

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

**Address** 33 THE DRIVE ICKENHAM

**Development:** Variation of condition 2 (approved drawings) of planning permission 4811/APP/2014/1254 (Variation of conditions 2 and 5 of application 4811/APP/2012/1906 -'Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roof space and basement to allow for the insertion of additional obscure glazed windows in the flank elevations of the approved dwelling') to allow for the insertion of a door in the flank wall, dormer windows in the front and rear elevations and retrospective consent for the enlargement of the south elevation (adj No. 31) by 0.4m. [amendment is for the inclusion of the alterations to the south elevation]

**LBH Ref Nos:** 4811/APP/2015/438

**Drawing Nos:** SB/33/15EE  
SB/33/15PE  
SB/33/15FESL  
SB/33/1545DLOS  
Design and Access Statemen

**Date Plans Received:** 05/02/2015

**Date(s) of Amendment(s):**

**Date Application Valid:** 01/05/2015

### 1. SUMMARY

This application seeks consent for alterations to the approved scheme, to allow for the addition of 3 dormer windows, insertion of a door at ground floor level in the southern elevation and retrospective consent for the enlargement of the southern elevation by 0.4 metres.

The proposed dormers and door by reason of their acceptable design, size, scale and siting, are not considered to have a detrimental impact on the character and appearance of the host building or to have an adverse impact on the amenities of the adjacent occupiers.

Notwithstanding such, there are concerns with the enlargement of the southern elevation of the building, which by reason of its size, scale, height and siting, is considered to appear unduly overbearing and visually intrusive to No. 31, and excessive in scale when viewed in the context of the building and surrounding area. The scheme thereby fails to comply with the Councils policies and guidance.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The enlargement of the southern elevation of the building by reason of its unacceptable depth, height, scale, and siting, is considered to result in a building that dominates its setting to an unacceptable degree and appears out of character in the context of the adjacent developments. Furthermore, the enlargement would appear visually intrusive and overbearing when viewed from No.31, to the detriment of this occupants amenities. The

scheme thereby fails to comply with policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

## INFORMATIVES

### 1 I52 **Compulsory Informative (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 I53 **Compulsory Informative (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 (2015) and national guidance.

AM14	New development and car parking standards.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
H4	Mix of housing units
H5	Dwellings suitable for large families
H12	Tandem development of backland in residential areas
OE1	Protection of the character and amenities of surrounding properties and the local area

R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

### **3 159 Councils Local Plan : Part 1 - Strategic Policies**

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 (2015). 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.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is situated on the western side of The Drive and work is almost complete on a large detached dwelling. The application site is situated within a street of individually designed properties characterised by large plots with ample spacing between properties. The site is within a 'Developed Area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **3.2 Proposed Scheme**

This application seeks to vary condition 2 (approved drawings) of planning permission 4811/APP/2014/1254 (Variation of conditions 2 and 5 of application 4811/APP/2012/1906 - 'Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roof space and basement to allow for the insertion of additional obscure glazed windows in the flank elevations of the approved dwelling') to allow for alterations to the approved plans.

The alterations proposed include:

1. The addition of 1 pitched roof dormer (approximately 1.5 metres in width, 2.15 metres in height and 1.8 metres in depth) to the rear roof slope;
2. The addition of 2 pitched roof dormer windows (approximately 1.5 metres in width, 2.15 metres in height and 1.8 metres in depth) on the front roof slope.
3. Insertion of a door in the flank wall facing No. 31 The Drive;
4. Retrospective consent for the enlargement of the south elevation (adjacent to No. 31) by 0.4 metres.

### **3.3 Relevant Planning History**

4811/APP/2008/2038 33 The Drive Ickenham

One six bedroom two storey dwelling house with additional accommodation in the roof space an

basement accommodation (involving demolition of existing dwelling)

**Decision:** 16-09-2008 Refused

4811/APP/2008/3009 33 The Drive Ickenham

Two storey four-bedroom dwelling house with basement accommodation (involving demolition of existing dwelling)

**Decision:** 22-12-2008 Approved

4811/APP/2009/44 33 The Drive Ickenham

Two storey six-bedroom dwelling with habitable roofspace and basement area.

**Decision:** 16-03-2009 Withdrawn

4811/APP/2009/612 33 The Drive Ickenham

Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roofspace and basement.

**Decision:** 07-08-2009 Approved

4811/APP/2012/1906 33 The Drive Ickenham

Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation, reference 4811/APP/2009/612 dated 07/08/2009 (Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roof space and basement)

**Decision:** 24-09-2012 Approved

4811/APP/2014/1254 33 The Drive Ickenham

Variation of conditions 2 and 5 of planning permission 4811/APP/2012/1906 (Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roof space and basement) to allow for the insertion of additional obscure glazed windows in the flank elevations of the approved dwelling

**Decision:** 16-07-2014 Approved

4811/APP/2014/4197 33 The Drive Ickenham

Non-material amendment to planning permission Ref: 4811/APP/2014/1254 (Variation of conditions 2 and 5 of planning permission 4811/APP/2012/1906 (Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roof space and basement) to allow for the insertion of additional obscure glazed windows in the flank elevations of the approved dwelling) to alter the internal layout of the basement and erect retaining walls at basement level

**Decision:** 24-02-2015    Approved

4811/APP/2015/1113      33 The Drive Ickenham  
Detached garage to front

**Decision:**

4811/APP/2015/715      33 The Drive Ickenham  
Erection of a detached outbuilding to be used as a pool house and a summerhouse and the provision of a swimming pool

**Decision:**

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

There have been a number of planning applications relating to this site, which are listed above. However of particular relevance to this application are the following:

- Planning application reference 4811/APP/2009/44 - was withdrawn, however proposed two dormers on the front elevation of the building. There were concerns with regards to the detailed design of these dormer windows, given their horizontal emphasis, which appeared at odds with the design of the dwelling and the surrounding area.

- Planning permission reference 4811/APP/2009/612 was renewed and approved in 2012 (ref. 4811/APP/2012/1906) for the demolition of the existing property and the erection of a two storey five bedroom property involving accommodation in the roof space, and basement level areas.

- Application 4811/APP/2014/1254 granted consent to vary Condition 2 (Approved Plans) and Condition 5 (Removal of permitted development rights for windows) of planning permission reference 4811/APP/2012/1906 (for an extension of the time limit for the erection of a two storey five-bedroom dwelling with habitable roof space and basement) dated 24-09-2012 to allow for alterations to the approved plans:

The alterations included:

1. Addition of 3 ground floor and 3 first floor obscure glazed windows to the southern elevation (facing 31 The Drive).
2. Addition of 4 ground floor and 2 first floor obscure glazed windows to the northern elevation.

- Application 4811/APP/2014/4197 granted consent for a non material amendment to planning permission Ref: 4811/APP/2014/1254 (Variation of conditions 2 and 5 of planning permission 4811/APP/2012/1906 (Demolition of Existing Dwelling and the Erection of a Two Storey Five-bedroom dwelling with habitable roof space and basement) to allow for the insertion of additional obscure glazed windows in the flank elevations of the approved dwelling) to alter the internal layout of the basement, erect retaining walls at basement level and alter/delete openings in the side elevations.

## 4. Planning Policies and Standards

### 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.

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

(i) Dial-a-ride and mobility bus services

(ii) Shopmobility schemes

(iii) Convenient parking spaces

(iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

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.

H4 Mix of housing units

H5 Dwellings suitable for large families

H12 Tandem development of backland in residential areas

OE1 Protection of the character and amenities of surrounding properties and the local area

R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd April 2015**

5.2 Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

10 residents were notified of the application and one response was received from this consultation which raised the following concerns:

1. The insertion of a side door would cause unacceptable loss of privacy and disturbance;
2. A side door was removed from early plans to the dwelling because it would be set at a higher level than the ground, steps will be required and these are not shown on the drawings;
3. When the door is open it would allow a direct view to the rear of No. 31 and private amenity space of this property;
4. The windows that have been installed are sash windows that are not high levels or non opening. They are also not obscurely glazed and just have a film applied to the inside which could be removed;
5. Dormers were omitted from the final consented scheme as they were considered to add bulk and appear visually intrusive, nothing has changed to justify a change of view.

Following amendments to the plans, residents were re-consulted and 1 further letter received from the same resident which raised the following additional concerns:

1. The scheme is bulky, dominates and results in a loss of privacy to No. 31.

RESIDENTS ASSOCIATION OF THE DRIVE: No comments received

ICKENHAM RESIDENTS ASSOCIATION: No comments received.

### **Internal Consultees**

None.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The principle of the development on this site was established within application 4811/APP/2012/1906.

### **7.02 Density of the proposed development**

Not applicable to the consideration of this amendment to the approved scheme.

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

Not applicable to the consideration of this amendment to the approved scheme.

### **7.04 Airport safeguarding**

Not applicable to the consideration of this amendment to the approved scheme.

### **7.05 Impact on the green belt**

Not applicable to the consideration of this amendment to the approved scheme.

### **7.06 Environmental Impact**

Not applicable to the consideration of this amendment to the approved scheme.

### **7.07 Impact on the character & appearance of the area**

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.

## DORMERS

The Council's HDAS: Residential Extensions at Section 7 discusses roof alterations and loft conversions. It states as a general rule, the more visible a roof is from public areas, the more important it is to be well designed. Front dormers are only acceptable where they are a particular character of the area.

Dormers on detached houses should be set in by at least 1 metre from the sides of the roof, 0.3m below the ridge level and 0.5m above the eaves level.

Within the immediate surrounding area, there are a number of examples of similar style and sized dormer windows on both the front and rear elevations of the properties in this part of The Drive (Nos. 22, 33a and 37 all have similar roof extensions). Such an addition would therefore not appear incongruous within the street scene, and by reason of the proposed modest size, appropriate style, siting and design, the additions are not considered to dominate the roof slope to an unacceptable degree, and would comply with the Council's adopted policies and guidance.

## INCREASE IN SIZE OF THE BUILDING

The southern elevation of the building has been constructed larger than that originally approved. There has been an increase in the depth of the building at ground, first and roof level by 0.4 metres. When the cumulative impact of all of the elements of the building are considered in the context of the site and surrounding developments, the overall effect of this enlargement, is of a scheme that dominates its setting to an unacceptable degree and appears out of character in the context of the adjacent developments. The overall depth of this elevation is therefore considered unacceptable and contrary to the Council's Policies and Guidance, which seek to ensure that proposals harmonise and respect the proportions and design of existing and adjoining sites.

## DOOR

A door is proposed in the side elevation of the building, adjacent to the existing windows. The door, by reason of its siting, is not considered to have a detrimental impact on the overall appearance, and design of the building and no objection is raised to this addition.

### **7.08 Impact on neighbours**

In relation to outlook and sunlight, Saved Policies BE20 and BE21 of the Hillingdon Local Plan (November 2012) requires new developments to be designed to protect the outlook of adjoining residents. Policy BE24 of the Hillingdon Local Plan (November 2012) states that the development should be designed to protect the privacy of future occupiers and their neighbours.

The southern elevation of the building has been constructed larger than that originally approved. There has been an increase in the depth of the building at ground, first and roof level by 0.4 metres. Whilst it is noted that the building as approved has a stepped rear elevation, with the furthest rear wall extending approximately 8.4 metres beyond the rear of no. 31, this is set away from the party boundary by 9.2 metres. The enlarged part of the building is set 5.2 metres from the flank wall of No. 31 and the resultant depth of the building beyond the rear elevation of No. 31 would be approximately 6 metres.

Of relevance to the consideration of the acceptability of this relationship, are the conclusions of the Appeal Inspector in relation to a scheme at No. 51 The Drive. Application 21977/APP/2012/2194 refused consent for a new building at this site, that was located



approximately 4.5 metres from the flank wall of No. 49b and protruded approximately 7.5 metres beyond its rear elevation. Within the dismissal (APP/R5510/A/13/2207780), the Inspector concluded that even though the 45 degree rule would not be breached, the height and scale of the two storey structure, in such close proximity to No. 49b, would have a dominant and overbearing impact. The distance between the two properties was also considered to add to this sense of enclosure.

The relationship and impact between Nos. 49b and 51, and Nos. 31 and 33, are comparable, and despite the 45 degree rule not being breached in this application also, by reason of the depth, height, form and distance of the two storey structure from No. 31, the dwelling would appear unduly dominant, overbearing and visually intrusive when viewed from the adjacent garden and dwelling. The proposals are therefore considered to materially harm the living conditions of the occupiers of No. 31, contrary to policies BE19 and BE21 of the Hillingdon Local Plan: Part One - Saved Policies.

Given the location of the windows in the rear of No. 31, it is considered that the enlargement will not result in loss of privacy or light to this occupant.

With regards to the addition of the door in the side elevation, given its location at ground floor level, existing boundary treatment, and this door serving a non habitable room, it is not considered to give rise to unacceptable levels of overlooking to No. 31. Similarly, the location of the dormers are such that these are not considered to give rise to additional levels of overlooking over and above that which already exist from the first floor windows.

**7.09 Living conditions for future occupiers**

Not applicable to the consideration of this amendment to the approved scheme

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

Not applicable to the consideration of this amendment to the approved scheme.

**7.11 Urban design, access and security**

See 'Impact on character and appearance of the area'.

**7.12 Disabled access**

Not applicable to the consideration of this amendment to the approved scheme.

**7.13 Provision of affordable & special needs housing**

Not applicable to the consideration of this amendment to the approved scheme.

**7.14 Trees, Landscaping and Ecology**

Not applicable to the consideration of this amendment to the approved scheme.

**7.15 Sustainable waste management**

Not applicable to the consideration of this amendment to the approved scheme.

**7.16 Renewable energy / Sustainability**

Not applicable to the consideration of this amendment to the approved scheme.

**7.17 Flooding or Drainage Issues**

Not applicable to the consideration of this amendment to the approved scheme.

**7.18 Noise or Air Quality Issues**

Not applicable to the consideration of this amendment to the approved scheme.

**7.19 Comments on Public Consultations**

In relation to comments relating to the side windows and whether these are obscurely glazed/non opening, the Councils Enforcement Officer has visited the site and confirms that the windows do contain obscure glass. Whilst the windows are not fixed shut at present, the applicant has confirmed that they will alter these so that they are.

## **7.20 Planning Obligations**

Not applicable to the consideration of this application.

## **7.21 Expediency of enforcement action**

Not applicable to the consideration of this application.

## **7.22 Other Issues**

There are no other issues for consideration with this application.

## **8. Observations of the Borough Solicitor**

### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals

against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable to the consideration of this application.

#### **10. CONCLUSION**

The proposed dormers and door by reason of their acceptable design, size, scale and siting, are not considered to have a detrimental impact on the character and appearance of the host building or to have an adverse impact on the amenities of the adjacent occupiers. Notwithstanding such, there are concerns with the enlargement of the southern elevation of the building, which by reason of its size, scale, height and siting, is considered to appear unduly overbearing and visually intrusive to No. 31, and excessive in scale when viewed in the context of the building and surrounding area. The scheme thereby fails to comply with the Councils policies and guidance.

#### **11. Reference Documents**

London Plan (2015).

Hillingdon Local Plan: Part One - Strategic Policies

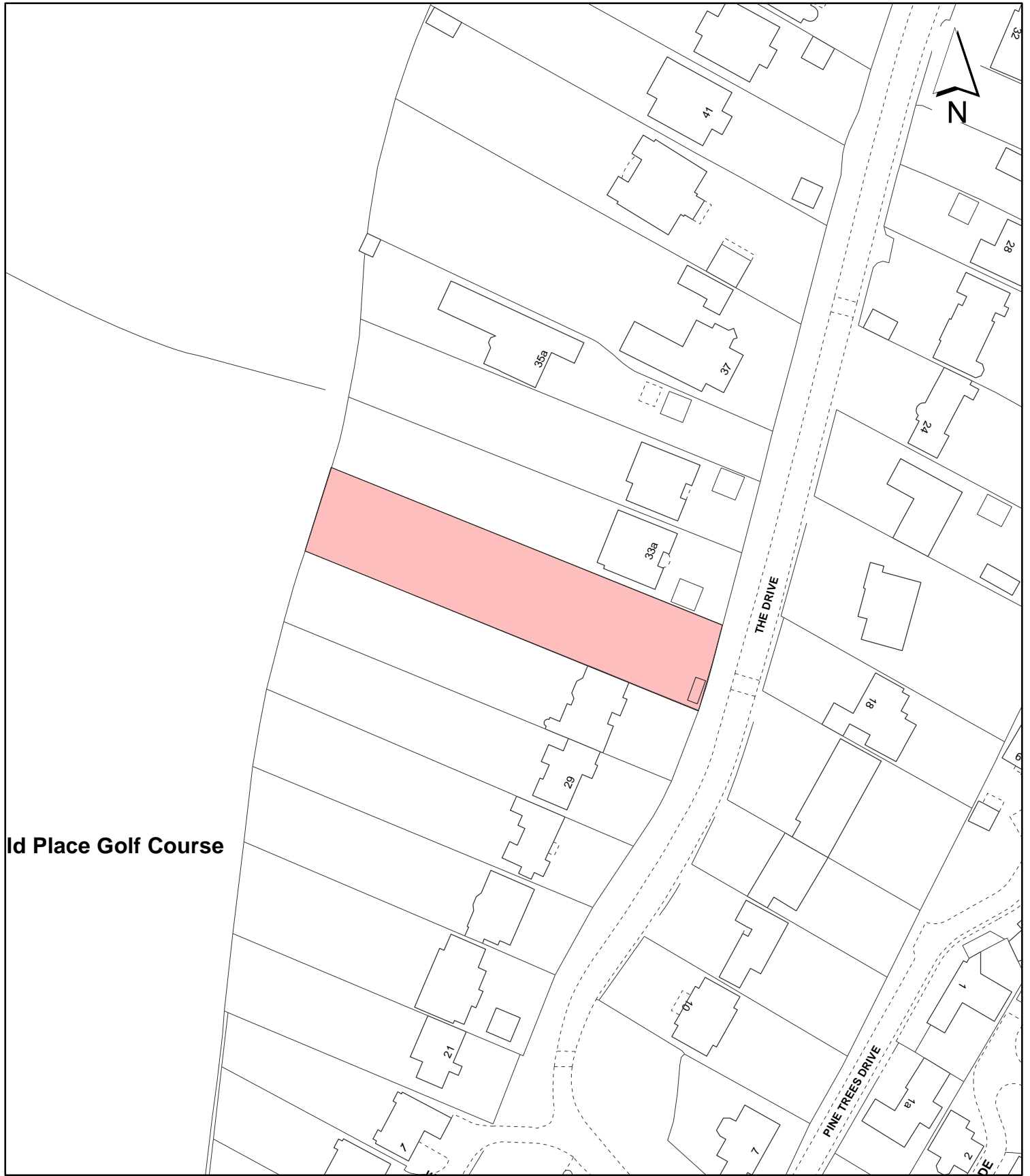
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Hillingdon Design and Accessibility Statements: 'Residential Layouts and Residential extensions.

National Planning Policy Framework (March 2012).

**Contact Officer:** Charlotte Bath

**Telephone No:** 01895 250230



ld Place Golf Course

**Notes:**

 Site boundary

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Site Address:

**33 The Drive  
 Ickenham**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**4811/APP/2015/438**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**June 2015**

