

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

**Address** 91 CENTRAL AVENUE HAYES

**Development:** Single storey outbuilding to rear for use as a home office

**LBH Ref Nos:** 3159/APP/2018/4000

**Drawing Nos:** AHMED/PLAN/001  
Location Plan (1:1250)  
Block Plan (1:500)

**Date Plans Received:** 13/11/2018      **Date(s) of Amendment(s):**

**Date Application Valid:** 13/11/2018

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application property is a semi detached property located within the Central Avenue Area of Special Local Character (ASLC). The property has driveway parking for 2 vehicles. The property has been recently extended by the addition of a single storey side/rear extension and the conversion of the loft to habitable accommodation including three rooflights in the front roofslope and a large box dormer to the rear. The works associated with the loft conversion have not been confirmed by the submission of a Certificate of Lawful Development. The rear garden is flat and enclosed.

#### 1.2 Proposed Scheme

The application seeks planning permission for the erection of a single storey outbuilding to the rear for use as a home office. The outbuilding would have a footprint of 30 square metres finished with a pitched roof measuring 3.65m in height.

#### 1.3 Relevant Planning History

3159/APP/2016/2664      91 Central Avenue Hayes  
Single storey outbuilding to rear for use as a garden/play room

**Decision Date:** 07-09-2016      Refused      **Appeal:**

3159/APP/2017/1436      91 Central Avenue Hayes  
Single storey detached outbuilding to rear for use as a gym/games/garden room

**Decision Date:** 13-07-2017      Refused      **Appeal:**

#### Comment on Planning History

3159/APP/2017/1436 - Single storey detached outbuilding to rear for use as a gym/games/garden room was refused for the following reason:-

1. The proposed building, by reason of its size, scale, bulk and excessive footprint in relation to the original host dwelling, would fail to appear as a subordinate structure and would result 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 wider Central Avenue Area of Special Local Character. Therefore the proposal is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE15, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

Officer note: The outbuilding had a footprint of 37.13 square metres.

3159/APP/2016/2664 - single storey outbuilding to rear for use as a garden/play room was refused for the following reason:

The proposed building, by reason of its size, scale, bulk and excessive footprint in relation to the original host dwelling, would fail to appear as a subordinate structure and would result 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 wider Central Avenue Area of Special Local Character. Therefore the proposal is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE15, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

Officer note: The refused outbuilding had a footprint of 47 sq.m.

3159/APP/2011/1323 was refused in October 2011 for a two storey side and single storey rear extension. The application was refused for the following reason:

1. The proposal, by reason of its siting, size, bulk and proximity to the side boundary would result in a closing of the visually open gap between the application site and the neighbouring property, giving rise to a cramped form of development inconsistent with the established form of development in the area, detracting from the design and form of the existing dwelling and visual amenities of the street scene and character of the area. Therefore the proposal would be contrary to policies BE15, BE13, BE19 and BE22 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Document HDAS: Residential Extensions adopted in December 2008.

Application reference 3159/APP/2012/166 was approved for a single storey side and rear extension. This approved extension would extend across the entire width of the property with a 3 m projection to provide a utility area, dayroom and kitchen. The eaves height was proposed to be 2.4 m and the ridge 3.4 m.

Application reference 3159/APP/2013/205 for a Single storey side/rear extension, involving demolition of existing conservatory to rear was refused for the following reasons:

1. The proposed extension, by virtue of its size, scale, bulk and poor design would result in an incongruous addition which would be detrimental to the architectural composition of the existing building and the character and appearance of the wider Central Avenue Area of Special Local Character. The proposal would therefore be contrary to Policy BE1 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 the adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposed rear extension would result in an overly dominant feature that would overshadow the adjoining property at 89 Central Avenue, and as such would result in a visually intrusive and un-neighbourly form of development, resulting in a loss of light and material loss of residential amenity to the occupiers of 89 Central Avenue. Therefore the proposal would be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

Application reference 3159/APP/2014/1101 for a single storey outbuilding to rear for use as a gym/store was withdrawn after officer concerns were raised in terms of the scale and bulk of the outbuilding and its potential use as a separate unit of accommodation.

## **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**

11 neighbouring properties were consulted by letter dated 16.11.18 and a site notice was displayed to the front of the site which expired on 18.12.18

Hayes Conservation Area Advisory Panel.

There have been several applications for an outbuilding at this property. The previous applications were refused because of the size of the outbuilding and so each subsequent proposal has proposed a smaller building. An acceptable size has now been reached. The intended use of the building has also changed from a "gym/store" to a "garden/playroom" to a "gym/games/garden room" and now to a "home office". A toilet seems unnecessary if the use of the building was to be ancillary to that of the main house. We do not therefore believe the use will be as stated in the application but will instead become a separate unit of accommodation. We note that the house already has a large rear/side extension (3159/APP/2012/166) but also has converted the hipped roof to a gable end and added a very large rear dormer extension to the roof, for which no planning application appears to have been made. This suggests to us that the owners do not take planning controls seriously, so we fear that they would also abuse any permission granted to them for further development on the site. We therefore hope planning permission will be refused. If this application was to be approved, we consider it essential that a condition is imposed along these lines: "The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings. It shall not be used for purposes such as a living room, bedroom, kitchen, bathroom, study or as a separate unit of accommodation.

Ward Councillor: Requests that the application is reported to committee and objects to the proposal on the grounds that the building could end up as a bed in a shed and that a business is already operating from this property and this addition may result in an increase in the workforce leading to parking issues.

## **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.HE1 (2012) Heritage

Part 2 Policies:

BE5 New development within areas of special local character

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

## 5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, 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 BE5, 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 which lies within an ASLC or would fail to safeguard the design of existing and adjoining sites.

The HDAS Residential Extensions SPD states at paragraph 9.2 that outbuildings should be set a minimum of 0.5 metres from the boundaries in order to reduce the impact on adjacent properties. Paragraph 9.3 states that the external materials should be similar to the ones used in the rear of the house. For a ridged roof the maximum height should be 4 metres, for all other types the maximum should be 3 metres. The building should leave a significant amount of private usable garden space, with 100 sq metres for a 4-bedroom house being recommended. Paragraph 9.4 states that the outbuilding must only be used for normal domestic uses related to the normal domestic use of the main house. These include:

- 1) Parking a car.
- 2) Storing possessions.
- 3) Use as a children's play room.
- 4) Greenhouse.

- 5) Garden shed.
- 6) Gym.
- 7) Summer house.
- 8) Hobby room.

The submitted plans indicate that the proposed outbuilding would have a footprint of 30 square metres, split into 2 separate rooms. The larger room is labelled as a home office and the second room indicates a WC. The size of a building is not of itself determinative as to whether a use is incidental to the enjoyment of the dwellinghouse. It was held in the judgement of *Emin (Emin v Secretary of State for the Environment 1989)* that 'the fact that a building has to be required for a purpose associated with the enjoyment of the dwelling house cannot rest solely on the unrestrained whim of him who dwells there but connotes some sense of reasonableness in all the circumstances of the particular case'. *Emin* also held that the tests to be applied in such as case are '....whether the uses of the proposed buildings, when considered in the context of the planning unit, are intended and will remain ancillary or subordinate to the main use of the property as a dwelling house'.

At a floor area of 30 square metres, the proposed outbuilding would represent 77% of the footprint of the original dwelling. The proposed outbuilding is considered to represent a scale which is suitable for incidental purposes and represents a minor accompaniment.

In terms of its visual impact, the proposed outbuilding would have a ridge height of 3.65m. The outbuilding would be set in from the boundaries by 0.5 m. The building would therefore comply with the advice set out in the adopted Supplementary Planning Document HDAS: Residential Extensions, in terms of its siting and height. It is considered that the proposed reduction in overall massing of this outbuilding has overcome the previous concerns in terms of visual impact. As a result it is considered that it 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 BE5, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Some 140 sq.m of amenity space would be retained, exceeding the required 100 sq.m for the existing property.

If the outbuilding is not used separately, and a condition is recommended to cover this issue, then the proposal does not have any negative impacts in terms of parking or highway safety.

The application is recommended for 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 AHMED/PLAN/001.

**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 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 outbuilding 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**

### **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
PT1.HE1	(2012) Heritage

Part 2 Policies:

BE5	New development within areas of special local character
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

- 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.

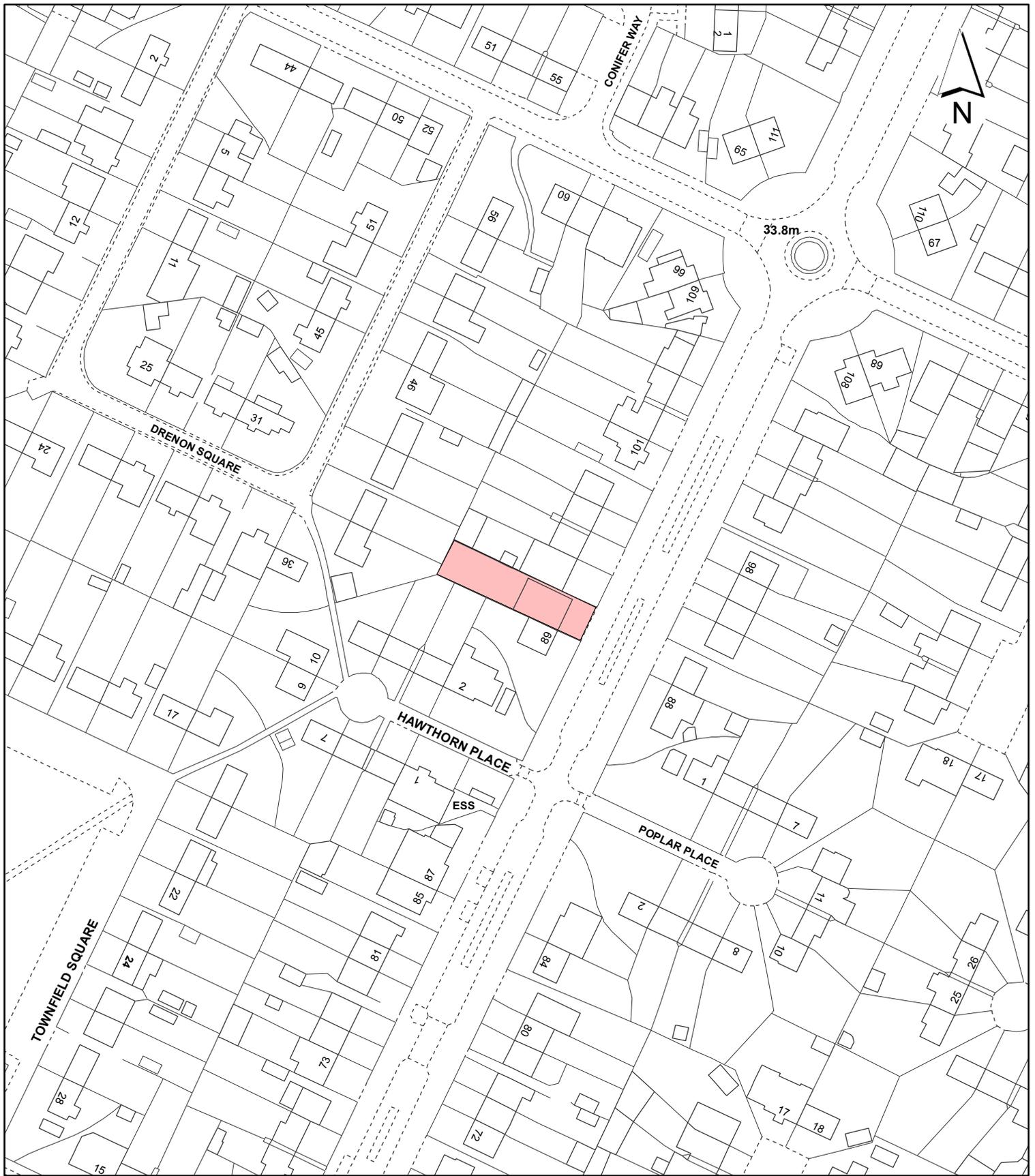
D) No bonfires that create dark smoke or nuisance to local residents.

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:** Nicola Taplin

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**91 Central Avenue  
 Hayes**

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

Planning Application Ref:  
**3159/APP/2018/4000**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**January 2019**



**HILLINGDON**  
 LONDON