

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

**Address** 67 BERRYDALE ROAD HAYES MIDDLESEX

**Development:** Single storey side extension (Part-Retrospective)

**LBH Ref Nos:** 64145/APP/2011/858

**Drawing Nos:** Site Layout (Block Plan)  
1:1250 Location Plan  
First Floor Plan  
Side Elevations  
Rear Elevations

**Date Plans Received:** 06/04/2011

**Date(s) of Amendment(s):** 06/04/2011

**Date Application Valid:** 07/04/2011

### **1. CONSIDERATIONS**

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

The application site is located on the north side of Berrydale Road, at its junction with Broadmead Road. It comprises a one bedroom two storey end of terrace house with a single storey rear extension to the southeast side. The application property adjoins 66 Berrydale Road to the west, 37 Coulter Close to the northwest and 32 Coulter Close to the north. No.32 Coulter Close has not been extended at the rear and has a main ground floor rear habitable room window closest to the side boundary with the application property. To the south of the site are nos. 1 to 4 Berrydale Road. The street scene is residential in character and appearance comprising two storey mid-terraced houses. The application site lies within the 'developed area' as identified in the saved adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **1.2 Proposed Scheme**

The previously refused scheme proposed to retain the existing single storey rear extension at site. The single storey rear extension has been finished with a mono-pitch roof and is in set some 100mm from the side boundary with 32 Coulter Close and the rear garden of the application property, facing Broadmead Road. The extension is set back some 3.4m from the southern site boundary with Berrydale Road. The single storey rear extension measures, 4.9m deep, 4.2m wide, 2.4m high at eaves level and 3.4m to its maximum height. Two windows and a door have been installed in the southern elevation wall of this extension. The single storey rear extension comprises a kitchen.

This current application proposes to reduce the length of projection of the rear extension from 4.9m to 3.6m deep, resulting in an eaves height of 2.9m high.

### 1.3 Relevant Planning History

64145/APP/2009/1813      67 Berrydale Road Hayes Middlesex  
Single storey rear extension (Retrospective Application).

**Decision Date:** 29-10-2009      **Refused**      **Appeal:**

#### Comment on Planning History

Planning permission reference: 1217DN/83/547 was granted for the development of the dwellinghouse with a schedule of conditions. Condition 8 states:

"Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) Orders 1977 - 1981 no further enlargement extension improvement or alteration of any dwellinghouse as therein detained shall be carried out, nor any additional windows be provided or any garage to be erected or extended without prior written permission of the Local Planning Authority."

A planning application ref: 64145/APP/2009/1813 for the erection of a single storey rear extension was refused in October 2009 for the following reasons:

1. The existing single storey rear extension, by reason of its excessive length of projection and overall size, constitutes a disproportionate and unsympathetic addition, failing to appear subordinate to the scale, form and appearance of the original house. The extension is detrimental to the character and appearance of the original house and the visual amenities of the surrounding area generally. The development is therefore contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

2. The existing single storey rear extension, by reason of its overall siting in proximity to the side boundary with 32 Coulter Close, taken together with its length of projection beyond the rear elevation of that property, represents an overdominant / visually obtrusive form of development when viewed from the rear ground floor habitable room window on that property, compounded by a significant increase in overshadowing during the morning. As such the extension constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity to the occupiers of 32 Coulter Close, contrary to policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), as well as section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

3. The existing development, fails to maintain an adequate amount of private usable external amenity space for the occupiers of the existing property, resulting in overdevelopment of the site and poor living environment, detriment to the residential amenity of the existing occupiers as well as the character, appearance and visual amenities of the surrounding area. The development is therefore contrary to policy 4B.1 of the London Plan, policies BE19 and BE23 of the Councils adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

In 2009 the site was inspected and it was noted that a rear extension had been erected in breach of condition 8 of the original 1983 consent (1217DN/83/547). A Breach of Condition Notice was approved by Committee on 30 March 2011 and the notice was served on the 18 May 2011 requiring the demolition of the unauthorised extension.

## **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**

11 adjoining owner/occupiers have been consulted. No comments have been received.

Environmental Protection Unit:

The development is about 63 metres from the landfill area which lies below the new Grand Union Village site. This was historic landfill and is not thought to be a high gas risk. The property itself is also on land that was used as a landfill site, the landfill being removed by builders. It was also used for MOD purposes such as weapons training.

As the extension is part retrospective it is likely partially built, and a gas membrane may not be able to be installed. I would advise adding a gas and contamination informative.

Planning Enforcement Officer:

The extension was built without planning approval, and contrary to a condition on the original consent for the main house. The Council's Planning Enforcement Team sought permission from the Central and South Planning Committee to issue a breach of condition notice. The matter was considered on 29 March 2011 where it was determined to issue the notice.

The notice was issued on 31 March 2011.

The applicant has subsequently lodged this application in an attempt to overcome the notice. If this planning application is approved then no further enforcement action would be taken.

## **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.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

## **5. MAIN PLANNING ISSUES**

The main issues for consideration relate to the effect of the proposal on the character and appearance of the original house, on the street scene and surrounding area, and on residential amenity.

The proposed reduction in the length of projection of the single storey rear extension has not commenced. The proposed single storey rear extension by reason of its size, siting, design, appearance and length of projection is considered to harmonise with the character, proportions and appearance of the original property. It would appear subordinate, as it would be set sufficiently below the first floor window. The proposed rear extension would not be out of character with the surrounding area and as such, the proposal would comply with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The proposal would overcome the first reason for refusal of the previous scheme.

There are no properties to the south west that would be adversely affected by the proposed development. The proposed single storey rear extension would not be more than 3m deep and 3.4m high, in accordance with paragraphs 3.3 and 3.7 of the Hillingdon Design & Accessibility Statement: Residential Extensions. This distance and height are considered to be sufficient to ensure that the proposal would not have a visually intrusive and overdominant impact or result in a significant increase in overshadowing, on the residential amenities of the occupiers of 32 Coulter Close. No windows are proposed facing 32 Coulter Close and therefore, no overlooking will result. The proposal would therefore comply with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy 4A.3. The proposal would overcome the second reason for refusal of the previous scheme.

Paragraph 3.13 of the Hillingdon Design and Accessibility Statement (HDAS): Residential Extensions states that for a one bedroom house a minimum of 40 sqm of garden space should be provided. At present, the as built scheme only retains some 17sq.m of private amenity space.

This current scheme would increase this to some 25.4sq.m (not counting the front garden). It is acknowledged that this is a small house, and the applicant has advised the extension is needed to accommodate a kitchen. Given the small size of the dwelling, it is acknowledged that the extension would make the property more useable for its occupiers. Although the size of the garden would be below the recommended standard of 40sqm, in this case given the small size of the house and that the applicant is reducing the size of the extension to increase the size of the garden, a departure from guidance is considered acceptable in this instance.

This application is recommended for 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 implemented within 3 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 rear extension shall be demolished in so far as to implement the existing rear extension shall be demolished in so far as to implement the development hereby approved and all equipment and materials brought onto the land for this purpose 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) within 1 month of the date of this notice of planning permission a timetable for the development shall be submitted to and approved in writing by the Local Planning Authority and the timetable shall be no longer than an aggregate 3 month period commencing on the date the local planning authority approves the timetable to the last day for the substantial completion of the development as permitted by this decision notice;

(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 period set out in (i) above a valid appeal shall be made to the Secretary of State;

(iii) If an appeal is made in pursuance of (ii) above, the appeal shall be finally determined and the submitted timetable shall be 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 timetable approved under this condition.

#### **REASON**

In the interests of the proper planning of the area and in order to facilitate the compliance with the development hereby granted the local planning authority is of the view that the implementation of this planning permission should take place in a timely manner.

#### **3 HH-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 HH-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).

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

#### **6** 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 32 Coulter Close.

#### 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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

- 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:** Sonia Bowen

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