

Report of the Head of Planning, Sport and Green Spaces

Address 17 MAYLANDS DRIVE UXBRIDGE

Development: Erection of part two storey, part single storey side and rear extension; erection of single storey front porch extension; and installation of one side rooflight.

LBH Ref Nos: 65665/APP/2016/468

Drawing Nos: 17002 (Existing plans)
17001 (location plan)
Covering letter
Supporting Statement
17MAY/PL2016/03B (as built)
17MAY/PL2016/11 (proposed)

Date Plans Received: 05/02/2016 **Date(s) of Amendment(s):** 04/03/2016

Date Application Valid: 05/02/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a detached four bedroom dwelling, one of six arranged around the turning head of a residential close in north Uxbridge. The area is characterised by mainly modern detached and semi-detached houses with garages. The building is not listed, nor located within a conservation area. However, the site is located within the North Uxbridge Area of Special Local Character. The site is also located within the Hillingdon Air Quality Management Area.

Nos. 17 and 19 Maylands Drive originally formed a pair of similarly designed detached dwellings with the subject property set marginally in front of No. 19. The pair of dwellings are located on the northern side of the turning head with No. 19 on a slightly elevated position.

No. 21 Maylands Drive, the property on the left side of the pair of detached dwellings comprising Nos. 21 & 32 facing the turning head, has been extended two storeys to the side and rear.

The front and rear elevations of the application property were originally aligned 4 metres behind the main front and rear elevations of No.15 Maylands Drive which is situated closer to the public highway. The ground level at this neighbouring property is approximately 0.5m lower than ground level at No. 17.

The application property has a large rear garden (approx. 10 metres x 30 metres). The rear garden had contained two unauthorised outbuildings and a raised platform which have been completely demolished and the resultant debris removed from the site.

1.2 Proposed Scheme

The proposal consists of the erection of part two storey, part single storey side and rear

extension; erection of single storey front porch extension; and installation of 4 side rooflights.

This application does not seek retrospective planning permission for the existing unauthorised development but rather for a new proposal.

It should be noted that the proposed conversion of the existing loftspace and installation of a rooflight to the existing roof would constitute permitted development, subject to compliance with the conditions as set out in Class B, Part 1, Schedule 2 of the General Permitted Development Order (2015).

1.3 Relevant Planning History

65665/APP/2012/1543 17 Maylands Drive Uxbridge

Part two storey, part single storey side and rear extensions, front porch and conversion of roof space to habitable use to include 4 x side roof lights

Decision Date: 25-10-2012 **Approved** **Appeal:**

Comment on Planning History

Planning and Enforcement History

On 26th October 2012, planning application 65665/APP/2012/1543 was granted for 'part two storey, part single storey side and rear extensions, front porch and conversion of roof space to habitable use to include 4 x side roof lights'.

On 25th April 2013, as a result of information that development at 17 Maylands Drive was being undertaken contrary with any planning permission, a Council Planning Enforcement Officer visited the site. It was clear that the development taking place was not in accordance with the approved plans. It was also noted that in the back garden there were two detached buildings and a raised platform under construction.

On 25th April 2013, using a mobile telephone provided by one of the builders on site, the Enforcement Officer explained to one of the two property owners that the development under construction was not in accordance with what had been approved. This was reiterated in an email to the same landowner dated 29th April 2013.

On 13th June 2013, at the Central and South Planning Committee, the Local Planning Authority authorised the issuing of enforcement notices.

On 26th June 2013, six Operational Development Enforcement Notices were issued in reference to the various breaches on site. These were subsequently appealed.

On 1st April 2014, the Planning Inspector appointed by the Secretary of State to determine the appeals, upheld the Enforcement Notices but directed that they be corrected by the deletion of the reference to No. 19 and it being substituted with No. 15. All six enforcement notices came into force on 1st April 2014. The time for compliance with the Enforcement Notices was three months from when the notices came into force. Therefore, full compliance with all six enforcement notices should have occurred by no later than 1st July 2014.

On 11th June 2014, the Enforcement Officer visited the site to see what progress the

landowners had made in complying with the six enforcement notices. The officer reported that none of the enforcement notices appeared to be complied with. Subsequently, the officer wrote to the landowners to warn of the consequences of failing to comply with the enforcement notices.

On 2nd July 2014, the Enforcement Officer visited the property. From the officer's view point from the street, it was noted that at least five of the Enforcement Notices had not been complied with. The officer spoke to both landowners and explained that it was an offence not to comply with an enforcement notice. The landowners subsequently showed the officer that the raised platform on the rear had been partially removed. The officer arranged to come back later in the month to see what progress had been made with regards to compliance with the other Enforcement Notices.

On 15th July 2014, the Enforcement Officer visited the site again and saw that the remaining five Enforcement Notices had not been complied with. The officer pointed out to one of the landowners that the Enforcement Notices had clearly not been complied with and stated that 'it is an offence to fail to comply with an enforcement notice and I must therefore caution you in accordance with the Police and Criminal Evidence Act'. The enforcement officer delivered two sealed envelopes containing letters inviting the landowners to attend the London Borough of Hillingdon offices for interview in accordance with the provisions of the Police and Criminal Evidence Act, codes of practice. The defendants did not attend the interview.

On 22nd July 2014, letters addressed to both defendants were sent by post to 17 Maylands Drive, Uxbridge, UB8 1BH, advising both defendants that a prosecution file would be passed to the legal department instructing them to instigate court proceedings.

On 29th July 2015, in the Crown Court at Isleworth, the defendants pleaded guilty to all six counts on the indictment (each of which concern a breach of a planning enforcement notice, contrary to s.179(2) of the Town and Country Planning Act 1990. The court directed the following:

1. The Defendants must complete all works necessary in order that full compliance with the enforcement notices is achieved by 8th April 2016.
2. The Council must undertake a site visit between the 8th April and the 22nd April 2016 to assess whether compliance has been achieved.
3. The Council must provide the Court with a note on the status of compliance by the 29 April 2016.
4. Should the Defendants not agree with the contents of the Council's note they must provide a contested report by 6th May 2016.
5. Sentence hearing has been listed on the 13 May 2016.

2. Advertisement and Site Notice

- 2.1 Advertisement Expiry Date:- Not applicable
- 2.2 Site Notice Expiry Date:- 18th March 2016

3. **Comments on Public Consultations**

A site notice was erected 23rd February 2016 and neighbouring households were notified of the proposal on 17th February 2016. The consultation period expired on 18th March 2016.

Four responses have been received. Two in support and two objecting to the proposal. The concerns raised were as follows;

1. The proposal under consideration does not show any change to the overall size of the extension as built, nor any change to the ridge height. I do not therefore see how this new application addresses the reasons why the Council served enforcement notices nor the issues set out by the Planning Inspector at their appeal. The rear extension is particularly large and dominant and out of keeping with the original house. The relatively minor change to the roof shape do not address this. The first floor rear extension is overly wide, visually intrusive, and exceeds the width shown on the originally approved plans from 2012.
2. Impact of the development on surface water drainage.

A petition in support of the proposal containing 24 signatures has been received.

Officer's response: The scale of the development currently proposed is unlikely to significantly affect surface water drainage. Therefore, the proposal is acceptable in this regard. All other issues raised have been considered in the main body of the report.

4. **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

- PT1.HE1 (2012) Heritage
- PT1.BE1 (2012) Built Environment

Part 2 Policies:

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

LPP 3.14	(2015) Existing Housing - Efficient use of stock
LPP 7.4	(2015) Local character
LPP 7.6	(2015) Architecture
NPPF7	NPPF - Requiring good design

5. MAIN PLANNING ISSUES

PRINCIPLE OF DEVELOPMENT

Policy 3.14 of the London Plan (FALP 2015) states that 'the Mayor will, and boroughs and other stakeholders should, support the maintenance and enhancement of the condition and quality of London's existing homes'. Therefore, the principle of extending or altering an existing residential home to enhance its quality is supported.

DESIGN

All measurements used to assess the development proposal were taken from the annotations shown on amended proposed and as built plans received 11th April 2016.

Porch

The front porch extension in planning application ref. 65665/APP/2012/1543 approved in 2012 measured a depth of 1.205m, a width of 2.625m, and a maximum height of 3m sloping down to an eaves height of 2.3m.

The single storey front porch extension as built measures a depth of 1.23m, a width of 2.54m, and maximum height of 3.548m sloping to an eaves height of 2.9m (measurements taken from the lowest part of the slope).

Therefore, the porch as built was 0.25m deeper, 0.085m less wide, and between 0.45-0.7m higher.

The proposed front porch extension would measure a depth of 1.23m, a width of 2.54m, and a maximum height of 2.9m with a flat roof. This would be 0.025m deeper than the previously approved porch. However, it would be 0.085m less wide and its maximum height would be 0.1m lower in comparison.

The proposed porch would be of an appropriate scale and design and would not be out of keeping with the character and appearance of the area.

Part two storey, part single storey side/rear extension

The single storey element of the side extension as approved in planning application ref. 65665/APP/2012/1543 was set back 0.4m from the main front wall of the dwelling, measured a width of 1.815m, and had a maximum height of 2.9m sloping down to 2.4m at the eaves.

The single storey side extension built is set back approximately 0.4m, measures a width of 1.815m, and has a maximum height of approximately 3.6m sloping down to 3.05m at the eaves.

The current proposal would not differ significantly from the development already built on site. It would also be set back 0.4m from the main front elevation of the dwelling, measure a width of 1.815m, and extend to a maximum height of 3.6m sloping down to 3.05m at the eaves. In comparison to what has been built, the proposed roof form has been altered at the front to make it slope backwards. However, the proposal would be more similar in height, bulk and mass to the extension as built than the previously consented scheme.

The depth of the single storey rear extension as currently proposed would measure 4m, matching both the 2012 consented scheme and the extension built on site. Where they differ in reference to the single storey rear element is in terms of height. In 2012, the maximum height was 3m sloping down to 2.25m. The rear extension built and subject to enforcement proceedings measures a maximum height of 3.8m sloping down to 3.04m (as measured along the northern elevation). The current proposal would also measure a maximum height of 3.8m sloping down to 3.04m. It should be noted that the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document states that single storey rear extensions with a pitched roof should not exceed 3.4m at their highest point.

The current proposal would be 0.8m and 0.79m higher than the consented scheme at its highest and lowest points respectively. The proposed roof form would be altered from what has been built without consent to reduce the impact on No. 19. However, overall, it would remain higher than the 2012 consented scheme and would not be significantly different from the unauthorised extension.

At first floor level, the approval in 2012 was set back 4.8m from the main front elevation of the house whereas the current proposal would be set back 4m, matching the extension built on site.

In the 2012 permission, the the first floor extension approved measured a maximum width (as viewed from the rear) of 4.8m whereas the current scheme would measure 5.22m, matching the extension as built on site.

The first floor element of the current proposal would also match the overall height and proportion of the extension as built, apart from having a hipped roof on the rear, as opposed to a gable end.

With all of this in mind, it should be noted that the Planning Inspector who dismissed the appeals against the enforcement notices served by the Council stated the following:

'The extensions to No. 17 overwhelm the original house to such an extent that, in my opinion, they are more akin to the construction of a new dwelling than extensions to a dwelling. The extensions are so extensive that the character and appearance of the original dwelling is no longer evident. Whilst I accept that each house in Maylands Drive is different in design and size, in contrast with other dwellings, the extensions to No. 17 result in it appearing cramped on its plot because of the small gap between the building and the boundary with No. 15 and the excessive bulk and it is over dominant in the streetscene.'

It is clear that the Inspector focused on the small gap left between the building and the boundary of No. 15 as demonstration that the extensions as built were excessively bulky and over dominant. The current proposal fails to address this issue as the first floor side part of the proposal would remain largely unaltered as viewed from the street. At first floor level, the extension would be set in 1m from the shared boundary with No. 15.

The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document states that two storey extensions 'should always appear subordinate to the original house'. The width of the first floor side/rear extension as viewed from the rear would be considered excessive. The width of the first floor level rear extension combined with the increased height of the single storey rear extension (when compared with the previous consent) would leave viewable a proportionally small area of the original rear wall of the dwelling on this elevation. The effect is that the development appears out of proportion with the existing dwelling, thereby, failing to be subordinate. Due to its excessive scale, it would also appear bulky and out of keeping with the character of the area. The proposal would represent an incongruous form of development when viewed from the surrounding area and would adversely affect the visual amenity of the North Uxbridge Local Area of Special Character.

Reasons a), b) and c) for issuing Enforcement Notices ENF/002150/CF/B & ENF/002150/CF/C state that:

'the scale, form and architectural appearance of the extensions, garden buildings and enclosed raised platform fail to harmonise with the design features and architectural style predominant in the area and which contribute to the Special Local Character. The development is therefore contrary to Policy BE5 of the Hillingdon Local Plan Part 2 adopted in November 2012.'

'The layout and appearance of the front and side extensions and the combined single and two storey rear extensions, fail to harmonise with the existing street scene. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012. and Policies BE13, BE15, BE19 and BE20 of the Hillingdon Local Plan Part 2 adopted in November 2012.'

'The front and side extensions and the combined single and two storey rear extensions fail to harmonise with the scale, form and architectural composition and proportions of the original dwelling and is uncomplimentary to the amenity and character of the area. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE15 and BE19 of the Hillingdon Local Plan Part 2 adopted in November 2012.'

The current proposal fails to sufficiently overcome these reasons as set out in the previous notices.

Therefore, the design, scale and massing of the proposed part two storey, part single storey side/rear extension fails to be subordinate to the host property and is out of keeping with the character and appearance of the area, detrimental to the visual amenity of the North Uxbridge Local Area of Special Character, contrary to policies HE1 and BE1 of the Local Plan: Part 1 (Strategic policies); 'Saved' policies BE5, BE13, BE15, BE19, BE21, and BE22 of the Unitary Development Plan (2012); policies 7.4 and 7.6 of the London Plan (FALP 2015); Section 7 of the National Planning Policy Framework (2012); and the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document.

Rooflights

The modest size and siting of the proposed rooflights are considered to be appropriate and acceptable. Three of the proposed rooflights are located on the north east side of the dwelling which is less visible from Maylands Drive. The proposed rooflight on the south

west elevation is set sufficiently back from the front of the property and given its size, would not be particularly visible from the street. The impact on the visual amenity of the area would be limited.

AMENITY

No. 15 has three ground floor level windows and one first floor level window that face the proposed development. The window located nearest the rear of the building is the only serving a habitable room. However, this is a secondary window with the internal space also served with multiple openings on its rear elevation. No. 15 has an existing single storey rear extension and a detached outbuilding located next to the shared boundary with the application property which mitigates significantly the impact from the proposal, despite the ground level changes between the sites. In addition, the closest first floor level window on the rear of No. 15 serves a non habitable room. Given the favourable orientation of this neighbour being situated south west of the development, the proposal is not considered to significantly overshadow or cause significant loss of daylight to its rear openings which serve habitable rooms. The closest ground floor level windows are enclosed along this side by the existing outbuilding and boundary treatment. Therefore, the outlook from them would not be significantly affected by the proposal. The inspector does not raise an issue with regards to the existing part two storey, part single storey side/rear extension in so far as its impact on No. 15. The proposal is considered acceptable in this regard.

No. 19 has a rear ground floor level window located close to the boundary with the application property. The single storey rear element of the proposal is the closest part to No. 19 and it would measure a depth of 4m. This extension would project out beyond the 45 degree line of sight as measured horizontally from the centre of this window at No. 19, to the north east of the site.

The inspector report states 'that at the rear of the dwelling adjacent to the boundary with No. 19, (the development) extends for some 3.9m and it comprises both single and two storeys. The amount of built development is clearly visible from the patio area at the back of No. 19 and dominates the outlook for the occupiers of that property.'

The proposed roof form of the single storey rear extension would be different to the existing extension in that it would slope down towards the shared boundary with this neighbour. The first floor part of the extension would also have its roof changed to a hip which would further address the inspector's concern with regards to the impact on No. 19.

It should be noted that the ground level at No. 17 is approximately 0.5m lower than at No. 19. Therefore, the height of the proposed rear element at its closest point as viewed from this perspective would be approximately 2.5m. It would also be set back from the boundary approximately 0.5m.

Paragraph 4.15 of the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document gives guidance on how to assess the impact of development on daylight/sunlight. Where development is to the rear of a neighbouring property, it recommends that suitable daylight to habitable rooms is achieved where a 25 degree angle taken from a point 2m above the floor of the fenestration elevations is kept unobstructed. In this particular case, the neighbour is adjacent to the application property and the proposed development. The Building Research Establishment's Daylight and Sunlight report for considering the impact of development on daylight and sunlighting considers that where a development would not breach the 45 degree sight line as

measured vertically from the centre of the opening, then the proposal would be unlikely to have an adverse affect on daylight/sunlight to that openings. The proposal would comply with the 45 degree test as measured vertically. The first floor level rear extension would comply with both the horizontal and vertical 45 degree sight line in respect to No. 19. Therefore, the proposal is not considered to significantly affect the level of daylight/sunlight to this neighbour's closest window. Given the ground level changes between the site, the proposal is also not considered to cause significant loss of outlook.

Reason d) for issuing Enforcement Notices ENF/002150/CF/B & ENF/002150/CF/C states:

'The cumulative affect of the garden buildings, raised platform and the single and two storey extensions, has resulted in a significant increase in the built up appearance of this site, resulting in a significant loss of amenity both for the occupiers of number 17 and number 19. The scale, siting, form and architectural appearance of the extensions, the garden buildings and enclosed raised platform result in a significant loss of residential amenity to neighbouring dwellings and fails to protect the privacy of neighbours. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE20, BE21 and BE24 of the Hillingdon Local Plan Part 2 adopted in November 2012.'

The garden buildings and raised platform have been removed from the site. For the reasons set out above, the current proposal with the amended roof design, is not considered to be detrimental to the amenity of neighbouring residential occupiers.

Should the planning committee be minded to approve this proposal, a condition to ensure that the rooflights on the side roofslope are obscure glazed and non-openable should be imposed to ensure that there is no loss of privacy to neighbouring properties.

There are no other flank windows proposed that would raise any concern with regards to privacy to adjoining neighbours and the properties to the front/rear are a sufficient distance away to be safeguarded from adverse overlooking.

In terms of the impact of the development on the residential amenity of neighbours, the proposal would be considered to be acceptable.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The design, scale and massing of the proposed part two storey, part single storey side/rear extension fails to be subordinate to the host property and is out of keeping with the character and appearance of the area, detrimental to the visual amenity of the North Uxbridge Local Area of Special Character, contrary to policies HE1 and BE1 of the Local Plan: Part 1 (Strategic policies); 'Saved' policies BE5, BE13, BE15, BE19, BE21, and BE22 of the Unitary Development Plan (2012); policies 7.4 and 7.6 of the London Plan (FALP 2015); Section 7 of the National Planning Policy Framework (2012); and the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document.

INFORMATIVES

- 1 Please be advised that this application seeks permission for a proposed development and not for the development as built on site.

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:

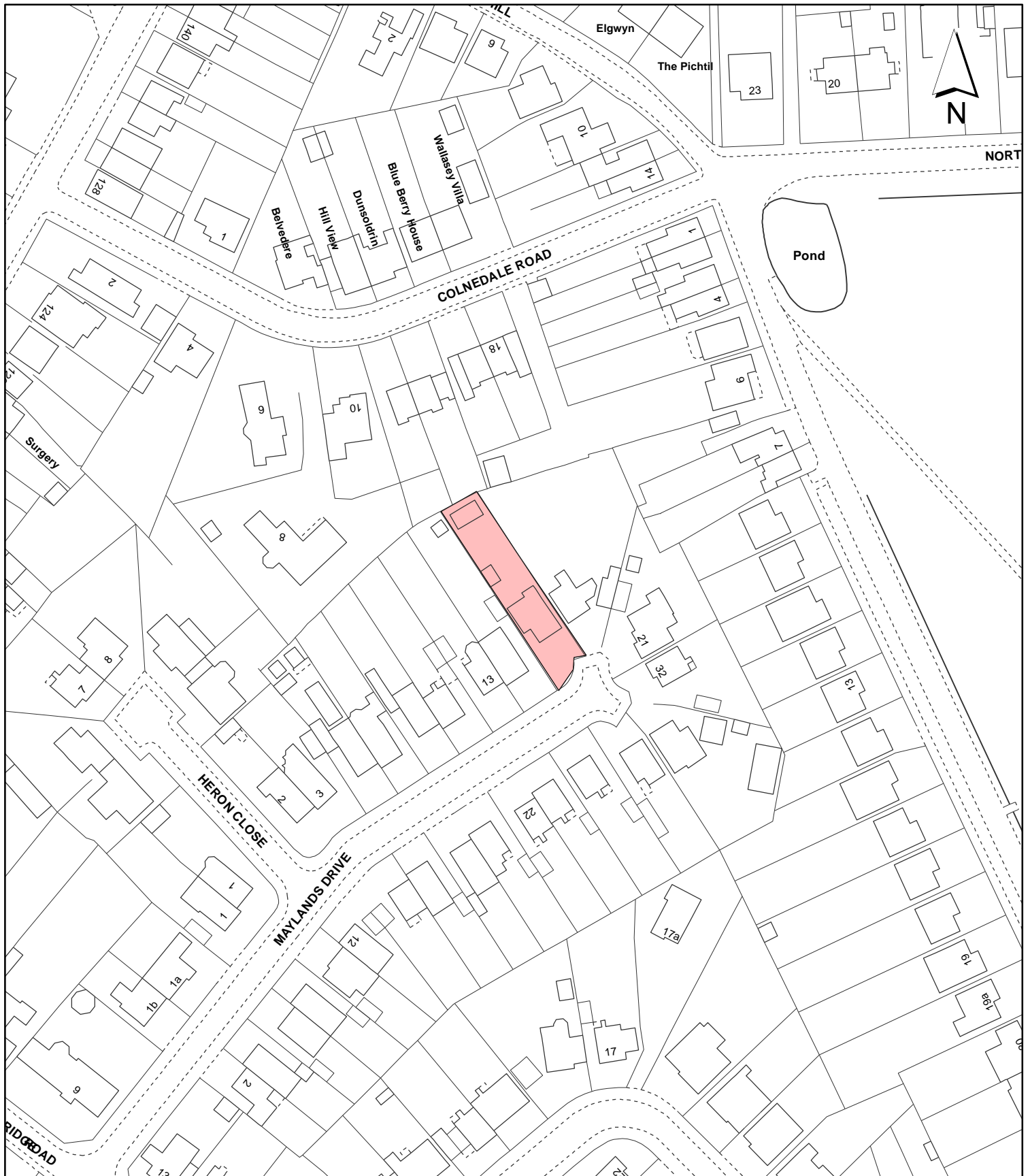
PT1.HE1	(2012) Heritage
PT1.BE1	(2012) Built Environment

Part 2 Policies:

BE5	New development within areas of special local character
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.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.14	(2015) Existing Housing - Efficient use of stock
LPP 7.4	(2015) Local character
LPP 7.6	(2015) Architecture
NPPF7	NPPF - Requiring good design

Contact Officer: Richard Conroy

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Notes:

 Site boundary

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Site Address:

**17 Maylands Drive
 Uxbridge**

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

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

Planning Application Ref:

65665/APP/2016/468

Scale:

1:1,250

Planning Committee:

Central & South

Date:

April 2016



HILLINGDON
 LONDON