

Report of the Head of Planning, Sport and Green Spaces

Address 17 MAYLANDS DRIVE UXBRIDGE

Development: Erection of single storey rear and side extension; single storey front porch extension; and installation of one rooflight

LBH Ref Nos: 65665/APP/2016/822

Drawing Nos: 17002 (Existing)
Supporting Statement
17001 (Location Plan)
17MAY/PL2016/03B (As Built)
17MAY/PL2016/14

Date Plans Received: 26/02/2016 **Date(s) of Amendment(s):**

Date Application Valid: 26/02/2016

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 single storey rear and side extension; single storey front porch extension; and installation of three rooflights.

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

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

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:- 30th March 2016

3. Comments on Public Consultations

A site notice was erected 2nd March 2016 and neighbouring households were notified of

the proposal on 29th February 2016. The consultation period expired on 30th March 2016. One response has been received which supports the scheme.

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 single storey rear extension and single storey side extension

The side extension part of the proposal, nearest the front of the dwelling, would not differ significantly from the single storey side extension 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.

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.

As such, the single storey rear extension proposed would be higher than the corresponding part of consented scheme at its highest and lowest points respectively. It is recognised that the proposed single storey rear extension would be relatively large on the original dwelling, measuring 0.4m higher than what guidance usually considers to be acceptable. However,

the proposed roof form would be altered from what has been built without consent to reduce the impact on No. 19 and given it is single storey, it would be less visible from the surrounding area, screened by existing boundary treatment and in part by existing topography. As such, its impact on the character and appearance of the North Uxbridge Local Area of Special Character would be limited. Similarly, the proposed single storey side element would not be significantly visible from the street, being set back from the main front wall of the building, and screened by No. 15, which is located closer to the public highway.

On that basis, there is not considered to be sufficient grounds for refusal, and the proposal is considered acceptable with regards to its impact on the original building and the character and appearance of the area.

Rooflights

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

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. It would project beyond the 45 degree line of sight as measured horizontally from the centre of this window at No. 19. However, the ground level at No. 17 is approximately 0.5m lower than the ground level at No. 17. 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. As a result, the proposal would comply with 45 degree test as measured vertically (as recommended by the Building Research Establishment's Daylight and Sunlight report for considering the impact of development on daylight and sunlighting). Given the ground level changes between the site, the proposal is also not considered to cause significant loss of outlook.

A condition has been imposed to ensure that the rooflights on the side roofslope are obscure glazed and non-openable to safeguard the privacy of neighbouring occupiers.

There are no other flank side level 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**

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 be carried out in complete accordance with the details shown on the submitted plans, 17001 (Location Plan), 17002 (Existing), 17MAY/PL2016/03B (As Built), and 17MAY/PL2016/14 (Proposed).

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan (November 2012) and the London Plan (FALP 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 'Saved' policy BE15 of the Unitary Development Plan (2012) and policies 7.4 & 7.6 of the London Plan (FALP 2015).

4 D2 Obscured Glazing

Any side rooflights above ground floor level shall be glazed with obscure glass and non-opening except at top vent level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties, in accordance with 'Saved' policy BE24 of the Unitary Development Plan (2012).

5 NONSC Distances from the boundary

Notwithstanding the details shown on the approved plans, the external face of the development as hereby approved shall not be built within 1m of the shared boundary with No. 15 Maylands Drive or 0.5m of the shared boundary with No. 19 Maylands Drive.

REASON

To safeguard the amenity of adjoining properties, in accordance with 'Saved' policies BE20 and BE21 of the Unitary Development Plan (2012).

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 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.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

- 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.

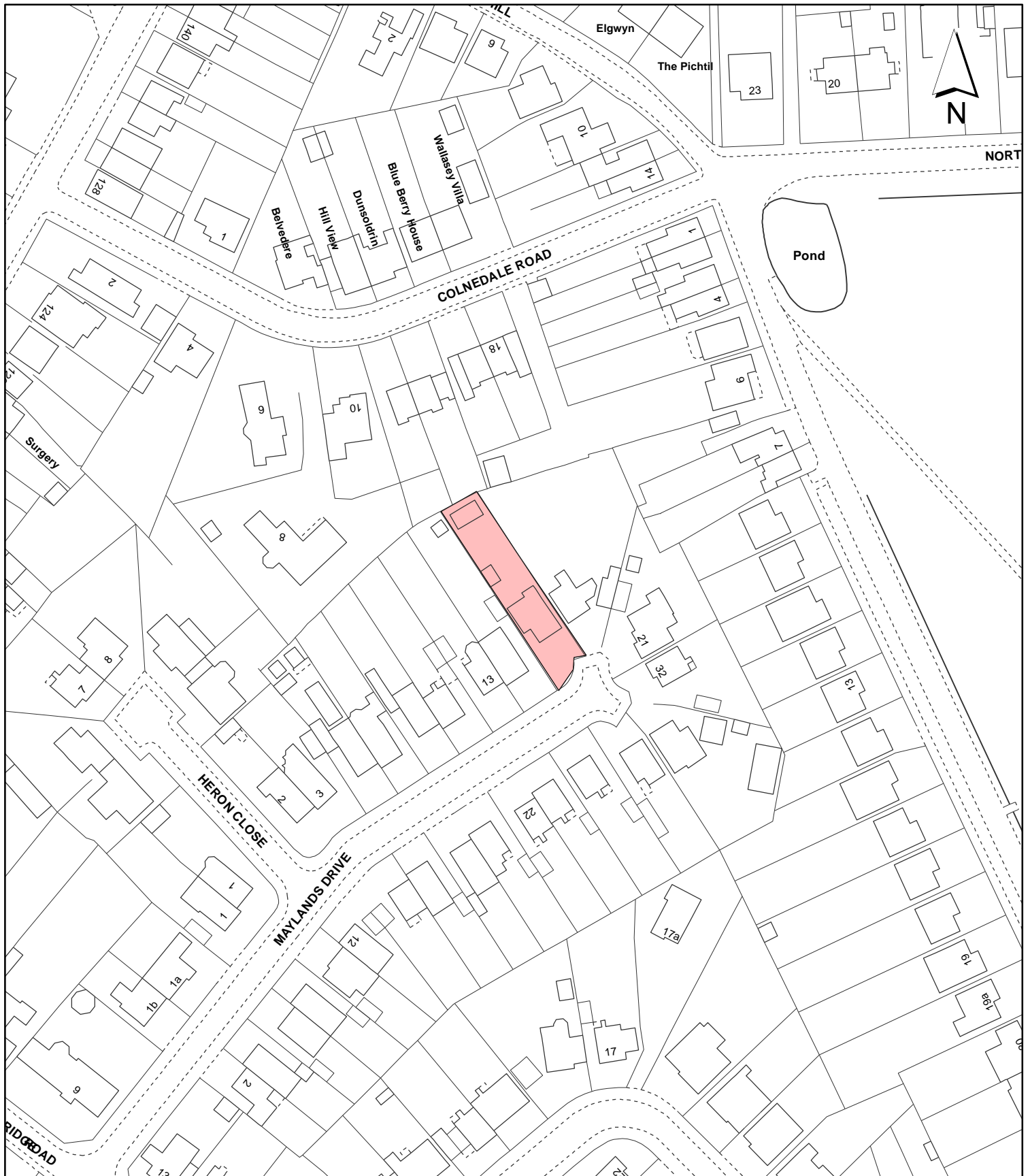
11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions,

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: Richard Conroy

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:

**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/2016/822

Scale:

1:1,250

Planning Committee:

Central & South

Date:

April 2016



HILLINGDON
 LONDON