

Report of the Head of Planning & Enforcement Services

Address 7 MARLBOROUGH ROAD HILLINGDON

Development: Single storey detached outbuilding to rear garden for use as a play room/store

LBH Ref Nos: 29320/APP/2012/2915

Drawing Nos: 7MR/HI/P2
7MR/HI/P1
Location Plan to Scale 1:1250

Date Plans Received: 23/11/2012 **Date(s) of Amendment(s):**

Date Application Valid: 23/11/2012

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the north-eastern side of Marlborough Road and comprises one of a pair of semi-detached properties set within a 10.5m wide plot. The property has been extended by way of a single storey rear extension and has a long rear garden which backs onto the rear gardens of other residential dwellings. To the front of the site, the garden has been completely paved and provides space for up to two vehicles. Neither of the neighbouring dwellings has been extended.

The site is situated within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) where the prevailing character of the area is residential, comprising of mainly semi-detached houses set with long rear gardens.

There is not a significant difference in site levels between the site and the neighbouring properties.

1.2 Proposed Scheme

The application seeks planning permission to erect a detached outbuilding within the rear garden of the site. It would be 8.3m wide, 5.0m deep with a pitched roof, 2.3m in height to the eaves and 3.7m in height to the ridge. It would be set-in from each boundary of the site by 1m and would have a garage door, single door with a canopy above and a window on its elevation facing the main house and a roof light on its south elevation.

Internally the outbuilding would be divided into two rooms, one to be used as a store and the other to be used as a children's play room. A wet room is also proposed.

1.3 Relevant Planning History

29320/APP/2012/2174 7 Marlborough Road Hillingdon

Single storey detached outbuilding to rear garden for use as a play room/store

Decision Date: 22-10-2012 Refused **Appeal:**

Comment on Planning History

This application is a resubmission of application ref: 29320/APP/2174 which was refused for the following reasons:

1. The detached outbuilding is 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 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. The proposed detached building, by reason of its size, scale, bulk and excessive footprint, would result in an over dominant and visually obtrusive form of development, which is detrimental to the character and appearance of the original house surrounding and the visual amenities of adjoining residential properties and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to Policies BE13, BE19 and BE21 of the Unitary Development Plan (Saved Policies, September 2007).

This submission differs from the previously refused scheme in that the depth has been reduced by 0.5m, the height to the eaves has been reduced by 0.2m and the height to the ridge has been reduced by 0.1m.

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

Three neighbours were notified on 27. 11.12 A site notice was also posted on the 20.12.12. No responses were received.

Ward Councillor: Has requested that the application be determined at committee level.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction

5. MAIN PLANNING ISSUES

The main considerations are the impact of the proposal on the character of the existing property and surrounding area, upon residential amenity and private amenity space. As the proposal would not involve an increase in the number of bedrooms, parking provision does not need to be considered in this instance.

Local Plan Policies BE13 and BE15 seek to ensure that development harmonise with the character of the surrounding properties and street scene, and in particular the scale, form, architectural composition and proportions of the original building. Policy BE19 further requires that development should complement and improve the amenity of the residential area.

Section 9.0 of the HDAS states that a detached outbuilding in order to prevent harm to the character and appearance of the area and the amenity of adjoining properties, an outbuilding should be positioned as far away from the main house as possible and set in from the boundaries by at least 0.5m.

In terms of its design it should be constructed using materials similar to those in the main house and any windows and doors should be positioned only on the elevation facing the main house. An outbuilding with a hipped roof should be no more than 4.0m in height. The use of outbuilding should also be for normal domestic use related to the residential use of the main house.

The proposed outbuilding would be positioned as far away from the main house as possible and would be set in more than 0.5m from the rear and south and eastern boundaries of the site and would be constructed using matching materials.

However the outbuilding would be of a large scale measuring 41.5sq.m which would equate to 86.4% of the footprint of the original building. Although the plans submitted with the application state that the proposed outbuilding would be used for domestic purposes, it is considered that its large scale would not be commensurate to the scale and massing of an ancillary structure. Moreover the outbuilding would have a rather residential appearance with fenestration on the south facing elevation as well as the front which would not be compatible with the appearance of nearby dwellings.

Given the footprint of the proposed outbuilding, in comparison to the original dwelling, an outbuilding of this size is considered too large to be required for a purpose incidental to the enjoyment of the dwellinghouse. An outbuilding of this size would be considered to form a self-contained building, capable of independent occupation, within the curtilage of the site, particularly given its layout and facilities provided within.

Moreover, the proposal represents the potential creation of a separate dwelling in a location where such a new dwelling would not normally be accepted. Furthermore, the outbuilding could benefit from an independent pedestrian access running along the side of the site which leads to Marlborough Road, which would further facilitate the proposed outbuildings use as an independent unit.

An attempt has been made to reduce the scale and massing of the proposed outbuilding by reducing its footprint and height, however it is considered that such amendments are fairly negligible and therefore do not overcome the reasons for refusal in relation to the previous application.

As a result it is considered that the outbuilding would constitute a large and bulky structure which would be harmful to the character and appearance of the site and its wider setting, contrary to Local Policies BE13, BE15, BE19 (Part Two) as well as Local Plan Policy BE1 (Part One).

Concerns were raised in the previous submission that trees have been removed in order to build the outbuilding. However, there were no protected trees within the curtilage of the site and because the site is not within a Conservation Area, such trees could be removed without planning permission.

Given that the proposed outbuilding would be positioned so that it would be set-in from the site boundaries by one metre, it is considered that it would not result in harm to the amenity of nearby residents through loss of daylight. One side facing roof light is proposed, however its height above ground level means that it would not result in loss of privacy. As a result it is considered that the outbuilding would comply with Local Plan Policy BE20.

The outbuilding would also leave approx 126sqm of the rear garden open and undeveloped in accordance with the recommendations set out in the HDAS.

In conclusion the proposed outbuilding due to its bulk, massing and residential appearance would fail to appear ancillary to the main dwelling and therefore would be harmful to the character and appearance of the site and its wider setting, contrary to Local Plan Policies BE13, BE15, BE19(Part Two) and Policy BE1 (Part One).

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed detached building, by reason of its size, scale, bulk and excessive footprint, would result in an over dominant and visually obtrusive form of development, which is detrimental to the character and appearance of the original house and the visual amenities of adjoining residential properties and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE13, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The detached outbuilding, by reason of its internal layout and provision of facilities, is

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. It is therefore contrary to Policies BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

INFORMATIVES

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

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.

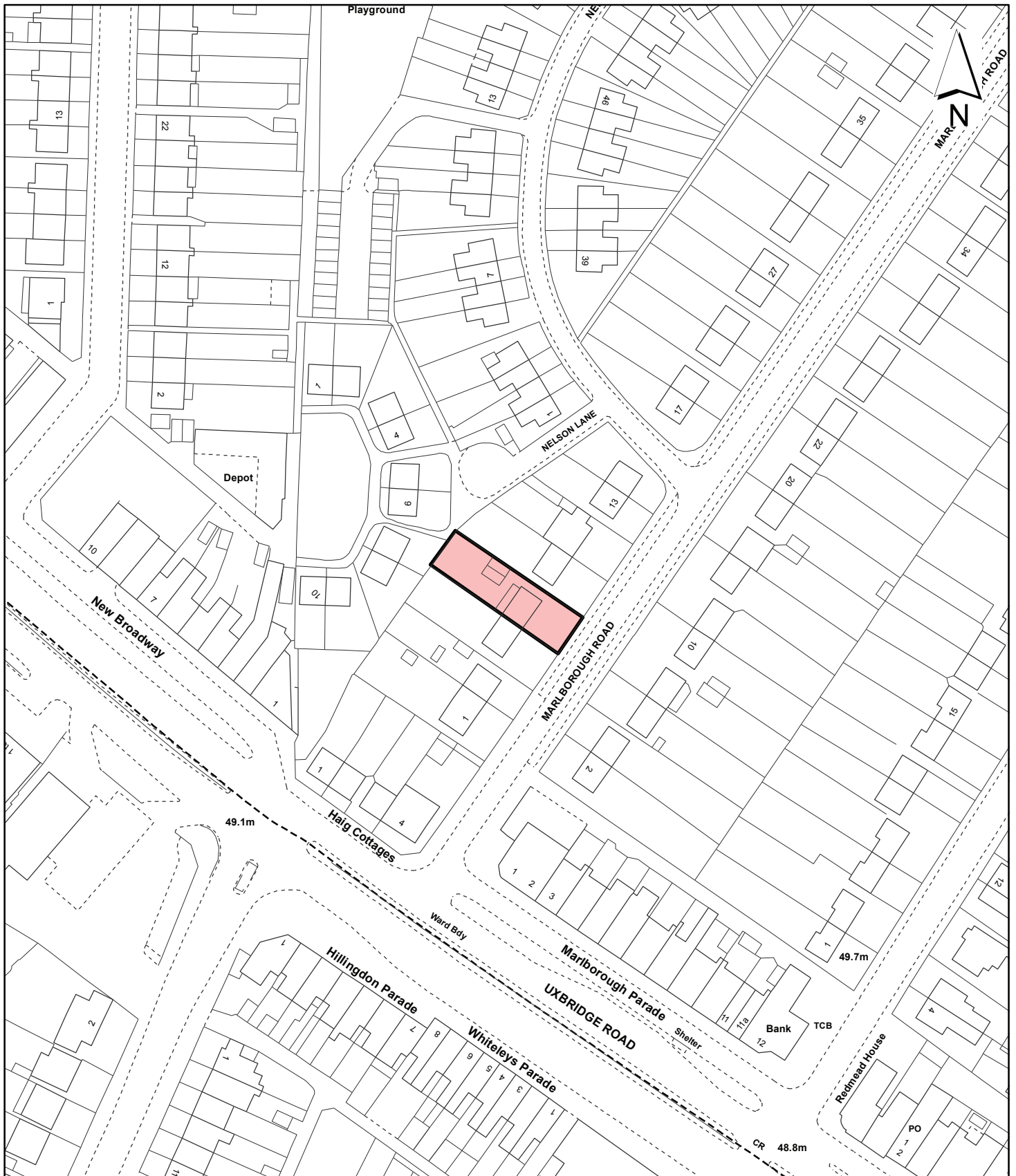
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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BE20	Daylight and sunlight considerations.
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LPP 5.3 (2011) Sustainable design and construction

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Notes

 Site boundary

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Telephone No.: Uxbridge 250111

Planning Application Ref:

29320/APP/2012/2915

Scale

1:1,250

Planning Committee

Central and South

Date

**January
2013**



HILLINGDON
LONDON