

Report of the Head of Planning, Sport and Green Spaces

Address 8 EDINBURGH CLOSE ICKENHAM

Development: Variation of condition No. 4 (External Fenestration) and Condition 2 (Approved Plans) of planning permission ref: 71761/APP/2016/2308 dated 09/08/2016 to alter the window/door on the rear/side elevation and increase the height of the parapet wall to the front and rear (Single storey rear extension and conversion of garage to habitable use involving alterations to front elevation (Resubmission))

LBH Ref Nos: 71761/APP/2017/4373

Drawing Nos: ARC514 -PC -ICKENHAM
Photos
PROPOSAL

Date Plans Received: 04/12/2017

Date(s) of Amendment(s): 05/12/2017

Date Application Valid: 14/12/2017

1. SUMMARY

This application seeks permission for the variation of condition 2 (Approved Plans) and condition 4 (External Fenestration) of planning permission ref: 71761/APP/2016/2308 dated 09/08/2016 to alter the window/door on the rear/side elevation and increase in height to the parapet walls to the front and rear (Single storey rear extension and conversion of garage to habitable use involving alterations to front elevation).

This is a retrospective application which involves a small increase in the overall height of the parapet walls to the front and rear along with a minor change to the glazing element and fenestration to the rear. The proposal would have no unacceptably detrimental impacts to the residential amenity of the neighbouring properties and would not cause any unacceptable harm to the visual appearance of the original dwelling or wider area.

Therefore it is considered acceptable.

2. 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 titled, ARC514 -PC - ICKENHAM and dated 02.02.2018.

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 (March 2016).

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

4 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 facing Nos. 6 and 10 Edinburgh Close.

REASON

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

5 NONSC Non Standard Condition

A close boarded fence of at least 2.0 m in height shall be maintained along the side boundary with No. 6 Edinburgh Close for the overall depth of the development hereby approved. The fence shall be erected within 3 months of the date of this planning permission and maintained for as long as the development remains in existence.

REASON

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

6 HO7 No roof gardens

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

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

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in

September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 147A Damage to Verge - For Private Roads:

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

3 115 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 site is located on the North side of Edinburgh Close and comprises a two storey semi-detached house with a gabled roof and attached single storey side garage along the Western side boundary. The property includes a hard standing area to the front of the garage with sufficient space for 2 vehicles.

To the West lies No. 10, attached by single storey side garages and has a first floor side extension abutting the shared boundary. To the East lies, No. 6, the attached semi which also benefits from a single storey rear extension by way of a conservatory.

The street scene is residential in character and appearance comprising two storey semi-detached and terraced houses of varying designs which lie within the 'developed area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

This application seeks permission for the variation of condition 2 (Approved Plans) and condition 4 (External Fenestration) of planning permission ref: 71761/APP/2016/2308 dated 09/08/2016 to alter the window/door on the rear/side elevation and increase in height to the parapet walls to the front and rear (Single storey rear extension and conversion of garage to habitable use involving alterations to front elevation).

The overall height of the parapet walls has increased to 3.2 metres to the front and 3.3 metres to the rear. The original L-shaped bi-fold doors which ran along the rear and return side has been replaced with a single bi-fold door on the rear elevation and a single separate glazed door on the return side elevation.

3.3 Relevant Planning History

71761/APP/2016/1277 8 Edinburgh Close Ickenham

Part two storey, part single storey side/rear extension and conversion of garage to habitable use involving alteration to front

Decision: 02-06-2016 Refused

71761/APP/2016/2308 8 Edinburgh Close Ickenham

Single storey rear extension and conversion of garage to habitable use involving alterations to front elevation (Resubmission)

Decision: 09-08-2016 Approved

71761/APP/2016/2429 8 Edinburgh Close Ickenham

Conversion of roof space to habitable use to include a rear dormer with Juliet balcony and 3 front roof lights (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 29-06-2016 Approved

71761/APP/2016/2831 8 Edinburgh Close Ickenham

Single storey detached outbuilding to rear for use as storage (Application for a Certificate of Lawful Development for a Proposed Development).

Decision: 30-08-2016 Refused

Comment on Relevant Planning History

71761/APP/2016/2308 - Single storey rear extension and conversion of garage to habitable use involving alterations to front elevation. Approved 09.08.2016.

71761/APP/2016/2429 - Conversion of roof space to habitable use to include a rear dormer with Juliet balcony and 3 front roof lights (Application for a Certificate of Lawful Development for a Proposed Development). Approved 29.06.2016.

71761/APP/2016/1277 - Part two storey, part single storey side/rear extension and conversion of garage to habitable use involving alteration to front. Refused 02.06.2016.

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:

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.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

LPP 3.5 (2015) Quality and design of housing developments

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

12 neighbouring properties and Ickenham Residents Association were consulted on 19.12.2017 and a site notice was displayed nearby to the front of the site on 27.12.2017.

Following comments received by concerned residents and the timing of the application over the festive period, the planning consultation period was extended to 18th January 2018.

Objections were received stating the proposed description was inaccurate and that the plans failed to reflect all the changes proposed/undertaken. Objections were also received stating:

- contravenes the approvals granted and building work should not have proceeded until fully authorised by the planning department.
- concerns over rain water and drainage of the outbuilding.

Amended drawings and application form were subsequently requested to clarify the changes to be considered under this application and the application was subject to a further 14 day consultation from the 7th February.

A petition has been raised with 91 signatories from the Borough, stating the original retrospective planning application failed to provide full details of the breach to regulations; this was inaccurate and deliberately misleading. The new diagram makes no material difference to this application. The petition states the desired outcome would be to 'brick up the door' and have no opening; and a complete re-build to a height of 2.6 metres or reduce the height of the parapet walls.

The Ward Councillor requested that the application goes to committee for determination if approval is being recommended. The Councillor also wanted to express that there are strong residents concerns in the way this development has proceeded and in the knowledge that the submitted plans do not in their opinion reflect what has been built.

Internal Consultees

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of development is established under planning ref: 71761/APP/2016/2308, for a single storey rear extension and conversion of garage to habitable use involving alterations to front elevation. The proposals under this application are modest and do not impact on the nature, scale of the development or use and it is therefore acceptable in planning policy terms.

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 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. Policies BE13 and BE19 resist any development which would fail to harmonise with the existing street scene or complement or improve the character of the area.

The overall height of the parapet walls has increased to 3.2 metres to the front and 3.3 metres to the rear. This is only marginally above the recommended guideline in HDAS: Residential Extensions, of 3.1 metres. In this instance it is considered that this would have no adverse impact to the character and appearance of the original dwelling or the surrounding area. It is accepted that the parapet wall to the front would sit above the neighbouring garage, however it should be noted that this neighbouring property to the West closest to the parapet wall has benefited from a two storey side and rear extension. Therefore when viewed in this context the marginal increase in height is not particularly noticeable and certainly causes no significant harm to merit a refusal. In addition it should also be noted that HDAS: Residential Extensions advises that an overall height of 3.4 metres is considered acceptable for pitched roofs. To the rear the increase to 3.3 metres is also considered acceptable given the extensions to both neighbouring properties.

Furthermore the original L-shaped bi-fold doors which ran along the rear and return side have been replaced with a single bi-fold door on the rear elevation and a single separate glazed door on the return side elevation. Therefore there would be no material difference to that which was previously granted and the amended scheme. The original bi-fold doors would have had a glazed element in exactly the same location as the single door. Indeed there is now a reduction in the overall glazing element. In any event this is located to the rear of the property and not readily visible from the wider surrounding area.

Therefore the proposed increase would be slightly above the recommended guidelines however there is no harm caused by the increase in height over and above the already permitted scheme. The proposal would therefore be in compliance with policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies BE13, BE15 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

There were no windows proposed on the side elevation that directly overlook adjoining properties and the approved extension would not breach the 45 degree line of sight taken from No. 6 and 10. The proposal extends beyond the rear wall of No.10 by 1.20 m and 0.50 m beyond the rear conservatory at No.6.

There are no material changes to the proposal which could have any significant and unacceptable impact to either of the adjoining properties. The original L-shaped bi-fold doors which ran along the rear and return side facing no.6, have been replaced with a single bi-fold door on the rear elevation only and a single separate glazed door on the return side elevation facing no.6. Therefore there would be no material difference to that which was previously granted and the amended scheme. The original bi-fold doors would have had a glazed element in exactly the same location as the single door. Indeed there is now a reduction in the overall glazing element. Given the L-shaped layout, this door would also be set in from the side boundary to no.6 by 4 metres.

In addition as part of the original planning permission the following condition was also included to prevent any overlooking. Condition 5 reads:

A close boarded fence of at least 2.0 m height shall be maintained along the side boundary with No. 6 Edinburgh Close for the overall depth of the development hereby approved for as long as the development remains in existence.

REASON

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

This is proposed to be repeated on any further approval.

Therefore, the application proposal would not constitute an un-neighbourly form of development and would not result in increased overshadowing, visual intrusion, over-dominance or overlooking; and would be thereby comply with the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) BE20, BE21 and BE24 and section 3.0 of the 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**
- These issues have been dealt with elsewhere in the report.
- 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**
- No issues arise.
- 7.16 Renewable energy / Sustainability**
- No issues arise.
- 7.17 Flooding or Drainage Issues**
- No issues arise.
- 7.18 Noise or Air Quality Issues**
- Not applicable to this application.
- 7.19 Comments on Public Consultations**
- The issues raised have been addressed in the main report.
- 7.20 Planning Obligations**
- Not applicable to this application.
- 7.21 Expediency of enforcement action**
- The application is retrospective and, if refused, it will be necessary to consider the expediency of enforcement action.

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. In any event this application has been submitted following ongoing communications with the Council's Enforcement Team.

The existing outbuilding has been investigated by the enforcement team and it is considered to be within the parameters permitted and therefore this matter is closed.

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

None.

10. CONCLUSION

This is a retrospective application which involves a small increase in the overall height of the parapet walls to the front and rear along with a minor change to the glazing element and fenestration to the rear. The proposal would have no unacceptably detrimental impact to the residential amenity of the neighbouring properties and would not cause any

unacceptable harm to the visual appearance of the original dwelling or wider area.

Therefore taking all matters into consideration it is considered that the proposal would respect the character and appearance of the property and the street scene. Subject to appropriate conditions it would not give rise to any adverse impact on the amenities of adjoining occupiers, nor would there be any unacceptable impact on the area.

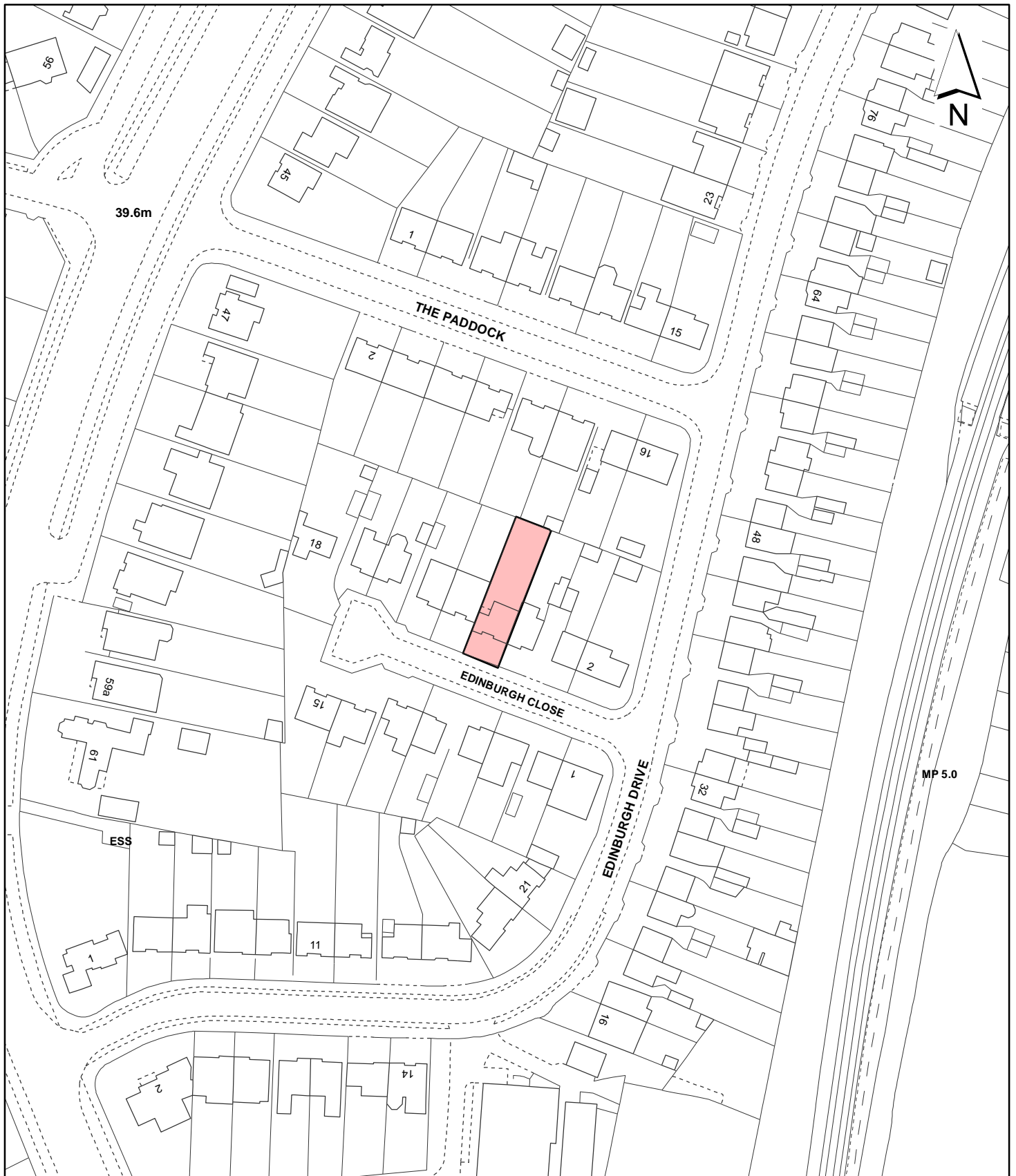
The application is therefore recommended for conditional approval.


11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Residential Extensions
National Planning Policy Framework

Contact Officer: Hardeep Ryatt

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">8 Edinburgh Close Ickenham</p>		<p align="center">LONDON BOROUGH OF HILLINGDON</p> <p align="center">Residents Services</p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">71761/APP/2017/4373</p>	<p>Scale</p> <p align="center">1:1,250</p>	
	<p>Planning Committee</p> <p align="center">North Application</p>	<p>Date</p> <p align="center">March 2018</p>	



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