

Report of the Head of Planning, Sport and Green Spaces

Address 28 KEATS WAY WEST DRAYTON MIDDLESEX

Development: Retention of existing outbuilding and use of this as office with shower and toilet facility ancillary to the existing HMO.

LBH Ref Nos: 58018/APP/2016/1973

Drawing Nos: 2016-028-A-2
2016-028-A-1
2016-028-A-3 Rev 1

Date Plans Received: 24/05/2016 **Date(s) of Amendment(s):**

Date Application Valid: 24/05/2016

1. CONSIDERATIONS

1.1 Site and Locality

28 Keats Way is a semi detached building located on the western side of Keats Way. The property has been converted to a C4 HMO with 6 residents, one of whom is the applicant. The HMO is licensed and registered on the Council's database.

The surrounding area is predominantly residential in character, consisting of largely 2 storey semi-detached and terraced dwellinghouses.

1.2 Proposed Scheme

This application seeks consent for the retention of the existing outbuilding and use of this space as an office with shower and toilet facility ancillary to the existing HMO.

The outbuilding is 6 metres in length, 3.6 metres in width and 2.5 metres in height. Having visited the site, it has a shower room with toilet in one end and the remainder was laid out with a desk and storage, and in use as an office. The application has been accompanied by a draft Unilateral Undertaking to ensure that the outbuilding is not used and/or occupied for the purpose of permanent residential accommodation.

1.3 Relevant Planning History

58018/APP/2016/1954 28 Keats Way West Drayton Middlesex

Demolish existing outbuilding and rebuild, as office with shower and toilet facilities in ancillary use to the Class C3/C4 Dwellinghouse (Application for a Certificate of Lawful Development for a Proposed Development).

Decision Date: 11-08-2016 Approved **Appeal:**

Comment on Planning History

The most relevant history for the site is listed.

Application 58018/APP/2016/1954 was a lawful development certificate that was granted

for the demolition of the existing outbuilding and rebuild, as office with shower and toilet facilities in ancillary use to the Class C3/C4 Dwellinghouse. This application was granted consent.

An enforcement notice was served and the breach of planning control as alleged was the erection of an outbuilding and use for permanent residential accommodation. The requirements of this notice were to demolish the outbuilding. The notice was appealed by the applicant and the appeal was dismissed and the notice upheld.

It is important to note that whilst the outbuilding was reduced in height to 2.5 metres to try and comply with Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2016, its erection was a breach of planning control because at the time it was erected its height in proximity to the boundary, exceeded the terms of Class E. The Inspector concluded that this breach could not be subsequently rectified by changes made to the building. This meant for the applicant, that in order to retain the outbuilding on the site, retrospective planning permission would be required, or the applicant would need to demolish and rebuild the outbuilding.

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

4 residents were notified of the application and one response was received which raised the following concerns:

- Neighbour has witnessed personal affects being delivered to "house at the back" and also seen someone going in and out of the outbuilding;

HEATHROW SAFEGUARDING
No objections.

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
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF7	NPPF - Requiring good design

5. MAIN PLANNING ISSUES

The main issues for consideration with this application are whether the retention of the existing building and its use as an office would have a detrimental impact on the character and appearance of the surrounding street scene and amenities of the surrounding occupants.

Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) state that development must harmonise with the existing street scene as well as the scale, form, architectural composition and proportions of the host dwelling.

The HDAS Supplementary Planning Guidance Section 9.2 Detached Outbuildings, states that where planning permission is required for an outbuilding, these should be placed to prevent overshadowing adjoining houses and generally set in 500mm from the boundaries. The bulk height, footprint, proportion and location of windows should be carefully considered and be no more than 3m high with a flat roof. Windows should face the owner's main house and should leave a significant amount of usable garden space. The outbuilding should also only be used for domestic uses related to the residential use of the main house

The outbuilding is sited at the bottom of the rear garden of the site and has a flat roof which measures a maximum of 2.5 m high. The outbuilding has a total floor area of 21.6 sq.m, and benefits from a largely open plan internal layout, which is used as a home office, with toilet/shower room. The applicant has confirmed that the outbuilding is used as an ancillary storage room for the occupiers of the main dwelling house and as an office for use by the applicant, who is a researcher in Learning Technologies. Given the use of the main dwellinghouse as a C4 HMO, it was evident from the site visit that storage space is limited inside. During the site visit, several boxes and additional furniture pieces and appliances were witnessed stacked in one corner of the outbuilding, in addition to a computer desk and printer. No evidence of a bed for sleeping or cooking food were evident at the time of the visit.

The outbuilding fails to retain a gap between the outer walls and the shared boundary to all sides, however by virtue of its separation distance from the rear wall of the host dwelling, the size, scale, height and location is considered not to have a harmful impact on the character and appearance of the original dwelling. There are a number of large outbuildings evident within the surrounding area, and the size and scale of this outbuilding, is similar to that adjacent at No. 30 Keats Way. By reason of such, the retention of an outbuilding in this location of the size and scale proposed is not considered to have a detrimental impact on the character and appearance of the surrounding street scene.

The application site benefits from a separate side access leading to the rear garden, however to ensure the outbuilding is used only for a purpose incidental to the enjoyment of the main dwellinghouse, the applicant has submitted a Unilateral Undertaking with the application stating that the outbuilding will not be used and/or occupied for the purpose of permanent residential accommodation.

The outbuilding is considered to be in accordance with Policies BE13, BE15, BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the HDAS Supplementary Planning Document.

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity would not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 should protect the privacy of the occupiers and their neighbours.

The detached outbuilding is situated at the bottom of the rear garden and is considered by reason of its separation distance from the host dwelling and adjoining neighbours, its size, scale and design, would not result in an adverse impact upon the residential amenities and light levels of the adjoining and nearby properties. Additionally the outbuilding benefits from a single door and window on the side elevation, and obscurely glazed window facing Keats Way, which given their height and siting, would not overlook the surrounding properties to an unacceptable degree.

The development is therefore considered to be in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012).

In terms of amenity space, prior to the construction of the outbuilding, a garage existed in this location which had a footprint of 24 sq.m and a garden area of 62 sq.m. The application site would retain approximately 64.2 sq.m of rear garden space, which although falls short of the Council's standards for amenity space, would provide a marginal increase and not be too dissimilar to the size of other gardens within adjacent properties. The space is considered usable in terms of its shape and size, and would be in accordance with Policy BE23 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012).

Overall, it is considered that the subject to the completion of the legal agreement to ensure the appropriate future use of the out building, the application be approved.

6. RECOMMENDATION

That delegated powers be given to the Head of Planning and Enforcement to grant planning permission, subject to the following:

A) That the Council enter into a Section 106 undertaking or other appropriate legislation to ensure that:

i) the outbuilding shall not be used and/or occupied for the purpose of permanent residential accommodation without the benefit of planning permission.

B) That the applicant meets the Council's reasonable costs in the preparation of the S106 undertaking and any abortive work as a result of the undertaking not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed undertaking and conditions of approval.

D) That if any of the heads of terms set out above have not been agreed and the S106 legal undertaking has not been finalised before the 25/01/2017, or any other period deemed appropriate that delegated authority be given to the Head of Planning and Enforcement to refuse the application for the following reason:

'The outbuilding by virtue of its size, internal layout, provision of facilities including a shower room and wc, and the existence of an independent access, would be tantamount to the creation of a self contained separate dwelling, where such a dwelling would not be acceptable due to its impact on the character and appearance of the host dwelling and the wider locality, the need for additional parking and amenity space and issues relating to impact on the existing and adjoining dwellings. Therefore the proposal would be contrary to Policies AM14, BE13, BE15, BE19, BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.'

E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the legal undertaking under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F) That if the application is approved, the following conditions be attached:

1 RES4 Accordance with Approved Plans

The development hereby permitted shall be retained/maintained for as long as the development remains in existence in complete accordance with the details shown on the submitted plans, numbers 2016-028-A-3 Rev 1

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 (2016).

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) 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.
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HDAS-E)	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF7	NPPF - Requiring good design

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.

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NPPF7	NPPF - Requiring good design

- 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.

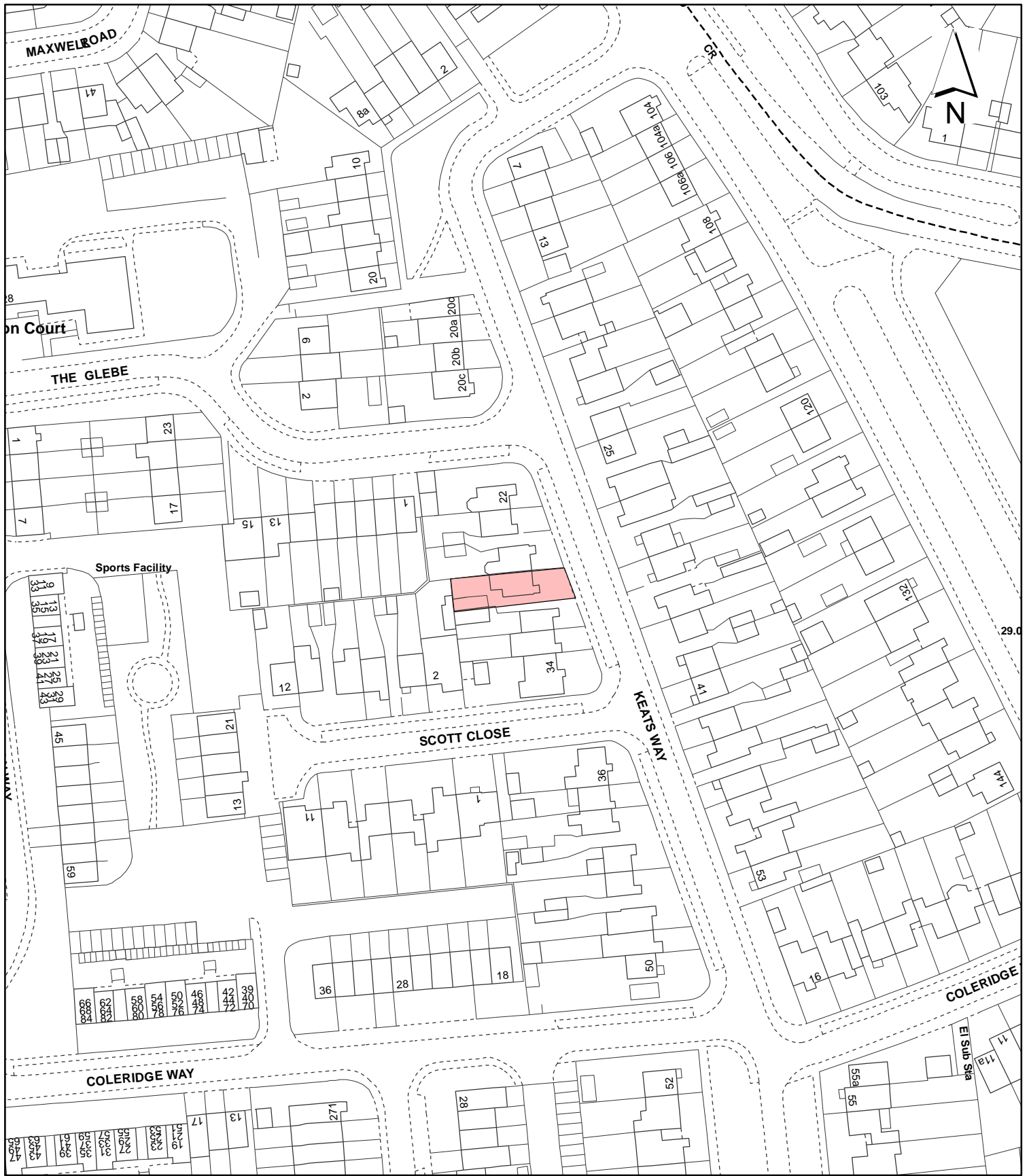
You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the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

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**28 Keats Way
 West Drayton**

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

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

Planning Application Ref:

58018/APP/2016/1973

Scale:

1:1,250

Planning Committee:

Central & South

Date:

November 2016



HILLINGDON
 LONDON