

## Report of the Head of Planning & Enforcement

**Address** 18 HAMILTON ROAD HAYES

**Development:** Single storey outbuilding to rear for use as store/ playroom/gym (Retrospective application.)

**LBH Ref Nos:** 16785/APP/2009/2719

**Drawing Nos:** 1:1250 scale Location Plan  
1:200 scale Block Plan  
DEC/09/03

**Date Plans Received:** 17/12/2009                      **Date(s) of Amendment(s):**

**Date Application Valid:** 17/12/2009

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site is located on the south west side of Hamilton Road and comprises a two storey semi-detached house with a single storey rear extension and an outbuilding at the bottom of the rear garden, the subject of this planning application. The attached house, 16 Hamilton Road, lies to the north west and has an outbuilding at the bottom of the rear garden along the side boundary with 14 Hamilton Road. To the south east lies 20 Hamilton Road, a two storey semi-detached house which has not been extended. The street scene is residential in character and appearance, comprising two storey semi-detached houses, and the application site lies within the development area as adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### 1.2 Proposed Scheme

Planning permission is sought for the retention of an outbuilding at the bottom of the rear garden. The outbuilding is set some 200mm from the side boundary with 16 Hamilton Road, some 200mm rising to 1m from the rear boundary, and some 300mm from the side boundary with 20 Hamilton Road. It measures 6.9m wide, 7.1m deep and finished with a flat roof 2.7m high.

There is a double door and windows in the front elevation of the outbuilding, facing the application property, and the outbuilding comprises shower/WC facilities. The applicant has advised that the outbuilding is used as a store/gym.

#### 1.3 Relevant Planning History Comment on Planning History

A complaint was received by the planning enforcement section on the 21 April 2009

concerning an alleged unauthorised erection of an outbuilding. A search of Council records indicated that no application for planning permission had been sought or granted.

An initial site visit by a planning enforcement officer was conducted on the 22 April 2009. It was established that an outbuilding was under construction at the bottom of the rear garden of the property. It was noted that the level of the ground within the immediate vicinity of the outbuilding was raised and the footprint of the outbuilding was approximately 46sq.m which was nearly the same as the original dwellinghouse of approximately 49sq.m.

On 5 May 2009 a letter was sent informing the owner that the development in its current form was unauthorised and action was necessary to demolish the outbuilding to remedy the breach in planning control. The owner was advised that he was at liberty to discuss the matter with a duty planning officer at the Civic Centre to consider regularisation through a retrospective planning application.

On 12 June 2009 a letter was received from the owner stating that the roof would be lowered in line with current planning policies. On the 17 June 2009 a revisit to the site established that the erection of the outbuilding had been completed. Measurement taken from ground level to the flat roof gave the height as approximately 2.9 metres, significantly greater than the permitted maximum height of 2.5 metres under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008. Note should be made that the ground level had been increased to within one brick of the outbuilding's damp proof course.

A further letter was sent to the owner on the 26 June 2009 informing him that no application for a Certificate of Lawful Development or application for retrospective planning permission had been received by the Council's planning department and the completed outbuilding did not benefit from planning permission. Consequently the breach in planning control had not been remedied as requested. The owner was advised that the matter would be referred to the planning committee for authorisation to serve an enforcement notice.

A report was presented to the Central & South Planning Committee on the 29th October 2009 and Members resolved to issue an Enforcement Notice in the public interest, for the following reasons:

a) The outbuilding, by reason of its overall scale, height and the size of its footprint, is not subordinate or ancillary to the original dwellinghouse. The development also results in a visually intrusive development with a loss of residential amenity to neighbouring properties. Furthermore, the design of the outbuilding appears as a discordant feature out of keeping with the character of surrounding built form and detrimental to the appearance of the residential area. Therefore the development would be contrary to policies BE13, BE19 and BE21 of the UDP.

b) Expediency has been accessed concerning the design and size of the outbuilding under the HDAS Supplementary Planning Document; Residential Layouts section 4 and Residential Extensions section 9 concerning ancillary buildings. Furthermore, the bulk, height, proportion, and floor space of the outbuilding is not subordinate to the original dwellinghouse and its position in close relation to adjoining residential sites fails to accord with the guidance

c) Under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 Class E., the height of the outbuilding in relation to its proximity to the boundary of the curtilage of the dwellinghouse fails to benefit from 'deemed' planning permission.

d) It appears to the Council that the outbuilding development has been substantially completed within the last four (4) years.

The Enforcement Notice was issued on the 16 November 2009 and a time for compliance with the notice of three months given. The outbuilding is now unlawful and subject to prosecution.

## **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**

EXTERNAL:

9 adjoining owner/occupiers have been consulted. 2 letters of objection has been received making the following comments:

- (i) The outbuilding falls outside of the permitted allowance;
- (ii) The outbuilding is extremely large for a gym/store;
- (iii) The garden level has been raised; and
- (iv) There is an enforcement notice served on the outbuilding

Officer comments: On point (i), the outbuilding does not constitute permitted development, hence the submission of this application. On point (iii), this matter does not form part of this current application. The remaining points are addressed in the report.

INTERNAL:

Councillor Eginton (Ward Councillor):

Requests that this application is determined by the planning committee.

## **4. UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

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|------|--|
| 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 | Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents):<br>9.0 Detached Outbuildings |

## 5. MAIN PLANNING ISSUES

The main issues for consideration relate to the effect of the proposal on the character and appearance of the surrounding area and on residential amenity.

The detached outbuilding, by reason of its overall size, bulk, scale, siting, design represents a visually intrusive and overdominant form of development which is considered to detract from the character and appearance of the surrounding area. The outbuilding extends to be within 0.5m of the side boundaries, contrary to paragraph 9.3 of the Hillingdon Design & Accessibility Statement(HDAS): Residential Extensions, and has a footprint at least equal to that of the original house.

The surrounding area is characterised by outbuildings at the bottom of rear garden. Some are of a similar size to that which lies at the application property, notably at 30 Hamilton Road and at 19 Hughes Road, which lie to the rear of the application property. However, the Council's planning records indicate that planning permission has not been granted for these outbuildings. In considering this matter, it is highly likely that these outbuildings were erected under previous General Permitted Development legislation. Overall, it is concluded that outbuilding is contrary to policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 9.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

Although the outbuilding is over 20m from the rear elevations of neighbouring properties, the size and scale of the outbuilding when combined with the siting on the immediate property boundary is such that the outbuilding is considered to be incongruous and visually intrusive. It is considered to be an un-neighbourly form of development contrary to Policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Over 100sq.m of private amenity space has been retained for the existing 3 bedroom house, in accordance with policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

For the reasons outlined above and that the development is contrary to the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) this application is recommended for refusal.

## 6. RECOMMENDATION

### REFUSAL for the following reasons:

#### 1 NON2 Non Standard reason for refusal

The detached outbuilding at the bottom of the rear garden, by reason of its overall size, siting, bulk, scale, design and appearance, represents an incongruous and visually obtrusive form of development which is detrimental to the character and appearance of the surrounding area and results in a loss of residential amenity to neighbouring properties. The development is therefore contrary to policies BE13, BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 9.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

## INFORMATIVES

### 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).

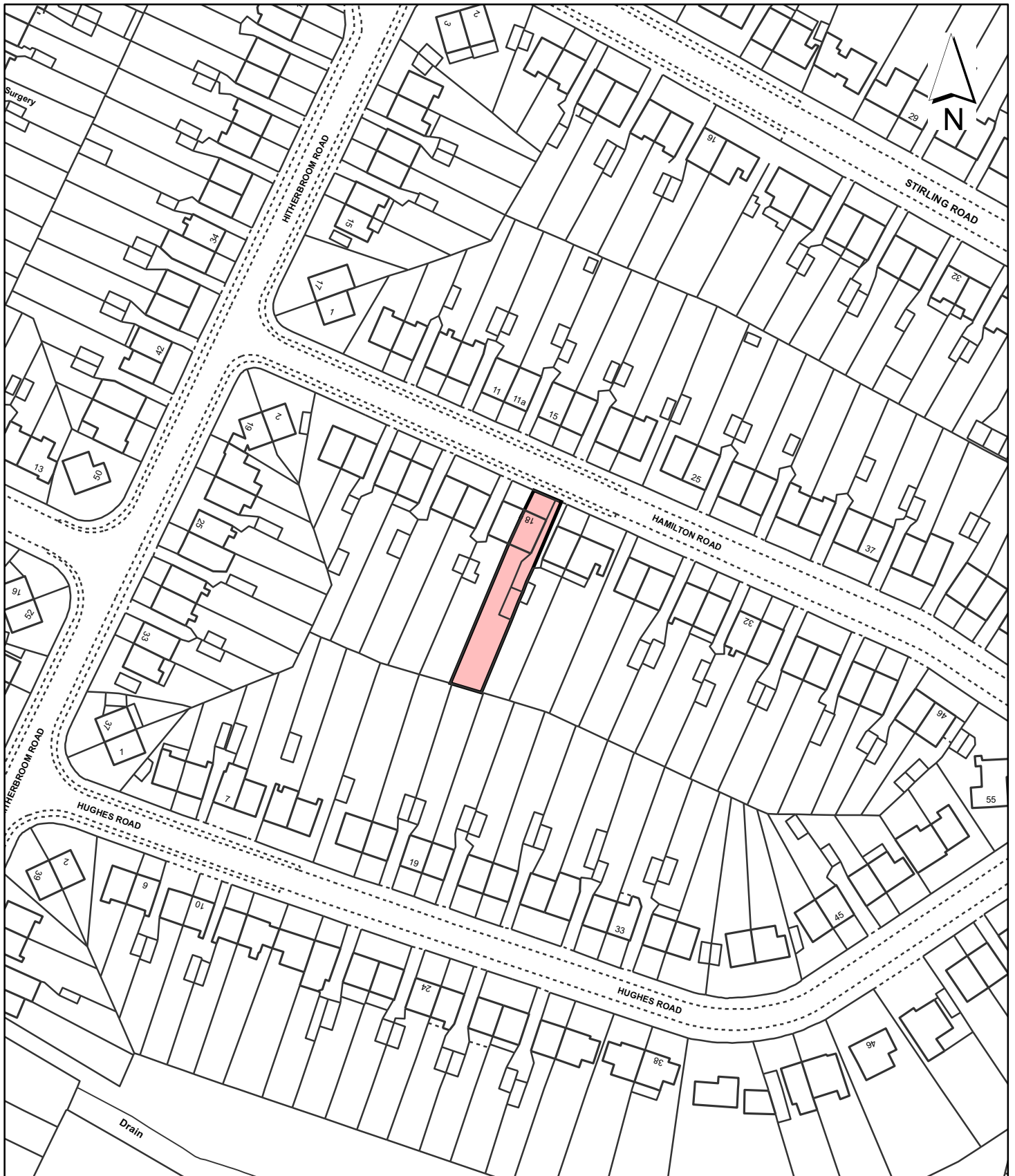
2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

#### **Policy No.**


|      |  |
|------|--|
| BE13 | New development must harmonise with the existing street scene.   |
| 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.  |
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| HDAS | Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents):<br>9.0 Detached Outbuildings |

**Contact Officer:** Sonia Bowen

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**Notes**

 Site boundary

For identification purposes only.

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|-----------------------------------|-----------------|
| Site Address                      |                 |
| <b>18 Hamilton Road<br/>Hayes</b> |                 |
| Planning Application Ref:         | Scale           |
| <b>16785/APP/2009/2719</b>        | <b>1:1,250</b>  |
| Planning Committee                | Date            |
| <b>Central and South</b>          | <b>May 2010</b> |

**LONDON BOROUGH  
OF HILLINGDON**

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