

## Report of the Head of Planning, Transportation and Regeneration

**Address** 14 FERNCROFT AVENUE RUISLIP

**Development:** Demolition of the existing side extension with a smaller single storey side extension

**LBH Ref Nos:** 38007/APP/2018/2736

**Drawing Nos:** 4114/01 Rev A  
Location Plan

**Date Plans Received:** 26/07/2018      **Date(s) of Amendment(s):** 31/10/2018

**Date Application Valid:** 26/07/2018

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site is situated in a prominent corner plot on the Northern side of Ferncroft Avenue, at the junction with Pavilion Way. The property is a 2-storey semi-detached dwellinghouse paired with no.1 Pavilion Way. The property has a hipped roof profile and is of a period build with part brick and part white render exterior. The front garden is grass and garden amenity exists to the side and rear. The property benefits from a detached garage to the Western side.

A side extension was built without planning consent which lines up with the front of the house. The unauthorised extension has not been demolished following the appeal. Its siting, height and materials are visually prominent and it detracts from the streetscene.

The application site lies within a 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

#### 1.2 Proposed Scheme

Planning permission is sought for the demolition of the unauthorised side extension and the erection of a single storey side extension that is set away from the front elevation by 2.85m. This application follows an enforcement notice that was served against the existing side extension.

The extension would project to the side by 1.8m with a depth of 3.9m, it would be characterised by a flat roof with a maximum height of 3m.

#### 1.3 Relevant Planning History

38007/APP/2016/4426      14 Ferncroft Avenue Ruislip  
Single storey side extension (Part Retrospective)

**Decision Date:** 06-03-2017      Refused      **Appeal:**31-JUL-17      Dismissed

#### Comment on Planning History

Planning application ref: 38007/APP/2016/4426 dated 06 March 2017 was refused for the development (part retrospective) of a single storey side extension. Construction of the extension originally commenced on the understanding that it was permitted development. The application was dismissed under appeal ref: APP/R5510/D/17/3175044 (31/07/2017). The Inspector found the extension had an extremely poor relationship with the original architectural composition of the house because it has covered one of the relevant side windows and significantly eroded the symmetry of the important corner feature.

Under appeal ref: APP/R5510/C/17/3181540 on 24 April 2018, the enforcement notice was upheld by the Planning Inspector requiring:

- (i) the demolition and removal of the single storey side extension; and
- (ii) Remove from the Land all materials, debris, plant and equipment associated with requirement.

The works should have been implemented by 31 October 2018, however the applicant is awaiting the outcome of this application before proceeding with the work.

An enforcement officer has commented on this application noting this application is supported as it is an improvement on the existing situation on the proviso that the enforcement notice is adhered to in full. It is not considered that the grant of this planning application would prejudice the outcome of the enforcement notice.

The enforcement team has recommended a planning condition which requires the demolition of the existing (unauthorised) single storey side extension by condition.

A condition along the lines of "within 3 months of the decision notice being issued, demolish and remove the existing (unauthorised) single storey side extension" could be attached to the permission.

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

- 2.1** Advertisement Expiry Date:- Not applicable
- 2.2** Site Notice Expiry Date:- 29th October 2018

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

This application was consulted on between 27-09-2018 and 18-10-2018. Two comments were received to this application which are summarised below:

- Whilst this proposal is a great improvement, there is no lobby separating the kitchen and the downstairs w/c. Does this comply with building regulations?
- It would be better to have an obscured glass window at the front of the extension so that there is not just a wall facing the street - i.e. in the same plane as the front of the house. This would be a more aesthetically pleasing view from the street (even if the extension is set back) as it is likely to be partially visible even if there is a fence. In any event the same type of fence as currently exists may not always remain in place.
- This restoration work is made a priority to enable what the inspector noted was a failure "to harmonise with the architectural composition of the original building at No. 14"

Officer comment: The applicant has provided revised plans which now include a window

on the front elevation. There are no planning objections to the kitchen leading to a downstairs w/c, the applicant is required to ensure the proposed extension complies with building regulations separately.

#### INTERNAL CONSULTEES

There are no specific transport/highway related comments that are relevant to the proposal.

#### 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:

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.

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

This application is being reported to North Planning Committee due to previous enforcement history at this address. The main considerations in determining this application are the impact of the proposal on the character of the existing property, surrounding area and street scene and upon residential amenity.

Section 4 of the Hillingdon Design and Accessibility Statement: Residential Extensions (HDAS) states that single storey side extensions should not exceed two thirds of the width of the original dwelling house.

The side extension is proposed to have a width of 1.8m which would be approximately a quarter of the width of the original house. The height of the extension would not exceed 3m and the depth of the extension is proposed to be 3.9m. The proposed side extension has been set away from the front boundary by 2.35m. The proposed extension would accommodate an enlarged kitchen and a small w/c at ground floor level.

It is considered the proposal would appear subordinate. The setback from the front elevation by 2.35m would not harm the architectural composition of the house when viewed from the street. Given its position on a corner, the proposal would not result in the closure of the gap between the properties and would be a significant improvement on the existing situation and addresses the issues raised in the appeal. The proposal would comply with Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The extension is proposed to be set in by approximately 1m from the boundary and would face the neighbouring garage of No.16 Ferncroft Avenue, it is considered that the proposal would have an acceptable level of impact on neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy.

Approximately 100 square metres of private amenity space would be retained following the development which would be sufficient for the occupiers of the dwelling. Therefore, the proposal would comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The parking would not be impacted by the proposal.

This application is an improvement on the existing situation, the grant of planning consent under this application would not prejudice the extant enforcement notice setting of the property and this application is therefore recommended for approval.

## 6. **RECOMMENDATION**

**This application is recommended for approval subject to condition.**

### **1 NONSC Non Standard Condition**

Within 3 months of this decision, the development hereby approved shall be implemented, including the demolition of the existing single storey side extension, unless otherwise agreed in writing by the local planning authority.

#### **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).

### **2 HO2 Accordance with approved plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers 4114/01 Rev A.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (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 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) (England) 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 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)

**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).

**3** 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 2012, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

## 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:

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.  
HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008  
LPP 3.5 (2016) Quality and design of housing developments

- 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.

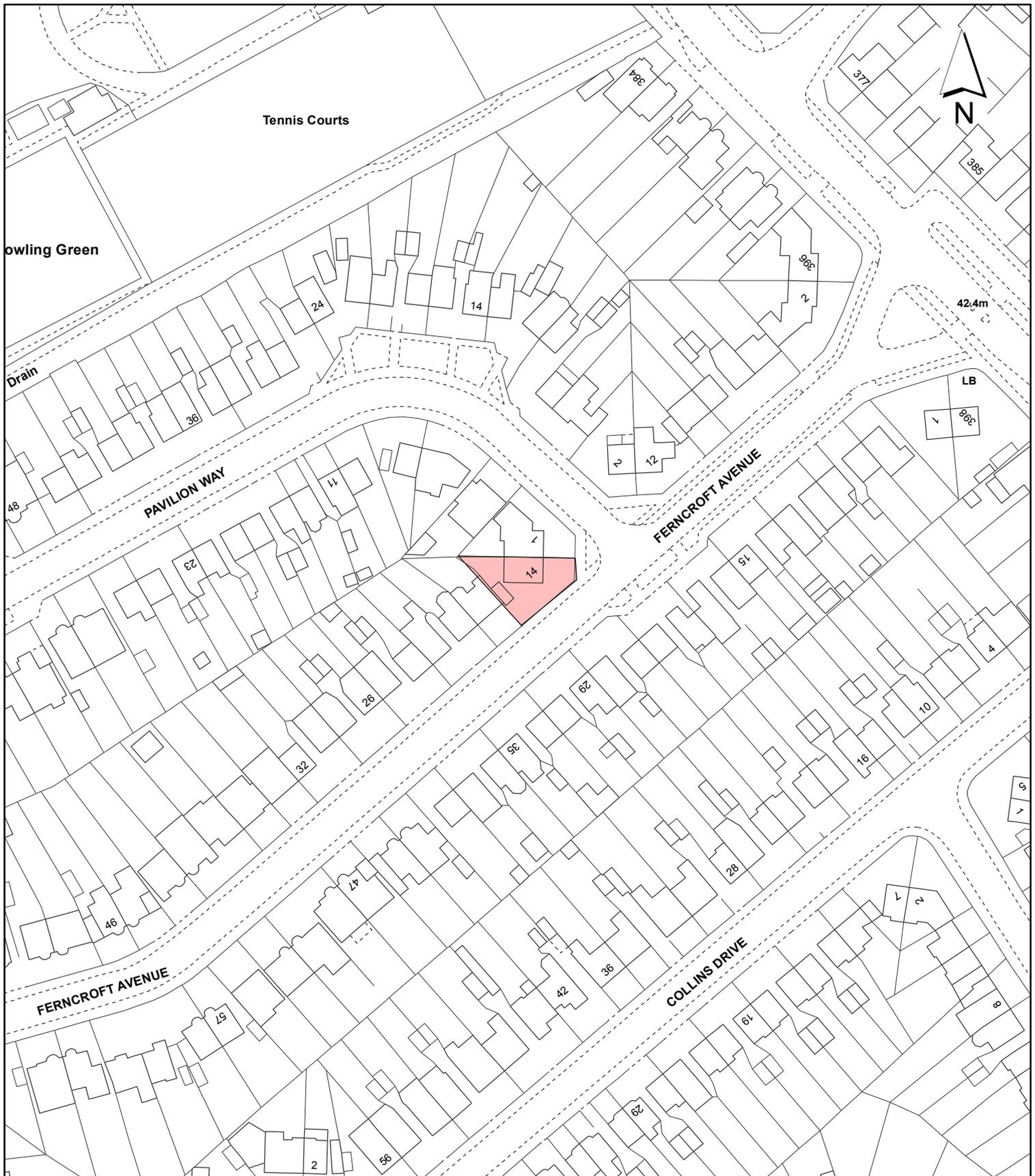
D) No bonfires that create dark smoke or nuisance to local residents.

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 (CO<sub>2</sub>) 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:** Zenab Haji-Ismael

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**14 Ferncroft Avenue  
 Ruislip**

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

Planning Application Ref:  
**38007/APP/2018/2736**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**November 2018**



**HILLINGDON**  
 LONDON