

Report of the Head of Planning, Sport and Green Spaces

Address 95 WOOD END GREEN ROAD HAYES

Development: Part first floor rear extension and two rear dormer windows to upper floor flat

LBH Ref Nos: 32/APP/2015/3039

Drawing Nos: 14/95/WERH/201
14/95/WERH/202
14/95/WERH/203
15/95/WERH/305
14/95/WERH/204
15/95/WERH/306
15/95/WERH/307
15/95/WERH/308
Location Plan (1:1250)

Date Plans Received: 11/08/2015 **Date(s) of Amendment(s):**

Date Application Valid: 24/08/2015

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed first floor rear extension, by reason of its flat roofed design, position and bulk, would result in discordant and intrusive features that would be harmful to the character and appearance of the original property and the visual amenity of the street scene and the wider area. Therefore, the proposal would be contrary to 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).

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.

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.
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	(2015) Quality and design of housing developments

3

The applicant is advised that the 'additional shop storage' area at the rear of the site, shown on the submitted drawings, is unauthorised and the subject of an enforcement notice.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the southern side of Wood End Green Road, on the eastern corner of Cromwell Road in Hayes. The site is bordered to the east by 93A Wood End Green Road and a parking area. 85 and 87 Wood End Green Road are located south-east of the site. 2 Cromwell Road is located south of the site whilst 97A Wood End Green Road and 3 Cromwell Road are located to the west.

The property is in part residential use and part commercial use. Part of the ground floor is used as a shop with the external walled rear yard ancillary to this. The residential property is partly situated on the ground floor and the first floor. An extension has been recently added to the rear of the building to contain a WC, shop store and cold store. A small yard is retained between the original shop and the L-shaped extensions which project along the side and rear boundary of the site. It is important to note that the L-shaped extensions along the side and rear boundaries are currently unauthorised and the subject of an enforcement investigation.

3.2 Proposed Scheme

Planning permission is sought for a part first floor extension to the rear and a rear dormer loft conversion to the upper floor flat. The part first floor rear extension would be 2m deep and 4.67m wide with a new window on the rear elevation. The extension would be 2.17m high with a flat roof and would have 0.40m high parapet walls on either side, as per the existing flat roof extension.

The rear dormer loft conversion would provide 19.94sq.m of floor space with two dormers set in the roof slope. The dormers would be set in 1m from the sides, 0.38m above the eaves and 0.30m below the roof ridge.

The proposal would also include one new window on the Cromwell Road elevation and two new windows on the existing rear elevation. No windows are proposed on the side elevation facing 93A Wood End Green Road.

3.3 Relevant Planning History

32/APP/2005/3080 95 Wood End Green Road Hayes

ERECTION OF A FIRST FLOOR REAR EXTENSION TO EXISTING RESIDENTIAL FLAT AND ALTERATION TO SIDE ELEVATION (FACING CROMWELL ROAD) AND CHANGE OF USE C AN EXISTING GROUND FLOOR RESIDENTIAL KITCHEN/DINING AREA AND PART OF CLASS A1 (RETAIL SHOP) AREA TO HOT FOOD TAKE AWAY (CLASS A5)

Decision: 04-09-2006 Withdrawn

32/APP/2005/3082 95 Wood End Green Road Hayes

ERECTION OF A TWO-STORY REAR EXTENSION INCORPORATING 2 INTEGRAL GARAGES AT GROUND FLOOR LEVEL AND 1 TWO-BEDROOM SELF-CONTAINED RESIDENTIAL FLAT ON FIRST FLOOR LEVEL

Decision: 26-01-2007 Withdrawn

32/APP/2009/1741 95 Wood End Green Road Hayes

First floor rear extension.

Decision:

32/APP/2013/3494 95 Wood End Green Road Hayes

First floor rear extension, raising of roof to create habitable roofspace to include installation of 1 rear dormer, 4 side and 1 front rooflights and conversion of roof from gable ends to a crown roof

Decision: 22-01-2014 Refused

32/APP/2014/1909 95 Wood End Green Road Hayes

First floor rear extension and raising of roof to create habitable roofspace to include installation of 1 rear dormer and 3 front rooflights

Decision: 29-07-2014 Refused

32/APP/2014/2215 95 Wood End Green Road Hayes

Single storey rear extension for use as additional storage and cold room (Retrospective)

Decision: 26-08-2014 Refused

32/APP/2014/4137 95 Wood End Green Road Hayes

First floor rear extension and raising of roof to create habitable roofspace to include installation of 2 rear dormers

Decision: 20-01-2015 Refused **Appeal:** 07-10-2015 Dismissed

32/APP/2014/4139 95 Wood End Green Road Hayes

First floor rear extension

Decision: 20-01-2015 Refused

32/APP/2015/1861 95 Wood End Green Road Hayes

Single storey rear extension for use as additional storage and cold room involving installation of timber fence to front (Part-Retrospective)

Decision: 20-07-2015 Refused

32/APP/2015/3040 95 Wood End Green Road Hayes

Replacement roof involving increasing ridge height and first floor rear extension

Decision:

32/APP/2015/307 95 Wood End Green Road Hayes

Single storey rear extension for use as additional storage and cold room (Retrospective) including proposed removal of front wall with timber fence.

Decision: 16-03-2015 NFA

Comment on Planning History

Planning application ref: 32/APP/2013/3494, for a first floor rear extension, raising of roof to create habitable roofspace with 1 rear dormer, 4 side and 1 front rooflights and conversion of roof from gable ends to a crown roof, was refused in January 2014. The scheme was considered to be detrimental to the character and appearance of the original property and the visual amenity of the street scene and the wider area, due to the overall size, scale, design, position and bulk of the proposed extension and dormer. The scheme was also considered to be detrimental to residential amenity of occupiers due to a restricted level of natural light and lack of outlook to a habitable room.

Planning application ref: 32/APP/2014/1909, for a first floor rear extension and raising of roof to create habitable roofspace with 1 rear dormer and 3 front rooflights, was refused in July 2014. The scheme was considered to be detrimental to the character and appearance of the original property and the visual amenity of the street scene and the wider area, due to size, scale, bulk, design and position of the first floor extension and dormer.

Planning application ref: 32/APP/2014/4137, for a first floor rear extension and raising of roof to create habitable roofspace with 2 rear dormers, was refused in January 2015. The scheme was considered to be detrimental to the character and appearance of the original property and the visual amenity of the street scene and the wider area, due to the size, scale, flat roofed design, position and bulk of the first floor extension.

The application was dismissed at appeal in October 2015 (Planning Inspectorate Appeal Ref: APP/R5510/W/15/3009503); the Appeal Inspector considered that the proposed first floor extension, projecting 4m beyond the existing rear elevation, would "increase the bulk of its two-storey flat roofed element to the extent that it would no longer be proportionate to the scale of the original building, thereby resulting in a harmful effect on its character and appearance".

The Appeal Inspector also considered that due to "the spread of its flat roofed form and proportions and given the appeal property's prominent corner position, the proposed extension would give the building's side elevation a much bulkier appearance. Even though its overall bulk might be less than that of 97a, this change in proportion would be particularly incongruous in views from around the junction of Wood End Green Road and Cromwell Road. Consequently, whilst the effects would be relatively localised in extent, the proposal would nonetheless result in harm to the character and appearance of the area".

The Inspector concluded that the proposed extension would fail to respect the character of the host building and the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Planning application ref: 32/APP/2014/4139, for a first floor rear extension, was refused in January 2015. The scheme was considered to be detrimental to the character and appearance of the original property and the visual amenity of the street scene and the wider area, due to the size, scale, flat roofed design, position and bulk of the extension.

The application site is also subject to an on-going enforcement investigation and an enforcement notice was served in July 2015. The enforcement notice related to an unauthorised single storey building at the rear of the site and a corridor linking it to the existing rear extension to the retail unit. The applicant has appealed against the enforcement notice (Planning Inspectorate ref: APP/R5510/C/15/3132031).

A planning application for a part first floor extension to the rear and a rear dormer loft conversion to the upper floor flat is being dealt with under application ref: 32/APP/2015/3040.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

Part 2 Policies:

The following UDP Policies are considered relevant to the application:-
BE13 New development must harmonise with the existing street scene.

Part 1 Policies:

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE1 BE1 (2012) Built Environment Daylight and Sunlight Considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

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 (2015) Quality and design of housing developments

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 17 local owners/occupiers and a site notice was displayed. One response was received:

- i) no objection to the extension which has been reduced by 2m from previous application
- ii) traffic congestion is unacceptable with restricted views when turning into Cromwell Road due to commercial van obstruction
- iii) untidy site due to litter and building materials being left on the site for over a year

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of development is acceptable subject to compliance with relevant policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) relating to the impact of the proposal on the character and appearance of the building and the street scene, and the impact on residential amenity, discussed elsewhere in this report.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fails to harmonise with the existing street scene. Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas compliments or improves the amenity and character of the area.

There are a variety of roof types within the immediate locality including a first floor flat roofed element to the application property. The application site occupies a very prominent location on the corner of Wood End Green Road and Cromwell Road and so any development along the Cromwell Road elevation would need to appear proportionate to the scale of the original building in order to prevent causing harm to the character and appearance of the building and surrounding area.

The proposed dormers are of the same size, design and positioning as the proposed dormers which formed part of the previous planning application (ref: 32/APP/2014/4137, refused January 2015). At the time of the application, the proposed dormers were considered to be acceptable and were not a reason for refusal. It is therefore considered that the two proposed dormers would not appear as dominant features within the rear roof slope and would not cause harm to the character and appearance of the original building.

The proposed scheme includes the raising of the pitched roof ridge from 6.80m high to 7.30m high. The proposed increase of 0.5m is considered to be acceptable and would not cause harm to the character and appearance of the building or the street scene and surrounding area. It is important to note that the neighbouring 97 and 97A Wood End Green Road has a pitched roof measuring 5.2m high at the eaves and 7.95m high at the ridge (planning permission ref: 61585/APP/2009/2672, dated 28-04-10).

The proposed first floor rear extension has been reduced in size from the previous application (ref: 32/APP/2014/4137, refused January 2015), extending 2m from the existing rear elevation and set in 3.67m from the Cromwell Road elevation. Although the depth and width of the extension has been reduced from the previous application (dismissed at appeal October 2015), it is considered that the proposed extension's flat roofed design, when combined with the existing flat roof at first floor level, would further increase the bulk and prominence of the building in this prominent corner location. As such, the proposed extension would result in an incongruous addition to the property and street scene, particularly when viewed from Cromwell Road.

The proposed scheme therefore fails to comply with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Extensions SPD.

7.08 Impact on neighbours

Policy BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that planning permission will not be granted for extensions by reason of their siting, bulk and proximity, if they would result in a significant loss of residential amenity. Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the proposal should protect the privacy of the occupiers and their neighbours.

The proposed first floor extension would extend 1.20m out from the rear elevation of the neighbouring property (93 Wood End Green Road). It is considered that the proposed extension would not breach the 45 degree line of sight principle from the rear windows of the neighbouring property. No windows are proposed on the side elevation facing 93 Wood End Green Road. Due to the separation distances between the application site and the neighbouring properties to the south and south-east, the proposed first floor rear extension would comply with the 21m separation distances between habitable room windows.

The proposed scheme would include an additional window on the side elevation facing Cromwell Road. There are two existing windows on this elevation that face onto the side of 97 and 97A Wood End Green Road. It is considered that the proposed window on this side elevation would be acceptable and would not result in a significant loss of privacy to existing and future occupiers.

Overall, it is considered that the proposed scheme would be acceptable in regards to residential amenity and would not result in a loss of privacy to the application property and its neighbouring properties, in accordance with Policies BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Extensions SPD.

7.09 Living conditions for future occupiers

The proposed first floor extension and loft conversion would create 27.39sq.m of additional floor space to the existing two-bed residential unit. The first floor extension would comprise of a kitchen whilst a new bedroom would be created within the roof space; this would replace an existing bedroom on the first floor which would be converted to a dining room. The scheme would increase the internal floor space from 58.71sqm to 86.10sq.m, thereby

complying with the recommended floor space standards set out in Policy 3.5 of the London Plan (2015).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Concerns were raised during the public consultation over traffic congestion and vehicle obstruction. It is considered that the proposed extension and loft conversion would not result in an increase in traffic generation. The existing property does not benefit from any off-street parking and no parking would be provided as part of this development. There are no parking restrictions within the immediate area and the proposed scheme would not result in a significant increase in parking demand.

7.11 Urban design, access and security

See Section 7.2 of this report.

7.12 Disabled access

No changes are proposed to the existing disabled access to the building.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

One response was received during the public consultation supporting the reduced depth of the extension and raising concerns over traffic congestion/vehicle obstruction, litter and the storage of building materials on the site resulting in an untidy site.

The removal of building materials is covered under the current enforcement notice for unauthorised works to the site. The impact of the proposal on traffic and parking has been discussed elsewhere in this report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The application site is subject to an on-going enforcement investigation and an enforcement notice was served in July 2015. The enforcement notice related to an unauthorised single storey building at the rear of the site and a corridor linking it to the existing rear extension to the retail unit.

The applicant has appealed against the enforcement notice (Planning Inspectorate ref: APP/R5510/C/15/3132031).

7.22 Other Issues

None

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 this application.

10. CONCLUSION

Planning permission is sought for a part first floor extension to the rear and a rear dormer loft conversion to the upper floor flat, including raising the roof ridge.

Whilst the proposal is considered acceptable in terms of its impact upon residential amenity and would not result in any highway safety issues, the rear extension is considered to be unacceptable in regards to its size, scale and flat roofed design which would increase the bulk and prominence of the building in this prominent corner location, thereby resulting in a detrimental impact on the character and appearance of the property and on the visual amenity of the street scene and the wider area.

The proposal does not comply with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Extensions SPD. The application is therefore recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
HDAS: Residential Extensions
London Plan (2015)

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Notes:

 Site boundary

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Site Address:

**95 Wood End Green Road
 Hayes**

**LONDON BOROUGH
 OF HILLINGDON**
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 Telephone No.: Uxbridge 250111

Planning Application Ref:
32/APP/2015/3039

Scale:
1:1,250

Planning Committee:
Central and South

Date:
November 2015

