

Report of the Head of Planning & Enforcement Services

Address KYLEMORE HOUSE HILL END ROAD HAREFIELD

Development: Single storey side extension/conservatory (Retrospective Application).

LBH Ref Nos: 46539/APP/2010/1397

Drawing Nos: 1634A-03/FP
1634A-01/FP
1634A-02/FP

Date Plans Received: 15/06/2010 **Date(s) of Amendment(s):**

Date Application Valid: 15/06/2010

1. CONSIDERATIONS

1.1 Site and Locality

Kylemore House comprises a two storey detached property on a reasonably large plot located on the south western side of Hill End Road, some 40m to the north of the access to White Heath Farm. Adjoining the property to the north is a row of 4 terraced houses known as Nos. 1 - 4 Tanrey Cottages. The house and the adjoining terrace are set back approximately 40m from the road, which on this side is fronted by a strip of woodland. The surrounding area predominantly forms open fields. The original property has a two storey side extension, a single storey side extension/conservatory the subject of this application, a detached double garage, a number of outbuildings, including a large pool house, extensive hardstanding and decking areas. A wall has also been erected along the front of this and the adjoining terrace, at the back of the roadside verge, in front of the wooded area. The site forms part of the Green Belt and is located within the Colne Valley Park as identified in the UDP saved policies September 2007.

1.2 Proposed Scheme

This is a retrospective application to retain the existing single storey side extension which has been erected at the side of the existing two storey side extension. The extension is set back 0.9m from the front elevation of the two storey side extension and is 5.7m wide, 5.3m deep, with a hipped roof, 2.5m high to eaves level and 4.2m high to its ridge. It is brick built with a tiled roof, with full width patio doors at the side and rear.

1.3 Relevant Planning History Comment on Planning History

There is an extensive planning history on this site. Following a number of refusals which were dismissed at appeal, permission for a replacement house on this site was approved on 8/04/94 (ref. 46539/D/94/85).

Subsequently, two certificates of lawfulness were refused on 7/03/08 and 23/04/08, the first one was for a detached single storey garage (ref. 46539/APP/2007/3807) and the latter was for a single storey detached outbuilding for use as a gym/playroom/store (ref. 46539/APP/2008/688).

This was followed, initially by the refusal of a part retrospective application on the 13/05/08 for the erection of a two storey side extension with front and rear dormers and erection of a 2m high front brick wall with electrically operated gates (ref. 46539/APP/2008/686) before permission was granted for the erection of a two storey side extension with front and rear dormers on the 7/11/2008 (ref. 46539/APP/2008/2707).

A swimming pool housing was the subject of a subsequent certificate of lawfulness (ref. 46539/APP/2008/2748) which was approved on the 17/11/2008.

Following a number of applications either involving the front boundary, vehicular access or the retention of a detached garage and external staircase which were withdrawn, permission for a two storey side extension on the other side of the house from the two storey side extension that had already been granted, was refused on the 17/04/99 (ref. 46539/APP/2009/342). A subsequent appeal was dismissed on the 12/03/2010.

This has been followed by numerous refusals which include a certificate of lawfulness for two detached single storey outbuildings for use as a gymnasium and car port (ref. 46539/APP/2009/346) on the 17/04/09, retention of a single storey attached building and staircase to the existing detached garage for a limited 1 year period (ref. 46539/APP/2009/356) on 23/04/09, retention of front boundary wall, railings and gates and new access, crossover and driveway (ref. 46539/APP/2009/1160) on the 4/08/09, a certificate of lawfulness for a single storey outbuilding for use as a swimming pool house (ref. 46539/APP/2009/1833) on the 15/10/09 and a certificate of lawfulness for a side canopy with a mono-pitched roof with a similar siting to this extension/conservatory (ref. 46539/APP/2009/1834) on the 15/10/09.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- 23rd July 2010

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

4 neighbouring properties have been consulted and a site notice has been displayed. 5 responses have been received, objecting to the conservatory on the following grounds:-

(i) There is a long standing history of various applications made on this site and a serious amount of building works have been built without planning permission, including the building in front of the conservatory. The site since the original approval for a replacement house (46539D/94/85) now includes a new extension (built with permission), a garage (built without permission), a gymnasium (built without permission), a 17.3m x 7.4m pool house (built under permitted development), another outbuilding (built without permission) and a very large non-permeable parking area. An Inspector considering a previous two storey side extension considered it harmful to the Green Belt by reason of inappropriateness and loss of openness, contrary to Policies OL1 and OL4 of the UDP.

Kylemore House, formerly Tanrey House has grown out of all proportion and the building works constitute more than 50% of the area of the original dwelling. This development has ruined enough of the Green Belt and developer needs to know that he can not build whatever he wants. Application should be rejected as clearly overdevelopment, contrary to Policies OL4 and OL5;

(ii) Irrespective of decisions made by the Council, buildings remain on site;

(iii) Building work is not in character with the rural nature of this village;

(iv) The development has a solid tiled roof and brick walls with windows found elsewhere on the house. As such, it is not a conservatory, but an extension;

(v) Plans are inaccurate/wrong as pool house is incorrectly positioned and plans do not show a building between pool house and fence adjoining No. 1 Tanrey Cottages;

(vi) Granting retrospective permission would set dangerous precedent as to what constitutes a conservatory; and

(vii) Development is irresponsible, particularly in the green belt.

Officer's comments: The relevant planning points raised have been considered in the main report.

Harefield Village Conservation Panel: No response received.

Harefield Tenants and Residents' Association:

We object to the retention of this structure which has already been refused a Certificate of Lawful Development by the Council.

The plans as shown on the web site quite clearly show an intention to extend on this conservatory structure which the applicant is now seeking retrospective planning approval for.

This is a Green Belt site which has already seen an immense amount of development on it, some of which has no planning approval.

Our objections are overdevelopment of the site detrimental to the Green Belt.

Ickenham Residents' Association: No response received.

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.

Part 2 Policies:

OL4 Green Belt - replacement or extension of buildings

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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
PPG2	Green Belts

5. MAIN PLANNING ISSUES

The main issue with this application is the impact upon the character and openness of the Green Belt, the impact upon the existing house and street scene and the residential amenities of neighbouring properties.

Planning Policy Guidance Note 2: Green Belts (PPG2) states that the most important attribute of the Green Belt is its openness. Therefore, the construction of new buildings in the Green Belt is inappropriate unless it is for a limited range of uses including agriculture, forestry, recreation, cemeteries, limited alteration/re-building of existing dwellings, and limited infilling of villages and major developed sites as identified in adopted plans. The extension or alteration of dwellings is therefore not inappropriate development, providing that it does not result in a disproportionate addition.

PPG2 also makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. The guidance adds that such circumstances will not exist unless the harm is clearly outweighed by other considerations and that it is for the applicant to show why permission should be granted.

Policy OL4 of the saved UDP follows this guidance and advises that the replacement or extension of buildings within the Green Belt should not result in the disproportionate change in the bulk and character of the building, the proposal would not significantly increase the built up appearance of the site and the visual amenities of the Green Belt would not be injured by reason of siting, materials, design, traffic or activities generated.

A general rule of thumb and a method accepted by the Inspector in considering the two storey side extension dismissed at appeal in March 2010 (ref. 46539/APP/2009/342) is that for an extension not to result in a disproportionate increase to the size of a property, it should not increase in the floor area of the original property by more than 50%. The original house was approved in April 1994 with an internal floorspace of some 183sqm. Subsequently, planning permission was granted in November 2008 for a two storey side extension that has now been built and adds 52sqm to the original floor area. The single storey extension the subject of this application has added a further 27.5sqm of floorspace, which together with the existing two storey side extension represents a 43% increase to the floor area of the original house (the extension considered by the Inspector involved a 53% increase).

As such, the extension is not considered to represent disproportionate change to the

house itself. However, the extension needs to be considered in the context of the overall site. In this respect, a number of outbuildings and extensive areas of hardstanding and decking have been added in recent years, including a large 17m x 7m swimming pool enclosure in the rear garden and a substantial detached double garage at the front of the house. Although it has been accepted that the swimming pool enclosure constitutes 'permitted development,' nonetheless, the overall result of all the recent development on site is to significantly increase the built up appearance of the site, including buildings that greatly extend the building envelope on site, being erected closer to the site boundaries, including those that adjoin open countryside. This extension clearly contributes to the overall significant increase in built development on site. Furthermore, the applicant has not provided any very special circumstances to justify the development. As such, the extension is considered to be contrary to PPG2 and Policy OL4 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

In terms of the impact upon the house, it is considered that the extension is of a design and has been constructed of materials that respects the character and appearance of the property. The house is also set well back from the road and the side extension is screened by other outbuildings and trees to the front of the site so that it would not adversely affect the visual amenities of the street scene. As regards the impact upon neighbouring properties, the extension is on the other side of the house and would therefore be largely screened from the adjoining residential property, No.1 Tanrey Cottages so that their residential amenity would not be materially harmed in terms of overshadowing, dominance or overlooking. As such, the side extension complies with policies BE13, BE15, BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

However, the absence of harm in terms of the impact of the development on the character and appearance of the house itself, the street scene and neighbouring properties are neutral factors rather than positive ones and cannot compensate for the cumulative harm that results from all the development works undertaken recently at this site, which includes this extension, to the openness and character of the Green Belt.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The single storey extension, together with other developments that have taken place on site, both with and without planning permission, involving a two storey extension, various outbuildings including a pool enclosure and double garage and hardstanding and decking areas, has resulted in a significant increase in the built up appearance of this site within the Green Belt. The single storey extension contributes to the overall built-up appearance of the site, which represents inappropriate development within the Green Belt and is therefore harmful by definition. Furthermore, the applicant has not demonstrated that very special circumstances exist to justify the inappropriate development. The development is therefore contrary to Policy OL4 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and national policy as set out in PPG2.

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).

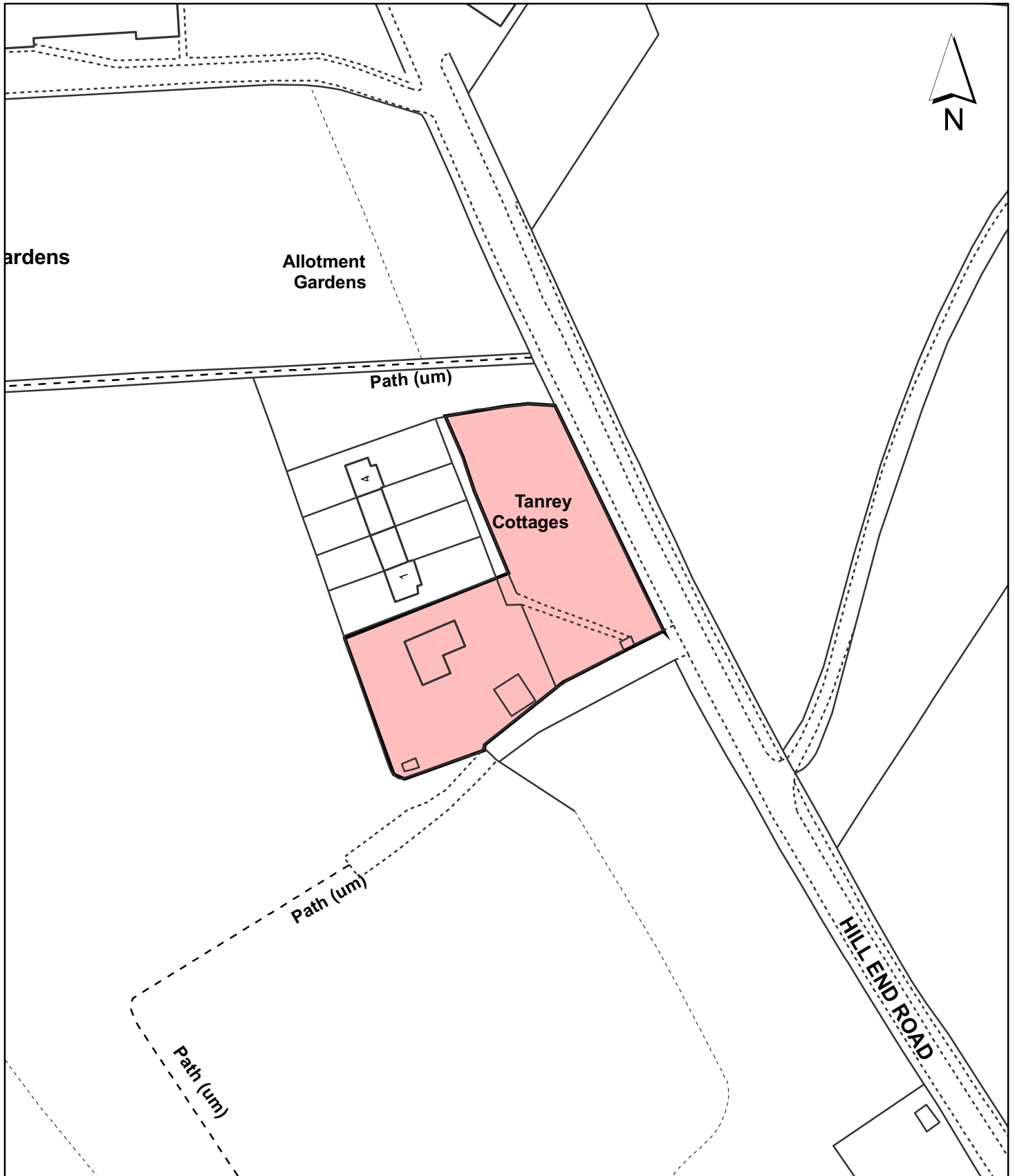
2 The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:



Policy No.

OL4	Green Belt - replacement or extension of buildings
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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
PPG2	Green Belts

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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>Kylemore House Hill End Road Harefield</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
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	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>July 2010</p>	
			 <p>HILLINGDON LONDON</p>