

Report of the Head of Planning & Enforcement

Address 69 RALEIGH AVENUE HAYES

Development: Erection of a single storey rear extension (involving demolition of part existing extension) (Part retrospective application.)

LBH Ref Nos: 26561/APP/2009/2669

Drawing Nos: NM/01B
NM/01

Date Plans Received: 11/12/2009 **Date(s) of Amendment(s):**

Date Application Valid: 11/12/2009

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the north west side of Raleigh Avenue and comprises a two storey semi-detached house with a single storey rear extension, the subject of this application. The attached house, 71 Raleigh Avenue lies to the north east and has a single storey rear extension. To the south west lies 67 Raleigh Avenue, a two storey semi-detached house with a single storey rear extension. The street scene is residential in character and appearance comprising two storey semi-detached houses and the application site lies within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

1.2 Proposed Scheme

The previously refused scheme sought the retention of a single storey rear extension set flush with the flank wall facing 67 Raleigh Avenue and measuring 3.8m wide, 7.6m deep and finished with a flat roof with a half-hip, 2.6m high at its highest point. The submitted plans showed the internal layout comprising a bedroom, dining room and shower facilities.

This current application attempts to overcome the reasons for refusal of the previous scheme and the Inspector's comments by proposing a single storey rear extension also set flush with the flank wall facing 67 Raleigh Avenue, but measuring 3.8m wide, set 1.5m from the side boundary with 71 Raleigh Avenue, 3.6m deep and finished with a flat roof 2.6m high. The proposed extension would provide only a new kitchen and shower room and would not include any bedroom facilities.

1.3 Relevant Planning History

26561/APP/2008/2770 69 Raleigh Avenue Hayes

Erection of a single storey rear extension (Retrospective application).

Decision Date: 14-11-2008 Refused **Appeal:** 10-NOV-09 Dismissed
26561/APP/2009/907 69 Raleigh Avenue Hayes

SINGLE STOREY REAR EXTENSION (APPEAL AGAINST ENFORCEMENT NOTICE;
APPLICATION FOR PLANNING PERMISSION DEEMED TO HAVE BEEN MADE PURSUANT
TO SECTION 174 OF THE TOWN AND COUNTRY PLANNING ACT 1990)

Decision Date: **Appeal:** 10-NOV-09 Dismissed

Comment on Planning History

In April 2008 the Council received a complaint in respect of the erection of a single storey rear extension at the application property.

In June 2008 after complaints alleging that the property had been converted into flats and that the rear extension was not permitted development a site inspection was undertaken to the application property. Officers could not conclusively prove that the property had been converted into flats, however, the extension appeared to occupy approx 73 cubic metres thereby exceeding the then permitted development allowance and appeared to be subdivided from the house. It contained a kitchen, bathroom and bedroom facilities. Further inspections were carried out and a letter was sent on 26th August 2008 informing the owner to remedy the breach with regards to the size of the extension and to regularise the use as a single family dwelling house.

In response, the applicant submitted a planning application (ref No. 26561/APP/2008/2770) which sought retrospective permission for the development as described. The application was refused on 25 November 2008 for the following reasons:

1. The single storey rear extension, by reason of its overall size, siting, design and length of projection in relation to the original house, results in a disproportionate and incongruous addition that fails to be subordinate to the appearance of the existing house. It is detrimental to the appearance of the original dwelling and detracts from the appearance of the surrounding area, contrary to Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Supplementary Planning Document HDAS: Residential Extensions.

2. The single storey rear extension, by reason of its excessive projection results in an overdominant and visually intrusive form of development and a significant increase in overshadowing in relation to 71 Raleigh Avenue. As such, it constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity contrary to Policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Supplementary Planning Documents HDAS: Residential Extensions and HDAS: Residential Layouts.

3. The single storey rear extension, by reason of its access independent of the existing dwelling and lack of shared facilities, could readily be adapted to form a self-contained residential unit. The floorspace of the rear extension is below that required for a one bedroom unit, and the development fails to provide separate private amenity space and off-street parking. Therefore, the development does not provide adequate facilities for its occupiers contrary to Policies BE23, H7 and AM14 of the adopted Hillingdon Unitary

Development Plan (Saved Policies September 2007), and the Supplementary Planning Document HDAS: Residential Layouts and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

Subsequently, an enforcement report was prepared and presented to the Planning Committee on the 19 February 2009. Members resolved to issue an Enforcement Notice in the public interest, for the following reasons:

(i) The 'Extension' exceeds Permitted Development rights as set out in Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, and planning permission has not been obtained for the development as described.

(ii) The 'Extension', by reason of its size projecting approx 7 Metres beyond the existing rear wall, siting and design results in a disproportionate and incongruous addition failing to be subordinate to the original house. The development results in a loss of amenity for neighbouring occupiers and therefore the development is contrary to policies BE13, BE15, BE19, BE20 and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and Supplementary planning documents HDAS: Residential extensions.

(iii) The use of the 'Extension' as a self contained residential unit results in an undersized floor area for a one bedroom flat and no allocated amenity space or parking is provided for this unit, accordingly this use fails to comply with policies BE23, H7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and Supplementary planning documents HDAS: Residential layouts.

(iv) It appears to the Council that the 'Extension' has been substantially completed within the past four (4) years.

In November 2009 an enforcement appeal was upheld and an Inspector dismissed the appeal and upheld the enforcement notice.

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

10 adjoining occupiers have been consulted. 3 letters of objection have been received making the following comments:

(i) No objections if the proposal does not involve a self-contained unit;

(ii) The extension would be used as separate unit;

(iii) Object to the door accessing onto the shared driveway as it leads to an increase in noise and disturbance and an obstruction

Officer comments: These are addressed in the report.

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.
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.
AM14	New development and car parking standards.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 3.0 Rear Extensions and Conservatories: Single Storey

5. **MAIN PLANNING ISSUES**

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

In regards to the effect of the proposal on the appearance of the original house and surrounding area, the Inspector states at paragraphs 25 and 26:

"Although the houses on either side of the appeal property both have rear extensions, neither, nor any other house in the vicinity, according to the Council - has such a disproportionately long or intrusive addition as the rear extension at No. 69.

The development conflicts with UDP Policy BE13, because fails to harmonise with the scale, form, architectural composition and proportions of the original building, and with UDP Policy BE19, because it neither compliments nor improves the amenity and character of the area. Furthermore, at 7.6m the depth of the extension is well in excess of the standards set out in HDAS: Residential Extensions."

The proposed extension would represent a significant reduction in scale and bulk compared to the current extension. It, by reason of its overall size, siting, design and length of projection in relation to the original house, would harmonise with the character and proportions of the original house. It would appear subordinate as it would be set sufficiently below the cill of the rear first floor windows. As such, it would not be detrimental to the character and appearance of the surrounding area. The proposal would overcome the first reason for refusal of the previous scheme, and would comply with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 3.0 of the Hillingdon Design and Accessibility Statement: Residential Extensions.

The proposed rear extension would not be more than 3.6m deep and 3.4m high in accordance with paragraphs 3.3 and 3.7 of the of the Hillingdon Design and Accessibility Statement: Residential Extensions. It would not project beyond the rear wall of the existing extensions at 67 and 71 Raleigh Avenue and as such would not harm the residential amenities of the occupiers of the adjoining residential properties through overdominance and visual intrusion and would not increase the sense of enclosure and overshadowing.

It is therefore considered that the proposal would overcome the second reason for refusal of the previous scheme and would comply with policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The existing side boundary with 71 Raleigh Avenue prevents overlooking from the proposed secondary kitchen window. The window to the shower can be fitted with obscure glass to prevent overlooking onto 67 Raleigh Avenue. Therefore, the proposal would comply with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The proposed rear extension would provide a kitchen and shower room and by reason of its overall size, it would not be capable of being used as a self-contained unit. Therefore, the third reason for refusal of the previous scheme is no longer relevant. The side door would provide access to the shared access way and to the garden. It is not uncommon to have a door opening along the flank wall of a dwelling to provide access to such areas and therefore it is not considered to result in a significant increase in noise and disturbance.

Over 80sq.m of private amenity space would be retained and off-street parking will not be adversely affected by the proposed development, in accordance with policies BE23 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The proposal would overcome the reasons for refusal of the previous scheme and the Inspector's comments and as such, is recommended for approval. Given that there is an extant enforcement notice the recommendation includes conditions requiring the works to be carried out as expeditiously as possible.

6. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

Subject to the constraints of condition 2, the development hereby permitted shall be begun before the expiration of 4 Months from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 and to ensure that in the interests of securing development in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) there is not an accumulation of un-implemented planning permissions.

2 NONSC Non Standard Condition

The existing rear extension shall be demolished to ground level, all equipment and materials brought onto the land for the purposes of such use and all materials resulting from the demolition shall be removed within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) A timetable with no longer than an aggregate 3 month period from the date of the local planning authority's approval of the timetable to the last day for the substantial completion of the development permitted by this decision notice shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this notice of planning permission;

(ii) If within 4 months of the date of this planning permission the local planning authority refuse to approve or do not determine the timetable within the prescribed period a valid appeal shall have been made to the Secretary of State;

(iii) If an appeal is made in pursuance of (ii) above, the appeal shall have been finally determined and the submitted timetable shall have been approved by the Secretary of State;

(iv) The development, including the demolition of the existing rear extension, shall have been carried out and completed in accordance with the approved timetable.

REASON

There is an extant enforcement notice on this site and in the opinion of the local planning authority that remains to be complied with. The planning permission is intended to remedy this breach of planning control. In the interests of the proper planning of the area the authority is of the view that the remediation of the breach of planning control and the implementation of this planning permission should take place as expeditiously as reasonably possible.

3 M2 External surfaces to match existing building

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.

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 Unitary Development Plan Saved Policies (September 2007).

4 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 or roof slopes of the development hereby approved facing 67 and 71 Raleigh Avenue.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 RPD2 Obscured Glazing and Non-Opening Windows (a)

The shower room window facing 67 Raleigh Avenue shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 RPD4 Prevention of Balconies/Roof Gardens

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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) 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.
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.
AM14	New development and car parking standards.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 3.0 Rear Extensions and Conservatories: Single Storey

- 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 & 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 & Community Services Reception Desk, Level 3, 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 (CO2) 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: Sonia Bowen

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**69 Raleigh Avenue
Hayes**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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

Planning Application Ref:

26561/APP/2009/2669

Scale

1:1,250

Planning Committee

Central and South

Date

May 2010



HILLINGDON
LONDON