

## Report of the Head of Planning, Sport and Green Spaces

**Address** 5 FIELD CLOSE HARLINGTON

**Development:** Internal alterations to existing outbuilding to include new bathroom and boiler room and insertion of new window to rear elevation

**LBH Ref Nos:** 33279/APP/2017/3121

**Drawing Nos:** O PA 01 Rev. A  
O PA 02 Rev. A

**Date Plans Received:** 25/08/2017      **Date(s) of Amendment(s):**

**Date Application Valid:** 25/08/2017

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The site and locality is predominantly residential in nature and is situated immediately south of a large area of green space. The property itself is a semi-detached dwellinghouse and is situated among a number of other semi-detached properties.

The site is not located in a Conservation Area but is subject to potentially contaminated land and forms part of the Harlington Village Residents Association.

Under the Council Constitution, all planning applications which have a recommendation for approval on a site which has enforcement history must be presented to planning committee as is the case in this application.

#### 1.2 Proposed Scheme

This Householder Planning Consent application is for internal alterations to the existing outbuilding. This involves the change of use of two storage rooms for use as a bathroom and boiler room. A window would also be installed into the existing shower room.

#### 1.3 Relevant Planning History

33279/APP/2010/1215      5 Field Close Harlington

Single storey detached outbuilding in rear garden for use as a games room (Application for a Certificate of Lawfulness for an Existing Development)

**Decision Date:** 20-09-2010      Approved      **Appeal:**

33279/APP/2010/2702      5 Field Close Harlington

Conversion of a single storey rear outbuilding to be used as an annex to main dwelling.

**Decision Date:** 18-01-2011      Refused      **Appeal:** 12-APR-11      Allowed

#### Comment on Planning History

A Certificate of Lawful Development for an existing development was approved for the single storey detached outbuilding in the rear garden in 2010. This was intended for use as

a games room. A Householder Planning Consent application was then refused for the conversion of this outbuilding for use as an annexe to the main dwelling in 2010. This was, however, allowed at appeal.

## **2. Advertisement and Site Notice**

**2.1** Advertisement Expiry Date:- Not applicable

**2.2** Site Notice Expiry Date:- 24th October 2017

## **3. Comments on Public Consultations**

### EXTERNAL CONSULTATION

Letters were sent to adjoining neighbours. A site notice was erected at the site and all consultations expire on the 24/10/2017. No comments have been received to date. As the consultation period expires on the 24/10/2017, the addendum report will provide an update of any further responses received.

Planning Enforcement Officer Comments:

The site has been subject to 5 enforcement investigations.

Of relevance is the large outbuilding, which in 2007 was alleged to be in use a separate residential unit. As a result of the enforcement investigation the owner submitted CLD (33279/APP/2010/1215) which was granted on 20 September 2010 for use of the outbuilding as a games room. Following granting of CLEUD for outbuilding, the owner submitted a new householder seeking use as an annexe, 33279/APP/2010/2702 dated 23 November 2011. Although originally refused by the LPA, it was granted on appeal. In July 2016, the outbuilding was subject to another investigation, this time it was established the outbuilding had not been completed as per the plans approved under application reference 33279/APP/2010/2702. Accordingly a Breach of Condition Notice achieved compliance in May 2017.

Furthermore, the property has been investigated for use a sui generis HMO however a breach of planning control was not identified and the matter was closed.

## **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:

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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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 proposals compliance with design guidelines and its associated effect on residential amenity.

### LAND USE

The Hillingdon Design and Access Statement (HDAS) for Residential Extensions SPD requires that outbuildings must only be used for normal domestic uses related to the residential use of the main house. For example, an outbuilding can be used for car parking, storage, a playroom, a green house, a garden shed, a gym, a summer house and a hobby room provided it is ancillary in use to the main house. The outbuilding cannot be used as a self contained residential unit as this could cause issues over privacy, overlooking, noise and general disturbance.

The nature of the proposed alterations will create an outbuilding which is ancillary to the main dwellinghouse in so far as the outbuilding does not have a kitchen and the users of the annexe would be utilising the facilities from the main dwellinghouse. The proposal involves the alteration of the existing storage rooms for use as a bathroom and a boiler room. This is in addition to the existing living room, office, bedroom and ensuite. The appeal decision from the previously allowed scheme noted that the proposed layout would not include a kitchen, meaning that the occupiers of the annexe would be dependent on the host dwelling. Thus, the internal alterations to the outbuilding cannot technically be considered capable of independent occupation from the main dwelling and is not tantamount to a separate dwelling in a position where such a dwelling would not be accepted. It was for this reason that the 2011 appeal was allowed. As such, this forms a material consideration in the determination of this application. As the current proposals would still have no kitchen within the outbuilding, the changes maintain the status of the outbuilding as being dependent on the host dwelling and is therefore considered ancillary, based on the appeal decision. On balance and in light of the previous appeal decision, the proposal accords with policies BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the adopted Supplementary Planning Document HDAS: Residential Extensions.

### DESIGN

The only proposed external change to the outbuilding involves the insertion of a shower room window which will be on the side elevation and would not have an impact on the design of the outbuilding. This accords with the HDAS for Residential Extensions SPD.

### AMENITY

Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new residential buildings or extensions should provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings, and which is usable in terms of its shape and siting.

As an annexe there would be no need for separate amenity space and the existing rear garden would be sufficient for the occupiers of the host dwelling and annexe. The proposed development also does not involve the removal of external amenity space and accords with policy BE23.

Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the design of new buildings should protect the privacy of the occupiers and their neighbours.

It is not judged that the proposed shower room window on the side elevation to the outbuilding would infringe upon the privacy of the occupants or neighbours given the position of the window relative to the garden fencing. A condition would, however, be proposed to secure obscure glazing to protect neighbour privacy, should the use of the room being served by this window be altered at a later date.

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

The proposal is deemed to complement residential amenity and accords with policies BE19 and BE23.

#### HIGHWAYS

The works proposed relate to a householder development only and are acceptable in principle as there are no changes to the highway layout or parking provision on site.

As an annexe there would be no need for separate car or cycle parking. The proposal thereby accords with policies AM7 and AM14.

RECOMMENDATION: Approval.

## 6. RECOMMENDATION

### APPROVAL subject to the following:

1 HO1 Time Limit

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 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 O PA 01 Rev. A and O PA 02 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 (2016).

#### 3 HO6 Obscure Glazing

The proposed window within the outbuilding shall be glazed with permanently obscured glass and 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)

#### 4 B32 Ancillary Uses

The outbuilding the subject of this approval shall only be used as a residential annex and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 5 Field Close.

#### REASON

To ensure the proposed alterations comply with policies BE19, BE23 and 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:

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.

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- 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.

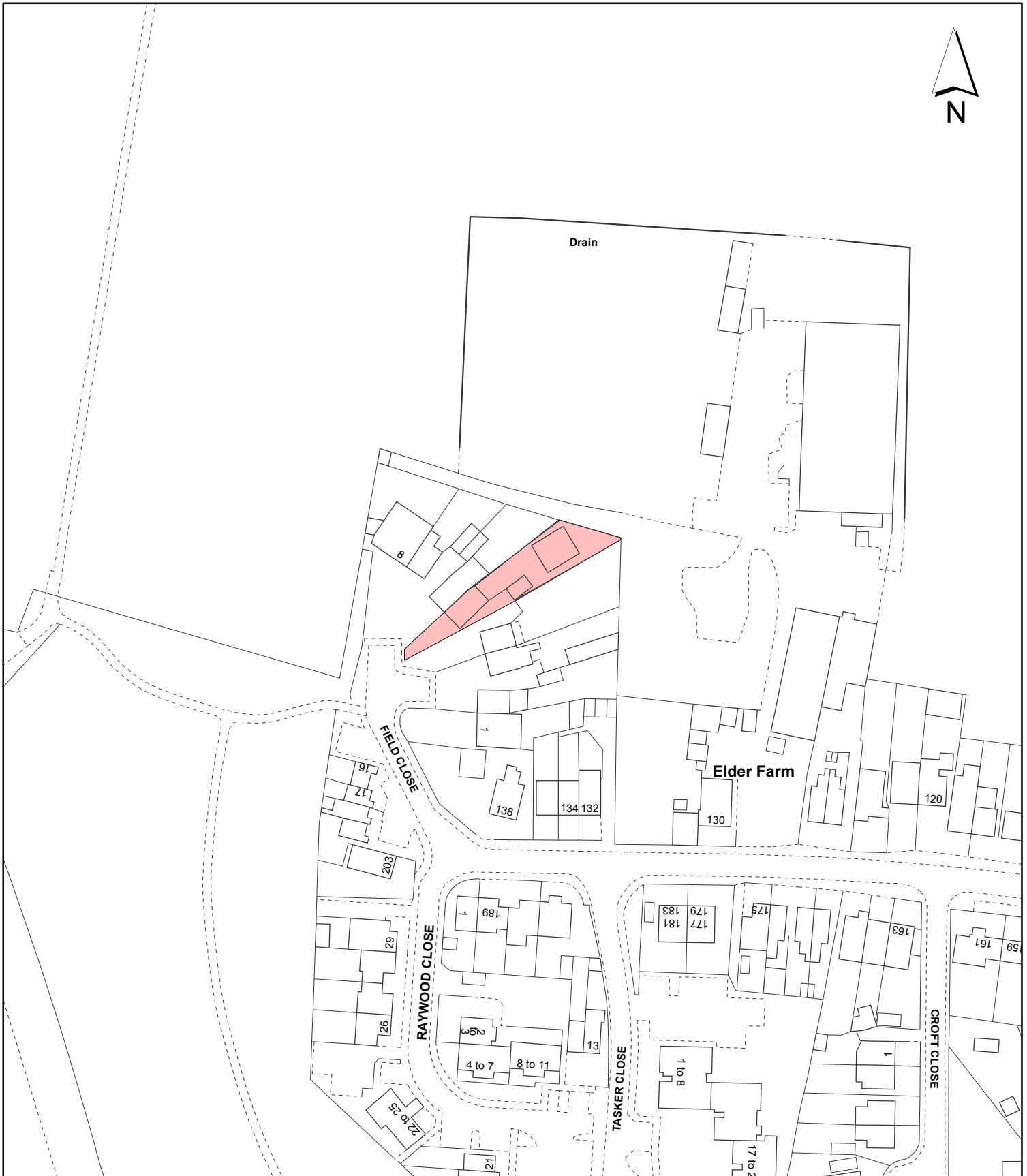
You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the 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:** Michael Briginshaw

**Telephone No:** 01895 250230





**Notes:**

 Site boundary

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Site Address:

**5 Field Close**

**LONDON BOROUGH OF HILLINGDON**

**Residents Services Planning Section**  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:

**33279/APP/2017/3121**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**October 2017**



**HILLINGDON**  
 LONDON