

Report of the Head of Planning, Sport and Green Spaces

Address 16 MORAY AVENUE HAYES

Development: Retention of outbuilding with proposed modifications and reduction in size, for uses ancillary to the dwelling house

LBH Ref Nos: 13579/APP/2017/1710

Drawing Nos: 14-028-10
14-028-11

Date Plans Received: 10/05/2017 **Date(s) of Amendment(s):**

Date Application Valid: 10/05/2017

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a semi-detached property located on the eastern side of Moray Avenue. The property is attached to 14 Moray Avenue along its southern boundary with 18 Moray Avenue to the north. 11 and 13 Moray Avenue are located on the opposite side of the road whilst 37 and 39 Church Road are located at the rear of the application site.

1.2 Proposed Scheme

Planning permission is sought for the retention of an existing outbuilding with proposed modifications and reduction in size, for uses ancillary to the dwelling house. The outbuilding is currently 7.44m wide and 5.58m deep, with a 41.52sq.m footprint, containing a gym, shower room and office/store/ancillary guest room. The outbuilding has a flat roof measuring 2.72m in height.

The width of the outbuilding and the roof height would remain as existing, however the depth would be reduced to 4m. The outbuilding would have a 29.76sq.m footprint and would contain a gym and shower room.

1.3 Relevant Planning History

13579/APP/2009/514 16 Moray Avenue Hayes
Single storey rear extension.

Decision Date: 08-05-2009 Approved **Appeal:**

13579/APP/2015/3624 16 Moray Avenue Hayes
Single storey detached outbuilding to rear for use an ancillary store (Part Retrospective)

Decision Date: 02-12-2015 NFA **Appeal:**

13579/APP/2015/3626 16 Moray Avenue Hayes
Single storey detached outbuilding to rear for use a gym/store (Part Retrospective)

Decision Date: 02-12-2015 NFA

Appeal:

Comment on Planning History

The application site is currently the subject of enforcement action regarding two unauthorised outbuildings. Enforcement Notices requiring the two outbuildings to be demolished were served in August 2014.

An appeal against the enforcement Notice for Outbuilding A was dismissed in August 2015 and the Enforcement Notice was upheld (Planning Inspectorate ref: APP/R5510/C/14/2225880).

An appeal against the enforcement Notice for Outbuilding B was dismissed in August 2015, the Enforcement Notice was varied to increase the period of compliance from two months to six months(Planning Inspectorate ref: APP/R5510/C/14/2225891).

Outbuilding A has now been demolished and this current application seeks to reduce the size of Outbuilding B.

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

Consultation letters were sent to 6 local owners/occupiers and a site notice was displayed. No responses have been received at the time of this report.

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.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement,

5. MAIN PLANNING ISSUES

The main planning issues relate to the impact the proposed alterations to the retained outbuilding would have on the character and appearance of the dwellinghouse and the impact on residential amenity and the character and appearance of the surrounding area.

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 would fail to safeguard the design of existing and adjoining sites.

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The Council's HDAS: Residential Extensions SPD states that outbuildings should be positioned as far away from the house as possible in order to prevent overshadowing of neighbouring properties. The outbuilding would be located 23.52m away from the rear elevation of the house and so would not result in any impact on the amenities of the neighbouring properties.

In regards to height, paragraph 9.3 of the Council's HDAS: Residential Extensions SPD states that flat roofed outbuildings should be no higher than 3m; the existing outbuilding has a 2.72m high flat roof which would be retained, and so complies with the Council's HDAS: Residential Extensions SPD.

The reduction in the depth of the outbuilding from 5.58m to 4m is considered to be acceptable and would reduce the footprint to less than 30sq.m. Overall it is considered that the proposed size, height and positioning of the outbuilding, and the materials used, would not cause harm to the character and appearance of the original dwelling or to the character and appearance of the surrounding area, and would not have a detrimental impact on residential amenity. The outbuilding thereby complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Paragraph 9.4 of the Council's HDAS: Residential Extensions SPD states that the outbuilding must only be used for normal domestic uses related to the residential use of the main house; acceptable uses include car parking, storage of possessions, use as a children's playroom, green house, garden shed, gym, summer house and hobby room provided it is ancillary to the use of the main house.

The outbuilding is currently sub-divided into a gym, shower room and office/store/ancillary guest room. The proposed works to the outbuilding would remove the existing office/store/ancillary guest room, whilst retaining the gym and shower room. The proposed use of the outbuilding is considered to be ancillary to the use of the main dwelling, in accordance with Paragraph 9.4 of the Council's HDAS: Residential Extensions SPD. A condition is recommended to ensure that the outbuilding is used for purposes ancillary to the residential use of the main dwelling.

Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that adequate external amenity space is retained for residential properties. The Council's HDAS: Residential Extensions SPD recommends that a three-bed house should retain at least 60sq.m of usable garden space. Over 160sq.m of external amenity space would be retained, thereby complying with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Two parking spaces are provided on the existing site frontage; the application property therefore complies with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application is therefore recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 RES3 Time Limit

The development hereby permitted shall be completed within six months from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 14-028-10 and 14-028-11 and shall thereafter be retained/maintained for as long as the development remains in existence.

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 (2015).

3 NONSC Non Standard Condition

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).

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.
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: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

16 Moray Avenue

Planning Application Ref:

13579/APP/2017/1710

Planning Committee:

Central & South

Scale:

1:1,250

Date:

July 2017

LONDON BOROUGH OF HILLINGDON

Residents Services Planning Section

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



HILLINGDON
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