

Report of the Head of Planning & Enforcement Services

Address: 14 CORONATION ROAD HAYES

Development: Application for variation of condition 3 (to allow the use of the garage for purposes incidental to the enjoyment of the dwelling house) of planning permission ref: 12026/APP/2004/2734 dated 25/05/2005: Erection of a single storey detached garage at the end of the rear garden.

LBH Ref Nos: 12026/APP/2010/1945

Drawing Nos: Location Plan - 1:1250
2010/144/0112/01

Date Plans Received: 19/08/2010 **Date(s) of Amendment(s):** 19/08/2010
Date Application Valid: 19/08/2010 08/12/2010

1. SUMMARY

Planning permission is sought to vary condition 3 of planning permission ref: 12026/APP/2004/2734 for the erection of a single storey detached garage at the end of the rear garden (involving demolition of existing detached garage), to allow the use of the outbuilding for uses incidental to the enjoyment of the dwellinghouse known as 14 Coronation Road.

While the size of the outbuilding was acceptable in the context of its use as a garage, there are considerable concerns that if it is no longer required for car parking, it is of such size that it would be considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted. A site visit indicated an ensuite shower and personal effects that suggest it has been lived in as an independent unit. It should be noted that the applicant has not applied for usage of the outbuilding as a separate residential unit. It is therefore contrary to policies BE19, BE23 and BE24 of the Unitary Development Plan and to the Council's Supplementary Planning Documents HDAS Residential Extensions.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The garage is a large outbuilding which was only considered acceptable with respect to both the size and massing of the outbuilding and its external appearance because of the usage for storage of motor vehicles. Furthermore the original approved structure did not have an en-suite bathroom and there is evidence that the converted building has been lived in as a self contained residential unit. It is considered that the further domestification of the outbuilding as proposed by the submitted plans and proposed variation of condition 03 of the original planning permission would result in a detrimental impact on the character and appearance of the streetscene and character of the area contrary to policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007). Furthermore the relaxation of condition 03 taking into account the previous identified residential usage and layout of the building would create a situation where in all likelihood the building would be used as a separate residential unit, such a use would be considered a sub-standard residential use, which would not comply with

Council's Supplementary Planning Documents HDAS Residential Layouts and would also be contrary to policies BE19, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 I53 Compulsory Informative (2)

The decision to REFUSE 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, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south west side of Coronation Road at its junction with Phelps Way, 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, 16 Coronation Road lies to the south east and has a single storey rear extension. The street scene is residential in character and appearance, comprising two storey semi-detached houses, some with outbuildings at the bottom of the rear garden, and the application site lies within the developed area, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission ref: 12026/APP/2004/2734 for the erection of a single storey detached garage at the end of the rear garden (involving demolition of existing detached garage) was granted in the May 2005. Condition 3 was imposed by the planning committee, hence why this application is before the Committee for determination. It states:

"The garage hereby approved shall be retained for the parking of a motor vehicle incidental to the enjoyment of the dwellinghouse and shall not be used for any other use

or purpose including commercial use."

This application seeks to vary condition 3 to allow the use of the outbuilding for uses incidental to the enjoyment of the dwellinghouse.

It was noted from the site inspection that the outbuilding is not constructed in accordance with the approved plans. The approved plans showed a door and two windows on the front elevation facing the application property; the door located adjacent to the side boundary with 16 Coronation Road. However, the as built scheme shows windows on either side of a centrally positioned door.

3.3 Relevant Planning History

12026/APP/2004/2734 14 Coronation Road Hayes

ERECTION OF A SINGLE STOREY DETACHED GARAGE AT THE END OF THE REAR GARDEN (INVOLVING DEMOLITION OF EXISTING DETACHED GARAGE)

Decision: 10-05-2005 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:

- 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.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 adjoining owner/occupiers have been consulted. 2 letters of objection have been received making the following comments:

- (i) The proposal would result in an increase on on-street demand for car parking and outbuilding;
- (ii) The outbuilding results in direct overlooking and increase in overshadowing of the private amenity space of 16 Coronation Road;

- (iii) The outbuilding is being used as additional sleeping accommodation
- (iv) Increase in noise and disturbance

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Condition 3 of the original approval restricts the use of the garage solely for the parking of a motor vehicle. The applicant proposes to use the garage for other uses such as storage, prayer room and den. These uses are incidental to the incidental to the enjoyment of the dwellinghouse.

It was noted at the site inspection that the outbuilding has not been used for its intended purpose. Internally, a partition wall has been placed in front of the garage door, a shower room has been installed, and household items such as a bed and wardrobe occupying the remaining area.

Whether the outbuilding is being used as a separate dwelling is being investigated by the Enforcement Officer.

While the size of the outbuilding is sensible in the context of its use as a garage, there are considerable concerns that if it is no longer required for car parking, it is of such as size that it would be considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling. It is worth noting there are other outbuildings also on the site. There is therefore an in principle objection to the application.

7.02 Density of the proposed development

Density is not relevant in this case.

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

The site is not in an area of archaeological importance, Conservation Area, not is the building listed.

7.04 Airport safeguarding

Not relevant in this case.

7.05 Impact on the green belt

Not relevant in this case.

7.06 Environmental Impact

Not relevant in this case.

7.07 Impact on the character & appearance of the area

The approved plans showed a door and two windows on the front elevation facing the application property; the being door located adjacent to the side boundary with 16 Coronation Road. However, the as built scheme shows windows on either side of a centrally positioned door.

This external alteration is minor and does not adversely affect the appearance of the outbuilding or the surrounding area generally. As such, the development complies with policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

The external alterations bring the window closer to the side boundary with 16 Coronation Road. However this does not result in a significant increase in overlooking onto the private amenity space of that property.

With regards to overshadowing, this was assessed during the consideration of the outbuilding in 2005. Overshadowing was not considered to be significant.

The development does not result in a loss of residential amenity, in accordance with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Two off-street parking spaces are retained on the front forecourt of the main house. Therefore, sufficient off-street parking will be retained and the proposal will not result in an increase in demand for on-street parking. The proposal is therefore in accordance with policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.19 Comments on Public Consultations

The third party comments are addressed in the report.

7.20 Planning obligations

Not relevant in this case.

7.21 Expediency of enforcement action

Should the application be refused, then the matter would be referred to the Council's Enforcement Team for further action.

7.22 Other Issues

None relevant in this case.

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

While the size of the outbuilding was considered acceptable in the context of its use as a garage, there are considerable concerns that if it is no longer required for car parking, it is of such a size that it would be considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted.

Refusal is recommended.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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