

Report of the Head of Planning & Enforcement

Address 44 BLOSSOM WAY WEST DRAYTON

Development: Erection of a single storey boiler enclosure to rear (Part Retrospective application)

LBH Ref Nos: 28321/APP/2009/1782

Drawing Nos: 1:1250 Location Plan
09/015/3
09/015/2
09/015/1

Date Plans Received: 13/08/2009 **Date(s) of Amendment(s):**

Date Application Valid: 22/09/2009

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the south side of Blossom Way and comprises a two storey semi-detached house with a single storey rear extension with a boiler room and canopy extensions attached to its rear as well as a detached outbuilding at the end of the rear garden. The attached house, 46 Blossom Way to the east and has a rear conservatory located along the side boundary with the application property. To the west of the site is 42 Blossom Way which has a single storey rear extension. The street scene is residential in character and appearance comprising semi-detached and detached properties and the application site lies within the 'developed area' as identified in the saved adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

1.2 Proposed Scheme

The previously refused scheme proposed to retain the existing boiler room and canopy extensions. The boiler room has a flat roof and is attached to the rear wall of the existing single storey rear extension, set in some 100sq. from the western flank wall. It measures 1.6m deep, 1.4m wide and 1.7m high. The eastern and western elevations of the boiler room extension comprises a 500mm high polycarbonate sheeting. The rear elevation of the boiler extension comprises a solid rendered wall with a window.

The rear canopy is set flush with the existing eastern flank elevation wall of the single storey rear extension set 100mm from its western elevation wall. It has a shallow sloping roof and measures 2.8m deep, 6.5m wide, 2.4m to 2.45m high. The eastern elevation of the canopy comprises a solid rendered block wall measuring 1.7m high with 700mm high polycarbonate sheets above that level. The canopy is supported on a timber post along its rear elevation. The roof of the canopy is also clad with polycarbonate sheets. The boiler room extension is located beneath the existing rear canopy.

This application seeks to overcome the reasons for refusal of the previous scheme by retaining the boiler room extension. The submitted plans show the canopy and columns removed and the polycarbonate elevations replaced with brickwork, rendered to match

existing. The boiler room would measure 1.4m wide, 1.7m deep and 1.65m high finished with a flat roof.

1.3 Relevant Planning History

28321/APP/2008/1716 44 Blossom Way West Drayton

RETENTION OF OPEN SIDED CANOPY AND BOILER ENCLOSURE (RETROSPECTIVE APPLICATION)

Decision Date: 30-03-2009

Refused

Appeal:

Comment on Planning History

Following receipt of a complaint an enforcement officer visited the site on the 29 October 2007 and established that a secondary single-storey rear extension comprising a boiler/utility room and extended canopy had been erected without the benefit of planning permission.

On 7 November 2007 a letter was sent to the owner/occupier of the dwellinghouse informing of the breach of planning control at the time of the inspection. The owner was requested to remedy the breach in planning control by demolishing the unauthorised 'secondary extension'. The owner was informed that whilst at liberty to discuss the breach with a duty planner to consider the submission of an application for retrospective planning permission, such an application was in the informal view of officers unlikely to receive favourable consideration.

On 8 November 2007 a further visit was undertaken and the owners indicated that an old extension had been completely demolished by showing used Perspex roofing. The owner also indicated that the new unauthorised secondary extension was greater in volume with one new section being erected as a utility room.

On 23 November 2007 a letter was received from the agent acting on behalf of the owners of the dwellinghouse. The agent advised that an application would be submitted for retrospective planning approval.

A check of Council records on the 7 May 2008 revealed that no application for retrospective planning permission had been submitted. A letter was consequently sent to the owner of the property stating that it was the intention of the enforcement officer to submit a report to the Council's planning committee with a recommendation to serve an enforcement notice.

On 3 June 2008 an application for retrospective planning permission reference 28321/APP/2008/1716. That application was refused for the following reasons:

1. The existing rear boiler room and canopy extensions, by reason of their design, siting, length of projection, choice of materials and introduction of further second generation extensions to the original house, constitute disproportionate and incongruous additions that are detrimental to its appearance and architectural composition and detract from the appearance of the surrounding area. The development is therefore contrary to Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): 'Residential Extensions'.

2. The existing rear canopy extension, by reason of its overall size, finished height, cumulative length of projection and use of polycarbonate sheets along the side elevation facing No. 46 Blossom Way, represents a visually dominant/obtrusive form of development and results in perceived overlooking of that property. As such, the canopy extension constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity to the occupiers of No. 46 Blossom Way. The development is therefore contrary to Policies BE19, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): 'Residential Extensions'.

A further site visit was undertaken on 10 March 2009 which revealed that no remedial action had been taken to demolish the unauthorised secondary extension as requested in the letter of the 7 May 2008. An enforcement report was prepared and reported to the Planning Committee. Members resolved that it would be expedient in the public interest to issue an enforcement notice for the following reasons:

1. The secondary single-storey rear extension to the original dwellinghouse, comprising a rear boiler/utility room and canopy extension, by reason of the design, siting, length of projection and choice of materials, constitute disproportionate and incongruous additions and an architectural composition that detracts from the appearance of the surrounding area. The extension is intrusive in terms of bulk and proximity to the neighbouring dwelling that is detrimental to the available amenity space. The development is therefore contrary to Policies BE13, BE15 and BE19, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)

2. The secondary single-storey rear extension when combined with the first single-storey rear extension to the original dwellinghouse is considered to be overdominant and excessive, projecting to a maximum depth of approximately 6 metres from the rear wall of the original dwellinghouse contrary to planning guidance in the Council's HDAS Supplementary Planning Document: Residential Extensions, Section 3.0 concerning rear extensions.

3. The secondary extension has been erected without the benefit of planning permission. The volume of the secondary extension, together with that of the original single-storey extension of approximately 100m³, exceeds that permissible under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 or subsequently with a projection of 6 metres from the wall of the original dwellinghouse exceeds that permitted by the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008.

The notice was served 25/8/2009 taking effect on 30/9/2009 with 3 calendar months compliance period.

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

EXTERNAL:

9 adjoining owner/occupiers have been consulted. 1 letter of objection has been received on the grounds that the boiler room was erected without the benefit of planning permission and the canopy is still attached to the boiler room.

Officer comments: This application seeks to rectify the breach in planning control.

INTERNAL:

Heathrow Airport Ltd.: No safeguarding objections

NERL Safeguarding: No safeguarding objections

Councillor Dhillon: Requests that this application is reported to the Planning Committee for determination.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

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. |
| AM14 | New development and car parking standards. |
| HDAS | Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents):
3.0 Rear Extensions and Conservatories: Single Storey |

5. MAIN PLANNING ISSUES

The main issues for consideration relate to the effect of the development on the character and appearance of the original house, on the surrounding area and on residential amenity.

The previously refused scheme involved the erection of the boiler room and canopy with supports and incorporating polycarbonate materials. These combined elements were considered to constitute disproportionate and incongruous additions which are detrimental to the appearance and architectural composition of the original house and the surrounding area.

This current application attempts to overcome the reasons for refusal of the previous scheme, by retaining the boiler room structure. It would also be finished in materials to match the appearance of the original house. Although the proposal would result in a second generation extension, given that the extension is not used for habitable purposes and does not extend for the full width of the existing rear extension, it is considered that the boiler room structure when finished with matching materials would not constitute disproportionate and incongruous addition, but would harmonise with the architectural composition of the original house.

It is therefore considered that this current scheme would overcome the reasons for refusal of the previous scheme and would comply with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

46 Blossom Way is not adversely affected by the boiler room extension as it is screened from the development by the existing rear extension at the application property. Furthermore, the rear boiler room structure is some 2.8m from the flank elevation of the rear extension at 42 Blossom Way. This separation gap is sufficient to prevent the development from harming the residential amenities of that property through visual intrusion, over-dominance and overshadowing. There are no windows in the boiler room structure that face the adjoining properties and therefore no overlooking will result. As such, the development complies with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

With regards to private amenity space, the remaining rear garden area for the application property is approximately 55sq.m, which is some 5sqm below the recommended standard of 60sq.m for 3 bedroom houses. However, it is considered that this shortfall is not so significant as to justify a refusal of planning permission.

The development does not affect off-street parking, in accordance with policy AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

With regards to the enforcement notice, the notice requires the removal of the entire unauthorised extension. The grant of planning permission will override the enforcement notice on commencement of the works hereby approved. Therefore, to ensure the full completion of the development hereby approved, a condition is recommended requiring the development to be completed within 4 months from the date of the permission. Such a condition will provide the Council with the option to issue a breach of condition notice for non-compliance.

This application is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

The development hereby approved shall be completed within 4 months of the date of this permission.

REASON

To ensure the removal of the unauthorised development and to ensure a satisfactory appearance, in accordance with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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 Policies BE13, BE15 and BE19 of the adopted 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.

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.
AM14	New development and car parking standards.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 3.0 Rear Extensions and Conservatories: Single Storey

- 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: Sonia Bowen

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**44 Blossom Way
West Drayton**

Planning Application Ref:
28321/APP/2009/1782

Planning Committee
Central and South

Scale
1:1,250

Date
February 2010

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

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



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