for use as equipment storage for continued ancillary use (retrospective)

**LBH Ref Nos:**              **24261/APP/2020/4003**

**Drawing Nos:**              50\_A  
                                       51\_A  
                                       52\_A  
                                       01\_A  
                                       02\_A  
                                       03\_A  
                                       04\_A  
                                       05\_A

**Date Plans Received:**      03/12/2020                      **Date(s) of Amendment(s):**

**Date Application Valid:**    03/12/2020

## **1. CONSIDERATIONS**

### **1.1 Site and Locality**

The application site is located on the south-western side of Oak Avenue and comprises a detached property. The property is set-back from the highway by an area of hardstanding which serves as off-street parking provision. There is an outbuilding at the end of the garden of the application site, which is the subject of this report.

The surrounding area is residential in nature and is predominantly defined by detached family sized dwellings. Numbers 23 and 27 Oak Avenue are located to the south and north of the site, respectively. Number 23 contains an outbuilding at the end of their rear garden. The rear boundary of the site site adjoins the residential garden of numbers 26 and 28 Parkfield Road.

The application site is not designated within a Conservation Area, nor an Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land. The site lies in Flood Zone 1.

### **1.2 Proposed Scheme**

Planning permission is sought to retain the constructed extension to the existing outbuilding at the site. Based on submitted drawings, the constructed extension measures 3.4 metres wide, 6.8 metres deep (including the flat roof element) and 4 metres high. It is noted that the covering letter accompanied with the application states that the "proposal would involve the removal of part of the as-built rear roof and walls to the extension". Notwithstanding this statement, the assessment contained within this report will be based on the drawings that were submitted as part of the application.

### **1.3 Relevant Planning History Comment on Planning History**

The relevant planning history attached to this site is listed above.

It should be noted that there is no planning history attached to the outbuilding (prior to the more recent extension which is the subject of this report). The Covering Letter that was accompanied with the application states that the outbuilding was originally constructed circa 2005. Aerial photographs of the site substantiates this claim. It is therefore considered that the original outbuilding (excluding the more recent constructed extension) is immune from enforcement action through the passage of time. The constructed extension to the existing outbuilding is currently being investigated by the Council's Enforcement Department, hence the submission of this planning application.

## **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**

Four neighbouring properties, two separate Ickenham Residents Associations and Parkfield Road/Oak Avenue Petition Group were consulted on 9th December 2020. The consultation period expired on 1st January 2021. One objection was received and their comments are summarised as follows:

- This is a retrospective planning application;
- The size, scale and bulk of the outbuilding is already bigger than other nearby outbuildings without the extension.
- It is visually obtrusive. Allowing this application would set a precedent and our back gardens could become rows of small houses;
- The current structure consists of an apex aspect to the front of the roof that faces the rear of property of 25 Oak Avenue, and an almost flat roof towards the neighbouring property at the rear, giving it a box shape.
- Currently, the 'gable' end is unsightly and consists of black shingles, brick and grey concrete block.
- An application for a proposed outbuilding at No.31A Oak Avenue was refused by the Council under application number 74132/APP/2018/3274;
- We do not feel it would be fair or equitable for the building 4 households away from 31a Oak Avenue to be permitted to keep a structure of this size.

Officer's response: The concerns raised in regards to design, character and appearance will be addressed in the section below titled 'Main Planning Issues'.

A Ward Councillor would wish this application to go to North Committee if recommended for approval, due to concerns about the harm the development would cause to the character and appearance of the area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions. (Side note: It should be noted that Policies BE13, BE15 and BE19 of the Unitary Development Plan has since been replaced by Policies DMHD 1, DMHD 2, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)).

## **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

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMHD 2 Outbuildings

## **5. MAIN PLANNING ISSUES**

The main planning 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 visual amenities of the street scene, the impact on the amenity of adjoining occupiers, and the provision of acceptable residential amenity.

Character and Appearance:

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) 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.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that alterations and extensions of dwellings should not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling.

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that 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.

As previously mentioned, the surrounding area is residential in character and comprises family sized dwellings with well established rear garden. The rear gardens are quite generous and with the majority of them remaining relatively open, thus making a positive contribution to the suburban character of the area.

The constructed extension has resulted in the outbuilding measuring 12.8 metres wide, 6.8 metres deep and 4 metres high. The total footprint of the outbuilding has been increased to 67 square metres (approximately). The outbuilding, as a result of the constructed extension, is overly large and fails to appear sufficiently subordinate to the main dwelling. Whilst it is noted that the outbuilding is single storey, considered that the subsequent increase to the footprint, size, bulk and massing of the outbuilding has resulted in a form of development that does not sit comfortably within the rear garden plot of the site, which in turns, detracts from the character and appearance of the host dwelling and surrounding setting. It is considered that the single storey scale of the outbuilding would not mitigate this identified harm.

Furthermore, the expansion in the width of the outbuilding, which now effectively spans along the full width of the rear garden (save for a 30 centimetre gap), adds to a sense of cramped development. It is considered that the constructed extension has unacceptably added to the mass and bulk of the outbuilding to such that the extent that the resulting outbuilding is visually akin to a barn, noting in particular its pitched height at 4 metres and timber external finish.

It is therefore considered that the extension to the existing outbuilding has lead to visual detriment and harm to the character and appearance of the application and to the surrounding area. The proposal therefore conflicts with the National Planning Policy Framework (2019), Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, DMHD 1 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

#### Residential Amenity:

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. Paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that "outbuildings should respect neighbouring properties and should not result in the excessive loss of residential amenity, privacy, outlook and overshadowing/sunlight."

The resulting outbuilding (which includes the more recently constructed extension) is separated from the rear elevations of numbers 23 and 27 Oak Avenue by approximately 18 metres. As such, it is considered that the development has not resulted in an unacceptable loss of daylight/sunlight and outlook for these neighbouring properties. It is acknowledged that the constructed extension to the outbuilding has brought its physical form closer towards the mutual boundary shared with number 27 Oak Avenue. However, given the location of the outbuilding and noting its eaves height at 2.4 metres, it is considered, on balance, that the constructed extension has caused serious harm to the private amenity space at number 27, in terms of overshadowing and overbearing impact.

The constructed extension has also resulted in the rear building line of the outbuilding being positioned closer to the mutual boundary shared with the rear gardens of numbers 24 and 26 Parkfield Road. It is noted that the rear element of the constructed extension contains a flat roof with a height of 2.4 metres, which adjoins the pitched roof on the outbuilding which has a maximum ridge height of 4 metres. However, having regard to the overall size and length of the rear gardens at number 24 and 26 Parkfield Road, it is considered that the constructed extension has not caused unacceptable harm upon the residential amenities of these neighbouring occupiers, in terms of daylight/sunlight, outlook and overbearing impact.

The covering letter advises that the outbuilding is being used to store various items of sport equipment associated with the professions of the applicants. It is considered that this use is an incidental use which is connected to the main dwelling house. The submitted drawings shows that the outbuilding does not contain any kitchen or washing facilities. As such, it does not contain the necessary primary facilities for it be used as a self-contained residential unit (Gravesham Borough Council v Secretary of State for the Environment). In the event of an approval, a restrictive condition would be secured to ensure that the outbuilding is not occupied as primary living accommodation or as a separate dwelling in the future. Given the intended use of the outbuilding, which would be secured by condition, it considered that the the development has not resulted in unacceptable noise and disturbance for neighbouring occupiers.

It is considered, on balance, that the resulting outbuilding (including the recently constructed extension) does not have such a significant adverse impact on the residential amenities of neighbouring occupiers to the justify a reasonable ground for refusal on this basis.

#### External Amenity Space Provision:

Over 350 square metres of amenity space of rear garden space has been retained at the site which would be more than sufficient for this family sized dwelling. The extension to the existing outbuilding has therefore not undermine the external amenity space provision at the site, in compliance with Policies DMHD 1 and DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020), in this respect.

#### Parking and Highway Safety:

The extension to the existing outbuilding has not affected the current off-street car parking provision to the front of the main dwelling. In the event of an approval, a condition would be secured to ensure that the outbuilding is not used for the purposes of residential accommodation. On this basis, it is considered that development has not (or would not in the future) significantly increase the pressure for street parking or prejudice highway safety, in compliance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

#### Conclusion:

The extension to the existing outbuilding has a harmful impact on the character and appearance of the host dwelling and the surrounding area. The proposal therefore conflicts with National Planning Policy Framework (2019), Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, DMHD 1 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

## 6. **RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The constructed extension to the existing outbuilding, by virtue of its design, cumulative width, size, bulk and massing, has created an unduly incongruous form of development which fails to appear subordinate to the host dwelling. The development therefore has a harmful impact on the character and appearance of the host dwelling and the surrounding area, contrary to the National Planning Policy Framework (2019), Policy

BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHD 1 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                            |
| DMHB 18 | Private Outdoor Amenity Space                       |
| DMHD 1  | Alterations and Extensions to Residential Dwellings |
| DMHD 2  | Outbuildings                                        |

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