

Report of the Head of Planning & Enforcement Services

Address 86 ETON ROAD HARLINGTON

Development: Erection of a single storey outbuilding to rear for use as a gym (Retrospective Application)

LBH Ref Nos: 53434/APP/2009/2759

Drawing Nos: 1:1250 Location Plan
MX 36302
A8006-P01A

Date Plans Received: 23/12/2009 **Date(s) of Amendment(s):** 23/12/2009

Date Application Valid: 06/04/2010

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the south side of Eton Road and comprises a two storey semi-detached house with a single storey side and rear extension and an outbuilding at the bottom of the rear garden, the subject of this application. The attached house, 88 Eton Road lies to the east and has an outbuilding at the bottom of the rear garden. To the west lies 84 Eton Road, a two storey semi-detached house with an outbuilding at the bottom of the rear garden. The street scene is residential in character and appearance, comprising two storey semi-detached houses, 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 is set 0.4m from the side boundary with 88 Eton Road, 1m from the side boundary with 84 Eton Road and 0.3m from the rear boundary. It measures 5.4m wide, 4.4m deep and finished with a flat roof 2.5m high.

The outbuilding is used for household storage and as a gym.

1.3 Relevant Planning History Comment on Planning History

An application for a certificate of lawful development (CLD) for an existing operation for the erection of an outbuilding at the bottom of the rear garden was refused in May 2008 as it failed to represent a structure required for 'a purpose incidental to the enjoyment of the dwellinghouse' as specified in the provisions of Schedule 2, Part 1, Class E of the

Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008.

That outbuilding extended to both side boundaries and measured 7m wide, 6.7m deep and was finished with a gable end ridged roof 3m high at eaves level and 3.95m high at ridge level.

An enforcement notice was issued on 29th June 2009 requiring the complete demolition of the outbuilding and a secondary single storey rear extension which was also erected without the benefit of planning permission. An appeal was lodged by subsequently dismissed in December 2009 and the structures were deemed unlawful.

Since that appeal decision, the secondary single storey rear extension has been demolished. Between the refusal of the CLD and the lodging of the appeal, the outbuilding was altered such that the roof was reduced to only 2.5m, as a consequence it would normally fall within permitted development rights. However, it is now not possible to grant an application for a CLD, as under Article 3(5) of the amended GDPO, it is not possible to grant permission under the GDPO if the building operations involved in the construction of that building have been deemed unlawful.

Therefore, this breach of planning control can only be rectified through a grant of planning permission.

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:

12 adjoining owner/occupiers have been consulted. No comments have been received.

BAA: No safeguarding objections

Environment Agency: No comments on this application.

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.

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 relate to the effect of the proposal on the character and appearance of the surrounding area and on residential amenity.

The surrounding area is characterised by outbuildings at the bottom of the rear garden, notably at 84 and 88 Eton Road. The outbuilding, by reason of its overall size, siting, design and appearance, is acceptable and does not appear out of character with the surrounding area. The height of the outbuilding does not exceed 2.5m high and sufficient gaps are retained to the side boundaries. Therefore the outbuilding (with its reduced height) does not appear overdominant in the rear garden and complies with policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 9.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

The outbuilding is located some 14m from the rear wall of the application property and that of 84 and 88 Eton Road. This distance is sufficient to prevent the development from having any adverse impact on the residential amenities of the application site and adjoining properties.

The outbuilding is used as a gym and this represents a use that is of a purpose incidental to the enjoyment of the dwellinghouse. Therefore, any noise generated from the use is unlikely to be so significant as to harm the residential amenities of the adjoining properties. Therefore, the proposal complies with policies BE20, BE21, BE24 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Over 80sqm of private amenity space is retained and this is sufficient to cater for the amenities of the occupiers of this 3 bedroom house, in accordance with policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

This application is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HH-MRD4 Single Dwellings Occupation

The development hereby approved shall not be sub-divided to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy H7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 RPD13 Restrictions on outbuildings

The outbuilding hereby approved shall only be for the purpose(s) stated on the application form and approved drawings. It shall not be used for purposes such as a living room, bedroom, kitchen, bathroom, study or as a separate unit of accommodation.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13 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.

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.
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

- 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, Environment and 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, Environment and Community Services Reception, 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

**86 Eton Road
Harlington**

Planning Application Ref:

53434/APP/2009/2759

Planning Committee

Central and South

Scale

1:1,250

Date

**November
2010**

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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



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