

Report of the Head of Planning, Sport and Green Spaces

Address 94 HERCIES ROAD HILLINGDON

Development: Extension of roof to create additional habitable roof space to include 2 new side dormers and enlargement of existing dormers (Part Retrospective)

LBH Ref Nos: 19969/APP/2016/757

Drawing Nos: MB/3090/1
MB/3090/3 Rev. A
Location Plan (1:1250)

Date Plans Received: 23/02/2016 **Date(s) of Amendment(s):**

Date Application Valid: 23/02/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application property is a detached bungalow which has been previously extended through addition of dormer extensions to the roof and rear extensions. The property has extensive hardstanding to the front and a single garage on the right hand side served by a driveway. Nos.92 and 96 Hercies Road adjoin the site. Both are single storey dwellings. No 96 has a dormer extension facing towards the site and is separated by a driveway. No.92 has secondary side windows at ground floor level.

1.2 Proposed Scheme

Work, already commenced on the application proposal, involves the extension of the roof to create additional habitable roofspace including new gable end windows to the rear, two new side dormers and replacement of existing side dormers.

The proposed development is a resubmission of a previously refused scheme.

1.3 Relevant Planning History

19969/APP/2000/168 94 Hercies Road Hillingdon
ERECTION OF A SINGLE STOREY REAR EXTENSION

Decision Date: 07-03-2000 Approved **Appeal:**

19969/APP/2015/3567 94 Hercies Road Hillingdon
Two side dormers (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 17-11-2015 Approved **Appeal:**

19969/APP/2015/3568 94 Hercies Road Hillingdon
Extension of roof to create additional habitable roofspace including new gable end window to rear and four side dormers

Decision Date: 24-11-2015

Refused

Appeal:

Comment on Planning History

A Certificate of Lawful Proposed Development was issued on 17/11/2015 for the erection of replacement side dormer windows. By virtue of the conditions attached to Class B, all side facing windows are required to be obscure glazed and top opening only.

Planning application reference 19969/APP/2016/3568 was refused for the follow reasons:

The proposed dormer windows, by reason of their cumulative size, scale, bulk and design would fail to harmonise with the architectural composition of the original and adjoining dwellings and would be detrimental to the character, appearance and visual amenity of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

The proposal would result in the provision of habitable rooms with no or restricted outlook and poor levels of daylight/sunlight to the detriment of the amenities of current/future occupiers. Therefore, the proposal would fail to provide a satisfactory residential environment, contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Extensions

The proposal, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupiers by reason of over-dominance, visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

ENFORCEMENT ACTION

An Enforcement Notice has been served and took effect on the 6th May 2016. The notice, requires the removal of the roof extension including dormers.

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

Nos. 92 and 96 and 105 and 107 were notified of the application on 26.02.16. A site notice was displayed from 01.03.16.

One objection and one comment received making the following points:

- Over developed with three new rear windows (the middle window or door is a different size to the other two) which now have been fitted?
- Overlooking and imposing on ours and neighbouring landscape rear gardens.
- This extension has already been built up to 80%

- Completely removing and imposing the light from our downstairs side window.
- Two windows overlooking the side of our premises look odd with different sizes.
- Out of character with this road.
- There has never been any public planning notification displayed outside number 94 Hercies Road about any planning applications.
- We never heard or seen anything like it in forty years.

A letter has been received from the applicant outlining the following:

1. The scale of the dormers at the back have been reduced and made smaller as advised by the Hillingdon planning officer who dealt with the original application.
2. The side dormer windows at the rear dormer have been re-located to the back the dormer to ensure that there are no additional side dormer windows. The windows in the old plan have been moved to the back of the property fit onto smaller scale dormers to protect the privacy of both neighbours and do not overlook either 96 Hercies or 92 Hercies road.
3. All the existing side windows maintained on the existing dormers are fitted with obscured glass to also protect the privacy of neighbours on either side.

NERL: No safeguarding issues

RAF Safeguarding - Northolt: No comments received

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

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

5. MAIN PLANNING ISSUES

The main planning issues 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 the residential amenities of neighbouring dwellings, provision of acceptable amenity for the application property and the sufficiency of car parking.

- Visual Impact

Section 7.0 of the Council's Supplementary Planning Document (SPD) HDAS: Residential Extensions recognises that creating a room or rooms within an existing roofspace is a common way of providing additional bedroom or other accommodation. However, this must be assessed against any possible detrimental effect to neighbouring residents and, in particular, the appearance of the original house and character of the local area.

The property previously had dormer windows on both side roofs, these appeared as a small subordinate elements of the original dwelling.

The application proposal, near completed, has materially increased the size of the dormer windows on both sides of the roof. It comprises two dormer windows on each side 0.5m apart which sit approximately 0.5m from the apex of the roof, approximately 0.5m from the eaves and 1 metre from the front elevation.

There is no material difference in the effect of this proposal than that previously refused. This application proposal has substantially altered the appearance of the dwelling, giving it a top heavy and largely flat roof appearance. The alteration does not harmonise with the architectural composition of the existing building, resulting in an appearance substantially out of keeping with the over-riding character of the street scene. The small gap between the dormers will not be readily apparent when viewed from the street. This harm is further emphasised by the staggered nature of this property and its immediate neighbours with the application site sitting further forward than No. 96 and thus being very visible within the street scene. As such it is considered that the proposal is contrary to the requirements of Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 7.0 of the SPD HDAS: Residential Extensions.

- Impact on residential amenities and the amenities of the dwelling

The nearest neighbours are Nos. 92 Hercies Road (to the right) and 96 (to the left). No 92 is separated from the application site by a garage and driveway. There are small secondary windows at ground floor level. To the left, No. 96 has its own drive and garage on the right hand side. There is a dormer window in the roof which faces directly towards the application site.

The applicant has indicated that the side windows will be obscure glazed and top opening. Whilst this would be appropriate for the bathroom and en-suite windows, the use for bedroom windows gives rise to concern. Obscure/top opening glazing for side facing windows is a condition for permitted development and was a requirement of the recent decision to issue a Certificate of Lawful proposed development. However, in that case, the Local Planning Authority was not required to make any planning judgement. Use of obscure glazing with top opening windows would result in a substantive number of habitable rooms which would not benefit from adequate outlook and the result would be an oppressive environment. It is also considered that for this reason use of obscure glazing is extremely difficult to enforce since subsequent occupiers may alter the windows to improve their amenities. If this occurs the neighbouring properties are likely to experience loss of privacy by reason of overlooking.

It is also considered that the substantial nature of the extensions would result in an overbearing impact on neighbours. Since No. 96 has a side dormer which appears to serve a habitable room (bedroom) facing directly towards the new dormers on this side, the property is likely to be exposed to a substantial level of lighting from the windows which will add to the overbearing impact of the proposal. The substantial scale of the development facing side on to No. 94 is also of concern due to the scale and impact of lighting, although this is mitigated somewhat by the presence of a drive within the application site and the secondary nature of the ground floor windows in No. 94

It is also proposed to add a new rear facing window. This would face over the rear garden and would afford views of the rear gardens of the neighbouring property. This is a normal relationship in a higher density residential environment and does not, of itself, result in a material loss of amenity.

Overall, the proposal would fail to provide a satisfactory residential environment for future occupiers and for occupiers of neighbouring properties, contrary to Policies BE19, BE20, BE21, and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 5.3 of the London Plan (2015) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

Paragraph 3.13 of the HDAS requires sufficient garden space to be retained as a consequence of an extension. The property benefits from a large rear garden and the provision of the dormer extensions will not reduce the space available. As such, in this regard, it is considered that the proposal is appropriate under Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

- Car parking and landscaping

The property currently has three bedrooms, one at ground floor and two in the roof space. The proposal involves reconfiguring the internal arrangements but does not increase the number of bedrooms. It is noted that one room in the extended roof space is referred to as a study. However, this is approximately 6sq.m and it is unlikely that this could be converted into a further bedroom. Notwithstanding this, the property has sufficient space for three or more vehicles. Therefore it is considered that the proposal complies with the requirements of Policy AM14 of the Hillingdon Local Plan 2012, Part 2.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed dormer windows, by reason of their cumulative size, scale, bulk and design would fail to harmonise with the architectural composition of the original and adjoining dwellings and would be detrimental to the character, appearance and visual amenity of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposal would result in the provision of habitable rooms with no or restricted outlook to the detriment of the amenities of current/future occupiers. Therefore, the proposal would fail to provide a satisfactory residential environment, contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

3 NON2 Non Standard reason for refusal

The proposal, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupiers by reason of overdominance, visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

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 (2015) and national guidance.

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.

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

3 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.

- 4 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.

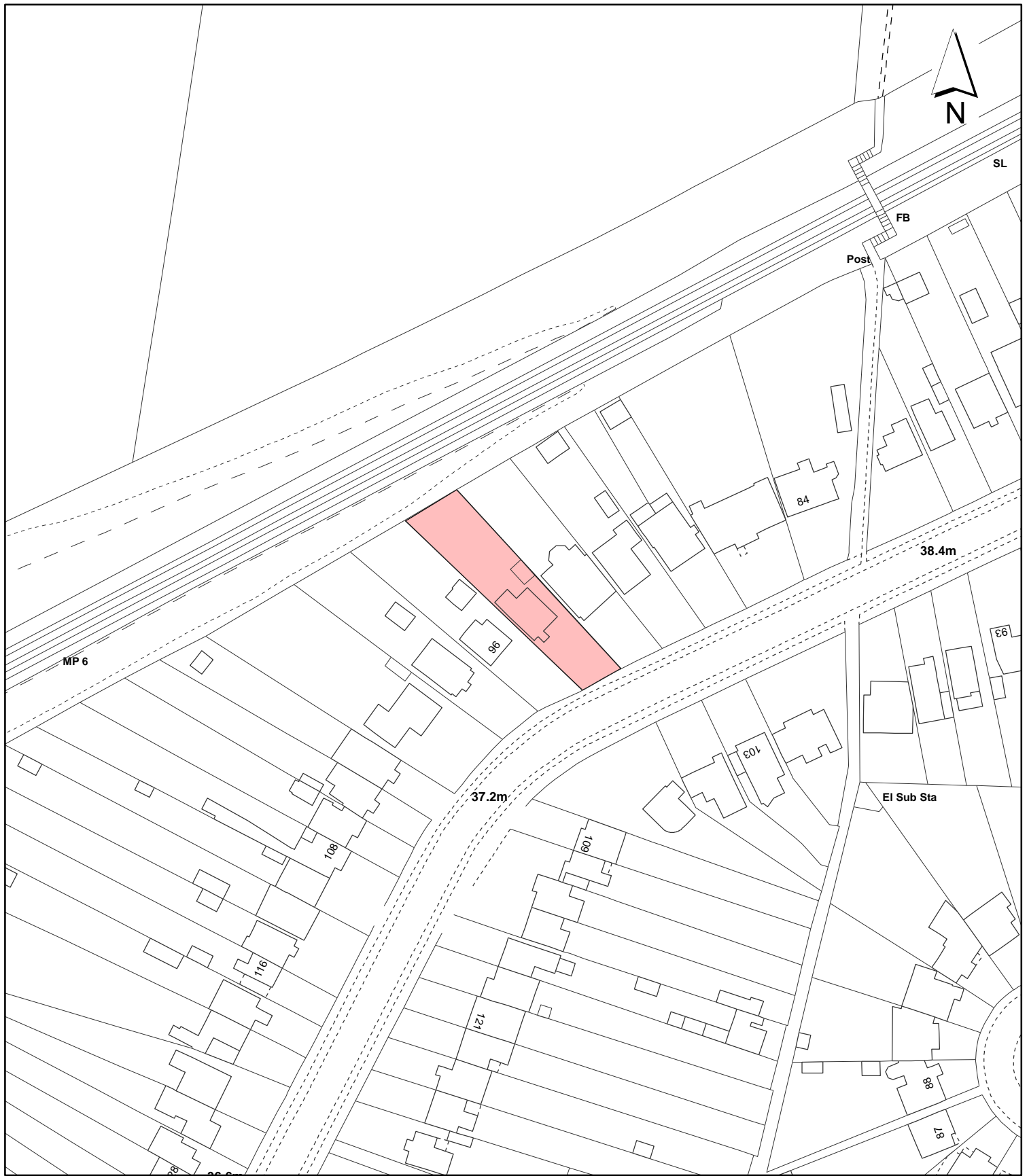
Part 1 Policies:

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

Contact Officer: Peter Morgan

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:

94 Hercies Road

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section

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

Planning Application Ref:
19969/APP/2016/757

Scale:
1:1,250

Planning Committee:
Central & South

Date:
May 2016

