

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

**Address** 3 MARLBOROUGH ROAD HILLINGDON MIDDLESEX  
**Development:** Alterations to existing outbuilding to rear for use as a gym/play area  
**LBH Ref Nos:** 69122/APP/2015/3104  
**Drawing Nos:** P-03MR-02 Rev. A  
P-03MR-03 Rev. A  
P-03MR-01

**Date Plans Received:** 14/08/2015                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 08/09/2015

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application property comprises of a rendered semi detached dwelling located on the north western side of Marlborough Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The property is in the process of being extended by way of a single storey side extension and front porch. A large flat roofed detached outbuilding has been erected to the rear of the site which is the subject of this application.

#### 1.2 Proposed Scheme

The application seeks planning permission for alterations to the existing outbuilding to rear for use as a gym/play area.

The application seeks permission to amend the depth of the outbuilding (reduced by 0.5m) and to alter the internal arrangement of accommodation to remove the partitions, create an open plan gym/games room and provide a shower room.

#### 1.3 Relevant Planning History

69122/APP/2014/4003      3 Marlborough Road Hillingdon Middlesex  
Single storey detached outbuilding for use as a gym/store (Retrospective)

**Decision Date:** 30-12-2014      Refused                      **Appeal:**09-JUL-15      Dismissed

69122/APP/2015/3302      3 Marlborough Road Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 2.8 metres, and for which the height of the eaves would be 2.8 metres

**Decision Date:** 06-10-2015      PRN                      **Appeal:**

#### Comment on Planning History

69122/APP/2014/4003 - the erection of a single storey detached outbuilding for use as a gym/store was refused for the following reasons:-

1. The detached building, by reason of its size, scale, bulk and excessive footprint, results in an over dominant and visually obtrusive form of development, to the detriment of the visual amenity of the surrounding residential properties and the character and appearance of area. Therefore the proposal is contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE13, BE15, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. The detached outbuilding, by reason of its size, scale, excessive footprint, internal layout and the provision of facilities including a bathroom, 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, due to the impact on the existing dwellings and the requirement for car parking and amenity space. It is therefore contrary to policies AM14, BE19, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

An appeal was dismissed. The Inspector confirmed:

"7. Even within a reasonable sized garden area, the issue of scale and form of any outbuilding should still be carefully considered and care taken on the appearance both within and beyond the plot. With this scheme the development appears alien and over large. Appreciating it is only single storey, it is nevertheless not far off the footprint of the host dwelling. It does not look like it is sufficiently subordinate or ancillary to the structure of the main home or visually at ease in the garden and would detract from the wider scene.

8. This unusual structure for the locality has too great a height, footprint, mass and bulk to be comfortably sited in this garden in this position from a character and appearance perspective. The outbuilding is certainly not the norm for a back garden scene in this locality and would impinge upon the qualities of openness and space enjoyed by local people. This scheme with its scale, domestic windows and door and large roof overhang would simply look as though something visually akin to a poorly designed flat roofed bungalow had been unsuitably and randomly sited at the end of a semi-detached home's garden. In my mind it is important that gardens on this road should remain as pleasant as possible and continue to offer good quality spaces both visually and functionally.

9. I conclude that the development sought would lead to visual detriment to the appeal property and the wider locality. This would run contrary to the objectives of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13, BE15, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). These policies share common themes of seeking to preserve or enhance the character and appearance of buildings and their neighbourhood, to ensure harmonious development and to protect local distinctiveness and amenity."

## **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**

3 neighbouring properties were consulted by letter dated 9.9.15 and a site notice was

displayed which expired on 9.10.15.

1 letter of objection has been received from the occupant of Number 5 Marlborough Road raising concerns about the visual impact of the reduced outbuilding which would not overcome the previous concerns.

Ward Councillor: Requests that the application is considered by committee.

#### **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:

AM7 Consideration of traffic generated by proposed developments.

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.

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. MAIN PLANNING ISSUES**

The main issues for consideration in determining this application for planning permission relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on residential amenity of the neighbouring dwellings, provision of acceptable residential amenity for the application property and the availability of parking.

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 reduced outbuilding would be approximately 38.2 square metres. The existing original dwelling on site has a footprint of approximately 41 square metres. As such, the proposed outbuilding would have a footprint which is approximately 93% of the original

dwelling on site.

Given the footprint of the proposed amended outbuilding, in comparison to the main dwelling, an outbuilding of this size is considered too large to be required for a purpose incidental to the enjoyment of the dwellinghouse. Whilst it is accepted that the proposed re-arrangement of the internal accommodation would result in the loss of the kitchen and separate rooms, the layout would still include the provision of a shower room which could, in the future, allow for some independent use. An outbuilding of this size (which exceeds the minimum Floor area of a 1 person studio as required by the London Plan (2015)) would be considered to form a self-contained building, capable of independent occupation, within the curtilage of the site. The altered outbuilding would be considered of sufficient size and internal layout to be capable of independent occupation from the main dwelling and would thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted. It is not considered that the imposition of a restrictive condition would adequately address this issue of the future use.

The outbuilding is characterised with a flat roof with a maximum height of 2.85m. It is considered that the overall size, scale, bulk and footprint of the reduced outbuilding remains excessive and uncharacteristic of an outbuilding within a domestic curtilage and is considered to compete with the existing dwelling, rather than being a subordinate structure contained within the rear garden. The Inspector in the previous appeal, raised concerns about the visual impact of the outbuilding and dismissed the appeal for the reason that the outbuilding did not look like it was sufficiently subordinate or ancillary to the structure of the main home or visually at ease in the garden and detracted from the wider scene. Whilst it is accepted that the outbuilding, as altered, would have a reduced footprint and depth, at a footprint of over 38m<sup>2</sup>, the outbuilding would still have a footprint equating to 93% of the original dwelling and would not appear sufficiently subordinate or of a scale that would be appropriate for incidental use. Due to the outbuilding's significant size, it would remain readily visible from the rear gardens of surrounding dwellings and therefore, it is considered to be an incongruous addition to the residential environment, which would be harmful to the character and appearance of the existing dwelling and the wider area. Therefore the altered outbuilding is considered contrary to Policies BE13, BE15 and BE19 of the Local plan.

Furthermore, the altered outbuilding is considered, in view of its overall depth, height and mass, to represent an oppressive and overbearing form of development which would detract from the residential amenities of occupants of these properties in conflict with Policies BE19 and BE21 of the Hillingdon Local Plan Part Two Saved UDP Policies (November 2012).

The dwelling retains sufficient off street parking spaces for the existing property.

Despite the size of the proposed outbuilding, sufficient space is retained to comply with the Council's guidelines in terms of private amenity space with 124m<sup>2</sup> of garden space retained for the three bedroom dwelling.

The application is not considered to have fully addressed the previous reasons for refusal or the comments of the Inspector in the recent appeal decision and is therefore recommended for refusal.

## 6. **RECOMMENDATION**

**REFUSAL** for the following reasons:

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

The detached building, by reason of its size, scale, bulk and excessive footprint, results in an over dominant and visually obtrusive form of development, to the detriment of the visual amenity of the surrounding residential properties and the character and appearance of area. Therefore the proposal is contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE13, BE15, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The detached outbuilding, by reason of its size, scale, excessive footprint, internal layout and the provision of facilities including a shower room, 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, due to the impact on the existing dwellings and the requirement for car parking and amenity space. It is therefore contrary to policies AM14, BE19, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

## **INFORMATIVES**

- 1            On this decision notice policies from the Council's 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 Council's Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

### **Standard Informatives**

- 1            The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2            The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1            (2012) Built Environment

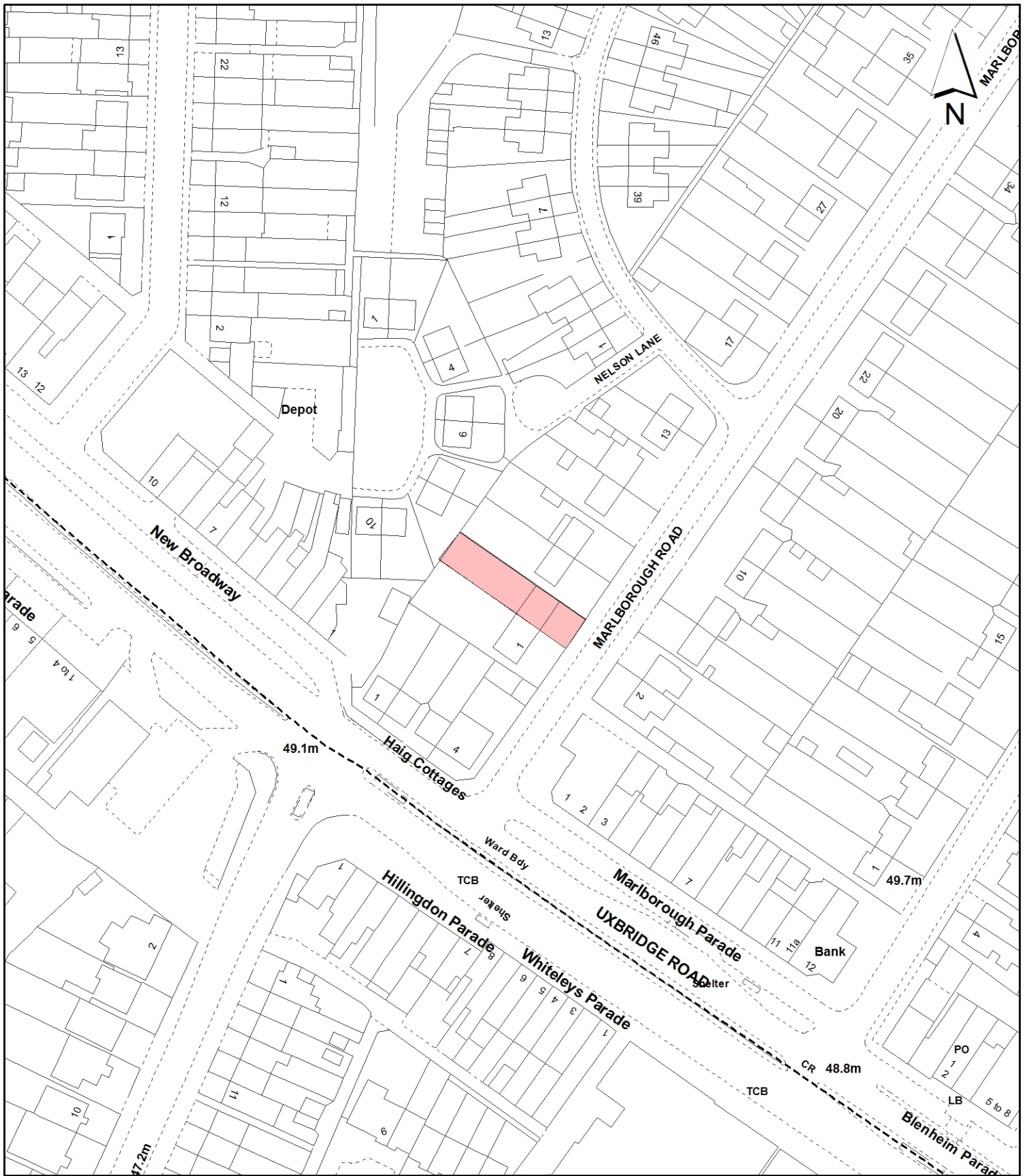
Part 2 Policies:

AM7                Consideration of traffic generated by proposed developments.  
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.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2015) Quality and design of housing developments

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**Notes:**

 Site boundary

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Site Address:

**3 Marlborough Road  
 Hillingdon**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section

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

Planning Application Ref:

**69122/APP/2015/3104**

Scale:

**1:1,250**

Planning Committee:

**Central and South**

Date:

**November 2015**



**HILLINGDON**  
 LONDON