

Report of the Head of Planning, Sport and Green Spaces

Address 33 THE DRIVE ICKENHAM

Development: Erection of a detached outbuilding to be used as a pool house and a summerhouse and the provision of a swimming pool

LBH Ref Nos: 4811/APP/2015/715

Drawing Nos: MS/SB/33/15FR

Date Plans Received: 25/02/2015 **Date(s) of Amendment(s):**

Date Application Valid: 12/03/2015

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the west side of The Drive and comprises a two storey detached house with a hipped roof, currently under construction and nearing completion. The application property adjoins 31 The Drive to the southwest, which has a single storey detached garage in the front garden. To the northeast of the application property is 33A The Drive, which has a detached front garage close to the shared side boundary. The rear garden of the application property abuts the rear gardens of 33 and 33A and at the rear, the Metropolitan Green Belt which also forms part of the Colne Valley Park. The street scene is residential in character and appearance comprising detached properties. The application site lies within the developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

1.2 Proposed Scheme

It is proposed to erect a detached flat roof outbuilding for use as combined pool room and summerhouse at the end of the rear garden of the application property. The scheme also proposes an open air swimming pool within the rear garden. The flat roof outbuilding would be in set approximately 7m from the side boundaries. The outbuilding would measure 7m deep x 8m wide x 3m high.

1.3 Relevant Planning History Comment on Planning History

There is an extensive planning history relating to the site, however none is directly relevant to this application.

The application is being reported to committee because a breach of condition notice was previously served in relation to the site.

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

2 neighbouring properties, the Ickenham Residents Association and the Residents Association of The Drive have been consulted. One letter of objection has been received stating the following:

This is yet another in a long line of applications for a replacement dwelling and associated works that impacts heavily on neighbouring residential amenity. The replacement four storey dwelling has a full basement and basement level terrace. The excavation works required to facilitate this have caused considerable distress to my client and damage to her property over a 2 year period. Drainage has been a problem during construction and remains an issue and a large soakaway and pumping system were built in the vicinity of the proposed pool to cope with excess water. An average size private swimming pool is 4.5m x 9.2m. At 11.5m x 15.5m this pool is extremely large. There are concerns about the further excavation works required; impact on boundary trees and on my client's tennis court beyond; where and how the spoil will be removed; how this will affect the soakaway and pumping system; whether or not it is ultimately intended to be a covered building. Please can you give this full consideration in the assessment of the application.

The pool house too is an extremely large building and at 7m x 8m, the size of a small dwelling. Located at the end of the garden, in the undeveloped part of the site, adjacent to the Green Belt, It will be visually intrusive in view, both from within and outside the site.

Given the scale of both pool and pool house, my client has considerable concerns about the intended use and the noise and disturbance connected with this, both during development and once completed.

If nonetheless the Council decides to permit this proposal, it is requested that conditions are imposed to safeguard residential amenity considerations. These should limit the nature of the use, to ensure that the pool and pool house are used for leisure purposes only, ancillary to the use of the dwelling, and not as habitable, living accommodation. They should ensure the retention of all boundary trees and hedges and fencing during construction and on completion. They should limit working hours of construction, ask for site levels to be specified, seek a method statement and make acceptable arrangements for the disposal of soil.

COMMENTS: Issues relating to neighbouring properties and construction noise are not material planning consideration and are covered by separate legislation. The scheme proposes to build a large outbuilding to the rear of the property for use as pool house. The height of the proposed has since been reduced, and in it's current form, the scheme would appear subordinate to the main house which would be considered acceptable to the overall character and appearance of the surrounding area.

INTERNAL CONSULTEES

Landscape Character /Context:

Site description:

- The site is occupied by a substantial two-storey detached house which is currently under construction on the west side of The Drive.
- The property is set within a large plot which extends towards the edge of Uxbridge Golf Course.

- The site is situated on the ridge with long-distance views across the Colne Valley and the edge of the Chilterns to the west.
- The rear garden is relatively open with occasional trees / hedges along the side boundaries (north and west) and to the west.

Landscape Planning designations:

- There are no Tree Preservation Orders and no Conservation Area designations affecting the site.
- The land immediately to the west of the site is designated Green Belt.

Proposal:

The proposal is to erect a detached outbuilding to be used as a pool house and a summerhouse and the provision of a swimming pool.

Landscape Considerations:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

Saved policies OL1 and OL2, and the National Planning Policy Framework seek to restrict inappropriate development and retain the openness, character and appearance of the Green Belt.

- No trees or other landscape features of merit will be affected by the proposal.
- The footprint of the swimming pool and pool house are situated at the west end of the extensive rear garden, leaving a significant proportion of garden space.
- The pool house would measure 7m x 8m x 4m high with a crown roof.
- Neither the pool, nor the pool house will be visible from The Drive and there should be no significant impact if viewed from neighbouring properties.
- However, while the outdoor pool will be at ground level, without an enclosure, the pool / summerhouse is close to the west boundary and will be visible from the open land (golf course and Colne Valley) beyond.
- This could, and should, be mitigated by the planting and establishment of a hedge, or hedge with trees along the rear boundary.
- If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

RECOMMENDATIONS:

No objection, subject to the above observations and RES9 (part 1 and 4). The maintenance condition is required to ensure that the boundary planting achieves, and is maintained at, an appropriate height to screen the building.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

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 3.5	(2015) Quality and design of housing developments
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL5	Development proposals adjacent to the Green Belt

5. MAIN PLANNING ISSUES

The main issues for consideration in determining the application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area including the adjoining Green Belt, the impact on the residential amenity of the neighbouring dwellings, provision of acceptable residential amenity for the application property and the availability of parking.

Paragraph 9.2 of the HDAS Residential Extensions Supplementary Planning Document states "Outbuildings must be used for normal residential activities ancillary to the main house and cannot be used as self-contained accommodation. The height of the proposed outbuilding must not exceed 4m with a pitch roof or 3m for any other roof. Windows must be placed on the elevation facing the owners main house.

The outbuilding is proposed to have a flat roof measuring 3m maximum in height. Whilst the footprint of the building would exceed the usual guideline of 30m² for an incidental outbuilding, it is considered that the scale of the building is appropriate for its intended use as a pool house. It is recommended that a condition be imposed to ensure that the building is not converted or used for living accommodation in the future. The scale and bulk of the proposed pool building and summerhouse would appear subordinate in scale to the main house. As a result it is considered that it would not have a negative impact upon the visual amenity of the site, in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application site does adjoin the Green Belt and the Colne Valley Park. Policy OL5 of the Hillingdon Local Plan: Part Two UDP Policies advises that proposals adjacent to or conspicuous from the Green Belt should not injure its visual amenities. Given the proximity of

the building to this boundary and its prominent siting, the Council's Tree and Landscape Officer recommends that a hedge with trees be planted along this rear boundary to provide screening for the outbuilding which has been conditioned.

The building should leave a significant amount of garden space for the residents to enjoy.

In relation to the swimming pool it is considered that as it has no enclosure around and over it, it could be constructed under permitted development rights and therefore no objection is raised in this regard.

The proposal leaves a large usable garden area and thus the retained garden space is more than adequate for a property of this size. The proposed outbuilding would not be seen from any public vantage points and given the tall vegetation along the common boundaries with Nos. 31 and 33A it is considered that there would be no loss of privacy to neighbouring properties. Given the above the proposed development is in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The development does not impact on current parking provision to the front of the property and has not materially increased parking demand for the occupiers of the site. It therefore accords with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application is therefore 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 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, number MS/SB/33/15FR.

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 (2015).

3 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)

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 31 or 33a The Drive.

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 HO7 No roof gardens

Access to the flat roof of the outbuilding hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

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

6 NONSC Non Standard Condition

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes.

REASON

To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Landscape Maintenance

2.a Landscape Maintenance Schedule for a minimum period of 5 years.

2.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and the openness of the adjoining Green Belt in compliance with policies OL5, BE13 and BE38 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 (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.
- 2 Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

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:

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 3.5	(2015) Quality and design of housing developments
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL5	Development proposals adjacent to the Green Belt

- 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: Peter Korankye-Gyabong

Telephone No: 01895 250230



Old Place Golf Course

Notes:

 Site boundary

For identification purposes only.
 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.
 © Crown copyright and database rights 2015 Ordnance Survey 100019283

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/2015/715

Scale:
1:1,250

Planning Committee:
North

Date:
June 2015

