

Report of the Head of Planning & Enforcement

Address 81 ABBOTSBURY GARDENS EASTCOTE PINNER

Development: Erection of a two storey side and part single, part two storey rear extensions (involving demolition of part side garage and rear extensions).

LBH Ref Nos: 38458/APP/2009/1527

Drawing Nos: Location Plan to Scale 1:1250
KS/2009/01 Rev. D
KS/2009/02 Rev. D
KS/2009/03 Rev. D
KS/2009/04 Rev. E
KS/2009/05 Rev. E

Date Plans Received: 14/07/2009 **Date(s) of Amendment(s):** 22/02/2010
Date Application Valid: 14/07/2009 01/03/2010
15/03/2010

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the north west side of Abbotsbury Gardens and comprises a two storey semi-detached house with a front/side extension, a double garage along the side and a rear conservatory. The attached house, 83 Abbotsbury Gardens lies to the north east and has a two storey side extension. To the south west lies 79 Abbotsbury Gardens, a two storey semi-detached house with a two storey side extension. The street scene is residential in character and appearance comprising a mix of two storey detached and semi-detached houses, some of which have two storey side extensions, 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

Planning permission is sought for the erection of a two storey side and part single, part two storey rear extension, involving the demolition of the front/side extension, one of the side garages and the rear conservatory. The front porch would be retained.

The proposed two storey side extension would be set flush with the front wall of the application property and would extend to the flank wall of the retained side garage. It would measure 4.25m wide, 8.3m deep, set flush with the rear wall of the main house, and finished with a hipped roof matching the roof ridge of the application property.

The proposed single storey rear element would measure 12.9m wide for the full width of the application property, the two storey side extension and to the rear of the remaining garage, retaining a 1m gap to the side boundary with 79 Abbotsbury Gardens. The retained garage would extend 1.9m rearwards along the side boundary with that property and would be set 2.7m behind the rear wall of the single storey rear extension. The proposed single storey rear element would be 3.6m deep and finished with a flat roof 3m high.

The proposed part two storey rear extension would be set flush with the flank wall of the two storey side extension. It would measure 4.5m wide, 3.6m deep and finished with a hipped roof set 1m below the roof ridge of the two storey side extension.

The proposal would also result in the loss of a non-protected semi-mature Acacia tree.

1.3 Relevant Planning History

38458/86/0712 81 Abbotsbury Gardens Eastcote Pinner
Section 53 certificate

Decision Date: 07-05-1986 Refused **Appeal:**

38458/A/86/0922 81 Abbotsbury Gardens Eastcote Pinner
Householder development (small extension, garage etc.)

Decision Date: 04-07-1986 Approved **Appeal:**

38458/APP/2000/467 81 Abbotsbury Gardens Eastcote Pinner
ERECTION OF A SINGLE STOREY FRONT EXTENSION

Decision Date: 20-04-2000 Approved **Appeal:**

Comment on Planning History

None

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

EXTERNAL:

17 adjoining owner/occupiers have been consulted. 15 letters of objection and a petition with 45 signatories has been received making the following comments:

Letters of objection:

Objections from 83 Abbotsbury Gardens:

- (i) The length of projection of the rear extension would be deeper than others in the terrace and as such is not in keeping with neighbouring properties;
- (ii) The proposed rear extension would reduce sunlight entering 83 Abbotsbury Gardens;

- (iii) The position of the boundary line is such that the development would encroach on land in the ownership of 83 Abbotsbury Gardens;
- (iv) There are inconsistencies in the submitted plans;
- (v) The proposal would double the original size of the application property and this would be visually unacceptable in the street scene;
- (vi) The increase in floor area represents an overdevelopment of the site and would exceed the 2/3rds rule in the HDAS: Residential Extensions;
- (vii) The rear extension including gutter and overhang should not encroach onto 83 Abbotsbury Gardens; and
- (viii) Noise from the development would be disruptive. We require an agreement on hours of work.

Objections from 79 Abbotsbury Gardens:

- (i) The submitted block plan incorrectly shows the side boundary, a wooden fence delineates the boundary and not the garage;
- (ii) The proposed rear extension and the utility room would be 1m from the side boundary and will result in the loss of light entering 79 Abbotsbury Gardens;
- (iii) The increase in footprint would result in an overdevelopment of the site and should be reduced to comply with the HDAS: Residential Extensions;
- (iv) The proposed two storey side extension should be set 1m behind the front wall and 0.5m below the roof ridge to comply with the HDAS: Residential Extensions;
- (v) We would object to the conversion of the loft to habitable use as this would lead to overdevelopment;
- (vi) We object to any outbuilding at the bottom of the rear garden.

Other letters of objection:

- (i) Overdevelopment of the site;
- (ii) The two storey rear extension would be out of character with the surrounding area;
- (iii) The proposal would exceed the current building line;
- (iv) The width of the two storey side extension exceeds the 2/3rds rule in the HDAS: Residential Extensions;
- (v) The proposal would result in an unneighbourly development harming the residential amenities of adjoining and nearby residential properties through, overdominance, visual intrusion, overlooking and overshadowing;
- (vi) The proposed extension would render 81 Abbotsbury Gardens out of proportions with 83 Abbotsbury Gardens;
- (vii) The proposal would set an unfortunate precedent;
- (viii) The two storey side extension would be out of keeping with the street scene;

Petition:

'We (the undersigned) object to the planning application ref: 38458/APP/2009/1527 RE: 81 Abbotsbury Gardens'

Eastcote Residents' Association:

"This dwelling is part of a pair of modest 3 bedroom semi-detached houses. To extend one half of this pair of semi-detached houses to the extent proposed will produce a visually unacceptable form of development, and will out of keeping with the street scene.

The above proposal does not comply with HDAS sections 5.6 and 5.8.

5.8. The proposed extension roof is at the same ridge height as the main building, whereas, it should be subordinate to the main ridge.

5.6 The ground and first floor are not set back the required 1m from the main front building line.

In this current form we consider that it will be detrimental to street scene, and we ask that the application is refused."

Officer Comments:

83 Abbotsbury Gardens:

Points (i), (ii), (v) and (vi) have been addressed in the report. On points (iii) and (iv), amended plans have been submitted which have addressed these discrepancies. On point (vii), the proposal does not encroach onto 83 Abbotsbury Gardens and on point (viii), construction working hours are set out in the Environmental Protection Acts. A site construction informative is therefore recommended.

79 Abbotsbury Gardens:

Points (ii), (iii) and (iv) have been addressed in the report. On point (i), amended plans have been submitted which have addressed this discrepancy. On points (v) and (vi), this application does not involve the conversion of the loft space or the erection of an outbuilding at the bottom of the rear garden.

Other letters of objection and the comments of the Eastcote Residents' Association:

These are addressed in the report.

INTERNAL:

Trees/Landscape:

There are several trees on and close to the site. Collectively, these trees, some of which have been pollarded or pruned, contribute to the visual amenity and arboreal character of the locality, as well as providing vegetative screening. On that basis, most of the trees should be retained if possible and considered as part of this scheme. There are also some mature shrubs, which should be selectively retained. However, they do not constrain the development, because they are small and have low or negligible amenity values.

The amended plans show most of the vegetation, but do not show the semi-mature specimen (dwarf) Sycamore in the middle of the lawn (this tree should not be affected by the proposed development) and, whilst they show only one small Ash tree (in fact a False Acacia) to be removed to facilitate the development and imply that the other trees/shrubs are retained, they do not show (notes or key) the other existing trees/shrubs to be retained nor provide details of protective measures. These deficiencies can, however, be addressed by planning conditions.

There is no objection to the removal of the semi-mature Acacia tree, because the loss of

this tree will not be detrimental to the visual amenity of the locality. Therefore, subject to conditions TL1, TL2 and TL3, the proposed development is acceptable in terms of Saved Policy BE38 of the UDP.

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.
BE22	Residential extensions/buildings of two or more storeys.
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 5.0 Side and First Floor Side Extension: Two Storey 6.0 Rear and First Floor Rear Extensions: Two Storey
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

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

The street scene is characterised by predominantly two storey semi-detached houses some with two storey side extensions. The two storey side extensions to those houses are either set flush with the front wall and are equal to the roof ridge of the original house, notably at nos. 77, 79 and 83 Abbotsbury Gardens, or are set below the roof ridge.

Paragraphs 5.6 and 5.8 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions advises that for semi-detached houses, two storey side extension should be set behind the front wall and below the roof ridge of the original house. Paragraph 5.10 advises that the width of two storey side extensions should be between half and 2/3rds of the main house width, depending on the size of the plot and the character of the area.

The proposed two storey side extension has been designed to integrate with the

appearance of the original house, in that it would be set flush with the front wall and be equal to the roof ridge. This would be contrary to paragraphs 5.6 and 5.8 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions, which states that the ridge should be 0.5 lower. However, the extension to No.83 already goes up to the ridge. It is considered that a reduced ridge height, in this case, would look awkward given the extension to No.83, resulting in an unbalancing effect to the extension when read in conjunction with the other half of this pair of semi detached properties. It is, therefore considered that the proposed design would be more appropriate in this particular case as it would reintroduce the symmetry of the pair of semi-detached house at nos. 81 and 83 Abbotsbury Gardens.

Concerns have been raised regarding the overall width of the two storey side extension. In regards to paragraph 5.10 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions, 2/3rds of the width of the main house would equate to some 4.1m. The proposed extension measures 4.25m wide. The 150mm difference is very slight and in this particular case, is not considered to result in an adverse impact on the enlarged house or the appearance of the pair of semi-detached houses, nos. 81 and 83 Abbotsbury Gardens, such that a refusal could be justified. The circumstances of this site are that the other half of the pair (No. 83) has been extended already. Of relevance is the fact that No.83 has a narrower plot width. The effect of this is that even though the proposed extension is marginally wider than that already erected to No.83 it actually will have its flank wall set further off the side boundary. This is important in considering the visual impact of the extension. HDAS highlights that plot width is relevant in considering appropriate width for extensions. The fact that a larger plot exists for No.81 is considered to contribute towards the site specific circumstances which make the width of the extension although not strictly HDAS complaint nonetheless not harmful to the streetscene.

The proposed part two storey, part single storey rear extension by reason of its overall size, siting, design, appearance and length of projection, is considered to harmonise with the character, proportions and architectural composition of the original house. It would not project more than 3.6m deep, in accordance with paragraphs 3.3 and 6.4 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions. Furthermore, it is considered to appear subordinate as the two storey rear element would be set below the roof ridge of the main house and a sufficient proportion of the original rear wall of the main house would be maintained.

There does not appear to be any part two storey rear extensions on this side of Abbotsbury Gardens, however, such extensions are characteristic of residential areas and it is considered that this element of the scheme would not appear out of keeping with the surrounding area.

Overall, it is considered that the proposed extensions would not result in an overdevelopment of the site and would harmonise with the character and visual amenities of the street scene and surrounding area generally, in accordance with policies BE13, BE15 and BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and sections 3.0, 5.0 and 6.0 of the Hillingdon Design & Accessibility Statement(HDAS):Residential Extensions.

Paragraph 5.1 of the Hillingdon Design & Accessibility Statement: Residential Extensions advises that two storey side extensions should retain a 1m set-in from the side boundary. The proposed two storey side extension would maintain a 3.5m gap to the side boundary

with 79 Abbotsbury Gardens and this would be sufficient to maintain the open character and visual amenities of the street scene in accordance with policies BE13, BE19 and BE22 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and section 5.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

The attached house, 83 Abbotsbury Gardens would not be adversely affected by the two storey side extension as it lies on the opposite side of the application property. The proposed part single storey rear extension would not be more than 3.6m deep and 3m high in accordance with paragraphs 3.3 and 3.6 of the Hillingdon Design & Accessibility Statement(HDAS): Residential Extensions. Furthermore, the proposed part two storey rear extension would be some 5.9m from the side boundary with that house. Therefore, it is considered that at these distances and height, the proposed extension would not breach a 45 degree line of sight taken from the rear habitable room windows at 83 Abbotsbury Gardens closest to the side boundary with the application property.

The flank wall of 79 Abbotsbury Gardens would be some 6m from the flank wall of the two storey side and part two storey rear extension. Furthermore, the utility room (rear extension) would be some 3.7m from that flank wall. These distances are sufficient to ensure that the proposal would not breach a 45 degree line of sight taken from the rear habitable room windows at 79 Abbotsbury Gardens closest to the side boundary with the application property. As such, the proposal would not have a visually intrusive and overdominant impact on the residential amenities of the occupiers of the adjoining houses.

No windows are proposed facing 79 and 83 Abbotsbury Gardens. Furthermore, the properties to the rear in Deane Croft Road would be over 60m from the proposed extensions. Therefore, the proposal would not result in a overlooking and loss of privacy.

With regards to overshadowing, the proposal would result in a slight increase in overshadowing during the morning hours, however as 79 Abbotsbury Gardens lie to the south west of the application property, the increase in overshadowing would be contained in the rear garden of that house and would not exceed BSE daylight/sunlight guidelines. The proposed single storey rear extension would result in an increase in overshadowing onto 83 Abbotsbury Gardens during the afternoon hours. However given its length of project and height, it is considered that this increase is not considered to be so significant as to justify a refusal of planning permission. The proposed part two storey rear extension would also result in an increase in overshadowing the rear garden of No.83, however this increase again would be within BSE guidelines.

As such, the proposal would not harm the residential amenities of the adjoining occupiers and would comply with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy 4A.3 and BE20 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Over 400sqm of private amenity space would be retained and two off-street parking spaces are retained within the remaining garage and hardstanding, in accordance with policies BE23 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Finally, The loss of a non-protected semi-mature Acacia tree is acceptable and would not harm the appearance of the surrounding area.

In conclusion, it is considered that the proposal would relate satisfactorily with the appearance of the street scene and the character of the surrounding area and would not harm the residential amenities of the adjoining and nearby residential properties. As such, this application is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HH-T8 Time Limit - full planning application 3 years

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 HH-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).

3 HH-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).

4 HH-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 79 and 83 Abbotsbury Gardens.

REASON

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

5 HH-RPD4 Prevention of Balconies / Roof Gardens

The roof area of the single storey rear 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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
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LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

- 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.

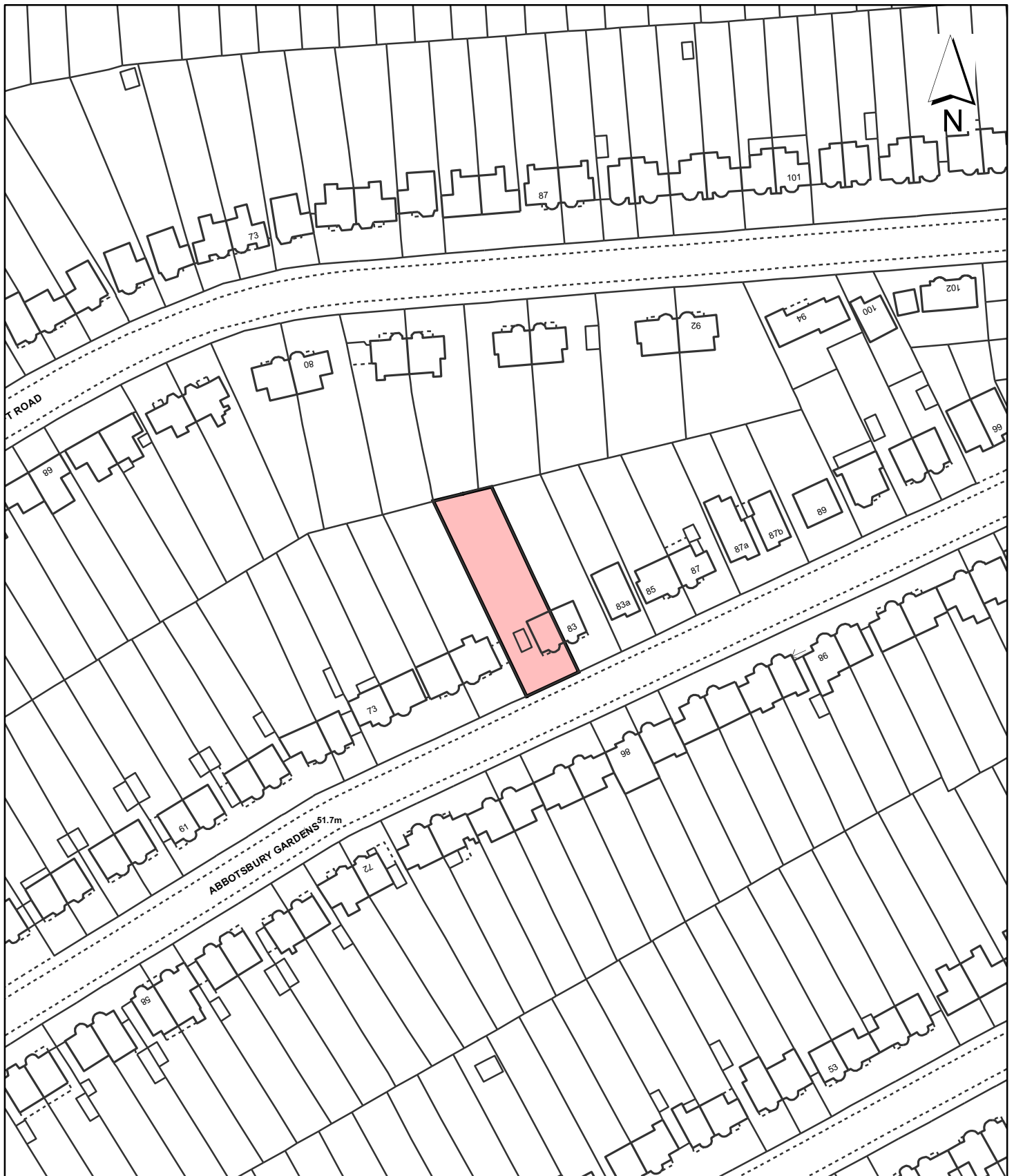
10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result 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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London Borough of Hillingdon
100019283 2009

Site Address	
81 Abbotsbury Gardens Eastcote	
Planning Application Ref:	Scale
38458/APP/2009/1527	1:1,250
Planning Committee	Date
North	July 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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

