

## Report of the Head of Planning & Enforcement Services

**Address** FLAT 1 38 MURRAY ROAD NORTHWOOD

**Development:** Erection of single storey ground floor rear extension to Flat 1.

**LBH Ref Nos:** 20748/APP/2010/1766

**Drawing Nos:** Location Plan to Scale 1:1250  
298.001a  
298.002a  
298.003a  
298.004a  
298.005a  
298.037b  
298.038c  
298.039b

**Date Plans Received:** 02/08/2010                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 03/08/2010

### 1. **SUMMARY**

Planning permission is sought for the erection of a single storey rear extension. The proposed extension would not detract from the character and appearance of the surrounding area and the Northwood Town Centre, Green Lane Conservation Area, and would not harm the residential amenities of adjoining occupiers.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1            HH-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            HH-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 BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **4 HH-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 Flat 4, 38 Murray Road and 36 Murray Road.

#### REASON

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

#### **5 TL2 Trees to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with

BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **6 TL3 Protection of trees during site clearance and development**

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local

Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is located on the north west side of Murray Road and comprises an attractive Edwardian two storey semi-detached house with a front gable, red brick work on the ground floor with pebble dash stone finish on the first floor elevations. The property has been converted into 4 self-contained flats and there is a part single storey rear extension with a hip end ridged roof along the south west side boundary. Flats 1 to 3 are within the main building while flat 4 lies within the part single storey rear extension. The attached house, 36 Murray Road lies to the north east and has a bay window projection adjacent to the side boundary with the application property, and a part single storey rear extension with a gable end ridged roof. To the south west lies a driveway leading to 40b Murray Road, which lies to the rear (backland development), with 40 Murray Road, a two storey detached house lying beyond the driveway.

The street scene is residential in character and appearance comprising a mix of detached and semi-detached houses of varying designs and the application site lies within the Northwood Town Centre, Green Lane Conservation Area, as designated in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### 3.2 Proposed Scheme

Originally, the proposal sought to extend the time limit of a previously approved scheme under planning permission ref: 20748/APP/2005/1066, however the application was acknowledged received after the expiry of that permission. As such, planning permission is sought for the erection of a part single storey rear extension.

The proposed extension would be identical to the previously approved scheme. It would measure 5.5m wide, attached to the side boundary with 36 Murray Road, and the inner flank wall of flat 4, 4.7m deep, and finished with a crown roof, 2.3m high at eaves level and 3.6m high at its highest point. The proposed roof would be 4.5m wide, with the remainder, the area between it and the flank wall of Flat 4, finished with a flat roof set below the roof eaves of the part single storey rear extension.

The proposed extension would have rendered elevations with a terracotta tile roof. Folding doors are proposed in the rear wall of the extension, which would open onto the rear

garden, and a glazed high level window is proposed in the rear wall of the application property above the eaves of the proposed rear extension. The front roof pitch would be at 35 degrees, the rear at 55 degrees, and the sides at 45 degrees.

### **3.3 Relevant Planning History**

20748/APP/2005/1066 Flat 1 38 Murray Road Northwood  
ERECTION OF SINGLE-STOREY GROUND FLOOR REAR EXTENSION TO FLAT 1

**Decision:** 02-08-2005 Approved

#### **Comment on Relevant Planning History**

As above.

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

BE4	New development within or on the fringes of conservation areas
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS	Residential Extensions
BE23	Requires the provision of adequate amenity space.

### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **15th September 2010**

**5.2** Site Notice Expiry Date:- Not applicable

### **6. Consultations**

#### **External Consultees**

7 adjoining owner/occupiers and the Northwood Residents' Association have been consulted. The application has also been advertised as a development that may affect the character and appearance of the Northwood Town Centre, Green Lane Conservation Area. 9 letters and a petition with 27 signatories have been received objecting on the following grounds.

- (i) the proposed extension is too large and will obstruct views from the windows of Flat 2 which lies on the first floor;
- (ii) The skylight window is too large and close to the bedroom window of Flat 2;
- (iii) The proposal would detract from the appearance of the main house;

- (iv) Increase in noise and disturbance;
- (v) The application site now lies within a conservation area. The proposal would not preserve or enhance the character and appearance of the conservation area;
- (vi) The proposal would overshadow the rear patio at 36 Murray Road;
- (vii) The approved scheme for a dwelling at 36a Murray Road which lies to the rear of 36 Murray Road and the proposed extension would stifle 36 Murray Road;
- (viii) The proposal represents an overdevelopment of the site;
- (ix) The proposal would harm the living conditions of the occupier of flat 4; and
- (x) Construction work could damage Flat 4.

### **Internal Consultees**

Conservation Officer:

The site now falls within the Northwood Town Centre, Green Lane Conservation Area. The design of the addition was revised at the time of the original submission to incorporate more traditional materials. The new addition would be partially screened by the existing additions to the rear of the building. No objection, subject to same conditions as previously applied.

Trees/Landscape Officer:

The mature Birch at the front of the building and the small trees in the gardens at the rear of the site are protected by virtue of their location in the Northwood Town Centre Conservation Area (designated in 2009). The tree shown close to the building on the 2005 plans has been felled/removed. The other trees at the rear are protected by the existing boundary fences.

There are no proposed works at the front, so there will be no direct impact on the Silver Birch at the front of the building (38 Murray Road). However, if the front garden is used for construction-related activity, the birch could be affected.

The applicant should confirm in writing that there will be no construction-related activity in the front garden at 38 Murray Road, or provide a plan showing the Birch retained and protected in accordance with the recommendations of BS 5837:2005.

Subject to the above-mentioned statement about the Birch tree/front garden or, if a (Birch) tree protection plan is submitted, conditions TL2 and TL3 (modified to require the erection of the approved fencing), the application is acceptable in terms of Saved Policy BE38 of the UDP.

## **7. MAIN PLANNING ISSUES**

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

Since the grant of the 2005 consent, the application site has been included within the Northwood Town Centre, Green Lane Conservation Area. Within conservation areas, all development should preserve or enhance the character and appearance of the conservation area.

The 2005 scheme originally comprised a contemporary designed extension with a centrally positioned angled roof light with louvers set above an uneven hipped pitched roof. The roof design was amended to a traditional crown roof design omitting the rooflight. The elevations were rendered finished and the roof slopes finished in terracotta tiles.

This current application proposes an identical scheme to that previously approved. It is considered that the traditional design of the proposed rear extension would harmonise with the architectural composition of the original house. The proposed materials would match the existing and overall, the proposed extension would appear subordinate and

would relate satisfactorily with the character, proportion and appearance of the main house.

It is therefore considered that the proposal would not detract from the character and appearance of the surrounding area generally and would preserve or enhance the character and appearance of the Northwood Town Centre, Green Lane Conservation Area, in accordance with policies BE4, 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.

#### **7.07 Impact on the character & appearance of the area**

This is addressed above.

#### **7.08 Impact on neighbours**

The proposed extension would not obscure any flank windows at, or project beyond the rear wall of, Flat 4. Also, it would not project more than 3.6m beyond the rear bay window at 36 Murray Road, and would be set sufficiently below the cill of the rear first floor windows of the main house. It is considered that these, together with the regressive roof form, would result in a form of development that would not harm the residential amenities of the occupiers of the flats at 38 Murray Road and the occupiers of 36 Murray Road, through overdominance, visual intrusion and overshadowing. No windows are proposed facing the adjoining properties and therefore no overlooking will result.

As such, the proposal would comply with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy 4A.3 and BE20 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **7.14 Trees, Landscaping and Ecology**

The submitted plans clearly show that the proposal would not affect the existing trees on the site. Conditions relating to tree protection and retention of landscape features are recommended should planning permission be granted. The proposal would comply with policy BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **7.19 Comments on Public Consultations**

Many of the comments received relate to the originally submitted scheme in 2005. As mentioned above, the proposal was amended to a traditional design and this is reflected in this current scheme and the majority of the points raised have been considered in the main report. With regard to point (x) this is not a material planning consideration.

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

## **10. CONCLUSION**

For the reasons outlined above and that the proposal would comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for approval.

## **11. Reference Documents**


Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).  
HDAS: Residential Extensions  
Consultation Replies

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**Notes**

 Site boundary  
For identification purposes only.

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Site Address	
<b>Flat 1, 38 Murray Road Northwood</b>	
Planning Application Ref:	Scale
<b>20748/APP/2010/1766</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>March 2011</b>

**LONDON BOROUGH  
OF HILLINGDON**

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