

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 139 BURY STREET RUISLIP

Development: First floor rear extension, conversion of roof space into habitable use to include front and rear rooflights, alterations to the existing conservatory to form a flat roof single storey rear extension (including external alterations) and new side and rear windows/doors

LBH Ref Nos: **20795/APP/2021/2836**

Drawing Nos: B99580-3100 A
 B99580-3101 A
 B99580-3102 A
 B99580-3103 A
 B99580-3200 A
 B99580-3201 A
 B99580-3300 A
 B99580-1101 A
 B99580-1100 A
 Location Plan (1:1250)
 B99580-1102 A
 B99580-1103 A
 B99580-1200 A
 B99580-1201 A
 B99580-1300 A
 B99580-3500 A

Date Plans Received: 20/07/2021 **Date(s) of Amendment(s):**

Date Application Valid: 21/07/2021

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a two-storey detached dwelling on the north-western side of Bury Street within a predominantly residential setting.

The frontage is largely hard surfaced and accommodates parking. There is a front hedgerow and unprotected tree. The dwelling has a full width rear extension with a part single storey rear conservatory which was granted planning permission in 2014 (allowed at appeal).

Properties to the north along this side of the road tend to be aligned in terms of building line. No.123 steps considerably forward of the host dwelling. There is a large detached outbuilding of no.123 which sits adjacent to the host dwelling. No.123 is known as Bury Farm house which is locally listed.

The application site lies within a Critical Drainage Area and Archaeological Priority Area. There are no other policy or heritage constraints.

1.2 Proposed Scheme

The application seeks planning permission for:

- Full width first floor rear extension;
- Conversion of roofspace into habitable space;
- Front, side and rear rooflights;
- Alterations to the existing conservatory to form a flat roof single storey rear extension (facade alterations)
- New side and rear windows.

1.3 Relevant Planning History

Comment on Planning History

20795/APP/2014/380 - Conservatory to rear - Allowed at appeal 06/06/2014 (implemented)

20795/APP/2005/675 - First floor rear extension with extended pitch - Refused 25/04/2005

20795/APP/2002/2367 - First floor side extension, single storey rear extension and rear dormer - Granted 04/02/2003

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

5 neighbouring properties were consulted on 04/08/2021. By the end of the public consultation, one comment was received which is summarised as below:

- Potential loss of daylight/sunlight reaching patio from rear roof extension

Officer Comment: All material planning considerations are discussed below.

Conservation Officer -

The land associated to 139 Bury Street had historically formed part of Bury Farm. The listed building had originally been set within an open rural landscape, with agriculture dominating the use of land.

As existing the setting is suburban in character which has to some degree had a negative impact on the contribution the setting makes towards the significance of the listed building.

Nevertheless the significant set back of No139 and its traditional external appearance allows it to quietly sit adjacent to the listed building.

In considering the nature of the development, the existing environment and present relationship between the listed building and application site, in this instance the proposed development would have little to no impact on the setting of the listed building.

All external finishes, materials and colours used in the construction of the approved development would need to match the original property. This would need to be appropriately conditioned.

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 1 Heritage Assets

DMHB 2 Listed Buildings

DMHB 7 Archaeological Priority Areas and archaeological Priority Zones

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP HC1 (2021) Heritage conservation and growth

LPP D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

5. **MAIN PLANNING ISSUES**

The main considerations are the design and impact on the character of the existing property, the impact upon the streetscene and locality the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision.

Character and Appearance:

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also required that there is no unacceptable loss of outlook to neighbouring occupiers.

With regards to rear extensions, Policy DMHD 1 states that:

1) 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;

- 2) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- 3) 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;
- 4) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet;
- 5) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
- 6) 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;
- 7) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
- 8) 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
- 9) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

The host dwelling has full width hipped rear extension at approx. 3.2m in depth. Towards the side of no.141, the dwelling has a part single storey rear conservatory at approx. 3.91m in depth. The proposal would effectively just replace the roof to flat. The single storey addition is already predominantly in brick with the side and rear doors and roof being clear glassed. The proposed changes would be acceptable.

The existing rear doors serving the kitchen would be replaced which would be acceptable.

The existing hipped roof of the single storey full width extension would be removed with a full width first floor rear extension at approx. 3.2m in depth. The proposed addition would add substantial bulk and massing to the dwelling resulting in a top heavy, dominant, incongruous, visually intrusive and excessive form of development.

The proposed addition would overpower the host dwelling and despite the set down from ridge and eaves level, the combined height, depth and in particular width alongside its siting would result in a dominant and disproportionate addition that would harm the original architectural composition of the dwelling.

To some degree, the existing roof form is complicated. However, the proposal would make the situation substantially worse by adding an awkwardly and incongruously designed first floor addition (and its roof) that would appear jarring and visually intrusive. The two rear gabled elements would appear confused features that would exacerbate the overall bulk and massing. Furthermore, the proposed addition would create a large crown roof element that would add excessive massing resulting in the proposed addition being wholly unacceptable.

The host dwelling is predominantly finished in dark brick with the front elevation at first floor having hanging tiles. The proposed alterations at ground level would be finished in brick work. However, the first floor element would be finished in white render which is not common of the original dwelling. A varying material palette is noted in the area and given the rear siting, to some degree this would not be wholly unacceptable as a refusal reason alone. However, the use of render would contribute to the visual intrusion and jarring nature the proposal would bring.

In terms of the rooflights, replacement windows/doors and associated alterations, it is considered these additions alone could be acceptable. The use of aluminium framed windows would be acceptable in this instance and given rear siting.

Given the separation distance of no.123, which is locally listed, it is considered the proposal would not impact the setting of the building.

As such, the proposal would be unacceptable from a character and appearance perspective.

Neighbouring Amenity Impact:

The host dwelling is adjacent to no.141 (north) and no.123 (south) Bury Steet both of which are two storey dwellings. No.123 sits considerably forward of the host dwelling although has a large rear outbuilding which sits adjacent to the host dwelling.

In terms of no.123, there is an approx. 8.6m building to building separation distance from the main dwelling. The rear building is not used as a separate living unit and incidental to the main dwelling. The host dwelling is entirely deeper than no.123 and there is an approx. 13-15m separation distance from the rear building line of no.123 to the rear building line (excluding conservatory) of the host dwelling, where the first floor rear extension would sit. Given the separation distances, and siting of the rear outbuilding of no.123, it is considered, on balance, the proposal would not be detrimental to this occupier.

The host dwelling is approx. 8m deeper than no.141. There is an approx. 2m separation to the common boundary. As the conservatory would be reduced in height, with no enlargement in width or depth, it is considered this element would not be detrimental. No.141 has an original part rear projection along the side of no.143 but has not been extended. It is noted there is an immediate rear window of the side extension, rear door and rear doors/windows of the original rear projection element. There are three first floor rear windows. It is important to note that the submission has failed to provide an internal layout check of the adjacent dwellings and demonstrate 45 degree compliance from all habitable primary facing rear windows. The proposed first floor plan does show some form of line but it is not clear where this has been taken from.

Regardless, the proposed first floor rear extension would extend 3.2m in depth which would be in line of no.141, especially as given the bend of the road, the dwelling is more in the view of the host dwelling and its proposed extension. The adjacent dwelling has not been extended and given the combined height, width and depth of the proposed first floor extension and its close proximity, it is considered this addition would result in substantial harm to the occupiers in terms of terms of overdominance, outlook, sense of enclosure, visual intrusion, loss of privacy and overbearing impact. The excessive roof form and jarring/intrusive design would be excessive for the neighbour.

Whilst failure to demonstrate 45 degree compliance, it is considered the overall size of the first floor would lead to some loss of daylight/sunlight to the occupiers of no.141 - their garden area and dwelling.

Had the scheme been considered acceptable, the new/replacement side windows would have been required to be obscure glazed. A condition could have been attached.

As such, the proposal would cause unacceptable harm to the occupiers of no.141 Bury Street.

Standards of Accommodation:

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).

The applicant can convert the current roofspace into habitable accommodation without the need of planning permission. This would be the case here with the extended roof form of the first floor addition also forming part of a bedroom. 5 rooflights would serve this area for light and ventilation. Outlook in roof space will always be oblique given the angling. Only when proposing dormers can the outlook be made more acceptable. In this instance, no dormer is being proposed and given the internal conversion that can be made, it is considered that the quality of accommodation would on balance be acceptable.

In terms of the garden area, Policy DM HB 18 states that dwellings should have/be retained with 100sqm of useable private amenity area. There would sufficient amenity space retained.

As such, the proposal would, on balance, be acceptable (as proposed).

Highways and Parking:

No concerns would be raised.

Flood Risk Impact:

The site is within a critical drainage area. Had the scheme been considered acceptable, a compliance water butt informative would have been attached, as previously attached.

Archaeological Priory

Given the nature of the works, it is considered no concerns would be raised.

Trees and Landscaping:

No concerns would be raised.

Conclusion:

The proposal would be unacceptable on the following grounds:

- Excessively sized first floor rear extension
- Detrimental impact to the occupiers of no.141 Bury Street.

The application is recommended for refusal.

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed first floor rear extension, by reason of its size, scale, bulk, full width massing alongside the use of white render would result in an excessive, bulky, dominant,

visually intrusive, top heavy, visually intrusive and jarring addition that would fail to harmonise with the architectural composition of the original dwelling, would be detrimental to the character and appearance of the context of which it forms a part and to the visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

2 NON2 Non Standard reason for refusal

The proposed first floor rear extension, by reason of the siting, size, scale, bulk and proximity would be detrimental to the amenities of the adjacent occupier at 141 Bury Street by reason of overdominance, loss of outlook, sense of enclosure, visual intrusion, loss of daylight/sunlight and overbearing impact. 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

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

Standard Informatives

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The spatial development strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 1 Heritage Assets
DMHB 2 Listed Buildings
DMHB 7 Archaeological Priority Areas and archaeological Priority Zones
DMHB 11 Design of New Development
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DMHB 18 Private Outdoor Amenity Space

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|---------|---|
| DMHD 1 | Alterations and Extensions to Residential Dwellings |
| DMT 6 | Vehicle Parking |
| LPP HC1 | (2021) Heritage conservation and growth |
| LPP D4 | (2021) Delivering good design |
| LPP D6 | (2021) Housing quality and standards |
| NPPF16 | NPPF 2021 - Conserving & enhancing the historic environment |

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