

Report of the Head of Planning, Transportation and Regeneration

Address 26A HAWTHORNE CRESCENT WEST DRAYTON

Development: Conversion of roof space to habitable use to include a rear dormer and 3 front roof lights

LBH Ref Nos: 74982/APP/2020/592

Drawing Nos: BC/PP/2230-00 Rev. A
BC/PP/2230-01 Received 14-01-2021
BC/PP/2230-02 Received 14-01-2021
BC/PP/2230-04 Received 14-01-2021
BC/PP/2230-03 Received 14-01-2021

Date Plans Received: 20/02/2020 **Date(s) of Amendment(s):**

Date Application Valid: 20/02/2020

1. SUMMARY

The proposal involves the conversion of the roof space to habitable use to include a rear dormer and 3 front roof lights.

It is considered that the proposed rear dormer window by reason of its size, scale, bulk and design will create a top heavy appearance harmful to the design of the dwelling and character of the area

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed rear dormer window, by reason of its size, scale, bulk, and design would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

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 Local Plan Part 1 (2012) and Part 2 (2020) set out

below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 18	Private Outdoor Amenity Space
DMHB 14	Trees and Landscaping
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 6	Vehicle Parking

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

4 171 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. The Council has, however, been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a recently developed detached two storey dwelling located off the Southern side of Hawthorne Crescent and accessed through a narrow pedestrian footpath. The site is adjacent to the end-of-terraced dwelling at No. 26 Hawthorne Crescent.

No.26 forms part of a terrace of five properties, which are modern in appearance and are similar in character to other properties in the immediate locality. To the South of the site are the rear gardens of residential properties on Kings Road; to the West, the site abuts an adopted footpath beyond which is Edison Close and immediately to the East of the site (across the pedestrian footpath) is the rear garden of the end-of-terraced dwelling at No. 28 Hawthorne Crescent. The dwelling is now substantially completed.

3.2 Proposed Scheme

Conversion of roof space to habitable use to include a rear dormer and 3 x front roof lights.

3.3 Relevant Planning History

44222/APP/2012/234 26 Hawthorne Crescent West Drayton

PROPOSAL TO PROVIDE AN ADDITIONAL TWO BEDROOM ATTACHED HOUSE TO THE EXISTING BUILDING

Decision: 24-02-2012 NFA

44222/APP/2016/304 Land Adjacent To 26 Hawthorne Crescent West Drayton

Two storey, 2-bedroom, detached dwelling with associated amenity space

Decision: 25-04-2016 Approved

44222/APP/2017/1594 Land Adjacent To 26 Hawthorne Crescent West Drayton

Two storey, 2-bedroom, detached dwelling with associated amenity space. 44222/APP/2016/304
Conditions(s) CONDITION NO 3, 4, 5 AND 9.

Decision: 29-06-2017 NFA

74982/APP/2019/2447 26a Hawthorne Crescent West Drayton

Conversion of roofspace to habitable use to include a rear dormer and 1 x additional front rooflight

Decision: 17-09-2019 Withdrawn

74982/APP/2020/1720 26a Hawthorne Crescent West Drayton

Single storey outbuilding to rear to be used as a shed (part retrospective)

Decision: 15-07-2020 Refused

Comment on Relevant Planning History

44222/APP/2017/1810 - Two storey, 2-bed detached dwelling with parking and amenity space on land adjacent to No. 26 Hawthorne Crescent. Approved. Condition 08 removed permitted development rights.

74982/APP/2019/2447 - Conversion of roofspace to habitable use to include a rear dormer and 1 x additional front rooflight. Withdrawn on grounds that dwelling was not substantially complete.

Officers comments: The dwelling is now substantially complete. Although scaffolding remains, the main structure is complete with only windows and doors to be installed.

74982/APP/2020/1720 -Single storey outbuilding to rear to be used as a shed (part retrospective). Refused.

4. Planning Policies and Standards

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
West London Waste Plan (2015)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12	Streets and Public Realm
DMHB 18	Private Outdoor Amenity Space
DMHB 14	Trees and Landscaping
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 6	Vehicle Parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbours were notified on 24/02/2020. By the end of the notification period three individual objections were received together with a petition with 22 valid signatures. In summary the following objections and comments were made:

- (1) The proposal is over-development of the site/the proposals are in place.
- (2) Intended be used as a HMO, therefore resulting in insufficient local parking
- (3) Increased overlooking/loss of privacy
- (4) Potential harm to a tree subject to a TPO.
- (5) Failure to complete a retaining wall to rear of No.9 Kings Road
- (6) Damaged fence not made good.

Officer comment: The issues raised are considered below.

Internal Consultees

Highways Officer:

The Highways and Traffic Officer has expressed concern regarding lack of car parking. An amended plan has been submitted which makes it clear that the off site car parking remains as per the original planning permission for the dwelling.

Trees and Landscape Officer:

This site is occupied by a recently built two-storey end of terrace house in Hawthorne Crescent. While there are no notable landscape features within the site, there is a protected ash tree, T1 on the schedule of TPO 778, in one of the back gardens of Kings Road, which over-sails the side garden of number 26A. No trees will be affected by the proposed extension in the roof space, which is all within the existing footprint of the building.

RECOMMENDATION: No objection and no need for landscape conditions

Contaminated Land Officer - no objections

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is a dwelling to which extensions would be acceptable in principle, subject to compliance with the Council's policies and standards.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Local Plan: Part 2 - Development Management Policies (2020) Policy DMHD 1: Alterations and Extensions to Residential Dwellings states:

A) Planning applications relating to alterations and extensions of dwellings will be required to ensure that:

- i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area;
- ii) a satisfactory relationship with adjacent dwellings is achieved;
- iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height;
- iv) new extensions respect the design of the original house and be of matching materials;
- v) there is no unacceptable loss of outlook to neighbouring occupiers;
- vi) adequate garden space is retained;
- vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C;
- viii) trees, hedges and other landscaping features are retained; and
- ix) all extensions in Conservation Areas and Areas of Special Local Character, and to Listed and Locally Listed Buildings, are designed in keeping with the original house, in terms of layout, scale, proportions, roof form, window pattern, detailed design and materials.

E) Roof Extensions

- i) roof extensions should be located on the rear elevation only, be subservient to the scale of the existing roof and should not exceed more than two thirds the average width of the original roof. They should be located below the ridge tiles of the existing roof and retain a substantial element of the original roof slope above the eaves line;
- ii) the Council will not support poorly designed or over-large roof extensions including proposals to convert an existing hipped roof to a gable;
- iii) raising of a main roof above the existing ridgeline of a house will generally not be supported;
- iv) all roof extensions should employ appropriate external materials and architectural details to match the existing dwelling; and
- v) in Conservation Areas, Areas of Special Local Character and on Listed and Locally Listed Buildings, roof extensions should take the form of traditional 'dormer' windows, on the rear elevation, to harmonise with the existing building. The highest point of the dormer should be kept well within the back roof slope, away from the ridge, eaves or valleys, whilst each window should match the proportions, size and glazing pattern of the first floor windows.

Local Plan: Part 2 - Development Management Policies (2020) paragraph A1.20 states - The design of roof extensions should not create a dominant 'top heavy' appearance out of

proportion with the rest of the building. It should be lower than the height of the main ridge and sit well above the eaves and away from the roof's hips and valleys. As a guide, new roof extensions should not cover more than a third of the main roof.

Paragraph A1.21 states - A dormer window should be no larger in size than those on the first floor and comprise an individual window and roof. This is preferable to a roof extension and will be required in Conservation Areas and Areas of Special Local Character. Only rear roof extensions and rear dormer windows will be considered acceptable.

Paragraph A1.23 states - No direct overlooking will be permitted. Adequate distance should be maintained to any area from which overlooking may occur. Regard should be given to the character of the area and the distances between buildings but as a guide, the distance should not be less than 21m between facing habitable rooms and windows and 24m from window to patio to window. However, in these situations where the distance between existing houses already breaches this distance, any new development should not result in any additional overlooking.

The proposed dormer window is set lower than the height of the main ridge and sits above the eaves and away from the edges of the roof. However, it will cover more than two thirds the width of the main roof and its design, with windows which are much larger than those on the first floor results in a development which creates a dominant and top heavy appearance and is out of proportion with the rest of the building.

The front roof lights are small and proportional to the main roof, however, the proposed rear dormer window, by reason of its size, scale, bulk, and design would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.08 Impact on neighbours

The proposed dormer window is rear facing looking towards Edison Close with the flank wall of No. 2 being the closest at approximately 18 metres to the rear of the dwelling. The proposed dormer window faces towards No. 2 but at an oblique angle. There are no habitable room windows on this side of the dwelling. No. 28 Hawthorne Crescent is a similar distance away from the front of the application dwelling containing the roof lights but also at an oblique angle. Any potential views will be of the front of No. 21. No other property is within 21 m of the development.

Paragraph A1.23 of the Local Plan states that no direct overlooking will be permitted. Adequate distance should be maintained to any area from which overlooking may occur. Regard should be given to the character of the area and the distances between buildings but as a guide, the distance should not be less than 21m between facing habitable rooms and windows and 24m from window to patio to window. However, this is a situation where the distance between existing houses already breaches this distance and in such cases any new development should not result in any additional overlooking. Part of the rear dormer includes a bathroom and the window can be obscure glazed. The front roof- lights are high level and at an oblique angle to the rear of No. 28 Hawthorne Avenue. Overall it is not considered that the development will lead to a material increase in overlooking or loss of privacy.

7.09 Living conditions for future occupiers

The roof level accommodation creates an additional bedroom and an on-suite bathroom.

The bedroom is well lit by the dormer window and the three rooflights and forms an appropriate living standard for future occupiers.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Hawthorne Crescent is a quiet residential road with no on street parking restrictions. The site is located at the end of a pedestrian walkway with no identifiable vehicle access. The application proposes no changes to the public highway or pedestrian facilities in the area. The proposed development will convert a two bedroom property to a three bedroom property in an area with a PTAL of 2 (poor). There appears to be no off street parking associated with the development. There is a concern that no parking has been considered for the new development. Due to the location of the site the provision of a parking space may not be possible. Before a decision can be made further details are required in regard to access to the development by all modes but in particular by vehicles, walking and cycling, by the applicant. There are currently objections to this application on the grounds of insufficient information.

7.11 Urban design, access and security

No urban design or security issues are raised. Access issues are dealt with above.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

While there are no notable landscape features within the site, there is a protected ash tree, T1 on the schedule of TPO 778, in one of the back gardens of Kings Road, which over-looks the side garden of number 26A. No trees will be affected by the proposed extension in the roof space, which is all within the existing footprint of the building.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Houses in Multiple Occupation, including those which fall within Class C4 benefit from the permitted development rights granted to dwellinghouses by the GDPO. Class C4 use is defined as use of a dwellinghouse by not more than six residents as a "house in multiple occupation. Any occupation beyond 6 persons would require express planning permission. No Certificate of Proposed use had been received. In relation to the concurrent application for the shed set out in the Planning History, the agent has confirmed that that is not to be used as part of an HMO or as a bedroom. The application gives no intention or suggestion to use the dwelling in this manner and it would be inappropriate to consider any planning implications against the current proposals.

Retaining wall - this was not a matter considered under the determination of the parent planning permission and there are no relevant conditions.

Damaged fence - this is a private matter between the relevant parties.

All planning matters raised are considered within the body of this report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic.

Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal involves conversion of roof space to habitable use to include a rear dormer and 3 x front roof lights.

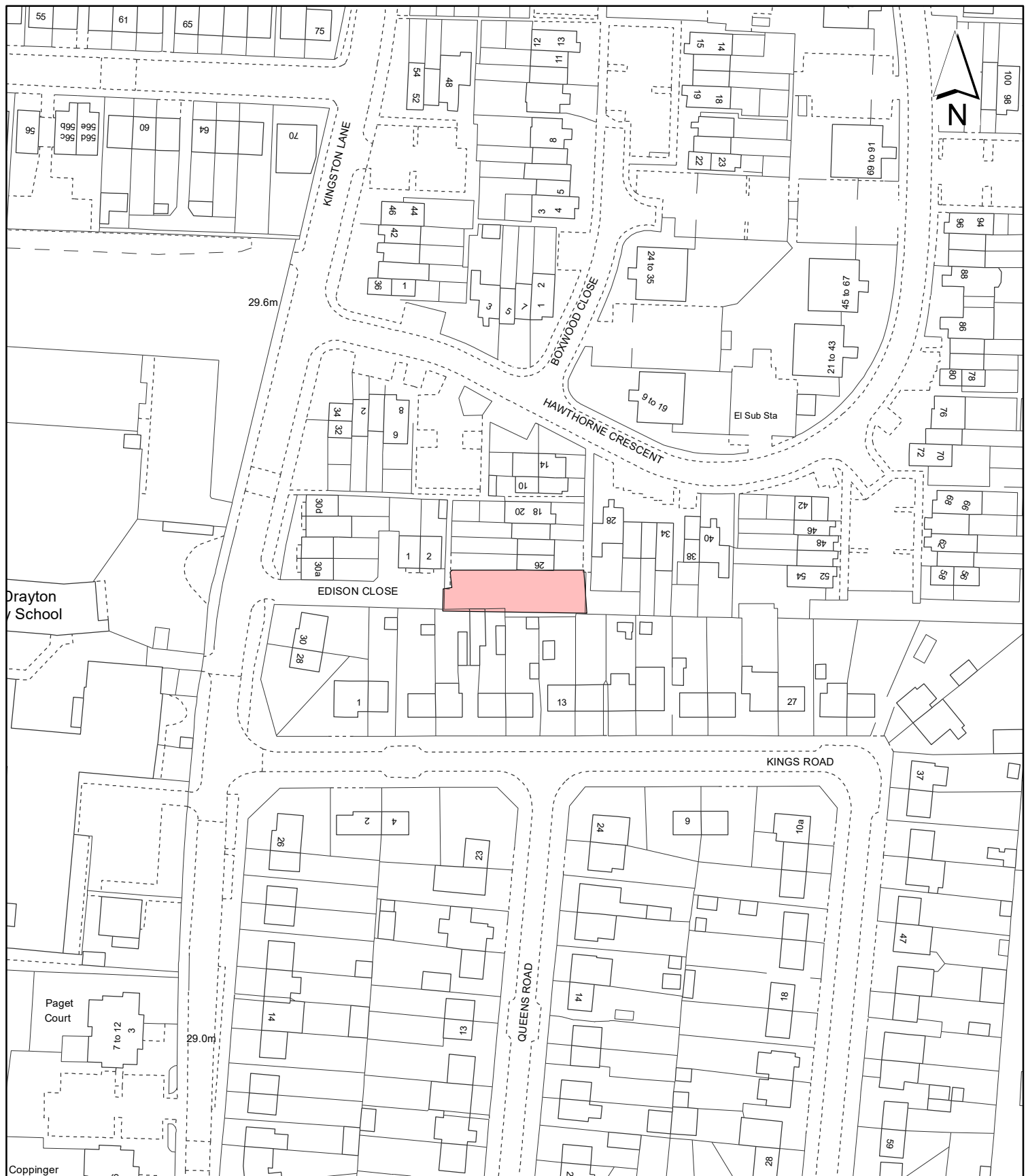
It is considered that the proposed rear dormer window by reason of its scale and design will create a top heavy appearance harmful to the design of the dwelling and character of the area

11. Reference Documents

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The London Plan - Consolidated With Alterations (2016)
The National Planning Policy Framework (NPPF) (2019) .

Contact Officer: Cris Lancaster

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Notes:

 Site boundary

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Site Address:

**26A HAWTHORNE CRESCENT
WEST DRAYTON**

Planning Application Ref:

74982/APP/2020/592

Planning Committee:

Central & South

Scale:

1:1,250

Date:

February 2021

**LONDON BOROUGH
OF HILLINGDON**
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