

## Report of the Head of Planning, Sport and Green Spaces

**Address** 50 RODNEY GARDENS EASTCOTE PINNER

**Development:** Retention of single storey rear extension in a modified form involving removal of fascia to rear elevation; alterations to roof to form a crown roof with parapet to rear; and works to brickwork to match the finish of existing dwelling.

**LBH Ref Nos:** 45146/APP/2016/2858

**Drawing Nos:** Ordnance Survey Map  
21600/01 (PRE-EXISTING)  
21600/03 (PROPOSED PLANS)  
21600/02 (EXISTING)

**Date Plans Received:** 22/07/2016      **Date(s) of Amendment(s):**

**Date Application Valid:** 22/07/2016

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site comprises a semi-detached property located on the north-eastern corner of Rodney Gardens and Dovecot Close. The site is bordered to the east by 48 Rodney Gardens whilst 56 Rodney Gardens is located on the opposite side of Dovecot Close. 6 and 7 Dovecot Close are located at the rear of the application site. The site is located within the Eastcote Park Estate Conservation Area, as identified in the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

#### 1.2 Proposed Scheme

The proposal consists of the retention of a single storey rear extension in a modified form involving removal of fascia to rear elevation; alterations to roof to form a crown roof with parapet to rear; and works to brickwork to match the finish of existing dwelling.

#### 1.3 Relevant Planning History

45146/APP/2014/3626      50 Rodney Gardens Eastcote Pinner

Single storey rear extension, involving alterations to side (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision Date:** 24-12-2014      Refused      **Appeal:**

45146/APP/2016/711      50 Rodney Gardens Eastcote Pinner

Alteration to existing single storey rear extension to remove projecting fascia and reducing eaves (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision Date:** 17-06-2016      Refused      **Appeal:**

#### Comment on Planning History

Application reference: 45146/APP/2014/3626 refused consent for a Lawful Development Certificate for the erection of a single storey rear extension. This application was refused

for the following reason:

"The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 because the site is located within a Conservation Area and the proposed extension would extend beyond the side wall of the original dwellinghouse, the proposed extension would also exceed half the width of the original property."

In 2015, a single storey rear extension was erected at the property, which extends the full width of the bungalow and has an eaves height higher than that of the original building. This development was not considered to constitute permitted development.

On 30th July 2015, an enforcement notice was served on the property (effective from 1st September 2015) that required the development to be removed in its entirety. The owner of the property appealed this notice. However, this appeal was dismissed and the enforcement notice upheld.

On 23rd April 2016, a site visit by the Council's Enforcement Officer confirmed that the enforcement notice had not been complied with.

Subsequently, application reference: 45146/APP/2016/711 refused consent for a Lawful Development Certificate for alterations to the existing single storey rear extension to remove projecting fascia and reduce the eaves height. This application was refused for the following reasons:

1. An enforcement notice applies to the single storey extension forming part of this application. The requirements of this notice have yet to be complied with and the proposal involves the retention of a considerable proportion of this unlawful structure but with modifications. As set out within Section 191(3) of the Town and Country Planning Act 1990 (TCPA), the structure upon which the works forming part of this application are proposed are unlawful. It is therefore considered that the proposed works would also be unlawful and in respect of Section 192(2) of the TCPA and the Council is unable to issue a Certificate of Lawfulness.

2. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A(f)(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The bungalow is a semi detached dwellinghouse, by virtue that it shares a party wall with No.48. The extension proposed extends more than 3 metres beyond the rear elevation of the dwellinghouse, exceeding the requirements of part (f)(i).

Given the need for planning permission, this planning application was submitted in an attempt to regularise a development on this site.

## **2. Advertisement and Site Notice**

**2.1** Advertisement Expiry Date:- 21st September 2016

**2.2** Site Notice Expiry Date:- Not applicable

### 3. **Comments on Public Consultations**

11 neighbouring residential properties were consulted 15th August 2016, site notices erected 17th and 31st August 2016, and an advertisement published 31st August 2016. The statutory neighbour consultation period expired 21st September 2016. At the time of writing this report 2 responses have been received which raised the following summarised concerns:

- The extension is out of keeping with the character of the conservation area
- The height is excessive and dominating (roof line not in appropriate position)
- The brick work is non matching to the original property
- Nature of this retrospective planning application following refusals

#### EASTCOTE CONSERVATION PANEL

Comments: This site seems to have a long unresolved list of refused applications, building without consent etc. Rodney Gardens is within the Eastcote Park Estate Conservation Area, therefore rules should be vigorously applied. The Planning Inspector's decision of 17th February 2016 is very clear that this size of extension would cause harm to the Conservation Area.

This current application does not address the Inspector's concerns. The addition of a pitched roof with a parapet on an extension that already exceeds the width of the dwelling does not in any way lessen the impact to the Conservation Area.

The Enforcement notice was upheld at Appeal 6 months ago please can you tell why no action has been taken to date, why we are still having to contest endless planning applications.

#### CONSERVATION AND URBAN DESIGN

Comments: This is a detached bungalow of yellow/brown stock brick, one of many similar properties in Rodney Gardens, in the Eastcote Park Estate Conservation Area. This particular property is in a very prominent position however, being situated on the corner of Rodney Gardens and Dovecote Close.

This bungalow had a shallow, 'L' shaped glazed conservatory at the rear, which was removed a few years ago and replaced with a deep, yellow, flat roofed rear extension, over 3722m deep, and 9,717m wide, its roof rising above the eaves of the hipped main roof and finishing with a deep white plastic fascia. After it failed, retrospectively, to obtain a CLD, it was the subject of an enforcement notice for its total removal (notice upheld on appeal). Subsequent proposed modifications to its roof also failed to obtain a CLD earlier in 2016.

This, the first planning application submitted for the development, proposes the retention of the extension in its entirety and the building of a dummy pitched roof with a large flat crown, behind a front parapet. It is also proposed to stain the brickwork.

It is considered that the extension as built, by reason of its overall scale, materials and design, detracts considerably from the character of this part of the Conservation Area.

The depth of the extension is such that it overwhelms the original bungalow. This is greatly exacerbated by its overall width, which extends not only across the back of the house, but across the back of the garage as well, obscuring the original plan and design of the original house. The design is also quite unsympathetic. The fenestration is quite plain and has not

been designed to respect the leaded casement windows of the main house, or observe their proportions. Meanwhile the brickwork is a very harsh yellow. The bricks of the house are a soft, warm brown laid to a mottled pattern. It is considered that the tinting of the brickwork would be unlikely to achieve a successful match.

The low pitch and large crown proposed would pose a very unattractive roof form, out of keeping with the homogenous, traditional roof forms on the estate. Thus it would not achieve its purpose in making the extension more acceptable.

Para 5.7 in the Eastcote Park Estate Conservation Appraisal states that :  
'Extensions should respect original architectural features and built form in their size, location and elevated design, and exhibit an appropriate quality of design and materials.' It is patently clear that this extension fails to do that, and that it detracts considerably from the special character and appearance of the Conservation Area.

A rear extension would be possible in principle, and advice could be provided as to a suitable size, design and roof form. However, it would not be possible to make minor alterations to the as-built extension, as is proposed here, to achieve such a structure.

#### **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

PT1.HE1 (2012) Heritage

Part 2 Policies:

BE4 New development within or on the fringes of conservation areas

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.

AM14 New development and car parking standards.

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

LPP 7.4 (2015) Local character

LPP 7.6 (2015) Architecture

LPP 7.8 (2015) Heritage assets and archaeology

LPP 7.9 (2015) Heritage-led regeneration

NPPF National Planning Policy Framework

NPPF12          NPPF - Conserving & enhancing the historic environment  
NPPF7            NPPF - Requiring good design

## **5. MAIN PLANNING ISSUES**

### IMPACT ON THE CONSERVATION AREA

The main planning issue to consider in this application is the impact on the Eastcote Park Estate Conservation Area.

Firstly, paragraph 129 of the National Planning Policy Framework (2012) states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

The Eastcote Park Estate Conservation Area Appraisal states that 'The character of the area is derived from the groups of distinctive buildings and the quality of their design features, its green landscaped setting and undulating topography. The latter creates visual interest, with changing views and vistas that are an important element of the area's character. Ill considered and piecemeal alterations could erode this special character if allowed to proceed unmanaged.

Paragraph 5.7 of the Eastcote Park Estate Conservation Area Appraisal states that 'extensions should respect original architectural features and built form in their size, location and elevated design, and exhibit an appropriate quality of design and materials.'

The proposal consists of the retention of a single storey rear extension in a modified form involving removal of fascia to rear elevation; alterations to roof to form a crown roof with parapet to rear; and works to brickwork to match the finish of existing dwelling. The depth and width of the proposed extension would remain as existing.

The Council's Conservation Officer states:

'The extension as built, by reason of its overall scale, materials and design, detracts considerably from the character of this part of the Conservation Area. The depth of the extension is such that it overwhelms the original bungalow. This is greatly exacerbated by its overall width, which extends not only across the back of the house, but across the back of the garage as well, obscuring the original plan and design of the original house. The design is also quite unsympathetic. The fenestration is quite plain and has not been designed to respect the leaded casement windows of the main house, or observe their proportions. Meanwhile, the brickwork is a very harsh yellow. The bricks of the house are a soft, warm brown laid to a mottled pattern.'

In addition, the Council's Conservation and Urban Design Officer states that:

'It is considered that the tinting of the brickwork would be unlikely to achieve a successful match.'

Also:

'The low pitch and large crown proposed would pose a very unattractive roof form, out of keeping with the homogenous, traditional roof forms on the estate. Thus it (the modifications) would not achieve its purpose in making the extension more acceptable.'

The Council's Conservation and Urban Design Officer states that despite the modifications, the proposal would fail to respect the original architectural features, built form, and that it detracts considerably from the special character and appearance of the Conservation Area.

Essentially, the overall scale of the development would remain excessive (particularly in depth and width which would remain unchanged). Although the roof design has been altered, it would be considered an unattractive roof form, out of keeping with the homogenous, traditional roof forms on the estate. The staining or tinting of the existing yellow brick to the extension is not considered to achieve a matching appearance with the brick on the original house, which has a mottled pattern that is a distinctive feature of many of the properties within the area. In combination, these aspects of the proposal are considered to result in an incongruous development, unsympathetic to the architectural composition of the original house, and out of keeping with the character and appearance of the Eastcote Park Estate Conservation Area. As such, the development would cause harm to the Eastcote Park Estate Conservation Area.

The Inspector for the appeal in reference to the extant enforcement notice stated that:

'The extension is seen from a small section of the Conservation Area and consequently the extent of the harm is limited and less than substantial. Nevertheless it does have a harmful impact. It is clear that the extension brings about a number of benefits to the appellant, including the improved internal living space available and the inclusion of the 'warm roof' and other insulation methods. It does not appear that any wider public benefits arise. Whilst the harm may be less than substantial, this is not outweighed by the limited public benefits.

The modified development hereby sought, for the reasons set out above, is still considered to cause less than substantial harm to the Conservation Area. In the absence of any public benefits to outweigh the harm, planning permission should be refused.

To conclude, the development by virtue of its design, scale, and materiality, would result in an incongruous development, unsympathetic to the architectural composition of the original dwelling, out of keeping with the character and appearance of the area, and harmful to the heritage value of the Eastcote Park Estate Conservation Area, contrary to policies BE4, BE13, BE15, and BE19 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012); policies BE1 and HE1 of the Local Plan: Part 1: Strategic Policies (Nov 2012); policies 7.4, 7.6, 7.8, and 7.9 of the London Plan (2016); and chapter 12 of the National Planning Policy Framework (2012).

## OTHER ISSUES

### IMPACT ON NEIGHBOURS

Given the positioning, scale and nature of the proposed development, it would not be considered to cause loss of outlook, daylight or a detrimental sense of enclosure to neighbouring properties. Nor would it result in loss of privacy. Therefore, the proposal would not harm the residential amenity of neighbouring properties, in accordance with policies BE20, BE21, and BE24 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

### HIGHWAYS

The proposal would not raise any concerns with regards to parking, congestion, or highway safety, in accordance with policy AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

## 6. **RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Impact on CA**

The development by virtue of its design, scale, and materiality, would result in an incongruous development, unsympathetic to the architectural composition of the original dwelling, out of keeping with the character and appearance of the area, and harmful to the heritage value of the Eastcote Park Estate Conservation Area, contrary to policies BE4, BE13, BE15, and BE19 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012); policies BE1 and HE1 of the Local Plan: Part 1: Strategic Policies (Nov 2012); policies 7.4, 7.6, 7.8, and 7.9 of the London Plan (2016); and chapter 12 of the National Planning Policy Framework (2012).

## **INFORMATIVES**

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

#### Part 2 Policies:

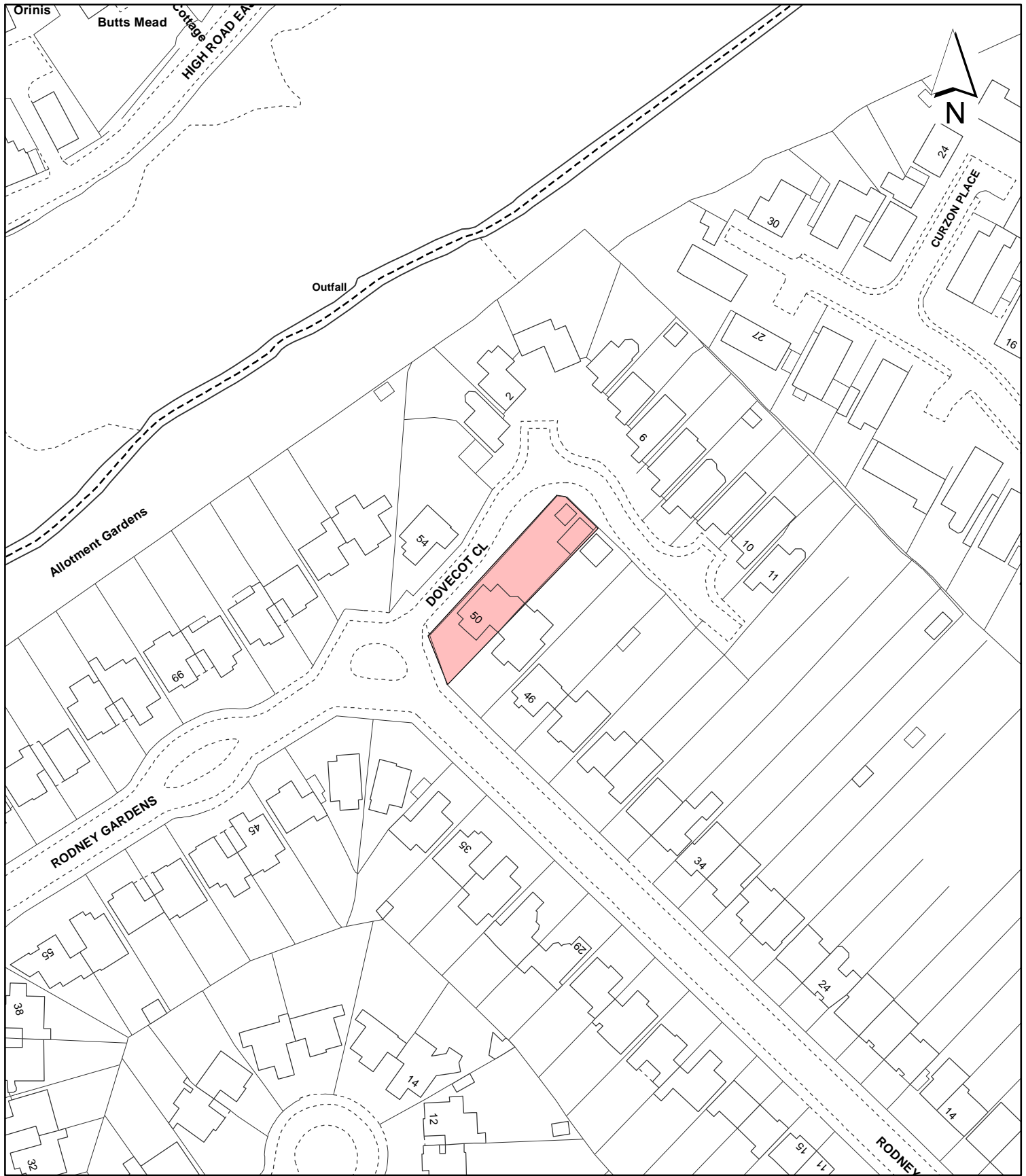
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.

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.
AM14	New development and car parking standards.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 7.4	(2015) Local character
LPP 7.6	(2015) Architecture
LPP 7.8	(2015) Heritage assets and archaeology
LPP 7.9	(2015) Heritage-led regeneration
NPPF	National Planning Policy Framework
NPPF12	NPPF - Conserving & enhancing the historic environment
NPPF7	NPPF - Requiring good design

**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:

**50 Rodney Gardens  
 Pinner**

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

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

Planning Application Ref:

**45146/APP/2016/2858**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**October 2016**



**HILLINGDON**  
 LONDON