

APPLICATION FOR: **65665/APP/2013/1349**

17 MAYLANDS DRIVE UXBRIDGE

COMMITTEE: Central South PC

DATE: 13th August 2013

I confirm:-

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

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

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

Signed:- _____
DC Tech Admin

Item No.	Report of the Head of Planning, Sport and Green Spaces		
Address	17 MAYLANDS DRIVE UXBRIDGE		
Development:	Single storey detached outbuilding to rear for use as a gym and store (Retrospective)		
LBH Ref Nos:	65665/APP/2013/1349		
Drawing Nos:	17003 17001		
Date Plans Received:	24/05/2013	Date(s) of Amendment(s):	24/05/2013
Date Application Valid:	29/05/2013		

1. CONSIDERATIONS

1.1 Site and Locality

The application site is a detached four bedroom dwelling at the head of a residential close in north Uxbridge consisting of modern semi-detached and detached houses with garages. It forms part of the designated North Uxbridge Area of Special Local Character within the Developed Area of the Borough as defined in the Hillingdon Local Plan.

No. 17 Maylands Drive, which has recently been extended to the side and rear, forms a pair with and is set marginally in front of No.19 on the north side of the turning head but is approximately 4 metres behind, and at a ground level of 0.5 metre above that of the adjoining semi-detached property, No. 15.

No. 17 has a large back garden (approx. 10m x 30m) part of which is now taken up by the recently enlarged raised patio and a small outbuilding serving as a store/workshop for the applicant's motorcycle adjacent to the side boundary close to the position of the demolished former garage.

The aforementioned building works, including the outbuilding for which permission is sought, have been carried out without the benefit of planning permission and are the subject of 6 separate enforcement notices.

1.2 Proposed Scheme

The application seeks permission to retain a detached outbuilding that has been erected on a concrete base at the rear of the garden for use as a gymnasium with WC and storage of garden furniture. The building is approximately 7.7 metres long x 4.1m wide x 2.5m high with a flat roof and is positioned adjacent to the rear (north) fenced boundary of the garden in West Common Road (and the side boundaries to Nos. 15/19 Maylands Drive).

It is constructed externally with upvc doors/windows and felt roofing and all materials are similar to those used on the house.

It is noted that while the application only seeks the retention of the outbuilding at the rear of the garden, the plans which have been submitted clearly show all of the unauthorised works at the premises.

1.3 Relevant Planning History

65665/APP/2012/1543 17 Maylands Drive Uxbridge

Part two storey, part single storey side and rear extensions, front porch and conversion of roof space to habitable use to include 4 x side roof lights

Decision Date: 25-10-2012 **Approved** **Appeal:**

65665/APP/2013/1348 17 Maylands Drive Uxbridge

Conversion of garage to habitable use, single storey detached outbuilding to rear for use as a motorbike store/ workshop, alterations to rear patio and alterations to elevations (Part Retrospective)

Decision Date: **Appeal:**

Comment on Planning History

Planning permission is required for the outbuilding due to the height of the eaves, which exceed 2.5 metres above the natural ground level immediately adjacent to the building which has had to be raised and levelled on two sides. An Enforcement Notice served by the Council in June in relation to this outbuilding comes into effect on 1st August 2013, hence the need for referral of this application to the committee.

In addition, the other smaller outbuilding closer to the house, the enlarged and raised patio, the conversion of the new garage into habitable accommodation and various alterations made to the elevations of this extended property (compared to those approved under Ref. 65665/APP/2012/1543) are also the subject of Council Enforcement Notices and a corresponding planning application seeking their retrospective approval (under Ref. 65665/APP/2013/1348).

The reasons for issuing the enforcement notices which are relevant to the outbuilding under consideration are set out below:

'a) the scale, form and architectural appearance of the extensions, garden buildings and enclosed raised platform fail to harmonise with the design features and architectural style predominant in the area and which contribute to the Special Local Character. The development is therefore contrary to Policy BE5 of the Hillingdon Local Plan Part 2 adopted in November 2012.'; and

'b) the cumulative affect of the garden buildings, raised platform and the single and two storey extensions, has resulted in a significant increase in the built up appearance of this site, resulting in a significant loss of amenity both for the occupiers of number 17 and number 19. The scale, siting, form and architectural appearance of the extensions, the garden buildings and enclosed raised platform result in a significant loss of residential amenity to neighbouring dwellings and fail to protect the privacy of neighbours. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE20, BE21 and BE24 of the Hillingdon Local Plan Part 2 adopted in November 2012.'

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

4 neighbouring occupiers were consulted on 31.5.2013 and a site notice was displayed on 6.6.2013. 4 representations have been received with the following comments:

HEIGHT

- the outbuilding is excessively high and dominant (measured from concrete base at least 2.7m at the highest point).
- the surrounding ground level has been significantly increased, bringing the actual effective height to more like 3.1 to 3.5m. The increase in ground level at the rear corner on the side of my boundary is around 0.4 to 0.5m, but as the garden is on a hill which slopes away from my property this increase must be greater on the far side of my boundary
- elevations on the submitted plan do not show the changes that have been made to the ground level (total effective height must also be considered when taking a decision on whether to grant planning permission).
- trellis to boundary fences, so that they are then excessively high, is not a satisfactory solution to the over-dominance of the building.

DESIGN/FUTURE USE

- this building has been constructed in a manner which suggests it may be used as self contained living accommodation (even though the current owner states this is not the intention, any future owner may well use it as such).
- concerned that the development in question will be used as habitable accommodation and will set an unfortunate and dangerous precedent for North Uxbridge.
- the building is of cavity wall construction, heavily insulated, with two UPVC doors, and a double glazed window. It has been provided with plumbing/drainage, WC/Shower, and mains electricity, which clearly allows this building to be used as living accommodation.
- contractors working on the house slept in this outbuilding even when not working over weekends.
- building is unnecessarily large/intended uses could be accommodated in extended house;
- future use of this building should be restricted by conditions to prevent use as an ancillary dwelling, for sleeping accommodation, commercial or non-domestic uses and animals.

ADDITIONS TO HOUSE

- fail to understand the arguments made by the owner regarding the need for additional storage space, since the simultaneous development to the main house, which was given planning permission, included the conversion of the entire roof space to habitable use, for a purpose described as storage. The rest of the house has also been significantly increased in size, so arguing a lack of space seems somewhat spurious. Also can't see why another shower/WC is required in the outbuilding, when the main house now has three bathrooms.
- contractors working on the house slept in this outbuilding even when not working over weekends.
- much of original garden now covered by various buildings/hard standings;
- there is no need to have a shower and toilet in the outbuilding when the house is only

yards away.

- this site has already been overdeveloped and the current application is a step too far. The applicant has shown a total disregard for both his neighbours and the planning regulations by applying for this element retrospectively.

OTHER COMMENTS

- construction of this outbuilding was commenced in November 2012 (not January 2013 as stated);

- no information on WC/shower drainage arrangements. The ground slopes down from the house - if linked to existing drains would gradient be sufficient to enable a satisfactory outflow? Also, would drain be constructed so as to keep separate from the rainwater drain to prevent pollution?

- higher rate of rainwater run-off from buildings and hardstandings built in garden to an existing water course' (unclear) could lead to over-load, flooding, erosion etc.

- sewage and rainwater drainage arrangements should be satisfactory (tested if necessary) or controlled by safeguarding conditions;

North Uxbridge Residents Association - no comments.

Tree/Landscape Officer - no objection.

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

Part 2 Policies:

BE5 New development within areas of special local character

BE13 New development must harmonise with the existing street scene.

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.

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

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

LPP 5.3 (2011) Sustainable design and construction

5. **MAIN PLANNING ISSUES**

The main issues for consideration with the proposal are the impacts on the character of

the surrounding residential area and on the amenities of the adjoining residential occupiers.

The Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) requires all development to harmonise in appearance with the existing streetscene (Policy BE13) and complement the amenity and character of the surrounding area (Policy BE19). Policy BE5 considers the impact of new development on designated Areas of Special Local Character. In such areas, development should harmonise with the materials, and predominant style and heights of other buildings in the area.

Section 9.0 of the Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement - Residential Extensions (December 2008) (HDAS) sets out the specific design criteria for such outbuildings.

These should be positioned such that they would not overshadow adjoining houses and patios and be separated from the main house as far as possible. A set back from the site boundaries of 500mm is required and materials used are required to be similar to those on the rear of the house. The ridge height should not exceed 4 metres and windows/doors should only be placed in the elevation facing the house.

The building should only be used for normal domestic purposes ancillary to the residential use of the main house including for example as a garden shed or for other household storage, or as a hobby room. Use for sleeping purposes or with separate cooking or bathroom facilities as self-contained accommodation is not acceptable.

In most instances it is considered that a building with a footprint of greater than 30sq.m is of a scale which is not reasonably required for purposes ancillary to the residential use of the house. The outbuilding for which permission is sought is 31.5sq.m and is therefore considered to be of a scale which is not reasonably required for ancillary purposes. The fact that the outbuilding would have independent access separate from the main house and the design/fit out of the outbuilding; which includes separate rooms for a mower store and WC, and an internal fit out (in terms of materials) which is not considered to be normal for the uses stated on the plans are also considered to be indicative of a building which has not been designed or built for a use ancillary to the main residence. While the application form seeks only the retention of the outbuilding at the rear of the garden, the layout of other unauthorised structures on the site, including a second outbuilding which again has clearly not been designed for the purposes stated on the plans, also adds to concerns regarding the use of the structure.

The outbuilding is not visible from the street between Nos. 15 and 17 and is sited adjacent to the rear boundary of a sloping garden and if considered in isolation would not represent an intrusive feature in the area. The building otherwise meets the HDAS requirements for set-in from the boundary and its built height, notwithstanding that the ground around its base has been levelled and raised on two sides due to the natural sloping ground. It is also finished in materials similar to those used on the house. As such, were the outbuilding to be considered independently and in isolation it would likely accord with accord with the aims of Local Plan Policies BE5, BE13 and BE19.

With regard to their potential impacts, under Policy BE21 of the Local Plan, new extensions, including outbuildings, which due to their bulk and proximity would result in a significant loss of residential amenity to the neighbouring occupiers will not be granted.

In order to safeguard the amenities of existing houses, Policy BE20 also seeks to ensure that all buildings are laid out so that adequate daylight and sunlight can penetrate into and between them. Due to the position at the end of the garden and separation distances involved, the overall bulk of the outbuilding has no impact at all on the existing natural light received by the adjoining dwellings or to the gardens of these properties. Again, if the outbuilding were considered in isolation it would accord with the general objectives of HDAS guidance and comply with Local Plan Policies BE20 and BE21 and HDAS in these regards.

However, in this instance the outbuilding has been carried out alongside 5 other aspects of unauthorised works at the property which are subject to enforcement notices requiring their removal. At the time of writing this report none of these other unauthorised structures has been removed, further all of these structures are clearly shown on the proposed site plan which the Local Planning Authority is being asked to approve as part of this application. As such, in this particular instance it is not considered that consideration of the outbuilding at the rear can be separated from the other works which have been carried out on site.

When considered cumulatively the proposed outbuilding in conjunction with other structures currently on the site has resulted in a significant increase in the built up appearance of this site and loss of amenity both for the occupiers of number 17 and number 19. Further, the resulting development fails to harmonise with the design features and architectural style predominant in the area and detracts from the appearance and quality of the Area of Special Local Character. As such the proposal is and is contrary to Policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and Policies BE5, BE20, BE21 and BE24 of the Hillingdon Local Plan Part 2 adopted in November 2012.

In accordance with Policy BE23 of the Local Plan and the HDAS requirement, the amount of private usable garden space should be at least 100 square metres for a four bedroom house. The rear amenity space available to the occupants of this dwelling (not including the area taken up by the two outbuildings) is in excess of 140sq.m. (includes 115 sq.m. garden/28 sqm. patio).

The Council's Trees/Landscape Officer has confirmed that since there are no trees or other landscape features of merit that would be removed or threatened by the proposal, it is thus in accordance with Local Plan Policy BE38.

Accordingly, having considered all relevant material matters the proposal is considered to be unacceptable and refusal is recommended.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Building Capable of Independent Occupation

The proposal is for a detached structure which it is considered is 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 due to increased noise and

disturbance impacting on the amenity of neighbouring occupiers, a lack of amenity space for future occupiers, overlooking between the main dwelling and the outbuilding, it is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies OE1, BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the Hillingdon Design and Accessibility Statement - Residential Extensions.

2 NON2 Impact on Neighbour Amenity

The outbuilding which is the subject of this application, when considered in conjunction with other works carried out on the site (and clearly shown on the proposed plans) results in a significant increase in the built up appearance of this site and loss of amenity to the occupiers of number 17 and number 19. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

3 NON2 Impact on Area of Special Local Character

The outbuilding which is the subject of this application, when considered in conjunction with other works carried out on the site (and clearly shown on the proposed plans) is considered to result in a development which fails to harmonise with the design features and architectural style predominant in the area. The development therefore detracts from the appearance and quality of the North Uxbridge Area of Special Local Character and is contrary to Policy BE5 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

INFORMATIVES

Standard Informatives

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE5 New development within areas of special local character
BE13 New development must harmonise with the existing street scene.

guidance.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 5.3	(2011) Sustainable design and construction

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