

Report of the Corporate Director of Planning and Community Services

- Address:** 23 AND 25 CRESCENT GARDENS, EASTCOTE
- Development:** CONVERSION OF HIPPED ROOFS TO GABLE ROOFS ON BOTH 23 AND 25 CRESCENT GARDENS, INVOLVING THE INSTALLATION OF ONE FRONT ROOFLIGHT TO EACH PROPERTY AND CONSTRUCTION OF A REAR DORMER TO EACH PROPERTY (RETROSPECTIVE)
- LBH Ref Nos:** 64562/APP/2008/1582
- Drawing Nos:** 1:1250 Location Plan, MB/1620/1 & MB/1620/2 (23 Crescent Gardens) and MB/1620/1 & MB/1620/2 (25 Crescent Gardens), received 20/05/08
- Date of receipt:** 20/05/08 **Date of Amendments:**

VARIATION REPORT

- 1.0 Members may recall that this application was reported to the North Planning Committee meeting held on 8th October 2008 (the report to the Committee is attached as Appendix A). The application was recommended for refusal. However, members resolved to grant planning permission, subject to conditions and informatives, which were subsequently agreed with the Chairman and the Labour Lead Member. The application was approved subject to the completion of an agreement with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to ensure that the works were constructed and completed simultaneously.
- 2.0 The application was for the conversion of hipped roofs to gable roofs on both 23 and 25 Crescent Gardens, involving the installation of one front rooflight to each property and construction of a rear dormer to each property. Following the Committee resolution to grant permission, the development was carried out, prior to the completion of the S106 agreement, in accordance with the submitted plans.

The fact that the work was carried out and completed simultaneously means that an agreement with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) in order to ensure that the roof works were constructed and completed simultaneously is no longer required. It is, therefore, recommended that the application is approved without the requirement for a S106 agreement and with the following conditions and informatives, as previously agreed:

Conditions:

1. 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. 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.

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 Unitary Development Plan Saved Policies (September 2007).

3. The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Informatives:

1. I1 - Building to Approved Drawing
2. I3 - Building Regulations - Demolition and Building Works
3. I5 - Party Walls
4. I6 - Property Rights/Rights of Light

Appendix A – Previous report

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LBH Ref Nos: 64562/APP/2008/1582

Drawing Nos: 1:1250 Location Plan, MB/1620/1 & MB/1620/2 (23 Crescent Gardens) and MB/1621/1 & MB/1621/2 (25 Crescent Gardens), received 20/05/08

Date of receipt: 20/05/08 **Date(s) of Amendment(s):** None

CONSULTATIONS

8 adjoining owner/occupiers have been consulted. 6 letters and a petition with 20 signatures in support of the proposal have been received.

External Consultees

Eastcote Residents' Association:

Although changing the roof shape of both of these semi-detached houses would give uniformity, it is considered that it would be detrimental to the street scene, especially as these houses are very near to the Morford Way Conservation Area.

The rear dormers are very large and give the impression of a block of flats. Because of the curve of the road, these dormer windows could overlook surrounding gardens.

KEY PLANNING ISSUES

1. The application site comprises 23 and 25 Crescent Gardens, a pair of semi-detached houses located on the northern section of Crescent Gardens. To the east lies 21 Crescent Gardens and to the west lies 27 Crescent Gardens, both semi-detached houses. The street scene is residential in character and appearance comprising semi-detached house with hipped roofs and front gables set below the roof ridge. The application site lies within the 'developed area' as designated in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).
2. It is proposed to replace the hip end roof with gable ends and install rear dormer windows to both houses each measuring 6.1m wide, 3.2m deep and

finished with flat roofs 2.45m high. Gaps of 0.5m would be retained to the edges and eaves and a 0.3m gap would be retained to the roof ridge.

3. The street scene is characterised by two storey semi-detached houses with hip end roofs. There are some houses in the street that have carried out hip to gable end roof alterations. These are:
 - (i) 6 Crescent Gardens - No planning history
 - (ii) 44 Crescent Gardens – Deemed permitted development on 05/01/2004 (36921/APP/2003/2656)
 - (iii) 47 Crescent Gardens - Deemed permitted development on 29/11/2004 (54730/APP/2004/3123)
4. The applicant advises that a precedent has been set for hip to gable end roof alterations. However, the planning history shows that planning permission has not been granted for the roof alterations to the above properties with two being carried out as permitted development. As such, the group of properties where the application properties reside is distinct in its pattern and roof forms. It is therefore considered that the introduction of gable end roofs in this street would detract from the architectural composition of the properties in the street which are similar in design and architectural composition to the application properties. This would be out of keeping with the area within which they reside, detracting from the character and appearance of the street scene. It is noted that the applicant proposes to maintain the balanced appearance of the application properties by proposing hip end roof to both houses, however, this is not considered to outweigh the harm that would be caused by the introduction of gable end roofs to the character and appearance of the street scene and surrounding area.
5. It is therefore considered that although the proposed development would result in the symmetry of the pair of semi-detached houses being maintained, the prevailing character of the area is of semi-detached properties with hipped roofs and there are no other pairs of semi-detached houses that have carried out hip to gable end roof alterations, under the grant of planning permission. On a similar case at 94 and 96 Jubilee Drive, South Ruislip, the Inspector at appeal commented as follows:

“Although the proposed design means that the symmetry of the 2 dwellings would be maintained at roof level, I consider that the changes to a gable roof form at both houses would be out of keeping with the prevailing pattern of development in the area where hipped roofs predominate, giving the area its distinctive character.”

6. In relation to the dormer windows she adds:

“In my opinion the addition of large dormers at the rear would further emphasise the interruption to the regular rhythm of the roof line in the street scene.”

7. The proposal is therefore considered to detract from the character and appearance of the street scene and surrounding area, contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), and section 7.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.
8. The rear dormers would overlook the rear gardens of the houses in Crescent Gardens, however the existing first floor windows of 23 and 25 Crescent Gardens already overlook the rear gardens and therefore this increase in overlooking is not considered to be so significant over and above the current situation. As such, the proposal would comply with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).
9. For the reasons outlined above and that the development is contrary to the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for refusal.

OBSERVATIONS OF BOROUGH SOLICITOR

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached. Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

OBSERVATIONS OF THE DIRECTOR OF FINANCE

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

RECOMMENDATION: REFUSAL FOR THE FOLLOWING REASON: -

The proposal by reason of the hip to gable end roof design and the size and scale of the rear dormer windows would be detrimental to the character and appearance of the pair of semi-detached houses Nos.23 and 25 Crescent Gardens and the character and visual amenities of the street scene and surrounding area generally. The proposal is therefore contrary to policies BE13, BE15 and BE19 from the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Supplementary Planning Document (HDAS): "Residential Extensions."

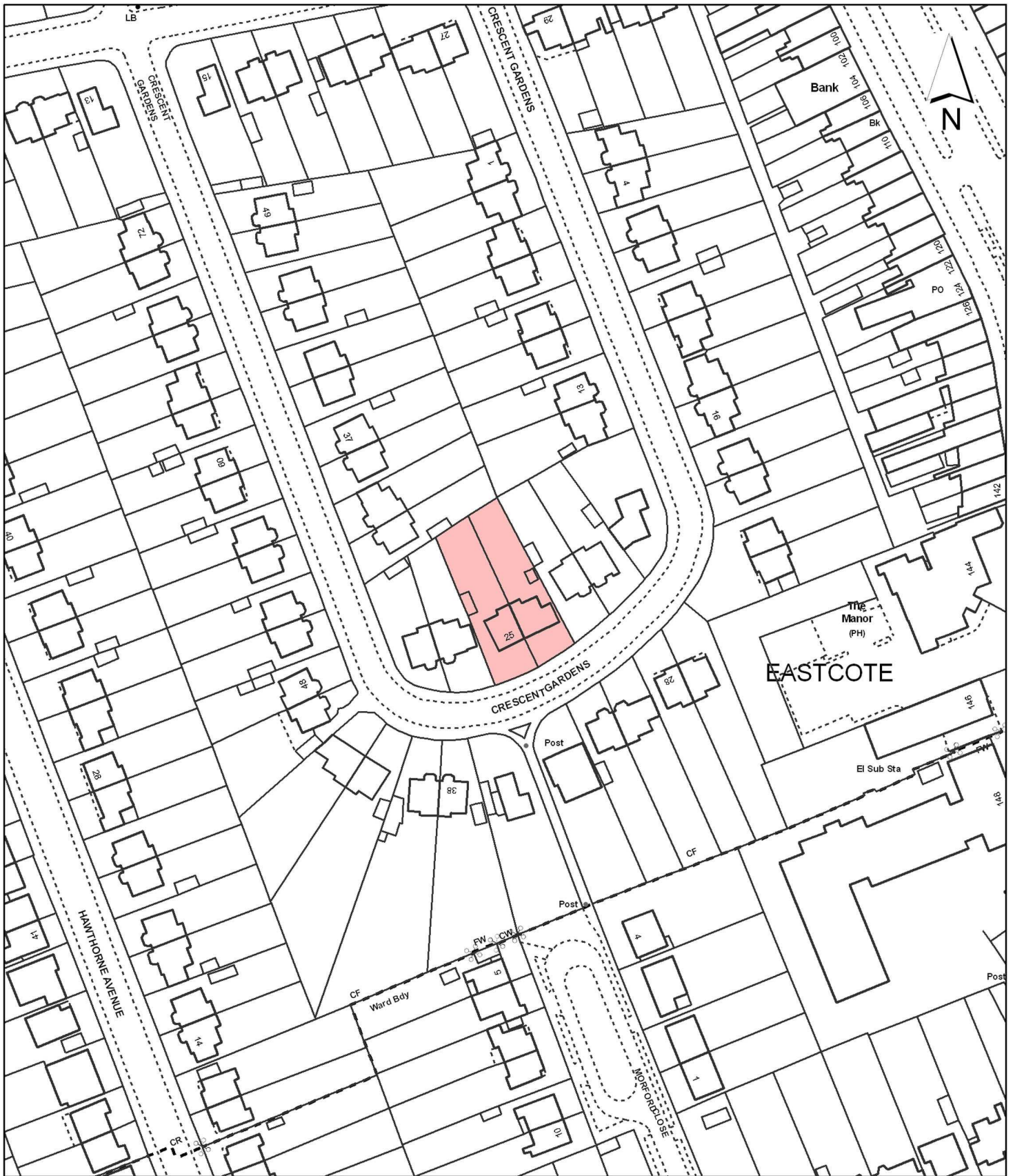
INFORMATIVES

- 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 and London Plan 2004 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
BE13 – new development to harmonise with the existing street scene.
BE15 - Alterations and extensions to existing buildings
BE19 – new development to complement and improve the amenity and character of the area.
BE24 – design to protect privacy of occupiers and neighbours**


Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents)

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Notes

 Site boundary
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Site Address	
23 and 25 Crescent Gardens Eastcote	
Planning Application Ref:	Scale
64562/APP/2008/1582	1:1,250
Planning Committee	Date
North	October 2008

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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