

Report of the Head of Planning, Sport and Green Spaces

Address 15 KENMORE CRESCENT HAYES

Development: Single storey detached outbuilding to rear for use as a store

LBH Ref Nos: 25043/APP/2014/1999

Drawing Nos: Design and Access Statement
ASB116 - 03 Existing Elevations
ASB116 - 01
Location Plan
ASB116 - 03 Proposed Elevations
ASB116 - 02
Block Plan

Date Plans Received: 10/06/2014 **Date(s) of Amendment(s):** 10/06/0014
Date Application Valid: 19/06/2014 10/06/2014

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises a semi-detached property located on the southern side of Kenmore Crescent. The property is constructed of pebble-dash render under a plain tiled hipped roof. A porch has been added to the front elevation and a flat roofed extension and conservatory to the rear. The front garden is laid to hardstanding with a driveway running between the flank wall of the property and adjacent property, Number 15.

A single storey detached outbuilding has been built along the rear boundary. This outbuilding is the subject of an enforcement notice requiring its removal. An enforcement appeal is submitted for determination on ground G (i.e the period for compliance stated in the notice is too short). The planning history is detailed in the section below.

The detached outbuilding backs onto the garage block of Chesil Way.

1.2 Proposed Scheme

The application seeks planning permission for the erection of a single storey detached outbuilding to the rear for use as a store. In order to implement the permission the applicant would need to remove the existing unauthorised outbuilding (which has a footprint of 70m²) and replace it with a new much smaller outbuilding with a much smaller footprint of 30m². Two windows and a door are proposed on the front elevation. The outbuilding is labelled for use as storage room and is proposed to be finished with a flat roof measuring 2.495m in height. (from the rear) and 2.48m in height.

1.3 Relevant Planning History

25043/APP/2013/1004 15 Kenmore Crescent Hayes

Single storey detached outbuilding to rear for use as playroom/store (Part Retrospective)

Decision Date: 08-07-2013 Refused **Appeal:**
25043/APP/2013/2632 15 Kenmore Crescent Hayes

Application for an existing detached outbuilding to rear for use as storage, to include reduction in height of building and removal of rear door (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 28-10-2013 Refused **Appeal:**

Comment on Planning History

25043/APP/2013/2632 - Application for an existing detached outbuilding to rear for use as storage, to include reduction in height of building and removal of rear door (Application for a Certificate of Lawful Development for a Proposed Development) was refused for the following reason:-

The existing development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 as the size, scale and layout of the building is not considered to represent a development for a purpose incidental to the enjoyment of the dwellinghouse.

Officer note: This outbuilding was constructed along the rear boundary with a footprint of 73m².

Application reference 25043/APP/2013/1004 for a Single storey detached outbuilding to rear for use as playroom/store (Part Retrospective, measuring 70m² was refused for the following reasons:-

1. The outbuilding, by reason of its size, scale, bulk and excessive footprint, would result in an over dominant and visually obtrusive form of development in relation to surrounding residential properties and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal is contrary to Policies BE13, BE19 and BE21 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The outbuilding, by reason of its size, scale, bulk and excessive footprint, would result in an over dominant and visually obtrusive form of development, out of character with the pattern of prevailing development in the area. Therefore the proposal is contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

3. The 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 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Documents HDAS Residential Extensions.

An enforcement notice ENF/503/12 was issued in January 2014 and is the subject of a current enforcement appeal.

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

5 neighbouring properties were consulted by letter dated 23.6.14 and a site notice was displayed which expired on 23.7.14.

No responses have been received to date.

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.

AM7 Consideration of traffic generated by proposed developments.

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.

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, the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision.

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.

Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that a building within the curtilage of the

dwellinghouse will be permitted if it is required for a purpose incidental to the enjoyment of the dwellinghouse. Similarly the HDAS - Residential Extensions indicates that such buildings will only be permitted if 'The outbuilding must only be used for normal domestic uses related to the residential use of the main house'.

The footprint of the proposed outbuilding is shown to be 30m². The existing dwelling on site, has a footprint of approximately 55 square metres. As such, the proposed outbuilding would have a footprint which would equate to some 54% of the original dwelling on site. which is considered to be of a scale appropriate for purposes incidental to the use of the dwellinghouse. Furthermore, the outbuilding as amended would be set in a minimum of 500mm from site boundaries, would have windows facing the host dwelling and would not contain facilities that could result in the future use of the outbuilding as separate living accommodation. The reduced outbuilding would comply with the advice set out in the HDAS guidance and is considered to relate satisfactorily to the site and surroundings. As such, subject to implementation within 3 months of the date of this permission, the proposal is considered acceptable in accordance with Policies BE13 & BE15 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

Given the size of the proposed outbuilding, its separation from the neighbouring properties at a distance of some 23m and the height of the outbuilding (some 2.48m), the proposal is not considered to result in an unneighbourly form of development in accordance with policies BE20, BE21 and BE24 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

It should be noted that the interior of the outbuilding is solely shown as a storage area. A condition is proposed to ensure the layout is built as per the approved plans.

Following the construction of the outbuilding, more than 100m² of private amenity space would be provided which would exceed the minimum requirements as set out in the HDAS guidance demonstrating compliance with Policy BE23 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

The dwelling retains sufficient off street parking spaces in accordance with Policy AM14 of the UDP and the Council's parking standards.

The application is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be

retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

3 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 ASB116-03 - Proposed Elevations and ASB116-02 - Proposed Site Layout.

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).

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing no. 68 Hatch Lane.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

5 NONSC Non Standard Condition

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings, which is storage incidental to the use of the main dwelling. It shall not be used for purposes such as a living room, bedroom, kitchen, bathroom, study or as a separate unit of accommodation.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

- 1 The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

- 2 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 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.
AM7	Consideration of traffic generated by proposed developments.
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.
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



<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). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">15 Kenmore Crescent Hayes</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p align="center">Residents Services Planning Section</p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">25043/APP/2014/1999</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">September 2014</p>	