

Report of the Head of Planning, Sport and Green Spaces

Address 98 EXMOUTH ROAD RUISLIP
Development: Conservatory to rear (Part Retrospective)
LBH Ref Nos: 16772/APP/2017/69
Drawing Nos: 100 Page 2/2
100 Page 1/2
001
010
100/B

Date Plans Received: 06/01/2017 **Date(s) of Amendment(s):** 13/04/2017
Date Application Valid: 30/01/2017 06/01/2017

1. CONSIDERATIONS

1.1 Site and Locality

The application relates to a two storey terraced property located on Exmouth Road. The external walls of the property are covered by a traditional hipped roof, while to the front of the property, at first floor level there is a gable end feature. The area to the front of the property is covered in hardstanding. The property does not benefit from any form of off-street parking.

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

1.2 Proposed Scheme

The application seeks permission for the erection of a conservatory to the rear (part retrospective).

1.3 Relevant Planning History

16772/APP/2015/4101 98 Exmouth Road Ruislip
Conservatory to rear (Retrospective)

Decision Date: 04-01-2016 Refused **Appeal:**23-JUN-16 Dismissed

16772/APP/2016/3259 98 Exmouth Road Ruislip
Conservatory to rear

Decision Date: 21-11-2016 Refused **Appeal:**

Comment on Planning History

16772/APP/2016/3259 - Conservatory to rear (refused)
16772/APP/2015/4101 - Conservatory to rear (retrospective)(refused, dismissed on appeal)

The original of these applications was to regularise the conservatory as already built. This was refused on the basis of the impact on the amenity of the neighbours, the visual impact on the proposal on the character and appearance of the existing dwelling and the wider area and the failure to maintain adequate private external amenity space. The Planning Inspector advised that whilst the level of amenity space was adequate the size and scale of the proposal and the impact on the neighbouring properties was unacceptable. The subsequent application proposed a reduction in scale of the conservatory however, this did not address the Inspectors concerns and was refused on scale and the impact on the neighbouring properties.

This proposal is a further attempt to find an acceptable design for a conservatory, and involves the existing structure being reduced in scale.

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

4 neighbours and the South Ruislip Residents Association were consulted for a period of 21 days expiring on the 21 February 2017 and a site notice was erected on the telegraph pole opposite expiring on the 2 March 2017.

There were no responses.

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.

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.

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 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. Policy BE13 states 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.

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. Rear extensions will only be allowed where there is no significant over-dominance, overshadowing, loss of outlook or daylight and for a terraced property a maximum depth of 4 m with a flat roof not exceeding 3 m would be acceptable.

The proposed conservatory measures 2.9 m in width, by 2.95 m in depth with a shallow pitched roof following on from the existing extension with a maximum height of 2.5 m and eaves of 2.2 m. The proposed extension has been significantly reduced in scale to the previously refused scheme. The width has been reduced and the roof form simplified to continue the roof line of the exiting extension. Although the combined depth at approximately 6.35 m is still in excess of HDAS guidance, given the single storey extensions to both the adjoining properties, in terms of appearance the proposal is considered to be subordinate to the original dwelling and would respect the architectural character of the original dwelling and the wider area. As such the proposal complies with the principles of Policies 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 proposed conservatory is set back 2.35 m from the shared boundary with no. 96 and 0.1 m from the boundary with no. 100. The previous submission was set on the boundary with both properties and provided a solid wall along the boundary with no. 96 and glazing along the boundary with no. 100, both of which were considered inappropriate by the Planning Inspector as one resulted in a loss of privacy and the other an overbearing impact. It is noted that the patio doors now face the boundary of no 96, however given the set back from the boundary and the ability for a fence of 2 m in height to be erected between the properties it is not considered this would significantly impact on the amenity of that property. The proposed conservatory sits

adjacent to the boundary with No. 100 and the plans indicate the provision of 'privacy treated glass' to prevent overlooking of the neighbouring property. It is also noted that at a height of 2.5 m, only 0.7 m would be visible above the existing fence. It is therefore considered that the proposed conservatory would not form an un-neighbourly form of development and addresses the Inspectors concerns on the impact on the neighbouring properties. As such the proposal would not significantly harm the residential amenities of the occupiers of the adjoining property from increased overshadowing, loss of sunlight, visual intrusion, over-dominance or loss of privacy and would comply with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012).

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.

Paragraph 5.13 of Residential Extensions. HDAS: Residential Extensions requires sufficient garden space to be retained as a consequence of an extension. In line with the Planning Inspector's previous assessment sufficient garden space would be retained in line with the principles of HDAS.

There is no alteration to parking provision as a result of this proposal.

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.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The alterations to the conservatory 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. Thereafter the conservatory shall remain as per the approved drawings.

REASON

In order to rectify the existing breach of planning control, to ensure the development is completed in accordance with the approved details and that it is compliant with Policies BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

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 100 Page 1/2 and 100 Page 2/2.

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 HO6 Obscure Glazing

The windows facing 100 Exmouth Road shall be glazed with permanently obscured glass and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

INFORMATIVES

Standard Informatives

- 1 The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
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.

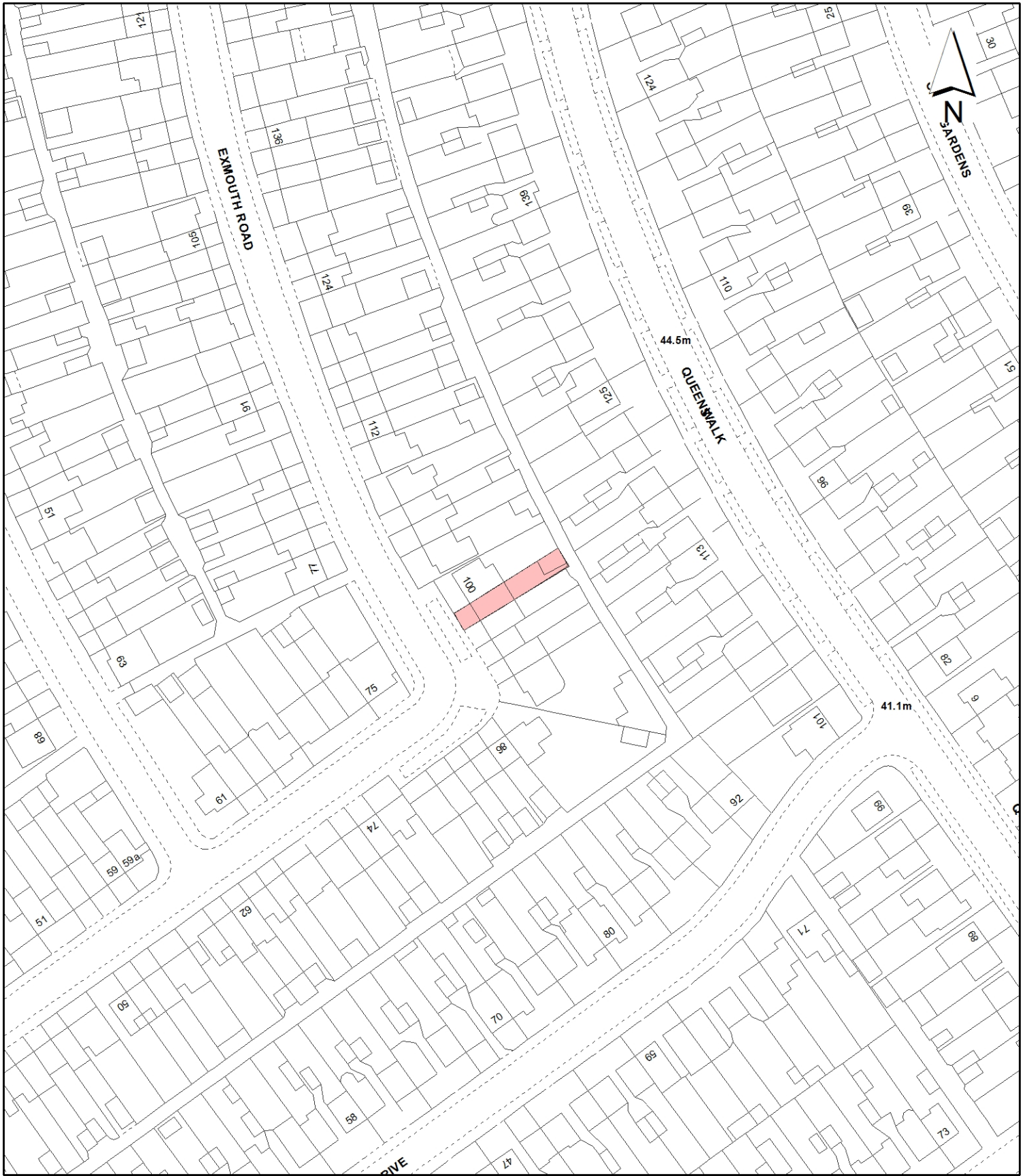
10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result 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

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Site Address:

98 Exmouth Road

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

Planning Application Ref:
16772/APP/2017/69

Scale:
1:1,250

Planning Committee:
North

Date:
April 2017

