

Report of the Head of Planning, Sport and Green Spaces

Address FLAT 1, VILLAGE HOUSE 13-15 SWAKELEYS ROAD ICKENHAM

Development: Conservatory to rear and new screening. (Retrospective)

LBH Ref Nos: 19121/APP/2017/65

Drawing Nos: Jakustic Reflective Technical Specification
GSB/13-15/17 Rev 01

Date Plans Received: 05/01/2017

Date(s) of Amendment(s): 06/04/2017

Date Application Valid: 17/01/2017

1. CONSIDERATIONS

1.1 Site and Locality

The application relates to a two storey building located on the Southern side of Swakeleys Road. The building is situated to the rear of 13-15 Swakeleys Road and is accessed through an archway between the properties to the front. On the first floor of the building is an existing 2 bed flat, which benefits from a terraced area on the Western side. This is partially enclosed by a 2.1 m high brick wall on either side, curving down to terrace level, leaving the end of the terrace open.

The site is located in the Ickenham Village Conservation Area and the developed area as identified in the Hillingdon Local Plan (November 2012).

1.2 Proposed Scheme

The application seeks retrospective permission for the erection of a glazed conservatory to the rear of the existing living room in between the existing side walls of the raised terrace. The conservatory measures 2.25 m in depth and 2.4 m in height. The proposal also includes an acoustic screen along the Southern boundary between the application site and 9 Almond Avenue.

1.3 Relevant Planning History

19121/APP/2011/2066 13 Swakeleys Road Ickenham

Change of use from Class A2 (Financial and Professional Services) and Class B1 (Business) to Class C3 (Dwelling Houses) to include 3 x 1-bed, 1 x bedsit and 1 x 2-bed self-contained flats involving conversion of roof space of rear building with a dormer to front and alterations to elevations of front building

Decision Date: 06-12-2011 Refused **Appeal:**

19121/APP/2012/2683 Panstar House Swakeleys Road Ickenham

Part change of use of first floor from Use Class B1 (Office) to Use Class C3 (Dwelling Houses) to create 1 x 2- bedroom flat, involving installation of new access gates

Decision Date: 21-01-2013 Approved **Appeal:**

19121/APP/2014/1839 Rear Outbuilding Of Panstar House, 13-15 Swakeleys Road Ic
Change of use from B1 (Offices) to C3 (Dwellinghouses) to create 2 self contained flats (Prior Approval)

Decision Date: 23-07-2014 **PRN** **Appeal:**

19121/APP/2015/59 Panstar House 13 Swakeleys Road Ickenham
Details pursuant to condition 3 (Landscape Scheme) of planning permission 19121/APP/2012/2683 dated 21/01/2013 (Part change of use of first floor from Use Class B1 (Office) to Use Class C3 (Dwelling Houses) to create 1 x 2- bedroom flat, involving installation of new access gates)

Decision Date: 23-02-2015 **Approved** **Appeal:**

Comment on Planning History

19121/APP/2014/1839 PRN - Change of use of ground floor from offices to flats (prior approval not required)

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- 22nd February 2017

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

10 neighbours were consulted for a period of 21 days expiring on the 9 February 2017 and a site notice was erected on a lamp post to the front.

There were four responses from neighbouring properties raising the following issues:

- Loss of privacy.
- The proposed screen is not in keeping with the current structure and is an unsatisfactory short term solution.
- Propose the current brick wall be extended across at the same height in keeping with the building, providing privacy and reducing noise.
- Currently a patio is being laid on the roof which lead us to believe this will be frequently used.
- The screen should be extended to protect the privacy of all neighbours.
- Given the elevated position this will not only be an issue of privacy but also noise.
- The existing drawings claim an existing patio but this is misleading as the area has largely been used for storage over the many years I have lived in the property (17 years) and not used as an entertainment space.
- Willow screening looks flimsy and cheap in comparison to the brick work and would be very insecure and vulnerable to winds.

Officer response: The area is outdoor space linked to the existing flat and the fact previous occupiers used this area for storage does not restrict the use as such.

Ickenham Residents Association - There has been extensive correspondence between a resident in Almond Avenue and LBH after complaining about the conservatory appearing on the roof top of flat 1, apparently without any protective railings. The Association will be interested to see and learn whether the retrospective planning application will be sufficient to comply with current LBH planning guidelines.

Ickenham Conservation Area Panel - No response.

Conservation and Urban Design - It is not considered that this application would have an adverse impact upon the special character of the Ickenham Conservation Area.

Environmental Protection Unit - I am concerned about the likelihood of noise nuisance being generated from activities at the rear conservatory. In view of the above; I would request the applicant to provide noise mitigation measures and details of the materials to be used for the proposed new screening.

Councillor John Hensley requested that this application be determined by Committee and wanted it recording that the Ward Councillor does not support this application because flatted accommodation does not usually have the benefit of permitted development. If this were to be allowed then this would set an unwarranted precedent in Ickenham. The building of a screening fence as appropriate boundary treatment as suggested by enforcement officers does not go towards mitigating this development.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

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.

LPP 3.5 (2016) Quality and design of housing developments

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, recognising its location in

a Conservation Area, the impact on the visual amenities of the surrounding area, the impact on residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character. Part Two - Saved Unitary Development Plan Policies of the Local Plan contains policies that seek to safeguard the appearance, character and amenities of the local street scene and surrounding area. Policies BE4 and BE13 stipulate that development must harmonise with the existing street scene and Policy BE19 that it should complement the amenity and character of the residential area in which it is situated. Policy BE15 seeks to ensure that proposals for extensions to dwellings should also harmonise with the scale, form and proportions of the original building. Policy BE4 reflects the relevant legal duties.

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) sets out the design criteria including external dimensions by which proposals are assessed with the general aim of ensuring that these are 'subordinate' to the original house.

The conservatory sits between the existing side brick walls and measures 5.87 m in width, by 2.45 m in depth with a shallow pitched roof of 2.4 m in height. This is a relatively modest glass structure set below the eaves of the existing building with just 0.3 m of the top fascia visible above the existing walls. Given the scale and design of the conservatory in relation to the original building, in terms of appearance the extension would appear subordinate and it is not considered that the proposal would be harmful to the character and appearance of the subject property or the wider Conservation Area.

The proposal also includes the provision of a 2 m high acoustic screening along the Southern side boundary of the patio area, to prevent any loss of privacy or noise egress to the occupiers of properties on Almond Avenue. The fence is of a similar height to the existing wall and the submission of the final colour for the fencing could be conditioned to ensure the fence would harmonise with the existing street scene and the wider Conservation Area. Having considered all of the above it is therefore considered that in terms of appearance the proposal complies with the requirements of Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and HDAS: Residential Extensions.

Policy BE20 states that buildings should be laid out to allow adequate daylight to penetrate and amenities of existing houses safeguarded. Policy BE24 states that the proposal should protect the privacy of the occupiers and their neighbours. The conservatory is set well back from neighbouring properties and between existing bricks walls and would not significantly harm the residential amenities of the occupiers of the adjoining property from increased overshadowing, loss of sunlight, visual intrusion and over-dominance. Concern has been raised by the occupiers of properties on Almond Avenue, to the side of the site, with regard to loss of privacy and noise egress from the conservatory and patio. In order to try and mitigate this, the proposal includes the provision of a 2 m high acoustic fence along the Southern boundary between the application site and no. 9 Almond Avenue. Following concerns raised by the Environmental Protection Officer regarding potential noise nuisance, details of the type of fencing proposed has been submitted and they have advised that they have no further objections. Whilst the proposed fencing along the

Southern boundary would preserve the privacy of nos. 8 and 9 and to some extent no. 10, it is noted that there would still be direct views from the patio over the rear garden area of no. 10. This could be addressed with the inclusion of a further section of screening along the Western rear boundary of the patio area. If all other aspects of the proposal are considered acceptable, details of the extent and position of all means of enclosure and screening of the patio could be conditioned for further submission.

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.

The remaining terrace provides approximately 33 sq m of private amenity space for the existing flat in accordance with the principles of HDAS requirements.

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

Given the above considerations, the application is therefore recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The installation of the boundary screening hereby approved shall be commenced within 3 months of the date of this decision and be fully completed within 6 months of the date of this decision.

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 GSB/13-15/17 Rev 01.

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 RES7 Materials (Submission)

No further development shall take place until details of the extent and positioning of the acoustic screening to the Western, Southern and Northern boundaries have been submitted to and been approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such. Apart from construction activity associated with the screening, no further use shall be made of the terrace until the approved scheme has been installed.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance and provides adequate protection of amenity and privacy in accordance with Policies BE4, BE13 and 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).

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
PT1.HE1	(2012) Heritage

Part 2 Policies:

AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
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.
LPP 3.5	(2016) Quality and design of housing developments
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.

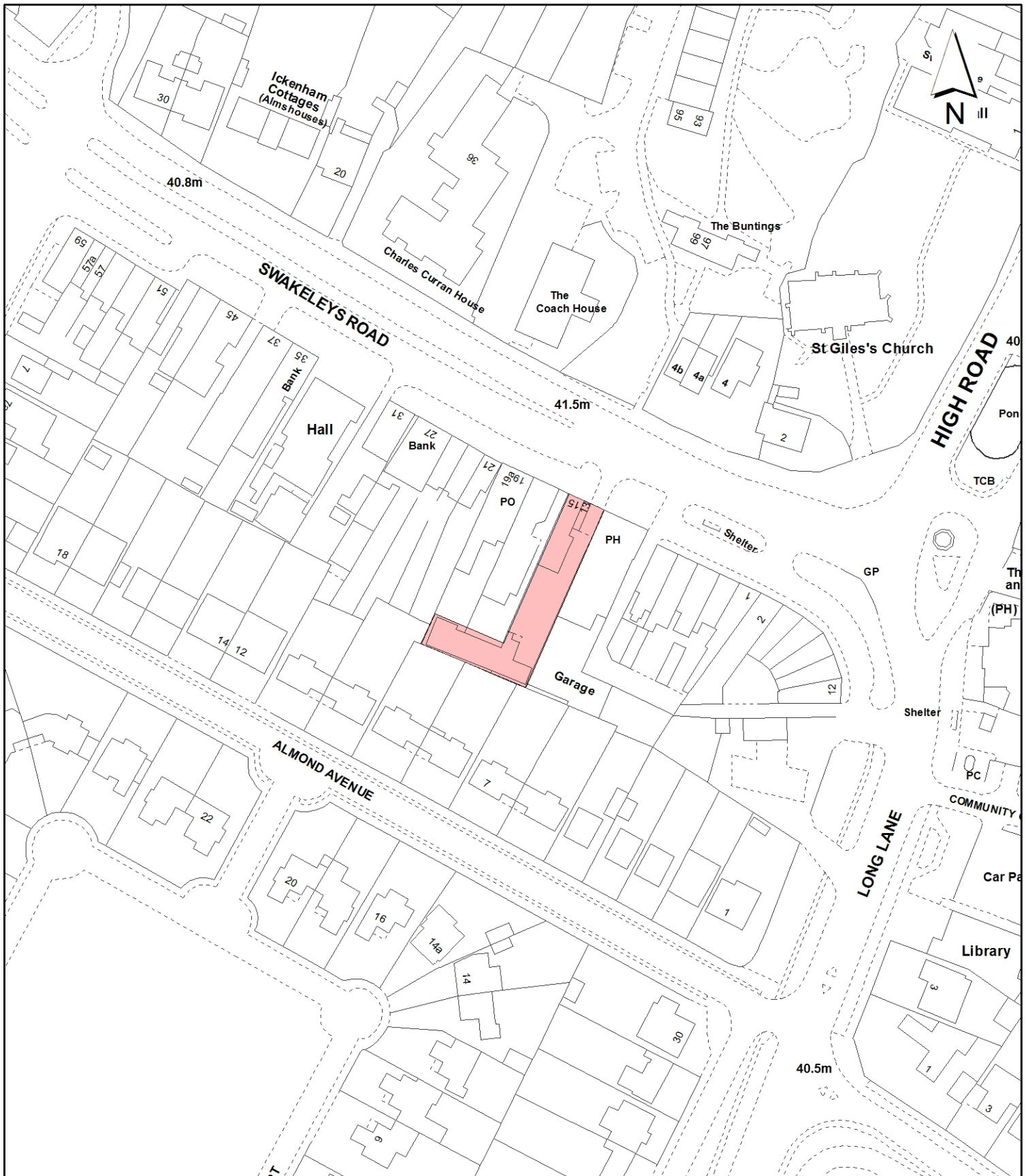
D) No bonfires that create dark smoke or nuisance to local residents.

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 (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: 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:

Flat 1 Village House

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

Planning Application Ref:
19121/APP/2017/65

Scale:
1:1,250

Planning Committee:
North

Date:
April 2017



HILLINGDON
 LONDON