

Report of the Head of Planning, Transportation and Regeneration

Address 17 MANOR ROAD HAYES
Development: 2 storage sheds at rear of garden
LBH Ref Nos: 30753/APP/2018/1531
Drawing Nos: HS/2412/1
Location Plan (1:1250)

Date Plans Received: 23/04/2018 **Date(s) of Amendment(s):**
Date Application Valid: 11/05/2018

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the Western side of Manor Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The site is bordered to the North by 19 Manor Road and to the South by 15 Manor Road. 18 Manor Road is located on the opposite side of the road. 18 Rectory Road is located at the rear of the site. The property has been previously extended and its authorised planning use is as one x three-bed flat and one x two-bed flat. It is however noted that there is a current enforcement investigation into the use of the property as 2 x HMO's.

1.2 Proposed Scheme

The application seeks planning permission for the erection of 2 storage sheds at rear of garden.

1.3 Relevant Planning History

30753/APP/2007/2031 17 Manor Road Hayes

ERECTION OF A TWO STOREY SIDE AND PART SINGLE STOREY/PART TWO STOREY REAR EXTENSION.

Decision Date: 30-08-2007 Refused **Appeal:**

30753/APP/2007/3023 17 Manor Road Hayes

ERECTION OF TWO STOREY PART SIDE EXTENSION AND ERECTION OF PART SINGLE STOREY, PART TWO STOREY REAR EXTENSION WITH TWO PARKING SPACES.

Decision Date: 27-11-2007 Approved **Appeal:**

30753/APP/2010/2502 17 Manor Road Hayes

FRONT PORCH (RETROSPECTIVE APPLICATION)

FEE TRANSFERRED TO 30753/APP/2011/2372

Decision Date: 24-06-2011 NFA **Appeal:**

30753/APP/2010/2503 17 Manor Road Hayes

Two storey side extension, part single storey, part two storey rear extension with associated parking and amenity space.

Decision Date: 23-12-2010 Refused **Appeal:**

30753/APP/2011/2372 17 Manor Road Hayes

Retention of Front Porch

Decision Date: 08-11-2011 NFA **Appeal:**

30753/APP/2011/2447 17 Manor Road Hayes

EXISTING OUTBUILDING AT REAR OF GARDEN

Decision Date: 21-11-2011 NFA **Appeal:**

30753/APP/2012/2546 17 Manor Road Hayes

Conversion of existing dwelling to 2 x 3-bedroom flats to include alterations to side elevation, front entrance porch with associated parking and amenity space (Part-Retrospective Application).

Decision Date: 19-02-2013 Refused **Appeal:**

30753/APP/2013/1048 17 Manor Road Hayes

conversion of dwelling into two flats

Decision Date: 23-05-2013 NFA **Appeal:**

30753/APP/2013/2970 17 Manor Road Hayes

Conversion of dwelling into two flats (part retrospective)

Decision Date: 25-11-2013 NFA **Appeal:**

30753/APP/2013/3413 17 Manor Road Hayes

Conversion of dwelling into 1 x 3-bed and 1 x 2-bed self contained flats involving alterations to side elevation

Decision Date: 12-03-2014 Refused **Appeal:**

30753/APP/2013/514 17 Manor Road Hayes

Erection of outbuilding and front porch (Retrospective Application)

Decision Date: 13-06-2013 Refused **Appeal:**07-FEB-14 Dismissed

30753/APP/2014/1571 17 Manor Road Hayes

Conversion of dwelling into 1 x 3-bed and 1 x 2-bed self contained flats with associated parking and amenity space involving alterations to rear elevation and demolition of detached outbuilding to rear and porch to front

Decision Date: 12-08-2014 Approved **Appeal:**

30753/APP/2014/3209 17 Manor Road Hayes

Single storey detached outbuilding to rear and porch to front (Part Retrospective)

Decision Date: 06-11-2014 NFA **Appeal:**

30753/APP/2017/3611 17 Manor Road Hayes

2 storage sheds at rear of garden

Decision Date: 20-03-2018

Refused

Appeal:

Comment on Planning History

The application site has been subject to an enforcement investigations regarding the erection of a front porch and an outbuilding, and an enforcement notice was served in August 2011. The front porch and outbuilding were removed in June 2015, in compliance with the enforcement notice and the enforcement case was closed.

This application has been referred to Planning Committee for determination as the Council's constitution requires all applications relating to a site where enforcement notices have been served to be taken to Planning Committee for decision.

Planning permission ref: 30753/APP/2014/1571 was granted in August 2014 for the conversion of the application building from a dwelling to one three-bed flat and one two-bed flat (No 17 and 17A Manor Road). At the site visit in connection with this application, it became apparent that the development on site was not being carried out in accordance with the approved plans in relation to layout and use. The property is alleged to be used as 2 x HMO's. Furthermore, the amenity space for the two units is not in accordance with the approved plans. The issues have been reported to enforcement for their investigation.

30753/APP/2017/3611 for the erection of 2 storage sheds at rear of garden was recently refused for the following reason:

The proposed development, by reason of its overall size, scale and proximity to the rear boundary, results in an over dominant and visually obtrusive form of development, to the detriment of the visual amenity of the surrounding residential properties and the character and appearance of the surrounding area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, 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. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

The Townfield Tenants & Residents Association and 5 neighbouring properties were consulted by letter dated 24.5.18 and a site notice was displayed to the front of the site which expired on 26.6.18.

4 letters of objection have been received raising the following concerns:

- i) Property already has a number of tenants, sheds would be rented and used to house additional tenants or for non-domestic use.
- ii) Overshadowing of neighbours garden due to size and height of roof.
- iii) There have previously been issues of noise disturbance.

- iv) The rear garden is used as a builders yard.
- v) Property has been previously extended - landlord had to demolish a previous outbuilding (following enforcement notice) - base and utility connections still in place - extension not shown on location plan.
- vi) Right of way path for neighbour's fire exit has not been done.
- vii) Impact on privacy.
- viii) Size of the two storage sheds similar to demolished outbuilding.
- ix) Rear garden is fenced off.

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.

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

5. MAIN PLANNING ISSUES

The main planning issues are considered to be the impact of the two storage sheds on the character and appearance of the dwellinghouse, the impact on residential amenity and the impact on the character and appearance of the surrounding area.

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance. Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas compliments or improves the amenity and character of the area. Policy BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that planning permission would not be granted for buildings which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

The Council's HDAS: Residential Extensions SPD states that outbuildings should be positioned as far away from the house as possible in order to prevent overshadowing of neighbouring properties. Outbuildings should be set in from the boundaries by at least 0.5 m. This revised application demonstrates that each of the outbuildings would be sited 500

mm from the site boundaries. The two outbuildings, each with a footprint of 26 square metres, would be sited 12 m from the rear elevation of the host building, with a window and door facing the rear elevation. A gap of 1.5 m is shown to be retained between each of the outbuildings. In regards to height, paragraph 9.3 of the Council's HDAS: Residential Extensions SPD states that for outbuildings with a pitched roof, the roof ridge should be no higher than 4 m. The proposed sheds would have pitched roofs measuring 3.75 m high at the ridge and 2.35 m high at the eaves, thereby complying with the Council's HDAS: Residential Extensions SPD. Given the reduction in scale of the outbuildings and their revised siting, it is considered that they would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Paragraph 9.4 of the Council's HDAS: Residential Extensions SPD states that outbuildings must only be used for normal domestic uses related to the residential use of the main house; acceptable uses include car parking, storage of possessions, use as a children's playroom, greenhouse, garden shed, gym, summer house and hobby room provided it is ancillary to the use of the main property.

The proposed sheds would provide storage space for the authorised use of the property as two flats (17 and 17A Manor Road). The proposed use of the sheds for storage is considered to be ancillary to the use of the flats in the main building, in accordance with Paragraph 9.4 of the Council's HDAS: Residential Extensions SPD. It is noted that an enforcement investigation is currently being carried out into the HMO uses of the two flats and the unauthorised subdivision of the land. However, the application site has planning permission for the two flats and it would be considered reasonable for the occupants of both properties to apply for an outbuilding for incidental storage. A condition to ensure that the sheds are used for purposes ancillary to the residential use of the main building as two flats is therefore recommended.

Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that adequate external amenity space is retained for residential properties. The property has a lawful use for the subdivision into one three-bed flat and one two-bed flat, following planning permission in August 2014 (ref: 30753/APP/2014/1571). The Council's HDAS: Residential Layouts SPD recommends that two-bed flats are provided with 25 sq.m of external amenity space whilst three+-bed flats should be provided with 30 sq.m of external amenity space. The garden can provide over 100 sq.m of external amenity space and so the proposed sheds would not reduce the amount of external amenity space available to a level which would be unacceptable.

The parking provision would remain unaffected by the proposal.

The application is therefore recommended for conditional 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 plan number HS/2412/1.

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 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)

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 (2012)

5 NONSC Non Standard Condition

The outbuildings hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, as a separate unit of accommodation or for any business purposes.

REASON

To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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 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).

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.
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 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.

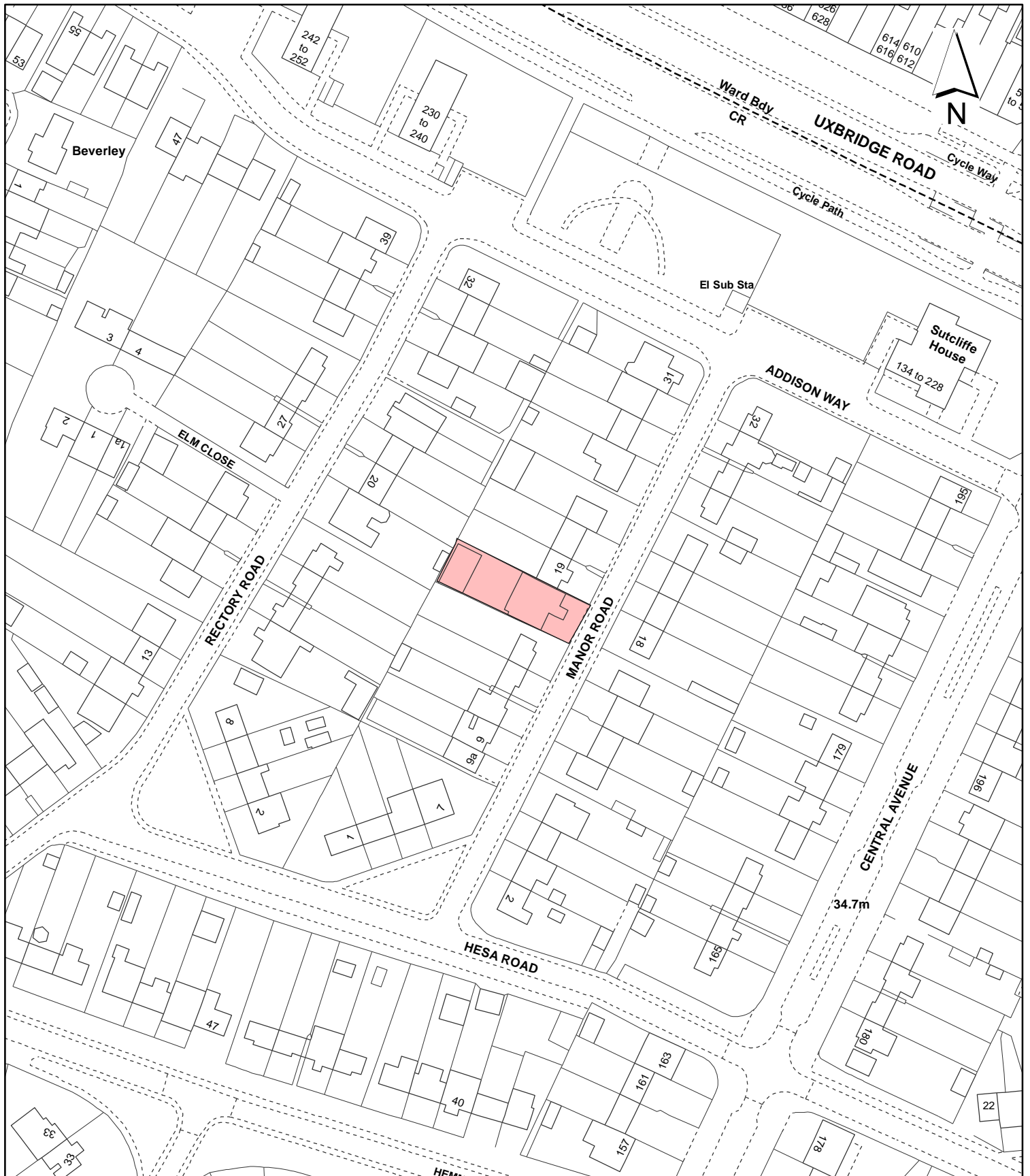
10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result 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: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

17 Manor Road

Planning Application Ref:
30753/APP/2018/1531

Planning Committee:
Central & South

Scale:
1:1,250

Date:
July 2018

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

