#### **Report of the Head of Planning & Enforcement Services**

Address 41 RAISINS HILL PINNER

**Development:** Part two storey, part single storey side/rear extension, single storey front extension and conversion of existing integral garage and store into habitable space involving the installation of 2 rear rooflight and 1 front rooflight.

LBH Ref Nos: 64909/APP/2011/1165

**Drawing Nos:** 10034A/P/01.01 Rev. C

 Date Plans Received:
 13/05/2011
 Date(s) of Amendment(s):
 16/08/2011

 Date Application Valid:
 13/05/2011
 13/05/2011
 16/08/2011

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site is located on the west side of Raisins Hill and comprises a two storey semi-detached dwelling with a fully hipped roof and bay window detail to both the front and rear elevations. An original attached garage with store room behind is located on the north west elevation. The garage is set 0.6m from the boundary with the adjacent property no.43 and flush with the front elevation of the main house. The house is set back 8m from the road with a 5m wide front driveway and lawned area with hedge separating the site from the adjoining semi (No.39). A 22m garden runs to the rear. The adjoining property, No.39, has recently carried out a hip to gable loft conversion with rear dormer, under permitted development, and is currently completing a single storey side, front and rear extension approved in September 2010. The street scene is residential in character and appearance 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 to demolish the existing garage and store to the side and construct a two storey side extension and a part two storey/part single storey rear extension.

To the rear, the proposed single storey extension would measure 3.6m deep with a 3m high flat roof. The two storey element would commence 3.1m from the boundary with the adjoining property (No.39) and measure 2.6m deep. The two storey extension would measure 4.9m wide projecting out from the side elevation by 1.5m, stopping 1m away from the boundary with No.43 and wrapping around the side elevation stopping 1m short of the front elevation of the house. To the side of the house, the roof of the proposed two storey extension would be at 0.5m below the ridge.

A single storey extension, to the porch is proposed to the front with a small pitched and tiled roof over, measuring 2.25m wide, 0.45m deep and a maximum height of 3.3m. 2 no. parking spaces are identified on the existing front driveway.

### 1.3 Relevant Planning History

64909/APP/2010/2668 41 Raisins Hill Eastcote Middlesex

Part two storey, part single storey side extension, part two storey, part single storey rear extension with 1 rooflight, single storey front extension and conversion of roofspace to habitable use with 1 front and 1 rear rooflight, involving demolition of existing integral garage and store.

Decision Date: 15-03-2011 Refused Appeal: 15-AUG-11 Dismissed

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

A previous application for a similar proposal was refused for the following reason:

The proposed two storey side extension, by virtue of its siting, size, scale and design including the lack of a set back from the front and lack of a set down of the ridge from the main ridge of the roof would fail to appear as a subordinate addition and would thus be detrimental to the appearance of the original house, the visual amenities of the street scene and the character and appearance of the wider area. The proposal would therefore be contrary to policies BE13, BE15 and BE19 of the Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Documents HDAS Residential Extensions.

An appeal against this refusal was dismissed by letter dated the 15th August 2011.

#### 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

24 neighbouring properties and the Northwood Hills Residents Association have been consulted. 16 individual letters and a petition with 46 signatories have been received objecting to the proposal on the following grounds:

- 1. similar to refused scheme;
- 2. overdevelopment of plot;
- 3. out of character and would destroy original charm of Raisins Hill;
- 4. reducing natural light, aspect and ambience for neighbours;
- 5. house with 6 beds disguised as 3 beds;

6. set dangerous precedent for street, both in terms of loss of side gap and the two storey rear extension;

- 7. additional pressure on utilities, especially drainage and parking;
- 8. concern over possible conversion to HMO;
- 9. concern over possible conversion to flats;

10. restrictive covenants on land seek development to not interfere with light and air of neighbouring properties.

Officer Comments: The issues raised are considered in the main body of the report.

### 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.
BE22	Residential extensions/buildings of two or more storeys.
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.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction Replaced by LPP 5.3 (2011) Sustainable design and construction
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

### 5. MAIN PLANNING ISSUES

The main planning issues in respect of this application are considered to be the design of the proposed development, its impact upon residential amenity and the provision of adequate parking at the site.

#### Visual Amenity

Policy BE13 of the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007) requires that the layout and appearance of new development must harmonise with the existing street scene whilst policy BE15 requires extensions to be inkeeping with the scale, form and architectural composition of the building. Policy BE19 seeks to ensure new development complements or improves the amenity and character of the area. Policy BE22 requires two storey extensions to be set back a minimum of 1m from the side boundary. Guidance is also found within the London Borough of Hillingdon Supplementary Planning Document (SPD) HDAS: Residential Extensions.

For two storey side extensions to be acceptable, the SPD requires such extensions for semi-detached properties to be set in from the boundary with neighbouring properties by at least 1m, and have a roof set beneath the main ridge by at least 0.5m to ensure a sub-ordinate appearance. The current scheme complies with this requirement.

Section 5.6 of the SPD requires a 1m set back from the front of the property.

In her assessment of the previous scheme, the Inspector, on the issue of design, appearance and the impact of the proposal on the character of the property and the street scene commented as follows:

"5. The Hillingdon Design and Access Statement (HDAS) normally requires that 2-storey side extensions to semi-detached properties are set in from the side boundary by at least one metre. It also requires that the ground and first floor of the extension should be set back one metre from the front the main building line to ensure a subordinate appearance, and that the roof height should be at least 0.5 metres below the height of the main roof. The design should follow that of the existing roof: an existing hipped roof, as in this instance, should be extended with a subordinate hipped roof.

6. Although the proposed extension would be set in from the side boundary by one metre as required by the HDAS, the roof would not be set down and the extension would not be set back from the front wall. The roof of the other house in the pair, no.39, has recently been altered with a hip to gable

extension. Officers recommended (though Members disagreed) that a relaxation of the normal setback/down requirements at the appeal property could be accepted so as to maintain some of the architectural composition of the pair. I have some sympathy for this approach in design terms. However, the proposal must also be seen in relation to no.43. It seems to me that, by waiving the normal design requirements for making the side extension subordinate to the main dwelling in this case, the gap between nos.41 and 43, already narrower than between some of the other pairs of houses in the street, would be considerably lessened to the detriment of the open and spacious character of the street scene.

7. This would be exacerbated by the fact that, at ground floor level, the single storey front extension would project some way beyond the bay window, significantly in front of the main building line in this part of Raisins Hill. This would be a prominent, uncharacteristic feature which, in my view, would sit uncomfortably alongside the 2-storey bay window and which would further detract from the street scene.

8. I therefore conclude that the proposed extension would be detrimental to the appearance of the dwelling and to the character and appearance of the area. It would not accord with the provisions of the HDAS or with saved policies BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan 1998 which require extensions to harmonise with the scale, form, architectural composition and

proportions of the original building and the street scene, and seek to ensure that new development complements or improves the amenity and character of the area."

Amended plans indicate that the whole of the side extension would now be set back 1m from the main front wall of the property, in compliance with the SPD.

In the case of two storey rear extensions the SPD states that the depth must not exceed 3.6m, that the first floor must comply with 45 degree rule and that the roof height should not exceed the height of the main roof. The proposed scheme complies with these requirements as the rear extension would be 2.6m deep; the 45 degree rule would not be breached by either of the windows to the adjoining and adjacent properties; the ridge height is 0.5m lower than the original roof. The previous decision did not raise issue with overbearing effect of the proposed rear extension on neighbouring properties and the amended plans show a rear extension of the same 2.6m projection, within the permitted 3.6m of the SPG.

The adjoining neighbour attached to the application property, has carried out a hip to gable roof conversion under permitted development, that has already unbalanced the symmetry of the pair of houses. The proposed extension, with the removal of the single storey front extensions would be a simple addition to this half of the pair of semi's, not overcomplicating this frontage. The design is therefore considered acceptable.

To the rear, the two storey extension at 2.6m deep with a lowered and fully hipped roof is considered to respect the architectural form of both the original house and the surrounding area.

The flat roof single storey rear extension is of a simple design that meets the size and height requirements of the SPD. The front extension although slightly forward of the existing bay window is reminiscent of a porch/garage conversion extension and also echoes the extension and canopy approved on the adjoining property.

On balance therefore, the work carried out to the adjoining semi-detached property means that a traditional design response for a pair of semi-detached properties would not retain the symmetry. In all other respects the proposed extension follows the recommended HDAS guidance for extensions regarding size and scale and thus is considered not to be an overdevelopment of the site. The use of matching materials is also proposed and this would ensure further harmony with the existing street scene. For these reasons it is considered that the proposal meets the requirements of the SPD and policies BE13, BE15 and BE19 of the UDP (Saved Policies September 2007).

#### **Residential Amenity**

Policy BE20 of the UDP seeks to ensure that adequate daylight and sunlight can penetrate into and between buildings and that amenities are safeguarded whilst policy BE21 of the UDP precludes development that would result in a significant loss of amenity due to a proposal's siting, bulk and proximity. Policy BE22 continues that extensions should be a minimum of 1m from the side boundary.

On the issue of residential amenity, the Inspector commented as follows:

"9. Neighbouring residents are concerned about loss of light and outlook as a result of the rear extensions, though I note that this was not a reason for refusal of the application. The HDAS indicates that, where proposed side extensions would project beyond the main rear wall of the house, that portion should be assessed according to the guidance for 2-storey rear extensions. The projection of the extension should not be beyond a 450 line of sight from the nearest first floor window of any room of the neighbouring properties and, for a semi-detached house on a plot more than five metres wide, be a maximum of 3.6 metres in depth.

10. The Council estimates the 2-storey element of the extension to the rear to be 2.6 metres in depth and the drawings show that it would be within a 45 degree line from the nearest corners of the adjoining houses, the windows of which are set even further away. Thus this aspect of the scheme, which would also have a lower roof than the main house, would accord with the HDAS. Similarly, single storey rear extension would be 3.6 metres deep, again complying with the HDAS.

11. In my experience guidelines such as those in the HDAS aim to achieve a balance between the desire of people to extend their houses and the impact on the adjoining neighbours. While, because of the orientation of the houses, there would be some additional overshadowing of no.43 for part of the day, the evidence suggests that the loss of light and outlook for the occupiers as a result of the rear extensions proposed would not be such that the appeal should fail in this regard.

12. With regard to privacy, overlooking of adjoining properties would be little different from the current situation, and there is adequate separation between this house and those to the front and rear to meet with the Council's normal standards even if it were to be extended as proposed. The side windows, which would serve bathrooms, could be

required to be obscure glazed and high level or non-opening to maintain privacy for the adjoining neighbours."

With regard to the adjoining property at No.39, the proposed single storey rear extension would be directly alongside the conservatory recently permitted that would measure the same depth. The two storey extension, set 3.1m from the boundary with No.39 would not affect the 45 degree line taken from the nearest habitable room rear window.

With regard to adjacent property at No.43, the submitted drawings clearly show that the proposed two storey extension would also not break a 45 degree line taken from the nearest window at first floor whilst the side window in No.43 serves a landing/stairwell. The proposal is therefore considered to not impact unduly on the adjoining properties in terms of loss of light and overshadowing. The proposed two storey element is located 1m from the boundary with No.43, as per policy BE22, with No. 43's attached garage alongside the front half of the side extension. Thus, whilst there would be some impact upon the residents of No.43, it was considered on the previous application not to be of such significance as to warrant a refusal of planning permission.

Given the above, it is considered that there would be no significant loss of amenity as a result of the proposal in accordance with policies BE20, BE21 and BE22 of the Hillingdon UDP, saved policies, September 2007.

With regard to privacy, the two windows proposed within the side elevations of the proposed two storey element are to serve bathrooms and are shown as high level opening with obscure glazing. To ensure this is retained, it is recommended that a condition be imposed to retain the side windows as obscure-glazed as well as a further condition restricting the insertion of further openings.

A distance of 22m separates the front of the proposed extension with the house directly opposite (a bathroom window is proposed at first floor) exceeding the SPD requirement of 21m. The rear garden also provides sufficient distance to the properties to the rear. The proposal would consequently accord with Policy BE24 of the UDP (Saved Policies September 2007) and with the SPD.

Over 100sqm of private amenity space would be retained in compliance with paragraph 5.13 of the SPD and policy BE23 of the UDP (Saved Policies September 2007).

### Car Parking

Policy AM14 of the UDP (Saved Policies September 2007) requires new development to accord with the Council's adopted car parking standards. For a 2 plus bedroom house, the standards require 2 car parking spaces be provided. A plan indicating that two spaces can be provided on the existing driveway has been submitted. The application therefore meets the Council's adopted standard parking standards and is in accordance with policy AM14 of the UDP (Saved Policies September 2007). The requirement for two spaces was supported by the Inspector who commented as follows:

"13. Local residents have expressed considerable concern that the increase in the number of bedrooms and loss of the garage would lead to additional parking pressures in the area. At the time of my site visit I saw that, although there was quite heavy on-street parking in Chamberlain Way, there was little on-street parking in this part of Raisins Hill. It may be different at other times of the day, but there is no substantiated evidence before

me to show that the level of on-street parking is such that there is no spare capacity. In any event the drawings show that 2 cars could be accommodated at the front of the house. This meets the Council's adopted standards for dwellings of 2+bedrooms and includes retention of some of the front garden area."

### Other Issues

In the main the issues raised by the residents have been covered above. However, on the issues relating to water and sewage services and precedent, the Inspector commented as follows:

"14. There is also no evidence before me to suggest that the water and sewage services would not be able to cater for the extended dwelling.

15. Objections from residents have also referred to the fact that allowing such an increase in accommodation at the property would set a precedent for approving similar schemes in the area, resulting in a considerable increase in the population and further parking pressures. However each application has to be considered on its own merits in relation to the circumstances and policies prevailing at the time."

### Conclusion

The previous application for the erection of a part two storey, part single storey side/rear extension, single storey front extension and conversion of existing integral garage and store into habitable space was refused as the side extension was not set back from the main front wall of the dwelling by 1m and consequently the roof was not subordinate to the main roof. This stance was supported on appeal.

The currently proposed scheme now sets the side extension back from the from the main front wall of the dwelling by 1m and consequently the roof of the extension is now subordinate to the main roof. The application has therefore overcome the reason for refusal and subsequent dismissal on appeal of the previous scheme and is thus recommended for approval.

# 6. **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 HH-M1 Details / Samples to be Submitted

No development shall take place until samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 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 and BE15 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 39 and 43 Raisins Hill.

### REASON

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

### 5 HH-RPD2 Obscured Glazing and Non-Opening Windows (a)

The window(s) facing No. 43 Raisin's Hill shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

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

# 6 HH-RPD4 Prevention of Balconies / Roof Gardens

The roof area of the rear extension 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).

# 7 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).

# 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.
  - BE22 Residential extensions/buildings of two or more storeys.
  - 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.
  - LPP 4A.3 London Plan Policy 4A.3 Sustainable Design and Construction. - Replaced by LPP 5.3 (2011) Sustainable design and construction
  - HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
- 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, Enviroment 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, Enviroment 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: Clare Wright

**Telephone No:** 01895 250230

