

Report of the Head of Planning, Transportation and Regeneration

Address 5 CHILTERN ROAD EASTCOTE MIDDLESEX

Development: Installation of raised patio to rear (Restrospective).

LBH Ref Nos: 54673/APP/2019/2201

Drawing Nos: Location Plan
MKM/17/CHI05/PL20 01/03
MKM/17/CHI05/PL20 02/03
MKM/17/CHI05/PL20 03/03

Date Plans Received: 29/06/2019 **Date(s) of Amendment(s):** 29/06/2019
Date Application Valid: 22/07/2019

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a detached two-storey dwelling located on the Northern side of Chiltern Road with the principal elevation facing South. The property is brick built set under a hipped roof. To the West side is an attached single storey garage which is in turn attached to the neighbouring property's garage, no.3 Chiltern Road. The area to the front is mainly covered in hard-standing providing off-street parking. To the opposite side is a side gate which leads to the rear. To the rear of the property is a raised patio section which leads down to the main garden which is attractively landscaped with the majority laid to lawn.

To the East of the application site lies No.7 Chiltern Road, a two storey detached property, which is set forward of the application property and has been extended at both ground and first floor level to the rear. To the West of the application site lies No.3 Chiltern Road, a two storey detached property which has been extended at ground level along the boundary with the application site. There are some differences in levels between these individual properties; the land slopes from West to East down Chiltern Road, and slopes to the North to the rear of the properties.

The street scene is residential in character and appearance comprising detached properties. The site lies within a Developed Area as identified in the policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). It lies a little distance to the East of the Eastcote Village Conservation Area.

1.2 Proposed Scheme

Installation of raised patio to rear (Restrospective).

1.3 Relevant Planning History

54673/APP/2000/226 5 Chiltern Road Eastcote Middlesex
ERECTION OF A FIRST FLOOR FRONT EXTENSION OVER ENLARGED NEW OPEN PORC

Decision Date: 05-06-2000 **Approved** **Appeal:**
54673/APP/2017/3666 5 Chiltern Road Eastcote Middlesex
Part two storey, part single storey side/rear extension.

Decision Date: 06-12-2017 **Approved** **Appeal:**
54673/APP/2018/1363 5 Chiltern Road Eastcote Middlesex
Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include 2 x side dormers.

Decision Date: 30-08-2018 **Refused** **Appeal:**
54673/APP/2018/368 5 Chiltern Road Eastcote Middlesex
Application for a non-material amendment to planning permission Ref: 54673/APP/2017/3666 dated 06/12/2017 (Part two storey, part single storey side/rear extension) to allow for amendments to drawing numbers to approved plans

Decision Date: 07-03-2018 **Approved** **Appeal:**
54673/APP/2018/4154 5 Chiltern Road Eastcote Middlesex
Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use, including 4 rooflights and alterations to side elevations.

Decision Date: 04-04-2019 **Approved** **Appeal:**

Comment on Planning History

54673/APP/2017/3666 - Part two storey, part single storey side/rear extension. Approved on 06.12.2017

54673/APP/2000/226 - Erection of a first floor front extension over enlarged new open porch. Approved 05.06.2000

54673/APP/2018/1363 - Part two storey, part single storey side/rear extension and conversion of roofspace to habitable use to include 2 x side dormers. Refused 30.08.2018 for the following reasons -

(1) The proposal, due to the lack of outlook and natural light afforded to the proposed bedroom in the roof, would result in an oppressive environment to that room. As such, the proposal would fail to provide a satisfactory residential environment for future occupiers and would be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (2016) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

(2)The proposal would result in the provision of a habitable room (proposed bedroom in the roof space) of an unsatisfactory quality for the future occupiers, due to insufficient floor area with adequate height and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2016) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

54673/APP/2018/4154 - The application sought erection of a part two storey, part single

storey side/rear extension and conversion of roofspace to habitable use, including 4 x rooflights and alterations to side elevations (Re-submission) Approved.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- 22nd August 2019

3. Comments on Public Consultations

Neighbouring properties along with Eastcote Residents Association were consulted on 23/07/2019 and a site notice was displayed to the front of the site on 25/07/2019.

Three objections have been received raising the following issues:-

(1) The erection of the patio without permission is inappropriate

(2) Materials do not match

(3) Overlooking of garden and kitchen

(4) The addition of the high plastic surrounds on top of the already elevated patio will not only block sunlight from the neighbouring garden and patio, but will also add to the overall dominance of the elevated structure, particularly in view of the drop in heights of our respective properties. Furthermore, the plastic surrounds will not prevent the compromise of privacy in the rear garden

Officers notes - It is not unlawful to undertake development without permission but this runs the risk of refusal and possible enforcement action, the planning matters raised are considered below.

Contaminated land officer - no comments received.

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.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement,

	Supplementary Planning Document, adopted December 2008
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
LPP 3.5	(2016) Quality and design of housing developments

5. MAIN PLANNING ISSUES

The main issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling and the impact on residential amenity of the neighbouring dwellings.

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.

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that new development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. This policy reflects the relevant legal duties.

Policy BE15 of the Hillingdon Local Plan Part two (Saved UDP Policies) requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building. Policy BE13 requires the layout and appearance of extensions to harmonise with the existing street scene and Policy BE19 ensures any new development complements or improves the amenity and character of the area.

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 should protect the privacy of the occupiers and their neighbours.

The Council's Adopted SPD the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) or HDAS, contains design guidance (below) for all types of extensions which should appear subordinate in scale to the original building and avoid adverse amenity issues such as overlooking, loss of light or overbearing issues.

Policy DMHB 11 Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that A) All development, including extensions, alterations and new buildings will be required to be designed to the highest quality standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different

activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs. D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The retrospective raised patio is located at the rear of the property. The patio is proposed to be built from bricks which match the existing rear extension.

The size of the patio is measured approximately 3.7m in length including the stairs and spans the entire width of the property. It is noted that the topography of the property has a gentle gradient, sloping downwards towards the rear garden space. When viewed from the rear, the height of the raised patio is measured 0.82m and has an overall height of 1.72m including the handrail.

On either side of the patio, adjoining the neighbouring properties, two 1.8m high PVC non see through fencing (Grey Colour) and box hedging are proposed. The additional fencing provides screening to the proposal to overcome potential overlooking concerns. As such, the overall height of the structure would amount to 2.62m, which is over and above the maximum height of a permitted development boundary treatment (2m). The proposed non see through fencing would have the appearance and impact of a second generation conservatory extension. By virtue of size, scale bulk and design, the proposed would represent an unduly intrusive and incongruous form of development. Furthermore, the proposed will adversely impact on the amenity, outlook, daylight and sunlight of no. 3 Ciltern Road and as such would constitute an un-neighbourly form of development. The proposal is therefore considered unacceptable and would be contrary to Policies BE20, BE21, BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Hillingdon Supplementary Planning Document: Residential Extensions and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

This application is recommended for Refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by reason of its size, scale, bulk and design, represents an unduly intrusive and incongruous form of development, detrimental to the character, appearance and architectural composition of the existing property. The proposal is thus contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two -

UDP Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its size, scale, bulk, depth and proximity would be detrimental to the amenities of the adjoining occupiers at 3 Chiltern Road by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. 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 Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

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 - 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.

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

DMHB 1 Design of New Development

DMHB 1 Housing Standards

DMHB 1 Private Outdoor Amenity Space

LPP 3.5 (2016) Quality and design of housing developments

3 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.

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.
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
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
LPP 3.5	(2016) Quality and design of housing developments

Contact Officer: Cris Lancaster

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**5 Chiltern Road
 Eastcote**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
54673/APP/2019/2201

Scale:
1:1,250

Planning Committee:
North

Date:
November 2019



HILLINGDON
 LONDON