

WRITTEN APPEAL STATEMENT

AGENT: ART CONSULTANTS

LPA: LONDON BOROUGH OF HILLINGDON

APPLICATION NUMBER: 17799/APP/2023/475

DECISION DATE: 19-04-23

SITE LOCATION:

108 Fairway Avenue

West Drayton

Hillingdon

UB7 7AP

APPELLANT

MS H MANGAT

1.0 BACKGROUND

- 1.1 This appeal relates to the refusal of planning permission for the erection of a front porch.
- 1.2 The appeal application 17799/APP/2023/475 was received on 20-02-23 and subsequently refused on 19-04-23 by the London Borough of Hillingdon, with the decision notice stating the following reason for refusal:
- 'The proposed development by reason of its bulk, width, size and design would fail to read as a subservient addition to the property, harming the established character of the area and appearance of the streetscene, contrary to Policies DMHD1, DMH5 and DMHB11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).'*
- 1.3 Having taken into account the reasons given for refusal and the individual circumstances of this case, the appellant has concluded that the most appropriate course of action would be to appeal to the Planning Inspectorate, in the hope that approval may be granted for the proposed development. This statement has been prepared in support of the appeal and to clarify the appellants position on the refused development.

2.0 CONSULTATIONS

- 2.1 The Officer report states:

'7 neighbouring properties; Conservation Officers; the West Drayton Conservation Area Advisory Panel and Network Rail were consulted by letter. The consultation period expired on 07-03-23. 3 comments and no objections were received.

Neighbour Comment: No objections as long as it doesn't block out my light.

Officers Response: This will be assessed within the Residential Amenity section of this report.

West Drayton Conservation Panel: No objection.

Network Rail: No objection but asset protection comments should be followed if approved.

Conservation Officer for LBH: No response.'

- 2.2 The neighbouring residents have not shown concerns regarding the development, in terms of the impact of design to the wider area, or more localised amenity issues.

3.0 PLANNING HISTORY

3.1 There is no relevant planning history to the site.

4.0 APPEAL SITE

4.1 The application relates to a two storey detached dwellinghouse. It is located on the North West of Fairway Avenue, tucked away at the end of the road and set back from the building line of the adjacent property, not conforming with the traditional patterns of the street. It also appears to be of lower height than the neighbouring property, reducing its prominence further.

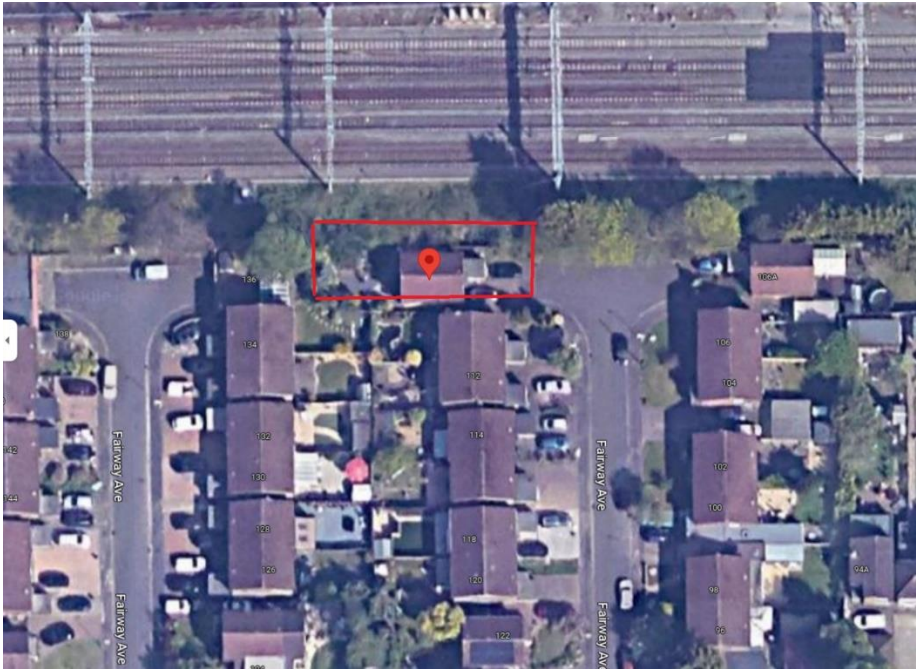
4.2 Notably the property is not only different from the neighbouring properties with regards to the existing building lines, it also differs significantly in character and appearance, being detached and having a gable end roof form. The opposite property is similar in this regards, however these two are anomalies within the pattern of the street form.

4.3 The Planning Officer has referred to the property benefitting from a converted garage to the front, however it should be noted that there is not planning history showing this conversion, with the front being used as a habitable space since 2008. This is notable as it has a material impact on the development refused, and the assessment on the level of development on the site itself.

4.4 The site benefits from off road parking spaces to the front, with no parking restrictions on the road.

4.5 The rear of the site benefits from private amenity space.

4.6 The surrounding area is residential in character and appearance, the with the front of the properties characterised through projecting front elements in an L shape form. Hedging exists to the north of the site, separating it from the railway and providing green screening. Notably there is existing and established green screening to the south of the site, obscuring views of the front of the application site substantially.





5.0 APPELLANTS CASE

5.1 The decision notice issued by London Borough of Hillingdon, stated the following reason for refusal:

'The proposed development by reason of its bulk, width, size and design would fail to read as a subservient addition to the property, harming the established character of the area and appearance of the streetscene, contrary to Policies DMHD1, DMH5 and DMHB11 of of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).'

5.2 The Planning Officer has stated in the Officer report: *'The front extension is considered minor in scale with the following measurements: width of 3.1M, length of 1.9M and maximum height of 2.5M. The porch would incorporate a flat roof with eaves of 0.2M. Given the architectural composition of the host dwelling, the proposed width of 3.1M would mean that the porch would stretch across the frontage of the dwelling. Other examples of porches do exist along Fairway Avenue but are smaller in scale and mass. '*

5.3 The porch would retain subordination to the host dwelling through its minor scale, as quoted by the Planning Officer. Whilst it would be an addition to the front of the property, it would not stretch across the entirety of the front elevation, set in off the side and matching the existing fenestration rhythm, in compliance with Policies DMHD1 and DMHB11 of the Hillingdon Local Plan Part Two (2020).

5.4 The Planning Officer has stated in their report: *'The proposed width in conjunction with the existing garage conversion would be inappropriate and alter the character and appearance of the host dwelling as well as disrupting the uniformity of design within the cul-de-sac. Part of the established character of the area is a similarity in porches, even if the style/design varies'*

5.5 As noted earlier within the statement, there is no evidence of a garage conversion having taken place. It is important to note this, as it is relevant in the alleged disruption of the uniformity within the cul de sac.

5.6 If the garage was converted previously, this would be in excess of 10 years and is not the development the applicant is applying for. If this conversion has taken place historically, the disruption to the uniformity of the cul de sac through the loss of the garage door would already be established. The conversion of the garage is irrelevant in this instance and should not be considered as part of the assessment, when determining the impact on the host building or wider area. It should be noted that there appear to be no planning conditions preventing the removal of a garage door to a window, which could be undertaken under Class A of the GPDO.

5.7 In terms of impact to the character and appearance of the dwelling, as noted through comments from the Planning Officer, the development would be minor in scale. In order to respect the character and architectural integrity of the host the dwelling and wider area, the L shape has been retained, with the porch substantially set back from the garage. The form and rhythm of the fenestration has also been respected and mimicked, ensuring minimal impact when viewed from the street.

5.8 For the reasons stated above, the proposal would comply with the overarching aims of Policies DMHD1 and DMHB11, appearing subordinate in scale, in keeping with the character and appearance of the host dwelling and wider area.

5.9 The Planning Officer has stated :*'It is acknowledged that the host dwelling is set back slightly from the street, nonetheless, the criteria for front extensions within Policy DMHD 1 states that front extensions extending across the entire frontage will be refused.'* From this, it is clear that the Local Planning Authority shares the opinion of the appellant, in that there is no harm to neighbouring amenity or harm to the street scene due to the set back.

5.10 It is surprising that within the Planning Officers delegated report it goes on to state: *'The proposal would be a visually prominent extension...'* within the reason for refusal, as the location and siting of the application site tucked away in the end of a cul de sac, with green screening on both the north and south sides respectively, would be the antithesis of visually prominent. The appellant contests this element of the refusal reason by virtue of the siting of the application site.

5.11 It is noted that the application site sits within an Area of Special Local Character, however given the proposal would respect the existing rhythm and architectural integrity of the host building and character of the wider area, through the retention of the L shape there would be no harmful impact, in compliance with Policy DMHB 5 of the Hillingdon Local Plan Part Two (2020). Notably, the Councils conservation officer was consulted as part of the decision making process and did not raise an objection.

5.12 The Inspector is respectfully asked to give significant weight to what could be built under the relevant class of the GPDO and the minor increase in scale that this development proposes. The NPPF highlights good decision making, in this instance it is considered that although a Certificate of Lawful Development has not been obtained, this would be a fallback position worth noting when considering the impacts of this proposal.

5.13 Within the scope of the Area of Special Local Character, it should be noted that a property in the nearby vicinity, 35A Fairway Avenue, does benefit from a previously approved similar scheme under 26343/APP/2014/4291. No 35A Fairway Avenue is similar in both form and design to the appeal site and considered a material precedent in this instance. The proposal would have a similar form and the impacts would be similar with respect to the wider area and host building.

5.14 The impact of this similar development has been assessed and deemed acceptable. Whilst it is notable and material that the Local Plan has changed since this approval, the overarching aims of the Policies remain the same, in seeking to mitigate harmful impact to the host building, the character and appearance of the wider area and result in no harm to the amenities of neighbouring occupiers. The proposal meets these overarching aims in terms of design and impact.

5.15 In a recent refusal on 35A Fairway Avenue for a front infill extension, under reference 26343/APP/2021/559, the Planning Officer noted in their delegated report: *'The proposal includes a ground floor front addition which would result in the loss of the characteristic step in the buildings plan form.'* Once again, it is highlighted that the appeal proposal, unlike the recent infill proposal, does retain this key feature which is characteristic of the host building and wider ASLC, ensuring a sense of uniformity within the area and not eroding the prevailing wider features.

5.15 Furthermore, the appeal site would be situated in a far less conspicuous location when considering the impact to the wider area, with 35A Fairway Avenue being sited in a prominent visual location at a junction. As stated previously, the appeal site is tucked away within a far less conspicuous location with limited public views. When considering the impacts to the character and appearance of the wider area under Policies DMHD1, DMHB11 and DMHB5, this direct precedent can be used as an example to assess whether the development would result in a form that is harmful enough to justify the refusal issued, given the reduced impact it would have within the street scene.

6.0 CONCLUSION

6.1 The proposal would meet the aims of Policies DMHD1, DMHB11, DMHB 5 and Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021), in that the design would be subordinate in scale and design, not over dominating to the front elevation of the property. The design would take cues from the existing front elevation, as well as the wider cul-de-sac, retain the important L shape which is the prominent and important feature of the street scene and be minor in scale, bulk and massing, complying with the aforementioned Policies.

6.2 Accordingly, the Inspector is respectfully requested to allow the appeal, with appropriate conditions regarding appropriate materials and timeframe.

APPENDIX 1 STREET SCENE



Street scene with every property having a width porch, same size as requested. These properties are semi-detached whereas the applicant is detached.



Neighbour with same
design requested -
see next photo for
closer picture



Applicant



Neighbour with same design requested. Note this neighbour is 10 doors down after the semi-detached dwellings. Their front porch is full width whereas applicant is requesting smaller in comparison.

APPENDIX 2

RELEVANT NEIGHBOURING APPLICATION AT :

35A FAIRWAY AVENUE

REF: 26343/APP/2014/4291



Stuart Hemingway
Hemingway Cumbo Architects
188-192 Sutton Court Road
Chiswick W4 3HR

Application Ref: 26343/APP/2014/4291

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:

Two storey rear extension, porch to front and part conversion of garage to habitable use

Location of development: 35a Fairway Avenue, West Drayton

Date of application: 16 December 2014

Plan Numbers: See attached Schedule of plans

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

Head of Planning & Enforcement

Date: 9 February 2015

- 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).

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Application Ref: 26343/APP/2014/4291

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 the submitted plans, numbers 002, 003, 004, 005, 002A and 001a Rev. A.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

- 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 BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

- 4 · Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 facing 35 Fairway Avenue or 53/55 Colne Avenue.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

- 5 · 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 BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

INFORMATIVES:

- 1 · On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the

SCHEDULE OF CONDITIONS

Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

- 2 . 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).

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) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.

SCHEDULE OF CONDITIONS

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE5	New development within areas of special local character
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2011) 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 will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.
- 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 - **Planning, Environment and Community Services**, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).
- 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).

SCHEDULE OF CONDITIONS

- 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, Environment and Community 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 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

SCHEDULE OF CONDITIONS

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 250400 / 250401
www.hillingdon.gov.uk

GRANT OF PLANNING PERMISSION

Application Ref.No.: 26343/APP/2014/4291

SCHEDULE OF PLANS

001a Rev. A - received 16 Dec 2014

002 - received 05 Dec 2014

003 - received 05 Dec 2014

005 - received 05 Dec 2014

04 - received 05 Dec 2014

02A - received 06 Feb 2015

**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.
- 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.

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, Sport and Green Spaces**

Address 35A FAIRWAY AVENUE WEST DRAYTON

Development: Two storey rear extension, porch to front and part conversion of garage to habitable use

LBH Ref Nos: **26343/APP/2014/4291**

Drawing Nos: 001a Rev. A
002
003
005
04
02A

Date Plans Received: 05/12/2014 **Date(s) of Amendment(s):** 06/02/2015
Date Application Valid: 16/12/2014 05/12/2014

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises a detached 2 storey-dwellinghouse situated on the south side of Fairway Avenue. The property is situated within the Garden City West Drayton Area of Special Character and also in a designated 'built-up' area.

1.2 Proposed Scheme

The application seeks permission for a two-storey rear extension, replacing the existing conservatory on the ground floor and an extension to the front porch. The existing integral garage is to be partially converted to provide a utility room/cloakroom.

1.3 Relevant Planning History Comment on Planning History

There is no planning history attached to this site.

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

There were 7 letters consulting neighbours sent out on the 18th December 2014.

At the close of the consultation period, one response had been received on behalf of West Drayton Conservation Area Advisory Panel which states: The proposed alterations will have negligible effect on the street scene so we have no objections on that ground. We do wonder if the two-storey rear extension will have an overshadowing effect on No 35, and also believe insufficient rear garden will remain to meet the HDAS standards as the house will gain an extra bedroom, making it four-bedded.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

BE5 New development within areas of special local character

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

LPP 3.5 (2011) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main planning issues are the impact that the proposed extensions may have on the adjacent neighbouring properties, the character and appearance of the host dwelling and the character and appearance on the street scene.

Policies BE20 and BE21 of the Hillingdon Local Plan, Part Two, saved Policies (November 2012) relate to residential amenity and require proposals to ensure that there remains adequate sunlight and daylight to neighbouring properties. The policies also state that regard should be paid to the relationship between properties and that proposals of substantial width, height and depth, particularly when close to common boundaries can be over-dominating which would also detract from residential amenity. The Council's HDAS: Residential Extensions allows for 2 storey rear extensions on detached properties where there is no significant over-dominance, over-shadowing, loss of outlook or daylight for neighbouring properties. The proposed extension should not extend beyond a 45 degree sight line and if this can be achieved then the maximum depth of the extension should be no more than 4m on a detached property (this measurement should be taken from the original rear wall of the dwelling). A distance of 21m should be maintained between habitable facing rooms.

The rear extension would extend the living accommodation by 3m depth into the rear garden on both ground and first floor. The existing conservatory extends 4.3m and so the proposed extension would be shallower than existing. However, it will be extend across the entire width of the rear of the property which currently the existing conservatory does not. The adjacent property to the west (no.35) has no extensions. The applicant has provided additional drawings which show that the extension would not breach the 45

degree site line at first floor level. The rear of the properties face south and as the sight lines are not breached it is considered that the extension would not reduce the amount of daylight/sunlight to the neighbouring property. There are no windows proposed on the west side wall of the extension on either ground or first floor and no overlooking would occur to the private patio/garden area of the adjacent house. The extension would be built 1.25m from the common boundary with no 35 and due to the southerly aspect this is considered unlikely to have an overly dominating impact on this property.

The two first floor rooms would be bedrooms and so there is unlikely to be any loss of privacy to other nearby residents from these rooms. The outlook from these rooms would be over the rears of the gardens in Colne Avenue with only oblique views toward the rear of the no's 47, 49 and 51 Colne Avenue. However the separation distance is between 27m -37m and this is considered a sufficient distance. The rear extension is not considered to have an undue impact on neighbouring residential amenity and therefore complies with Policies BE20 and BE21 of the Hillingdon Local Plan, Part Two, Saved Policies (November 2012).

With regard to design, Policies BE13 and BE15 require new developments to harmonise with the scale, form, architectural composition and proportions of the original building and to harmonise with the street scene in general.

The rear extension would not be easily seen from the street and is considered to be of a similar scale and proportion to the host dwelling and the original house would not appear over extended due to the proposal. It would be finished in materials to match.

The extension of the front porch, whilst quite large, is located between two front projecting garages and as such its impact visually is limited. The extended porch would not project beyond the front of the garage and be finished with similar materials to that existing. The porch would have no impact on residential amenity. The two proposed extensions accord with the above Policies and the guidance within the HDAS.

There are no restrictions on the property to ensure that the garage remains for the storage of vehicles so the partial conversion to a utility room/cloakroom do not require any further planning approval.

There remains adequate parking within the front hardstanding area for the parking of vehicles off road and the proposal is not considered to intensify the need for additional parking for the dwelling and is in accordance with the transport policies AM7 and AM14 of the Hillingdon Local Plan, Part Two, saved Policies (November 2012).

The HDAS requires sufficient rear garden area to be retained as a consequence of an extension. In the case of 4+ bedroom dwellings the minimum garden area should be 100 square metres. The retained garden area would be approximately 104 square metres and thus complies with Policy BE15 of the Hillingdon Local Plan, Part Two, Saved Policies (November 2012) and the guidance within the HDAS on this matter.

It is considered that all the proposed habitable rooms and those altered by the proposals would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan.

The recommendation is to approve.

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 the submitted plans, numbers 002, 003, 004, 005, 002A and 001a Rev. A.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

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 BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 facing 35 Fairway Avenue or 53/55 Colne Avenue.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 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 BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

INFORMATIVES

- 1** On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in

September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

- 2 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).

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 (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development

proposals.

BE5	New development within areas of special local character
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2011) 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 will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.
- 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 - Planning, Environment and Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).
- 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, Environment and Community 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.

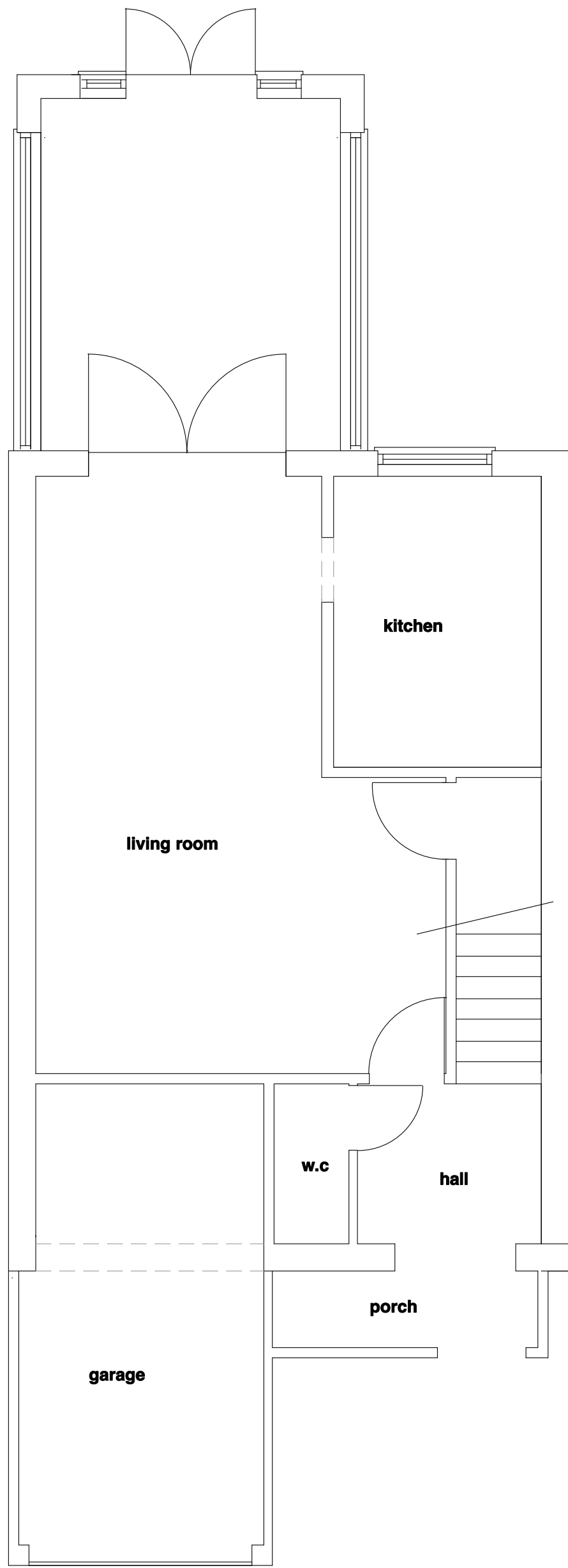
11 To promote the development of sustainable building design and construction

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.

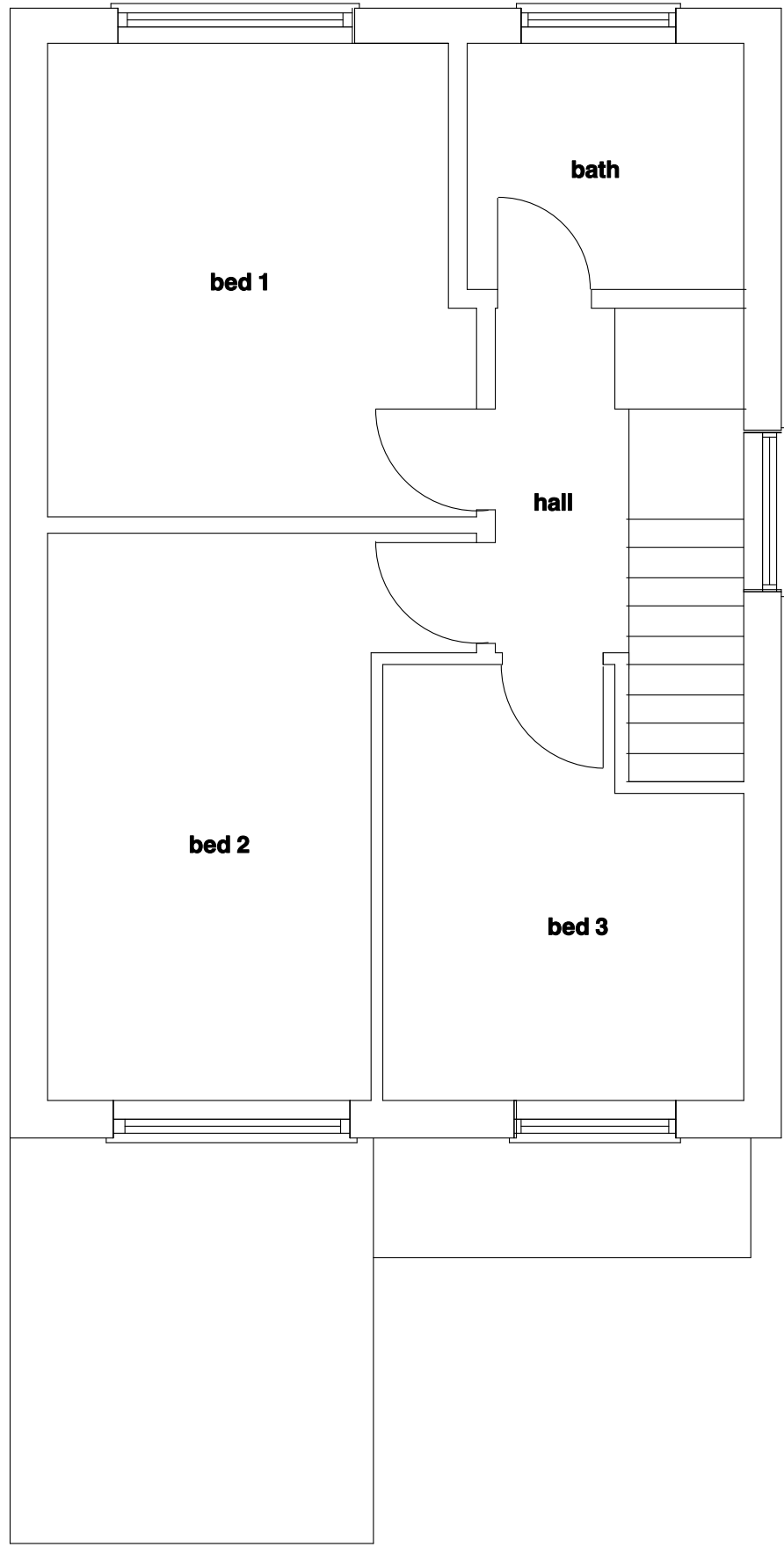
- 12 You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be 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: Carol Grant

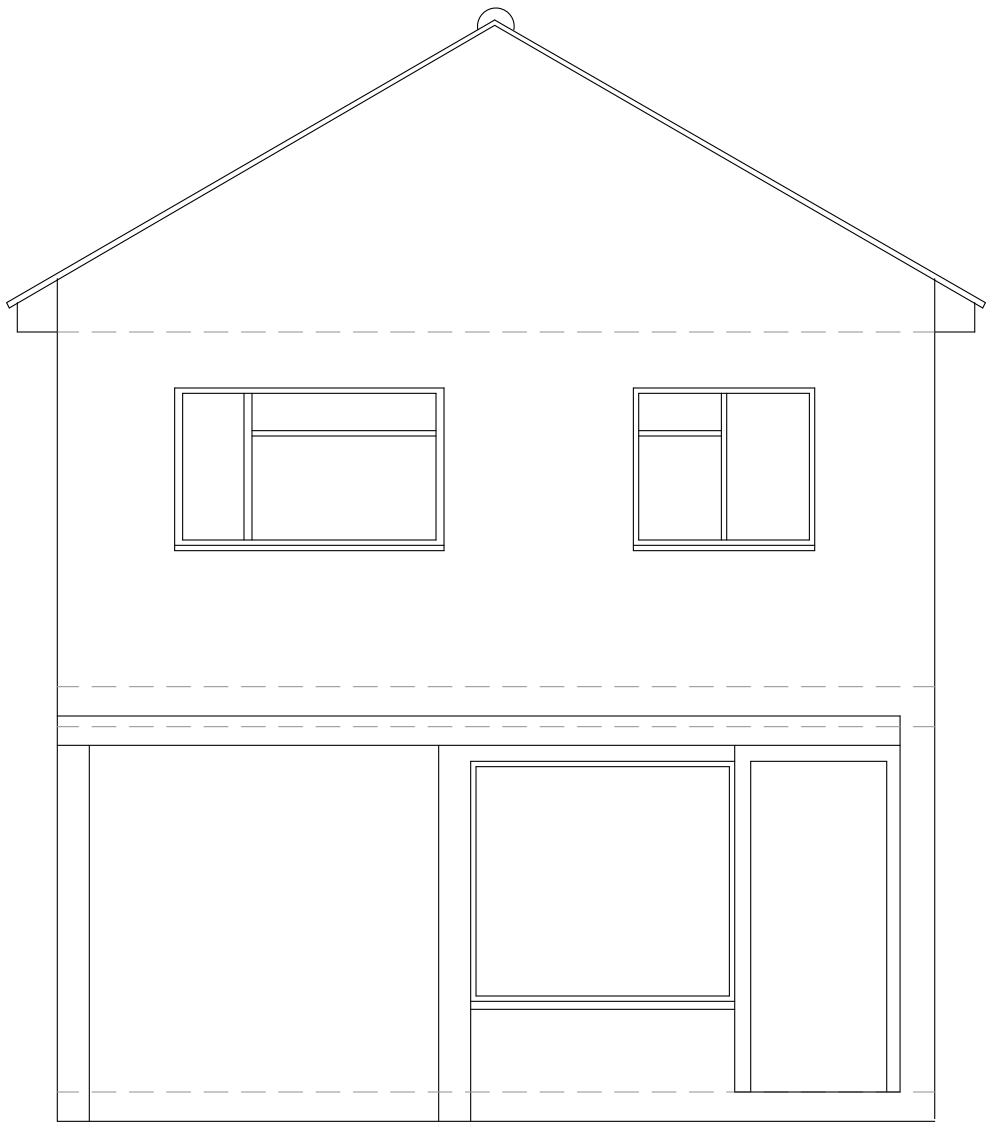
Telephone No: 01895 250230



GROUND FLOOR



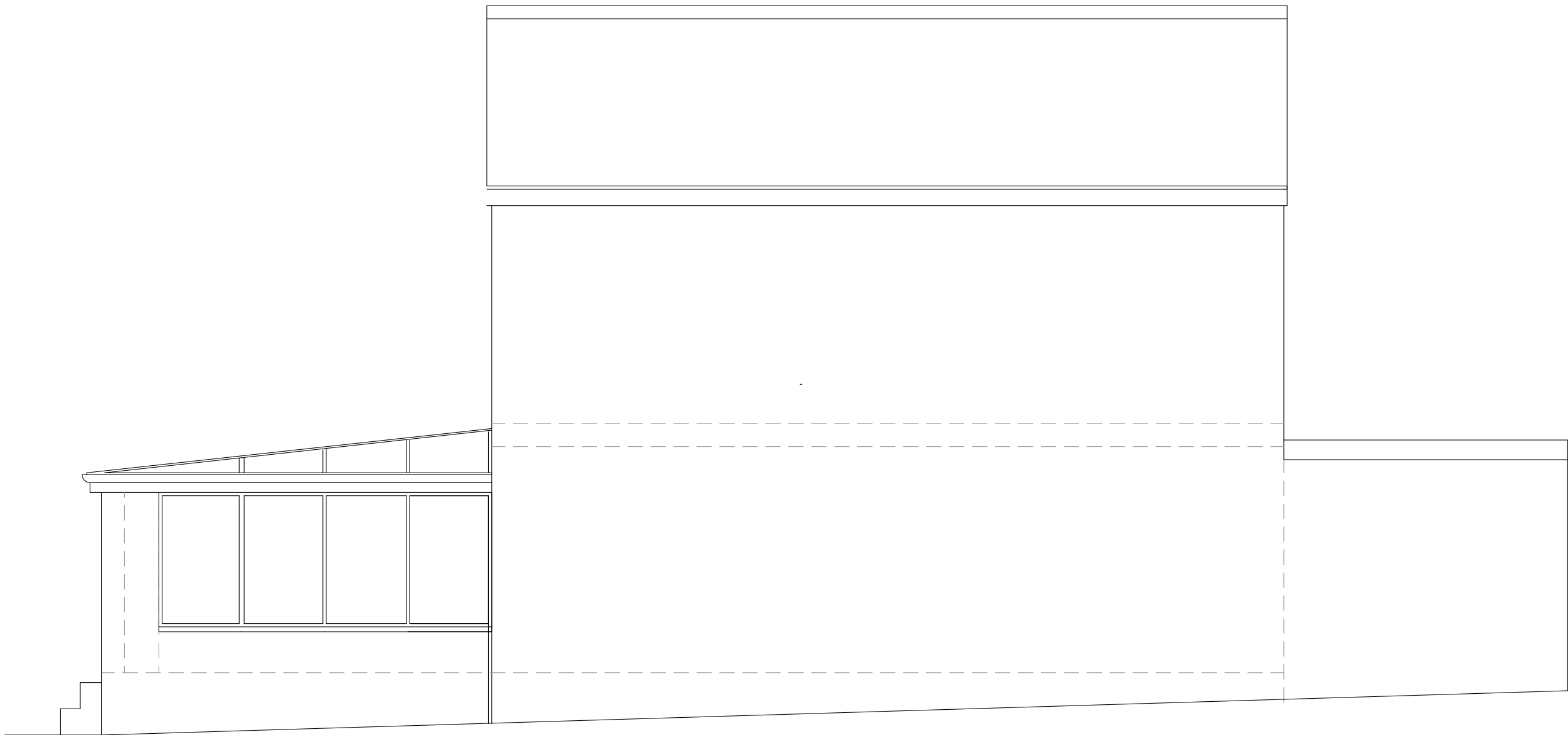
FIRST FLOOR



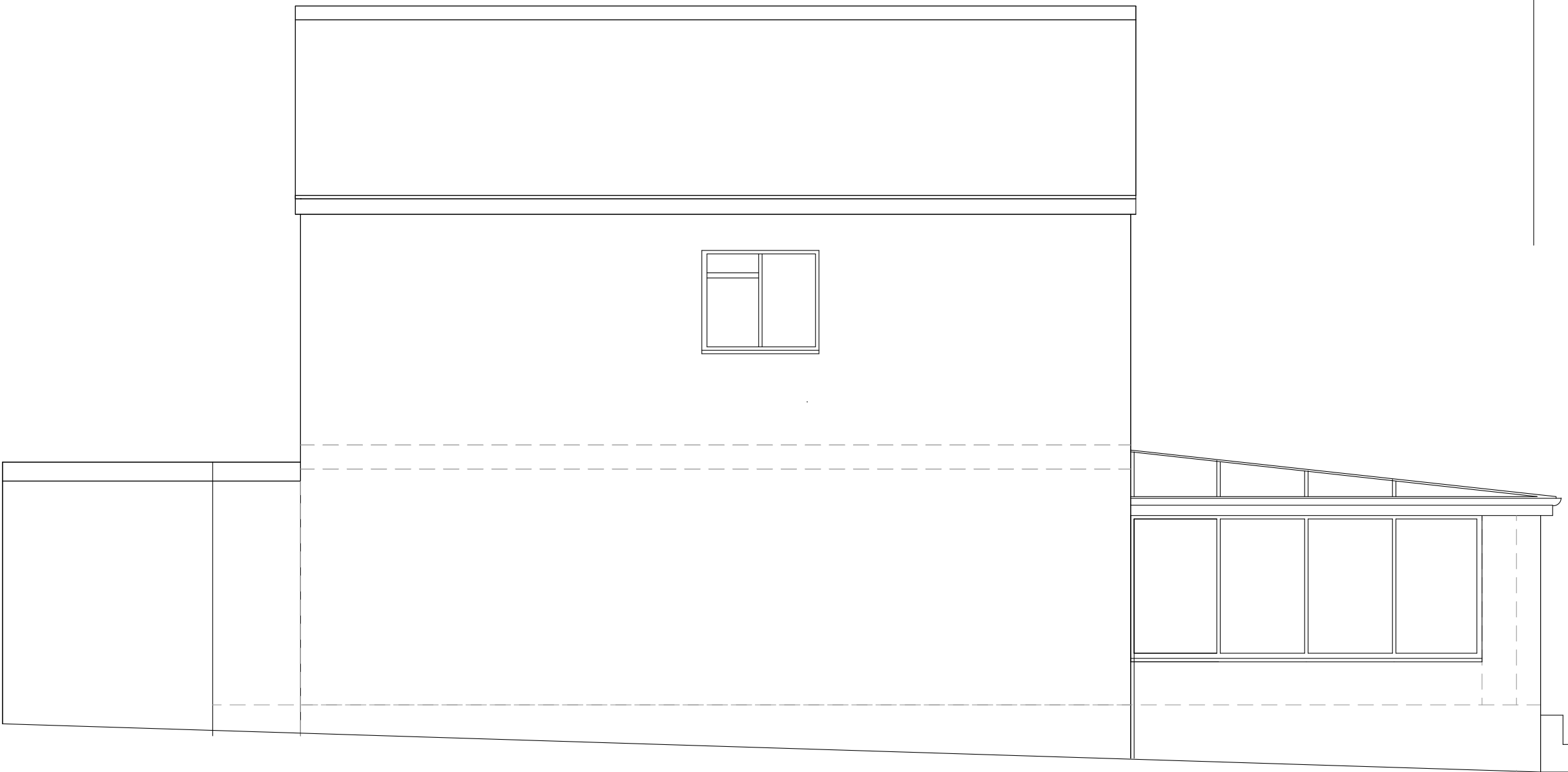
FRONT ELEVATION



REAR ELEVATIONH



SIDE ELEVATION 1



SIDE ELEVATION 2

SIDE ELEVATION 1

hemingway | cumbo
architects

188 Salford Court Road
London W4 3HR
T: 020 8995 5676
F: 020 8995 6195

Job
35A Fairway Avenue
West Drayton
Middlesex UB7 7AP

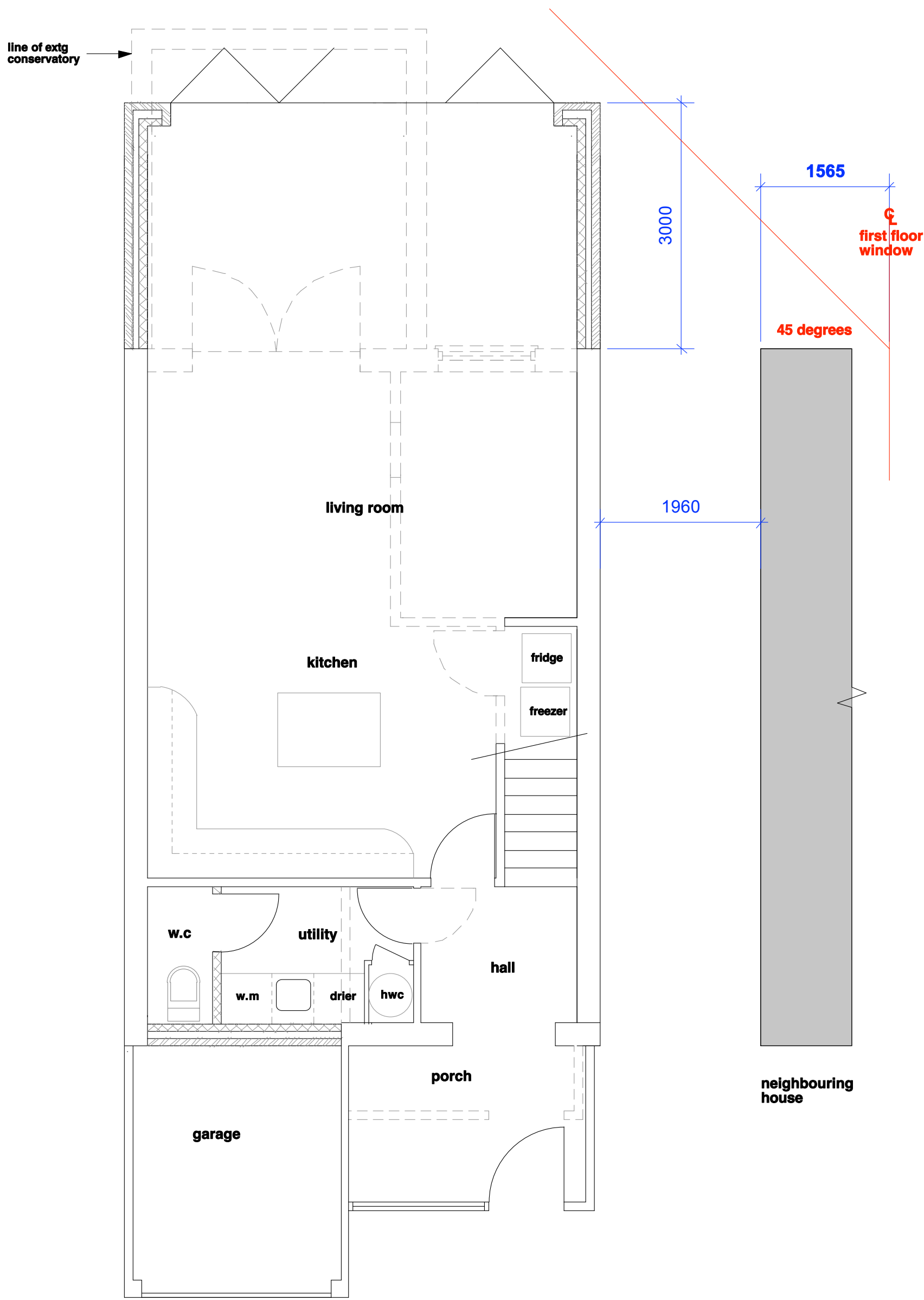
Dwg
Existing layout &
elevations

Date
May 2014

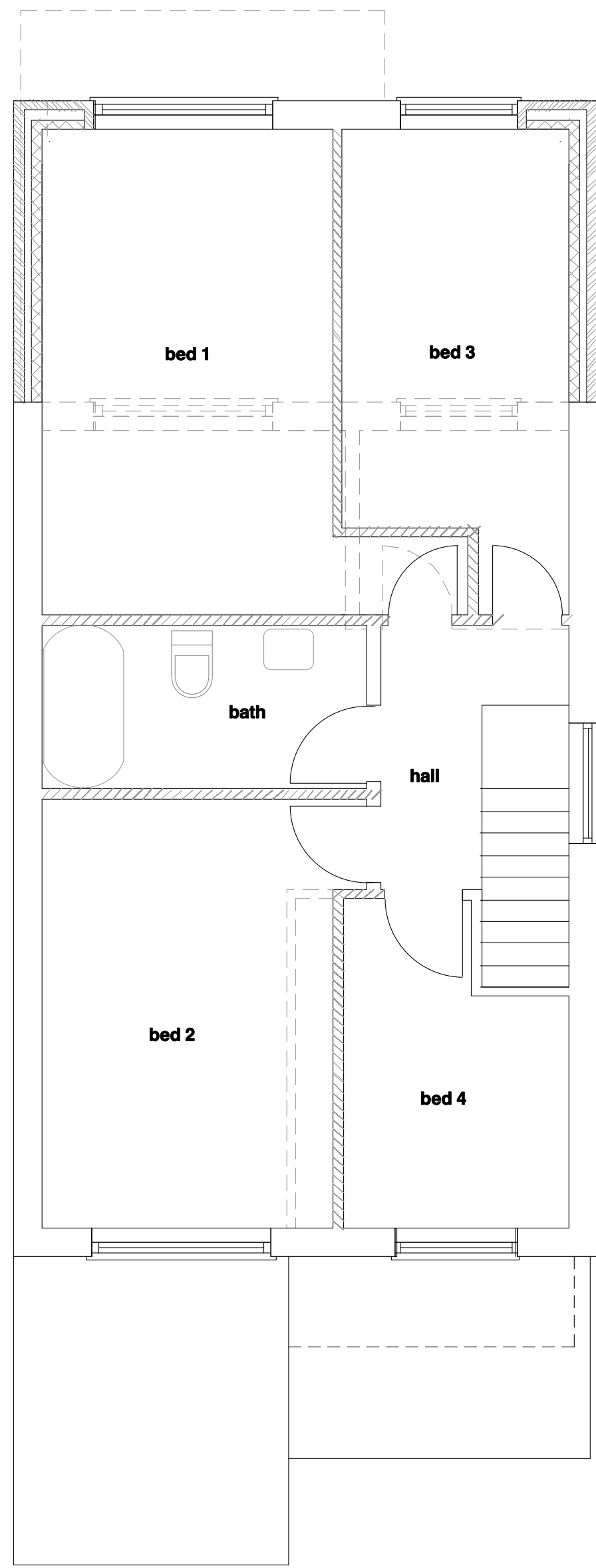
Job
873

Scale
1:50 @ A1
1:100 @ A3

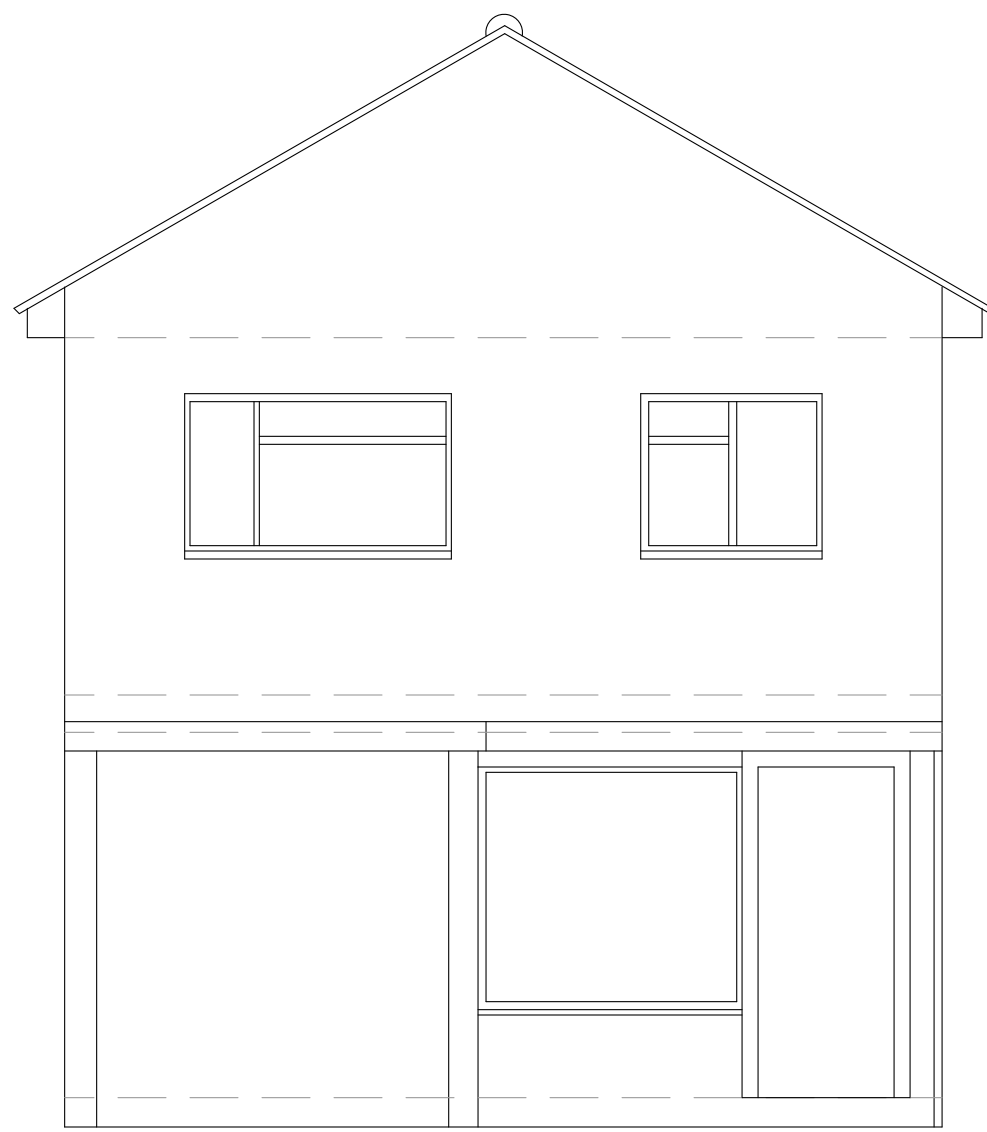
Dwg No
04



GROUND FLOOR



FIRST FLOOR



FRONT ELEVATION



REAR ELEVATIONH



SIDE ELEVATION 1



SIDE ELEVATION 2

Revision A
Dimensions & angle added for neighbours
first floor window 5.02.15

hemingway | cumbo
architects

188 Sutton Court Road
London W4 3HR
T : 020 8995 5676
F : 020 8995 6195

35A Fairway Avenue
West Drayton
Middlesex UB7 7AP

Proposed layout &
elevations

Date
May 2014

Scale
1:50 @ A1
1:100 @ A3

Job
873

Drp No
02A