

Report of the Head of Planning & Enforcement Services

Address 3 BLACK ROD CLOSE HAYES

Development: Single storey outbuilding to rear for use as a gym and store involving part demolition of existing outbuilding (Part-retrospective) (Resubmission)

LBH Ref Nos: 31283/APP/2011/1486

Drawing Nos: 3blackrodclose/2010/03/KG Rev A Location & Block Plan
3blackrodclose/2010/02/KG Rev A Proposed Floor Plan & Elevations
3blackrodclose/2010/01/KG Existing Floor Plan & Elevation

Date Plans Received: 16/06/2011 **Date(s) of Amendment(s):**

Date Application Valid: 21/06/2011

1. CONSIDERATIONS

1.1 Site and Locality

This planning application relates to an outbuilding in the rear garden of a semi-detached house on the eastern side of a part of Black Rod Close, south of the junction with Nestle's Avenue. The property backs onto a parking court off Dallas Terrace.

The house has a single storey flat roofed rear extension the full width of the house. At the end of the rear garden is an outbuilding. This outbuilding is the subject of the application.

1.2 Proposed Scheme

The proposal is to demolish part of the existing outbuilding and retain the remainder. The pitched roof previously on the outbuilding has been removed; the proposal involves creating a flat roof 2.5m in height.

It is proposed to demolish part of the outbuilding so that it would measure 5.6m wide by 4.0m deep

1.3 Relevant Planning History

31283/APP/2010/2172 3 Black Rod Close Hayes

Retention of existing outbuilding to rear (Part retrospective application.)

Decision Date: 09-11-2010 **Refused** **Appeal:**

31283/APP/2011/729 3 Black Rod Close Hayes

Single storey outbuilding to rear for use as a gym and store (Application for a Certificate of Lawful Development for a proposed use or development).

Decision Date: 26-05-2011 Approved

Appeal:

Comment on Planning History

The Council's Planning Enforcement Team became aware that an unauthorised outbuilding had been constructed on land at 3 Blackroad Close. An Enforcement Notice was issued on 12-10-2010 requiring the unauthorised outbuilding to be demolished.

In an attempt to resolve the issue the applicant lodged a planning application (31283/APP/2010/2172) seeking permission to retain the outbuilding as built. The outbuilding at that time covered the width of the rear garden at 5.5m wide and measured 7.3m deep.

The outbuilding then building measured 3.9m high to the ridge and 2.7m to the eaves. Double glazed UPVC doors and two windows faced the house, with another door on the rear.

The current planning application follows an involvement by Planning Enforcement.

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

The occupiers of twelve neighbouring properties were consulted by letter on 22nd June. A response has been received by email (reference 00001315) expressing concern that the proposed changes would not be implemented and that the building would be rented out, as at a nearby property.

INTERNAL

Environmental Protection Unit

No objection or major comments. Recommend the following construction informative applied: Construction Site Informative Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with: (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays; (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974; (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in The control of dust and emissions from construction and demolition: best practice guidelines , Greater London Authority, November 2006; and (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

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.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

5. MAIN PLANNING ISSUES

The main considerations in respect of this proposal are the potential impact on the character and appearance of the existing property, the visual amenity of the surrounding area, residential amenity, and the provision of usable private amenity space and car parking.

A statement supporting the previous application stated that the outbuilding was of a similar size to a previous outbuilding. Aerial photographs of the site indicated an outbuilding at the end of the rear garden although this had a smaller footprint than that of the building then under consideration. Nevertheless, given that an outbuilding had existed for some time at the end of the rear garden and given that there were other outbuildings to the rear of adjacent houses, the principle of an outbuilding in this location was considered acceptable. On this basis the proposal is acceptable with regard to Policy BE15.

With consideration to the size of the outbuilding in relation to its surroundings and its ancillary nature to the main house, the outbuilding previously had a footprint of 41 sq m, 91% of the footprint of the original house. This was considered at the time of the previous application to be out of proportion with the main house. However, the current proposal involves a material reduction to the depth of the outbuilding, from 7.3m to 4.0m. The footprint would be reduced from 41 sq m to 22 sq m. There are a number of outbuildings of a comparable size to that now proposed in the vicinity. Paragraph 9.2 of the HDAS: Residential Extensions advises that outbuildings should be set off the side boundary by 0.5m so as reduce their visual impact but numerous properties nearby have outbuildings built hard on the side boundaries.

HDAS, Residential Extensions, recommends, at paragraph 9.3, that roofs other than ridged roofs should be no higher than 3m. The roof as proposed would match the form of the rear extension at the house and, at 2.5m in height, would meet the recommendation set out in HDAS, Residential Extensions.

It is considered that the outbuilding as currently proposed would not detract from the

character and appearance of the surrounding area and would be acceptable with regard to Policies BE13 and BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and generally not be in conflict with the aims of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

Residential Amenity

With the previous application the outbuilding was considered not to result in a significant loss of residential amenity of neighbouring properties through bulk and overshadowing due to its single storey nature and the proposal was judged to comply with Policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The proposed use of the outbuilding is incidental to the enjoyment of the dwellinghouse and therefore no objection is raised to this aspect of the proposal.

The proposal would have no impact on car parking.

The Residential Extensions SDP and Policy BE23 of the UDP (Saved Policies September 2007) requires that sufficient garden space be retained as a consequence of an outbuilding. Measuring from the Council's GIS, the rear garden has a width of 5.7m and had an original depth of 17m. The original depth of the garden has been reduced by a rear extension of the house, shown on the application plans as 3m deep (which accords with photographs of the site), and would be reduced by 4m, the depth of the outbuilding as proposed. The proposal would therefore result in 57 sq m of private amenity area: 17-3-4 x 5.7 = 57. The house appears to be a standard design of 1930's houses and to therefore consist of three bedrooms. The standard for private amenity area for a three-bedroom house, as referred to at paragraph 9.3 of HDAS, Residential Extensions, is 60 sq m.

The shortfall, of 3 sq m, is considered, based on specialist if informal advice on enforcement matters (email from Ian Common dated 24th August refers), to be insufficient to form a reason for refusal that would be tenable at appeal. Furthermore, it is worthy of note that the majority of nearby properties have been developed in the same or similar way. Given that the proposal is acceptable in all regards save for a minimal shortfall from amenity space standards that could not be defended at appeal, it is considered appropriate to grant approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

Subject to the constraints of condition 2, the development hereby permitted shall be begun before the expiration of 4 Months from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 and to ensure that in the interests of securing development in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) there is not an

accumulation of un-implemented planning permissions.

2 NONSC Non Standard Condition

The existing outbuilding shall be demolished to ground level, all equipment and materials brought onto the land for the purposes of such use and all materials resulting from the demolition shall be removed within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below.

- (i) A timetable with no longer than an aggregate 3 month period from the date of the local planning authority's approval of the timetable to the last day for the substantial completion of the development permitted by this decision notice shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this notice of planning permission;
- (ii) If within 4 months of the date of this planning permission the local planning authority refuse to approve or do not determine the timetable within the prescribed period a valid appeal shall have been made to the Secretary of State;
- (iii) If an appeal is made in pursuance of (ii) above, the appeal shall have been finally determined and the submitted timetable shall have been approved by the Secretary of State;
- (iv) The development, including the demolition of the southern section of the existing outbuilding, shall have been carried out and completed in accordance with the approved timetable.

REASON

There is an extant enforcement notice on this site and in the opinion of the local planning authority remains to be complied with. The planning permission is intended to remedy this breach of planning control. In the interests of the proper planning of the area the authority is of the view that the remediation of the breach of planning control and the implementation of this planning permission should take place as expeditiously as reasonably possible.

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 BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Non Standard Condition

The outbuilding building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Blackrod Close. The outbuilding shall not be used for purposes such as a living room, bedroom, kitchen, or as a separate unit of accommodation. This restriction preventing the outbuilding from being used as habitable accommodation shall apply for so long as the out building is in existence.

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.

5 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.

REASON

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

6 RPD5 Restrictions on Erection of Extensions and Outbuildings

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 extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 RPD7 Exclusion of Garages, Sheds and Out-buildings

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 garage, shed or other outbuilding shall be erected within the curtilage of the dwellinghouse.

REASON

To protect the character and amenity of the area and prevent overdevelopment in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 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).

9 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings,

whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in 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 in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 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. |
| BE23 | Requires the provision of adequate amenity space. |
| BE24 | Requires new development to ensure adequate levels of privacy |

to neighbours.

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, 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.

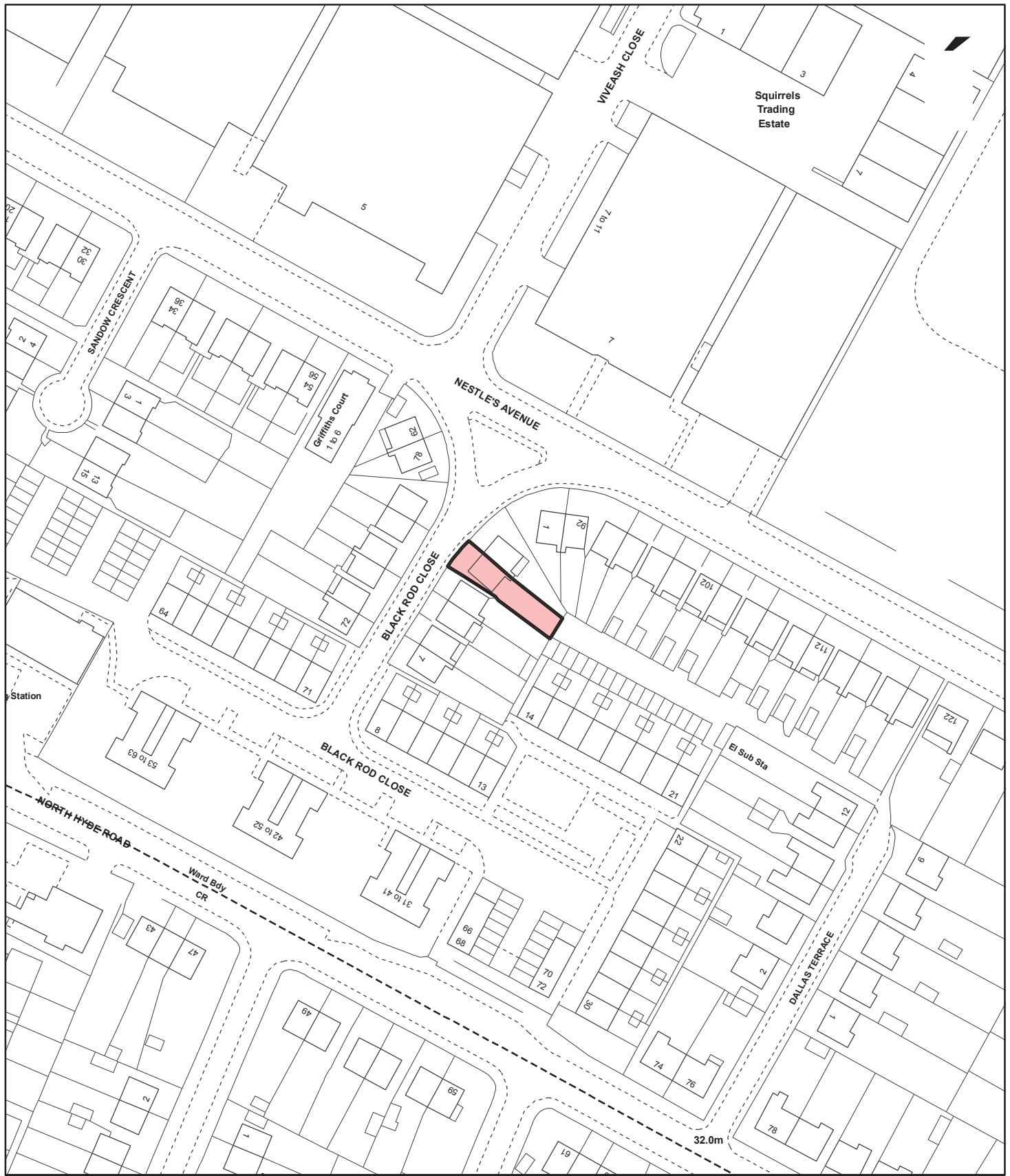
- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information 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.
- 10 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.
- 11 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: Jonathan Doe

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**3 Black Rod Close,
Hayes**

**LONDON BOROUGH
OF HILLINGDON**

Planning,
Environment, Education
& Community Services
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

31283/APP/2011/1486

Scale

1:1,250

Planning Committee

Central and South

Date

**October
2011**



HILLINGDON
LONDON