

Report of the Head of Planning, Sport and Green Spaces

Address 45 WIELAND ROAD NORTHWOOD

Development: Part two storey, part single storey side/rear extension, single storey side extension and raising and extension of roof to create additional habitable roofspace (Resubmission)

LBH Ref Nos: **41908/APP/2015/3822**

Drawing Nos: 101.135-03 Rev H
101.135-04 Rev D
101.135-12 Rev F
101.135-11 Rev D
101.135-05 Rev A
101.135-01 Rev A
101.135-02 Rev A
Design and Access Statement
101.135-13 Rev A

Date Plans Received: 14/10/2015

Date(s) of Amendment(s): 14/10/2015

Date Application Valid: 02/11/2015

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the south-eastern side of Wieland Road and comprises a period two storey brick detached house set within a good sized plot. The garden slopes away from the house with the rear garden at a slightly lower level and accessed by steps from a patio area. The hipped roof of the original property has previously been extended with two very large dormer windows. One has been installed on the rear elevation and an even larger one, with a crown roof, has been installed on the side elevation. The property has a through driveway to the front, with parking provision for at least 3 cars.

The street scene is residential in character and appearance comprising large detached period houses of varying designs, set within large plots.

The application site lies within the Gatehill Farm Estate, Area of Special Local Character and the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). It is also covered by TPO 172.

1.2 Proposed Scheme

The application is for the erection of a part two storey, part single storey side/rear extension, a single storey side extension and the raising and extension of the roof to create additional habitable roofspace.

1.3 Relevant Planning History

41908/APP/2004/606 45 Wieland Road Northwood

CONVERSION OF GARAGE TO HABITABLE ROOM (APPLICATION FOR A CERTIFICATE OF
LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT)

Decision Date: 26-04-2004 GPD **Appeal:**

41908/APP/2015/2452 45 Wieland Road Northwood

Part two storey, part single storey side/rear extension, single storey side extension and raising
and extension of roof to create additional habitable roofspace

Decision Date: 14-09-2015 Refused **Appeal:**

Comment on Planning History

41908/APP/2015/2452 - Part two storey, part single storey side/rear extension, single storey
side extension and raising and extension of roof to create additional habitable roofspace
(refused)

41908/APP/2004/606 (CLD) - Conversion of garage to habitable room

41908/C/99/0008 - Erection of a single storey side and rear extension (approved)

41908/88/1087 - Erection of a two storey side extension and single storey rear extension
and attached garage (approved)

The previous application was refused on the basis of loss of amenity to the neighbouring
property from overlooking by a proposed first floor side window and the excessive height of
the single storey side and rear extensions.

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

The following neighbours were consulted for a period of 21 days expiring on the 24
November 2015 as follows: -

- 47 Wieland Road
- 43 Wieland Road
- 24 Wieland Road
- 22 Wieland Road

One response was received from a neighbour who raised the following points:

- Contrary to policy & adopted guidance
- This is a substantial increase in the floor area of the dwelling by over 100%, which is
clearly not subordinate
- Increase in height creates over dominance and is detrimental to the street scene
- Our property is 0.9m lower and the height of the extension would be 4.338m from our
property, which compares to the bottom of our first floor windows, therefore this should be
considered as a first floor extension and the 45 degree line of sight guidance is breached
- Because of the height difference the 1.5m gap required for two storey developments
should apply
- In this proposal the maximum gap is 1.212m and the minimum to the eye between the
eaves and the gutters of nos. 45 and 47 is a mere 0.33m, which is detrimental to the street

scene

- If such an extension is to be considered it should be flat roofed with no dummy sloping roof, which would reduce the over dominance and retain a 45 degree line of sight
- The window proposed to the side on no. 45 will be a minimum height of 1.7m from floor level and obscure glazed and non opening or top opening in accordance with HDAS
- Our daylight and sunlight will be interrupted, this is particularly apparent on the second floor which extends from the original roof line by 3.349m
- Our own ground floor extension is a conservatory with glass walls and windows on three sides, with one facing the side of no. 45. If an angle of 25 degrees is taken from the centre of it at 2m in height it strikes the roof of no. 45 at 0.963m below the proposed height, which will result in blocking daylight and sunlight
- Lack of privacy from the rooflights
- All in all this proposal breached our Human Rights under article 8 (right to respect for private and family life)

Applicant response: We note that the GRA did not object to our first application but they have to the current one.

- As a courtesy we invited our neighbour to our house for a chat to discuss his concerns and from the beginning he was quite aggressive
- He claimed we had not informed him fully of our first application, which is not true
- He presented photographs of a model made by one of his colleagues to show the impact of our single storey side extension on his property. This was made without any site dimensions having been taken and is not an accurate representation of the true situation.
- The retaining wall indicates a height difference of 1.8-1.9m when it is no more than 0.9m
- The side boundary between our properties is heavily screened by a 3.3m high hedge, so he would not even see the extension
- The height of the proposed side extension has been reduce to 3.4m
- It is heavily recessed from the front elevation by 5m so the impact on the street scene is de minimis
- The side wall of no 47 is blank so it is not possible to see the extension form his side at all
- No. 47 is to the west south west so from almost any sun angle the affects on daylight/sunlight is completely immaterial and the BRE standards noted in HDAS are immaterial
- With regard to the 45 degree impingement The owner of no.47 allowed the applicants architect to survey the rear of his property and the relationship between the widths/boundaries and the drawings have been updated to accurately reflect this
- The width of the land from the side of our existing house to the boundary is 0.93m more than originally shown
- The rear of the neighbours house projects further into their garden than originally shown and the proposals do not contravene the 45 degree line of site
- The proposals do not contravene the 45 degree line of site from no. 43
- Whilst the GRA is supposed to be objective, it would appear Mr Ball (representing the GRA) has been quite partisan, meeting with the neighbours but being evasive when we asked to discuss the application with him

Officer Response: With regard to the Human Rights Act, case law has determined that impact on residential amenity is not necessarily a Human Rights matter, as proportionality and wider concerns are to be taken into account. All other issues are addressed in the body of the report.

Northwood Residents Association: No response has been received

Northwood Hills Residents Association: No response has been received

Gatehill Residents Association: The land on this part of Wieland Road slopes and the adjoining houses are at different levels. From the plans it appears the 45 degree line of sight from the 1st floor window of no.47 may be partially compromised by the sloping roof above the ground floor side extension. As no.47 is at a lower level and set back slightly this appears over dominant when viewed from their immediate amenity space at the rear of their property.

Trees/Landscape -The site is covered by TPO 172. There is a maturing flowering Cherry in the front garden (possibly replacement for TPO tree T21). To protect this tree from harm, the grass verge/lawn it is situated on should be protected by fencing and/or ground protection. A tree protection plan should be provided to show how the Cherry tree will be protected during development. Acceptable subject to condition.

Conservation and Urban Design: No comments

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.

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.

BE5 New development within areas of special local character

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

5. MAIN PLANNING ISSUES

The main issues for consideration in determining this 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, the impact on residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

The existing dwelling has a single storey flat roofed extension (a garage conversion) on the north western side elevation. It is proposed to replace this with a two storey side extension which measures 2.45m wide by 12.6m deep including a 3m deep projection beyond the rear elevation. The two storey element then continues across the whole of the rear elevation. This also includes alterations to the roof, increasing the height from 8.6m to 9.5m and incorporating a rear dormer window measuring 2.85m wide by 3.6m deep with a gable end roof detail of 2.65m high. On the south eastern side elevation it is proposed to erect a single storey side extension set back from the front elevation by 5.85m and measuring 2.6m wide by 8.35m in depth including a 4m projection beyond the rear elevation. A 1m deep single storey element then extends across the whole of the rear elevation behind the proposed two storey side and rear extension. The side extension has a flat roof detail with a parapet edge, which measures 3m in height (3.1m including the parapet) and returns along the rear extension.

HDAS advises that extensions should always be designed so as to appear 'subordinate' to the original house. For single storey extensions a depth of 4m with a flat roof at a height of 3m, with a parapet of 3.1m would be acceptable.

The area is characterised by a range of housing styles and designs with varying roof heights. In principle there is no objection to the two storey side and rear extensions, including the raising of the roof. This would replace the existing dormer windows which are an incongruous feature on the building and in the wider street scene. The two storey element is set back 1.5m from the boundary maintaining the visual separation between the application site and no. 43 and is considered acceptable. The single storey element has reduced the height and design of the roof form from the previous submission to a height of 3m in accordance with HDAS guidance.

Therefore, it is considered that the proposed single storey side and rear extensions are in keeping with the character and appearance of the subject property and the wider Area of Special Local Character. As such it complies with Policy BE5, BE13, BE15, BE19 and BE22 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012) and guidance in HDAS Residential Extensions.

The proposal does include and an additional high level first floor window to serve a new laundry room, which will face the flank wall of no.47. However there are no side windows within the neighbour's elevation and as a non habitable room this new window proposed could be conditioned to be obscure glazed and non opening below 1.8m. It is therefore considered that this proposal does not give rise to an unacceptable level of overlooking or loss of amenity to the neighbouring properties, above that already existing. It is considered that the proposed two storey side and rear extensions would not harm the residential amenities of the occupiers of the adjacent properties from increased overshadowing, visual intrusion and/or over-dominance.

Concern has been raised by the occupier of no.47 with regard to the potential overbearing of the single storey side extension. No. 47 is set further back in its plot by 4.75m and is at a

lower ground level than the application site. The proposed single storey side/rear extension is set back from the boundary and has been significantly reduced in height to the previous submission. Given the more southerly position of no. 47 and the presence of the existing 3.3m high well established hedge between the two properties, it is not considered that the proposal would result in increased overshadowing, visual intrusion and/or over-dominance. As such, the application proposal would not represent an unneighbourly form of development and complies with policies BE20 and BE21 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

Paragraph 5.13 of Residential Extensions. HDAS: Residential Extensions requires sufficient garden space to be retained as a consequence of an extension. The property benefits from a good sized rear garden and adequate garden space would be retained.

There is no impact on the existing parking provision as a result of this proposal.

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, numbers 101.135-03 Rev H; 101.135-04 Rev D; 101.135-11 Rev D and 101.135-12 Rev F.

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 2015 (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 43 and 47 Wieland Road.

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 HO6 Obscure Glazing

The first floor window facing 47 Weiland Road shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

INFORMATIVES

- 1 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.
- 2 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (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.

Standard Informatives

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14	New development and car parking standards.
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.
BE5	New development within areas of special local character
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

- 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.

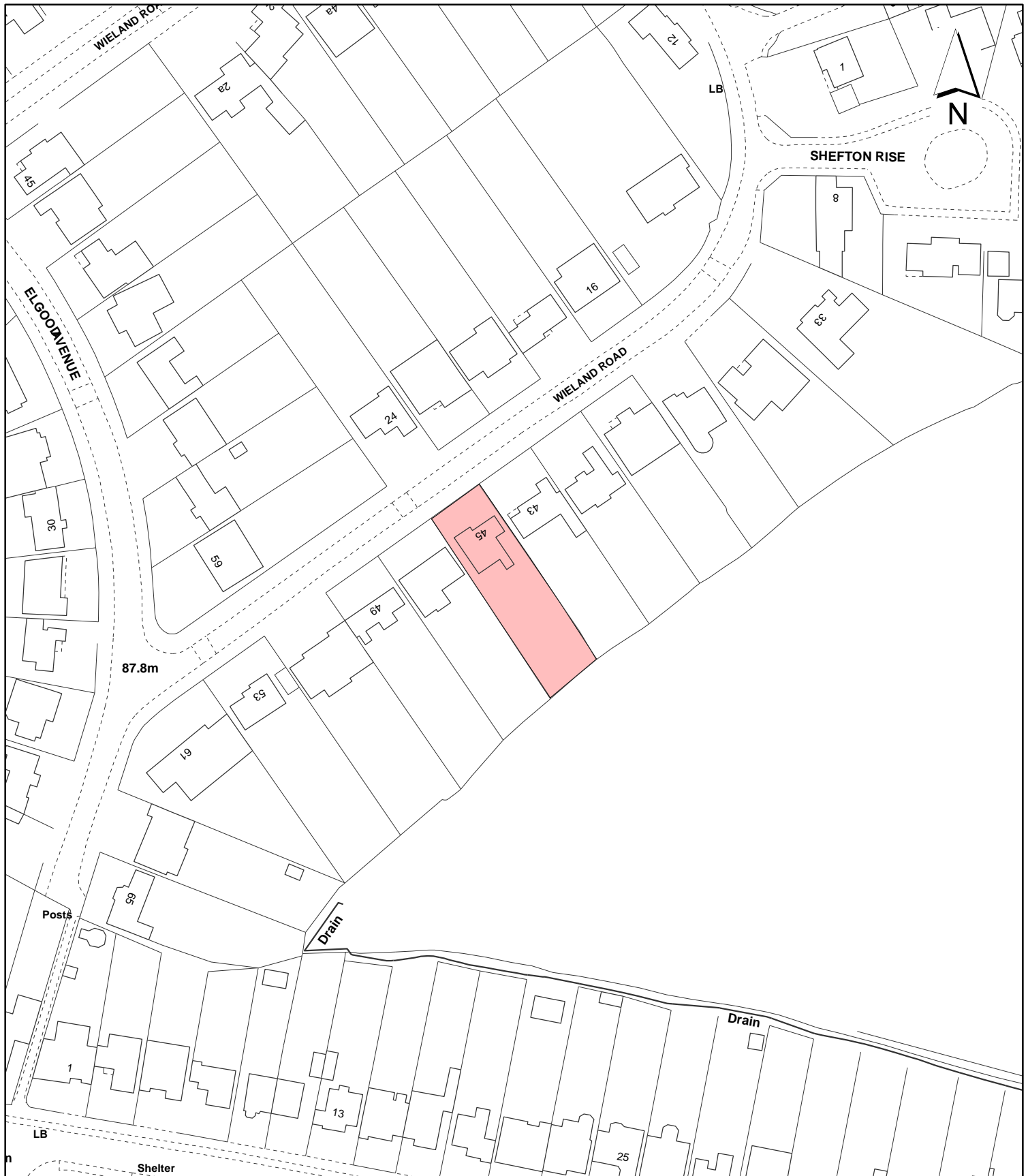
D) No bonfires that create dark smoke or nuisance to local residents.

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: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**45 Wieland Road
 Northwood**

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

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

Planning Application Ref:

41908/APP/2015/3822

Scale:

1:1,250

Planning Committee:

North

Date:

January 2016



HILLINGDON
 LONDON