

Report of the Head of Planning, Sport and Green Spaces

Address 84 HERCIES ROAD HILLINGDON

Development: Application to vary condition 2 of planning permission Ref: 11271/APP/2016/506 dated 08/04/2016 (Single storey, detached double garage involving demolition of existing garage) to allow a 130cm roof overhang to the front of the building

LBH Ref Nos: 11271/APP/2017/1549

Drawing Nos: RSD2238-300 Rev. A

Date Plans Received: 02/05/2017

Date(s) of Amendment(s):

Date Application Valid: 02/05/2017

1. SUMMARY

This application is being reported to committee due to planning enforcement history relating to the overhang that has been built on the building consented under planning ref: 11271/APP/2016/506 for a single storey, detached double garage involving demolition of existing garage. This change is considered to be material and is therefore being considered under a Section 73 application.

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 streetscene and the impact on residential amenity of the neighbouring dwellings. The application has been found to have a neutral impact on the streetscene and is not considered to harm the amenity of neighbouring residents and as such is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 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, number RSD2238-300 Rev. A.

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).

2 HO4 Materials

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 and shall thereafter be retained as such.

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 Local Plan: Part Two Saved UDP Policies (November 2012)

3 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

REASON

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

4 HO8 Garage retention

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, the garage shall be used only for the accommodation of private motor vehicles incidental to the use of the dwellinghouse as a residence. The garage shall not be used as ancillary residential accommodation or for business purposes.

REASON

To ensure that adequate off-street parking to serve the development is provided and retained and to protect the amenities of adjoining occupiers, in accordance with policies AM14, BE19, BE20, BE21 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 HO9 Tree Protection

The fencing of a minimum height of 1.5m shall be retained until the full completion of the works. The area within the approved protective fencing shall remain undisturbed until the development is complete and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 London Plan (2015).

INFORMATIVES

1 I52 Compulsory Informative (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 I53 Compulsory Informative (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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
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

3 147 Damage to Verge - For Council Roads:

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).

4 12 Encroachment

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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

5 15 Party Walls

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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

6 16 Property Rights/Rights of Light

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.

7 115 Control of Environmental Nuisance from Construction Work

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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey detached dwelling, located on the northern side of Hercies Road, a busy local distributor route linking Park Road in Uxbridge Centre and the A437 (Western Avenue) and the A40. The route of the Uxbridge Branch of the Metropolitan line bounds the rear of the site.

The wider area is residential in character the immediate vicinity is characterised by similar large 1930s detached dwellings set back from the highway behind large front gardens consisting of mature planting.

The site is situated within a Developed Area as identified in the policies of the Hillingdon Local Plan (November 2012).

The application property is set back in a large front garden approximately 14.5 metres in depth and comprising gravelled parking area which provides on-site parking for

approximately four cars. There is an existing single storey detached garage located to the side rear of the house located against the east boundary. The detached garage measures 11 metres in length, 3.6 in width and 3.7 metres in height.

The site is bordered to the east by a public footpath leading to playing fields on the north side of Metropolitan line. No.82 Hercies Road lies beyond further east. No.86 Hercies Way is attached to the west side of the application property. There is a conservatory located along the shared boundary.

The dwelling is set within a large plot, with a spacious gardens toward the rear of the building, containing a number of significant trees. A large section towards the rear of the garden is covered by Tree Protection Order 471.

3.2 Proposed Scheme

This application seeks to vary condition 2 (approved plans) of planning ref: 11271/APP/2016/506 to allow a 130cm (depth) roof overhang to the consented garage.

3.3 Relevant Planning History

11271/A/86/0356 84 Hercies Road Hillingdon

Householder development - residential extension (P)

Decision: 23-04-1986 Approved

11271/APP/2013/1755 84 Hercies Road Hillingdon

Part two storey, part single storey rear extension involving demolition of existing rear elements and alterations to front

Decision: 19-09-2013 Refused

11271/APP/2014/164 84 Hercies Road Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the origin house by 8 metres, for which the maximum height would be 3.25 metres, and for which the height of the eaves would be 2.5 metres

Decision: 10-03-2014 Approved

11271/APP/2015/2948 84 Hercies Road Hillingdon

Part two storey, part single storey rear extension and porch to front

Decision: 22-10-2015 Refused

11271/APP/2015/4355 84 Hercies Road Hillingdon

Part two storey, part single storey rear extension

Decision: 21-01-2016 Approved

11271/APP/2016/506 84 Hercies Road Hillingdon

Single storey, detached double garage involving demolition of existing garage

Decision: 08-04-2016 Approved

11271/D/97/0255 84 Hercies Road Hillingdon

Erection of a first floor side extension

Decision: 09-05-1997 Approved

Comment on Relevant Planning History

4. Planning Policies and Standards

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:

AM7 Consideration of traffic generated by proposed developments.

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbouring resident were consulted on the application between 02/06/2017 and 23/06/2017. 1 response was received from a neighbouring resident which is summarised below:

- Objected very strongly about this outbuilding/garage being granted planning permission at all in the first instance as it has an extremely detrimental effect on the residential amenity of our property.
- The diagonal slant of our garden means that this outbuilding has been built directly underneath our master bedroom which we do not believe has been taken into consideration when allowing the original application. Increasing the size of the outbuilding by a further 130cm not only adds to our original concerns, but also brings additional objections as follows:
 1. Proximity to our property - the overhang brings the garage building extremely close to the large extension (also with an overhang added that was not in the permitted plans) currently completed on the applicants house. I believe there is a minimum distance which has to be maintained between his property and his outbuilding which do not appear to have been adhered to.
- Fire risk - the overhang is inches away from the wooden garden fence which borders the public path between our properties. If the garage, or indeed its roof, caught fire the size and scale combined with intense heat and smoke would be enough to damage the rear of our property. The fence would go up in flames instantly along with the dry scrub hedgerow along the alleyway and a small gust of wind would easily spread this directly upwards to our property.
- Smoke damage risk - if the garage and/or its roof caught fire, the smoke would penetrate up under the eaves of our property and into our house. NB: a similar scenario has happened already when contractors working lit a large, illegal, controlled bonfire in the back garden. Even though the site of the bonfire was further away from our house than the site of the garage, there was significant smoke damage inside both our property and that of our neighbours at no. 80 Hercies Road. The smell of the smoke itself took almost a week to dissipate.
- Noise - The applicant has a performance motorbike with very noisy revs. We originally complained in September 2016 that allowing an overhang to the garage would enable him to rev his motorbike in all weathers and the noise would be unacceptably loud in our master bedroom due to the position and proximity. In fact, this is exactly what the applicant has done in the intervening months, using his motorbike 3 - 4 times a week in the early evening when our young children are in bed. He regularly leaves his bike running for extended periods of time, revs the engine and rides off for a very short period of time before returning and riding it from the front to the rear of his house right up to his garage again. The noise is so loud that it reverberates through our entire house, we are unable to hear our television over the noise of the revs, we are unable to leave windows open at the back of the house due to the noise and fumes, and our children often complain that the noise (particularly the initial sudden start-up of the bike) either wakes them up or prevents them from sleeping. He very occasionally uses the bike during the day and the noise problems are just as loud and unwelcome. The applicant apparently has no desire to alleviate the noise interference his motorbike has on his neighbours by simply doing the common courtesy of only starting the bike when he is at the road end of his driveway. Instead he makes full use of his garage overhang (where his property is lamentably closest to ours) and therefore we have to repeatedly suffer the resulting excessive noise and vibration it generates.
- Exterior lights - the proximity of the garage to our property means that the exterior security lights currently attached to the garage are a serious and unwelcome light intrusion directly into our master bedroom.
- Impact on view from our garden - the whole building extends of the way along our back garden wall and the entire roof is clearly visible from all parts of our garden. A flat roof would have been better, however the addition of a further 130cm makes the outbuilding an even greater eyesore which has been commented on by visitors to our property and also by neighbours not directly affected.
- Impact on view from our master bedroom - again the sheer size, scale and bulk of the whole building takes up an unacceptable proportion of the view from our master bedroom window as the photos sent to the planning office back in Sep 2016 are testament. The view we are left with is a very, very long and imposing tiled roof. The previously picturesque views of garden and trees from upstairs has gone and the view facing westwards from our rear garden has also been ruined. If the applicant wishes to reduce the impact of weather and sun on the front of his outbuilding/garage, he would surely have made the original garage plans 130cm shorter to allow for an overhang and to keep the building within the maximum permitted length?

Internal Consultees

None.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the garage has already been established by virtue of planning ref: 11271/APP/2016/506. As such, there is no in principle objection to the proposal.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Local Plan: Part One (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policies BE13 and BE19 of the Local Plan: Part Two (November 2012) seek to ensure that the new development complements or improves the character and amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

Section 9 of HDAS outlines the main considerations with respect to outbuildings and seeks to ensure there is no adverse impact upon the adjoining properties. Paragraph 9.2 states that the outbuilding should be positioned as far away from the house as possible. The proposed outbuilding would be located some 7.5 metres away from the original dwelling.

The outbuilding is set in from the boundaries by at least 500mm. The overhang measures 130mm in depth from the front elevation of the building and matches the design, height and width of the garage. The building is not visible from the frontage and thus the street and whilst it is appreciated that there is limited visibility of the overhang from the surrounding area and in particular the adjoining properties, the separation distance from these properties is such that it is not considered to be visually obtrusive and therefore is not considered to harm the quality of the built environment or the street scene in compliance with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

7.08 Impact on neighbours

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 requires that development should protect the privacy of the occupiers and their neighbours.

Policy OE1 states that planning permission would not normally be granted for uses or

structures that are or likely to become detrimental to the character and amenity of the surrounding properties because of noise, vibration, smell or pollutants.

The garage is set in from the boundary by 0.5m and the submitted details and a site inspection clearly indicate the use of the outbuilding as a domestic garage ancillary to the use of the main house. There is an existing pedestrian footpath between the application property and neighbouring property No.82 Hercies Road. The distance separating the application property and neighbouring property ensures there would be no material loss of residential amenity to the occupiers as a result of loss of light or over shadowing.

The building would leave a significant amount of private usable garden space well over the required minimum of 100 square meters for the residents providing sufficient outdoor amenity space in accordance with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to this application.

7.11 Urban design, access and security

See 'impact on the character and appearance of the area' above.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The planning impacts of the proposal have been covered in the relevant sections of the report. Issues relating to noise from motorbikes revving engines, fires and smoke damage are not directly relevant to the determination of this application.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The application is for the retention of works which do not have planning permission. Should members consider the proposal to be unacceptable then a separate enforcement report will need to be submitted for members consideration. Any issues connected to anti-social behaviour can be referred to the Council's ASBI Team.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in

particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

An overhang that has been erected on the garage consented under planning ref: 11271/APP/2016/506 for a single storey, detached double garage involving demolition of existing garage. This change is considered to be material and is therefore being considered under a Section 73 application.

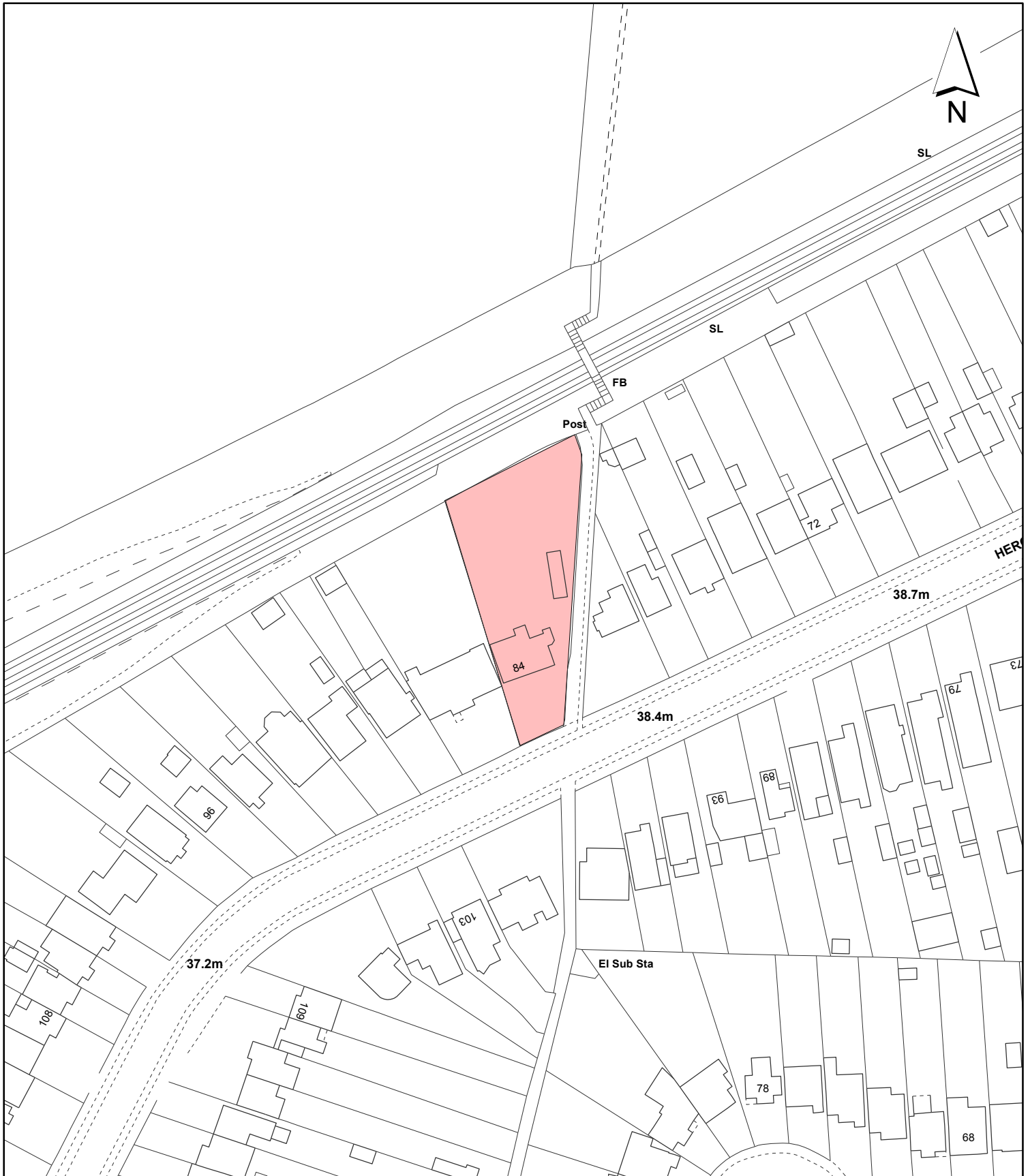
The effect of the proposal on the character and appearance of the original dwelling, the impact on the streetscene and the impact on residential amenity of the neighbouring dwellings has been considered. The application has been found to have a neutral impact on the streetscene and is not considered to harm the amenity of neighbouring residents and as such is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Hillingdon Design and Accessibility Statement: Residential Extensions

Contact Officer: Zenab Haji-Ismail

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

84 Hercies Road

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

Planning Application Ref:
11271/APP/2017/1549

Scale:
1:1,250

Planning Committee:
Central & South

Date:
July 2017

