

Report of the Head of Planning, Sport and Green Spaces

Address 128 LONG LANE HILLINGDON

Development: Change of use of existing outbuilding to rear from a games room to a bedroom and storage area ancillary to the main dwelling

LBH Ref Nos: 230/APP/2016/1491

Drawing Nos: Location Plan (1:1250)
LON 30/2
LON 30/3
LON 30/4

Date Plans Received: 18/04/2016 **Date(s) of Amendment(s):**
Date Application Valid: 20/04/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application relates to a two storey semi-detached property located on Long Lane. The external walls of the property are covered by a traditional hipped roof. The area to the front of the property, within the curtilage of the dwelling, is covered in hardstanding and provides space to park 2 vehicles.

The site is located in a developed area as identified in the Hillingdon Local Plan (November 2012).

1.2 Proposed Scheme

The application seeks planning permission for the change of use of existing outbuilding to rear, from a games room to a bedroom and storage area ancillary to the main dwelling.

1.3 Relevant Planning History

230/APP/2005/2017 128 Long Lane Hillingdon
ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION

Decision Date: 16-09-2005 Approved **Appeal:**

230/APP/2005/40 128 Long Lane Hillingdon
ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION (INVOLVING DEMOLITION OF EXISTING ATTACHED GARAGE)

Decision Date: 17-02-2005 Refused **Appeal:**

230/APP/2008/1025 128 Long Lane Hillingdon
ERECTION OF A SINGLE STOREY OUTBUILDING TO THE REAR GARDEN FOR USE AS A GAMES ROOM (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT).

Decision Date: 22-05-2008 GPD **Appeal:**
230/APP/2009/1952 128 Long Lane Hillingdon
Conservatory to rear (Retrospective Application).

Decision Date: 02-11-2009 Refused **Appeal:**02-JUN-10 Dismissed
230/APP/2015/4518 128 Long Lane Hillingdon
Change of use of existing outbuilding to rear from a games room to a bedroom and storage area ancillary to the main dwelling (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 22-02-2016 Refused **Appeal:**

Comment on Planning History

The property had a Certificate of Lawful Development Application, reference number: 230/APP/2015/4518 for a change of use of existing outbuilding to rear from a games room to a bedroom and storage area ancillary to the main dwelling.

The application was refused, as Class E does not permit the erection of outbuildings for use as additional residential accommodation of the sort that would normally be found in a house. This is because, to be an incidental use, it must be a use that is not ordinarily required for day to day domestic existence, such as a games/hobby room or home office. The proposed use to incorporate a bedroom and wash facilities that would provide for additional residential accommodation was not considered incidental to the use of the dwellinghouse.

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

A total of 4 neighbouring occupiers, were consulted on the application on 21st April 2016. By the close of the consultation period on 12th May 2016, no objections were received.

Ward Councillor: Requests that the application is reported to committee.

4. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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 the visual amenities of the surrounding area, the impact on the residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

Paragraph 9.3 of the Council's adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions, in relation to the provision of new outbuildings in the rear garden states:

"bulk, height, proportion, floor space, building materials and details of windows and door are the design criteria that will be considered. The external materials should be similar to the ones used in the rear of the existing house. If a ridged roof is proposed, the ridge should not be higher than 4m. For all other types of roof, the roof should not be higher than 3m. Windows must only be placed on the elevation facing the owner's main house and in no other walls".

The existing outbuilding is situated to the rear most part of the applicant's rear garden, and is approximately 8.5m wide and 5.33m in depth. The outbuilding has a gable end roof which is approximately 4.5m in height. The outbuilding has a door and 2 windows on the front elevation. No external changes to the existing outbuilding are proposed.

Paragraph 9.4 of the SPD states:

"The outbuilding must only be used for normal domestic uses related to the residential use of the main house. These uses include parking your car, storing your possessions, use as a children's playroom, green house, garden shed, gym, summerhouse and hobby room, provided it is ancillary to the use of the main house. The outbuilding cannot be used as a separate business unit or as a self contained residential unit, as these could lead to a number of privacy, overlooking, noise and disturbance problems".

The application seeks to change the use of the existing outbuilding from a games/storage room to a bedroom and storage area. The plans show that the outbuilding will be divided into a storage and bedroom and will also include a shower room.

Although the proposal includes both a bedroom and shower room, it is not considered to result in a self contained residential unit, as the outbuilding does not contain a kitchen or living area. Furthermore the outbuilding will not have independent access, as the only access to the outbuilding is via the main dwelling. Given this situation, it would be difficult to argue that the proposed change of use of the existing outbuilding would not be an ancillary

use to the main dwelling, particularly as the main dwelling will be relied upon for cooking and general living purposes. A restrictive condition is recommended to ensure this relationship is maintained and that the use of unit remains as proposed.

The outbuilding is located over 15m from the rear of the adjoining dwellings and would not result in any undue impact on the residential amenity of the occupiers in terms of noise and disturbance.

The existing windows and door on the front elevation of the outbuilding will remain in place, and will not overlook into any neighbouring properties, as they face the rear elevation of the main dwelling. Therefore the proposed outbuilding will not cause any issues regarding overlooking or breach of privacy to any neighbouring properties.

Paragraph 4.9 of the SPD states, that "sufficient garden space should be retained as a consequence of an extension. For a 4 or more bedroom house at least 100 square metres of private usable garden space should be retained".

The amount of private rear garden space that will be retained will remain the same, which is approximately 139sq.m. Therefore the proposed development complies with the above, as well as Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Having taken everything into consideration, it is recommended that this application be approved.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LON 30/3 and LON 30/4.

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 NONSC Non Standard Condition

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 128 Long Lane, Hillingdon and shall not be used as a separate unit of accommodation or for any business

purposes. Furthermore, no internal partitioning or sub-division shall take place and no kitchen facilities shall be installed within the building.

REASON

To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 NONSC Non Standard Condition

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

REASON

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

INFORMATIVES

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

Standard Informatives

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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.

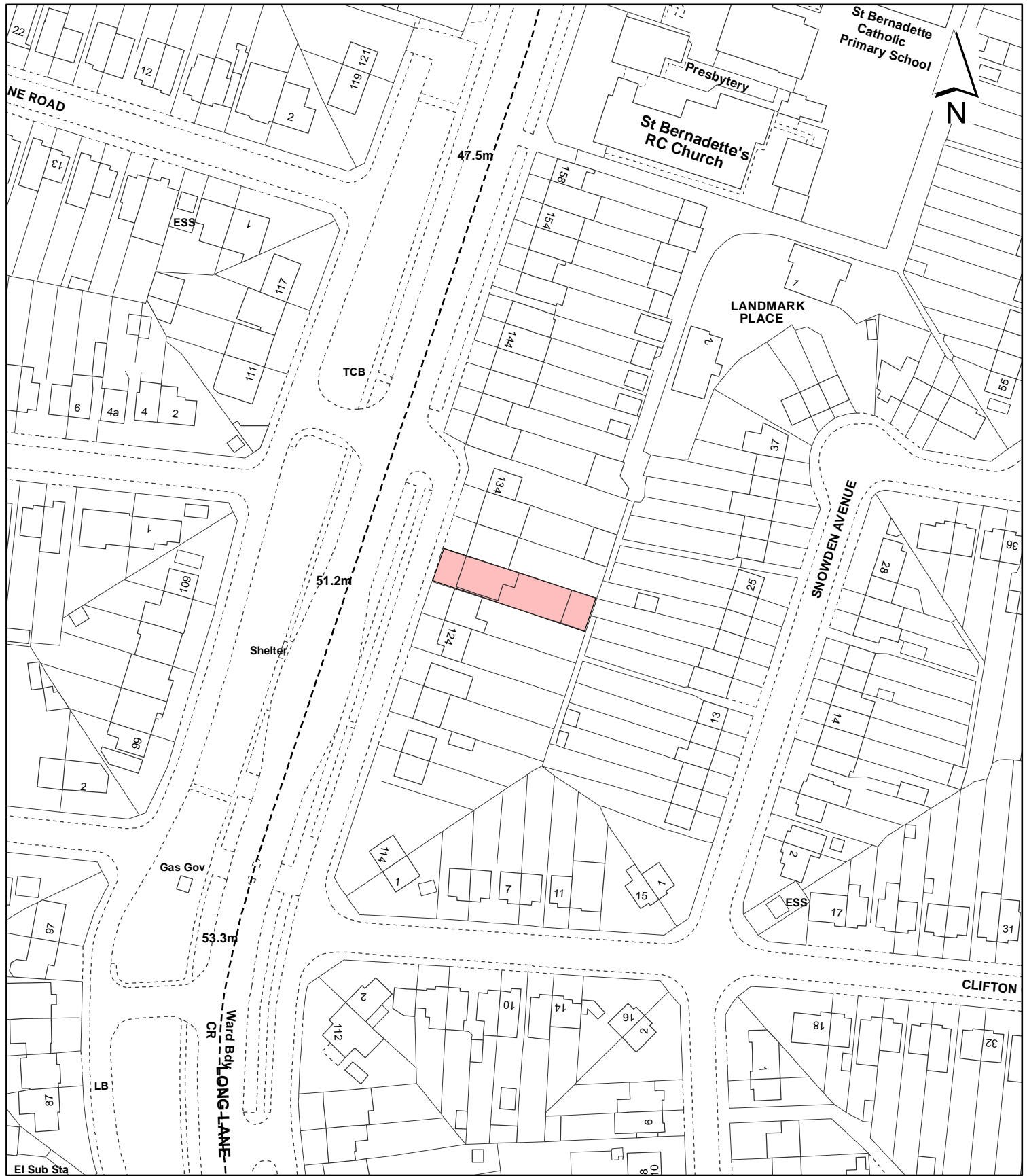
You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the 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: Ayesha Ali

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

128 Long Lane

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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

Planning Application Ref:
230/APP/2016/1491

Scale:
1:1,250

Planning Committee:
Central & South

Date:
July 2016



HILLINGDON
 LONDON