

Report of the Director of Planning & Community Services Group

Address 19 SILVERDALE GARDENS HAYES

Development: Single storey detached outbuilding to rear for use as playroom (Retrospective application.)

LBH Ref Nos: 63644/APP/2009/2071

Drawing Nos: RP/19/09B

Date Plans Received: 23/09/2009 **Date(s) of Amendment(s):**

Date Application Valid: 01/10/2009

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the north west side of Silverdale Gardens and comprises a two storey semi-detached house with a side garage along the boundary with 21 Silverdale Gardens, and a recently constructed outbuilding at the end of the rear garden, the subject of this application.

The attached house, 17 Silverdale Gardens, lies to the south west and has second generation single storey rear extensions. To the north east and set back some 7m behind the front wall of the application property, lies 21 Silverdale Gardens, a two storey semi-detached house with a covered side walkway, an outbuilding along the side boundary with the application property, and a single storey rear extension. To the rear lie the rear gardens of 61 and 62 Fairdale Gardens.

The street scene is residential in character and appearance comprising two storey semi-detached houses, some with outbuildings at the bottom of the rear garden, and the application site lies within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

1.2 Proposed Scheme

Planning permission is sought for the retention of an outbuilding at the bottom of the rear garden. The outbuilding measures 8.4m wide, extending to the side boundary with 21 Silverdale Road and retaining a 0.15m gap to the side boundary with 17 Silverdale Road, 5.1m deep, retaining a 1m gap to the rear boundary, and finished with a flat roof 2.8m high.

There is a door and window on the front and rear elevations of the outbuilding.

1.3 Relevant Planning History

63644/APP/2007/2966 19 Silverdale Gardens Hayes
ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS (INVOLVING THE PART

DEMOLITION AND CONVERSION OF AN EXISTING SIDE GARAGE)

Decision Date: 26-11-2007 **Approved** **Appeal:**
63644/APP/2009/1868 19 Silverdale Gardens Hayes

Single storey side and rear extension involving demolition of existing attached garage to side.

Decision Date: 08-12-2009 **Approved** **Appeal:**

Comment on Planning History

Planning permission (63644/APP/2009/1868) was recently granted for the erection of a single storey side/rear extension measuring 3.65m deep.

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

7 adjoining owner/occupiers have been consulted. A petition with 20 signatories has been received making the following comments:

- (i) The outbuilding is excessive and does not retain sufficient gaps to the side boundaries;
- (ii) The application has to be considered with the other current application for a side/rear extension as together they would reduce the garden area by more than 50%;
- (iii) The outbuilding overlooks the rear gardens of 61 & 62 Fairdale Gardens resulting in a loss of privacy;
- (iv) The outbuilding breaches Article 8 of the European Convention on Human Rights in that it infringes the rights to respect privacy and family life;
- (v) Question the use of the outbuilding as a playroom. Given its size, it could be used as a self-contained unit. Why the need for windows?;
- (vi) There is a safety issue for children using the outbuilding as a playroom;
- (vii) The width of the outbuilding is greater than the width of the original house; and
- (viii) the outbuilding is contrary to section 9.0 of the HDAS: Residential Extensions

Officer comments: On point (iv), the conventions of the Human Rights Act 1998 (HRA 1998) are taken into account in the determination of planning applications. Point (iv) is not a material planning consideration. The remaining points are addressed in the report.

It should also be noted that a ward Councillor has required that the application be referred to the Planning Committee.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity

and the character of the area.

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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 9.0 Detached Outbuildings

5. MAIN PLANNING ISSUES

The main issues for consideration relates to the impact of the development on the character and appearance of the surrounding area generally and on residential amenity.

The detached outbuilding, by reason of its size, bulk, scale, design and excessive width, represents a visually intrusive and over dominant form of development detracting from the character and appearance of the surrounding area. The outbuilding extends for the full width of the application site, contrary to paragraph 9.2 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions, which advises that outbuildings should be set in from the side boundaries by at least 0.5m.

The issue of precedence can be a valid material consideration when determining planning applications. Officers consider the relevant area to consider is Silverdale Gardens rather than the wider Hayes area. Silverdale Gardens has property numbers up to No. 105. There are some outbuildings to the rear of properties in Silverdale Gardens. Officers have checked the planning history for all of the properties in Silverdale Gardens. No large outbuildings (larger than standard size garages) have been approved in Silverdale Gardens since HDAS Residential Extensions guidance was adopted in 2006. It is relevant to consider this date as the 2006 HDAS guidance provides parameters on what are or are not acceptable scale outbuildings. It is considered therefore that there is no substantive precedence argument to support approval of the planning application.

It is therefore considered that the outbuilding detracts from the character and appearance of the surrounding area generally and the visual amenities of adjoining residents, contrary to policies BE13, BE19 and BE21 of the adopted Hillingdon Unitary Development Plan

(Saved Policies September 2007) and section 9.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

The existing outbuilding at 21 Silverdale Gardens located along the side boundary with the application site screens the impact of the outbuilding from that house. The outbuilding is sited some 13m from the rear wall the application property, some 8m from the rear elevation of the extended house at 17 Silverdale Road, and is some 18m from the rear wall of 61 and 62 Fairdale Gardens.

Furthermore, should the recently approved single storey side/rear extension at the application property be implemented, the outbuilding would be some 9m from the rear elevation of the extension. These distances are sufficient to ensure that the outbuilding does not harm the residential amenities of the occupiers of neighbouring properties through over dominance and overshadowing.

The existing side boundary treatment between the application property and 17 and 21 Silverdale Gardens is of a height which allows overlooking to and from the gardens. As such, the door and window in the front elevation of the outbuilding does not result in a significant increase on overlooking over and above the current situation. Furthermore, the existing 2m high rear block boundary wall prevents overlooking from the rear window and door of the outbuilding onto the rear gardens of 61 and 62 Fairdale Gardens.

The submitted plans indicate that the outbuilding will be used as a playroom. This is incidental to the enjoyment of the dwelling house and therefore any noise generated from its use is unlikely to be so significant as to harm the residential amenities of adjoining properties. Any noise nuisance can be dealt with under the provisions of the Environmental Protection Act 1990.

It is therefore considered that the outbuilding does not harm the residential amenities of adjoining occupiers through overdominance, overshadowing and overlooking, in accordance with policies BE20, BE21, BE24 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

At present, 100sq.m of private amenity space exists for application property which is a 3 bedroom house. If implemented, the approved side/rear extension would reduce this to some 70sq.m. Paragraph 3.13 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions advises that 60sq.m of private amenity space should be retained for 3 bedroom houses. Therefore, sufficient amenity space would be retained even if the approved rear extension is implemented. The development complies with policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

With regards to third party comments, the points raised are addressed in the report.

For the reasons outlined above and that the development is contrary to the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The detached outbuilding, by reason of its overall size, siting, bulk, scale, excessive width and design represents a visually incongruous and intrusive form of development which is detrimental to the character and appearance of the surrounding area generally and the visual amenity of adjoining residential properties, contrary to policies BE13, BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

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

Policy No.


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.
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 9.0 Detached Outbuildings

Contact Officer: Sonia Bowen

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**19 Silverdale Gardens
Hayes**

Planning Application Ref:

63644/APP/2009/2071

Planning Committee

Central and South

Scale

1:1,250

Date

December 2009

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



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