

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

**Address** 235 TOLCARNE DRIVE PINNER

**Development:** Conversion of roofspace to habitable use to include a rear dormer, 2 front rooflights and conversion of roof from half-hip to gable end with a new gable end window.

**LBH Ref Nos:** 64250/APP/2016/3211

**Drawing Nos:** MC/CL 09-02/LB Rev A  
MC/CL 09-03/LB Rev A  
MC/CL 09-04/LB  
MC/CL 09-01/LB

**Date Plans Received:** 23/08/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 23/08/2016

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site comprises a two bedroom end of terrace new build property with a projecting front gable and a single storey side extension, which is formed in part by a former garage. The principal elevation faces South West.

The main street scene is residential in character and appearance comprising predominately semi-detached properties.

The site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). It is also covered by TPO 532A.

#### 1.2 Proposed Scheme

The application seeks planning permission for the conversion of roofspace to habitable use to include a rear dormer window and 2 front rooflights.

#### 1.3 Relevant Planning History

64250/APP/2008/787 235 Tolcarne Drive Pinner  
ERECTION OF A SINGLE STOREY REAR EXTENSION.

**Decision Date:** 29-04-2008 Approved **Appeal:**

64250/APP/2012/2876 235 Tolcarne Drive Pinner

Single storey side extension and conversion of attached garage to habitable use involving alterations to rear elevation

**Decision Date:** 14-01-2013 Approved **Appeal:**

#### Comment on Planning History

64250/APP/2012/2876 - Single storey side extension and conversion of attached garage

(approved)

## **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**

EXTERNAL:

6 neighbours were consulted for a period of 21 days expiring on the 22 September 2016. A site notice was also erected in front of no.237 expiring on 3 October 2016.

There were six responses from neighbouring properties and a petition with 20 signatures, objecting on the following grounds:

1. Loss of privacy.
2. Visually overbearing.
3. Inappropriate design.
4. Out of keeping to the adjacent terraced houses.
5. Set a precedent for other properties in the Burlington Close development of which this is a part, which already has parking issues.

OFFICER COMMENT:

Issues 1-4 are addressed within the main report. With regard to issue 5, all applications have to be considered on their own merits.

Northwood Residents Association: No response.

INTERNAL:

Trees/Landscape Officer:

There are no trees, protected or otherwise at this address. The application only refers to the conversion of the roof space, roof design and roof windows within the existing footprint of the building. There will be no landscape impact.

## **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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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 residential amenity of the neighbouring dwellings, provision of acceptable residential amenity for the application property and parking provision.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF (2012) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The Council's adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions states at Paragraph 7.4:

"Rear roof slopes which are only visible from surrounding gardens do impact on residential areas since these affect the character and appearance of a residential area. It is just as important for such roof extensions to relate well to the proportions, roof forms and massing of the existing house and its neighbours as elsewhere."

It goes on to state in Paragraph 7.5:

"It is important to create an extension that will appear secondary to the size of the roof face within which it will be set. Roof extensions that would be as wide as the house and create the appearance of an effective flat roofed third storey will be refused permission."

Paragraph 7.7 requires rear dormer windows to be set a minimum of 0.3 m down from the ridge, 0.3 m above the eaves and at least 0.5 m from the sides of the roof.

The development, within which the site is set, is in relative terms, a fairly recent development, constructed in the early to mid-1990's. It exhibits a considerable level of uniformity of design and appearance. The proposed amended plans have removed the change from a hip to gable and substantially reduced the size of the proposed dormer window, setting it in further from the edge of the roof. The proposed dormer window now complies with HDAS requirements and appears secondary to the size of the roof face within which it is set.

As such it is considered that the proposal respects the character and appearance of the original house and is subordinate to the original dwelling and would not be detrimental to the visual amenity of the street scene and the wider area. Therefore the proposal complies with the requirements of Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 7.0 of the adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions.

Policy BE20 states that buildings should be laid out to allow adequate daylight to penetrate, and that amenities of existing houses should be safeguarded. It is not considered the change from half hip to gable and proposed dormer window would result in any significant loss of amenity to nearby properties in terms of loss of light or overdominance. Policy BE24 states that the proposal should protect the privacy of the occupiers and their neighbours. The SPD advises that adequate distance should be maintained to any area from which overlooking may occur and as a guide the distance should not be less than 21 m. The amended proposal includes one new side window facing no. 237, however this will serve the staircase and can be conditioned to be obscure glazed and fixed shut. Concern has been raised over the potential loss of privacy to the properties to the rear. Nos. 3, 4 and 5 Burlington Close are set at an angle to the application site with the rear of their properties facing North West against the rear of no. 235 which faces North East. Given the obtuse angle of the orientation it is not considered there would be an issue of direct overlooking between these properties. The nearest property to the rear is no. 6 which is situated approximately 22.3m away. Furthermore the rear dormer window would be in addition to first floor windows which already give some views over boundary features to other nearby properties and vice versa, and thus it would be difficult to argue that the dormer window could be refused planning permission. Given the position of the proposed development and degree of separation to the neighbouring properties it is not considered that there will be a significant increase in overshadowing, loss of sunlight, visual intrusion, over-dominance or loss of privacy. As such, the proposal is in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Paragraph 5.13 of the SPD HDAS: Residential Extensions requires sufficient garden space to be retained as a consequence of an extension. The proposal would increase the size of the dwelling from a 2 bed to 3 bed property requiring 60 sq m of private amenity space. The dwelling benefits from a rear garden of approximately 95 sq m so sufficient garden space would be retained.

Judged against parking standards, there is no impact on the existing parking provision as a result of these proposals.

## 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 MC/CL 09-02/LB Rev A and MC/CL 09-03/LB Rev A.

#### **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).

#### **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 HO6 Obscure Glazing**

The window facing 237 Tolcarne Drive shall be glazed with permanently obscured glass and non-opening for so long as the development remains in existence.

#### **REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 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 (2016). 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).

- 3** 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) 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.

- 4** On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

## **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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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.

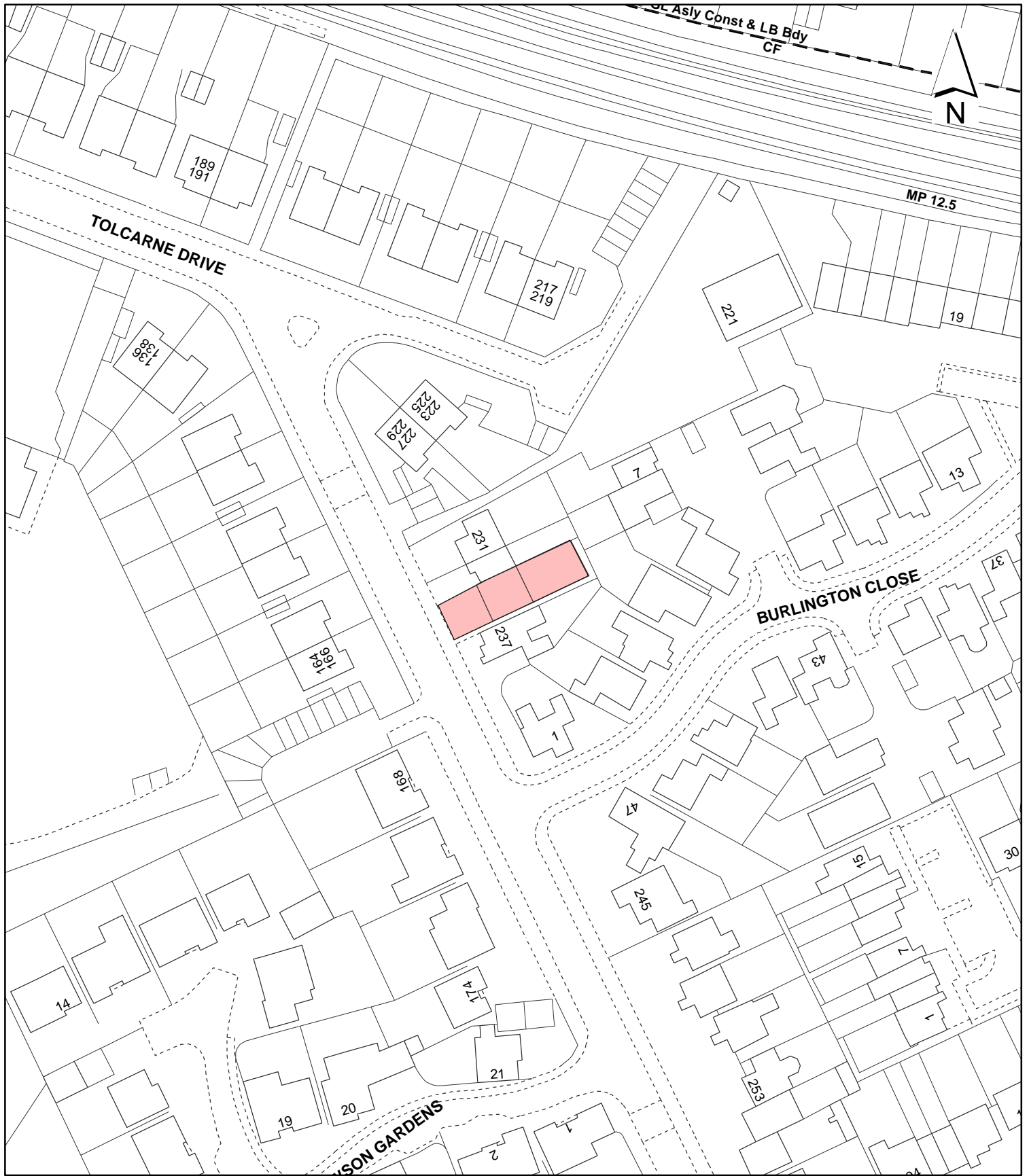
D) No bonfires that create dark smoke or nuisance to local residents.

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 (CO<sub>2</sub>) 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:** Liz Arnold

**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:

**235 Tolcarne Drive**

Planning Application Ref:

**64250/APP/2016/3211**

Planning Committee:

**North**

Scale:

**1:1,000**

Date:

**December 2016**

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

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



**HILLINGDON**  
 LONDON