

Item No. Report of the Head of Planning, Transportation and Regeneration

Address 36 POLE HILL ROAD HILLINGDON

Development: Single storey outbuilding for use as a gym/study/game room

LBH Ref Nos: 56575/APP/2020/1700

Drawing Nos: Proposed Floor Plan
S/9/R/1/A S.4
Propose Elevations and Site Plan
S/9/R/1/A S.3

Date Plans Received: 03/06/2020 **Date(s) of Amendment(s):**

Date Application Valid: 29/06/2020

1. CONSIDERATIONS

1.1 Site and Locality

The application property comprises a two storey semi-detached dwelling located on the south eastern side of Pole Hill Road, The property has been previously extended to the rear by way of a flat roofed single storey side/rear extension which measures 2.9m in height.

1.2 Proposed Scheme

The application seeks planning permission for the erection of a single storey outbuilding for use as a gym/study/game room. The outbuilding would measure 7.2m(W) x 5m (D) and finished with a flat roof measuring 2.5m in height. The outbuilding would be a games room/gym with separate bathroom.

Officer note: The proposed outbuilding would have the same footprint and layout as the outbuilding dismissed at appeal. The proposed outbuilding would however be at a reduced height of 2.5m.

1.3 Relevant Planning History

56575/APP/2009/1613 36 Pole Hill Road Hillingdon
Single storey rear extension (Retrospective application).

Decision Date: 15-09-2009 Refused **Appeal:**

56575/APP/2009/2293 36 Pole Hill Road Hillingdon
Erection of single storey side and rear extensions (Part Retrospective Application)

Decision Date: 29-12-2009 Approved **Appeal:**

56575/APP/2011/278 36 Pole Hill Road Hillingdon

Erection of a single storey detached outbuilding to rear for use as games room (Application for a Certificate of Lawful Development for an Existing Development)

Decision Date: 21-04-2011 Refused **Appeal:**
56575/APP/2015/4165 36 Pole Hill Road Hillingdon
Single storey side extension

Decision Date: 23-02-2016 Approved **Appeal:**

Comment on Planning History

There has been a lengthy planning history at the site pertaining to the outbuilding that was previously erected on the site which was being used as living accommodation and exceeded the requirements of Class E of the GPDO. an enforcement notice dated 1st May 2013 served against the erection of an outbuilding.

At the time the then outbuilding was used for permanent occupation as a residential unit comprising one main room equipped with a double bed and a cot, TV, sofa, chairs and table.

The occupier of the outbuilding and owner of the property advised the Councils enforcement officer during one site visit that the outbuilding had been occupied for about one year.

The Enforcement notice required that the outbuilding be demolished. The enforcement notice was fully complied with. All that remains is a concrete plinth.

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

9 neighbouring properties were consulted by letter dated 30.6.20. By the close of the consultation period, no responses had been received.

4. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHD 2 Outbuildings

5. MAIN PLANNING ISSUES

The main planning issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact

on visual amenities of the street scene and the impact on the amenity of adjoining occupiers.

Policy DHMD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers; the footprint of the proposed building must be proportional to the footprint of the dwelling house and to the residential curtilage in which it stands and it shall be incidental to the enjoyment of the dwelling house and primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

The outbuilding would be located at the end of the garden and would be used as a gym/games room. Whilst the outbuilding would include a bathroom, it is considered that the proposed use would be ancillary to the main dwelling house. It is noted that the previously refused outbuilding was dismissed at appeal against the enforcement notice, had the same footprint as that currently proposed. However the appeal was dismissed as the inspector considered that the internal layout of the building viewed on site (which included a bed) suggested that it was in use as a bed in a shed, so the appeal was dismissed. The surrounding area does have large outbuildings. What is key to determination of this application is whether the Council thinks the new outbuilding is being designed specifically for a bed in shed use or as an ancillary outbuilding.

The use of an outbuilding as a gym/study/games room with separate bathroom is non-specific, but could be reasonably used for incidental purposes. A condition can be added to ensure that it should not be used as anything other than what the plans demonstrate. It would have a footprint of 36 square metres which would be approximately 64% of the footprint of the existing extended dwelling house. The outbuilding would not exceed 2.5m in height. It is considered that the outbuilding would not appear over dominant. As such, it is considered that the outbuilding would have an acceptable level of impact on the street scene and surrounding area and it would not appear overdominant to the existing dwelling house and its curtilage. Therefore, the outbuilding would comply with Policies DMHD 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

The outbuilding is located at the end of the garden area as far away as possible from the rear wall of No.38 Pole Hill Road and the flats at number 34. A separation distance of approximately 15m would be retained between the front of the outbuilding and neighbouring properties in Pole Hill Road. Subsequently, it is considered that the proposal would have an acceptable level of impact on the neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy. Therefore, the proposal would comply with Policies DMHD 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Following development over 60 square metres of private amenity space would be retained for the occupiers of the property. As such, the proposal would comply with Policy DMHB 18 of the of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Whilst an enforcement notice was served in relation to the previously built outbuilding in this location, the current proposal differs in terms of its overall height and use. It is considered that the proposal complies with the requirements of Policy DMHD2. Conditions

are recommended to ensure that the proposed outbuilding is retained in incidental use for the lifetime of the development.

The application is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Proposed Floor Plan and Propose Elevations and Site Plan.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2016).

3 HO4 Materials

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 and shall thereafter be retained as such.

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 DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

4 HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5 NONSC Non Standard Condition

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes.

REASON

To avoid any future fragmentation of the curtilage or the creation of a separate residential or business use, so as to protect the amenity of adjoining residential properties in accordance with Policies DMH 4, DMHB 11, DMHB 16, DMHB 18 and DMT 6 Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

6 NONSC Non Standard Condition

The outbuilding hereby approved shall not have the internal space altered to create more rooms, nor shall it have further utilities added than are shown on the approved drawings.

REASON

To avoid any future undesirable creation or facilitation of a separate residential use, and so that the use remains incidental to the use of the host dwelling, so as to protect the amenity of adjoining residential properties in accordance with Policies DMHD 1, DMHD 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.
- 2 The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

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) 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.

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHD 2 Outbuildings

- 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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control that is considered to cause harm to local amenity.
- 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 - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).
- 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 Services 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.

prior 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

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.

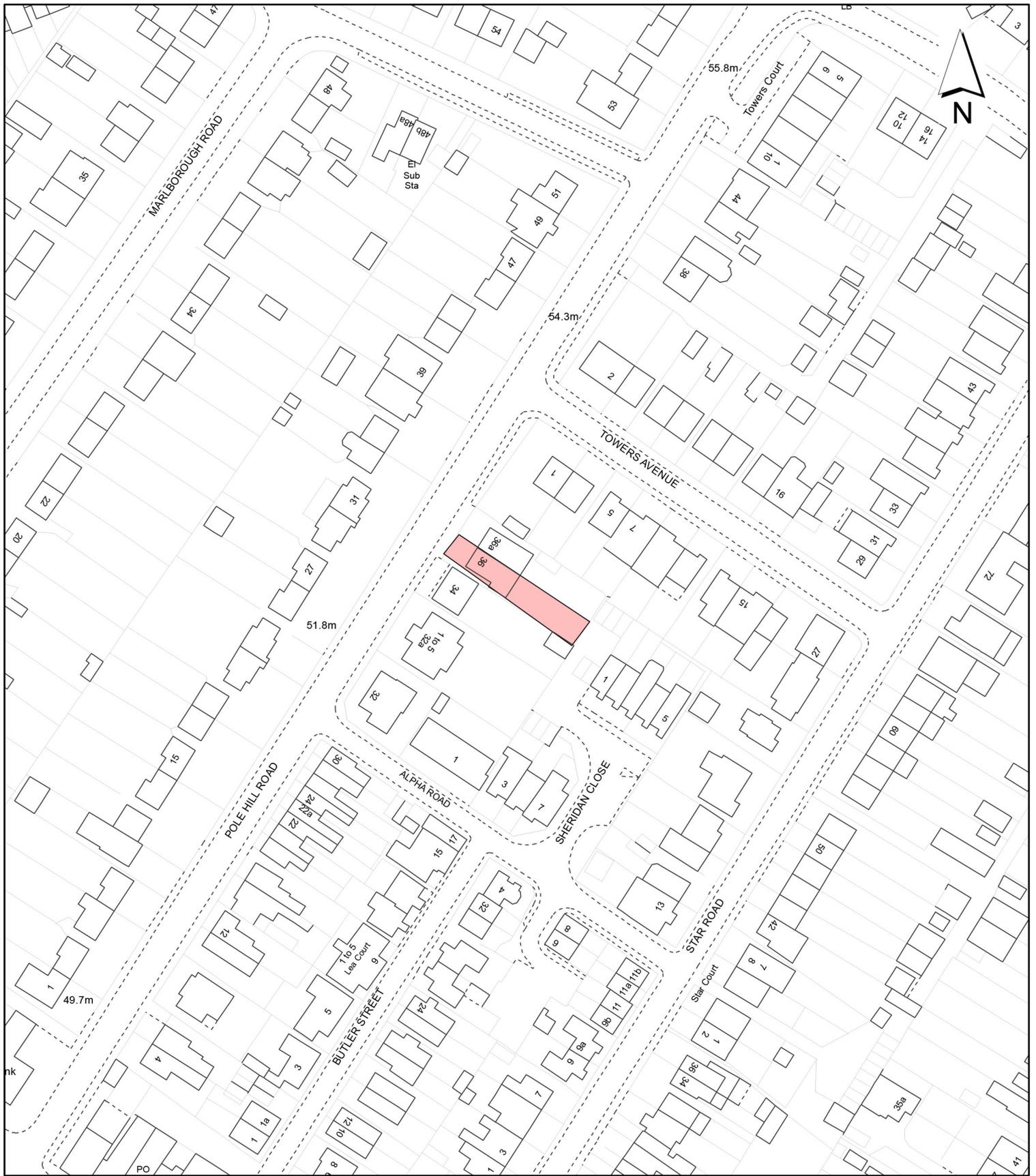
11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

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: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**36 Pole Hill Road,
 Uxbridge
 UB10 0QA**

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

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

Planning Application Ref:

56575/APP/2020/1700

Scale:

1:1,250

Planning Committee:

Central & South

Date:

Sept 2020



HILLINGDON
 LONDON