

Report of the Head of Planning, Transportation and Regeneration

Address 11 COURT DRIVE HILLINGDON
Development: Erection of detached garage to front (Retrospective)
LBH Ref Nos: 39528/APP/2018/3757
Drawing Nos: Proposed Site Layout
11001
Proposed Floor Plan and Elevations

Date Plans Received: 24/10/2018 **Date(s) of Amendment(s):**
Date Application Valid: 07/11/2018

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the southern side of Court Drive and comprises a large, detached inter-war period house set within a triangular plot, approx 30m wide from the front narrowing to a point at the rear. The property has been extended by way of a front extension and porch. It has a large garden which narrows to the rear and backs onto the side boundary of the rear garden of No.1 Angle Close. To the front it has a large garden which has been partly paved to provide parking. The frontage is enclosed by a hedgerow and adjacent to the west side facing elevation of the site on the boundary with No.1 The Close there are two small wooden structures.

To the east of the site is the rear garden of No.1 The Close and to the west is No.15 Court Drive which is also a large detached property. This dwelling has been extended by way of a single storey rear extension.

Most of the site is situated within the Developed Area as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007); however a small strip of land to the front of the site falls within the Metropolitan Green Belt. Opposite the site there is an area of Public Open Space. The site is also within the Hillingdon Court Park Area of Special Local Character (ASLC).

The application site, along with No.15, sits on a higher topography than the public right of way and the public open space opposite as well as No.1 The Close to the east.

1.2 Proposed Scheme

The application seeks planning consent to retain the existing garage to the front of the site.

1.3 Relevant Planning History

39528/86/2164 11 Court Drive Hillingdon
Householder dev. - two-storey side extension (& demolition of garage).

Decision Date: 23-01-1987 **Approved** **Appeal:**

39528/APP/2001/2502 11 Court Drive Hillingdon
ERECTION OF SINGLE STOREY FRONT AND SIDE EXTENSIONS AND A REAR
CONSERVATORY

Decision Date: 28-01-2002 Approved **Appeal:**

39528/APP/2007/3161 11 Court Drive Hillingdon
ERECTION OF A FRONT PORCH (RETROSPECTIVE APPLICATION).

Decision Date: 20-12-2007 Approved **Appeal:**

39528/APP/2012/2095 11 Court Drive Hillingdon
Single storey side extension and single storey detached outbuilding to front for use a double
garage

Decision Date: 01-11-2012 Refused **Appeal:**

39528/APP/2012/2779 11 Court Drive Hillingdon
Single storey attached garage/store to side

Decision Date: 02-01-2013 Approved **Appeal:**

39528/B/95/1717 11 Court Drive Hillingdon
Erection of single storey side and rear extensions and conversion of existing garage to a habitable
room

Decision Date: 15-02-1996 Approved **Appeal:**

Comment on Planning History

39528/APP/2012/2095 - REFUSAL - An application for a single storey side extension and
single storey detached outbuilding to front for use a double garage was refused in 2012.
The application was refused for the following reasons:

1. The proposed garage, by reason of its size, scale, bulk, height and position, would result
in an overly dominant and incongruous feature in relation to the site and the wider locality,
and as such would result in harm to the visual amenity of the street scene and the wider
Hillingdon Court Park Area of Special Local Character.

2. The proposed garage, by reason of its overall size, bulk and scale would constitute a
visually prominent and incongruous feature which would significantly increase the built up
appearance of the site. The proposal would therefore constitute inappropriate development
in the Green Belt, contrary to Policies OL1 and OL4 (ii) of the adopted Hillingdon Unitary
Development Plan (Saved Policies September 2007) and the National Planning Policy
Framework.

3. In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:
2005 standards, the application has failed to demonstrate that the development will
safeguard existing trees on the site and further fails to demonstrate protection for long-term
retention of the trees. The proposal is therefore contrary to Policies BE38 of the Hillingdon
Unitary Development Plan (Saved Policies September 2007).

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

8 neighbouring properties were consulted by letter dated 12.11.18 and a site notice was also displayed to the front of the property.

By the end of the 21 day consultation period two letters have been received in support of the proposed garage stating that a garage would constitute an improvement to the appearance of the street scene and would not be visible to neighbouring properties. A petition has also been received with 20 signatures in support of the existing structure.

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

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

OL4 Green Belt - replacement or extension of buildings

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.

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

LPP 7.16 (2016) Green Belt

NPPF- 13 NPPF-13 2018 - Protecting Green Belt land

5. MAIN PLANNING ISSUES

The main considerations are the impact of the development on the character of the existing property and surrounding area, upon residential amenity, private amenity space and parking provision.

Policies BE5 and BE15 of the Council's adopted UDP states that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building. Likewise policy BE13 resists any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Section 9.0 of the HDAS states that in order to prevent harm to the character and appearance of the area and the amenity of adjoining properties, an outbuilding should be positioned as far away from the main house as possible and set in from the boundaries by at least 0.5m.

In terms of its design it should be constructed using materials similar to those in the main house and any windows and doors should be positioned only on the elevation facing the main house. An outbuilding with a hipped roof should be no more than 4.0m in height. The use of outbuilding should also be for normal domestic use related to the residential use of the main house.

The above guidelines relate to detached outbuildings located to the rear of residential dwellings. No reference is made to a proposed outbuilding located in front of a dwelling, however in general such proposals would not normally be acceptable and in relation to front extensions Paragraph 8.1 of the HDAS states:

"The Council is very explicit with regard to its position on front extensions. Front extensions that extend across the entire frontage will normally be refused. Front extensions are eye catching and change the face of the building. They do not only affect the character and appearance of the building itself, but also the street scene."

The footprint of the garage is 15 sq.m, with a maximum height of 2.13 m. The front of the garage faces towards neighbouring property No. 15 Court Drive, and a window to the side has been installed overlooking the application site. Although the built structure is smaller and lower than that refused under application Ref: 39528/APP/2012/2095, the development is still not considered appropriate. In this instance it is considered that the proposed garage would be sited in a very position, against the front boundaries of the site meaning that it would be a highly prominent visually, and given its overall size, scale and bulk would be unacceptable. This would be exacerbated by the fact that the site is located on a slope, and the openness of the Green Belt land directly adjoining.

It is considered that its position, size, scale and bulk would detract from the pleasant character of the existing property, the street scene and the wider Hillingdon Court Park Area of Special Local Character, contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

Moreover the proposed garage would be partly located within the Metropolitan Green Belt where large, bulky structures are resisted. UDP Policy OL4 states that the local Planning Authority will only permit the replacement or extension of existing buildings in the Green Belt if the development would not significantly increase the built up appearance of the site. In this case the proposal would involve a new structure which would increase the built up appearance of the Green Belt and therefore would be harmful to its open aspect and visual amenity.

It is noted that the inclusion of a window to the south elevation would be unnecessary for a garage. However given that the door and window would not be visible from the street it is considered that they would not cause harm to the visual appearance of the area. Also the proposed layout and overall appearance of the garage appears to be for domestic purposes only.

Overall it is considered that the garage, by reason of its siting, overall size, scale and bulk constitutes a visually prominent and incongruous feature which significantly increases the built up appearance of the site. The development therefore constitutes inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (July 2016) and the NPPF..

Parking Provision

The proposed garage would provide one off-street parking spaces in accordance with the council's policy. It is also considered that the internal dimensions of the garage would be acceptable. As a result it is considered that the proposals would not result in an increase in demand for off street parking in accordance with UDP Policy AM14.

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.

6. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The garage, by reason of its siting in a visually prominent position, size, scale and bulk, results in an overly dominant and incongruous feature in relation to the site and the wider locality, and as such is detrimental to the visual amenity of the street scene and the wider Hillingdon Court Park Area of Special Local Character. Therefore the development is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The garage, by reason of its siting, overall size, scale and bulk constitutes a visually prominent and incongruous feature which significantly increases the built up appearance of the site. The development therefore constitutes inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (July 2016) and the NPPF

INFORMATIVES

In dealing with the application the Council has implemented the requirement in the

- 1 National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

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:

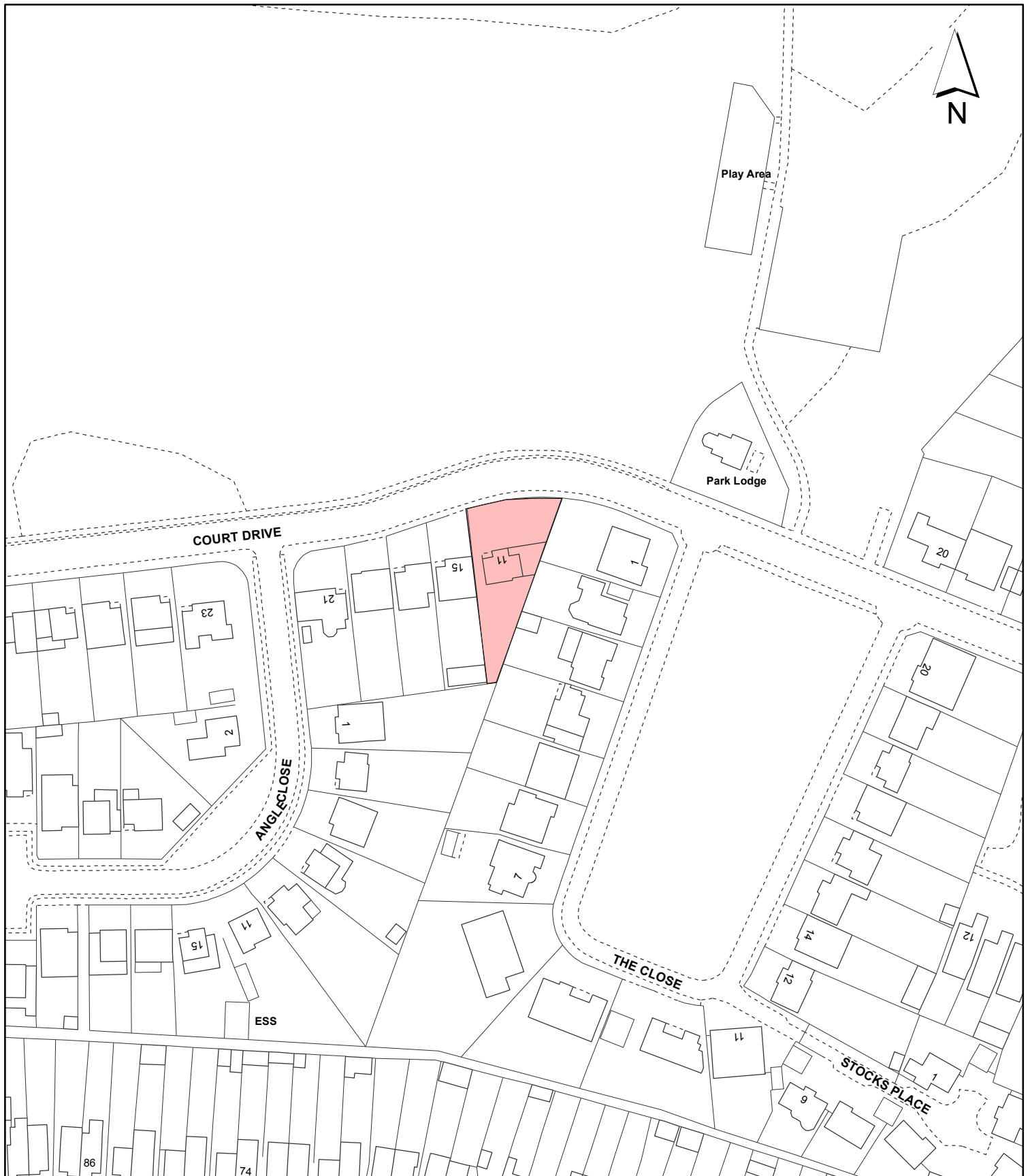
PT1.BE1	(2012) Built Environment
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

OL4	Green Belt - replacement or extension of buildings
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.
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
LPP 7.16	(2016) Green Belt
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land

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Notes:

 Site boundary

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Site Address:

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 Hillingdon**

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

Planning Application Ref:
39528/APP/2018/3757

Scale:
1:1,250

Planning Committee:
Central & South

Date:
January 2019

