

Report of the Director of Planning & Community Services Group

Address 35 BUSHEY ROAD ICKENHAM

Development: Single storey side/rear extension including reduction in height of roof and 1 rear and 1 side rooflight (Part retrospective application)

LBH Ref Nos: 48449/APP/2009/793

Drawing Nos: RP/35/06A (Received 13th July 2009)

Date Plans Received: 16/04/2009

Date(s) of Amendment(s): 13/07/2009

Date Application Valid: 05/05/2009

1. CONSIDERATIONS

1.1 Site and Locality

No.35 Bushey Road is a detached chalet bungalow located on the western side of Bushey Road and the application site lies within the developed area as identified in the Adopted UDP, saved policies September 2007. The area is characterised by similar detached bungalows and chalet bungalows and the properties either side are similar detached bungalows with driveways on their respective southern side. In the case of No.35, the detached garage alongside the boundary with No.33 has been demolished and replaced with a side and rear extension, which is discussed in greater detail below, as this is the subject of a current Enforcement Notice.

1.2 Proposed Scheme

As a result of a recent Appeal decision (APP/R5510/C/08/2086569) against the Enforcement Notice, in respect of the side extension alongside the boundary with No.33 Bushey Road, this application, now seeks permission to demolish the side extension alongside No.33 Bushey Road and replace it with a new flat roof 2.35m high, whilst the depth would also be reduced alongside the boundary with No.33, to a depth of no more than 4 metres.

1.3 Relevant Planning History

48449/APP/2006/2550 35 Bushey Road Ickenham

ERECTION OF A SINGLE-STOREY PART REAR EXTENSION AND COVERED OPEN AREA, AND LOFT CONVERSION, INVOLVING REAR PITCHED ROOF ADDITION.

Decision Date: 01-03-2007 Approved **Appeal:**

48449/APP/2007/3040 35 Bushey Road Ickenham

ERECTION OF A SINGLE STOREY PART SIDE AND REAR EXTENSION WITH EXTENDED PITCHED ROOF OVER AND CONVERSION OF ROOFSPACE TO HABITABLE ACCOMMODATION INVOLVING INSTALLATION OF ONE SIDE AND ONE REAR ROOFLIGHTS (PART RETROSPECTIVE)

Decision Date: 13-12-2007 Refused **Appeal:**

48449/APP/2008/2048 35 Bushey Road Ickenham
Single storey rear/side extension (retrospective application).

Decision Date: 02-10-2008 **Refused** **Appeal:**

48449/APP/2008/3216 35 Bushey Road Ickenham

Erection of a single storey part side and rear extension with extended pitched roof and conversion of the roofspace to habitable accommodation involving one side and one rear rooflights (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990).

Decision Date: **Appeal:******* Part Allowed

Comment on Planning History

In 2007, an application (2007/3040) to demolish the garage alongside the boundary with No.33 Bushey Road and erect a replacement side extension and a rear extension. At the time of the officers site visit, (October 2007), work was well advanced on this proposal.

The application was reported to Committee on 13th December 2007, with the Officers report concluding:

"with regard to the impact upon neighbours, whilst the plans indicate that the height of the new utility room is 2.4m high, where it adjoins the boundary with No.33, when measured on site, the height is nearer 2.7m. In addition, whilst appreciating that this utility room replaces a mono-pitched building in the same location, the building is set back 1m from the rear of No.33, with the overall rearward projection of this building, beyond No.33 is 6 metres.

This depth of rearward projection far exceeds the 3.6m guideline set out in paragraph 3.4 to Section 3 of the HDAS SPD Residential Guidelines, and the combination of the building of this depth, and of the height constructed adversely affects the amenities of No.33, which has its main rear habitable lounge doors alongside the boundary with No.35 Bushey Road.

A photograph taken from inside this lounge is appended to this report, and this demonstrates the adverse impact the development has had upon their outlook, to the detriment of their enjoyment of their property and their rear patio area immediately outside."

Following refusal of that scheme in 2007, the Committee resolved to take Enforcement Action particularly in respect of the element of the extension alongside No.33 Bushey Road, due to its excessive depth and height.

A revised application was submitted (2008/2048). However, the only difference between the previous application and the revised scheme was that the roof would be changed from the existing ridged roof to a Crown Roof, which would reduce its height by approximately 200mm. All aspects of that revised application, including the overall depth and height to the eaves were the same, and therefore that application was also refused.

An Enforcement Notice was subsequently served and an appeal against the Enforcement Notice was subsequently part allowed, part dismissed on 20th March 2009. Essentially, the Inspector allowed the rear extension to remain, however he also required the demolition of the side extension where it adjoins the boundary with No.33 and the reinstatement of the garage which existed before the new extension was built in 2007.

The Inspector was concerned about the height (2.7 metres to eaves and 4 metres to the

ridge) and depth (6 metres) of the extension alongside No.33 and its detrimental impact upon the amenities of No.33 Bushey Road.

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

Six adjoining occupiers consulted. One reply received referring to the requirements of the Enforcement Notice, and the fact that the applicant appeared to ignore the advice of the Local Planning Authority. With regards to the amended plans received on 13th July they remain of the view that, whilst the flat roof is an improvement, the brickwork is too high and the proximity to their lounge window and patio is the same and therefore consider that the extension should be demolished in accordance with the Inspectors recommendations.

Ickenham Residents Association

Also refer to the requirements of the Enforcement Notice, and that this amended application still fails to meet its requirements.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

AM14 New development and car parking standards.

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.

BE23 Requires the provision of adequate amenity space.

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

HDAS Residential Extensions - Section 3

LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

The only issue with regards to this revised application is whether or not the demolition of the extension, and its replacement in the manner proposed would overcome the Inspectors concerns regarding the impact upon No.33 Bushey Road.

The comments from No.33 Bushey Road and the Ickenham Residents Association are

noted, however the amended plan proposes to demolish and replace the current extension, by bringing the side extension forwards, creating an overall depth of approximately 4 metres, and a height of 2.35 metres, alongside the boundary with No.33 Bushey Road.

Whilst the overall depth at 4 metres, exceeds the 3.6m maximum advocated in Section 3 of the Supplementary Planning Document (SPD) HDAS Residential Extensions, this is considerably less than the current 6m depth, and also, more importantly, less than the depth of the original garage which projected 5.7m beyond the rear of No.33 Bushey Road. With regards to the height, this would also now be less than the current height of 2.7 metres and also below the SPD, HDAS: Residential Extensions, maximum of 3.1m high for a flat roof extension, as referred to in Paragraph 3.9.

Consequently, in its amended form, it is considered that the proposal will not be detrimental to the amenities of No.33 Bushey Road, and would overcome the Council's and the Inspectors' concerns regarding the adverse impact upon No.33 Bushey Road. Therefore, the proposal would not conflict with Policies BE20 and BE21 of the Adopted UDP, saved policies, September 2007.

6. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 M2 External surfaces to match existing building

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.

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 Unitary Development Plan Saved Policies (September 2007).

3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 RPD4 Prevention of Balconies/Roof Gardens

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the granting of further specific permission from the Local Planning Authority.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
Policy No.

AM14	New development and car parking standards.
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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS	Residential Extensions - Section 3
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

- 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 & 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 & Community Services Reception Desk, Level 3, 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.

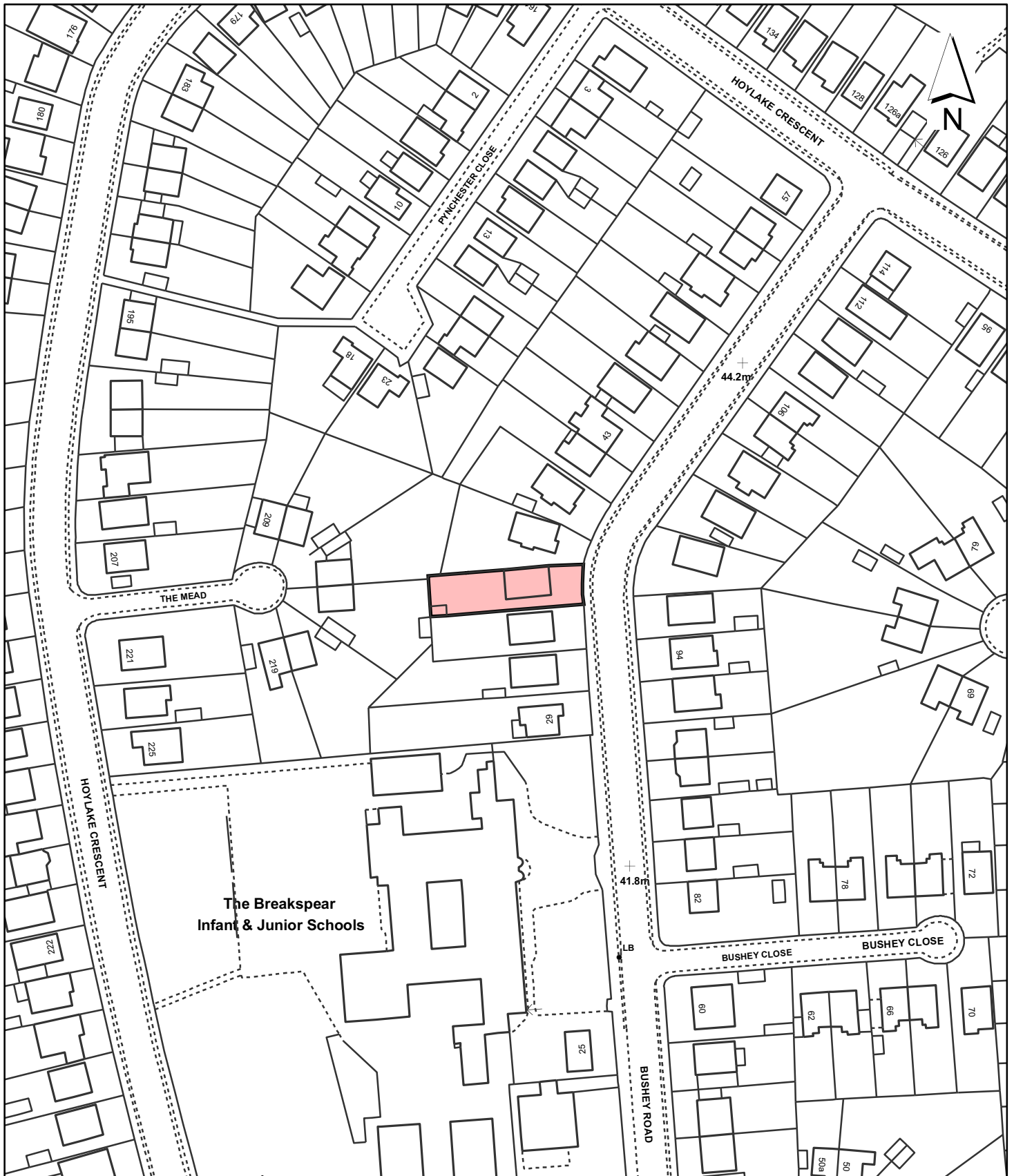
D) No bonfires that create dark smoke or nuisance to local residents.

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: Colin Tebb

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**35 Bushey Road
Ickenham**

Planning Application Ref:

48449/APP/2009/793

Planning Committee

North

Scale

1:1,250

Date

September 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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