

Report of the Head of Planning & Enforcement

Address 121 HERLWYN AVENUE RUISLIP

Development: Retention of part and demolition of part of unauthorised side and rear extension and change to roof profile

LBH Ref Nos: 65165/APP/2010/158

Drawing Nos: 4589-II
4589-III
4589-1 Rev. A
2 x A4 Photograph Sheets

Date Plans Received: 29/01/2010 **Date(s) of Amendment(s):** 17/02/2010

Date Application Valid: 29/01/2010

1. CONSIDERATIONS

1.1 Site and Locality

The application site forms a corner plot located on the north east side of Herlwyn Avenue at its junction with Roxburn Way and comprises a detached bungalow with an original projecting front gable and a detached garage in the rear garden, accessed by means of a shared drive with No.119 Herlwyn Avenue, a semi-detached bungalow to the north west. A single storey side and rear extension with a crown roof and projecting rooflights has been added, although its rendered walls have not been painted and a number of windows have not been installed. The roof of the bungalow has also been extended with a side and rear dormer and the garage has been extended at the side. A new boundary wall has also been part built on site. The property is currently vacant, with a number of window openings boarded up.

Adjoining the site at the rear is No.26 Roxburn Way, a semi-detached bungalow with a single storey side extension on the boundary and on the opposite corner of Roxburn Way is No.131 Herlwyn Avenue, a detached bungalow. The street scene is residential in character and appearance, predominantly comprising semi-detached bungalows 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

This application seeks permission to alter the existing single storey side and rear extension that has been built on site by retaining the central 7.5m depth of the 3.0m wide side extension and increasing the overall height of the crown roof to 4m. The existing rooflights are shown to be removed. A 3.2m depth of the extension would be removed at the front, so that the side extension would align with the recessed front elevation of the original bungalow and the rearmost 3.0m depth of the side/rear extension would also be removed, so that the side extension would align with the original rear wall of the bungalow, separating the side and rear extensions.

The retained part of the rear extension would have a maximum depth of 3.5m reducing to

3.0m on the original rear projecting part of the rear elevation of the bungalow on the side adjoining Roxburn Way. The extension would have a width of 6.75m and overall height of 3.2m to the top of the retained crown roof.

1.3 Relevant Planning History

Comment on Planning History

Application ref. 65165/APP/2008/2923 for the erection of a single storey side and rear extension was withdrawn on the 13th January 2009. Following the substantial completion of a single storey side and rear extension, an enforcement notice was issued on the 25th February 2009. An appeal against the enforcement notice was dismissed on 8th January 2010

A certificate of lawfulness for a proposed single storey front extension on the other side of the projecting gable was refused on the 28th August 2009 (ref. 65165/APP/2009/1185) and an appeal was subsequently dismissed on the 8th January 2010.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- 2nd March 2010

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

Original Plans

71 neighbouring properties consulted and a site notice displayed. 8 objection responses (2 from same property) have been received, making the following comments:

(i) Although demolition of front and rear sections would to some extent, mitigate appearance of the side extension's overly dominant bulk, the increase in height of the pitched roof area, with its flat roof area and retention of the prominent dormer extension means that aesthetically, there is no change to building that has been erected on site and the changes to the shape and size of the original bungalow result in a detrimental effect on the appearance of the property, contrary to policies BE13 and BE19 and detracts from surrounding properties and neighbourhood, as massing and proportions are out of scale, contrary to policy BE21;

(ii) Size of extension changes bungalow to a house, which does not harmonise with this area of bungalows on this small, very exposed corner plot. Application should be refused unless roof is returned to its original shape and use and the side extension used for living purposes or as a garage;

(iii) Applicant has written to everyone in the street, claiming to be badly off, trying to gain sympathy. She claims builders never consulted her on the plans;

(iv) Dormer windows overlook adjoining bedroom windows;

(v) Once precedent has been set, greater chance of similar applications being approved;

(vi) Interests of residents should take priority;

(vii) Have been advised that planning department is now giving advice to the developers regarding application. To avoid accusations of complicity, or worse, this should cease immediately;

(viii) This application should not even be entertained, given enforcement notice which has been upheld by Planning Inspectorate in their decision letter dated 8th January 2010 and the Council has no discretion to extend the 3 month period for compliance;

(ix) Alterations to garage, with possible change of use and additional structure at the rear,

are not shown on the drawing;

(x) No works have yet been commenced to comply with the notice or this application;

(xi) Although internal arrangements are not known, fairly obvious that this is not a family residence but a business premises, which would be out of keeping with the area and exacerbate parking problems;

(xii) On-going saga gives the impression that applicant has intimate knowledge of how the planning department operates.

2 responses of support stating that no objections are raised, providing the applicant carries out the alterations proposed and the building work is made good to Council regulations.

Officer Comments

Points (i) and (ii) have been dealt with in the main report. Points (iii), (x), (xii) and (xiii) are noted. As regards point (iv) the dormer extension does not form part of this application and this roof extension constitutes permitted development. In terms of points (v) and (vi), all applications have to be assessed on their own individual merits. It is an integral function of planning departments to provide impartial advice concerning development within their areas (Point (vii)). As regards point (viii), planning departments have to determine valid planning applications providing the scheme is not identical to a previous proposal that has recently been considered and dismissed on appeal. An informative advising the applicants of the extant enforcement notice is attached. The extension of the garage itself constitutes permitted development (Point ix). As regards Point (x), this proposal is for an extension to a residential property.

Ruislip Residents' Association: No response received.

Amended Plans

71 neighbouring properties re-consulted, together with the Ruislip Residents' Association and the 3 Ward Councillors. No responses have been received.

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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

5. MAIN PLANNING ISSUES

This application is only considering the single storey side/rear extension. The dormer extension to the roof and the garage extension, notwithstanding its possible future use (although the Local Planning Authority has been led to believe that this would be a study/office), constitute permitted development. A boundary wall has also been commenced on site and this would require permission as part of it exceeds 1m in height adjoining the highway. An informative has been added advising of this.

Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) seek to ensure that development respects the character and appearance of the street scene and the residential area and extensions to existing buildings should harmonise with the scale, form, architectural composition and proportions of the original building.

The Inspector in considering the application deemed to have been made as part of the appeal against the enforcement notice noted that the character and appearance of the estate is derived mainly from the fairly regular arrangement of hipped roofed, modestly sized bungalows. Although it was noted that several bungalows had been altered or enlarged over time, most had retained their distinctive architectural style and proportions. The Inspector considered the application property to be the exception, in that it had undergone a number of unsympathetic additions, alterations and enlargements, including a prominent dormer extension. Collectively, the Inspector considered that the changes to the bungalow's shape and size had resulted in the erosion of its character and appearance and that of the surrounding area. The Inspector went on to say that the unauthorised extensions, with their extensive areas of flat roof, are out of scale with the original building and thus compound the harm. Furthermore, being prominently located on a corner plot, they appear discordant, overly dominant and intrusive in the street scene. The Inspector refused to grant planning permission and in considering the steps that needed to be taken to mitigate the harm of the extension, considered that without an alternative scheme before him, the complete removal of the extension was necessary.

This scheme now amends the extension considered by the Inspector by reducing the overall depth of the side extension from 13.7m to 7.5m, by removing its front and rear corner sections. The height of the crown roof has been increased to 4.0m.

The proposed revisions significantly alter the bulk and shape of the side extension. Importantly, by setting back the front elevation of the side extension by 3.2m from the projecting front gable, the extension would appear more subordinate to the original bungalow and less dominant in the street scene. Such a set back would ensure that the front elevation of the extension would not project any further forward than the main bulk of the original bungalow and would now retain the shape and proportion of the projecting front gable feature, including its roof. Furthermore, design guidance in paragraph 4.5 of

the Council's HDAS: 'Residential Extensions' advises that in order for side extensions not to appear too dominant and out of scale with the existing property, they should not exceed the width of the property by more than half to two-thirds the width of the original property. The existing side extension is less than half the width of the original bungalow.

The 3.0m deep set back of the side extension at the rear would effectively remove the 'wrap around' element and separate the side and rear elements of the extension to give a more traditional appearance. This would further reduce the overall bulk of the retained side extension and would greatly reduce the area of flat roof.

The raising of the height of the crown roof would also give the extension better proportion, with a roof that would have a more traditional appearance and presence and also helps to reduce further the area of flat roof. Although the roof would still be a crown roof with an area of flat roof that would clearly be discernible in the street scene, the overall area of flat roof would be greatly reduced and it is considered that a reason for refusal on this ground alone, could not be justified. A small element of flat roof has been incorporated at the rear of the extension but this is at eaves level and reflects the original design of the bungalow.

Design guidance advises of the need to respect building and return building lines, but in this instance, given the bend on Roxburn Way outside Nos.22 and 24, there is no defined return building line. The side extension retains a 3.4m gap to the side boundary on Roxburn Way at its nearest point. This is comparable to the gap that has been retained to the side boundary with a single storey extension at No. 131 Herlwyn Avenue. It is considered that this gap maintains the open character of the plot and the street scene, where semi-detached properties are typically separated by shared drives.

As regards the retained part of the rear extension, this would have a maximum depth of 3.5m reducing to 3.0m on the original rear projecting part of the rear elevation of the original bungalow on the side adjoining Roxburn Way. The extension would have a width of 6.75m and overall height of 3.2m to the top of the retained crown roof. The flank wall of the rear extension facing Roxburn Way would now align with the flank wall of the original bungalow. The removal of the 'wrap around' element would separate the side from the rear extensions. The rear extension, although it would still be visible within the street scene, would be far less prominent and mainly viewed against the back drop of existing bungalows. The Council's SPD HDAS: 'Residential Extensions' advises at paragraph 3.4 that rear extensions to detached properties are acceptable up to 4.0m deep. At paragraph 3.7, the guidance also advises that a range of flat and pitched roofs are acceptable on rear extensions, including dummy pitched roofs, providing the roof does not exceed 3.4m in height. The rear extension is therefore fully compliant with the SPD. Furthermore, being separated from the side extension, the rear extension could now be re-built as permitted development.

As such, it is considered that the revised proposal would harmonise with the scale, design and architectural proportions of the bungalow and would not be unduly detrimental to the visual amenities of the street scene. It is considered that the amended scheme overcomes the Inspector's concerns and now complies with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's relevant SPD.

As regards the impact upon surrounding residential occupiers, the single storey side extension is sufficiently remote from adjoining residential site boundaries so that the residential amenities of adjoining occupiers would not be adversely affected by means of

loss of sunlight and/or dominance. The rear extension also immediately abuts the shared drive between this and the adjoining property, No.119 Herlwyn Avenue and with a depth of 3.5m, this separation is sufficient to ensure that the extension would not breach any 45° line of sight from any rear facing habitable room window. No.119 does have a main ground floor habitable room window in its flank elevation facing the application property, but this window faces the main flank elevation of the property so that the rear extension, being recessed by 1.3m from this main flank elevation, would not appear unduly prominent as an oblique angle. As regards the potential for loss of privacy, the windows in the side and rear extensions would either overlook the rear garden of the application site or the face the road frontages of the site. As such, their use would not involve any greater loss of privacy as compared to the existing situation. Conditions have been attached to ensure that no additional side windows facing No.119 Herlwyn Avenue are installed and the roof areas of the extensions are not used as a balcony/roof garden.

The side and rear extensions would provide adequate living accommodation for future occupiers of the property with the proposed habitable rooms having adequate outlook and natural lighting. The rear garden space also provides approximately 84m² of private amenity space with over 30m² of additional space at the side of the bungalow, behind its front elevation that has the potential to be made private. As such, the scheme satisfies the minimum 60m² requirement for three bedroom properties. As such, the proposal complies with policies BE20, BE21, BE23 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and relevant design guidance.

A condition has been attached, requiring the submission of details for the replacement of the off-street car parking space which has been lost on site as a result of the works to the garage. As such, the proposal would satisfy policy AM14 of the adopted Hillingdon Unitary Development Plan 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 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 119 Herlwyn Avenue.

REASON

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

5 RPD4 Prevention of Balconies/Roof Gardens

The roof areas of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON

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

6 NONSC Non Standard Condition

Notwithstanding the details shown on Drw. No. 4589-1 Rev. A, within one month of the date of this permission, details of a replacement off-street car parking space shall be submitted to and approved in writing by the Local Planning Authority. The space shall be constructed prior to the occupation of the development, using a porous material unless otherwise agreed in writing by the Local Planning Authority. The space shall thereafter be permanently retained.

REASON

To ensure that adequate off-street car parking is provided, in accordance with policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), polices 4A.12 and 4A.13 of the London Plan (February 2008).

INFORMATIVES

- 1** You are advised that the boundary wall that has been part built on site also requires planning permission.
- 2** The applicant is advised that there is an extant enforcement notice on this site which has a final compliance date of the 8th April 2010.

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.

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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

- 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.

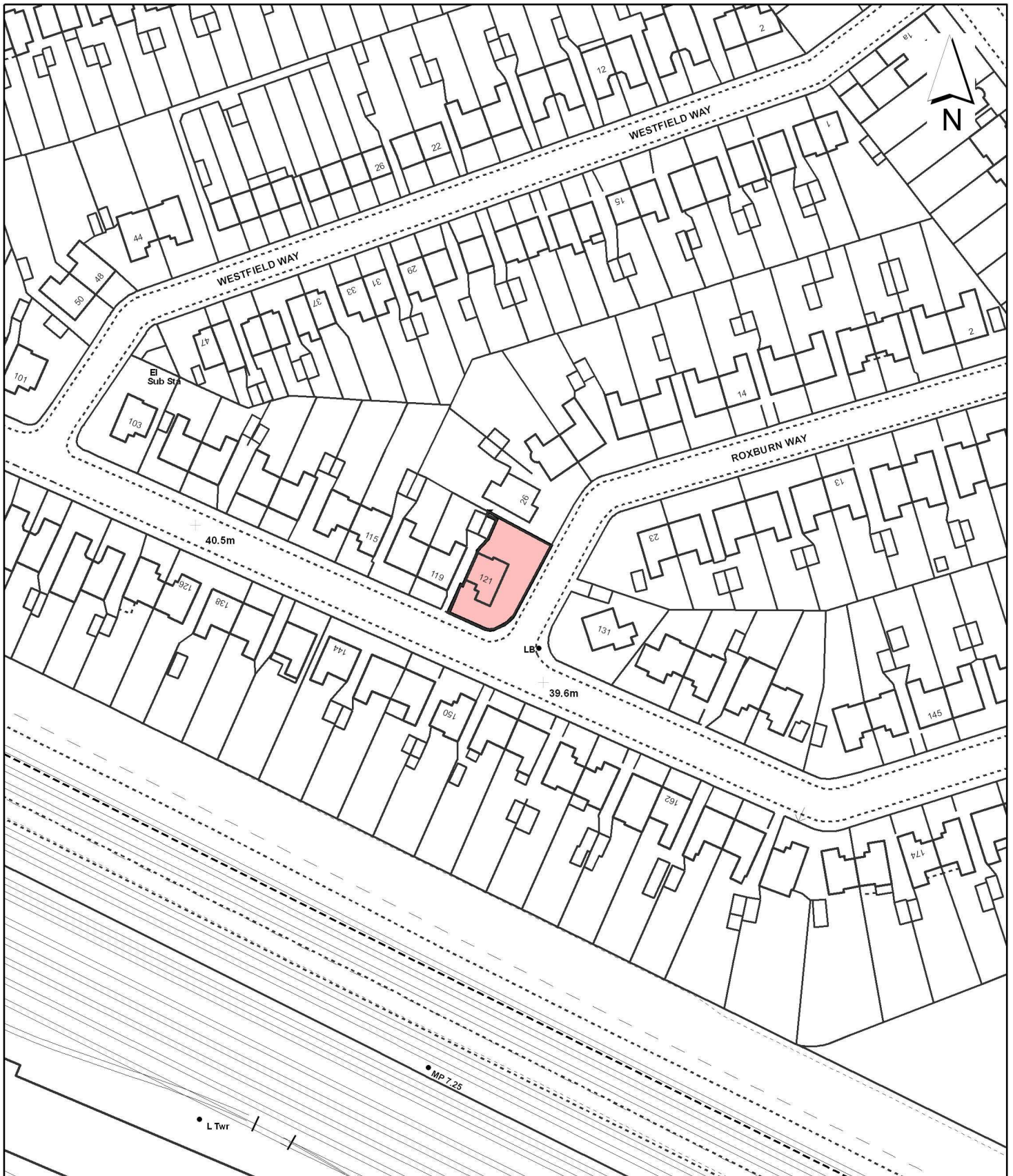
D) No bonfires that create dark smoke or nuisance to local residents.

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: Richard Phillips

Telephone No: 01895 250230



Notes

 Site boundary
For identification purposes only.

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London Borough of Hillingdon
100019283 2009

Site Address

**121 Herlwyn Avenue,
Ruislip**

Planning Application Ref:

65165/APP/2010/158

Planning Committee

North

Scale

1:1,250

Date

January 2010

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

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



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