

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

**Address** 33 SILVERDALE GARDENS HAYES

**Development:** Alteration to roof pitch and front elevation of side extension as amendment to planning permission ref: 10680/APP/2006/1365 dated 04/07/2006 (Part retrospective application)

**LBH Ref Nos:** **10680/APP/2011/2338**

**Drawing Nos:** 013/08 SHT-1  
013/08 Rev B

**Date Plans Received:** 28/09/2011

**Date(s) of Amendment(s):**

**Date Application Valid:** 05/10/2011

### **1. CONSIDERATIONS**

#### **1.1 Site and Locality**

The application site is located on the north east side of Silverdale Gardens and comprises a two storey semi-detached property finished in red brick and render, with an existing single storey side and rear extension.

The street scene is residential in character and appearance and the application site lies within the developed area as identified in the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **1.2 Proposed Scheme**

Planning permission is sought for alterations to the roof pitch and front elevation of the existing single storey side extension. The existing pitched roof would be lowered and reconfigured into a dummy hipped roof and the existing door and window in the front elevation removed and replaced by a new double glazed window. This application seeks only to renew an extant permission.

#### **1.3 Relevant Planning History**

10680/APP/2006/1365 33 Silverdale Gardens Hayes

ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION INCLUDING INTEGRAL GARAGE (INVOLVING THE DEMOLITION OF EXISTING GARAGE).

**Decision Date:** 05-07-2006      **Approved:**  
10680/APP/2007/1840      33 Silverdale Gardens Hayes  
ADDITION OF A PITCHED ROOF TO SINGLE STOREY SIDE AND REAR EXTENSIONS  
(RETROSPECTIVE APPLICATION).

**Decision Date:** 31-10-2007      **Refused:**  
10680/APP/2008/1341      33 Silverdale Gardens Hayes  
ALTERATION TO ROOF PITCH AND FRONT ELEVATION OF SIDE EXTENSION AS  
AMENDMENT TO PREVIOUS PLANNING PERMISSION REF. 10680/APP/2006/1365 DATED  
04/07/2006 (PART RETROSPECTIVE APPLICATION).

**Decision Date:** 17-09-2008      **Approved:**  
**Appeal:**

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

Planning permission was granted on 5 July 2006 (10680/APP/2006/1365) for the erection of a single storey side and rear extension including integral garage ( involving the demolition of existing garage. Whilst the development was implemented, this was not in accordance with the approved plans in respect of the design of the roof and front elevation.

Planning permission was refused on 31 October 2007 (10680/APP/2007/1840) to retain the unauthorised pitched roof to the single storey side and rear extension for the following reasons:

1. The single storey side and rear extensions by reason of the introduction of a mono-pitched roof and the use of inappropriate roof tiles in relation to the roof tiles of the original house, represent incongruous and unsympathetic additions that detract from the appearance of the original house, the character and appearance of the street scene and the visual amenities of the surrounding area generally. The development is contrary to policies BE13, BE15 and BE19 of the Boroughs adopted Unitary Development Plan and sections 3.0 and 4.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.
2. The proposed mono-pitched roofs of the single storey side and rear extensions by reason of their height and the parapet wall detail design which introduces a roof form substantially different from that of the pitched roofs of the side and rear extensions and the original house, fail to appear subordinate to the character and proportions of the original house. They fail to harmonise with the appearance of the original house and are detrimental to the visual amenities of the surrounding area generally, contrary to policies BE13, BE15 and BE19 of the Boroughs adopted Unitary Development Plan and sections 3.0 and 4.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.
3. The installation of a door and window in the side extension fronting on to the street giving the appearance of a separate dwelling when viewed from the street, detracts from the character of the street scene which comprises semi-detached houses. As such, it is detrimental to the character and visual amenities of the street scene, contrary to policies BE13 and BE19 of the Boroughs adopted Unitary Development Plan.

Planning permission was granted on 17 September 2008 (10680/APP/2008/1341) for alterations to the pitched roof and front elevation of the side extension as an amendment to previous planning permission ref. 10680/APP/2006/1365). This permission was not implemented and has now lapsed. The scheme, had it been implemented would have addressed the Council's concerns.

There is also an extant enforcement notice.

## **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:

7 neighbours and the Hayes Garden Village Residents Association were consulted. No replies have been received.

The Ward Councilor requested the application be referred to Committee for determination.

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

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

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.

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 issues for consideration with this application are the design of the proposed development and impact on residential amenity.

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) requires that the layout and appearance must harmonise with the existing street scene, Policy BE15 goes on to state that extensions must be in keeping with the scale, form and architectural composition of the original building. The proposal would rectify the current unauthorised works at the property and is in accordance with the scheme approved under ref. 10680/APP/2008/1341. As such, the proposal would not be detrimental to the appearance of the property or the street scene and accord with the aforementioned Policies.

In the event of planning permission being granted it is considered appropriate to impose a condition requiring the approved works to be completed within 1 month of the date of the decision to ensure that the unauthorised works at the property are rectified at the earliest possible opportunity.

Officers wrote on the 17 October 2011 to the applicant giving them a 14 day warning that if recommended for approval only 1 month implementation date would be given.

## **6. RECOMMENDATION**

### **APPROVAL subject to the following:**

#### **1 T8 Time Limit**

The development hereby permitted shall be completed within 1 calendar month of the date of this decision.

##### **REASON**

To ensure that the existing unauthorised works at the property are rectified as soon as possible in the interests of the appearance of the property in the street scene in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **2 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 BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **3 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).

**4 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 Nos. 31 and 35 Silverdale Gardens.

**REASON**

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

**5 M6 Boundary Fencing - retention**

A 1.8 metre high close boarded fence or imperforate wall shall be maintained on the boundary facing Nos. 31 and 35 Silverdale Gardens for the full depth of the development hereby approved, and shall be permanently retained for so long as the development remains in existence.

**REASON**

To safeguard the privacy and amenity of neighbouring occupiers in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**6 RPD4 Prevention of Balconies/Roof Gardens**

The roof area of the 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).

## **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.
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.

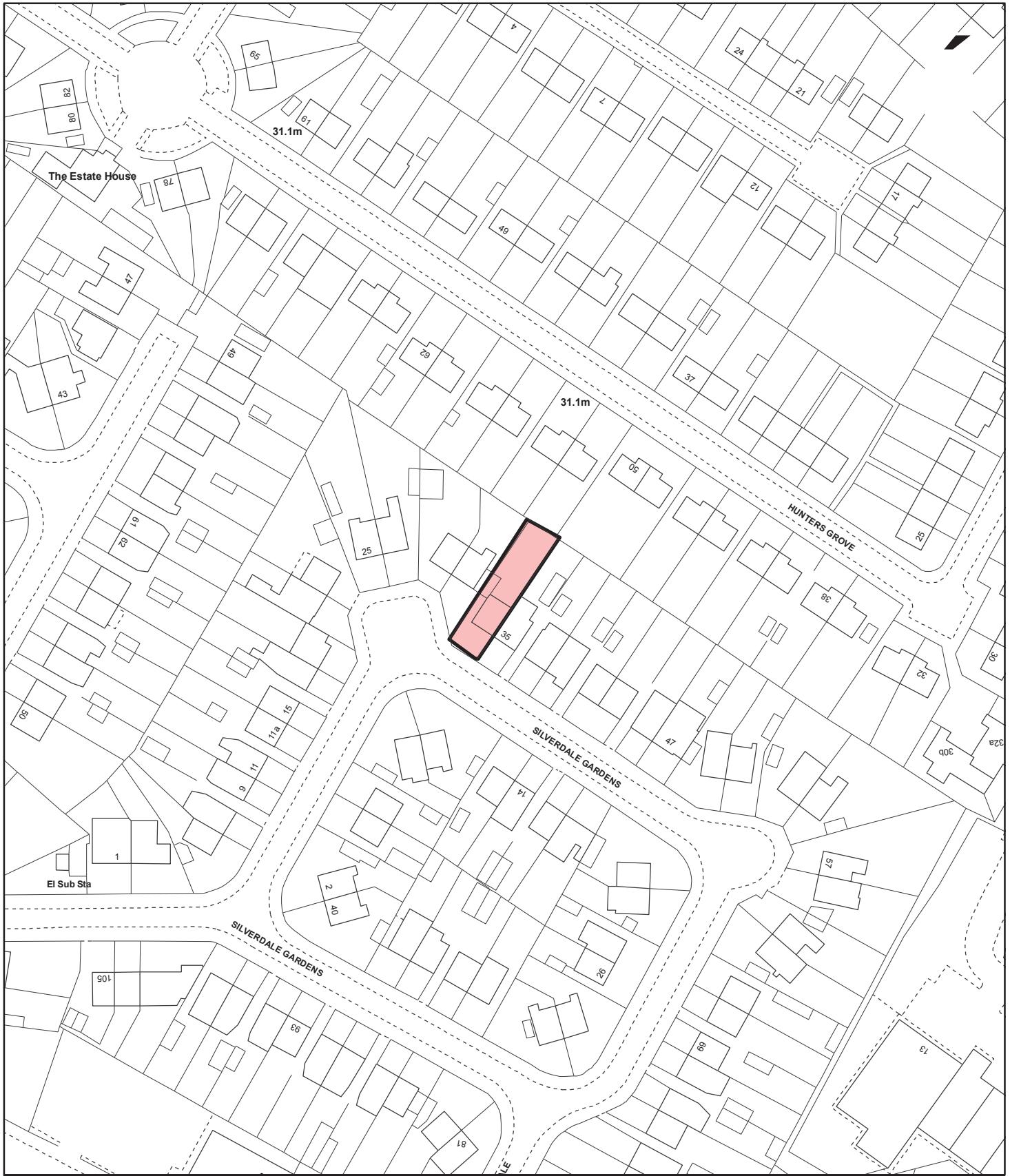
You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the 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:** Mark Smith

**Telephone No:** 01895 250230



### Notes

 Site boundary

For identification purposes only.

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### Site Address

**33 Silverdale Avenue,  
Hayes**

**LONDON BOROUGH  
OF HILLINGDON**

Planning,  
Environment, Education  
& Community Services

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

Planning Application Ref:

**10680/APP/2011/2338**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON