

Report of the Head of Planning, Sport and Green Spaces

Address 17 MAYLANDS DRIVE UXBRIDGE

Development: Erection of boundary fence, single storey outbuilding for use as storage and playspace and stepped access to rear garden

LBH Ref Nos: 65665/APP/2016/3230

Drawing Nos: Location Plan (1:1250)
Proposed Side Elevation
Supporting Photographs
36/P/1A

Date Plans Received: 25/08/2016 **Date(s) of Amendment(s):** 04/01/2017

Date Application Valid: 25/08/2016

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a detached four bedroom dwelling, one of six arranged around the turning head of a residential close in north Uxbridge. The area is characterised by mainly modern detached and semi-detached houses with garages. The building is not listed, nor located within a conservation area. However, the site is located within the North Uxbridge Area of Special Local Character.

Nos. 17 and 19 Maylands Drive originally formed a pair of similarly designed detached dwellings with the subject property set marginally in front of No. 19. The pair of dwellings are located on the northern side of the turning head with No. 19 on a slightly elevated position.

No. 21 Maylands Drive, the property on the left side of the pair of detached dwellings comprising Nos. 21 and 32 facing the turning head, has been extended two storeys to the side and rear.

The front and rear elevations of the application property were originally aligned 4 metres behind the main front and rear elevations of No.15 Maylands Drive which is situated closer to the public highway. The ground level at this neighbouring property ranges from 0.5-1m lower than ground level at No. 17.

The application property has a large rear garden (some 10 metres x 30 metres). The rear garden had contained two unauthorised outbuildings and a raised platform which have been completely demolished and the resultant debris removed from the site.

1.2 Proposed Scheme

The proposal consists of the erection of boundary fence, single storey outbuilding for use as storage and playspace and stepped access to rear garden.

The single storey outbuilding would measure 7.5m x 4m with a height of 2.5m.

The steps would measure a maximum height of 0.65m and maximum depth of 2.4m.

The boundary fence would comprise of the installation of 4 fence panels measuring a height of 1.8m from ground level at No. 17 Maylands Drive.

1.3 Relevant Planning History

65665/APP/2013/1348 17 Maylands Drive Uxbridge

Conversion of garage to habitable use, single storey detached outbuilding to rear for use as a motorbike store/ workshop, alterations to rear patio and alterations to elevations (Part Retrospective)

Decision Date: 12-09-2013 Refused **Appeal:**

65665/APP/2013/1349 17 Maylands Drive Uxbridge

Single storey detached outbuilding to rear for use as a gym and store (Retrospective)

Decision Date: 13-08-2013 Refused **Appeal:**

65665/APP/2016/468 17 Maylands Drive Uxbridge

Erection of part two storey, part single storey side and rear extension; erection of single storey front porch extension; and installation of one side rooflight.

Decision Date: 19-04-2016 Refused **Appeal:**27-SEP-16 Dismissed

65665/APP/2016/821 17 Maylands Drive Uxbridge

Erection of part two storey, part single storey rear extension and single storey side extension; single storey front porch extension; and installation of one rooflight

Decision Date: 19-04-2016 Approved **Appeal:**

65665/APP/2016/822 17 Maylands Drive Uxbridge

Erection of single storey rear and side extension; single storey front porch extension; and installation of one rooflight

Decision Date: 19-04-2016 Approved **Appeal:**

Comment on Planning History

Planning permission was granted for the erection of a part two storey, part single storey rear extension and single storey side extension, single storey front porch extension and installation of one rooflight (Ref. 65665/APP/2016/821) in April 2016.

Since then, all unauthorised development on the site has been regularised in accordance with this consent.

This application seeks external steps for access from the approved and built rear extension to the garden, the construction of a new outbuilding, and the erection of a boundary fence.

In 2013, planning permission ref. 65665/APP/2013/1349 for a 'single storey detached outbuilding to rear for use as a gym and store (Retrospective)' was sought at this site and was refused.

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**

7 neighbouring properties were consulted the 25th October 2016 and a site notice erected the 27th October 2016. The statutory consultation period expired on the 24th November 2016. 2 objections have been received which raise the following summarised concerns:

1. Previous outbuilding was used for habitation. Therefore, this may also be used for habitation.
2. The proposed outbuilding has a footprint which is substantially larger than that previously built (now demolished), which was refused retrospective permission under 65665/APP/2013/1349, and subject to enforcement action. At 40 square metres, it is significantly in excess of the maximum 30 square metres referenced in the decision report for that refusal, as being the largest that might be reasonably required for purposes ancillary to the residential use of the house.
3. The effective height of the outbuilding will be much greater than 2500mm, due to the fact that the originally sloping garden has been raised substantially and levelled.
4. The large size will result in a visual impact out of keeping with a garden building, and have a detrimental effect on the amenity of no. 19 and no. 15. Although the plans state the construction will be in wood, this could take many forms, from a simple uninsulated 'garden shed' style, to a much more substantial construction with insulation to a standard suitable for habitation.

CONSERVATION AND URBAN DESIGN OFFICER:

No objection.

4. **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- | | |
|---------|--------------------------|
| PT1.HE1 | (2012) Heritage |
| PT1.BE1 | (2012) Built Environment |

Part 2 Policies:

- | | |
|------|---|
| BE5 | New development within areas of special local character |
| 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.
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
LPP 3.14	(2015) Existing Housing - Efficient use of stock
LPP 7.4	(2015) Local character
NPPF7	NPPF - Requiring good design

5. MAIN PLANNING ISSUES

Planning permission was refused in August 2013 for a single storey detached outbuilding to rear for use as a gym and store (Ref: 65665/APP/2013/1349). It was refused for the following reasons:

1. The proposal is for a detached structure which it is considered capable of independent occupation from the main dwelling and is thus tantamount to a separate dwelling in a position where such a dwelling would not be accepted due to increased noise and disturbance impacting on the amenity of neighbouring occupiers, a lack of amenity space for future occupiers, overlooking between the main dwelling and the outbuilding, it is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies OE1, BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the Hillingdon Design and Accessibility Statement - Residential Extensions.

2. The outbuilding which is the subject of this application, when considered in conjunction with other works carried out on the site (and clearly shown on the proposed plans) results in a significant increase in the built up appearance of this site and loss of amenity to the occupiers of number 17 and number 19. The development is therefore contrary to policy BE1 of the Hillingdon Local Plan Part 1 adopted in November 2012 and policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

3. The outbuilding which is the subject of this application, when considered in conjunction with other works carried out on the site (and clearly shown on the proposed plans) is considered to result in a development which fails to harmonise with the design features and architectural style predominant in the area. The development therefore detracts from the appearance and quality of the North Uxbridge Area of Special Local Character and is contrary to Policy BE5 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

The proposed outbuilding does not include a W/C or any internal partitioning, which formed part of the earlier scheme. It is therefore considered that, subject to a condition restricting the use of the building, the proposal would not be considered to be capable of providing self contained living. Therefore, the proposal has overcome the first reason for refusal above.

The proposed outbuilding is smaller than that previously refused (although not significantly smaller). However, all of the other outbuildings that were previously on the site have been removed and the extensions to the main building have been reduced in size. As such, the cumulative impact on neighbours and the visual amenity of the area is much less than when the earlier application was assessed.

The outbuilding would have a width of 7.5m, a depth of 4m, and a height of 2.5m. It would be positioned approximately 25m from the rear elevation of No. 19, and 26m from No. 15. The neighbouring properties to the rear are much further back. In addition, the outbuilding is set in from the boundaries of the site by at least 1m, which also reduces its impact on neighbours, and is in compliance with the 0.5m separation requirement stipulated in the Supplementary Planning Document (SPD) HDAS: Residential Extensions. Furthermore, the proposed height of 2.5m is lower than the maximum height stipulated in the SPD. Overall, given its scale and separation from neighbouring properties, the proposed outbuilding is not considered to result in loss of privacy, outlook, daylight, or a detrimental sense of enclosure to neighbouring properties.

In terms of impact on the character and appearance of the area, it is important to consider the context of the proposal in relation to the size of the existing garden. The rear garden measures 260sqm and the proposal would have a footprint of 30sqm. Therefore, the outbuilding would occupy less than 12% of the rear garden. In addition, the outbuilding would be situated approximately 21m from the rear wall of the house. Given the outbuilding would occupy a small proportion of the overall garden and as there are examples of large outbuildings in the area, the scale and design of the proposal is not considered to harm the visual amenity of the North Uxbridge Area of Special Local Character.

The proposed steps/small terrace would measure a maximum depth of 2.4m, and maximum height of 0.65m. The top step extends across the entire width of the property. Due to ground level differences there is the potential for overlooking of No. 15. However, as it would be 0.6m in depth, it is not particularly usable for sitting out or recreational purposes. It would realistically be used for functional purposes to enable access to the garden. As such, in this instance, the proposed patio is not considered to result in loss of privacy to No. 15. The existing boundary fence is considered to safeguard the privacy of No. 19. As such, the steps are considered acceptable in design, and not considered to harm the residential amenity of neighbouring properties.

With regards to the boundary fence, this element of the proposal seeks to install 4 fence panels. It is understood that the posts are already in place. The fence panels would measure 1.8m in height from ground level at the application property, but, would measure up to approximately 2.8m in height from ground level at No. 15. This neighbour does have windows that face the location of the fence. However, all, but, one, serve non habitable rooms. The window that serves the habitable room is a secondary window to a rear living area that also benefits from daylight/outlook from openings on the rear elevation of the property. As such, the impact from these fence panels are not considered to justify a reason for refusal. The fencing proposed is not considered unreasonable in its design and would be of a relatively standard residential appearance. Overall, the fence is considered to be acceptable in terms of its impact on neighbouring properties and the visual amenity of the area.

To conclude, the development is considered to be satisfactory in design and amenity terms, in accordance with local, regional, and national planning policies and is recommended for 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 be carried out in complete accordance with the details shown on the submitted plans, 36/P/1A and Proposed Side Elevation.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan (November 2012) and the London Plan (2016).

3 NONSC Fencing Completion

Prior to implementation of the steps hereby approved, the fencing shall be implemented and completed in accordance with the plans set out in condition 2.

REASON

To prevent overlooking to adjoining properties, in accordance with policy BE24 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

4 NONSC Ancillary residential use

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, as a separate unit of accommodation or for any business purposes.

REASON

To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

5 NONSC Siting

Notwithstanding the approved plans, the proposed outbuilding hereby approved shall not measure more than 7.5m in width, 4m in depth, and 2.5m in height. Its footprint shall be no greater than 30sqm and it shall be sited no closer than 20m from the rear wall of the main dwellinghouse.

REASON

To safeguard the amenity of adjoining properties, in accordance with policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 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 You are advised that there are discrepancies in the site layout plan provided. Condition 5 would ensure appropriate siting of the outbuilding as to safeguard the amenity of neighbours and the visual amenity of the area.

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.HE1	(2012) Heritage
PT1.BE1	(2012) Built Environment

Part 2 Policies:

BE5	New development within areas of special local character
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.
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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
LPP 3.14	(2015) Existing Housing - Efficient use of stock
LPP 7.4	(2015) Local character
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.

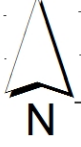
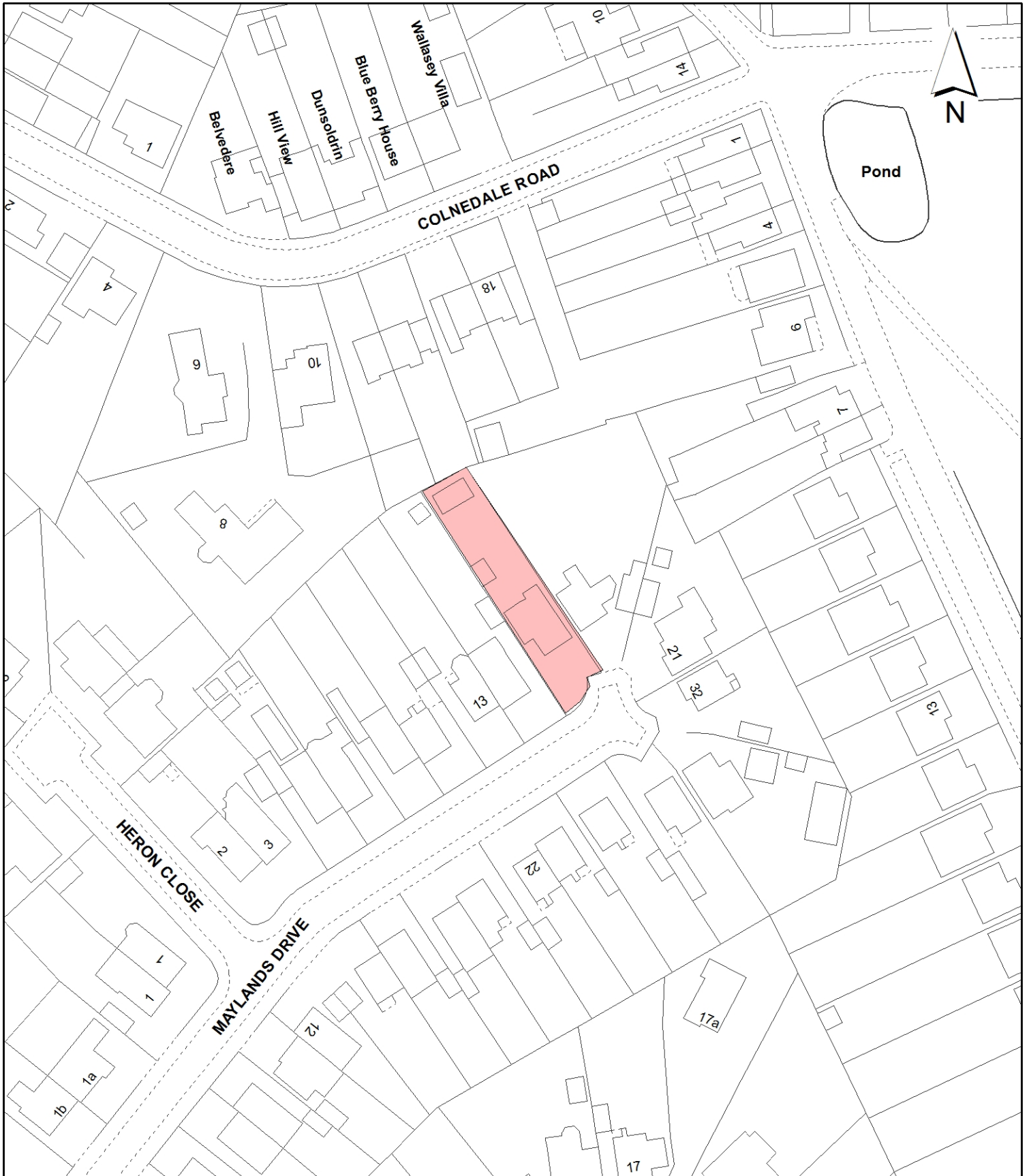
D) No bonfires that create dark smoke or nuisance to local residents.

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: Richard Conroy

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

17 Maylands Drive

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
65665/APP/2016/3230

Scale:
1:1,000

Planning Committee:
Central & South

Date:
February 2017

