

Report of the Head of Planning, Sport and Green Spaces

Address 46 BURLINGTON CLOSE PINNER

Development: Conversion of roofspace to habitable use to include a rear dormer, 4 front rooflights and conversion of roof from half-hip to gable end to both sides and single storey rear extension

LBH Ref Nos: 70066/APP/2016/3364

Drawing Nos: 1507-202
1507-03
1507-02
1507-01.b
1507-201
1507-203

Date Plans Received: 06/09/2016 **Date(s) of Amendment(s):**

Date Application Valid: 08/09/2016

DEFERRED ON 16th November 2016 FOR FURTHER INFORMATION ON

This application was deferred at the committee of the 16th November to provide further information regarding the planning status of the roof conversion to No.5 Burlington Close.

Officers have identified a certificate of lawfulness granted for 5 Burlington Close in 2015. Whether that certificate was correctly granted is under investigation. Nonetheless what is not in doubt is that the legal position is that the Council granted a certificate of lawfulness. The construction of the dormer roof alteration was implemented in accordance with the submitted plans and therefore the dormer window erected is considered a lawfully erected structure. The dormer window in question is: 2.37m high x 7.9m wide x 2.7m deep and 25.276 cubic metres. The dormer window proposed to No. 46 Burlington Close is 2.37m high x 8.0m wide x 2.95m deep and 27.96 cubic metres. In simple terms the dormers are of very similar size and proportions.

In order to justify an extension or alteration to a dwelling-house it is common practice for applicants to cite similar works adjacent to or in close proximity to their own property, but this does not always constitute good planning. Both national and local planning policies seek high quality design in all new development and whilst a response to the architectural form of neighbouring dwellings may assist an applicant, the key aim is for all new development to promote or reinforce 'local distinctiveness' by contributing positively to the character and appearance of an area.

Planning appeals are determined in this way. In dismissing an appeal earlier this year for a single storey rear extension, first floor side extension and detached garage at 16 Blacklands Drive, Hayes (PIN's ref: APP/R5510/D/16/3156107) the Planning Inspector held that a first floor extension opposite the appeal site exhibited similarities with the appeal scheme but afforded it little weight in the determination of the appeal as it was

not typical of the character and appearance of the area.

The Inspector stated:

'During my site visit, I also observed the first floor extension on the opposite corner at 18 Blacklands Drive. This exhibits similarities with the appeal scheme. Even so, the mere existence of a similar extension is not a sufficient justification to allow the appeal. In my view, the extension at No 18 is not typical of the character and appearance of development in the surrounding area, including other corner properties in the locality. Therefore, it does not represent an example of development which should inevitably be repeated'.

In this case example an extension was being referenced that was approved over 20 years earlier to a neighbouring property, and therefore that extension pre-dated the Councils HDAS Guidance and adopted planning policies. However a similar principal applies in this case whereby a certificate of lawfulness was granted but for something that would not be considered complaint with the Councils HDAS guidance and adopted planning policies.

To this end, each application needs to be determined on its own merits and it has been found in this case that the alterations and extensions to the dwellings-house at 46, Burlington Close, Pinner fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area.

1. CONSIDERATIONS

1.1 Site and Locality

The application relates to a two storey detached property located on Burlington Close. The external walls of the property are covered by a traditional hipped roof. The area to the front of the property is partly covered in grass and part covered in hardstanding. The area to the front of the property, within the curtilage of the dwelling, provides space to park one vehicle, and the garage at the front provides an additional parking space.

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

1.2 Proposed Scheme

This application proposes the conversion of roofspace to habitable use to include a rear dormer, 4 front rooflights and conversion of roof from half-hip to gable end to both sides.

It is important to note that permission was granted on 09/06/2015 for a single storey rear extension (application 70066/APP/2015/1332). That permission has not yet been implemented but is shown in the proposed plans and has thus been included in the description of development.

1.3 Relevant Planning History

70066/APP/2014/2086 46 Burlington Close Pinner

A conservatory added to the back of the detached house

Decision Date: 15-07-2014 NFA **Appeal:**

70066/APP/2015/1332 46 Burlington Close Pinner

Single storey rear extension

Decision Date: 09-06-2015 Approved **Appeal:**

Comment on Planning History

70066/APP/2015/1332 - single storey rear extension.
Decision: Approved on 09/06/2015.

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

11 neighbouring properties, along with Northwood Hills Residents Association were consulted by letter dated 15/09/2016 and a site notice was displayed on 30/09/2016.

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

- 1) Visually overbearing.
- 2) Overlooking and loss of privacy.
- 3) Lack of parking space.
- 4) Poor design of rear dormer.
- 5) Negative impact on the character and appearance of the host dwelling and wider area.
- 6) Negative impact on neighbouring properties.
- 7) Inaccessibility to elderly people.
- 8) Concerns relating to multiple occupation.
- 9) Construction concerns/issues.

OFFICER COMMENT:

Issues 1-6 are addressed within the main body of the report. With regard to issue 7, this is an application for an extension and thus this is not normally a consideration. With regard to issue 8 the application is for an extension to a single family dwelling and has thus been considered as such. Issue 9 is not a planning matter.

INTERNAL CONSULTEE

Trees Officer:

The site lies within the area covered by TPO 532A. However, the development involves a roof space conversion within the existing footprint of the building. No trees or other

landscape features will be affected.

RECOMMENDATIONS: No objection.

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.

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

LPP 3.5 (2016) Quality and design of housing developments

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 0.3m down from the ridge, 0.3m above the eaves and at least 0.5m from the sides of the roof but in Paragraph suggests that on larger detached and semi-detached houses these set-ins should be increased to at least 1m.

It is also quite clear within Paragraph 7.11 that converting a sloped hip-end roof into a flat gable-end roof on the side of the house, will normally be refused. This is because it would unbalance the overall appearance of the house, pair of semi-detached houses or terrace.

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 alterations in the design of the roof, altering the half-hips to a full gable ends, significantly alters the character and appearance of the original dwelling, would impact considerably on the design, character and uniformity of the properties within the estate and would impact on the visual amenities of the street scene and the wider estate within which it is set.

With regards to the proposed alterations of the existing hipped roof of the dwelling to gable ends on both sides at rear elevation. The resultant gable end roof would be no higher than the existing roof ridge height. However, the application site forms a detached house that had been constructed very close to adjoining neighbours. Therefore the hip to gable conversion would be considered unacceptable as this would imbalance the character and appearance of the wider detached dwellings and have a detrimental impact on the visual amenities of the street scene.

The proposed dormer would be set below the ridge and above the eaves by just 0.08m and 0.25m respectively and set in from the sides by 0.27m. The rear dormer would be 8m wide, 2.38m high and 2.95m deep. Given the minimal set ins from the edges of the roof, the proposed dormer would extend virtually the full width and height of the original and extended dwelling. Paragraph 7.5 is clear in its requirement that the extension should appear secondary to the size of the roof face within which it is set and that those that would be as wide as the house and create the appearance of an effective flat roofed third storey will be refused permission. In this case it is considered that the dormer is not subordinate to the roof face but in effect results in a development which is neither secondary or proportionate to the main roof slope and would give the appearance of an effective flat roofed third storey.

As such it is considered that the proposal overall significantly increases the scale and bulk

of the original house and is not subordinate to the original dwelling and out of character with the design and appearance of the original and adjoining dwellings and is detrimental to the visual amenity of the street scene and the wider area. Therefore the proposal fails to accord 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.

With regard to the rear extension this was assessed under application Ref: 70066/APP/2015/1332 to be acceptable in terms of its design and appearance and its impact on the character of the property and the visual amenity of the area.

Policy BE20 states that buildings should be laid out to allow adequate daylight to penetrate and amenities of existing houses 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. 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 21m.

The application site benefits from four adjoining neighbours, Nos. 41, 42, 45 and 47 Burlington Close.

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 21m. Concern has been raised over the potential loss of privacy to the properties to the rear. Nos. 41 and 42 Burlington Close are set at an angle to the application site. Given the obtuse angle of the orientation it is not considered there would be an issue of direct overlooking between these properties. Furthermore, these properties are situated approximately 20.9m and 23.5m away.

With regard to the rear extension this was assessed under application Ref: 70066/APP/2015/1332 to be acceptable in terms of its impact on adjoining properties.

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 requires sufficient garden space to be retained as a consequence of an extension. The proposal would result in the creation of a five-bedroom dwelling, which would require the provision of a minimum garden area of 100 sq.m. The upper level siting of the enlarged roof, rear dormer and rooflights is such that it would not displace the existing usable area in the rear garden. The rear extension would reduce the available space to some 98.5sq.m, which would fall slightly short of the requirement. However, the shortfall is not considered sufficient to warrant a refusal on this ground.

The proposed extension would not have a negative impact upon the parking provision to the front of the property, as there will be an adequate amount of space to the front of the

property, within the curtilage of the dwelling, to park a vehicle and the existing garage will still be in use, providing another parking space.

Given the above considerations, the application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The roof alteration/extensions, by reason of the half-hip to gable end roof design and the size, scale, bulk, and design of the rear dormer window would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed development by reason of the rear facing dormer windows and their proximity to the neighbouring properties, 41 and 42 Burlington Close, would result in a form of development which would not provide satisfactory residential amenities for those adjoining properties, due to the loss of privacy that would arise. The proposal is therefore contrary to Policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

INFORMATIVES

- 1** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions however we have been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2** 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.

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

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.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.5	(2016) Quality and design of housing developments

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Notes:

 Site boundary

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Site Address:

**46 Burlington Close
 Northwood Hills**

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

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

Planning Application Ref:

70066/APP/2016/3364

Scale:

1:1,500

Planning Committee:

North

Date:

December 2016



HILLINGDON
 LONDON