

## Report of the Head of Planning, Sport and Green Spaces

**Address** 48 POLE HILL ROAD HILLINGDON

**Development:** Single storey detached outbuilding to rear for use as storage (Part Retrospective)

**LBH Ref Nos:** 33924/APP/2014/360

**Drawing Nos:** Proposed Floor Plan and Elevations  
Block Plan to Scale 1:500  
LP01

**Date Plans Received:** 03/02/2014      **Date(s) of Amendment(s):**

**Date Application Valid:** 13/02/2014

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application relates to a detached bungalow located on a corner plot between Pole Hill Road and Harrow View. The brick and tile dwelling is set back from the road by over 10 metres by an area of soft landscaping. There is no vehicular crossover to the front of the property. There is an existing single storey extension to the rear. The rear garden boundary is surrounded by a fence. To the side of the property along Harrow View is a vehicular crossover with a side gate to access an area of hardstanding and does not have a pavement.

The property benefits from a single storey rear extension which was approved under application 33924/83/1484 in 1983.

The street scene is residential in character and appearance and the application site lies within the Development Area, as identified in the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

#### 1.2 Proposed Scheme

Retrospective planning permission is sought for an outbuilding at the rear of the garden to be used for storage. The outbuilding measures 6.30m deep, 4.65m - 5.67m wide and has a flat roof 2.95m high with a floor area of 28sq.metres. The outbuilding is constructed of yellow brick. There is no vehicular crossover proposed as part of this application to serve the garage.

It should be noted that the sole difference between the previously refused application ref: 33924/APP/2013/1696 relating to this outbuilding and the current one being considered is that the stated use of the outbuilding is for storage and not a garage as was considered in the refused application. The refused application is discussed further in the next section of this report.

#### 1.3 Relevant Planning History

33924/83/1484 48 Pole Hill Road Hillingdon

Single storey rear extension.

**Decision Date:** 10-11-1983 Approved **Appeal:**

33924/APP/2013/1683 48 Pole Hill Road Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 2.9 metres, and for which the height of the eaves would be 2.5 metres

**Decision Date:** 08-08-2013 Refused **Appeal:** 19-NOV-13 Dismissed

33924/APP/2013/1696 48 Pole Hill Road Hillingdon

Single storey detached outbuilding to rear for use as garage

**Decision Date:** 16-10-2013 Refused **Appeal:** 20-JAN-14 Dismissed

33924/APP/2013/61 48 Pole Hill Road Hillingdon

Conversion of roof space to habitable use to include 2 side dormers involving alterations to the roof of existing single storey extension (Application for a Certificate of Lawful Development for a Proposed Development).

**Decision Date:** 07-03-2013 Approved **Appeal:**

33924/APP/2013/755 48 Pole Hill Road Hillingdon

Single storey rear extension with habitable roofspace to include 2 side dormers involving part demolition of existing rear element

**Decision Date:** 21-06-2013 Refused **Appeal:** 18-OCT-13 Dismissed

33924/APP/2014/266 48 Pole Hill Road Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.5 metres, and for which the height of the eaves would be 2.5 metres

**Decision Date:** 07-04-2014 Refused **Appeal:**

33924/APP/2014/287 48 Pole Hill Road Hillingdon

Single storey rear extension with habitable roofspace to include 2 x side dormers.

**Decision Date:** 25-03-2014 Refused **Appeal:**

#### **Comment on Planning History**

Retrospective Planning Application ref: 33924/APP/2013/1696 for a single storey detached outbuilding to rear for use as a garage was refused planning permission on 17/10/2013 for the following reasons:

1. The outbuilding, by reason of its location abutting the highway, would be very prominent and imposing in the streetscene and is out of character with the nature of the street. As such, the detached garage would conflict with policies BE13, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and HDAS: Residential Extensions.

2. The garage; by reason of its overall design including insufficient set back from the roadway, substandard sightlines, level of the internal floor and inadequate manoeuvring space is inadequate to accommodate a motor vehicle and would lead to conditions prejudicial to highway and pedestrian safety. As such, the proposal would conflict with

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

A subsequent Appeal was dismissed on the 20/01/2014 with both reasons for refusal being upheld.

33924/APP/2013/1683 - Prior approval was refused for a single storey rear extension 6m deep.

33924/APP/2013/61 - In 2013 Lawful Development Certificate was granted for the erection of dormer windows.

33924/APP/2013/755 - Planning permission was refused for a single storey rear extension with habitable roofspace to include 2 side dormers involving part demolition of existing rear element.

An Enforcement case (ref ENF/190/13) relating to the unauthorised outbuilding is currently being pursued by the Enforcement team.

## **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**

EXTERNAL CONSULTEES:

9 neighbours were consulted by letter dated 13th February 2014. Two petitions objecting to the proposal have been received from the same resident, one with 13 signatures and the other with 22 signatories. The following objections have been raised:

1. It is not a garage, but a habitable dwelling;
2. The building has already been erected. Water and electric services have been installed, back and front doorways are introduced and double glazed French doors. A small window has been installed directly over a soil pipe, thus indicating some sort of living abode.
3. This application is just a stalling tactic because the building was to be demolished.
4. The council should not even be considering this application as it is an illegal structure.

Officer comment: Issues Nos. 1-2 could be dealt with by condition to ensure the outbuilding would not be used as a separate residential unit. Issue No.3 and 4 were considered when the application was submitted, however officers consulted up to date legislation and it was considered that the application is valid and needs to be assessed on its own merits.

Other letters of objection have also been received raising the following concerns:

1. The structure is very imposing and does not harmonise with the existing street scene, neither does the outbuilding improve or complement the character of the area.
2. If planning permission was to be granted, the outbuilding could well be used for purposes other than storage.

3. The outbuilding is used as part of a development business by the owner, with transit vans often loading and unloading from the roller shutter doors.

#### **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.

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 5.3 (2011) Sustainable design and construction

#### **5. MAIN PLANNING ISSUES**

The previous planning application ref: 33924/APP/2013/1696 was refused for reasons relating to its appearance and impact on the character of the area together with highways and pedestrian safety issues relating to the proposed use of the outbuilding as a garage. The current application is also a retrospective application for the existing structure as built but for the use of the structure as a store room instead of a garage.

The main issues for consideration in determining this application therefore relate to the effect of the detached outbuilding on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area, the impact on residential amenity of the neighbouring dwellings and the provision of acceptable residential amenity for the application property.

Policy BE15 of the Local Plan state that extensions must be in keeping with the scale, form and architectural composition of the original building. BE19 also states that new developments should complement or improve the amenity and character of the area.

Section 9 of the Council's adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions sets out criteria to assess outbuildings against: the requirements are that the proposed should be set back 500mm from the boundaries and positioned as

far away from the house as possible, the external materials should be similar to the existing house, that a flat roof should be no higher than 3m and that windows would only be permitted in elevation facing owners main house.

The outbuilding currently stands immediately adjacent to the side boundary adjoining No.50 Pole Hill Road and is 2.95m high with a flat roof. As there is no pavement, the outbuilding would abut the highway, contrary to the above guidance.

In respect of the scale of the building, the proposal at 28sq.m in footprint represents a size 20% that of the 137sq.m of the existing house. This is considered to fall within a scale subservient to that of the main house.

However, in relation to the appearance of the outbuilding the Inspector in refusing the previous application for use of this outbuilding as a garage noted that:

"The garage is a prominent feature in the overall street scene due to its location and design. The location abutting the highway means that it is possible to view the structure from some distance. Whilst it is accepted that there are other existing garages on the opposite side of the road, these are smaller in scale and are set back from the public highway by the footpath so are visually less prominent to the overall street scene.

I therefore conclude the proposal would fail to accord with policies BE13 and BE19 of the UDP as it would fail to harmonise with the existing street scene and would also fail to compliment the existing character of the area. In addition to this, the proposal would also be in conflict with the HDAS SPD concerning Residential Extensions."

No external alterations to the outbuilding are proposed under this application and as such, the detached outbuilding at the application would continue to have an unacceptable impact on the visual amenities of the surrounding area, contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and HDAS: Residential Extensions.

With regard to the impact on the amenities on neighbouring properties, the outbuilding would be positioned as far away as possible from the existing house and would have a small window and door facing the rear elevation of the properties. As such, it is considered that the proposal would not have a material impact on the neighbouring properties. Therefore the proposal would comply with policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

239sqm of private amenity space would be retained in compliance with paragraph 5.13 of the HDAS: Residential Extensions and policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Officers note that the outbuilding retains the roller shutter style door on its elevation facing Harrow View and as such the outbuilding could still be used as a garage. Even if was not used as such, it is possible that the existing operation, to which neighbours have referred in their letters of objections, where vans load and unload materials from the highway through the roller shutter door could also continue.

The inspector found in dismissing the previous appeal that:

"Policy AM7 of the UDP states, amongst other things, that the Local Planning Authority

will not grant planning permission for developments whose traffic generation is likely to prejudice the free flow of traffic or conditions of highway or pedestrian safety. As there is no public footpath on this side of the road, I do not consider that the proposal would have an adverse effect on pedestrian safety."

However, given the previous use as a garage, the inspector did not consider the use of the building for storage purposes. The current scheme states that the use will be for storage at the site. Given that the largest access into the building is provided from the highway, it is reasonable to consider that loading and unloading could be undertaken into and from this doorway. This might result in vehicles parked in the highway during loading times. It is noted that this section of Harrow View gives access to a cul-de-sac for 9 properties, however, having vehicles waiting in this location to load and unload would provide an unwanted vehicular obstruction which would prejudice the free flow of traffic, contrary to Policy AM7 of the Hillingdon Local Plan (November 2012).

In light of the above, the application is recommended for refusal.

## **6. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The outbuilding, by reason of its size, scale, bulk and location abutting the highway, results in a very prominent and imposing building in the streetscene to the detriment of its visual amenity and to the character and appearance of the wider area. As such, the detached outbuilding is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

#### **2 NON2 Non Standard reason for refusal**

The outbuilding by reason of its design including the retention of the roller shutter door fronting the highway has the potential to require vehicles to park in the highway when loading and unloading to/from the storage building which would lead to conditions prejudicial to highway safety. As such, the proposal would conflict with Policy AM7 and AM14 of the Hillingdon Local Plan: Part Two -Saved UDP 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 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:

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.
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 5.3	(2011) Sustainable design and construction



guidance.

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**Notes**

 Site boundary

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Site Address

**48 Pole Hill Road  
 Hillingdon**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services**

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

Planning Application Ref:  
**33924/APP/2014/360**

Scale  
**1:1,250**

Planning Committee  
**Central & South**

Date  
**April 2014**



**HILLINGDON**  
 LONDON