

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

**Address** 20 KEWFERRY DRIVE NORTHWOOD  
**Development:** Single storey outbuilding to rear for use as a gym  
**LBH Ref Nos:** 28673/APP/2018/4055  
**Drawing Nos:** 1814/1

**Date Plans Received:** 16/11/2018      **Date(s) of Amendment(s):**  
**Date Application Valid:** 16/11/2018

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

This site is occupied by a large, two-storey detached house situated within a spacious plot on the north side of Kewferry Drive. The established garden contains, and is surrounded by good tree cover which characterises the area. The site lies within the area covered by TPO's 12 and 639, albeit there are no protected trees within the site. The garden to the rear of the house lies within designated Green Belt.

#### 1.2 Proposed Scheme

The proposal is for a single storey outbuilding to rear for use as a gym.

#### 1.3 Relevant Planning History

28673/80/0966      20 Kewferry Drive Northwood  
Householder dev. (small extension, garage etc) (P)

**Decision Date:** 10-06-1980      **Approved**      **Appeal:**

#### Comment on Planning History

No relevant planning history

### 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

6 neighbours were consulted on 22/11/2018 and a site notice displayed. Three objections were received, summarised below:

- 1. The application is for an outbuilding of 75sqm which is significantly beyond the DMP A1.34 general guide of 30 sqm.

2. The application contains a proposal for the inclusion of a hot tub as well as a bathroom comprising a shower, sink and toilet which is contrary to policy DMHD 2
3. There is a concern to ensure that, if consent is given, that it cannot be used for residential purposes.
4. A gym would be out of place at such a distance from the house.
5. The outdoor hot tub would be a noise nuisance for the homes nearby.
6. A permanent building at the extremity of the garden would set a precedent.
7. Overlooking from bottom of garden to No.18

OFFICER COMMENT: The above issues are addressed in the main body of the report.

Trees and Landscape comments:

RECOMMENDATION In the absence of a tree survey and Arboricultural Impact Assessment, the applicant has failed to ensure that protected trees are safeguarded from the development. The construction of a building within the Green Belt is unacceptable without evidence of special circumstances. For the reasons above, the application is unacceptable.

#### **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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE39	Protection of trees and woodland - tree preservation orders
EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
OL1	Green Belt - acceptable open land uses and restrictions on new development
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.16	(2016) Green Belt
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

## 5. MAIN PLANNING ISSUES

The main issues for consideration in determining this application relate to the effect of the outbuilding on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding area, the impact on residential amenity of the neighbouring dwellings and provision of acceptable residential amenity for the application property.

Section 9 of the Council's adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions sets out criteria to assess outbuildings against: the requirements are that the proposed should be set back 500 mm from the boundaries and positioned as far away from the house as possible, the external materials should be similar to the existing house, that a flat roof should be no higher than 3 m and that windows would only be permitted in the elevation facing owners main house.

In respect of the scale of the building, the proposal is approximately 75 sq.m. The height of the outbuilding would be 3.75 m high at its highest point and set a minimum 3.50 m from the side boundaries and 5 m from the rear boundary. The footprint of the proposed outbuilding at 75 m<sup>2</sup> would represent 32% of the footprint of the dwelling (234 m<sup>2</sup>). The proposed uses of the outbuilding could be considered as reasonably required for incidental purposes. There is little justification for the outbuilding, but the scale of the outbuilding appears proportionate to the scale of the original dwelling as a minor accompaniment. The outbuilding would be used as a gym with a hot tub, shower/changing room and plant room.

It is considered that the size and scale of the proposed outbuilding would be in-keeping with the original dwelling and the wider area and would not be capable of being used as a separate residential unit or a business, subject to a condition. Therefore the proposal would comply with policies BE13, BE15 and BE19 of the Hillingdon Local Plan and HDAS: Residential Extensions.

With regard to the impact on the amenities on neighbouring properties, the SPD: Residential Extensions, Section 9.2 states in order to prevent overshadowing of adjoining houses and patios, any detached outbuildings should be position as far away from the house as possible and that they should be set in by at least 0.50 m from the shared boundary. This distance is considered sufficient to ensure there is no undue impact on these properties.

The proposed development would have windows on the side elevations. Taking into consideration the trees and hedges screening along the boundary and the distance from the main houses, this would not result in overlooking and loss of privacy to adjoining occupiers.

Due to the orientation and position of the proposed extensions it is not considered that there would be any loss of amenity or overlooking to the adjacent properties either side or to the rear of the property. As such, the proposal is in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

1140 sq m of private amenity space would be retained in compliance with paragraph 5.13 of the HDAS: Residential Extensions and policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The established garden contains, and is surrounded by good tree cover which characterises the area. The site lies within the area covered by TPO's 12 and 639, albeit

there are no protected trees within the site. The woodland to the rear of the back garden is covered by TPO 385, a woodland order, W1, which protects all ash, blackthorn, field maple, hawthorn and oak. According to the aerial photographs, there are trees which oversail the rear boundary, whose root protection areas (RPA) will be likely to extend into the rear garden. The garden to the rear of the house lies within designated Green Belt. Based on the submitted information it is not clear whether trees will be affected by the proposal, but it is likely. More detailed survey (and analysis) is required. The Green Belt status of the back garden indicates that any effect on the openness of the land should be resisted. In the absence of a tree survey and Arboricultural Impact Assessment, the applicant has failed to ensure that protected trees are safeguarded from the development.

The construction of a building within the Green Belt is unacceptable without evidence of special circumstances. Refusal is recommended on these grounds.

As such the application is recommended for refusal.

## 6. **RECOMMENDATION**

**The construction of a building within the Green Belt is unacceptable without evidence of special circumstances. Refusal is recommended on these grounds.**

### 1 NON2 Non Standard reason for refusal

The proposal represents inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework which is harmful by definition to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the permanent or temporary retention of the buildings which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt, contrary to the National Planning Policy Framework, Policy 7.16 of the London Plan (2016), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### 2 NON2 Non Standard reason for refusal

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policies BE19, BE38 and BE39 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 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).

3 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

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.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

BE39 Protection of trees and woodland - tree preservation orders

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

OL1 Green Belt - acceptable open land uses and restrictions on new development

LPP 3.5 (2016) Quality and design of housing developments

LPP 7.16 (2016) Green Belt

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

4 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.

## 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:

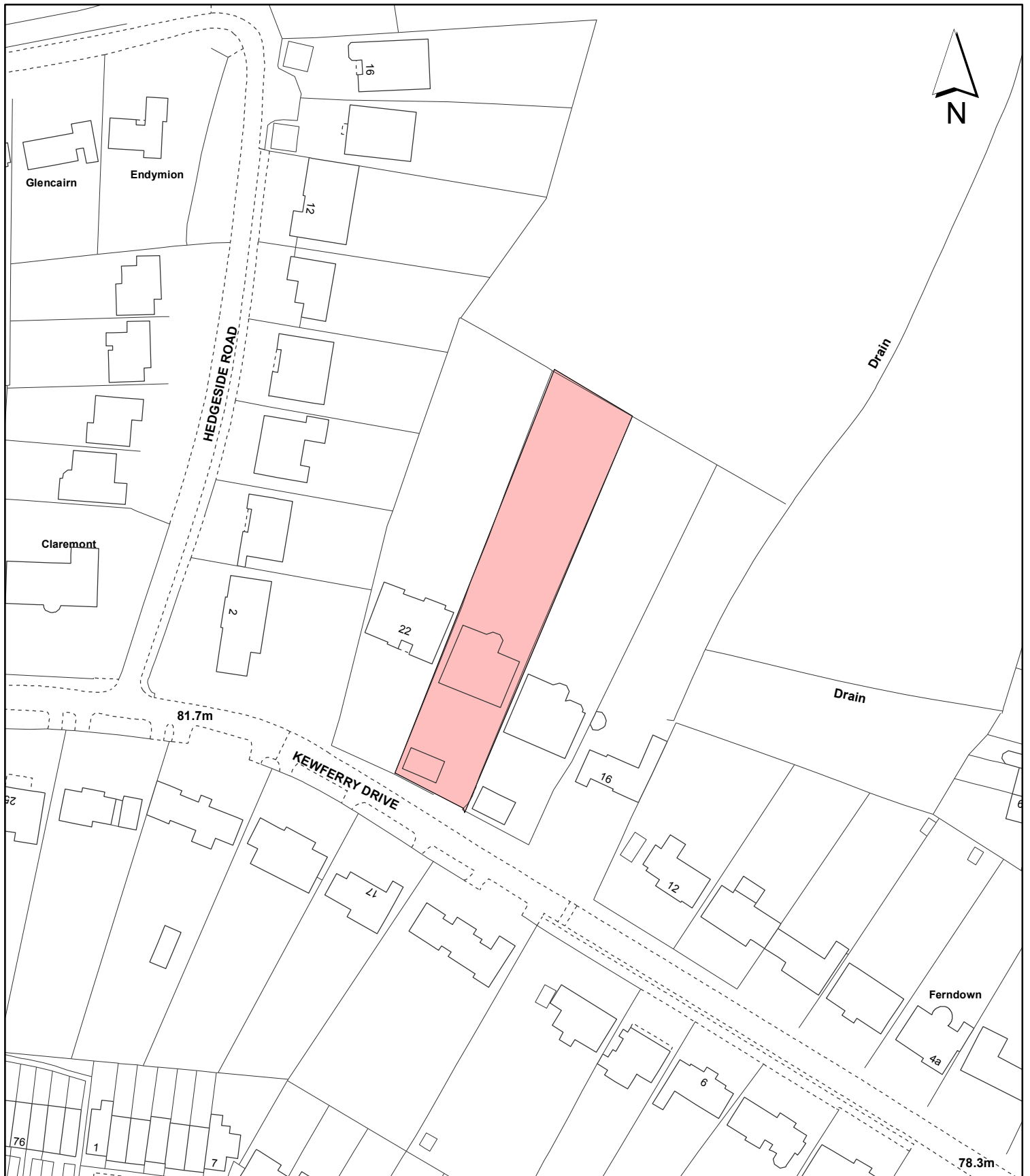
PT1.BE1 (2012) Built Environment

Part 2 Policies:

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.
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**Contact Officer:** Diane Verona

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**Notes:**

 Site boundary

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Site Address:

**20 Kewferry Drive  
 Northwood**

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

Planning Application Ref:  
**28673/APP/2018/4055**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**April 2019**

