

Report of the Head of Planning, Sport and Green Spaces

Address 11 CEDARS DRIVE HILLINGDON
Development: Boundary wall to front and installation of steel gates (Part Retrospective)
LBH Ref Nos: 1985/APP/2013/197
Drawing Nos: PS/11/2013/A
PS/11/2013/B Rev. 1

Date Plans Received: 25/01/2013 **Date(s) of Amendment(s):**
Date Application Valid: 29/01/2013

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a detached bungalow that has been previously extended to the side and rear to produce a staggered layout with 3 bedrooms (2 bedrooms downstairs and 1 bedroom in the roof-space with 2 east facing rooflights). The bungalow has a 14.4m deep east facing rear garden, beyond which is the driveway to No.15 Bishops Close.

The property has a paved front and side driveway and single attached garage occupying a corner plot at the junction of Cedars Drive and Bishops Close, and is enclosed by a 1.8 (h) close boarded wooden fence along the boundary with Bishops Close opposite to Nos: 1, 2, 3, 4 and 5 Bishops Close, and a brick boundary wall and gates at a maximum height of 1.95m to enclose the paved front garden area.

A number of the properties within the immediate vicinity are enclosed by similar brick walls and steel gates, the include:

No.1 Bishops Close - Red brick wall with railings above and metal gate (slightly lower than that proposed)

No. 6 Cedar Drive - Red brick wall with railings above and metal gate (very similar design and scale to the proposed)

No. 14 Cedars Drive - Brick wall and gate (albeit much lower than the proposed)

No. 19 Cedars Drive - Brick wall and gate (albeit much lower than the proposed)

No. 27 Cedars Drive - Brick wall and gate (albeit much lower than the proposed)

The application site lies within the locally recognised Village Estate which is a developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

1.2 Proposed Scheme

The application seeks retrospective planning permission for the boundary wall to the front garden and the associated installation of steel gates. The wall has been constructed in buff coloured brick to match that used on the host dwelling and consists of brick piers at a maximum height of 1.95m with walls at a height of 1.23m, and steel gates across the vehicular and pedestrian access.

It is noted that the plans which are contained within the application do not precisely match the works which have been completed on site. The main differences being:

- 1) The detailing of the pillars in plans and as built;
- 2) The presence of a letter box in the as built which is not on the plans;
- 3) The presence of an entry keypad in the as built which is not on the plans;
- 4) The presence of lighting on top of the pillars in the as built which is not on the plans.

Given that it is the plans which are approved as part of an application it is considered that the proposal is in fact part-retrospective, approval of this application would not in effect give retrospective consent for any aspect of the works which is not in accordance with the plans which form part of the application. If members considered any of these aspects to be of concern this could be subject to further investigation and enforcement action if appropriate.

It should further be noted that additional hardstanding has been created within the front garden. This hardstanding does not form part of the application as it is not mentioned in the application form or shown on the submitted plans. Again, if members considered this aspect of works which have been carried out on site to be of concern this could be subject to further investigation and enforcement action if appropriate.

1.3 Relevant Planning History

1985/APP/2010/1024 11 Cedars Drive Hillingdon

Conversion of roofspace to habitable use to create additional level, involving raising of main roof height, single storey side extension, canopy to front and conversion of existing attached garage for habitable use.

Decision Date: 20-07-2010 Refused **Appeal:**

1985/APP/2010/2748 11 Cedars Drive Hillingdon

Single storey side/rear extension, conversion of attached garage to habitable space with alterations to existing elevations.

Decision Date: 02-02-2011 Approved **Appeal:**

1985/APP/2010/90 11 Cedars Drive Hillingdon

Raising of roof to provide first floor level, to include part two storey part first floor side extension with canopy to front, conversion of garage with first floor extension

Decision Date: 29-03-2010 Refused **Appeal:**

1985/APP/2011/1737 11 Cedars Drive Hillingdon

Raising of roof to provide habitable roof space to include a rear dormer, 2 front rooflights, 2 rear rooflights and 4 side rooflights

Decision Date: 22-09-2011 Refused **Appeal:**

1985/APP/2011/2486 11 Cedars Drive Hillingdon

Raising of roof to provide habitable roof space to include 2 rear dormers, 1 front dormer and 4 side rooflights

Decision Date: 19-12-2011 Refused **Appeal:** 14-MAR-12 Dismissed

1985/APP/2011/821 11 Cedars Drive Hillingdon

Raising of roof to provide habitable roof space to include a rear dormer, 2 front rooflights, 2 rear rooflights and 4 side rooflights.

Decision Date: 07-06-2011 Refused **Appeal:**25-AUG-11 Dismissed
1985/APP/2012/1738 11 Cedars Drive Hillingdon

Single storey side extension involving conversion of garage into habitable room, single storey rear extension and conversion of roof space to habitable use to include 2 x rear dormers, 1 x front dormer and 4 x side rooflights (Part- Retrospective)

Decision Date: 30-07-2012 Withdrawn **Appeal:**
1985/APP/2012/425 11 Cedars Drive Hillingdon

Single storey side extension involving conversion of garage into habitable room, front porch and conversion of roof space to habitable use to include 2 x rear dormers, 1 x front dormer and 4 x side rooflights.

Decision Date: 20-04-2012 Approved **Appeal:**
1985/APP/2012/440 11 Cedars Drive Hillingdon

Application for non-material amendment of planning permission Ref: 1985/APP/2010/2748 to remove kink from side elevation (Single storey side/rear extension, conversion of attached garage to habitable space with alterations to existing elevations.)

Decision Date: 02-04-2012 Approved **Appeal:**
1985/B/93/1338 11 Cedars Drive Hillingdon

Erection of a single-storey side and rear extension with pitched roof over

Decision Date: 11-10-1993 Approved **Appeal:**
1985/C/95/1445 11 Cedars Drive Hillingdon

Erection of a single storey side and rear extension (involving demolition of existing garage)

Decision Date: 07-03-1996 Approved **Appeal:**

Comment on Planning History

There is a lengthy planning history at the site relating to extensions. See above.

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

12 neighbouring properties were consulted by letter dated 31.1.13. A site notice was displayed which expired on 4.3.13. Two letters of objection and a petition of objection have been received raising concerns about the visual impact of the gates and walls, and highways safety issues.

Officer Note: The photographs submitted with the petition show steel gates which exceed the height of and are significantly different in design to that shown on the submitted plans.

A recent site visit has been undertaken and it is clear that this gate has been removed and replaced with one which closely coincides with that shown on the plans. The decision

should be taken having regard to what is shown on the submitted plans.

HIGHWAYS ENGINEER
No objection.

Although the visibility splays shown on the block plan are not correctly drawn , I have considered the proposals in light of the requisite visibility splays and do not have an objection on this aspect.

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:

AM14 New development and car parking standards.

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.

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

5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property and locality, the impact upon the amenities of adjoining occupiers, and the impact on highway safety.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Paragraph 10.1 of the Council's Supplementary Planning Document HDAS: Residential Extensions requires front walls and enclosures to make a positive contribution to the street scene and must ensure adequate visibility for all vehicles entering and exiting the property. Walls and enclosures should not obstruct sight lines required for road and public safety. To ensure harmonisation with the existing street scene, applicants should ensure that the design and materials used and the height of any wall/enclosure must be in

keeping with the character of the area.

The boundary wall and proposed gates are considered to be in keeping with other enclosures within the nearby vicinity. There are examples of walls and railings/gates directly opposite the application site and to the side in Bishops Close. The development does not therefore conflict with the Council's policies and guidance in this respect.

Concerns have been raised by local residents that the proposed wall and gates impede visibility at the access from Bishops Close. The Council's Highways Engineer has reviewed the proposals and raises no objections in highways safety terms. As such the proposal is considered to have an acceptable impact on highway safety and the proposal accords with Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application is therefore recommended for approval.

6. **RECOMMENDATION**

Due to an administrative error The Local Planning Authority has issued a decision on this application without the application being referred to the planning committee for consideration.

Officers consider that the decision was made having regard to all material matters and was correct, however given that the correct administrative procedures were not followed it is necessary for the Central and South Planning Committee to consider the matters of the case and reach a determination as to whether they would have approved the application.

It is recommended that the Committee resolve that, had the item been referred to the Committee the application would have been approved subject to the conditions set out below:

1 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PS/11/2013/A and PS/11/2013/B.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (July 2011).

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 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) 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.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.
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.
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

- 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.

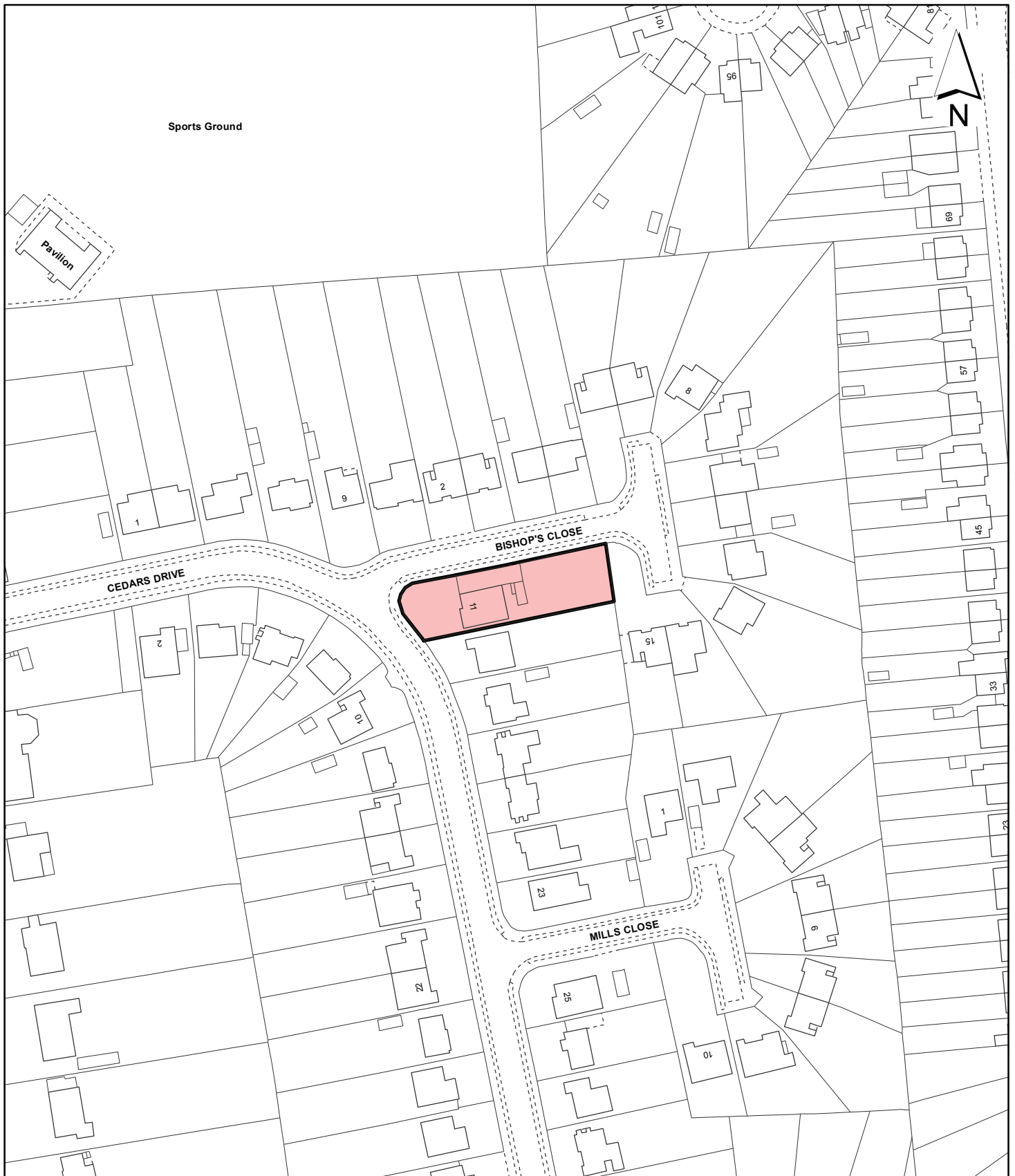
D) No bonfires that create dark smoke or nuisance to local residents.

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: Nicola Taplin

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**11 Cedars Drive
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
1985/APP/2013/197

Scale
1:1,250

Planning Committee
Central and South

Date
**October
 2013**



HILLINGDON
 LONDON