

Report of the Head of Planning, Sport and Green Spaces

Address 6 CHURCHILL AVENUE HILLINGDON

Development: Single storey detached outbuilding to rear for use as a granny annex involving demolition of existing shed

LBH Ref Nos: 71202/APP/2015/3325

Drawing Nos: 0290-08-15/05A Received 04-01-2016
Granny Annexe Commentary
Granny Annexe Information
0290-08-15/01A
0290-08-15/02A
0290-08-15/03A
Planning, Design and Access Statement
0290-08-15/04A

Date Plans Received: 02/09/2015 **Date(s) of Amendment(s):** 02/09/2015

Date Application Valid: 08/09/2015

DEFERRED ON 15th December 2015 FOR FURTHER INFORMATION ON

The application was initially recommended for refusal. Following the deferral at committee on the 15.12.2015, the Councillors requested the Local Planning Authority work with the applicant to come to a positive conclusion regarding the proposed granny annexe following the special circumstances cited by the applicant.

This has resulted in the submission of revised plans which remove the kitchen and any internal partition walls, to create an open plan bed/living area. The removal of the kitchen ensures that the occupier of the proposed granny annexe would have to rely upon the main house for their main meals, and thus remain ancillary.

In addition to the removal of the kitchen, it was considered the removal of the partition walls would create an open plan living/bedroom area, which would restrict the appearance of a dwellinghouse with separate rooms.

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises of a two storey mid-terrace dwelling along Churchill Avenue, Hillingdon. The property is characterised by a pebble dash render to the front elevation with a two storey bay window. The house benefits from a front garden which is made up of soft landscaping and trees along its common boundary, and two off road parking spaces. The rear garden has an existing garage sited at the end with access from a rear service road.

The application dwelling falls within a residential area of Hillingdon and is characterised mainly by two storey terrace dwellings that are set back from the main highway and benefit from some form of front amenity area.

1.2 Proposed Scheme

Permission is sought for the construction of a single storey detached outbuilding within the rear garden which it states would be used as an annexe.

The proposed building would be positioned at the bottom of the rear garden in place of the existing garage and would be characterised by a flat roof with a maximum height of 3m and floor area of 27.5m². The annexe would benefit from a bedroom, lounge, bathroom and W.C.

1.3 Relevant Planning History Comment on Planning History

There is no previous planning history.

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 two adjoining neighbours at Nos. 4 and 8 Churchill Avenue were consulted via letter on 10.09.15. A site notice was attached to the front of the premises on 07.09.15 with an expiry date of 01.10.15. No comments received.

A petition in support containing 23 signatures has been received.

Ward Councillor: Requests that the application is reported to Planning 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:

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.

AM14 New development and car parking standards.

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

5. MAIN PLANNING ISSUES

The main planning issues are the effect of the development on the character and appearance of the original building, the street scene and the level of impact on the residential amenity and light levels of the adjoining neighbours. In addition the form of building is considered, including the potential for independent occupation.

The HDAS Supplementary Planning Guidance Section 9.0 Detached Outbuildings, states outbuildings cannot be used as a separate business or as a self contained residential unit. The role of the detached outbuilding is to be used solely as an ancillary building to the main house and cannot be used for sleeping purposes or separate cooking or bathroom facilities for self contained accommodation.

The applicants have cited special circumstances for seeking this particular development and state that it is to provide ancillary accommodation for the applicant's father, who has recently had a stroke and the annexe would allow the father to have peace of mind and enable the family to provide the care needed. A personal statement setting out the circumstances has been provided.

The proposed internal layout of the annexe has been amended to incorporate an open plan living/bedroom area with a WC. The originally proposed kitchenette has been removed and it is now considered that the proposed outbuilding would be occupied as an ancillary annexe. The removal of the partition walls assist in reducing the appearance of an independent dwelling with separate rooms, and the removal of the kitchenette now means the occupier of the granny annexe must rely upon the main dwelling for their main meals, thus remaining ancillary to one other. A condition to this effect is recommended.

The proposed outbuilding would be within the rear garden and in line with the neighbouring outbuildings and by virtue of its size, scale, and position is considered to have a negligible impact on the character and appearance of the main dwelling and surrounding environment.

The proposed building would be sited at the bottom of the rear garden which equates to a separation distance of 15 metres beyond the rear wall of the main dwelling and adjoining neighbours. The building would benefit from a set of patio doors and a bedroom window facing the main dwelling, with a single obscure glazed window to the rear elevation facing the rear access road. By virtue of its size, separation distance and siting, the building is considered not to have an adverse impact on the light levels and residential amenities of the adjoining neighbours. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). A condition removing permitted development rights for any further outbuildings is also recommended to ensure that the site is not overdeveloped and to protect the amenity of adjoining residential properties in accordance with Policies BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed outbuilding would retain approximately 90sq m of garden space to the rear which is considered usable in terms of its shape and size and would therefore comply with Policy BE23 of the Hillingdon Local Plan.

The proposed outbuilding if used as ancillary space in connection with the main dwelling would not lead to an increase in demand for off-street parking thus would accord with Policy AM14 of the Hillingdon Local Plan.

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, numbers 0290-08-15/05A.

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 as stated within the submitted application form and proposed plans 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 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 occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Churchill Avenue, Hillingdon and shall not be used 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 Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

5 NONSC Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Class E of Part 1 Schedule 2 to that Order shall be carried out.

REASON

To avoid an overdevelopment of the site and to protect the amenity of adjoining residential properties in accordance with Policy BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

- 1 The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

- 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:

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.
AM14	New development and car parking standards.
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 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.

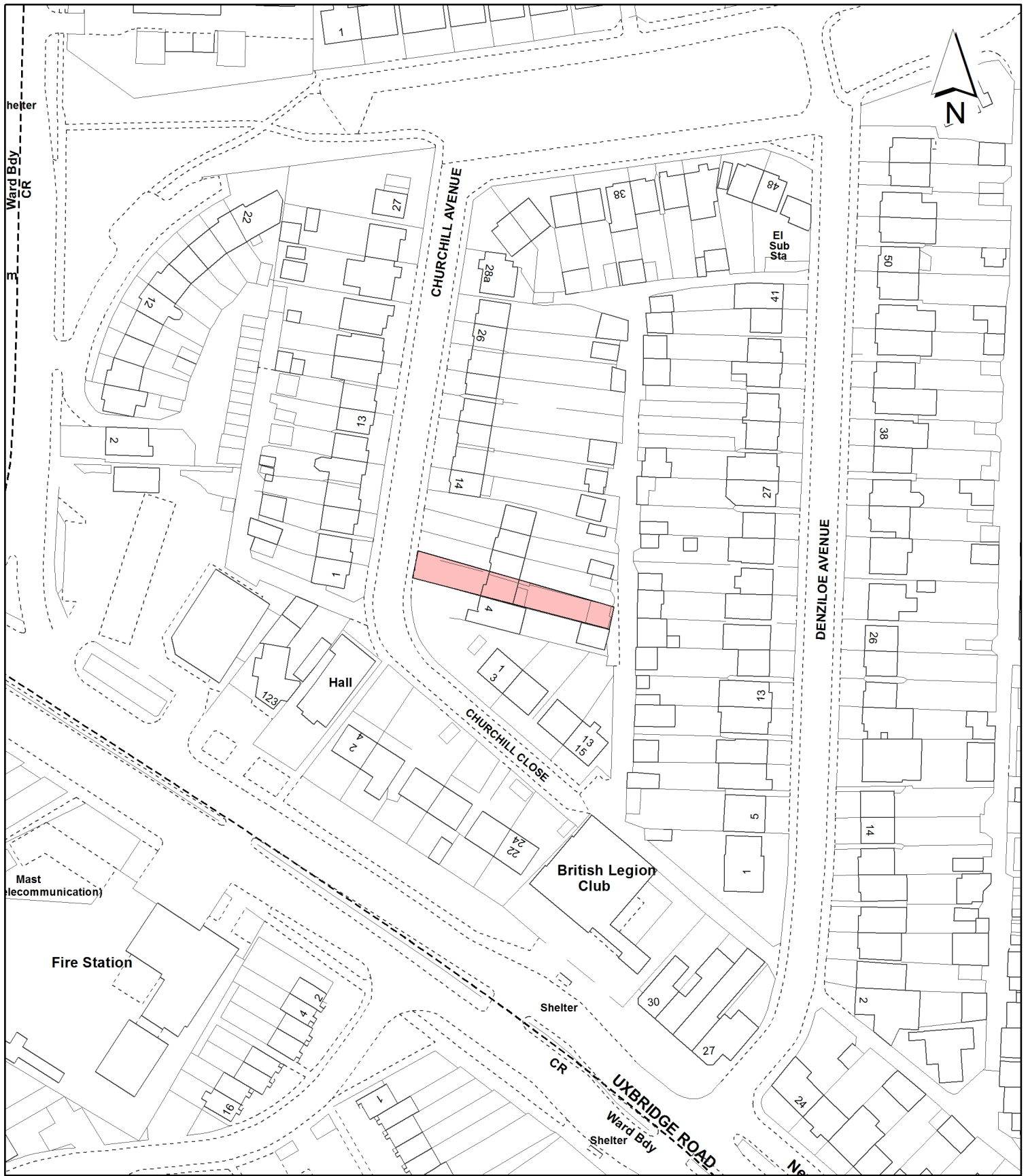
You are advised to consult the Council's Environmental Protection Unit, 3S/02,

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: Naim Poptani

Telephone No: 01895 250230



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 2016 Ordnance Survey 100019283

Site Address:

6 Churchill Avenue

Planning Application Ref:

71202/APP/2015/3325

Planning Committee:

C&S

Scale:

1:1,250

Date:

January 2016

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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



HILLINGDON
 LONDON