

Report of the Head of Planning, Sport and Green Spaces

Address 24 FLORISTON AVENUE HILLINGDON

Development: Single storey outbuilding to rear for use as a gym/playroom/storage area

LBH Ref Nos: 63065/APP/2016/1302

Drawing Nos: Location Plan (1:1250)
Proposed Front and Side Elevations
Proposed Rear Elevation
Proposed Floor Plan
Block Plan (1:200)

Date Plans Received: 04/04/2016 **Date(s) of Amendment(s):**
Date Application Valid: 12/04/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises an end of terrace two-storey dwelling located on the west side of Floriston Avenue. The existing property is rendered.

The dwelling lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The property has been previously extended by way of a single storey side/rear extension and the rear of the site is open and mainly laid to lawn. It is bounded by a close-boarded fence. There is a pedestrian gate onto an access road to the rear.

1.2 Proposed Scheme

The application seeks planning permission for a single storey outbuilding to the rear of the property for use as a gym/playroom/storage area. The proposed building will be 5.4 metres deep by 5.5 metres wide. It will be 3.5 metres high with an eaves height of 2.5 metres. A space of 0.5 metres will be left to each of the sides and to the rear boundary. It will be built of block and rendered with a tiled roof. The proposal indicates a single span building with no internal partitions.

1.3 Relevant Planning History

63065/APP/2007/1351 24 Floriston Avenue Hillingdon

ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION (INVOLVING DEMOLITION OF EXISTING GARAGE AND REAR KITCHEN).

Decision Date: 28-06-2007 Approved **Appeal:**

Comment on Planning History

Planning permission was granted for the rear/side extension in 2007 under reference 63065/APP/2007/1351.

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

Seven neighbours were notified by letter dated 14/04/2016 and a site notice was displayed on 19/04/2016. By the end of the consultation period one letter had been received from a neighbour indicating support for the proposal.

Oak Farm Residents Association: No response

Ministry of Defence: No objections

NATS Safeguarding: No objections

Ward Councillor: Requests that the application is considered by 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:

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.

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 issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on residential amenity of the neighbouring dwellings, provision of acceptable residential amenity for the application property and the availability of parking.

Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that a building within the curtilage

of the dwellinghouse will be permitted if it is required for a purpose incidental to the enjoyment of the dwellinghouse. Similarly the Council's Supplementary Planning Document (SPD) HDAS: Residential Extension indicates that such buildings will only be permitted if the outbuilding is used for normal domestic uses related to the residential use of the main house.

The concept of Class E is broad and a wide range of incidental purposes is permitted. It follows that in the determination of a planning application the same principle must apply. The Inspector, in determination of an appeal against an enforcement notice at 35 Monmouth Close, Hayes (Appeal Reference APP/R5510/C/15/3134931) stated in his decision letter, dated 31 March 2016, that 'The incidental purposes must be connected with the running of the house or the domestic or leisure activities of its occupiers and the building must be required for those purposes, but it is primarily for the occupiers to decide what incidental purposes are to be enjoyed in the building.'

The footprint of the proposed outbuilding would be approximately 29.7 sqm. The indicated uses are as a gymnasium/playroom and storage. Paragraph 9.4 of the SPD HDAS: Residential Extension indicates all of these uses as 'normal domestic'. The proposed drawings indicate an open plan building with no internal sub-divisions and no provision of W.C, bathroom or kitchen facilities. As such, as proposed, it is not capable of independent occupation. It is considered that the imposition of a restrictive condition would adequately address the issue of the future use for domestic purposes.

The outbuilding is proposed with a pitched roof with a maximum height of 3.5m. Section 9.0 of the SPD states at paragraph 9.3 that if a ridged roof is proposed, this should not be higher than 4.0 metres, therefore the development complies. Paragraph 9.2 states that in order to prevent overshadowing adjoining houses and patios, outbuildings should be positioned as far away from a house as possible. The development will be at the extreme rear of the garden and no issues of material overlooking or overshadowing arise. It will extend to within 0.5 metres of each boundary. The rear of the property backs onto an access road which serves the rear of a number of local dwellings. As such, there are a variety of outbuildings including garages, large storage and other sheds, in the vicinity of the application proposals, which include buildings of similar overall height and scale.

Due to the outbuilding's size, it would be visible from the rear gardens of surrounding dwellings. However the scale and footprint of the proposed outbuilding is not uncharacteristic of the area. Therefore the outbuilding is considered acceptable under Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 9.0 of the SPD HDAS: Residential Extension.

The development will not lead to any additional bedrooms and, as such, the dwelling retains sufficient off street parking spaces for the existing property.

Paragraph 3.13 of the HDAS SPD states that sufficient garden space should be retained as a consequence of an extension. Three bedroom houses, such as the host dwelling require at least 60sqm. The retained space far exceeds this and it is considered that sufficient space is retained to comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the SPD HDAS: Residential Extension.

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, unnumbered Proposed Front and Side Elevations, Proposed Rear Elevation, Proposed Floor Plan and Proposed Block Plan.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

3 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the side walls or any of the roof slopes of the development hereby approved

REASON

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

5 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 used for purposes such as a bedroom, kitchen, 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 Policy BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

- 1 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.
- 2 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).

Standard Informatives

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.

BE21	Siting, bulk and proximity of new buildings/extensions.
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

- 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: Cris Lancaster

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:	
24 Floriston Avenue	
Planning Application Ref:	Scale:
63065/APP/2016/1302	1:1,250
Planning Committee:	Date:
Central & South	June 2016

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON