

**Item No. 9                    Report of the Corporate Director of Planning and  
Community Services**

**Address:**                    6 HILLMAN CLOSE, UXBRIDGE

**Development:**            INSTALLATION OF A FIRST FLOOR EXTENSION, FRONT  
AND REAR GABLES, FRONT PORCH AND THE ERECTION  
OF A PITCHED ROOF OVER THE EXISTING DETACHED  
GARAGE

**LBH Ref Nos:**            22424/APP/2008/2100

**Drawing Nos:**            0005 Sheet 05 of 12, 0007 Sheet 07 of 12 and 0012 Sheet 12 of  
12, received 09/07/08  
Design & Access Statement, 0101 Sheet 01 of 08, 0110 Sheet  
07 of 08 & 0111 Sheet 08 of 08 received 21/10/08 as amended  
by 0302 Sheet 01 of 6, 0306 Sheet 02 of 6, 0308 Sheet 03 of 6,  
0309 Sheet 04 of 6, 0320 Sheet 05 of 6 and 0304 Sheet 06 of 6  
received 09/03/2009

**Date of receipt:**        09/07/08                    **Date(s) of Amendment(s):** 21/10/08,  
12/11/08 and  
09/03/09

**Variation Report**

Members will recall that this application was presented to the Central and South Planning Committee meeting on the 25<sup>th</sup> November 2008, where it was deferred in order to enable further information to be provided on overlooking, site levels and an amended plan being submitted showing the removal of rooflights/dormers. The original report is attached as Appendix A.

Amended plans have been received which omits all the rooflights from the proposed new roof and no permanent access is shown to the loft space. A condition removing permitted development rights for the insertion of additional windows is recommended to allow the Local Planning Authority to maintain control over any additional windows, including in the loft space. As such, there would be no potential for overlooking from the loft space.

A first floor en-suite bathroom has been omitted, with the space incorporate into the adjoining bedrooms and the side en-suite window facing No. 7 Hillman Close has been replaced with two side secondary bedroom windows. These have been conditioned to be obscure glazed and non-opening.

The plans also show site levels and depict a fall of the land across the site to the south west and south east. The ground level reduces by approximately 1m from the north east corner at the front of the site to the rear and south side boundaries, with much of this change in ground levels occurring in the rear and side garden. The land

continues to fall to the south east so that the rear elevation of No. 178a Harefield Road is approximately 1m below the level of the rear boundary.

The rear elevation of No. 178a is sited approximately 19m from the rear elevation of the application property. Whilst this distance satisfies the minimum 15m distance recommended by design guidance, the difference in levels does add to the overall bulk of the proposed development and it would not satisfy the 21m distance to ensure adequate privacy to the property and a 3m deep patio area. However, as stated in the original report to committee, there is existing mature planting along the rear boundary to the site which does provide an effective screen. Given the short depth of the rear garden of No. 178a, the change in ground levels serves to make this screen more effective. The Tree Officer has visited the site and confirms that the mix of shrubs and trees forming the boundary planting would provide screening all year round. This planting has been conditioned to be maintained at a height of 3.5 to 4m, with any gaps to be filled. No. 176a would also be overlooked within a 45° line of sight from first floor windows, but this would be on the edge of the 45° line of sight so that the potential for overlooking would not be direct and the boundary planting would again provide an effective screen to mitigate any impact.

In terms of the impact of potential overlooking upon No. 23 Water Tower Close, 3 secondary first floor bedroom windows are proposed in the side elevation facing this property, the rear elevation of which is approximately 19m from the side elevation of the application property. The side window to the front bedroom would replace an existing clear glazed side bedroom window in this position, albeit it would now be smaller in size so that there would be no additional overlooking as compared to the existing situation. The two other first floor side secondary bedroom windows represent new windows in new positions and these have been conditioned to be obscure glazed. A first floor side en-suite window facing No. 7 Hilman Close has been replaced with two secondary bedroom windows. These have been conditioned to be obscure glazed.

The proposal is considered to accord with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

The plans also show 3 indicative parking spaces on the existing gravelled area at the front of the site.

**RECOMMENDATION: APPROVAL, subject to the following conditions:**

- |   |   |
|---|---|
| 1) (T8) Time Limit (Full)   | 1) (T8) Standard  |
| 2) (M2) External surfaces to match existing building                                      | 2) (M2) Standard  |
| 3) (OM1) Development in accordance with Approval Plans                                    | 3) (OM1) Standard<br>(REASON: "... policies BE13 and BE15") |
| 4) (RPD1) No additional windows or doors – 'all elevations'                               | 4) (RPD1) Standard  |
| 5) (RPD2) Obscured Glazing and Non-Opening Windows 'first floor secondary bedroom windows | 5) (RPD2) Standard  |

- facing No. 7 Hillman Close, the 2 rearmost secondary side bedroom windows facing No. 23 Water Tower Close and the rear en-suite bathroom windows facing No. 178a Harefield Road'
- |     |   |     |                |
|-----|---|-----|----------------|
| 6)  | (TL2) Trees to be retained  | 6)  | (TL2) Standard |
| 7)  | (TL3) Protection of trees and plants during site clearance and development  | 7)  | (TL3) Standard |
| 8)  | (TL3) Protection of trees and plants during site clearance and development  | 8)  | (TL3) Standard |
| 9)  | (TL5) Landscaping scheme  | 9)  | (TL5) Standard |
| 10) | (TL6) Landscaping scheme - implementation   | 10) | (TL6) Standard |
| 11) | (TL7) Maintenance of Landscaped Areas   | 11) | (TL7) Standard |
| 12) | The existing screen planting and hedging on the boundary with 176A and 178A Harefield Road shall be allowed to grow / maintained at a height of 3.5 to 4m. Any gaps which may occur shall be filled with replacement planting of a similar size and species within the next planting season or such other period as may be agreed in writing by the Local Planning Authority. | 12) | (M7) 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 and London Plan 2004 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
  - BE13 – new development to harmonise with the existing street scene.
  - BE15 – extensions to harmonise with the scale, form, architectural

composition and proportions of the original building.

BE19 – new development to complement and improve the amenity and character of the area.

BE20 – ensure adequate daylight and sunlight can penetrate into and between buildings and the amenities of existing houses are safeguarded.

BE21 – siting, bulk and proximity of extensions not to result in a significant loss of residential amenity.

BE22 - Residential extensions/buildings of two or more storeys

BE23 – sufficient external amenity space

BE24 – design to protect privacy of occupiers and neighbours

BE38 - Retention of topographical and landscape features, and provision of new planting and landscaping in developments proposals

AM14 – Car parking standards

London Plan Policy 4A.3 - Sustainable Design and Construction

Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents):

5.0 – Side and First Floor Side Extension: Two Storey

6.0 – Rear and First Floor Rear Extensions: Two Storey

7.0 – Loft Conversions and Roof Alterations

8.0 – Front Extensions, Porches and Bay Windows

3) (1) – Building to Approved Drawing

4) (2) – Encroachment

5) (3) – Building Regulations

6) (5) – Party Walls

7) (6) – Property Rights/Rights of Light

8) (15) Environmental considerations with construction/demolition work

9) (43) - Dirt on highway

10) (46) – Sustainable resources

11) (47) – Damage to verge

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INVOLVING THE INSTALLATION OF ROOFLIGHTS AND THE  
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Sheet 08 of 08 received 21/10/08  
0202 Sheet 01 of 1 received 12/11/08

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## CONSULTATIONS

8 adjoining owner/occupiers have been consulted. 6 letters of objection (2 from the same neighbour) have been received making the following comments:

- (i)      Overlooking and loss of privacy to properties in Hillman Close, 176a and 178a Harefield Road and 23 Water Tower Close
- (ii)     Loss of sunlight to 5 Hillman Close
- (iii)    Overdominant in relation to other properties in the street
- (iv)    Neighbouring properties have not been consulted
- (v)    Conditions attached to the planning permission for the original house prevented windows facing 176a and 178a Harefield Road

## External Consultees

North Uxbridge Residents' Association	No comments received
Ickenham Residents' Association	No comments received

## Internal Consultees

### Trees/Landscape

The vegetation on the site comprises relatively small trees and mature hedges, which are not covered by TPO 96, in the rear/side garden. The trees and hedges should be retained as part of the development of the site.

The application includes a tree survey plan. The scheme makes provision for the retention of all of the trees and hedges (subject to adequate protection during the construction period) and reserves space for supplementary landscaping.

Subject to conditions TL2, TL3, TL5, TL6 and TL7, the proposed development is acceptable in terms of saved policy BE38 of the UDP.

Further Comments following a site visit

The vegetation along the rear boundary (on and off site) is a mixture of deciduous, evergreen and semi-evergreen trees, shrubs and climbers, which form a continuous low-mid level screen between the properties on either side of the site boundary. There is also a row of conifers along the side boundary.

The vegetation does not comprise a high hedge as defined under the Anti-social Behaviour Act 2003, but the row of conifers along the side boundary does.

The species mix and form of the trees and shrubs is such that it will be possible to maintain a 3.5 - 4m high semi-evergreen screen along the rear boundary of the site in the future. If necessary the retention of the screen and its management, as part of the development, could be secured by the imposition of condition TL8 (modified).

### Urban Design/Conservation

This is modern dormer bungalow located directly to the north of the North Uxbridge Area of Special Local Character. Adjacent to the property are modern two storey houses with gables directly fronting the street.

Whilst it may be possible in design terms to extend the bungalow upwards, as proposed, the property would present a wide and rather bland frontage to the street. Photos of some of the surrounding properties within the area have been provided by the applicant. These show

houses that have a degree of architectural “modelling” to their principal elevation. Particular features are forward projecting gables, catslide type roofs and dormers of different size/design - these features help break up the bulk of the elevations and provide visual interest within the street scene.

The elevational design needs revision in order to break up the bulk and width of the frontage, so that it reflects the appearance of the surrounding buildings within the area.

Update: the application has been amended to accord with the above comments.

Councillor Cooper  
(Ward Councillor)

Requests that this application is determined by the  
Planning Committee

### **KEY PLANNING ISSUES**

1. The application site is located on the west side of Hillman Close at the bottom of the cul de sac and comprises a modern dormer bungalow and a detached garage along the shared side boundary with No. 5 Hillman Close. The property was subject to fire damage in June 2006 and has since been deemed uninhabitable. To the north lies No. 7 Hillman Close, a detached two storey house, to the west and south west lie Nos. 176a and 178a Harefield Road, a detached house and bungalow respectively and to the south east lies No. 23 Water Tower Close, also a detached house. The land slopes to the west so that the properties to the south west are approximately 0.5m to 1.0m lower than the application property. The street scene is residential in character and appearance, mainly comprising two storey detached houses. The application site lies within the ‘developed area’ as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), with the North Uxbridge Area of Special Local Character immediately adjoining the site to the south. The application site is also covered by TPO 96.
2. It is proposed to retain the building footprint and construct a first floor addition with centrally positioned front and rear gable ends, and finished with a hipped roof, increasing the height of the property from 6.4m high at ridge level to 5.4m high at eaves level and 8.4m high at ridge level. It is intended to retain the roof as loft space, with no permanent staircase access.
3. The centrally positioned front gable would measure 6.2m wide, with the rear gable 5.8m wide, 0.8m deep and finished with a ridged roof set 0.65m below the new roof ridge. The front porch would be centrally positioned on the new front gable measuring 1.8m wide, 0.4m deep, and finished with a hipped roof 0.45m deep and 3.15m high. 10 rooflights are proposed in the new roof, two each in the side roof slopes of the front and rear gables, two each in the front and rear and one each on the side roof slopes of the house.

4. The existing flat roof above the detached garage would be replaced with a gable end pitched roof measuring 2.6m high at eaves level and 3.6m high at its ridge.
5. The proposed first floor addition would represent a significant increase in the bulk and scale of the original property. However, this is not considered to be to its detriment. The proposed additional storey by reason of its size, siting and design would still maintain the detached character of the surrounding area. The proposed front porch and new first floor windows would relate satisfactorily with the proportions of the enlarged house and the front and rear gables would break up the bulk and width of the frontages, reflecting the character and appearance of surrounding properties.
6. The proposed increase in the overall height of the application property would match the height of other properties in the street, notably at Nos. 7 and 8 Hillman Close. The rooflights are satisfactory, and overall, the proposal is not considered to detract from the character and appearance of the street scene and surrounding area generally, in accordance with Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and Section 7.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.
7. The new hipped roof over the existing flat roof detached garage represents an improvement upon the existing flat roofed structure and would not detract from the character and appearance of the street scene, in accordance with Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).
8. Although the two storey proposal would only be set back from the side boundary adjoining No. 7 Hillman Close by approximately 150mm, the proposed first floor would not result in any closure of the existing gap between this and the adjoining property, given the bungalow's existing gable end roof. As such, it is considered that a reason for refusal could not be justified on this ground and the proposal accords with Policy BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and Section 5.0 of the Hillingdon Design & Accessibility Statement: 'Residential Extensions'.
9. The proposal would only project approximately 1m beyond the rear elevation of No. 7 Hillman Close which is set back from the side boundary by some 2.5m so that a 45° line of sight taken from its rear facing windows would not be breached. No. 7 Hillman Close does have first floor side windows facing the application property, but only the forwardmost of these windows serves a habitable room, the outlook from which would only partially be obstructed by the new first floor. A large side dormer has also been installed at No. 7 that contains second floor side windows, but given their relative height as compared to the proposal, they would not be adversely affected by undue dominance and/or loss of sunlight. Furthermore, it is only the rearmost of these windows which serves a habitable room (a bedroom), the view from which would only partially be obstructed by the proposal. As such, the proposal would not result in a visually intrusive and overdominant form of

development when viewed from the adjoining property, in accordance with Policies BE20 and BE21 of the Adopted Unitary Development Plan (Saved Policies, September 2007).

10. As 176a Harefield Road lies to the south west and 5 Hillman Close lies to the south east, no overshadowing would result to these properties.
11. The proposed front windows would overlook the street. The only property sited within a 21m distance would be 5 Hillman Close, but only the garage doors and a non-habitable room window would be within the 45° line of sight, at a distance of approximately 20m. The proposed first floor bathroom window facing 7 Hillman Close, the secondary bedroom room windows facing 23 Water Tower Close and the first floor rear en-suite bathroom windows facing 178a Harefield Road and the side and rear facing rooflights can be fitted with obscure glass and made to be non-opening to prevent overlooking.
12. The application property is on higher ground and is sited some 19m from the rear wall of 178a Harefield Road. This distance is sufficient to ensure that the proposed development would not represent a visually intrusive and overdominant form of development or a significant increase in overshadowing. Although the proposal would not meet the recommended 21m overlooking distance, and the change in levels has the potential to increase the overall bulk of the proposal from adjoining properties to the south west, the change in site levels also makes the existing 3 to 5m high trees and shrubs on the rear boundary of the site more effective in providing screening to the rear elevations and gardens of Nos. 176A and 178A from the impact of the views from the proposed first and second floor windows. Furthermore, the Council's Tree/Landscape Officer has inspected the site and confirms that the existing mix of shrubs and trees would provide an adequate all year round screen. As such, it is considered that the proposal would not harm the residential amenities of adjoining occupiers, in accordance with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), subject to a condition requiring the maintenance of the boundary trees and shrubs.
13. No objections are raised to the new garage roof on residential amenity grounds, which is sufficiently remote from adjoining residential properties.
14. The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy 4A.3 and BE20 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007). Private amenity space in excess of 250m<sup>2</sup> and off-street parking would not be affected by the proposed development and the proposal makes adequate provision for the retention of all of the trees and hedges on the site, in accordance with policies BE23, BE38 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).
15. With regards to the third party comments, points (i) to (iii) have been addressed in the report. On point (iv), further consultation was carried out. On point (v), the conditions relating to the original planning permission are noted

however, planning applications have to be determined on their own merit, having regard to existing site conditions.

16. For the reasons outlined above and that the proposal would comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007), this application is recommended for approval.

## **OBSERVATIONS OF BOROUGH SOLICITOR**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached. Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective. Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

## **OBSERVATIONS OF THE DIRECTOR OF FINANCE**

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

## **RECOMMENDATION: APPROVAL, SUBJECT TO THE FOLLOWING CONDITIONS:**

-

**1) (T8) Time Limit (Full)**

**1) (T8) Standard**

- |     |  |     |  |
|-----|--|-----|--|
| 2)  | <b>(M2) External surfaces to match existing building</b>   | 2)  | <b>(M2) Standard</b>   |
| 3)  | <b>(OM1) Development in accordance with Approval Plans</b>   | 3)  | <b>(OM1) Standard<br/>(REASON: "... policies BE13 and BE15")</b> |
| 4)  | <b>(RPD1) No additional windows or doors – facing '7 Hillman Close, 25 Water Tower Close and 176a and 178a Harefield Road'</b>   | 4)  | <b>(RPD1) Standard</b>   |
| 5)  | <b>(RPD2) Obscured Glazing and Non-Opening Windows 'first floor en-suite bathroom window facing No. 7 Hillman Close, the secondary side bedroom windows facing No. 25 Water Tower Close and the rear en-suite bathroom windows facing No. 178a Harefield Road and all side and rear facing rooflight windows'</b>  | 5)  | <b>(RPD2) Standard</b>   |
| 6)  | <b>(TL2) Trees to be retained</b>  | 6)  | <b>(TL2) Standard</b>  |
| 7)  | <b>(TL3) Protection of trees and plants during site clearance and development</b>  | 7)  | <b>(TL3) Standard</b>  |
| 8)  | <b>(TL3) Protection of trees and plants during site clearance and development</b>  | 8)  | <b>(TL3) Standard</b>  |
| 9)  | <b>(TL5) Landscaping scheme</b>  | 9)  | <b>(TL5) Standard</b>  |
| 10) | <b>(TL6) Landscaping scheme - implementation</b>   | 10) | <b>(TL6) Standard</b>  |
| 11) | <b>(TL7) Maintenance of Landscaped Areas</b>   | 11) | <b>(TL7) Standard</b>  |
| 12) | <b>The existing screen planting and hedging on the boundary with 176A and 178A Harefield Road shall be allowed to grow / maintained at a height of 3.5 to 4m. Any gaps which may occur shall be filled with replacement planting of a similar size and species within the next planting season or such other period as may be agreed in writing by the Local Planning Authority.</b> | 12) | <b>(M7) Standard</b>   |

## **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).

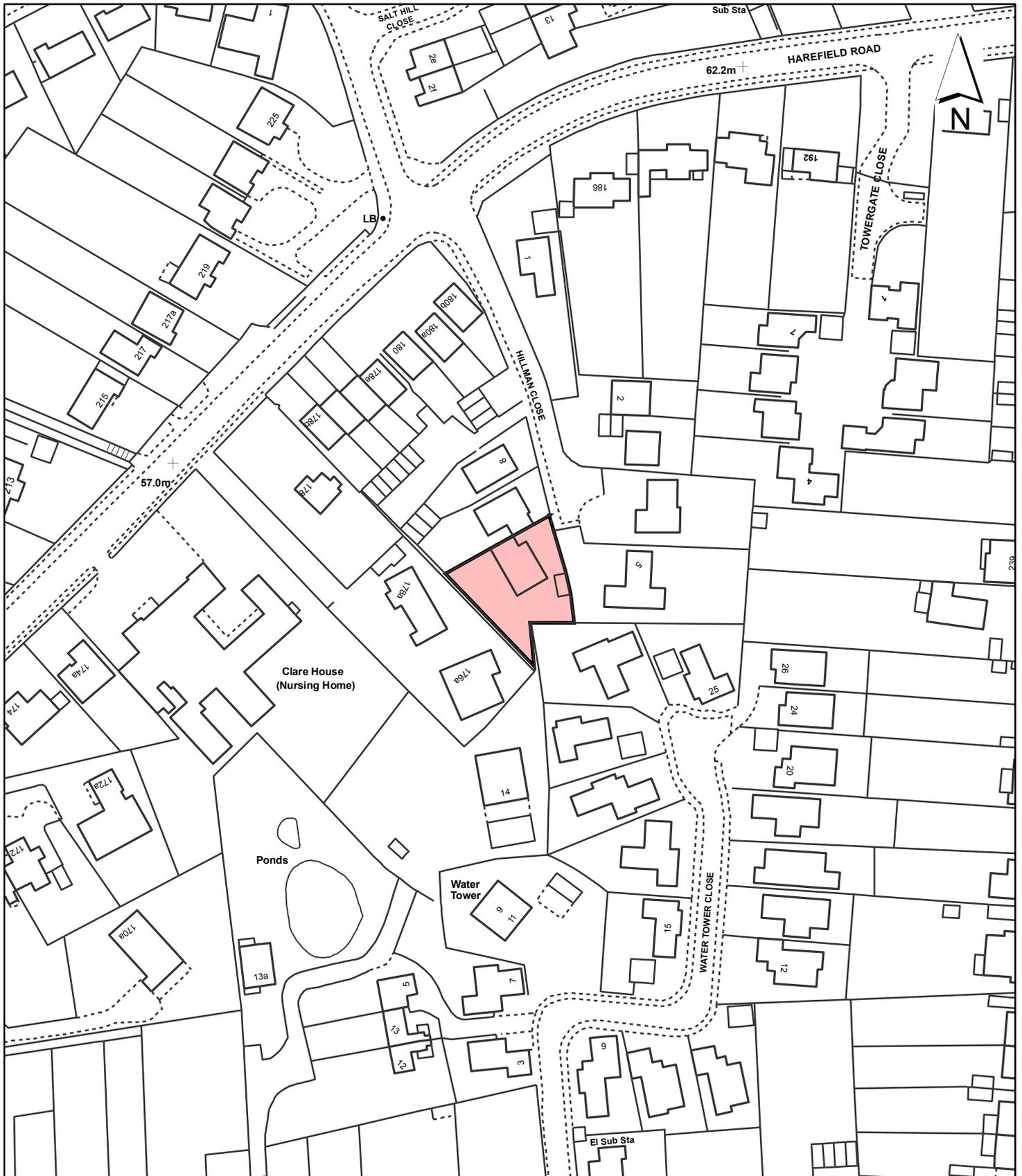
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- BE13 – new development to harmonise with the existing street scene.
  - BE15 – extensions to harmonise with the scale, form, architectural composition and proportions of the original building.
  - BE19 – new development to complement and improve the amenity and character of the area.
  - BE20 – ensure adequate daylight and sunlight can penetrate into and between buildings and the amenities of existing houses are safeguarded.
  - BE21 – siting, bulk and proximity of extensions not to result in a significant loss of residential amenity.
  - BE22 - Residential extensions/buildings of two or more storeys
  - BE23 – sufficient external amenity space
  - BE24 – design to protect privacy of occupiers and neighbours
  - BE38 - Retention of topographical and landscape features, and provision of new planting and landscaping in developments proposals
  - AM14 – Car parking standards
  - London Plan Policy 4A.3 - Sustainable Design and Construction

**Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents):**

- 5.0 – Side and First Floor Side Extension: Two Storey
  - 6.0 – Rear and First Floor Rear Extensions: Two Storey
  - 7.0 – Loft Conversions and Roof Alterations
  - 8.0 – Front Extensions, Porches and Bay Windows
- 3) (1) – Building to Approved Drawing
- 4) (2) – Encroachment
- 5) (3) – Building Regulations
- 6) (5) – Party Walls
- 7) (6) – Property Rights/Rights of Light
- 8) (15) Environmental considerations with construction/demolition work
- 9) (43) - Dirt on highway
- 10) (46) – Sustainable resources
- 11) (47) – Damage to verge

**Contact Officer:** SONIA BOWEN

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**Notes**

 Site boundary

For identification purposes only.

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Planning Application Ref:	Scale
<b>22424/APP/2008/2100</b>	<b>1:1,250</b>
Planning Committee	Date
<b>Central and South</b>	<b>April 2009</b>

**LONDON BOROUGH  
OF HILLINGDON**

**Planning &  
Community Services**

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**HILLINGDON**

Page 01 of 73