

## Report of the Head of Planning & Enforcement Services

**Address** 13 BOURNE AVENUE HAYES

**Development:** Alterations to single storey rear extension with new flat roof to rear and part demolition of existing single storey outbuilding to rear to provide extra amenity space to front. (Part Retrospective)

**LBH Ref Nos:** 30586/APP/2011/252

**Drawing Nos:** 1400A/05/KG: Location Plan  
1400A/04/KG: Proposed Elevations  
1400A/03/KG: Proposed Floor Plans  
1400A/02/KG: Existing Elevations  
1400A/01/KG: Existing Floor Plans

**Date Plans Received:** 03/02/2011      **Date(s) of Amendment(s):**

**Date Application Valid:** 03/02/2011

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

The application site is located on the south side of Bourne Avenue and comprises a two storey end of terrace house with a single storey rear extension and a detached outbuilding at the end of the rear garden, the subject of this application. The application property adjoins 15 Bourne Avenue to the west, which has not been extended at the rear and has a ground floor rear bay window (which serves a lounge) sited closest to the shared side boundary. To the east of application site and separated from it by a shared side path is 11 Bourne Avenue, which has not been extended at the rear and has an obscure glass ground floor secondary habitable room window in the side wall facing application property. The street scene is residential in character and appearance comprising two storey mid-terraced houses, some with single storey rear 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 single storey flat roof rear extension, involving alterations to the existing unauthorised rear extension. The currently constructed rear extension measures 5.75m wide, 4.2m deep and finished with a mono-pitched roof 2.6m high at eaves level and 3.5m high at its highest point. The proposed rear extension would now measure 5.75m wide, 4.2m deep along the side boundary with 11 Bourne Avenue for a width of 3.4m, 3.6m deep along the side boundary with 15 Bourne Avenue for a width of 2.35, forming a stepped rear wall. It would be finished with a flat roof 3m high.

It is also proposed to carry out alterations to the outbuilding involving removal of the front wall to create a covered area to form private amenity space.

### 1.3 Relevant Planning History

30586/APP/2008/3204 13 Bourne Avenue Hayes

Single storey rear extension (Retrospective application).

**Decision Date:** 07-01-2009 Refused **Appeal:**

30586/APP/2009/2475 13 Bourne Avenue Hayes

Retention of existing single storey rear extension to include alterations to rear and roof (Part retrospective) (Resubmission).

**Decision Date:** 18-01-2010 Refused **Appeal:**25-NOV-10 Dismissed

#### Comment on Planning History

Planning permission ref: 30586/APP/2009/2475 for the retention of existing single storey rear extension to include alterations to rear and roof (Part retrospective) was refused in January 2010 for the following reasons:

1. The existing single storey rear extension, by reason of its excessive length of projection along the eastern elevation and overall size, constitutes a disproportionate and unsympathetic addition, failing to appear subordinate to the scale, form and appearance of the original house. The extension is detrimental to the character and appearance of the original house and the visual amenities of the surrounding area generally. The development is therefore contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

2. The development, having regard to the size of the enlarged accommodation, fails to maintain an adequate amount of amenity space for the occupiers of the enlarged property, and as such results in an over intensive use of the remainder of the garden to the detriment of the amenity of the neighbouring occupiers and character of the area. The proposal is therefore contrary to policies BE19 and BE23 of the Councils adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

An appeal was lodged against the Council's decision and an enforcement notice was issued on 23rd February 2010 in respect of the unauthorised erection of a rear extension without the benefit of planning permission. The appeals were dismissed and the enforcement notice upheld, on 25th November 2010.

### 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

10 adjoining owner/occupiers have been consulted. 2 letters raising no objections and 1 letter raising an objection have been received, making the following comments:

- (i) No objection on the grounds that steps are taken to comply with the requirements of the enforcement notice and the Council's decision.
- (ii) The extension is too large by virtue of its bulk and proposed use as a stand-alone residence.

Officer comments: Point (i) is noted and point (ii) is addressed in the report.

Crossrail: No safeguarding objections.

#### **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.
- HDAS 'Residential Developments'

#### **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 surrounding area generally, and on residential amenity.

In determining the appeal, the Inspector states at paragraph 9:

"I agree with the Council that the size of the extension as built has resulted in a disproportionate and unsympathetic addition to this property. In particular, the height of the extension where it abuts the original dwelling is just below the height of the sill of the main window at first floor level. This has resulted in an addition to the main house, which appears bulky and over-large. It clearly fails to harmonise with the original building because its scale is not subordinate and it dominates the rear elevation of the original building. In my view the extension detracts from the character and appearance of original house. I am aware that the SPD would limit the height to 3.4m but I consider the height of the extension over and above this has resulted in its visual unacceptability."

In terms of the effect of the extension on living conditions of the occupiers of No. 15 having particular regard to loss of outlook, the Inspector states at paragraph 14:

"I am advised that the rear ground floor bay window at No. 15 serves a lounge. I know that the extension is not directly in front of the bay window. However, I am of the view that the

depth and height of the extension (which is sited along the common boundary with No. 15, in relation to the bay window is such that the extension dominates and is harmful to the outlook for the occupiers of that dwelling from that bay window."

The proposed amendments to the rear extension attempts to overcome these comments. The proposed amendments would result in the reduction in the overall height of the rear extension and this would go some way to achieve a subordinate extension to the main house. However, part of the rear extension would still appear excessive in length in relation to the original house. The proposal is still considered to appear overly large and would not harmonise with the character, proportions and appearance of the original house, contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

11 Bourne Avenue is set a sufficient distance from the rear extension so as not to be adversely affected by it. The length of projection of the rear extension would be reduced along the side boundary with 15 Bourne Avenue resulting in a rear extension 3.6m deep along that side boundary and less than 3.4m high, in accordance with paragraphs 3.3 and 3.7 of the Hillingdon Design & Accessibility Statement: Residential Extensions. This distance and height are sufficient to ensure that the proposal would not breach a 45 degree line of sight taken from the rear bay window at 15 Bourne Avenue. Therefore, the proposal is not considered to represent a visually intrusive and overdominant form of development or a result in a significant increase in overshadowing, onto 15 Bourne Avenue, in accordance with policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

No windows are proposed facing 15 Bourne Avenue and therefore, no overlooking will result, in accordance with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Off-street parking will not be affected by the proposed development. With regards to external private amenity space, the Inspector states at paragraphs 18 and 19:

"The rear garden between the extension and the outbuilding amounts to about 41 square metres. This space is usable in terms of its shape and siting. The amount of available space seems to be substantially greater than this figure because the common driveway referred to earlier have been incorporated into the rear garden of No. 13. However, I understand that the rights of neighbouring property occupiers to use this driveway remain. Further, the existing situation of having this driveway effectively incorporated into the garden at No. 13 may not continue in the long term especially if one of the other residents with a right to use the driveway exercised that right in such a way that the occupiers of No. 13 felt that the only way in which they could secure sufficient privacy and security for their children was by fencing their garden off from the driveway. In my view the amount of external amenity space would be insufficient to meet the reasonable needs for outdoor living space for a family dwelling.

The amenity space could be enlarged if part or whole of the outbuilding was demolished. Whilst there is an Enforcement Notice, which requires the demolition of the outbuilding, I understand that the Council do not require that step to be taken. On the limited information I have it appears to me that any trade off in the size of the amenity space and the outbuilding needs to be the subject of discussion between the appellant and the Council and cannot be reasonably be resolved through the imposition of a planning

condition."

In response, it is proposed to remove the front facade of the outbuilding to create an open covered area, which will be used as additional external private amenity space to that which currently exists. The will result in a private amenity area some 57sq.m in size.

Paragraph 3.13 of the Hillingdon Design & Accessibility Statement: Residential Extensions advises that at least 60sq.m of private amenity space should be retained for 3 bedroom houses. Although the proposal would result an area some 3sq.m less than the recommended standard, this difference is minimal and as such, it is considered that a refusal on this ground will not be sustained at appeal. However, the proposal would result in an outbuilding that would appear unsightly at the bottom of the rear garden. There are no other outbuildings of a similar design to that which is being proposed to the rear of houses in this part of Bourne Avenue, and furthermore the alterations do not comply with paragraph 19 of the Inspector's comments. It is therefore considered that the proposal would detract from the character and appearance of the surrounding area generally, contrary to policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 9.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

This application is recommended for refusal.

## **6. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The proposed single storey rear extension, by reason of its excessive length of projection along the eastern side elevation, constitutes a disproportionate and unsympathetic addition, that would fail to appear subordinate to the scale, form and appearance of the original house. The extension would be detrimental to the character and appearance of the original house and the visual amenities of the surrounding area generally. The development is therefore contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 3.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

#### **2 NON2 Non Standard reason for refusal**

The alterations to the existing outbuilding will result in a structure that would represent an incongruous and visually intrusive form of development which would be detrimental to the character and appearance of the surrounding area generally. The proposal is therefore contrary to policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 9.0 of the Hillingdon Design & Accessibility Statement (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.
HDAS	'Residential Developments'

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**Notes**

 Site boundary

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Site Address

**13 Bourne Avenue  
Hayes**

Planning Application Ref:  
**30586/APP/2011/252**

Planning Committee  
**Central and South**

Scale  
**1:1,250**

Date  
**July 2011**

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