

Report of the Head of Planning, Transportation and Regeneration

Address 2 DUNSMORE CLOSE HAYES
Development: Part two storey, part first floor side extension
LBH Ref Nos: 43764/APP/2018/1257
Drawing Nos: MG/2/2018/A
MG/2/2018/B Rev. 1

Date Plans Received: 04/04/2018 **Date(s) of Amendment(s):**
Date Application Valid: 23/04/2018

1. CONSIDERATIONS

1.1 Site and Locality

The application property is a detached dwelling located on the South Eastern side of Dunsmore Close, Hayes. The principle elevation of the property faces West. The site benefits from rear garden, with an outbuilding to the far end, and backs onto the residential gardens of properties on Fellowes Close. The property has been previously extended by way of a wrap around single storey side/rear extension.

The site lies within the Developed Area as identified within the Hillingdon Local Plan (Saved UDP Policies (November 2012)).

1.2 Proposed Scheme

The application seeks planning permission for the erection of a part two storey, part first floor side extension.

1.3 Relevant Planning History

43764/89/1948 2 Dunsmore Close Hayes
Erection of a two-storey side extension

Decision Date: 02-02-1990 Refused **Appeal:**26-SEP-90 Dismissed

43764/A/97/0283 2 Dunsmore Close Hayes
Erection of a two storey side extension

Decision Date: 11-04-1997 Refused **Appeal:**

43764/APP/2002/2173 2 Dunsmore Close Hayes
ERECTION OF A DETACHED GARAGE IN THE FRONT GARDEN

Decision Date: 13-08-2003 Approved **Appeal:**

43764/APP/2005/50 2 Dunsmore Close Hayes
DETAILS OF MATERIALS AND LANDSCAPE SCHEME, IN COMPLIANCE WITH CONDITIONS 2 AND 5 OF PLANNING PERMISSION REF:43764/APP/2002/2173 DATED 13/08/2003

(ERECTION OF A DETACHED GARAGE IN FRONT GARDEN)

Decision Date: 21-02-2005 **Approved** **Appeal:**

43764/APP/2008/1192 2 Dunsmore Close Hayes

Conversion of roofspace to habitable use involving construction of a front dormer.

Decision Date: 29-07-2008 **Refused** **Appeal:**

43764/APP/2018/1254 2 Dunsmore Close Hayes

Conversion of roofspace to habitable use to include a rear dormer

Decision Date: **Appeal:**

43764/B/97/1239 2 Dunsmore Close Hayes

Erection of a single storey side, single storey rear extension and conversion of existing garage to a habitable room

Decision Date: 08-10-1997 **Approved** **Appeal:**

Comment on Planning History

43764/APP/2008/1192 - REFUSAL - A full application was submitted proposing the conversion of roofspace to habitable use, including a front dormer. The application was refused on the basis that it would constitute a bulky and incongruous form of design, it would result in overlooking and loss of privacy and would fail to sustain adequate private amenity space for the occupiers of 2 Dunsmore Close.

43764/APP/2018/1254 - This is a current application proposing the conversion of roof space to habitable use to include a rear dormer.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

7 neighbouring properties were consulted via letter dated 01.05.18 and a site notice was displayed which expired on 31.05.18.

By the end of the 21 day consultation period 4 letters and a petition with 21 signatories received. The concerns raised can be summarised as follows:

1. The development would cause a loss of sunlight and overshadowing of the neighbouring gardens.
2. Overbearing outlook.
3. Loss of privacy.
4. Overdevelopment of the application site.
5. Noise from construction.

Officer Comment: The first four concerns are all material planning concerns and will be considered in the main body of this report. Construction noise is dealt with by other

legislation.

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:

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.
BE22	Residential extensions/buildings of two or more storeys.
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
LPP 3.5	(2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the impact upon the street scene and locality, the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden and car parking provision.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

With regards to the proposed side extension, paragraph 5.1 of the Council's adopted HDAS SPD: Residential Extensions requires all extensions and buildings of two or more storeys to be set back a minimum of 1 m from the side boundary of the property for the full height of the building. This is to ensure the protection of the character and appearance of the street scene and the gaps between properties, preventing houses from combining visually to form a terraced appearance. Paragraph 5.3 gives advice that where two storey or first floor side extensions are proposed where the side of the house adjoins a road or open space, there may be some scope for flexibility on the set-in. A relaxation of the 1 m set-in

may be considered where the openness of the corner plot would be maintained and return building lines are not breached. Where an existing return building line exists, any extension should ensure that the openness of the area is maintained and the return building line is not exceeded.

The advice contained within the Council's guidance HDAS Residential Extensions requires side extensions to be subordinate in scale and to not exceed two thirds the width of the original dwelling and 0.5 m below the original roofline. The proposed extension would measure 2.6 m in width which is in compliance with the width guidance. The proposed development provides a 1.25 m gap between the flank wall of the proposed extension and the side boundary, and is set back from the projecting single storey front element by 2.6 m at ground floor and 3.6 m at first floor. It would be in line with the main two storey element at ground floor level and set back 1m at first floor. The height of the proposed development is set 0.4 m below the original roof level of the host dwelling. The roof to the proposed two storey element matches that of the host dwelling, with matching eaves. The extension would satisfactorily integrate with the appearance of the original dwellinghouse.

Given the height of the proposed extension and the set back, it is considered that the development would not have a negative impact upon the visual amenity of the site, appearing subordinate to the host property and would maintain the character of the surrounding area. Hence it is considered that the proposed extension is in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13, BE15 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

In terms of neighbouring amenities 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 should protect the privacy of the occupiers and their neighbours.

HDAS Residential Extensions requires a minimum of 1m set in from the side boundary to prevent visual coalescence with the adjoining neighbour and to ensure that the visual spacing between properties, which is characteristic of the road and the area is retained to some degree. Furthermore, the Hillingdon SPD states two storey extensions should always appear subordinate to the original house. Rear extensions will only be allowed where there is no significant over-dominance, over-shadowing, loss of outlook and light. Any extension at first floor level should not extend beyond a 45 degree line of sight taken from the nearest of the first floor window of any room of the neighbouring property.

Paragraph 5.14 states that "No direct overlooking will be permitted. Adequate distance should be maintained to any area from which overlooking may occur." There should be a minimum distance of 21 m maintained between facing habitable rooms. Furthermore, HDAS: Residential Layouts states that "where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible overdomination...15 m will be the minimum acceptable distance" between the flank wall and neighbouring rear wall.

The proposed two storey element would not protrude beyond the original rear building line of the property and hence would not infringe upon the 45 degree line of sight taken from the immediate neighbour. A distance of 26 m would be retained with neighbours on Fellowes Close and no windows to the side elevation facing Nos. 4, 5 and 6 Cosgrove Close have

been proposed. As such, it is not considered that the development would result in a loss of privacy or direct overlooking to adjoining neighbours. A 1.2 m set in is maintained from the proposed side flank wall and the boundary shared with properties fronting Cosgrove Close. In a situation where a two or more storey building abuts a property or its garden the council's policies require that adequate distance is maintained between the side wall of the proposed development and the rear of the existing properties in order to overcome possible overdominance. The distance required will be dependant on the bulk and size of the proposed building but generally, 15m is the minimum acceptable distance.

The side wall of the proposed extension, facing towards the rear and gardens of properties on Cosgrove Close would only have a separation distance of some 8 m. This distance falls considerably short of the minimum requirement of 15 m and it is considered that the development by reason of its size, scale, bulk and proximity would be detrimental to the amenities of the adjoining occupiers at 4 and 5 Cosgrove Close by reason of overdominance, visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

In terms of the garden area at least 100 square metres of rear private garden should be retained to provide adequate amenity space for a four bedroom dwelling, which is what the dwelling would be following the extension. The proposal would retain approximately 54 square metres of private amenity space. Although it is recognised that the development would not result in a further reduction of the usable rear amenity area, it would result in the creation of an additional habitable room. Whilst a 3 bedroom property requires 60 square metres of private rear garden space (closer to what is available), with an additional bedroom this requirement increases to 100 square metres. As such this space does not provide a reasonable standards of amenity space for the occupiers of the extended dwelling. The proposal would thus be contrary to Policy BE23 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012). It is not considered that this level of deficiency is offset by any public open space or facilities nearby.

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016).

The parking provision would remain unaffected by the proposal.

The application is recommended for REFUSAL.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed extension, by reason of its size, scale, bulk and proximity would be detrimental to the amenities of the adjoining occupiers at 4 and 5 Cosgrove Close by reason of overdominance, visual intrusion and loss of outlook. Therefore the proposal

would be contrary to policies BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed extension, by virtue of its failure to maintain an adequate amount of private usable external amenity space for the occupiers of the extended property, would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES

- 1 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 (2016). 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 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Standard Informatives

- 1 The decision to REFUSE 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 REFUSE 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:

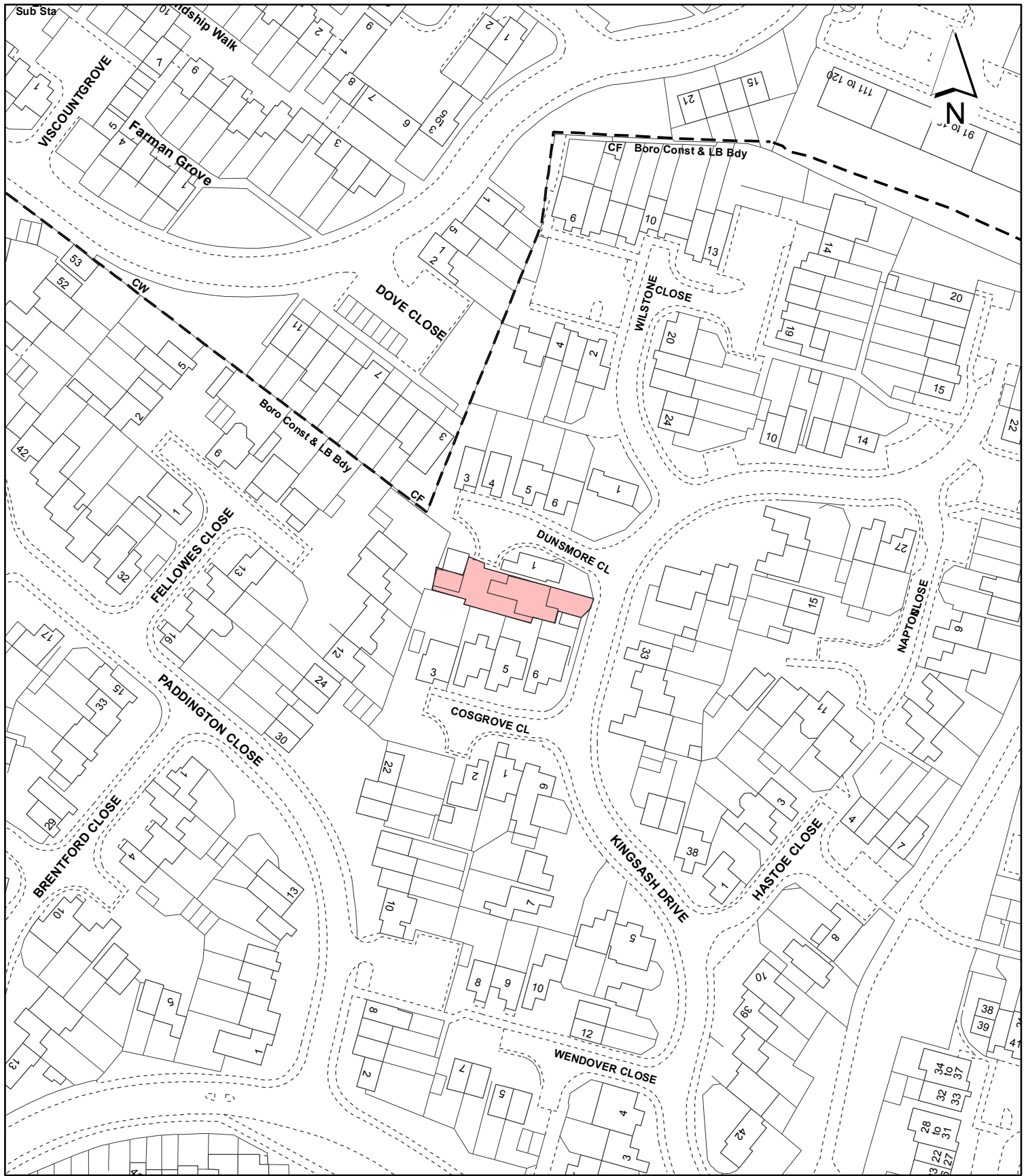
PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
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Notes:

 Site boundary

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Site Address:

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 Hayes**

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

Planning Application Ref:
43764/APP/2018/1257

Scale:
1:1,250

Planning Committee:
Central & South

Date:
June 2018

