

Report of the Director of Planning & Community Services Group

Address 41 RUSHDENE ROAD EASTCOTE

Development: Single storey rear extension.

LBH Ref Nos: 51162/APP/2009/1287

Drawing Nos: 1:1250 Location Plan
TSG/41RR/PRK01
Design and Access Statement
TSG/41RR/PRK04/PA
TSG/41RR/PRK05/E
TSG/41RR/PRK02/PA
TSG/41RR/PRK02/E
TSG/41RR/PRK01/P
TSG/41RR/PRK01/E
TSG/41RR/PRK05/P
TSG/41RR/PRK03/PA

Date Plans Received: 15/06/2009

Date(s) of Amendment(s):

Date Application Valid: 29/06/2009

1. CONSIDERATIONS

1.1 Site and Locality

The application site is situated on the east side of Rushdene Road and comprises a substantial two storey detached property with a hipped roof and front projecting gable. To the front there is a single integral garage, and the frontage has yet to be completed, but a driveway to the garage will provide adequate off street parking for this property. There is a beech tree covered by TPO No 614 situated in the front garden, set 1m back from the public footway. The property is a newly constructed infill plot in a street characterised mainly by semi-detached properties. The land in the locality is sloping with the rear gardens, on this side of the street, falling away from the properties. The dwelling is within a 'developed area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Polices September 2007).

1.2 Proposed Scheme

The application seeks planning permission for a single storey rear extension. The extension would be finished with a pyramid style conservatory roof.

In regard to the proposed dimensions, it is noted there are a number of discrepancies shown on the submitted plans, these are summarised as follows:

1. Drawing TSG/41RR/PRK01/P - The extension is shown to be 8m wide by 3.4m deep and 1.55m away from the shared boundary with No 43.
2. Drawing TSG/41RR/PRK02/PA - The extension is shown to be 8.6m wide by 3.8m high

and 1.3m away from the shared boundary with No 43.

3. Drawing TSG/41RR/PRK03/PA - The extension is shown to be 3.85m deep and 3.85m high.

4. Drawing TSG/41RR/PRK04/PA - The extension is shown to be 3.8m deep by 3.9m high.

5. Drawing TSG/41RR/PRK05/P - The extension is shown to be 8.3m wide by 3.6m deep and 1.65m away from the shared boundary with No 43.

It should be noted that the onus is on the applicant to provide accurate information in order that the proposal can be properly assessed.

1.3 Relevant Planning History

51162/99/0399 Forming Part Of 39 Rushdene Road Eastcote Pinner
Erection of a five-bedroom detached house

Decision Date: 24-09-1999 Refused **Appeal:**

51162/APP/1999/2320 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE

Decision Date: 07-07-2000 Approved **Appeal:**

51162/APP/2000/1899 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLINGHOUSE

Decision Date: 02-10-2000 Refused **Appeal:**27-FEB-01 Dismissed

51162/APP/2000/620 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM HOUSE

Decision Date: 07-07-2000 Refused **Appeal:**

51162/APP/2001/852 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE (INVOLVING GABLE ENDS)

Decision Date: 25-07-2001 Refused **Appeal:******* Dismissed

51162/APP/2002/77 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE

Decision Date: 27-05-2004 Refused **Appeal:**18-FEB-05 Dismissed

51162/APP/2005/2217 Forming Part Of 39 Rushdene Road Eastcote Pinner
DETAILS OF MATERIALS IN COMPLIANCE WITH CONDITION 6 OF PLANNING PERMISSION
REF:51162/APP/1999/2320, DATED 07/07/2000 (ERECTION OF A FIVE-BEDROOM
DETACHED HOUSE)

Decision Date: 18-03-2009 NFA **Appeal:**

51162/APP/2007/2544 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE,
MODIFICATIONS TO PLANNING PERMISSION 51162/APP/1999/2320 DATED 7TH JULY 2000
(ERECTION OF A FIVE-BEDROOM DETACHED HOUSE) (RETROSPECTIVE APPLICATION)

Decision Date: 11-03-2008 Refused **Appeal:**26-JAN-09 Dismissed

51162/APP/2007/512 Forming Part Of 39 Rushdene Road Eastcote Pinner

FIVE BEDROOMHOUSE

Decision Date: 05-11-2007 Withdrawn **Appeal:**

51162/APP/2008/425 41 Rushdene Road Eastcote

ERECTION OF A REAR CONSERVATORY (RETROSPECTIVE APPLICATION).

Decision Date: 22-04-2008 Refused **Appeal:**

51162/APP/2009/1286 41 Rushdene Road Eastcote

Variation of condition 4 of planning permission reference 51162/APP/2009/466, dated 05-06-2009, to allow for alteration of the fenestration arrangement to the dormer window, involving increasing the glazed area from a 2-light window to a 3-light window.

Decision Date: **Appeal:**

51162/APP/2009/1288 41 Rushdene Road Eastcote

Single storey rear extension.

Decision Date: **Appeal:**

51162/APP/2009/466 41 Rushdene Road Eastcote

ERECTION OF A FIVE BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE (RETROSPECTIVE APPLICATION)

Decision Date: 05-06-2009 Approved **Appeal:**

51162/APP/2009/467 41 Rushdene Road Eastcote

Rear conservatory and dormer window (Application for a Certificate of Lawfulness for a existing use or operation or activity).

Decision Date: 02-04-2009 Withdrawn **Appeal:**

Comment on Planning History

There are two further applications running concurrently with this application, one for the alteration to the fenestration details of the dormer window (51162/APP/2009/1286) and another for a single storey rear extension, similar to that proposed under this application, but to be finished with a mono-pitched roof (51162/APP/2009/1288). Both of these are reported on this agenda.

The application site has a complex planning history, with the most recent application resulting in a retrospective planning approval for the retention of the dwelling.

However, it should be noted during the construction of the property an unauthorised conservatory was erected at the rear of the dwelling. Enforcement action was taken against the conservatory and it was subsequently removed. In relation to the siting and footprint of that conservatory, the proposal is considered similar to that being assessed by this application.

The unauthorised conservatory addition was considered as part of a planning appeal for the erection of a dwelling in 2009. The inspector in his decision letter commented:

"The rear ground floor elevation of No.41 extends a significant amount beyond that of the ground floor elevation of No.43 and the conservatory extends some 3.7m beyond that. The

resultant building extends significantly beyond the rear elevations of the adjoining dwellings and I noted that the conservatory is readily seen from the house at No.43 and more particularly the garden. I have formed the view that the extent of the development and the height of the conservatory results in an over intrusive impact on the gardens of the adjoining property and cause a significant loss of residential amenity."

In his summing up the inspector concluded;

"Whilst I have found no significant harm in respect of the porch or the roof lights along the single storey side projection, I have found that in respect of the dormer and conservatory the development would have significant harm to the amenity and character of the area and to living conditions of the adjoining properties."

These comments are considered material to the determination of this current application.

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

28 Neighbours consulted, and 4 responses have received that made the following comments:

1. This single storey extension has already been subject of a previous application and an appeal which was refused because it was too high and deep;
2. The current scheme only differs in one detail - it does not extend the full width of the building;
3. Since the depth and width are the same this application I request the authority refuses to determine this application;
4. I believe the applicant thinks he will eventually get his own way if he continues to submit applications;
5. This would constitute an overdevelopment of the site;
6. The applicant makes reference to an extension at No.47, however, this cannot be seen from No.45 and this extension is far less obtrusive than the lock up garage that was previously there;
7. We object to the continual harassment by this applicant and consider our human rights have been breached
8. Due to the sloping nature of the site the development will be overly dominant and intrusive;
9. Loss of privacy due to differing ground level.

Eastcote Residents Association

The applicant does not live in the borough but over a period of ten years has submitted twenty applications on this and another site, in Lowlands Road, all of which were refused and ten appeals have been dismissed. This building has been under construction for four years and is still not finished thus Rusdene Road resembles a slum. The residents of the area are constantly having to defend against inappropriate development and this is a waste of tax payers money and residents time.

A ward councillor has requested that the application be determined at the North Planning Committee

London Borough of Harrow - No comments received.

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.
AM14	New development and car parking standards.
HDAS	Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

The main considerations are design and impact upon the dwelling and wider locality and the impact upon the amenities of adjoining occupiers.

Policy BE15 of the UDP (Saved Policies 2007) requires extensions to harmonise with the scale, form, architectural composition and proportions of the original building. The adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions, section 3.0, states that careful thought must be given to the size, depth, location, height and overall appearance of the extension and Section 3.1 emphasises that the extension should always be designed so as to appear subordinate to the original house.

Due to the inaccuracies in the submitted plans it has not been possible to fully assess the impact of the extension on the amenities of the adjoining properties. However, with regard to loss of light or outlook to adjoining occupiers, the SPD: Residential Extensions, Section 3.1 states that extensions should not protrude too far from the rear wall of the original house because the extension may block daylight or sunlight to neighbouring properties, Section 3.4 states on a detached house an extension of up to 3.6m deep is acceptable. The main properties to be affected would be Nos.39 and 43 (to either side). The application site relates to a newly constructed property with a depth which is already greater than the adjoining properties and whilst it is accepted this property has not had any previous extensions, it is considered due to the depth of the original property the maximum acceptable rear building line has already been met and therefore any further additions to the rear of this property would result in an overly dominant and obtrusive feature in relation to the neighbouring properties. Furthermore, this matter is compounded by the changing

site levels, with the slab level of the existing dwelling and proposed extension being at a significantly higher level than the garden land and patio areas of the neighbouring properties. This results in the impression of excessive over-dominance to these neighbouring dwellings. It is therefore considered that whilst the proposal would not significantly obstruct sunlight or daylight to the adjacent properties, due to the height and depth of the proposal, particularly when viewed from the adjoining properties, the application would be considered overly dominant and therefore contrary to Policy BE20 and BE21 of the UDP (Saved Polices 2007).

With regard to loss of privacy, due to the change in site levels and the slab level of the proposed extension, the windows facing No.43 could provide clear vantage over the side boundary wall into that neighbour's private area. However, this could be overcome by conditions relating to obscure glazing and non-opening windows on this boundary to avoid any over-looking concerns. Therefore, this proposal (subject to condition) would comply with Policy BE24 of the UDP (Saved Polices 2007) and with the Supplementary Planning Document HDAS: Residential Extensions.

It is considered, that all the proposed habitable rooms and those altered by the development still maintain an adequate outlook and source of natural light, therefore complying with Policy 4A.3 of the London Plan (2008).

With regard to design and appearance, the SPD HDAS: Residential Extensions, states that applications for extensions should be assessed against the affect on the original house, and should always be designed to appear as subordinate (3.1 rear extensions). The proposed extension is shown at a depth of 3.6m - 3.85m and the SPD: Residential Extensions, states (Section 3.4) that a depth of 3.6m would be acceptable on a property of this nature. However, this is a substantial property with a long span depth and (on some of the drawings) the extension exceeds the depth guidelines and the extension in terms of its depth would not appear subordinate. With regard to the height of the extension, the SPD states that this should not exceed 3.4m and that the roof design and angles should match that of the original property. The proposed conservatory would have a maximum height of 3.9m, and therefore would exceed this advice. Furthermore, the extension would appear significantly higher due to the differing ground levels, with the land to the rear falling away from the house and the garden level being approximately 0.5m lower than that of the patio shown on the plans as the ground floor level. It is therefore considered that the proposed extension due to its height and design would result in a bulky, overly dominant addition to the property which would fail to preserve the character and appearance of the original dwelling. The proposal would therefore be contrary to policies BE13, BE15 and BE19 of the UDP (Saved Polices September 2007) and SPD HDAS: Residential Extensions

The parking provision at this site would remain un-altered by this proposal, and therefore the proposal would comply with policy AM14 of the UDP (Saved Polices September 2007).

A garden of more than 100 sq m would be retained and therefore it would comply with policy BE23 of the UDP (Saved Polices September 2007).

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1	NON2	Reason for refusal
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The proposed rear extension, by reason of its size, bulk and design, together with the differing ground levels would result in an incongruous, overbearing and visually intrusive form of development, and as a result have an adverse impact on the character and appearance of the dwelling and the wider locality. Therefore the proposal would be contrary to policies BE13, BE15, and BE19 of the Hillingdon Unitary Development Plan (Saved Policies 2007) and to the Council's Supplementary Planning Documents HDAS Residential Extensions.

2 NON2 Reason for refusal

In the absence of accurate and consistent drawings of the original property and proposed single storey rear extension, it is difficult to fully assess the planning merits of this proposal in terms of its impact upon the amenities of the neighbouring properties. Nonetheless the existing property extends beyond the rear building lines of neighbouring properties. Furthermore the impact of a rear extension will be exacerbated by the level changes to the rear of the property. It is considered that even an extension of the least width, length and height dimensions would have a detrimental impact on the amenities of neighbouring occupiers. The proposal is therefore contrary to Policies BE20 and BE21 of the Hillingdon Unitary Development Plan and Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

INFORMATIVES

Standard Informatives

- 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).

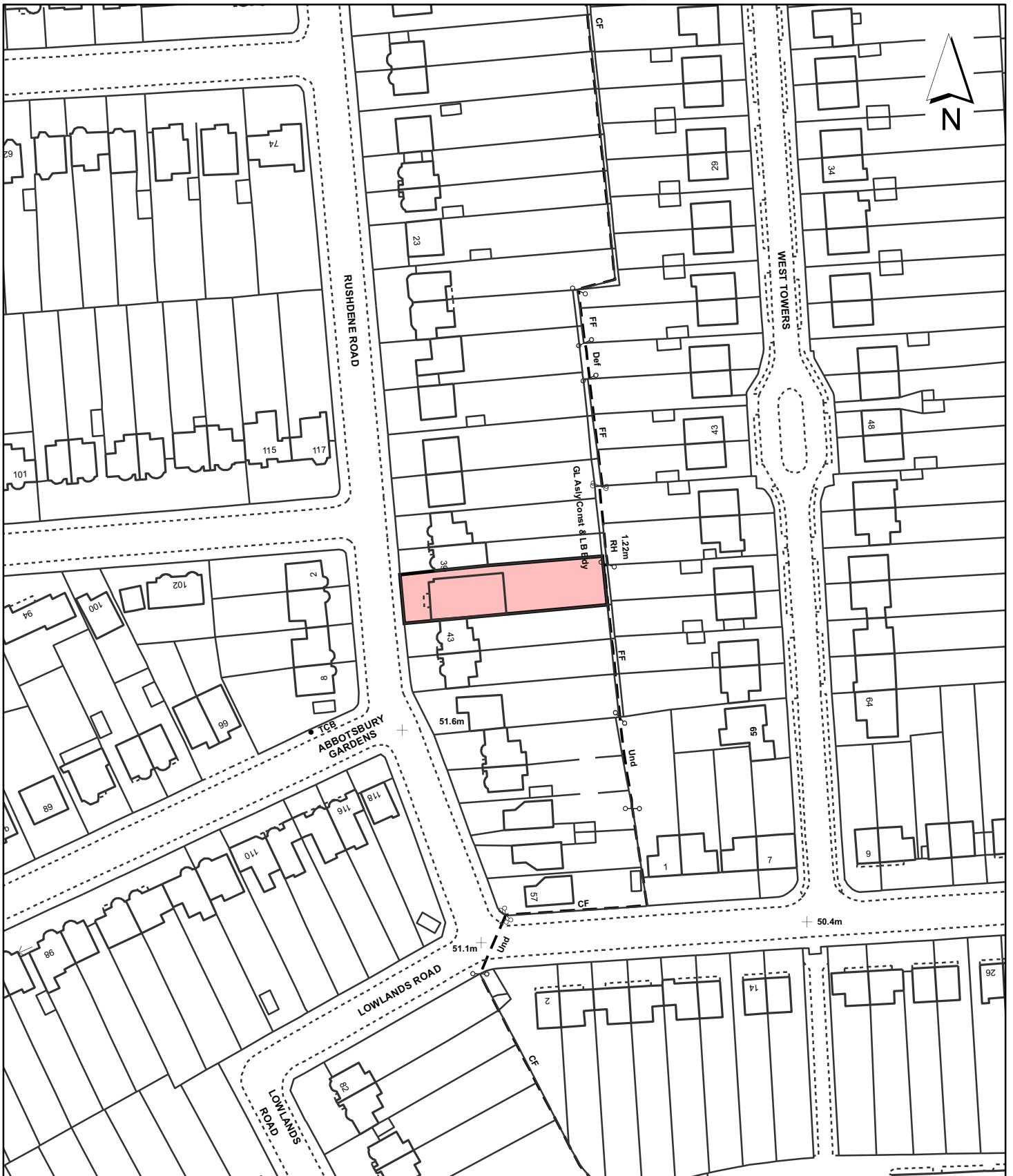
- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
Policy No.

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.
AM14	New development and car parking standards.


HDAS Residential Extensions
LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.

Contact Officer: Catherine Hems

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Notes

 Site boundary

For identification purposes only.

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Site Address

**41 Rushdene Road
Eastcote**

Planning Application Ref:
51162/APP/2009/1287

Planning Committee
North

Scale
1:1,250

Date
August 2009

**LONDON BOROUGH
OF HILLINGDON**
**Planning &
Community Services**

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