

Report of the Head of Planning, Transportation and Regeneration

Address 78 MANOR WAY RUISLIP
Development: Proposed raised patio and fencing to the rear
LBH Ref Nos: 36051/APP/2021/1364
Drawing Nos: 4552101 Rev. E
Location Plan (1:1250)

Date Plans Received: 06/04/2021 **Date(s) of Amendment(s):**
Date Application Valid: 06/04/2021

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the south side of Manor Way and comprises a semi-detached dwellinghouse and benefits from a recently constructed single storey rear extension and raised patio. It should be noted that a raised patio was approved under application reference 36051/APP/2019/1998 but not in the form that it has been built.

The site is designated as part of the Ruislip Manor Way Conservation Area and is also located within a Critical Drainage Area.

1.2 Proposed Scheme

This application seeks permission for an approximately 34 square metre raised patio, with planting space and a 2 metre high fence with 0.3 metre high trellis on top. Based on the plans submitted for consideration, the raised patio permitted under application reference 36051/APP/2019/1998 measured approximately 0.31 metres in height and the as-built raised patio measures approximately 0.525 metres in height measured from the ground level at the house end of the patio.

There is a change in ground level on the application site, with a higher ground level at the house end of the patio and a lower ground level beyond the raised patio to the south of the property. The proposed raised patio would measure 0.4 metres in height when measured from the ground level at the house end of the patio. Using the highest ground level as the agreed point of reference, the proposed development exceeds the height of the approved raised patio by approximately 0.09 metres.

1.3 Relevant Planning History

36051/APP/2019/1998 78 Manor Way Ruislip
Single storey rear extension

Decision Date: 07-08-2019 Approved **Appeal:**

Comment on Planning History

Application reference 36051/APP/2019/1998 granted permission for a single storey rear

extension. Specifically, the plans also indicated the provision of a raised patio.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- 14th July 2021

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

Letters were sent to neighbouring properties, a site notice was displayed and an advert was posted in the local paper for affecting the setting of the Conservation Area. All forms of consultation expired on 14th July 2021.

One neighbour objection has been received and is summarised as follows:

- The Design and Access Statement is not accurate as the patio exceeds the height of that previously approved by more than 150mm.
- The new extension does not resemble the original drawings. The proposed rear elevations show doors (left) that are lower to the ground than the utility door (right), implying they are low to the ground. What is built are extension doors which are the same height from the ground as the utility door (ie higher). The doors themselves don't match the drawings: 3 larger doors as opposed to 4 smaller doors on both rear and side elevations. The single triangular window above the doors doesn't match either. Whilst the look of doors appear to contravene those approved by LBH, it's the depth to the ground which is an issue. This distorts what one would perceive for the height of steps and patio.
- The unauthorised platform is 0.8m high and half a metre over that approved.
- The platform results in overlooking, removing privacy from neighbouring houses and gardens.
- The patio is used for ball games which causes a disturbance.
- Users of the patio are chest height above a full height fence.
- The platform is extensive in size.
- There is a loss of audible privacy, as well as visual, for both properties.
- The suggestion that a privacy screen could be installed is unacceptable as it would need to be significantly higher than the existing 2 metre fence and would be visually intrusive, dominant and cause overshadowing.
- Screening could be removed later, leaving a permanent raised platform to cause problems.
- The submission states that the patio has been built to avoid a 'trip hazard'. The provision of steps is a solution to this.
- If approved this could set a precedent.
- There is no sloping ground to justify it.
- The planting bed will require watering and will damage the adjoining fence.
- Tall planting will not survive in the planting bed.
- It is requested that the structure is taken down to the original approved height of 0.31m, to restore privacy, use of amenity and for safety.

Two comments have also been received in support of the application and state that the application appears sensible given the step down from the property to the garden.

PLANNING OFFICER COMMENT:

Although it is acknowledged that the as built single storey rear extension has not been built

in complete accordance with planning permission reference 36051/APP/2019/1998, it is highlighted that the current application only seeks planning permission for the raised patio and fencing.

The plans are drawn to scale and can be measured. The permitted raised patio measured approximately 0.31 metres in height, the as-built raised patio measures approximately 0.525 metres in height (measured from the house end of the patio) and the proposed raised patio would measure 0.4 metres in height. Revised plans have also been submitted in order to provide 2 metre high screen with a 0.3 metre high trellis on top of the fence adjoining no. 80 Manor Way.

All material planning considerations are addressed within the main body of the report.

WARD COUNCILLORS:

In view of the unprecedented issues regarding the height of a fence and its impact on the next door neighbours, as ward councillors, we would like this long running matter to be referred to the relevant planning committee for a decision.

PLANNING OFFICER COMMENT:

The request to call-in this application was deemed to accord with the adopted Planning Committee & Officer Delegations document (effective from 20th May 2021). As such, this application is reported to the Minor Applications Planning Committee for decision.

INTERNAL CONSULTATION

CONSERVATION AND URBAN DESIGN OFFICER:

Historic Environment Designation(s): Ruislip Manor Way Conservation Area

From a conservation perspective, no objection to the extent of the raised patio, as submitted.

PLANNING ENFORCEMENT OFFICER:

A concrete patio has been laid to the rear of the dwelling house and surrounding the single storey rear extension. There is a raised patio shown in the approved plan for planning permission relating to the single storey rear extension. It was notable that the raised patio has not been built in accordance with the approved plan because the patio covers a larger area, exceeding the depth of the rear extension by 1.2m with steps leading down to the garden. The level of the raised patio meets the bottom of the door to the rear extension and the rear door to the main house, whereas the approved plan shows the patio to step down from this level. I took measurements along the side of the patio and the boundary with No.80. The patio is approximately 50cm in height from ground level adjacent to the house and approx. 75cm from the ground at the far end of the patio adjacent to the garden.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 1 Heritage Assets

DMHB 4 Conservation Areas

DMHB 11 Design of New Development

DMHD 1 Alterations and Extensions to Residential Dwellings

LPP HC1 (2021) Heritage conservation and growth

NPPF- 16 NPPF-16 2018 - Conserving & enhancing the historic environment

5. MAIN PLANNING ISSUES

The main planning issues relate to the impact of the existing patio on the design of the dwellinghouse and the Ruislip Manor Way Conservation Area, the amenity of neighbouring residents and the impact of the development on the Critical Drainage Area.

DESIGN

The application site is located within the designated Ruislip Manor Way Conservation Area. Accordingly, Policy DMHB 4 of the Hillingdon Local Plan: Part 2 (2020) is considered and requires that new development within or on the fringes of conservation areas will be expected to preserve or enhance the character and appearance of the area. It should sustain and enhance its significance and make a positive contribution to the local character and distinctiveness.

Policy DMHD 1 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Planning applications relating to alterations and extensions of dwellings will be required to ensure that:

- i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area;
- ii) a satisfactory relationship with adjacent dwellings is achieved;
- iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height;
- iv) new extensions respect the design of the original house and be of matching materials;
- v) there is no unacceptable loss of outlook to neighbouring occupiers;
- vi) adequate garden space is retained;
- vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C;
- viii) trees, hedges and other landscaping features are retained; and
- ix) all extensions in Conservation Areas and Areas of Special Local Character, and to Listed and Locally Listed Buildings, are designed in keeping with the original house, in terms of layout, scale, proportions, roof form, window pattern, detailed design and materials.

The above policies are also supported by Policy HC1 of the London Plan (2021), Policies HE 1 and BE 1 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

For context, it is important to note that Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that raised platforms are not permitted development, this being a platform that has a height of more than 300mm. A platform, such as a raised patio, is therefore considered to be permitted development as long as it does not exceed 300mm in height and does not cover more than 50% of the total area of the curtilage.

This application seeks permission for an approximately 34 square metre raised patio, with planting space and a 2 metre high fence with a 0.3 metre high trellis on top. Based on the plans submitted for consideration, the raised patio permitted under application reference 36051/APP/2019/1998 measured approximately 0.31 metres in height, the unlawful as-built raised patio measures approximately 0.525 metres in height (measured from the ground level at the house end of the patio) and the proposed raised patio would measure 0.4 metres in height (measured from the ground level at the house end of the patio). The proposed development therefore exceeds the height of the approved raised patio by just 0.09 metres.

The raised patio would be located to the rear of no. 78 Manor Way and cannot be seen from the street scene. As confirmed by the Council's Conservation Officer, the existing patio would not be considered to pose an unacceptable impact to the setting of the Ruislip Manor Way Conservation Area.

Although the patio would cover approximately 34 square metres in area, the premises would still have access to more than 200 square metres of undeveloped garden space. The nature of the proposal means that it cannot be seen from neighbouring properties, although this does not mean it does not have an impact on neighbour amenity. The inclusion of planting beds is considered to be a benefit in terms of urban greening and sustainable urban drainage.

Given the above, the proposal is not considered to be contrary to Policy HC1 of the London Plan (2021), Policies HE 1 and BE 1 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMHB 4, DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020).

AMENITY

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. This is supported by Policy DMHD 1 of the Hillingdon Local Plan: Part 2 (2020) which requires that a satisfactory relationship between adjacent dwellings is achieved and that there is no unacceptable loss of outlook to neighbouring occupiers.

More specifically, paragraph 5.38 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces.

The proposed development creates a raised platform measuring approximately 0.4 metres

in height measured from the ground level at the house end of the patio. A 2 metre high closeboarded fence is proposed on the boundary adjoining no. 80 Manor Way, with a 0.3 metre high trellis on top. The difference between the patio level proposed and the top of the fence is approximately 1.6 metres and the difference between the patio level proposed and the top of the trellis is 1.9 metres. As such, the screening provided by the fence and trellis is considered to sufficiently mitigate against the overlooking of no. 80 Manor Way.

Due to the change in ground level, the raised patio would measure approximately 0.625 metres in height when measured from the ground level beyond the patio to the south. It is important to note that this does not reduce the effectiveness of the screening of the fence and trellis noted above with regard to the mitigation of overlooking.

The proposal also includes planting beds on the boundary with no. 80 Manor Way. This provides a degree of separation from users of the patio and the neighbouring property in order to further lessen the likelihood of overlooking.

It is noted that the proposed fence would measure 2 metres in height with a trellis on top, to total 2.3 metres in height. A 2 metre high fence constitutes permitted development under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is an acceptable form of development. The additional 0.3 metre high trellis is not considered to impact the neighbour in terms of overshadowing or restriction of outlook, especially given that no. 80 Manor Way is set at least 1 metre away from the boundary. Notably, the trellis provides an additional level of screening to mitigate against overlooking in a design which does not significantly compromise the daylight and sunlight received by no. 80 Manor Way.

The fencing on the side adjoining no. 76 Manor Way is to remain as existing. The height difference between the top of this fence and the raised patio is 1.5 metres. It is noted that the existing single storey rear extension provides notable screening to the neighbours amenity area from the raised patio. The patio is also set in from the boundary by 0.19 metres and creates a degree of separation. In view of these factors, the proposed raised patio is not considered to significantly compromise the privacy and amenity of residents at no. 76 Manor Way.

Taking in to account the above mitigation measures proposed, the proposed raised patio is not considered to impact the privacy or amenity of either neighbouring property to such an extent that a refusal reason could be justified in an appeal. On balance, the development proposed is not considered contrary to Policy DMHB 11 or DMHD 1 of the Hillingdon Local Plan: Part 2 (2020).

FLOOD AND WATER MANAGEMENT

The application site is located within a Critical Drainage Area, as identified in the Surface Water Management Plan. As such, Policy DMEI 10 of the Hillingdon Local Plan: Part 2 (2020) is considered relevant and states that minor developments in Critical Drainage Areas must be designed to reduce surface water run-off rates to no higher than the pre-development greenfield run-off rate in a 1:100 year storm scenario, plus an appropriate allowance for climate change for the worst storm duration.

The application submission does not acknowledge that the application site is located within a Critical Drainage Area. Given the minor scale of the development, it is not considered reasonable to recommend a reason for refusal on this basis. However, it is advised that the

development should minimise the water from the site entering the sewers. Water run off associated with the development should be directed to a soakaway, or tank or be made permeable. It is advisable that a water butt is incorporated and that no drainage should be connected to any existing surface water network, other than as an overflow.

CONCLUSION

It is important to note that a raised patio which measures up to 0.3 metres above the highest ground level constitutes permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). When measured from the highest ground level, this being at the house end of the patio, the proposed raised patio would measure just 0.1 metres more than that allowed under permitted development legislation.

Measures to mitigate the impact of a raised patio on neighbouring residents are proposed in the form of a 2 metre high fence with a 0.3 metre high trellis on top, a planting bed and a reduction in the height of the existing raised patio itself. In view of the permitted development legislation and the mitigation measures proposed, it is not considered reasonable to refuse the application on the basis of it being an unneighbourly form of development. On balance, 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 plan, number 4552101 Rev. E and the approved fencing/trellis shall be installed concurrently with the patio and thereafter retained and maintained in perpetuity.

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 (2021).

3 HO4 Materials

The materials to be used in the construction of the raised patio hereby permitted shall be as detailed in the application 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)

INFORMATIVES

- 1 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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- 2 The application site forms part of a Critical Drainage Area. Accordingly, the Council's Flood and Water Management Team advise that the development should minimise the water from the application site entering the sewers. Water run off from any hard paving associated with the development should be directed to a soakaway, tank or be made permeable. No drainage to support the extension should be connected to any existing surface water network, other than as an overflow.

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 (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHD 1	Alterations and Extensions to Residential Dwellings
LPP HC1	(2021) Heritage conservation and growth
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

- 3 You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must

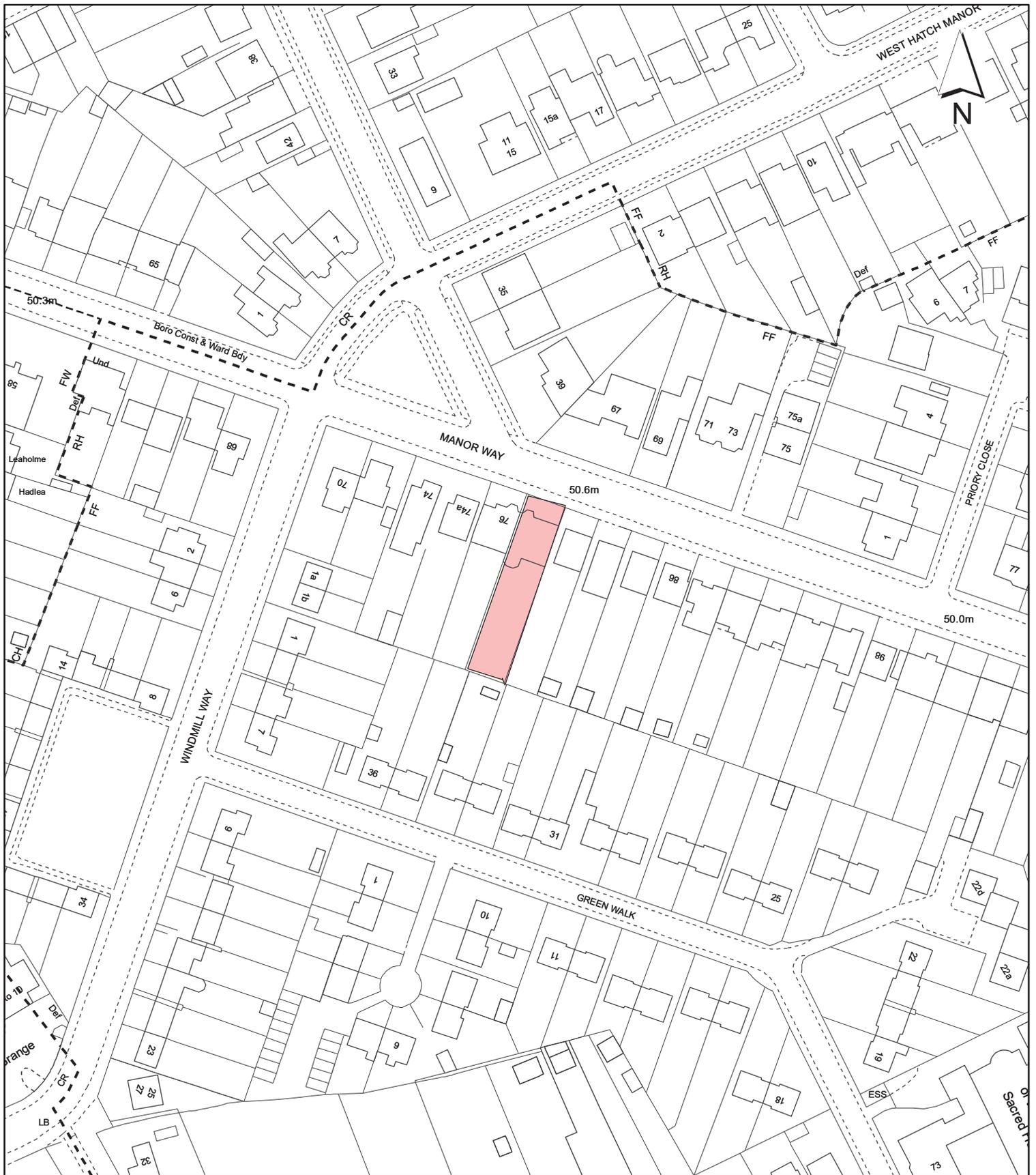
be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

- 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 - Planning, Environment and 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, Environment and Community Services Reception, 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: Michael Briginshaw

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**78 Manor Way
Ruislip**

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

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

Planning Application Ref:

36051/APP/2021/1364

Scale:

1:1,250

Planning Committee:

Minor

Date:

August 2021



HILLINGDON
LONDON