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TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

SECTION 78

PLANNING APPEAL

WRITTEN REPRESENTATIONS

Concerning an appeal by Ms Florica against the refusal of planning permission by the London Borough of Hillingdon for the erection of a single storey rear extension & addition of a side window at 34 Harvey Road, Hillingdon, UB10 0HS.

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- 1) Aerial photograph of the surrounding area
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Appeal site & surroundings

- 1.1 The appeal site is a two storey semi-detached family dwelling located on the northern side of Harvey Road in Uxbridge. The site is not subject to any specific planning constraints in the London Borough of Hillingdon adopted policies map.
- 1.2 The immediately surrounding area is predominantly residential in character. An aerial photograph of the layout of the surrounding area is shown in appendix 1.

Appeal Site History

- 2.1 24232/APP/2021/637 - Conversion of roofspace to habitable use to include a hip to gable roof enlargement, rear dormer roof extension, juliette balcony and 2 x front rooflights (Application for a Certificate of Lawful Development for a Proposed Development). Granted 08.04.21
- 2.2 24232/APP/2021/641 - Single storey rear extension and addition of side window. Refused 08.04.21 and is the subject of this appeal.

Grounds of Appeal

- 3.1 The Local Planning Authority has cited one main reason for refusing the original planning application:-

“The proposed single storey extension, by virtue of its size, scale, height, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupier at 36 Harvey Road by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).”
- 3.2 The Local Planning Authority has raised no further concerns with the proposed development and as such is acceptable in all other respects. Therefore, the only issue to consider as part of this appeal, given the reason for refusal, is whether or not the side extension would detrimentally impact the residential amenities of the neighbouring property at 36 Harvey Road.
- 3.3 Policy DMHB11 of the Hillingdon Local Plan sets out that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. In addition, policy DMHD1 states that 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. Furthermore this policy requires that

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.

3.4 In this case the plot width of the appeal site exceeds 5 metres and as such by virtue of the Council's policy DMHD1, an extension with the depth of 3.6 metres would be considered acceptable. The proposed extension in this case has a depth of 4 metres. However the neighbour at 36 Harvey Road as shown on the plans, has a rear bay window which projects approximately 0.5 metres adjacent to the shared boundary line. The proposed extension would project approximately 3.5 metres beyond this neighbours rear facing window.

3.5 In relation to the rear projection of the rear extension, it is not considered that the Council in determining the original planning application adequately considered this fact. A copy of the officers report refusing the application is shown in appendix 2. Within this report the officer states:-

"No.36 has a window/door serving habitable room within the ground floor elevation close to the side common boundary. The proposal would extend considerably beyond this window, some 4m and at this depth it is considered that it would be detrimental to the residential amenity of the adjoining property, in terms of over-dominance, overshadowing , loss of light and outlook."

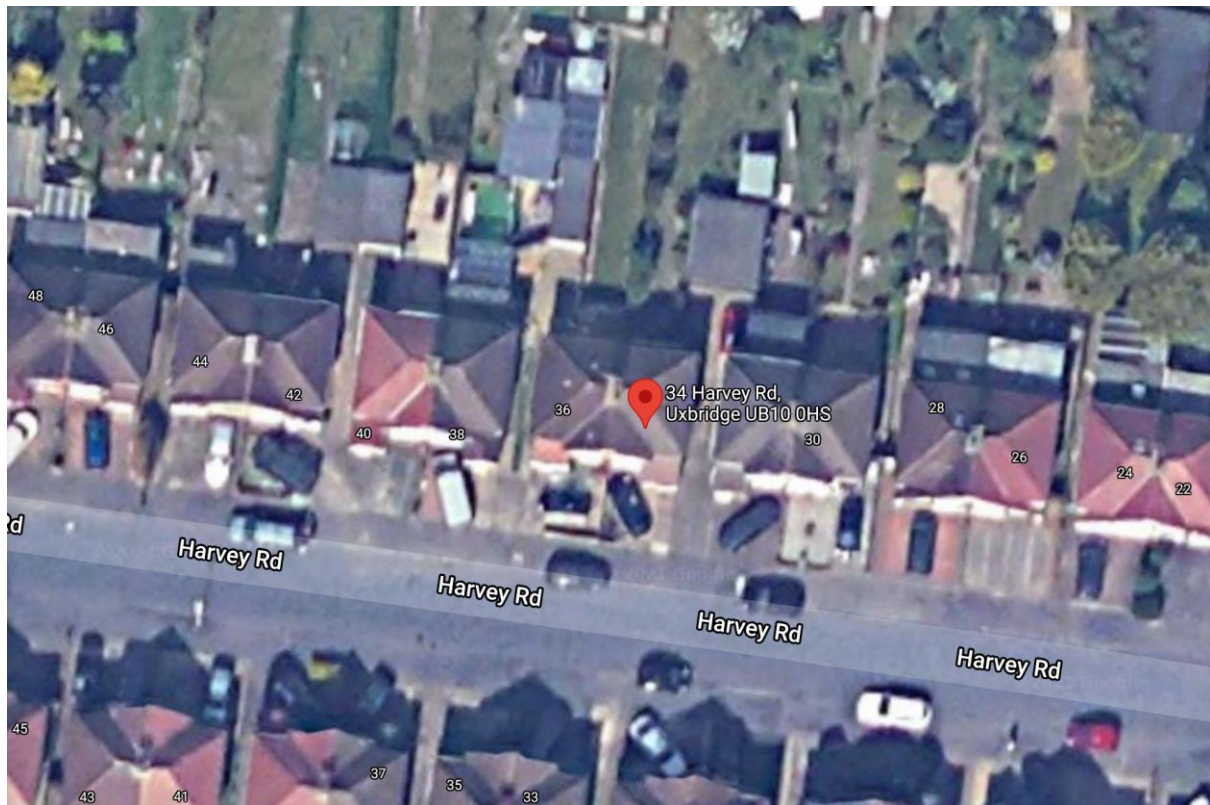
3.6 It is quite clear that the officer determining the application did not appreciate that the rear facing window of the neighbour protruded some 0.5 metres from its rear elevation as the proposed extension would clearly not protrude this window by 4metres. In reality it would only protrude this window by 3.5 metres which would be within the acceptable limits set by policy DMHD1. It therefore follows that it is unlikely that the extension would cause harm to this neighbour by virtue of over-dominance, overshadowing, loss of light and outlook.

3.7 The height of the proposed extension would be 3.3m which is 30cm over the requirement of policy DMHD1, however such a small increase over and above this limit is not considered to give rise to any significant issue of over-dominance, overshadowing, loss of light or outlook in respect of the neighbours amenity levels given that the overall depth of the extension taken from the neighbours window would be within the prescribed limits of the same policy.

Conclusions

- 4.1 As set out above whilst the proposed extension would be marginally higher than required by policy DMHD1, if a realistic approach is taken to considering the further requirements of this policy in terms of the extensions depth when assessing its impact on the neighbour at 36 Harvey Road, the reasonable conclusion would be reached that the extension would not adversely impact upon the residential amenity levels of this neighbouring property in compliance with the requirements of policy DMHB11.
- 4.2 The Inspector is therefore respectfully requested to allow this appeal and grant planning permission for the development. The appellant would have no objection to the imposition of a condition restricting the insertion of windows into the side elevation of the proposed extension to ensure that the privacy of the application site and neighbouring properties is preserved in the future.

APPENDIX 1



Residents Services

APP. REF. NO: 24232/APP/2021/641

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 34 HARVEY ROAD HILLINGDON

Development: Single storey rear extension and addition of side window

LBH Ref Nos: 24232/APP/2021/641

Drawing Nos: 084-PLP
 084-P02
 084-P01
 084-P03
 084-P04
 084-P05
 084-P06

Date Plans Received: 17/02/2021

Date(s) of Amendment(s):

Date Application Valid: 17/02/2021

1. CONSIDERATIONS

1.1 Site and Locality

The application site relates to a semi-detached dwellinghouse. It is located on the north side of Harvey Road. To the front is a small front garden laid with hardstanding providing off-street parking space. To the rear is an enclosed garden area. There is a driveway to the side leading to a detached garage within the rear garden area. The site falls within a Critical Drainage Area.

The site falls outside Conservation Area and no Listed Buildings are in the immediate surrounding.

1.2 Proposed Scheme

The application is seeking planning permission for the erection of a single storey rear extension.

1.3 Relevant Planning History

24232/77/1415 34 Harvey Road Hillingdon
 Householder dev. (small extension,garage etc) (P)

Decision Date: 30-11-1977 Approved

24232/A/77/1495 34 Harvey Road Hillingdon
 Householder dev. (small extension,garage etc) (P)

Decision Date: 30-11-1977 Approved

24232/APP/2021/637 34 Harvey Road Hillingdon

Conversion of roofspace to habitable use to include a hip to gable roof enlargement, rear dormer roof extension, juliette balcony and 2 x front rooflights (Application for a Certificate of Lawful Development for a Proposed Development).

Decision Date: 08-04-2021 Approved

24232/APP/2021/640 34 Harvey Road Hillingdon

Conversion of roofspace to habitable use to include a rear dormer, Juliette balcony, 2 x front rooflights and conversion of roof from hip to gable end including raising of roof height

Decision Date: 06-04-2021 Refused

Comment on Planning History

As listed above

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 via letters on 22-02-21. One representation was received against the proposal on the following grounds;

1. I live at 36 Harvey Road UB100HS and have concerns about the work being done at 34 Harvey Road, who I share a party wall with. They have already knocked out all chimney breasts and most interior walls and now seem to be digging footings for an extension. I have attached a photograph of the footings. I have checked the council website and they have only just applied for planning permission. It has not yet been granted. The reference number is 24232/APP/2021/641. Also while checking this, I discovered that they have stated in the planning application that no trees needed to be cut down to carry out the work. This is untrue, I have attached photographs of before and after of the trees. I am worried about the safety of my home as they are carrying out all these unapproved works. Can anything be done about this?

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

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

NPPF- 12 NPPF-12 2018 - Achieving well-designed places

DMEI 9 Management of Flood Risk

5. MAIN PLANNING ISSUES

The main considerations for this application are impact on the neighbouring property, impact on the appearance and character of the area and provision of acceptable residential amenity and parking space for the application property.

Impact on character and appearance

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development, including extensions and alterations and new buildings will be required to be designed to the highest standards and incorporate principles of good design including harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures. Policy DMHB 11 continues by stating that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 states that 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;

The applicant has proposed to erect a single storey extension protruding beyond the original rear elevation by 4m, 4.38m in width with a flat roof of height of 3.32m. This element of the proposal would not be clearly visible from the street scene. The proposed ground floor rear extension by reason of its design, scale and massing is considered acceptable and appear subservient to the host dwelling. Given its design, it would not detract from the character of the host dwelling and wider area. As such, it would accord with the objectives of the above policies.

Therefore the proposal would accord with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

Impact on residential amenity

Policy DMHD 1 states that alterations and extensions of dwellings will be required to ensure that a satisfactory relationship with adjacent dwellings is achieved

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The application property is bordered by residential properties. The proposed rear extension would sit alongside the shared boundary with property at No.36. The extension would protrude beyond the rear elevation of the adjoining property at No.36 by approximately 4m.

No.36 has a window/door serving habitable room within the ground floor rear elevation close to side common boundary. The proposal would extend considerably beyond this window, some 4m and at this depth it is considered that it would be detrimental to the residential amenity of the adjoining property, in terms of over-dominance, overshadowing, loss of light and outlook.

Whilst there is flank window proposed along the side elevation facing adjoining properties, it is not considered to significantly harm the residential amenity in terms of loss of privacy as this window can be conditioned to be obscure glazed and non-opening below 1.8m.

Taking into account the design, location, scale, siting and existing relationship of the proposed development with adjoining properties, it is considered to significantly harm the residential amenity of neighbouring property at 36 Harvey Road causing loss of light and overbearing impact. The proposal would not comply with the above policies.

Furthermore, it is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016).

Policy DMHD 1 section A (vi) states that sufficient garden space to be retained as a consequence of an extension. The property benefits from a good sized rear garden and sufficient private amenity space will be retained in accordance with the above policy.

The existing parking would not be affected by the proposed development, As such, it would comply with Policy DMT 6 of the Adopted Local Plan.

Paragraph 6.41 states that the Council's aim is to ensure flood risk is managed appropriately across the Borough by using the best available information on flood risk to inform a flood risk management strategy and working in a coordinated way with relevant parties.

Paragraph 6.45 In built up areas there is also the additional risk of flooding from surface water, due to rainwater falling onto impermeable surfaces which is the key flood risk identified for Hillingdon. Hillingdon's SWMP identifies Critical Drainage Areas in the Borough. In these areas strict control will be exercised to manage surface water.

The application site falls within a Critical Drainage Area, where householder development and minor extensions to commercial premises, are therefore required to contribute to a reduction in the rate of surface water runoff. This may include maximising areas of soft landscaping; ensuring all hard surfaces are permeable or drain into permeable features; and/or maximising areas of green roofs and walls. Given the location of the application site within a built area, it is unlikely that it will exacerbate the current surface water flood risk by reason of its design, scale and size of the development proposed.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed single storey extension, by virtue of its size, scale, height, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupier at 36 Harvey Road by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

Standard Informatives

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development
DMHD 1 Alterations and Extensions to Residential Dwellings
DMT 6 Vehicle Parking
LPP 3.5 (2016) Quality and design of housing developments
NPPF- 12 NPPF-12 2018 - Achieving well-designed places
DMEI 9 Management of Flood Risk

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