

Report of the Head of Planning, Sport and Green Spaces

Address 31 BRYONY CLOSE HILLINGDON

Development: Change of use of property from House in Multiple Occupation (HMO) to a single dwelling and erection of two storey side and single storey rear extension and demolition of existing outbuilding

LBH Ref Nos: 72073/APP/2016/2692

Drawing Nos: AG/CA/31/16 Rev. AG

Date Plans Received: 12/07/2016 **Date(s) of Amendment(s):**

Date Application Valid: 25/10/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises of a two storey end-terraced property located in the South Western corner of Bryony Close, a residential cul-de-sac located within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). A larger detached outbuilding is located to the front/side of the property with a smaller older outbuilding to the rear. At the site visit it became apparent that the property was being occupied and used as an HMO (of up to 6 people).

1.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey side extension and single storey rear extension involving demolition of the existing large outbuilding.

1.3 Relevant Planning History Comment on Planning History

There is no planning history relating to this application site.

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

The Violet Tenants and Residents Association and 11 neighbouring properties were consulted by letter dated 26.7.16 and a site notice was displayed to the front of the site which expired on 8.9.16.

A second consultation was sent out to the same consultees on 26.10.16 following the change of the description of development to include the change of use of the property from the House in Multiple Occupation (Sui Generis) to single dwelling (Use Class C3).

A petition of objection has been received with 20 signatures raising concerns relating to:

1. The unauthorised use of the property as an HMO and future concerns about the extended property being used as an HMO.
2. Increased demand for parking within the cul-de-sac.

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:

AM7 Consideration of traffic generated by proposed developments.
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 considerations are the design and impact on the character of the existing property, the impact upon the street scene and locality, the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision.

The applicants have confirmed that the property is currently used as an HMO (C4 use). The current application seeks permission for a two storey side and single storey rear extension. The applicant has advised that it is the intention for the property to be used as a single private dwellinghouse rather than C4 use.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or with the scale, form, architectural composition and proportions of the original building.

Paragraph 5.1 of the adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions requires all extensions and buildings of two or more storeys to be set back a minimum of 1 m from the side boundary of the property for the full height of the building. Paragraph 5.3 of the SPD specifies that where two storey side extensions are proposed in the case where the side of the house adjoins a road, there may be some scope for flexibility on the set-in. It further specifies that where an existing return building line exists, any extension should ensure that the openness of the area is maintained and that the return building line is not exceeded. Side extensions are required to appear subordinate in scale and to not exceed two thirds the width of the original dwelling. Paragraph 5.7 states that there is no requirement for a side extension to be set back from the main front wall for end terraced dwellings.

The street scene in this locality is characterised in the main by terraced properties. The application site occupies a large corner plot located at the head of the close. The proposed extension, measuring 3.4m in width, and set back by 1m at first floor level, would appear as a subordinate addition with sufficient space being retained to the side boundary to maintain the spacious corner plot character. The demolition of the existing larger outbuilding is welcomed and would assist in maintaining the spacious character of this corner plot. The proposed side extension would not, therefore, detract from the character, appearance and symmetry of the small terrace of houses of which it forms a part or from the visual amenities of the street scene and the surrounding area.

Paragraph 3.3 of the HDAS states that single storey rear extensions proposed on semi-detached houses with a plot measuring 5 m wide or more should be no more than 3.6 m deep. Likewise paragraph 3.7 states that such extensions should be no more than 3 m in height (with a flat roof). This is to ensure that the extension appears subordinate to the main house.

The proposal includes the erection of a single storey rear extension projecting 3.6m to the rear of the original dwelling with a flat roof measuring 3m in height which complies with the SPD. As a result it is considered that the proposed extensions would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed extensions would not have an unacceptable effect on neighbouring properties by way of loss of outlook, loss of daylight, overbearing or over-shadowing. The proposed extension would not be in breach of the 45 degree line of sight from the rear elevation of either dwelling flanking the application site. It is recommended that a condition be imposed to prevent the insertion of any first floor side facing windows to ensure that the proposal would not, in the future, result in a loss of privacy to the occupants of adjacent number 30 Bryony Avenue. The proposal would therefore not constitute an un-neighbourly form of development and would be in compliance with the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) BE20, BE21 and BE24 and the SPD HDAS: Residential Extensions.

It is considered that all the proposed habitable rooms, and those altered by the proposals, would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2016).

In terms of the garden area at least 100 sq.m of rear garden should be retained to provide

adequate amenity space for the extended dwelling. The resultant amenity space would be significantly over 100 sq. m (some 240sq.m) which would be in excess of paragraph 5.13 of the SPD HDAS: Residential Extensions requirement and comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application would retain parking space for two cars on the hard-standing in front of the principal elevation. Returning the property to a single family use would probably reduce the demand for parking compared to when in multiple occupation. As such, the proposal would be in compliance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Concerns have been about the use of the property as an HMO. The applicants have confirmed that the property has been used as a 6 Bed HMO and was licensed in April 2016. This has been confirmed by the HMO officer. The use of this property by up to 6 residents can be carried out without the need for planning permission. The resulting extended dwelling would be a large 6-bedroom property, however this does not in itself mean that the property would be used as an HMO. The applicant has confirmed that the extended dwelling would be used as a single private dwellinghouse. The use of the extended property as an HMO could give rise to additional parking demand that cannot be accommodated on site or on the local road network. It is therefore considered expedient to impose a condition to restrict the extended property to use as a single family dwellinghouse within the C3 Use Class.

The application is recommended for conditional approval.

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, number AG/CA/31/16 Rev. AG.

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 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 30 Bryony Close.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 HO7 No roof gardens

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

6 NONSC Non Standard Condition

The outbuilding shown to be demolished on Drawing No. AG/CA/31/16 Rev. AG shall be carried out and completed prior to the occupation of the development hereby permitted.

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)

7 MRD4 Single Dwellings Occupation

The development hereby approved shall not be sub-divided to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy H7 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).

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:

| | |
|------|-----------------------------------------------------------------------|
| AM7 | Consideration of traffic generated by proposed developments. |
| 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 |

- 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: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

31 Bryony Close

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section

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

Planning Application Ref:

72073/APP/2016/2692

Scale:

1:1,000

Planning Committee:

Central & South

Date:

February 2017



HILLINGDON
 LONDON