

Report of the Head of Planning, Sport and Green Spaces

Address 17 MAYLANDS DRIVE UXBRIDGE

Development: Conversion of garage to habitable use, single storey detached outbuilding to rear for use as a motorbike store/ workshop, alterations to rear patio and alterations to elevations (Part Retrospective)

LBH Ref Nos: 65665/APP/2013/1348

Drawing Nos: 17003 (As Built)
17004
17002
17003 (As Approved)
17001

Date Plans Received: 24/05/2013 **Date(s) of Amendment(s):**

Date Application Valid: 11/06/2013

1. CONSIDERATIONS

1.1 Site and Locality

The application property is a detached four bedroom dwelling, one of six arranged around the turning head of a residential close in north Uxbridge consisting of modern semi-detached and detached houses with garages and forming part of the designated North Uxbridge Area of Special Local Character.

No. 17 Maylands Drive forms a pair of detached dwellings with No.19, in terms of the original appearance, with the applicant dwelling being set marginally in front of No. 19. The pair of dwellings are set on northern side of the turning head and the applicant dwelling is set 1.2 metres from the boundary line shared with No.19.

The front and rear of the the application dwelling is set back approximately 4 metres behind No.15 Mayland Drive, with this neighbouring dwelling being on a ground level of 0.5 metres below that of the application dwelling.

No. 17 Maylands Drive has a large back garden (approx. 10 metres x 30 metres) with two recently erected outbuildings and is served by a vehicle driveway with the remainder of the sloping front garden being lawned. No. 21 Maylands Drive, the left hand one of the pair (Nos. 21/32) facing the turning head, has been extended on two storeys to the side and rear.

1.2 Proposed Scheme

Garage conversion:

The proposal involves conversion of the recently built part single storey side addition, from its original intended use as a motorcycle garage in to a bedroom. This element is set back from the front of the dwelling and has been finished with a steeper sloped roof that differs from the combined dummy pitched and sloped roof sections that were approved last year (and are still shown on the submitted plans).

Outbuilding (garage/workshop):

The second part of these retrospective proposals relates to the outbuilding erected to serve as a workshop and for motorcycle storage purposes. This flat roofed brick building, positioned beyond the patio wall alongside the boundary fence with No. 15 Maylands Drive, measures approximately 5.3 metres in length x 3.45 metres wide and increases in height from 2.3 metres (approx.) adjacent to the patio wall to 2.85m (at the garden end, as measured) due to the falling ground level. However, the plans submitted as part of this application for approval, indicate a lower overall height at both ends (2.0m to 2.4m).

Patio:

A raised patio or platform, with retaining brick wall surround and steps down to the garden, has also been constructed to the rear of the house, but has been extended compared to that shown on the submitted plans. It now measures 5.0 metres in depth x 9.75 metres in width and is approximately 750mm above the ground level of the garden which starts beyond the path to the garage.

Elevations:

In addition, the application seeks approval for a change to the rear elevation of the dwelling house, that differs from that approved. The rearward section of the two storey side/rear extension approved has been completed to a greater overall depth (measured by the Council's Enforcement Officer as 4.0 metres) than the 3.0 metres approved. It is noted that this dimension at first floor level appears to be unchanged on either the submitted floor plan or side elevation. The other change sought retrospectively to this elevation is to the section of ground floor extension roof which projects beyond the first floor and has been provided at a lowered angle.

The other principle differences noted to the rear two storey extension as built, though not expressly sought by this application, are to its overall width, which has been increased from that approved (by approx. 0.5 metre) and is noticeably closer to the existing first floor rear window and to its height where it joins the main roof of the original house (by approx. 0.25m).

Another change to the rear elevation of the house, concerning the increased height of the roof to the single storey rear extension adjacent to the boundary with No. 19 Maylands Drive, again is not proposed by this application but differs from that approved last year.

The outbuilding and all of the elevational alterations that have been undertaken to the house are finished externally in materials - brick walls, roof tile and upvc window/door openings - to match those on the original existing house. The patio walls are in similar brick and the remainder in concrete slab paving.

1.3 Relevant Planning History

65665/APP/2012/1543 17 Maylands Drive Uxbridge

Part two storey, part single storey side and rear extensions, front porch and conversion of roof space to habitable use to include 4 x side roof lights

Decision Date: 25-10-2012 **Approved** **Appeal:**

65665/APP/2012/872 17 Maylands Drive Uxbridge

Part two storey, part single storey side/rear extension, front porch and conversion of roof space

to habitable use to include 4 x side roof lights

Decision Date: 11-06-2012 Withdrawn **Appeal:**

65665/APP/2013/1349 17 Maylands Drive Uxbridge

Single storey detached outbuilding to rear for use as a gym and store (Retrospective)

Decision Date: 13-08-2013 Refused **Appeal:**

Comment on Planning History

Planning permission was granted to extend the application property (under ref. 65665/APP/2012/1543 in October 2012) on two storeys to the side and rear with a part single storey side addition to serve as a motorcycle garage.

This permission was implemented earlier this year and the extensions are now finished. At the same time a number of other additions and alterations were made to the application property, including the erection of another smaller outbuilding closer to the house, construction of an enlarged and raised patio, the conversion of the new garage into habitable accommodation and various alterations made to the elevations of this extended property.

These material changes compared to those approved under Ref. 65665/APP/2012/1543 have also been made the subject of Council Enforcement Notices prior to the current retrospective application.

The reasons for issuing the enforcement notices which are relevant to the outbuilding under consideration are set out below:

'a) the scale, form and architectural appearance of the extensions, garden buildings and enclosed raised platform fail to harmonise with the design features and architectural style predominant in the area and which contribute to the Special Local Character. The development is therefore contrary to Policy BE5 of the Hillingdon Local Plan Part 2 adopted in November 2012.'; and

'b) the cumulative affect of the garden buildings, raised platform and the single and two storey extensions, has resulted in a significant increase in the built up appearance of this site, resulting in a significant loss of amenity both for the occupiers of number 17 and number 19. The scale, siting, form and architectural appearance of the extensions, the garden buildings and enclosed raised platform result in a significant loss of residential amenity to neighbouring dwellings and fail to protect the privacy of neighbours. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE20, BE21 and BE24 of the Hillingdon Local Plan Part 2 adopted in November 2012.'

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

4no. neighbouring occupiers were consulted (13.6.2013) and a site notice displayed on

17.6.2013. Two responses have been received and an additional four representations made against the proposal for the following reasons (summarised):

Patio/walls/garden levels

- creates overlooking/loss of privacy to kitchen (of No. 19) over boundary fences;
- has been built without permission at least 0.6m above garden level, which has also higher than original garden which had several steps down to it from the house;
- not shown on approved plans for extended house (which retained the garden);
- boundary planting (4no. trees shown on plan) would only create a high barrier and shadowing even if possible surrounded by concrete paths; Also, tree planting for privacy is not a satisfactory alternative to lowering the patio especially when tree cover is diminished in winter months.

Outbuilding

- excessively high (much more so than the demolished garage), large and dominant/overbearing, with a visual impact on gardens to both sides. Also set further back from the house than original garage;
- significantly higher relative to original ground level than the 2.4m shown on the plans;
- overshadows (loss of sunlight) to part of adjoining garden (of No. 15);
- access is currently only possible using the narrow alley between Nos.17 and 19 (not wide enough to wheel a motorbike down); The submitted alterations to the patio to allow access from the other side will still be via a narrow 1m wide alley;
- parking area available to front of house (no need for outbuilding);
- not built in position shown on plan adjacent to No. 15's garage;
- not necessary for motorbike and basic tools (larger than original car garage);
- will transfer vehicle noise to quiet rear garden area;
- potential noise nuisance from workshop;
- visual impact of external wall built in grey blockwork with brick borders;
- if granted, conditions regarding the days/hours of use (with time limits/quiet periods), to prevent its use as an ancillary dwelling (or for sleeping in), for commercial purposes or for the keeping of animals should be imposed.

Conversion of garage

- conversion by changing door to a window) was carried out before being used (thus never) as a garage;
- height of roof as built is greater than shown on approved or proposed plans.

Effect on character of area

- overdevelopment of site which does not respect the scale of adjacent buildings and open spaces to the detriment of neighbours/not in keeping with the general character of the neighbourhood.

Other issues/concerns

- roof of single storey rear extension is dominant/not built in accordance with approved plans (now steeper and with rooflights);
- not going to be used as a family home (little garden space or access from either side of the house for the motorbike);
- all wood debris during construction was burned and buried (hence raised slope of garden land);
- breeze blocks, bricks and roof tiles left on pavement.

A Petition in support of the proposals (with 21 signatures) was received (on 9.8.2013) with

the following comments:

- patio is in keeping with local residences and addresses privacy issues;
- outbuilding (motorcycle/store) is in keeping with other garages in the street;
- outbuilding (gym/playroom with shower) has no impact and is not to be rented out for living accommodation;
- garden fence has been erected to enhance privacy;
- ground level has not been raised at both boundaries;
- precedent has not been set nor the character of the street/area changed;
- new families moving in require up to date living arrangements (objections are from single persons occupying 3 bedroom dwellings);
- in keeping with character of north Uxbridge (not over dominant).

North Uxbridge Residents Association (13.6.2013) - no comments.

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:

- | | |
|----------|---|
| BE5 | New development within areas of special local character |
| 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. |
| BE22 | Residential extensions/buildings of two or more storeys. |
| 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 |
| AM14 | New development and car parking standards. |
| CACPS | Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007) |

5. MAIN PLANNING ISSUES

The main issues for consideration relate to the effect of the proposal on the character and appearance of the original building, the impact on the street scene and amenities of the surrounding residential area and the potential impacts on the amenities of the

neighbouring occupiers.

Within Areas of Special Local Character, all extensions and alterations are expected to respect the symmetry of the original building (Policy BE5 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies, November 2012). Furthermore, all development should harmonise with the existing street scene (Policy BE13) and complement the amenity and character of the residential area in which it is situated (Policy BE19).

The starting point is to consider how the extensions and alterations would appear in relation to the scale, form and proportions of the original property (UDP Saved Policy BE15). The visual impact of extensions and outbuildings on the street scene and surroundings is then assessed by reference to the Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement - Residential Extensions (December 2008) or HDAS. The primary aim of HDAS is that all extensions and alterations should appear subordinate to the original house. With regard to outbuildings, HDAS sets out the general criteria in terms of their use, position, size, form and dimensions. The specific impacts of these buildings on the amenities of the neighbouring occupiers in terms of their appearance, dominance and proximity to boundaries etc. are then also taken into account.

In the approved plans for extensions to this dwelling under ref. 65665/APP/2012/1543, the single storey side extension (sought by this application to be converted for habitable use) was set back from the front of the dwelling by 0.5 metres at ground level, with the first floor element some 4.5 metres back in order to retain the appearance of being subordinate to the original. The two storey extension was also set 1.0 metre inside the boundary with No. 15 and less than 4.0 metres in depth whilst the height of the new hipped roof was to be kept 0.5 metre below that on the original house.

Some elements of the current proposals are either to the rear of the property and situated directly behind the house (the patio) and only partly visible above the boundary fence with No. 15 (i.e. the motorcyle/workshop outbuilding). The converted garage addition to the side has been provided with a steeper roof (approval for which is not sought by this application) but is otherwise the same as approved.

The principle change in the immediate street scene is therefore the increase in the ridge height of the two storey side/rear extension as built. This ridge line has been raised to within 0.25 metre (approx.) of the main roof, due to the increased width of the extension at the rear and need to retain matching roof angles. Again, this change has not been expressly sought by the current application but is nonetheless the subject of an enforcement notice. Notwithstanding that the submitted plans do not accurately reflect this change, the overall impact still needs to be considered as part of the proposal.

This relatively minor change is nonetheless significant as it has reduced the set down of the roof line to about half that required by HDAS, with the effect that the extension does not appear fully subordinate to the original dwelling. The visual impact of this is exaggerated further due to the prominent higher position of No. 17, alongside the turning head of the cul-de-sac. It, therefore, has a detrimental impact on the street scene and fails to harmonise with the appearance, amenity and thus character of this uniformly laid out residential road. This part of the proposal is therefore considered contrary to Local Plan Policies BE5, BE13 and BE19 plus HDAS in these respects.

Turning to the visual impacts of the outbuilding, the design, intended use and footprint of the outbuilding (approx. 18.3 square metres) is of a scale and form which is ordinarily considered to be reasonably required for purposes ancillary to the residential use of the house. In particular, it meets the HDAS requirements for set-in from the boundary and height. However, the HDAS Guidance also requires outbuildings to be set to the rear of the gardens and this outbuilding fails in this regards. Furthermore, this structure can not be considered independently and in isolation from either the patio or from the other larger outbuilding (for a gym/playroom) recently constructed at the end of the garden, and for which permission has also been sought retrospectively under ref. 65665/APP/2013/1349 (this application was refused at planning committee on 13th August 2013). The proliferation of building works at the rear of the garden is considered to have had an unacceptable impact on the visual amenities and character of the surrounding area contrary to Local Plan Policies BE5, BE13 and BE19.

The other main consideration would be the impact to the amenities of the occupiers of the adjoining properties, with No. 15 most likely to be affected. The potential effects on the amount of natural daylight and sunlight (Hillingdon Local Plan: Part Two - Saved UDP Policy BE21), levels of privacy (Policy BE24) and general outlook arising from the bulk and proximity of the proposal (Policy BE20) are assessed below.

No. 15 Maylands Drive, is situated at a marginally lower ground level and separated from the original flank wall of No. 17 (the application property) by just over 6 metres. There are ground floor side windows in this property which serve (from front to rear), a staircase/hall, a kitchen and a living room (the back room) which also contains rear facing windows and doors to the garden. The rear garden runs in parallel and to the same depth as that at No. 17 and contains the original garage building.

Due to the bulk and raised height of the outbuilding, which has been erected on a concrete base on levelled off ground that is noticeably above that of the original sloped garden level at this point, and its position close to the boundary the amount of sunlight received to the garden of No. 15 would be reduced at certain times of the day whilst their general outlook is also impacted upon. This over dominance would result in a reduction in the current amenities of the neighbouring occupiers of No. 15 Maylands Drive and is thus contrary to Hillingdon Local Plan: Part Two Policies BE20 and BE21 in this regard.

With regard to their privacy, this is likely to be worsened for No. 15 by the proposal for a raised and extended patio which has now been constructed adjacent to the shared boundary. The proposed provision of screen planting in the form of trees between the side of the patio and the boundary would not prevent direct overlooking of the windows or garden and could not guarantee that adequate privacy is maintained all year round or indeed permanently in the future. Indeed, these landscape features on higher and levelled ground may be even more intrusive in terms of light and outlook.

In terms of safeguarding the residential amenities of adjoining occupiers, the proposals for the patio and outbuilding can thus be described as being intrusive and dominant with resulting detriment to the standard of amenities currently enjoyed by the occupiers of No. 15 Maylands Drive/. In addition, when considered in conjunction with other works described in the proposal that have been carried out on the application site (whether or not these have been correctly shown on the submitted plan) this building and the extended and raised patio area contribute to a significant increase in the built up appearance of the site and general loss of amenity to neighbours that would result.

No. 19 Maylands Drive, to the north, which has been extended by a conservatory, is one of three closely set pairs of detached dwellings that surround the turning head at the higher end of Maylands Drive. The quality and amount of daylight or sunlight received to the rear windows or garden of this property should not be affected by any of the proposals. However the privacy of these occupants may be compromised by the height of the patio and is not protected by the height of the boundary fence.

The development is therefore considered to be contrary to Hillingdon Local Plan - Part One Strategic Policy BE1 and Part Two Saved UDP Saved Policies BE20, BE21 and BE24.

Whilst there are no trees or other significant landscape features that would be removed or are likely to be threatened by the proposals, the applicant has suggested tree screen planting to the south boundary with No. 15 alongside the newly constructed patio. This is primarily for the purpose of protecting the privacy of neighbouring occupiers rather than the amenity value of the area per se, but would nonetheless represent some visual enhancement of the built upon rear garden. The eventual height of such tree planting, in the event that permission is granted for these retrospective proposals, would therefore need to be controlled and made the subject of a detailed planting and maintenance schedule by means of an appropriate condition(s). The proposals are thus in accordance with the aims of Local Plan Policy BE38 in this regard.

There would be parking provision for up to two vehicles maintained within the site, in addition to the motorcycle storage in the outbuilding, with two spaces in a new parking arrangement to the front of the house. This complies with the Council's standing advice and UDP Saved Policy AM14.

After the erection of the outbuilding there is over 220 square metres of garden space retained. Therefore, sufficient private outdoor amenity space has been retained, in accordance with Policy BE23 of the Hillingdon Local Plan (November 2012).

The built and proposed developments have had an unacceptable impact on the visual amenities of the surrounding area and the residential amenities of the neighbouring occupiers and is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed two storey side/rear extension as built, due to its overall height, scale and bulk does not appear fully subordinate in proportion to the original dwelling and as a result would fail to harmonise visually with the existing street scene or complement the amenity and character of the surrounding residential area, which is part of the North Uxbridge Area of Special Local Character. It is therefore contrary to Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and to the Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Extensions December 2008).

2 NON2 Non Standard reason for refusal

The outbuilding and rear garden patio as extended, when considered in conjunction with

other works carried out to the application property, results in a significant cumulative increase in the built up appearance of this site and furthermore by reason of their proximity to the boundary, would be over dominant and visually intrusive. This would significantly reduce the standard of amenities, (daylight, sunlight and privacy) currently enjoyed by the occupants of Nos. 15 and 19 Maylands Drive. The development is therefore contrary to Policies BE1, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part One - Strategic Policies & Part Two - Saved Unitary Development Plan Policies (November 2012).

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.
 - BE5 New development within areas of special local character
 - 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.
 - BE22 Residential extensions/buildings of two or more storeys.
 - 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-E) Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
 - AM14 New development and car parking standards.
 - CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
- 3 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 September 2007), 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national

Part 1 Policies:

PT1.BE1 (2012) Built Environment

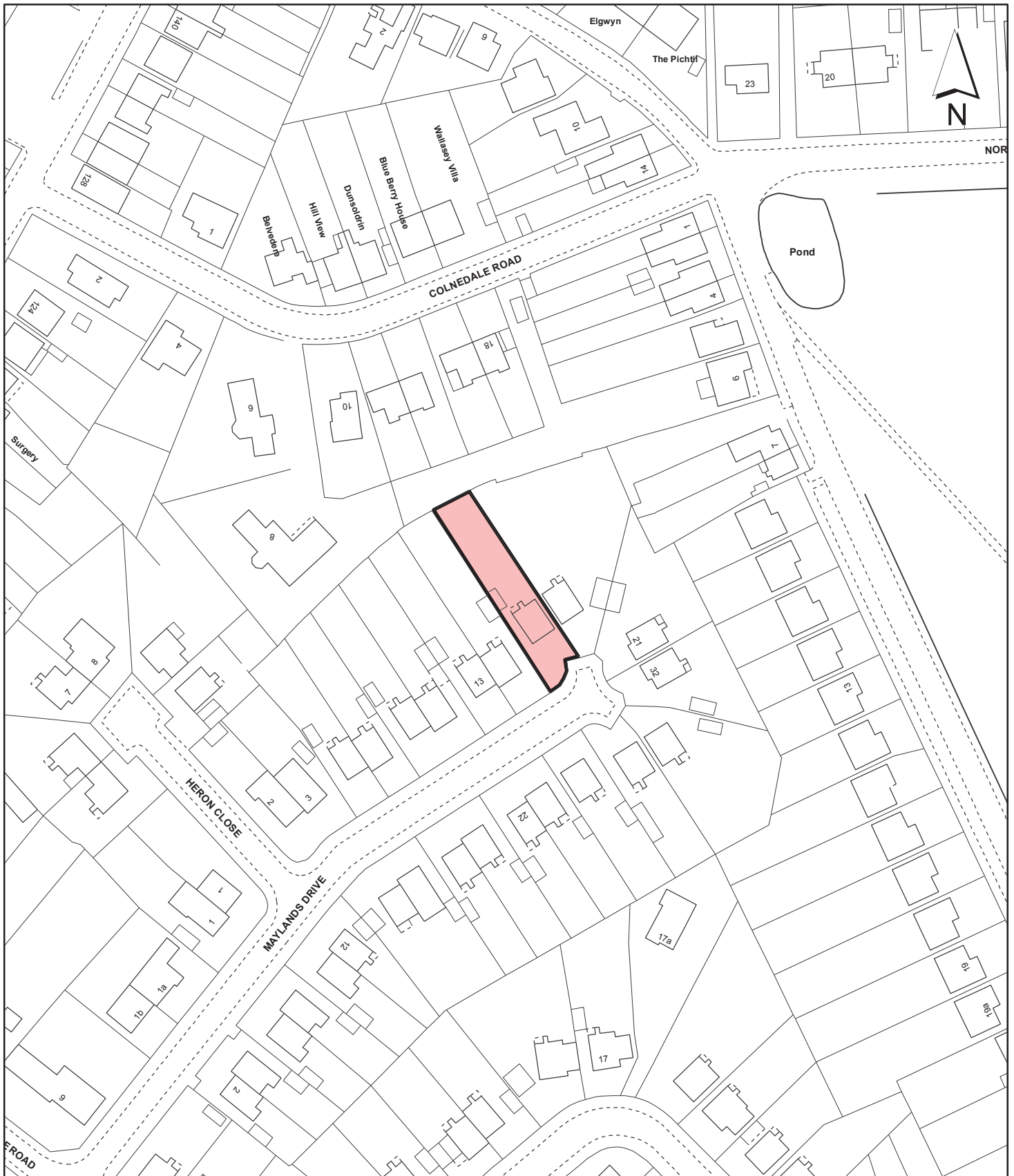
Part 2 Policies:



BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

guidance.

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">17 Maylands Drive Uxbridge</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">65665/APP/2013/1348</p>	<p>Scale</p> <p align="center">1:1,250</p>	 <p align="center">HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p align="center">Central & South</p>	<p>Date</p> <p align="center">August 2013</p>	