

Report of the Head of Planning & Enforcement Services

Address 18 STIPULARIS DRIVE HAYES

Development: Erection of a single storey detached outbuilding to rear for use as storage involving part demolition of existing building (Part-retrospective)

LBH Ref Nos: 31178/APP/2011/263

Drawing Nos: 1903 02/MT: Proposed Floor Plan and Elevations
1903 01/MT: Existing Floor Plan and Elevations
1903 03/MT: Location and Block Plans
Supporting Planning Statement

Date Plans Received: 04/02/2011 **Date(s) of Amendment(s):**

Date Application Valid: 04/02/2011

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the south side of Stipularis Drive and comprises a two storey end terrace dwellinghouse with a single storey side extension, a single storey rear extension and a detached outbuilding at the bottom of the rear garden, the subject of this application. The attached house, 20 Stipularis Drive, lies to the east, is set back behind the front wall 18 Stipularis Drive, and has not been extended. To the west lies 14 & 16 Stipularis Drive, a two storey apartment. The site is bounded by the Willows School to the rear. The street scene is residential in character and appearance comprising two storey semi-detached and terraced dwellings and flats 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

The existing detached outbuilding is located at the end of the garden. It measures 7.3m wide, 3.1m deep and finished with a flat roof with parapet walls 3m high at its highest point. The outbuilding contains a shower room with a toilet and a wash basin, store and gym and has been rendered and contains a UPVC door and window on the front elevation.

It is proposed to reduce the size of the outbuilding from 7.3m wide and 3.6m wide. It would be set along the side boundary with 20 Stipularis Drive and would provide a store.

1.3 Relevant Planning History Comment on Planning History

Following a complaint, it was established that a detached outbuilding had been built at the bottom of the rear garden of 18 Stipularis Drive. Following the initial complaint, a detailed investigation established that permitted development rights had been removed from the entire housing estate and therefore the structure did not benefit from permitted development. Subsequently the owner was advised that the detached outbuilding was unauthorised.

An enforcement notice was issued in April 2010 for the following reason:

The outbuilding by virtue of its size, siting and design results in an incongruous, overbearing and visually intrusive form of development, and as a result has an adverse effect on the character and appearance of the dwelling and the wider locality. Therefore the outbuilding is contrary to policies BE13, BE15, and BE19 of the Unitary Development Plan and to the Council's Supplementary Planning Documents HDAS Residential Extensions.

An appeal was lodged against the service of the Notice and was subsequently dismissed and the Notice upheld in December 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

9 adjoining owner/occupiers have been consulted. 1 letter of objection has been received on the grounds that the part demolition of the outbuilding will make no difference to the building bordering on 20 Stipularis Drive. It will still appear as an eyesore. The size of the structure goes far beyond its intended use as a store.

Officer comments: This is addressed in the report.

Trees/Landscape:

No objections subject to conditions TL5 and TL6.

Environmental Health Contamination:

No objections subject to a contamination and site construction informatives.

Councilor Allen: I too am opposed to this application. The PD rights for these dwellings were removed for good reason. It was envisaged that any further development here would destroy what openness there is to the rear of these properties.

4. UDP / LDF Designation and London Plan

Standard Informatives

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. |
| 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. |
| 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 surrounding area and on residential amenity.

In determining the Enforcement Appeal, the Inspector states at paragraph 3:

"The outbuilding straddles the width of the back garden to the appeal property and it is also located beside the rear boundary. Its walls are rendered. The building looks squeezed in against its garden boundaries and the render does not accord with the design of the house, which is finished with bricks. Painting the render would do little to ameliorate the discordant appearance of the building. There are good views of the outbuilding from certain points along Glencoe Road and Pendula Drive across the open school playing field, which adjoins the rear of the appeal site. From these locations the building is a block of development, which stands out, rather than blending with its surroundings. It is an incongruous feature that impacts adversely on the character and appearance of the area."

The proposed outbuilding would be much smaller than that which currently exists. Although it would not retain a 0.5m gap to the side boundary with 20 Stipularis Drive, contrary to paragraph 9.2 of the Hillingdon Design & Accessibility Statement: Residential Extensions, the proposed outbuilding, by reason of its overall size, scale, bulk and design, would not represent an incongruous feature in the rear garden. Overall, it is considered that the proposed outbuilding would not detract from the character and appearance of the surrounding area, in accordance with policies BE13, and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

The proposed outbuilding would be some 6m from the rear walls of 18 and 20 Stipularis Drive and this distance is sufficient to ensure that it would not harm the residential amenities of the occupiers of those houses through overdominance and visual intrusion. Furthermore, the Inspector states the following on this matter at paragraph 5:

'As far as neighbours are concerned, the outbuilding is positioned as far away as possible from the appeal house and the rears of adjoining houses. Therefore, while the building may not be attractive, it does not impact unduly on matters of outlook, sunlight and daylight. In these circumstances the living conditions of neighbours has not been materially harmed. However, these matters do not outweigh the finding of serious harm identified above.'

The proposal would comply with policies BE20 and BE21 of the adopted Hillingdon Unitary

Development Plan (Saved Policies September 2007).

With regards to private amenity space, the Inspector states the following at paragraph 5:

'It is noted that in relation to other SPD guidelines the development is acceptable. There is a very slight shortfall in the usable garden space as a consequence of this building and other extensions that have been added to the appeal property. However, this marginal deficit is not a serious contravention and I do not find material harm to the amenities of the occupiers of the house as a result.'

At present the amenity space measures some 36sq.m. The proposal would increase this to 47sq.m. Although this would still be less than the 60sq.m recommended for 2 bedroom houses, given the Inspector's comments, it is considered that the application cannot be refused for this reason.

This application is recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

Subject to the constraints of condition 2, the development hereby permitted shall be begun before the expiration of 4 Months from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 and to ensure that in the interests of securing development in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) there is not an accumulation of un-implemented planning permissions.

2 NONSC Non Standard Condition

The existing outbuilding shall be demolished to ground and all materials resulting from the demolition shall be removed within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below.

(i) A timetable with no longer than an aggregate 3 month period from the date of the local planning authority's approval of the timetable to the last day for the substantial completion of the development permitted by this decision notice shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this notice of planning permission;

(ii) If within 4 months of the date of this planning permission the local planning authority refuse to approve or do not determine the timetable within the prescribed period a valid appeal shall have been made to the Secretary of State;

(iii) If an appeal is made in pursuance of (ii) above, the appeal shall have been finally determined and the submitted timetable shall have been approved by the Secretary of State;

(iv) The development, including the demolition of the southern section of the existing outbuilding (as indicated on Plan 1903-02/MT), shall have been carried out and

completed in accordance with the approved timetable.

REASON

There is an extant enforcement notice on this site and in the opinion of the local planning authority remains to be complied with. The planning permission is intended to remedy this breach of planning control. In the interests of the proper planning of the area the authority is of the view that the remediation of the breach of planning control and the implementation of this planning permission should take place as expeditiously as reasonably possible.

3 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 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.

REASON

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

5 RPD5 Restrictions on Erection of Extensions and Outbuildings

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 extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 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).

7 NONSC Non Standard Condition

The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 118 Stipularis Drive. The outbuilding shall not be used for purposes such as a living room, bedroom, kitchen, or as a separate unit of accommodation. This restriction preventing the outbuilding from being used as habitable accommodation shall apply for so long as the out building is in existence.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use, so as to protect the amenity of adjoining residential properties in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

8 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shown on the approved plans shall be completed within the first planting and seeding seasons following the completion of the development. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 RPD7 Exclusion of Garages, Sheds and Out-buildings

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 garage, shed or other outbuilding shall be erected within the curtilage of the dwellinghouse.

REASON

To protect the character and amenity of the area and prevent overdevelopment in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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. |
| 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. |
| HDAS | 'Residential Developments' |
- 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, 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.

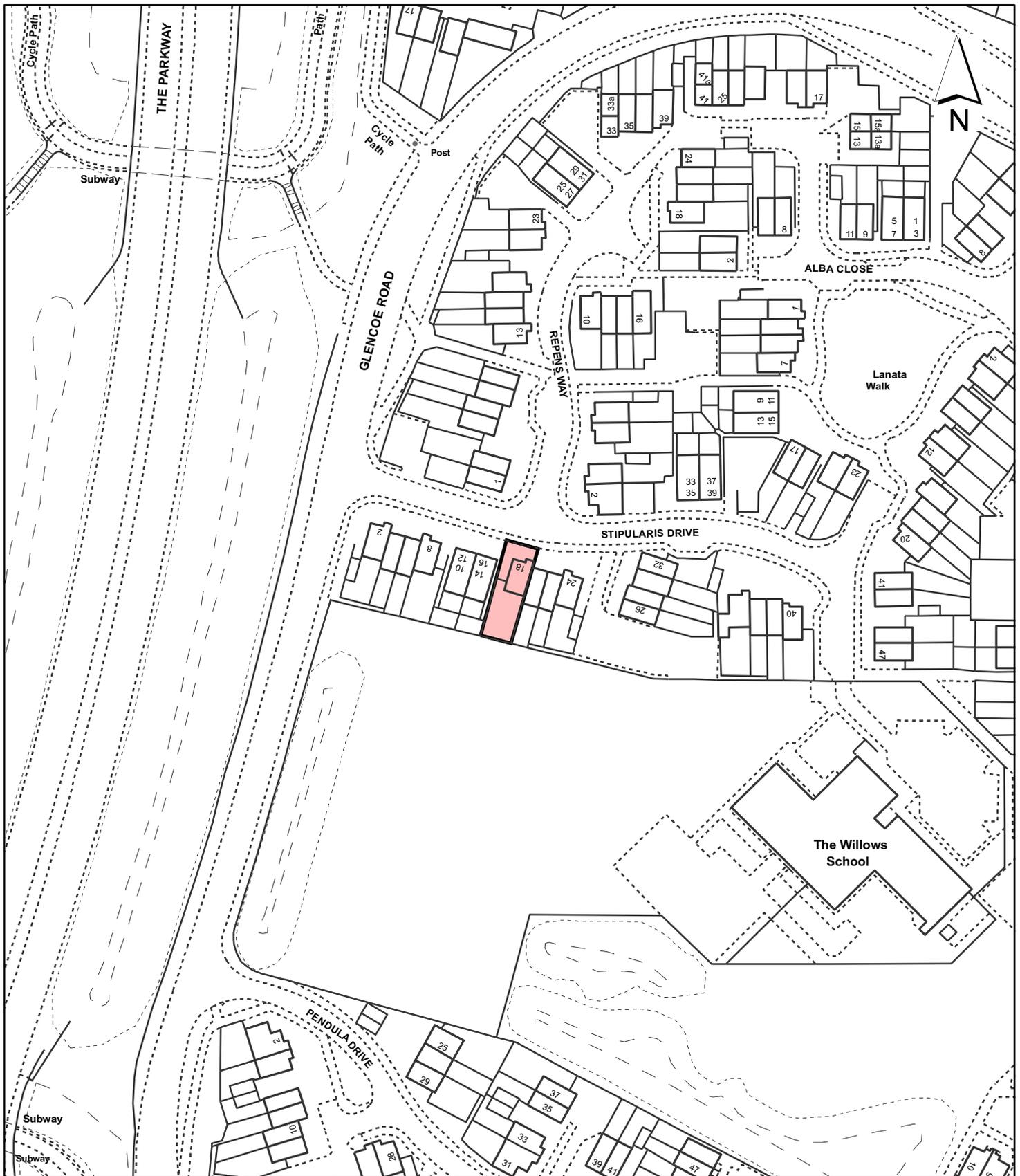
You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate

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: Sonia Bowen

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**18 Stipularis Drive
Hayes**

Planning Application Ref:

31178/APP/2011/263

Planning Committee

Central and South

Scale

1:1,250

Date

July 2011

**LONDON BOROUGH
OF HILLINGDON**

**Planning,
Environment, Education
& Community Services**

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



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