

Report of the Head of Planning & Enforcement

Address 41 RUSHDENE ROAD EASTCOTE

Development: Single storey rear extension.

LBH Ref Nos: 51162/APP/2010/817

Drawing Nos: Location Plan Scale 1:1250
tpo 614 plan
TSG/41RR/PRK/001/P
TSG/41RR/PRK/05/P
TSG/41RR/PRK/003/P
TSG/41RR/PRK/004/P
TSG/41RR/PRK/002/P

Date Plans Received: 08/04/2010

Date(s) of Amendment(s):

Date Application Valid: 06/05/2010

1. CONSIDERATIONS

1.1 Site and Locality

The application site is situated on the east side of Rushdene Road and comprises a substantial two storey detached property with a hipped roof and front projecting gable. To the front there is a single integral garage. There is a beech tree covered by TPO No 614 situated in the front garden, set 1m back from the public footway. The property is a newly constructed infill plot, in a street characterised mainly by semi-detached properties. The land in the locality is sloping with the rear gardens falling away from the properties. The dwelling is within a 'developed area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

1.2 Proposed Scheme

The application seeks planning permission for a single storey rear extension. This extension would be finished with a flat roof, at a maximum height of 3.1m. Although the proposal shows the 1.1m wide roof area adjacent the shared boundary with No. 43 to have a mono-pitched section with a parapet wall, reducing the height to 2m against this boundary. The extension would be 3.6m deep and 10.1m wide, spanning the full width of the existing property with a small projection of 0.35m towards the southern boundary. On the south side of the proposed extension a 2m high parapet wall would be provided.

In regard to the proposed dimensions, it is noted there are a number of discrepancies shown on the submitted plans and these are summarised as follows:

1. Drawing TSG/41RR/PRK/001/P - The extension is shown to be 10.1m wide, with a

mono-pitched roof and parapet wall on the southern boundary. The mono-pitched roof and parapet wall covers an area of 2.15m. This does not correspond with the rear elevation;

2. Drawing TSG/41RR/PRK/002/P - The extension is shown to be 9.9m wide, with the mono-pitched roof to the south side with its parapet wall covering an area of 1.1m;

3. Drawing TSG/41RR/PRK/002/P - The extension is shown to be 3.1m high, whereas on drawing 003/P it is shown to be 3m high and on drawing 004/P it is shown at 2.9m high.

4. Drawing TSG/41RR/PRK/005/P - Shows the storage room to the side to be 1.95 wide, which does not correspond to the proposed window arrangement shown on the rear elevation.

The onus is on the applicant to provide accurate information in order that the proposal can be properly assessed and had the application not been recommended for refusal accurate drawings would have been sought.

1.3 Relevant Planning History

51162/99/0399 Forming Part Of 39 Rushdene Road Eastcote Pinner
Erection of a five-bedroom detached house

Decision Date: 24-09-1999 Refused **Appeal:**

51162/APP/1999/2320 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE

Decision Date: 07-07-2000 Approved **Appeal:**

51162/APP/2000/1899 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLINGHOUSE

Decision Date: 02-10-2000 Refused **Appeal:**27-FEB-01 Dismissed

51162/APP/2000/620 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM HOUSE

Decision Date: 07-07-2000 Refused **Appeal:**

51162/APP/2001/852 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE (INVOLVING GABLE ENDS)

Decision Date: 25-07-2001 Refused **Appeal:**04-DEC-01 Dismissed

51162/APP/2002/77 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE

Decision Date: 27-05-2004 Refused **Appeal:**18-FEB-05 Dismissed

51162/APP/2007/2544 Forming Part Of 39 Rushdene Road Eastcote Pinner
ERECTION OF A FIVE-BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE,
MODIFICATIONS TO PLANNING PERMISSION 51162/APP/1999/2320 DATED 7TH JULY
2000 (ERECTION OF A FIVE-BEDROOM DETACHED HOUSE) (RETROSPECTIVE
APPLICATION)

Decision Date: 11-03-2008 Refused **Appeal:**26-JAN-09 Dismissed

51162/APP/2007/512 Forming Part Of 39 Rushdene Road Eastcote Pinner
FIVE BEDROOMHOUSE

- Decision Date:** 05-11-2007 Withdrawn **Appeal:**
51162/APP/2008/425 41 Rushdene Road Eastcote
ERECTION OF A REAR CONSERVATORY (RETROSPECTIVE APPLICATION).
- Decision Date:** 22-04-2008 Refused **Appeal:**
51162/APP/2009/1286 41 Rushdene Road Eastcote
Variation of condition 4 of planning permission reference 51162/APP/2009/466, dated 05-06-2009, to allow for alteration of the fenestration arrangement to the dormer window, involving increasing the glazed area from a 2-light window to a 3-light window.
- Decision Date:** 24-08-2009 Withdrawn **Appeal:**
51162/APP/2009/1287 41 Rushdene Road Eastcote
Single storey rear extension.
- Decision Date:** 24-08-2009 Withdrawn **Appeal:**
51162/APP/2009/1288 41 Rushdene Road Eastcote
Single storey rear extension.
- Decision Date:** 24-08-2009 Withdrawn **Appeal:**
51162/APP/2009/466 41 Rushdene Road Eastcote
ERECTION OF A FIVE BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE (RETROSPECTIVE APPLICATION)
- Decision Date:** 05-06-2009 Approved **Appeal:** 14-DEC-09 Dismissed
51162/APP/2009/467 41 Rushdene Road Eastcote
Rear conservatory and dormer window (Application for a Certificate of Lawfulness for a existing use or operation or activity).
- Decision Date:** 02-04-2009 Withdrawn **Appeal:**
51162/APP/2010/124 39 And 41 Rushdene Road Eastcote
Revised layout plan for the site frontage involving a replacement crossover to access the off-street parking area and landscaping (amendment to application 51162/APP/2009/466)
- Decision Date:** 04-06-2010 Approved **Appeal:**
51162/APP/2010/246 41 Rushdene Road Eastcote
Single storey rear extension.
- Decision Date:** 25-05-2010 Refused **Appeal:**
51162/APP/2010/247 41 Rushdene Road Eastcote
Single storey rear extension with glass panelling to rear
- Decision Date:** 26-05-2010 Refused **Appeal:**

Comment on Planning History

The previous two applications, for single storey rear extensions (similar developments to that being considered here) (51162/APP/2010/246 and 247) were recently refused by the North Planning Committee on the 20TH May 2010, for the following reasons;

1. The proposed rear extension, by reason of its siting, bulk, design and roof finish, together with the differing ground levels would result in an incongruous, overbearing and visually intrusive form of development, and as a result have an adverse effect on the character and appearance of the existing dwelling and the wider locality contrary to policies BE13, BE15, and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions.

2. Despite the lack of accurate and consistent drawings of the original property and proposed single storey rear extension, it is considered that there is sufficient information before the Local Planning Authority to satisfy it that the proposal would have an adverse impact upon the amenities of the neighbouring properties. In particular, it is considered that due to the depth of the existing property and the additional depth that would be added by the proposed extension, the proposal would result in a material loss of outlook to adjoining properties and as such would be considered an un-neighbourly form of development contrary to Policies BE20 and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions.

The application site has a complex planning history, with the most recently approved application on this site resulting in a retrospective planning approval for the erection of the dwelling on site.

However, it should be noted that during the construction of this property, an unauthorised conservatory was erected at the rear of the dwelling and a retrospective application to retain it was refused and a subsequent appeal dismissed. In the decision the inspector commented as follows:

'the rear ground floor elevation of No. 41 extends a significant amount beyond that of the ground floor elevation of No. 43 and the conservatory extends some 3.7m beyond that. The resultant building extends significantly beyond the rear elevations of the adjoining dwellings and I noted that the conservatory is readily seen from the house at No. 43 and more particularly the garden. I have formed the view that the extent of the development and the height of the conservatory result in an over intrusive impact on the gardens of the adjoining property and cause a significant loss of residential amenity.'

In his summing up the inspector concluded:

'Whilst I have found no significant harm in respect of the porch or the roof lights along the single storey side projection, I have found that in respect of the dormer and conservatory the development would have significant harm to the amenity and character of the area and to living conditions of the adjoining properties.'

In relation to the siting and footprint of the current proposal, although now shown at a lower slab level, it is considered similar to the previously assessed conservatory addition. As such, the inspectors comments are considered material to the determination of this current application.

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

29 Neighbours and interested parties were consulted, and two responses have been received which make the following comments:

1. This single storey extension has already been subject of a previous application and an appeal which was refused, there are no significant changes in the latest application to alter the original reasons for refusal;
2. The proposed extension is beyond the building line of neighbouring properties. This with its high visibility is detrimental to other properties in the area;
3. The existing building is already over-developed and merely changing the roofline does little to disguise this and the development would still cause harm to neighbouring properties;
4. I am disappointed that there is another application - will it be never ending, only causing discomfort to the proposer;
5. In the past two applications for a rear extension to this building have been considered at appeal, both of which were refused - surely this still applies;
6. Any additional building to the rear of this property, which is already dominant and oppressive, means my outlook would be a concrete jungle;
7. This site has caused us nothing but stress for years - this should be refused;
8. The previous appeal stated, due to the lie of the land and as No. 41 sits higher than No 43, any development at No 41 would be highly visible to neighbouring properties.

Officer comments - These points are addressed in the full report.

Ward Councillor - Has requested that the application be determined at the North Planning Committee.

London Borough of Harrow - No comments received.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM14	New development and car parking standards.
HDAS	'Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

The main considerations are design and impact upon the dwelling and wider locality and the impact upon the amenities of adjoining occupiers.

Policy BE15 of the UDP (Saved Policies September 2007) requires extensions to harmonise with the scale, form, architectural composition and proportions of the original building. The adopted Supplementary Planning Document (SPD) HDAS: Residential Extensions, section 3.0, states that careful thought must be given to the size, depth, location, height and overall appearance of the extension and Section 3.1 emphasises that the extension should always be designed so as to appear subordinate to the original house.

Despite the inaccuracies in the submitted plans it has been possible to assess the impact of the extension on the amenities of the adjoining properties. However, with regard to loss of light or outlook to adjoining occupiers, the SPD: Residential Extensions, Section 3.1 states that extensions should not protrude too far from the rear wall of the original house because the extension may block daylight or sunlight to neighbouring properties, Section 3.4 states on a detached house an extension of up to 3.6m deep is acceptable.

The main properties to be affected would be Nos.39 and 43 (to either side). The application site is a newly constructed property with a depth which is already greater than the adjoining properties and whilst it is accepted that this property has not had any previous extensions, it is considered due to the depth of the original property that the maximum level of development has already been reached on the site and that any further additions to the rear of this property would result in an overly dominant and obtrusive feature in relation to these neighbouring properties.

Furthermore, this matter is compounded by the changing site levels, with the slab level of the existing dwelling being at a significantly higher level than the garden land and patio areas of the neighbouring properties. As such, due to the large span depth, this property is already at the maximum dominance that would be considered acceptable without resulting in a detrimental impact on adjoining occupiers. Therefore, it is considered, even with the proposed lower slab level for the extension, whilst this addition would not significantly obstruct sunlight or daylight to the adjacent properties, due to the additional depth that would be added to this property, the proposed rear extension would be considered overly dominant, resulting in a loss of outlook and therefore contrary to Policy BE20 and BE21 of the UDP (Saved Policies September 2007).

With regard to loss of privacy, there would be no side facing openings facing the neighbouring property No.43, save a row of high level openings that are shown to be obscure glazed and therefore these could be conditioned to remain as such to avoid any future over-looking concerns. In relation to the side facing openings towards No.39, due to the single storey nature this aspect could be addressed by a screen fence condition.

Therefore, this proposal (subject to condition) would comply with Policy BE24 of the UDP (Saved Policies September 2007) and with the Supplementary Planning Document HDAS: Residential Extensions.

It is considered, that all the proposed habitable rooms and those altered by the development still maintain an adequate outlook and source of natural light, therefore complying with Policy 4A.3 of the London Plan (2008).

With regard to design and appearance, the SPD HDAS: Residential Extensions, states that applications for extensions should be assessed against the affect on the original house and should always be designed to appear as subordinate (3.1 rear extensions). The proposed extension is shown at a depth of 3.6m and the SPD: Residential Extensions, states (Section 3.4) that a depth of 3.6m would be acceptable on a property of this nature.

However, this is a substantial property with a long span depth and whilst the extension complies with the maximum depth guidelines in the SPD, in terms of its design, differing slab level, the excessive depth that would result in conjunction with the depth of the existing property and differing roof finish, the proposal is considered to result in an incongruous addition that would fail to respect the architectural merit of the existing property, with the resultant building appearing overly dominant and out of character with the surrounding residential properties and wider area. As such, the proposal would be contrary to policies BE13, BE15 and BE19 of the UDP (Saved Policies September 2007) and the SPD HDAS: Residential Extensions.

The parking provision at this site would remain un-altered by this proposal and therefore the proposal would comply with policy AM14 of the UDP (Saved Policies September 2007).

A garden of more than 100sq m would be retained and therefore it would comply with policy BE23 of the UDP (Saved Policies September 2007).

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed rear extension, by reason of its siting, bulk, design and roof finish, together with the differing ground levels would result in an incongruous, overbearing and visually intrusive form of development, and as a result have an adverse effect on the character and appearance of the existing dwelling and the wider locality contrary to policies BE13, BE15, and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

Despite the lack of accurate and consistent drawings of the original property and proposed single storey rear extension, it is considered that there is sufficient information before the Local Planning Authority to satisfy it that the proposal would have an adverse impact upon the amenities of the neighbouring properties. In particular, it is considered that due to the depth of the existing property and the additional depth that would be

added by the proposed extension, the proposal would result in a material loss of outlook to adjoining properties and as such would be considered an un-neighbourly form of development contrary to Policies BE20 and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions.

INFORMATIVES

Standard Informatives

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).



- 2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
Policy No.

BE13	New development must harmonise with the existing street scene.
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM14	New development and car parking standards.
HDAS	'Residential Extensions
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p>41 Rushdene Road Eastcote</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>  <p>HILLINGDON LONDON</p>
	<p>Planning Application Ref:</p> <p>51162/APP/2010/817</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>June 2010</p>	