

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 69 CHERRY LANE WEST DRAYTON

Development: Single storey detached outbuilding to rear for use a store/gym involving demolition of existing garage to rear

LBH Ref Nos: **58864/APP/2015/256**

Drawing Nos: proposed floorplan and elevations
Location Plan
Block Plan

Date Plans Received: 22/01/2015 **Date(s) of Amendment(s):** 12/03/2015

Date Application Valid: 22/01/2015

1. CONSIDERATIONS

1.1 Site and Locality

The property comprises an extended end of terrace dwelling situated on the eastern side of the road. The street scene is mainly small terraces and semi-detached houses.

The site is within the built up area as designated within the Hillingdon Local Plan, Part One, Strategic Policies.

1.2 Proposed Scheme

The application seeks permission for the demolition of the existing detached garage and the erection of a detached outbuilding for use as a gym/store. The proposal has been amended and has been reduced in floor area, it has a flat roof and the shower has been omitted from the drawings.

The floor area for the proposed outbuilding would be 26.25 square metres. The outbuilding is shown to have 2 doors, one on the front and one to the side. There are windows shown on 3 sides, these being the front, side and rear side flank of the building.

1.3 Relevant Planning History

58864/APP/2003/2396 69 Cherry Lane West Drayton

ERECTION OF A TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION

Decision Date: 05-12-2003 Approved

58864/APP/2014/2618 69 Cherry Lane West Drayton

Single storey detached outbuilding to rear for use as a gym/store and installation of 2 vehicular crossovers to front involving demolition of existing garage to rear

Decision Date: 29-10-2014 Refused

Comment on Planning History

The previous application for a similar proposal was refused on the following grounds:

1. The proposal is for a detached outbuilding which, by reason of its independent access, internal layout and the facilities provided within, is considered capable of independent

occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted. The proposed development is therefore contrary to Policies BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposed outbuilding, by virtue of its position, size, scale, bulk and height, would result in an incongruous, overbearing and visually intrusive form of development, and as a result have an adverse effect on the character and appearance of the surrounding area. Therefore the proposal would be contrary to policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

3. The proposed crossovers, by reason of their inadequate widths, would result in conditions prejudicial to safety of pedestrians and vehicles using the highway, contrary to policy AM7 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions."

The crossovers have now been omitted from the scheme. The footprint of the outbuilding has been reduced from 32.50 square metres to 26.25 square metres and reduced in height. However the fenestration and independent access to both front and side remain.

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

The public consultation period ran from 27th January to 17th February 2015. A site notice was displayed close to the site. There have been no responses to the application.

Heathrow Aerodrome Safeguarding have no objections to the application.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

5. MAIN PLANNING ISSUES

The main issues for consideration in determining this application relate to the effect of the

proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area, the impact on the residential amenity of the neighbouring dwellings, provision of acceptable residential amenity for the application property and the availability of parking.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The outbuilding would be built perpendicular to the orientation of the main house on the footprint of the existing garage. The footprint has been reduced in size by 6.5 square metres and now has an external footprint of 26.25sqm. The pitched roof has been removed and the outbuilding would now have a flat roof, with a height of 2.4m. the outbuilding would have no further impact on the character and visual amenity of the surrounding area than the existing garage as it would be roughly built on the footprint of this. The side windows would be obscurely glazed and would be 2.78m from the rear garden boundary. These windows would not cause any loss of privacy or overlooking to the neighbouring dwellings in East Avenue and would be acceptable. In terms of its size, scale, bulk and design the outbuilding would accord with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Section 9 of the HDAS Residential Extensions Guidance, states: Outbuildings cannot be used as a separate business unit or as a self contained residential unit. If it is intended to use the outbuilding for any of these uses, the proposal will be refused planning permission. The role of the detached outbuilding is to be used solely as an ancillary building to the main house.

The main house has been extended and has a footprint of around 100 square metres. The submitted floor plans for the outbuilding show a store and a toilet as well as a gym area. Although the layout of the outbuilding remains similar to the previous application, the reduction in the floor area and the omission of the shower is considered to be of a size and a use that would be considered ancillary to the main house.

In terms of its impact to neighbouring properties the size, scale and bulk of the proposed outbuilding is not considered to cause any undue loss of light or outlook to the occupiers of the two neighbouring dwellings at 67 and 71 Cherry Lane.

In terms of its impact to neighbouring properties the size, scale and bulk of the proposed outbuilding is not considered to cause any undue loss of light or outlook to the occupiers of the two neighbouring dwellings at 67 and 71 Cherry Lane.

Following the construction of the outbuilding approximately 150 square metres of private amenity space would be retained for the occupiers of the dwelling which is in accordance with Paragraph 4.9 of the HDAS guidance.

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, un-numbered Proposed Floor Plan and Elevations submitted 22/01/2015.

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 **HO6** **Obscure Glazing**

The windows facing north shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

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 **NONSC** **Non Standard Condition**

No additional facilities, such as cooking or shower facilities, over and above those shown on the approved plans shall be installed in the outbuilding hereby approved.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

6 **NONSC** **Non Standard Condition**

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings (as a store/gym). It shall not be used for purposes such as a living room, bedroom, kitchen, bathroom, study or as a separate unit of accommodation.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use, so as to protect the amenity of adjoining residential properties in

INFORMATIVES

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:

Part 2 Policies:

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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

- 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.

prior 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 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