

APPLICATION FOR: 2900/APP/2021/1574

17 OAKLEIGH ROAD HILLINGDON

COMMITTEE: Minor Apps PC

DATE: 1st September 2021

I confirm:-

- All consultations have been completed
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 17 OAKLEIGH ROAD HILLINGDON

Development: Retention of single storey rear extension and rear dormer window

LBH Ref Nos: **2900/APP/2021/1574**

Drawing Nos: Existing and Proposed Roof Plan
Existing and Proposed Side Elevation (North)
Existing and Proposed Side Elevation (South)
Location Plans (1:1250 and 1:500)
AJM Planning Covering Letter dated 17/4/21
Existing and Proposed Rear Elevation
Proposed Second Floor Plan
Existing and Proposed First Floor Plan
Existing and Proposed Ground Floor Plan
1:200 Site Plan

Date Plans Received: 21/04/2021

Date(s) of Amendment(s): 21/04/2021

Date Application Valid: 12/05/2021

1. CONSIDERATIONS

1.1 Site and Locality

This application is for a single storey rear extension and rear dormer on a terraced property on the north western side of Oakleigh Road which have already been built and are substantially complete.

The application has attracted much local opposition, but the concerns mainly relate to the formation of a 6 bedroom House in Multiple Occupation (HMO) depicted on the plans. However, the change of use from a Class C3 dwelling to a Class C4 HMO (which comprises up to six unrelated individuals) constitutes permitted development. The agent has confirmed that there would be no more than 6 people in the HMO. Therefore the formation of the HMO would be permitted development and does not form part of this planning application. If this application had otherwise been recommended for approval, a condition / informative may have been included confirming that the permission does not grant a change of use from residential dwelling and use as an HMO for more than 6 unrelated individuals would require planning permission.

The single storey rear extension is acceptable but the rear dormer is considered to be over-sized and fails to appear as a subordinate addition to the rear roof slope and the application is recommended for refusal on this basis.

1.2 Proposed Scheme

This application seeks the retention of a single storey rear extension and rear dormer window.

The proposed single storey rear extension has a depth of 4.03m, width of 5.18m and eaves height of 2.92m, with a maximum height of 3.00m.

The proposed rear dormer is shown as being 4.92m wide and 1.96m high and exceeds the ridge height of the property by 50mm. It has not been consistently shown as regards the submitted plans as on the rear elevation, this does not show the dormer as exceeding the ridge height of the roof. An informative has been added to advise of these discrepancies.

The extensions would help facilitate the change of use of the property from C3 (dwelling) to a House in Multiple Occupation (HMO) (C4) for up to 6 people. The change of use from a Class C3 dwelling to a Class C4 HMO constitutes permitted development and therefore the formation of the HMO can not be considered as part of this planning application.

1.3 Relevant Planning History Comment on Planning History

There is no relevant planning history.

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

EXTERNAL CONSULTTEES:

20 neighbouring properties were consulted, together with the Oak Farm Residents' Association. 24 responses have been received, objecting to the proposal on the following grounds:

Character

(i) Oakleigh Road is a quiet, attractive residential neighbourhood which will be ruined by this proposal, resulting in overcrowding and bring chaos to the area. The houses in Oakleigh Road were designed and intended for family occupation with three bedrooms. This is gross overdevelopment of a mid terrace family home that cannot accommodate a 6 bedroom HMO,

(ii) An HMO does not fit in with the general type of residency of the street. This is family orientated residential road, within a 5 minute walk of 2 primary schools and 1 secondary school and it is not an appropriate or safe location for a 6 bedroom development,

(iii) The rear extension is already built and it is excessive, exceeding the stated measurements, permitted development allowance and is longer than any other on the road,

(iv) Use of the 2nd floor loft area makes for overcrowding and the attic extension has been built higher.

Parking/ Highway Safety Issues:

(v) No parking has been provided for at best, 6 additional tenant's cars, possibly at worst 12 extra cars to park on an already congested residential street where on-street parking availability is non-existent. This will be a nightmare for neighbours and result in road rage,

- (vi) Hillingdon Council have already granted consent for a large affordable housing scheme based at Hillingdon Station / Circus site and therefore should consider the congestion that another 6 bedroom development will have on this neighbouring estate with only one point of entry and exit (Berkley Avenue) that is the main route for Ryefield school children walking to and from school,
- (vii) Several houses have already been converted to maisonettes causing parking issues on an already crowded road,
- (viii) Vans and lorries are constantly parking across our driveway,
- (ix) With the on going construction work, it has caused some residents to park in adjacent roads which has caused access problems for some residents, particularly disabled residents and those that use mobility scooters,
- (x) The road is already dangerous for children to cross and this would add to the problem.

Amenity for neighbouring properties

- (xi) The extension has been built a few feet longer than ours and is visible from our kitchen window,
- (xii) Debris dust and dirt have at times covered our property without any thought or offer to clear up after themselves,
- (xiii) The works are already in progress and have been a disruption for months,
- (xiv) There doesn't appear to be any purpose-built storage facility for refuse and recycling, which will lead to an increase of litter and rodent infestation in the area, a common problem at HMO sites,
- (xv) There has been a number of contractors, the property is already a building site and has been unsightly for 7 months. We have had knocks on the door, damage to the property, dirt and debris. 7 months of banging and drilling from as early as 7.30 am. I can only assume that any enjoyment of our own garden this summer will be minimal due to the unsightly mess,
- (xvi) The contractors have continued to damage both adjoining properties and never issued a party wall agreement. Also there has been damage to our property which we would prefer stops before any more damage is caused.

Amenity Afforded by HMO Accommodation

- (xvii) This represents a step back to slum tenements and ghettos that cities and towns fought hard to get rid of in the post Victorian era,
- (xviii) The rooms and communal kitchen area appears very small for use by all occupants (a total of twelve if the 6 double beds are fully occupied) which will lead to cooking within the rooms, constituting a fire risk,
- (xix) Houses on Oakleigh Road do not have sufficient legal head room height for 3 storey habitable occupation unless all floors are reconfigured/lowered,
- (xx) No additional waste, kitchen or laundry facilities, commercial boiler / plumbing provided,
- (xxi) Means of emergency escape to two of the ground floor bedrooms is via the kitchen area and ground floor drawing shows the two bedrooms in the rear extension each have a door to the garden but the only position for the double bed is across the door opening, blocking the rear fire exits.

Other

- (xxii) HMO's are often associated with anti-social behaviour, short tenancies whereby the occupants have no pride or loyalties to the area. There is already an HMO on the corner of Oakleigh/Floriston Avenue, which seems to house people with drink problems etc. As this estate is made up of many young families, another HMO is not suitable particularly on

a street with only 1 means of entry/exit, placing unnecessary risk on its families,

(xxiii) No commercial plumbing or gas has been installed to cope with six bedrooms, each with its own shower and toilet. Additional drainage and waste capacity is required as impact on sewers will be massive and the water pressure is already useless here at peak times, particularly on Saturday or Sunday morning,

(xxiv) I am a landlord on Oakleigh Road and I let my home to the right demographic for this area, ie. a young family,

(xxv) Obvious disregard for planning rules as the building works started in October / November 2020 when scaffolding put up / building work commenced but receiving notification of the planning application in May 2021 when extension already built and not been able to view plans / provide comments prior to commencement of work,

(xxvi) Shoddy workmanship, uncaring developer. This type of build should not be allowed to progress,

(xxvii) They have extended the single storey rear past the permitted development allowance,

(xxviii) It is shameful that Hillingdon council would allow a fraudulent developer to legally rent and profit from these cramped, unsafe, inhumane homes,

(xxix) The owner of this property has continuously shown disregard for building regulations, planning control and HMO regulations. The safety of future tenants and adjoining properties will be put in danger if this is allowed to be rented out. Has construction been carried out to current building regulations and insulation standards? The developer has been building without building regulations inspections and work carried out at odd hours. The kitchen and four of the en-suite areas are internal - is ventilation adequate? Does the means of emergency escape comply with regulations. Property needs to be investigated,

(xxx) This is a fraudulent application submitted by a fraudulent limited company that is under investigation by the police and HMRC. It is a retrospective application that has caused structural damage to adjoining terrace properties which is now under legal dispute,

(xxxi) Developers have removed yellow display notice for planning to deceive residents and lied continuously when asked about HMO C4 status. Therefore I urge the council officers to display planning notice again, extend period for comments and hold a residents meeting with the developer and residents presenting their cases before a decision is made,

(xxxii) No application notices were displayed,

(xxxiii) Will these works be allowed to stand and continue or will they have to be removed and the original house arrangement re-instated?

(xxxiv) This is being made into 6 double bedrooms, who will monitor that only 6 people are living there?

(xxxv) Allowing proposal will set a precedent for similar developments,

(xxxvi) We are a young family and will sell and move from Oakleigh Road if this goes ahead and developer could buy and do the same to our property,

(xxxvii) I have concerns this conversion will be completed before the decision date and as a retrospective application, the all too familiar cavalier attitude of 'oh well it's done now we may as well pass it' may persist,

(xxxviii) The house should be let to a family,

(xxxix) This application smells of greed and deception and should not be allowed.

Officer comments:

As regards points (i), (ii), (iv), (v), (vi), (x), (xi), (xiv), (xvii) - (xxiv), (xxviii) and (xxxiv), these

raise concerns regarding the HMO and associated impacts upon amenity and parking. As the change of use to a 6 bedroom HMO represents permitted development, such considerations can not be taken into account. Point (iii) is dealt with in the officer's report. Points (viii) and (ix) relate to the parking of vans on the street which can not be controlled under planning legislation. In terms of points (xii), (xiii), (xv) and (xvi), these issues also do not raise issues that can be dealt with under planning legislation, but if the application had of been recommended favourably, informatives could of been attached advising of the need to carry out works considerably and of the need to comply with the Party Wall Act. Points (xxv) - (xxvii), (xxix), (xxx), (xxxvi), (xxxvii) and (xxxix) are noted. As regards point (xxxv), all applications are assessed on their individual planning merits. In terms of point (xxxii), there was no requirement to display site notices given the nature of the works. In terms of point (xxxiii), the expediency of taking enforcement action would be a matter for the Council's Planning Enforcement Team to consider.

Oak Farm Residents' Association:

The proposal to convert this terraced property into a 6-unit dwelling would result in a poor residential layout with constrained internal living and poor amenity space, providing a substandard level of accommodation for its occupants.

In its current form the proposal represents overdevelopment of the site. Ad-hoc conversion into a 6 unit dwelling is out of character in this locality, where the immediate area is characterised by small terraced and end-terrace family housing. This proposal does not respond to local housing needs.

At 6 units the proposal has the potential to produce an unacceptable level of noise and disturbance to neighbouring properties. The potential level of occupancy also gives rise to concerns around parking and how this will impact on neighbouring properties. No details have been provided for car-parking on site, and provision could not be safely met for more than two cars at this location.

Officer comment:

The comments concern the change of use to a HMO which constitutes permitted development.

NATS:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MoD Safeguarding:

I can confirm the MOD has no safeguarding objections to this proposal.

INTERNAL CONSULTEES:

Highway Engineer:

Local Plan: Part 2 - DMT 6 parking standards are not directly applicable to residential properties which are to be extended on the general proviso that the address is not converted to multiple housing units and remains in single tenure (or is deemed as PD). This is exemplified by the maximum requirement of 2 spaces for 'dwellings with curtilage' which is irrespective of floorspace or bedroom numbers. Hence there is no specific requirement to provide additional on-plot parking provisions for the proposed

'retrospective' extension. A similar conclusion is likely to be reached by PIN's if a refusal based on a lack of added on-plot parking provision were to be pursued.

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 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

5. MAIN PLANNING ISSUES

The main considerations are the design and impact of the extensions on the character of the existing property, the impact upon the streetscene and locality and the impact upon the amenities of adjoining occupiers.

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

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that:

A) All development, including extensions, alterations and new buildings, will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context;
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

Policy DMHD 1 at A), requires that amongst other criteria, alterations and extension to 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 and respect the design of the original house and use matching materials. It also requires that a satisfactory relationship with adjacent dwellings is achieved and that there is no unacceptable loss of outlook to neighbouring occupiers. In addition, it is required that

adequate garden space and off-street parking is retained, together with trees, hedges and other landscaping features.

With specific regard to rear extensions, Policy DMHD 1 at B) 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 specific regard to roof extensions, Policy DMHD 1 at E) requires:

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

Assessment of Proposal:

Impact on Original Property / Character of the Area:

The proposed single storey rear extension has a depth of 4.03m, width of 5.18m and eaves height of 2.92m, with a maximum height of 3.00m. Policy DMHD 1 at B) states that single storey rear extensions on terraced properties with a plot width in excess of 5.0m should not exceed a depth of 3.6m. Although the proposed rear extension exceeds this depth, properties on this side of Oakleigh Road have fairly long rear gardens and there are examples of other extensions and structures in the vicinity which project further into their rear gardens. As such, it is considered that the extension would not appear as an unduly incongruous addition to the property and would not appear as being out of keeping with the character of the area so as to justify a reason for refusal.

In terms of the external appearance of the extension, a condition could have been added had the application been found to be acceptable in all other respects to ensure that its external materials and appearance matched that of the original property.

As regards the proposed rear dormer, the plans show this to be 4.92m wide and having a 1.96m maximum height, 1.90m to the height of its eaves and exceeds the ridge height of the property by 50mm. Policy DMHD 1 at E of the Hillingdon Local Plan, Part 2 states that roof extensions should be located on the rear elevation only, be subservient to the scale of the existing roof and should not exceed more than two thirds of the average width of the original roof and be located below the ridge tiles of the existing roof and retain a substantial element of the original roof slope above the eaves line. Furthermore, the Council will not support poorly designed or over-large roof extensions, raising of a main roof above the existing ridgeline of a house will generally not be supported and all roof extensions should employ appropriate external materials and architectural details to match the existing dwelling.

The dormer covers most of the rear roof slope, and with a width of 4.92 metres, covers some 90% of the 5.47m width of the original roof, greatly exceeding two thirds of its width. Furthermore, it has exceeded the height of the original roof which has involved raising the height of the ridge tiles which is visible within the street scene. The dormer is not subservient to the scale of the existing roof of the original property and appears as an unduly large addition. As such, the rear dormer fails to harmonise with the architectural composition of the original terraced property, detrimental to the character and appearance of the surrounding area and the visual amenities of the street scene. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

Amenity of Adjoining Residents:

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) advises that development proposals should not adversely impact on the amenity of adjacent properties and open space. Policy DMHD 1 at A), requires that amongst other criteria, alterations and extension to dwellings have a satisfactory relationship with adjacent dwellings and that there is no unacceptable loss of outlook to neighbouring occupiers.

In terms of the impact of the rear extension, both adjoining properties have single storey rear extensions. The proposed rear extension does not project significantly beyond these adjoining structures so as to materially impact upon their residential amenity. Furthermore, the rear dormer would not result in any material loss of sunlight and would not appear

unduly dominant from neighbouring properties. In terms of the potential for overlooking, the dormer would not result in any greater overlooking than that which is afforded by existing first floor rear windows.

Amenity Space:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires properties with 4 bedrooms or more to provide a minimum of 100sqm of private amenity space. The rear garden has retained some 128sqm of amenity space and the 100sqm standard is met.

Car Parking

The proposal does not alter the existing parking arrangements on site. The Highway Engineer has reviewed the application and advises that as the change of use to an HMO constitutes permitted development, the Council's parking standards are not directly applicable to residential properties which are to be extended, irrespective of floorspace or bedroom numbers and therefore, there is no specific requirement to provide additional on-plot parking provision for the proposed 'retrospective' extensions. On this basis, no objections are raised on car parking / highway grounds to the proposals.

The application is however recommended for refusal due to the size and siting of the rear dormer.

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of the size, scale, bulk, design and siting of the rear dormer window, which exceeds the ridge height of the original roof, fails to harmonise with the architectural composition of the original terraced property, detrimental to the character and appearance of the surrounding area and the visual amenities of the street scene. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

INFORMATIVES

- 1** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.
- 2** The applicant is advised that the submitted plans contain discrepancies with regards to the size/height of the dormer.

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 18 Private Outdoor Amenity Space
DMHD 1 Alterations and Extensions to Residential Dwellings

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