

Report of the Head of Planning, Transportation and Regeneration

Address 40 THE DRIVE NORTHWOOD

Development: Regularisation of roof alterations

LBH Ref Nos: 13554/APP/2016/4477

Drawing Nos: DP/2908/PP/03 Existing Ground Floor Plan
DP/2908/PP/04 Proposed Ground Floor Plan
DP/2908/PP/05 Existing First Floor Plan
DP/2908/PP/06 Proposed First Floor Plan
DP/2908/PP/07 Existing Second Floor Plan
DP/2908/PP/08 Proposed Second Floor Plan
DP/2908/PP/09 Existing and Proposed Front Elevation
DP/2908/PP/10 Existing and Proposed Rear Elevation
DP/2908/PP/11 Existing and Proposed Side Elevation
DP/2908/PP/12 Existing and Proposed Neighbour Side Elevation
DP/2908/PP/13 Existing Roof Plan
DP/2908/PP/14 Proposed Roof Plan
DP/2908/PP/02 Block Plan
DP/2908/PP/01 Location Plan

Date Plans Received: 13/12/2016 **Date(s) of Amendment(s):**

Date Application Valid: 27/02/2017

1. SUMMARY

Planning permission is sought for the regularisation of roof alterations. The proposal seeks to retain an unauthorised small side facing box dormer and the two rear facing gable end roof extensions. The side facing element of the L-shaped dormer would be removed whilst the rear facing section would be retained.

The retention of the gable end roof extensions, the small side facing box dormer and the rear facing dormer are considered to be acceptable and would not have an unacceptable impact on the character and appearance of the property and the surrounding area. The proposal would provide adequate levels of sunlight/daylight to the property and would not result in a loss of privacy to neighbouring properties.

The proposal thereby complies with Policies BE13, BE15, BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

The application is therefore recommended for approval.

2. 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,

DP/2908/PP/01 Location Plan
DP/2908/PP/02 Block Plan
DP/2908/PP/03 Existing Ground Floor Plan
DP/2908/PP/04 Proposed Ground Floor Plan
DP/2908/PP/05 Existing First Floor Plan
DP/2908/PP/06 Proposed First Floor Plan
DP/2908/PP/07 Existing Second Floor Plan
DP/2908/PP/08 Proposed Second Floor Plan
DP/2908/PP/09 Existing and Proposed Front Elevations
DP/2908/PP/10 Existing and Proposed Rear Elevation
DP/2908/PP/11 Existing and Proposed Side Elevations
DP/2908/PP/12 Existing and Proposed Neighbour Side Elevation
DP/2908/PP/13 Existing Roof Plan
DP/2908/PP/14 Proposed Roof Plan

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 (2016).

3 RES12 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 RES13 Obscure Glazing

The window facing 40C The Drive 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)

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.

| | |
|------|--|
| 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. |

3 I15 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-west side of The Drive and comprises a two-storey detached house set within a spacious plot. To the north-east lies 40C The Drive, a two-storey detached house and to the south-west lies a driveway leading to 40A and 40B The Drive, located to the rear of the application site. 42 The Drive, also a detached house, lies beyond the driveway. The street scene is residential in character and appearance comprising large detached houses of varying designs, some set within large plots. The application site is covered by TPO 159 and lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

Planning permission is sought for the regularisation of roof alterations. The proposal seeks to retain an unauthorised small side facing box dormer and the two rear facing gable end roof extensions. The side facing element of the L shaped dormer would be removed whilst the rear facing section of the dormer would be retained.

The small side facing box dormer would be 2.16m wide and 1.3m high with a depth of 1.73m. The rear facing dormer would be 4m wide and 2.34m high with a depth of 2.79m.

3.3 Relevant Planning History

13554/APP/2010/1491 40 The Drive Northwood

2 five-bedroom detached dwellings with basement and habitable roofspace, associated parking and amenity space and installation of vehicular crossover to front, involving demolition of existing detached dwelling.

Decision: 23-12-2010 Refused

13554/APP/2011/1451 40 The Drive Northwood

Erection of 2, two storey, four-bedroom detached dwellings with basement and habitable roofspace, associated parking and amenity space and installation of vehicular crossover to front, (involving demolition of existing detached dwelling, detached garage and swimming pool) (Resubmission).

Decision: 18-08-2011 Refused

13554/APP/2013/3499 40 The Drive Northwood

Two storey side extension and single storey rear extension

Decision: 19-02-2014 Refused

13554/APP/2014/1082 40 The Drive Northwood

Two storey side extension and single storey rear extension

Decision: 19-05-2014 Approved

13554/APP/2014/2125 40 The Drive Northwood

Part two storey, part single storey rear extension, conversion of roof space to habitable use to include a rear dormer 3 side and 1 front rooflights and replacement detached garage to side

Decision: 09-09-2014 Approved

13554/APP/2015/1863 40 The Drive Northwood

Two storey side extension, single storey rear extension, conversion of roofspace into habitable use to include 2 side dormers and 1 rear dormer with 1 front and 2 side rooflights involving demolition of existing detached garage

Decision: 10-08-2015 Refused

13554/APP/2015/3296 40 The Drive Northwood

Part two storey, part single storey side extension, single storey rear extension, conversion of roofspace to habitable use to include hip to gable roof conversion of rear projection, 2 side dormers and 1 front rooflight involving demolition of existing detached garage

Decision: 09-11-2015 Refused

13554/APP/2015/4399 40 The Drive Northwood

Part two storey, part single storey side extension and single storey rear extension involving demolition of existing detached garage to side

Decision: 26-01-2016 Approved

13554/APP/2016/585 40 The Drive Northwood

Part two storey, part single storey side extension, single storey rear extension and conversion of roofspace to habitable use to include 2 side dormers, 2 side rooflights and 1 front rooflight, involving demolition of existing detached garage to side

Decision: 25-05-2016 Refused **Appeal:** 15-09-2016 Dismissed

13554/G/78/0742 40 The Drive Northwood

Householder development (small extension, garage etc.)

Decision: 21-09-1978 Refused

13554/H/79/0024 40 The Drive Northwood

Householder development (small extension, garage etc.)

Decision: 14-02-1979 Refused

13554/K/97/1842 40 The Drive Northwood

Erection of a two storey rear extension with pitched roof over

Decision: 14-05-1998 Approved

13554/TRE/2004/78 40 The Drive Northwood
TO REMOVE ONE WILLOW TREE IN GROUP G1 ON TPO 159

Decision: 22-05-2013 NFA

13554/TRE/2006/124 40 The Drive Northwood
TO FELL ONE WEEPING WILLOW IN GROUP G1 ON TPO NO. 159

Decision: 22-05-2013 NFA

Comment on Relevant Planning History

Planning permission for a part two storey, part single storey side extension and single storey rear extension involving demolition of existing detached garage to side (ref: 13554/APP/2015/4399) was granted in January 2016.

Planning application ref: 13554/APP/2016/585, for a part two storey, part single storey side extension, single storey rear extension and conversion of roofspace to habitable use to include 2 side dormers, 2 side rooflights and 1 front rooflight, involving demolition of existing detached garage to side, was refused in May 2016. The application was dismissed at appeal in September 2016 (Planning Inspectorate Appeal ref: APP/R5510/D/16/3153412) as the appeal plans were substantially different from the refused plans and what had been built on site.

In September 2016 an enforcement notice was served against the erection of:

- 1) A small side facing box dormer
- 2) A side and rear facing box dormer (L shaped)
- 3) Two rear facing gable end roof extensions

The enforcement notice required the two dormers and the two gable end roof extensions to be removed. An appeal against the enforcement notice was submitted in January 2017 (Planning Inspectorate ref: APP/R5510/C/16/3161723) and was part allowed in June 2017. The Planning Inspector allowed the small side-facing box dormer and the two rear-facing gable end roof extensions. The appeal was dismissed in regards to the erection of the side and rear-facing box dormer (L-shaped).

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:

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.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 11 local owners/occupiers and a site notice was displayed. Two responses were received:

- i) The application is the same as previous applications that have been refused by the Council and also refused on appeal.
- ii) Permission is being sought for unauthorised changes to the building

Northwood Residents Association:
No response received

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There is no objection in principle to regularisation of unauthorised works to a property subject to compliance with relevant policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fails to harmonise with the existing street scene, whilst Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks

to ensure that new development within residential areas complements or improves the amenity and character of the area.

Following an Enforcement Notice for unauthorised works to the roof, this application seeks to retain an unauthorised small side facing box dormer and two unauthorised rear facing gable end roof extensions. The side facing dormer of an unauthorised L-shaped dormer would be removed whilst the rear facing dormer would be retained.

At the time of the appeal, the Planning Inspector considered that the small side-facing box dormer and the two rear-facing gable end roof extensions would not harm the character and appearance of the host property and the wider area. Given the Inspector's decision, and that there is no change in the size, scale and positioning of the small side-facing box dormer and the two rear-facing gable end roof extensions, these works are considered to be acceptable in this instance.

The rear dormer, that formed part of the unauthorised L-shaped dormer, would be 4m wide and 2.34m high with a depth of 2.79m from the main roof ridge. The dormer would not project beyond the eaves. With the removal of the side facing dormer, the rear facing dormer is of a more appropriate scale and appearance and does not appear as a non-subordinate addition to the roof. The rear dormer is therefore considered to be acceptable.

The proposal complies with Policies BE13, BE15 and of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to protect the privacy of neighbouring dwellings.

The retention of the two rear facing gable end roof extensions and the rear facing dormer would not result in loss of privacy to neighbouring properties at the rear of the site as these properties are located over 21m away. The side dormer facing 40C The Drive would be obscure glazed and so there would not be a loss of privacy; this can be secured by way of a condition on any consent granted.

7.09 Living conditions for future occupiers

Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Layouts (SPD) seek to ensure that new developments maintain and allow adequate levels of daylight and sunlight to penetrate into and between them.

The small dormer window facing 40C The Drive would be to a bathroom and so an obscure glazed window in this location would be acceptable and provide adequate light to the bathroom. The side facing dormer of the unauthorised L-shaped dormer, which provides light to the loft bedroom, would be removed and replaced with a rooflight. It is considered that the rooflight would provide adequate levels of light into the room whilst the rear facing dormer would be retained.

The proposal would therefore comply with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Layouts (SPD)

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed regularisation of the roof alterations would not impact on parking

arrangements within the site.

7.11 Urban design, access and security

Urban Design:

See Section 7.07 of this report.

Access and Security:

The proposed regularisation of the roof alterations would not impact on access and security arrangements of the property.

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

Two responses were received during the public consultation raising concerns that the current application is the same as previously refused applications and appeals and that permission is being sought for unauthorised works. The planning and enforcement history of the site has been discussed elsewhere in this report.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The current application seeks to regularise alterations to the roof which are the subject of an enforcement notice. The enforcement notice required the removal of a small side facing box dormer, a side and rear facing box dormer (L-shaped) and two rear facing gable end roof extensions.

An appeal against the enforcement notice was submitted in January 2017 (Planning Inspectorate ref: APP/R5510/C/16/3161723) and was part allowed in June 2017. The Planning Inspector allowed the small side-facing box dormer and the two rear-facing gable end roof extensions. The appeal was dismissed in regards to the erection of the side and rear-facing box dormer (L-shaped).

The current proposal seeks to retain the small side facing box dormer and the two rear facing gable end roof extensions. The side facing dormer of the L-shaped dormer would be removed whilst the rear facing dormer would be retained.

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 Probitry 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

Planning permission is sought for the regularisation of roof alterations. The proposal seeks to retain an unauthorised small side facing box dormer and the two rear facing gable end roof extensions. The side facing dormer of the L-shaped dormer would be removed whilst the rear facing dormer would be retained.

The retention of the gable end roof extensions, the small side facing box dormer and the rear facing dormer are considered to be acceptable and would not have an unacceptable impact on the character and appearance of the property and the surrounding area. The proposal would provide adequate levels of sunlight/daylight to the property and would not result in a loss of privacy to neighbouring properties.

The proposal thereby complies with Policies BE13, BE15, BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

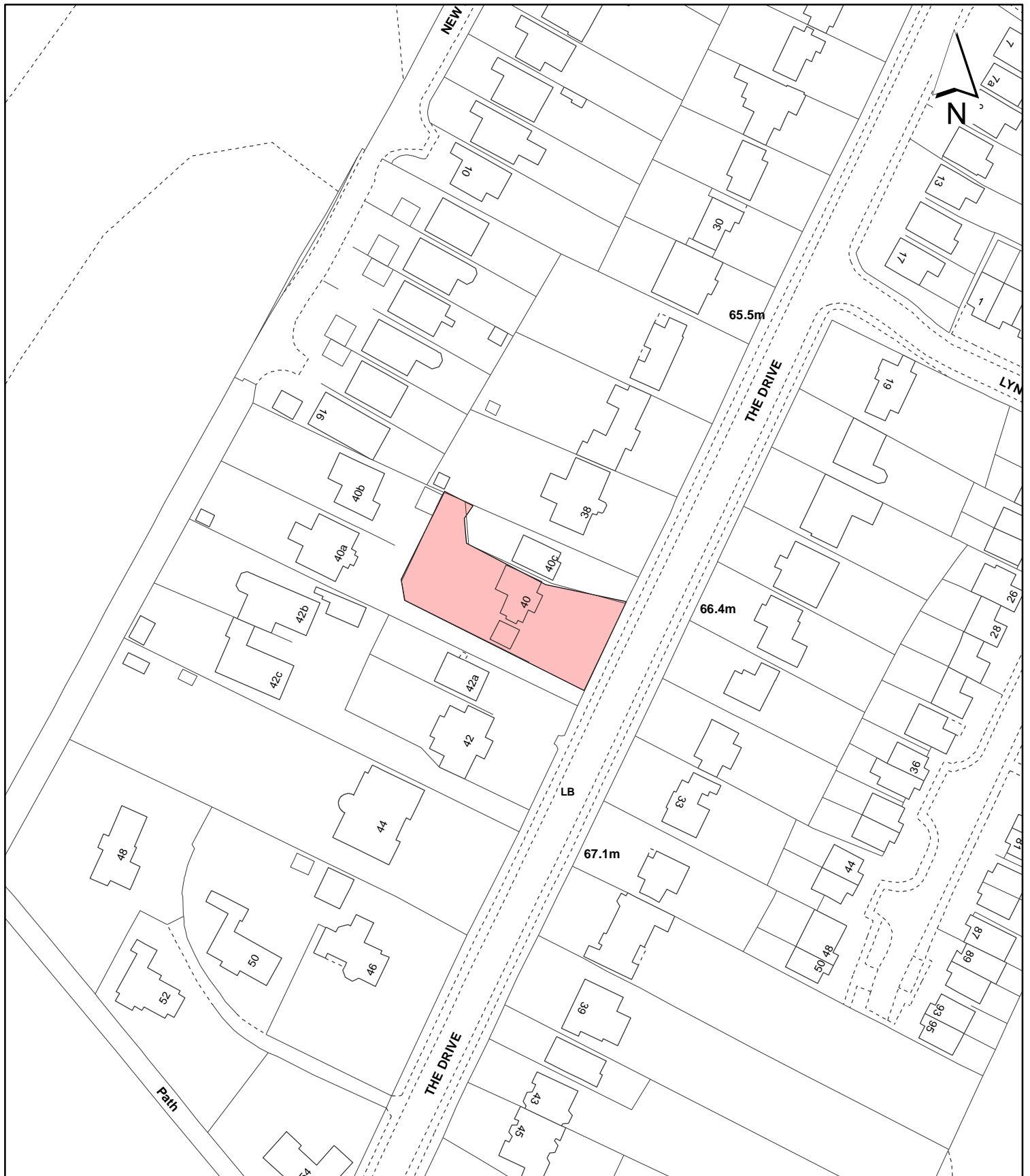
The application is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
HDAS: Residential Extensions SPD

Contact Officer: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**40 The Drive
 Northwood**

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

Planning Application Ref:
13554/APP/2016/4477

Scale:
1:1,250

Planning Committee:
North

Date:
May 2018

