

Report of the Head of Planning, Transportation and Regeneration

Address 4 HAMILTON ROAD COWLEY UXBRIDGE

Development: Single storey side/rear extension (retrospective)

LBH Ref Nos: 28273/APP/2019/2221

Drawing Nos: 3000/EXT/68-06/SP
3000/EXT/68-01/SP
3000/EXT/68-07/SP
3000/EXT/68-08/SP
3000/EXT/68-09/SP

Date Plans Received: 02/07/2019

Date(s) of Amendment(s):

Date Application Valid: 02/07/2019

1. SUMMARY

The application seeks retrospective planning for a single storey side/rear extension, which extensively differs from the development approved under Ref: 28273/APP/2018/2037. The development fails to meet the conditions and design of the approved plans, and has resulted in a development that cannot be supported by the council.

The development as constructed fails to appear as a positive contribution to the Clayton Way Area of Special Local Character (ASLC) which it belongs to, by reason of its flat roof design and poor use of materials. Furthermore, the tinted brickwork finish that has been applied to the front elevation of the extension does not sufficiently match that of the main dwelling. It is considered that the development has a negative impact upon the visual amenity of the site and the surrounding ASLC.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The existing single storey side/rear extension, by reason of its, size, scale, bulk, design and use of materials fails to harmonise with the architectural composition of the original dwelling and is detrimental to the character, appearance and visual amenities of Hamilton Road, Orchard Drive and Clayton Way Area of Special Local Character. Therefore the existing development is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policies DMHB 1, DMHB 5, DMHB 11 and DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES

1 I52 Compulsory Informative (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 I53 Compulsory Informative (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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE5	New development within areas of special local character
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.
DMHB 1	Heritage Assets
DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHD 1	Alterations and Extensions to Residential Dwellings
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 I59 Councils Local Plan : Part 1 - Strategic Policies

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.

4 I71 LBH worked applicant in a positive & proactive (Refusing)

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.

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Western side of Hamilton Road, Uxbridge, and comprises a semi-detached property. The property has a rear garden which backs onto the residential rear gardens of properties on Clayton Way. To the front of the site there is a small front garden which has been partly paved in hardstanding and provides space for off street parking. The property has been extended by way of a single storey side/rear extension.

The street scene is residential in character and appearance comprising predominately of two storey semi-detached properties. The existing property has a lawful use as a House of Multiple Occupation (HMO). The property has been in use as a HMO since at least 2010 and before the imposition of the Article 4 Directive that has restricted the conversion of properties in this area to HMO's.

The site is situated within the Developed Area as identified in the policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) where the prevailing character of the area is residential. The application site also lies within the Orchard Drive, Hamilton Road, Clayton Way Area of Special Local Character (ASLC).

3.2 Proposed Scheme

The application proposes a single storey side/rear extension. The application is retrospective.

3.3 Relevant Planning History

28273/APP/2003/1266 4 Hamilton Road Cowley Uxbridge

ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION AND CONVERSION OF PART OF GROUND FLOOR AND GARAGE TO LAUNDRY/ STORAGE SPACE IN CONNECTION WITH PROVISION OF 3 ADDITIONAL STUDENT BEDSITS AND 3 CAR PARKING SPACES IN FRONT GARDEN

Decision: 27-10-2003 Withdrawn

28273/APP/2018/2037 4 Hamilton Road Cowley Uxbridge

Single storey side/rear extension.

Decision: 20-07-2018 Approved

28273/B/92/1687 4 Hamilton Road Cowley Uxbridge

Loft conversion including the installation of a rear dormer (Application for a Certificate of Lawfulness for a proposed use or development)

Decision: 20-10-1992 GPD

28273/C/93/0595

4 Hamilton Road Cowley Uxbridge

Erection of a single-storey rear conservatory

Decision: 02-06-1993 Approved

Comment on Relevant Planning History

28273/APP/2018/2037 - Approved single storey side/rear extension. The current application introduces changes to the originally approved plans.

28273/B/92/1687 - Approved loft conversion under General Permitted Development Order in 1992.

28273/C/93/0595 - Approved single storey rear conservatory in 1993.

ENF/330/09/ENE - An enforcement case was opened for a constructed side extension/car port. No further action was taken.

4. Planning Policies and Standards

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18th May 2018. This comprises of a Development Management Policies document, a Site Allocations and Designations document and associated policies maps. This will replace the current Local Plan: Part 2 - Saved UDP Policies (2012) once adopted.

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPM) which outline the proposed changes to submission version (2015) that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the Examination in Public (EiP). The public examination hearings concluded on the 9th August 2018. The Inspector submitted a Post Hearing Advice Note outlining the need to undertake a final consultation on the updated SOPM (2019) only. The Council undertook this consultation between 27th March 2019 and 8th May 2019. All consultation responses have been provided to the Inspector for review, before the Inspector's Final Report is published to conclude the EiP process.

Paragraph 48 of the NPPF (2019) outlines that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

On the basis that the public hearings have concluded and the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight may be attached

to each policy is therefore based on the extent to which there is an unresolved objection being determined through the EiP process and the degree of consistency to the relevant policies in the NPPF (2019).

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:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE5 New development within areas of special local character

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.

DMHB 1 Heritage Assets

DMHB 5 Areas of Special Local Character

DMHB 11 Design of New Development

DMHD 1 Alterations and Extensions to Residential Dwellings

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. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

15 neighbouring properties were consulted by letter and a site notice was displayed to the front of the property.

By the end of the 21 day consultation period a petition and 18 letters of objection were received. The objections are summarised below:

1. Exterior does not match the originally approved plans. Not matching the original dwelling.
2. Unattractive roof form.

3. Sewage problems arises from development, attracting rats into the neighbourhood.
4. Out of character development.
5. HMO results in neighbours not respecting other occupiers on Hamilton Road.
6. Noise disturbances and parking pressures as a result of HMO.
7. 'Cheap' look of materials, tiles and brickwork used.
8. The development is inconsistent with the neighbourhood and the Area of Special Local Character (ASLC) (objection states the property is within a conservation area, but it is assumed this meant to say ASLC given that the property is not within a conservation area).
9. The principle elevation has been painted rather than built with matching materials.
10. Extension creates a terracing effect.
11. Encroachment on party wall.
12. Two large outbuildings in the garden - a worry that these are covering most of the available private amenity.
13. The materials used does not match in both size and colours used.
14. The existing roof over the side extension exceeds the height limit originally approved.
15. Loss of light to neighbouring property.
16. Front window installed does not harmonise with the existing building.
17. The number of bedrooms will increase, attracting more occupiers and hence more pressures to the street in terms of parking and noise.
18. Parking overspilling onto the pedestrian path.
19. HMO requirements should be adopted when assessing the current application, as it was not initially
20. Previous comments sent to the council were missed.
21. Rear garden is inadequate for relaxation and recreation purposes.
22. Garden is not maintained and looked after.
23. No wall ties being used when constructing the side extension and as such not a good standard of development for future occupiers and the surrounding ASLC.
24. Concerns relating to the noise from unloading rubbish to the front garden of 4 Hamilton Road. The owners not having relevant licenses to carry out such works.
25. Health and safety of student residents should be taken into consideration.
26. Toilets close to neighbouring properties kitchens and dining spaces.
27. No compliance to noise condition, working into late hours.
28. Students using the flat roof extension as a balcony, for sunbathing, and hence a loss of privacy for adjoining neighbours.

Planning officer: The concerns above will be addressed in the main body of this report.

Internal Consultees

Conservation Officer:

The original dwelling is a semi-detached property most likely dating from the 1930s. It forms part of an inter-war estate predominantly comprising of similar semi-detached houses with a few detached properties interspersed between. The area was originally designated for its good quality design and detailing. The gaps between properties, maintained by setback garages and dwarf brick boundary walls provide a rhythm to the street scene that positively contributes to the character and appearance of the area.

Unfortunately some properties have benefited from poor side extensions that have somewhat degraded the area's appearance resulting in the loss of gap views between sites and symmetry to semi-detached pairs.

No.4 is an attractive dwelling which includes notable decorative detailing. At ground floor it is characterised by an exposed brown brick finished. At first floor it is defined by its pebble dash exterior with mock timber detailing. At ground floor there is a small projecting element with a lean to roof form which extends over the entrance door allowing for a porch area. Originally this had been

open. There is a traditional, gabled ended projecting square bay at first floor which includes decorative bargeboards within the eaves of the gable end.

Assessment - Impact

The single storey side/rear extension has been built therefore the application seeks retrospective permission for the addition. It is understood permission had been granted under application reference 28273/APP/2018/2037 however the constructed extension does not appear to have been constructed in accordance to the approved scheme. The principle of a single storey side/rear addition has been set by the permission granted.

From a conservation perspective, generally due to the location and limited visibility of the rear element of the addition, it would be considered admissible in this instance. However it has resulted in a wrap around addition which is not considered wholly ideal from a conservation perspective.

The side addition extends the full depth of the original house and attaches itself to the previous recessed garage. It has resulted in a detrimental, long flank wall which is highly visible from the street scene. The addition infill's the entire gap between the original building and neighbouring site. Whilst it is appreciated that the structure is single storey, the separation between the two sites has been diminished and the nature of its construction of the addition has resulted in a detracting structure within the street scene. Whilst such principle has been set by the approval of the previous scheme, from a conservation perspective a gap of at least 0.25m between neighbouring sites is recommended as per Hillingdon's Residential Extensions SPD (2008).

As constructed it includes a flat roofed structure sloping towards the front and rear. This is materially and structurally different to the approved scheme which included a cat slide, tiled roof form sloping towards a parapet detail along the shared boundary with the neighbouring site. The rear addition was also approved to include a sloping tiled roof.

The choice of brick fails to match the original dwelling and further accentuates the addition's prominence in the streetscene. This would have been avoided if the approved scheme had been adhered to. It detracts from the property's original pleasant appearance. An attempt to correct the unacceptable brickwork by tinting the bricks would only partly resolve visual appearance issues. Taking into account that the flank wall has been built up to the site's side boundary there would be limited access to carry out such works and future maintenance could prove difficult unless permission is sought from the neighbouring property. In addition to this, the previous close-boarded low-rise fence is still in situ which further prevents access to the lower portion of the structure. In this instance it would not be considered an appropriate solution.

The crudeness of the extension is clearly evident by the poor construction of the structure and forward projection of the soffit and guttering detail, which is notably proud of the original building's elevation. Tinting brickwork would not solve the issues in terms of the questionable construction of the extension. There are concerns on relation to the quality of the pointing and manner in which the brickwork has been constructed. The brickwork does not line up with the original dwelling and the bricks have been laid in a stretcher bond rather than matching the Flemish bond of the original dwelling. In some areas the brickwork appears misaligned creating an undulating elevation. The size of the joints are not consistent and should ideally be 10mm in width/depth any wider and it could result in the joint failing resulting in holes or cracks.

Furthermore the pointing style is not consistent with some joints recessed while other are flushed, there were also noticeable gaps in joints with missing mortar. It is likely the brickwork has been laid from the inside of the building resulting in the external elevations (notably the flank elevation) of the extension not being finished appropriately.

The retention of the existing garage structure has allowed for a significantly long extension which has not been depicted on the submitted plans. It is understood that this was to be demolished as part of the previous permission granted (ref: 28273/APP/2018/2037). It creates a clutter of ad hoc structures to the rear of the dwelling which could have been avoided if the existing was demolished and re-constructed as one simple new structure, alongside the side addition and rear addition. This situation is worsened by the stark difference between the materiality of the structures and step in the roof heights which may have contributed to the poor construction of the brickwork to the rear of the new addition.

It is duly noted that other properties within the vicinity have benefited from side and rear additions of varying scales however these are not considered appropriate precedents to follow and it is important good design principles are adopted by all concerns moving forward to create a better environment for all affected.

Conclusion: Objections, as proposed recommend refusal.

The addition would be considered unacceptable. It detracts from the character and appearance of the ASLC. It's crude, ad hoc construction shows poor workmanship and due care in creating a permanent, well integrated and sound structure which could be enjoyed by current and future occupiers. Overall it displays a complete disregard to the 'Area of Special Local Character' designation where a much higher quality of design and construction is expected. The addition does not reflect the age, character or materials of the original property or ASLC.

The approved scheme provides evidence that the provisions of a single storey side/rear addition can be achieved resulting in a lesser degree of harm to the ASLC.

Planning Officer:

The officer has raised questions regarding the type of application proposed, and being a HMO would need to be assessed as a full planning application. The agent has provided an amended application form as necessary.

Questions have also been put forward to the agent regarding the HMO license held by the applicant. It is considered that planning permission was not required for the change of use of this property from Class C3 (a dwelling house) to Class C4 (houses in multiple occupation with 3-6 unrelated occupants living as a single household also known as HMO's) under the 'Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2010'. The property has been in use as a HMO since at least 2010 and prior to the imposition of an Article 4 directive that has sought to restrict the conversion of properties in this area to HMO's.

The agent has confirmed that the property is currently licensed for a maximum of 5 persons, and with the new 6th bedroom proposed at 4 Hamilton Road this would mean that a new license will be sought. The agent has confirmed this license will be for 6 unrelated occupants living at 4 Hamilton Road and as such the use of the property would not exceed the Class C4 restrictions and a change of use application has not been requested.

However, it must be noted that if more than 6 people were to be accommodated at 4 Hamilton Road, the HMO license would be invalid, and a change of use application would need to be submitted. At that stage, other issues may be raised such as parking and noise concerns. However it is not considered that these issues can be considered as part of this particular application which is seeking the retention of the existing single storey side/rear extension only.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site lies within an established residential area. It is therefore considered there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable.

The property has been licensed as a HMO since at least 2010. The current application would not provide any more bedrooms than previously approved under Planning Decision Reference 28273/APP/2018/2037. Whilst it is noted that a number of objectors have concerns regarding the use of the property as a HMO, it should be noted that Council Policies and the Article 4 Direction seeks to prevent a proliferation or concentration of HMOs in this area. Officers consider the principle issue is not who occupies the extension, but rather the impact of the extension on the Area of Special Local Character.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Discussed below.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The main considerations are the design and impact on the character of the existing property, the impact upon the street scene and locality, 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 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 or would fail to safeguard the design of existing and adjoining sites.

Policy BE5, within Areas of Special Local Character new development should harmonise with the materials, design features, architectural style and building heights predominant in the area. Extensions should respect the symmetry of the original buildings.

Paragraph 3.3 of the HDAS states that single storey rear extensions proposed on semi-detached houses with a plot measuring 5 m wide or more should be no more than 3.6 m deep. Likewise paragraph 3.7 states that such extensions should be no more than 3 m in height with a flat roof. This is to ensure that the extension appears subordinate to the main house. For side extensions, these are required to not exceed two thirds the width of the original dwelling. The maximum height of the extension should not exceed 3.4 m at its highest point. However in conservation areas or ASLC's the design of the roof may be subject to certain design features, to ensure the development harmonises with its surrounding area.

The application seeks retrospective planning permission for a development which differs significantly from that granted permission under Planning Decision Ref: 28273/APP/2018/2037. Planning permission was granted for the erection of a single storey side/rear extension which would have a maximum depth of 3.6 m to the rear and a height

of 3.2 m, characterised with a pitched roof. The development would have matching materials to the main dwelling, wrapping around the building. The approved scheme also proposed the demolition of a pre-existing outbuilding to the rear of the property and adjacent to the siting of the extension and it is considered that the demolition of that outbuilding would have ensured that there was not excessive development to the rear of the property.

The development as constructed has failed to adhere to the approved plans. The development has incorporated a flat roof design and matching materials have not been used. From the site visit it is also evident that the proportions of the ground floor window are not consistent with the details proposed as part of this application, appearing a lot smaller in size and scale. Given the comments of the Conservation Officer, a flat roof extension is considered to negatively impact upon the visual amenity of the site and the surrounding Area of Special Local Character. Furthermore, the use of poor materials is not considered acceptable. The attempt to tint the brickwork on the front elevation of the extension so as to appear similar to the existing brickwork on the main dwelling has not been done particularly well and is not considered as a long term solution to this problem.

The build quality of a retrospective scheme is rarely of relevance to visual amenity considerations. However in this case the workmanship in respect of the extension is so poor it adversely impacts on the character and appearance of the street scene. It is evident from both the site visit and the conservation officers comments that what is existing on site fails to respect the character of the existing dwelling and the surrounding area. The materials used and the design in general appears as a incongruous addition to the main dwelling, not respecting the character, quality and design of neighbouring properties.

As such it is considered that the proposal is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policies DMHB 1, DMHB 5, DMHB 11 and DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

7.08 Impact on neighbours

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

No.3 Hamilton Road has a side extension/canopy and it is considered that the extension at 4 Hamilton Road does not result in a significant loss of residential amenity for the occupiers of No.3. Whilst No. 5 Hamilton Road is unextended to the rear, the depth of the extension adjacent to the boundary with No.5 complies with the requirements of the SPD HDAS: Residential Extensions. There are also no side facing windows proposed/existing on the extension. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Mayor of London's Housing Standards Minor Alterations to The London Plan (March 2016).

In terms of the garden area the development would satisfy the requirements of Policy DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies which states that for alterations and extensions to residential dwellings; adequate garden space is retained. The retained amenity space is also within the required space stated under Paragraph 3.13 HDAS requirement (over 100 sq.m). As such the proposal would be in accordance with Policy DMHD1 of the Hillingdon Local Plan: Part Two - Development Management Policies and Policy BE23 of the Hillingdon Local Plan Part Two - Saved UDP Policies (November 2012).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The development would not change the parking arrangements at 4 Hamilton Road.

7.11 Urban design, access and security

Discussed above.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable.

7.19 Comments on Public Consultations

Discussed above.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Enforcement action would be applicable if the application is refused.

7.22 Other Issues

A long list of concerns are raised by neighbours, not all of which are material planning

considerations.

Issues not relevant to determination of this application includes construction noise, Part Wall Act, health and safety, where the downstairs wc is sited (this is a Building Control consideration, as is lack of wall ties).

How well the curtilage is maintained may be applicable to future HMO licence requests. The reference to a comment being missed relates to a previous application; officers have confirmed that all neighbour representations were considered before the previous decision was made.

Sewage and rat problems are not normally considerations relevant to determination of a planning application. At the officer site visit void areas under the extension (part of the poor building quality) were alleged to be infested by rats.

It can be clarified that the extension does have a building control consent (signed off by an Approved Inspector, not London Borough of Hillingdon Building Control). The Council's Building Control team have advised that although of clearly poor build quality, the extension is not at risk of collapse and could not be considered a 'dangerous structure' in Building Control terms.

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8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The

obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The existing single storey side/rear extension, by reason of its overall size, scale, bulk and design is considered to negatively impact upon the visual amenity of the site and the surrounding Area of Special Local Character. Furthermore, the use of materials is not considered acceptable. As such it is considered that this development is not in compliance with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policies DMHB 1, DMHB 5, DMHB 11 and DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

4 Hamilton Road

Planning Application Ref:
28273/APP/2019/2221

Planning Committee:
Central & South

Scale:
1:1,250

Date:
November 2019

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