

Report of the Head of Planning & Enforcement Services

Address 34 PARKFIELD ROAD ICKENHAM MIDDLESEX

Development: Retention of existing side dormer facing No.32 and alteration to side dormer facing No.36

LBH Ref Nos: **59470/APP/2011/1203**

Drawing Nos: 09/237/16
Location Plan to Scale 1:1250
09/237/12A
09/237/14A
09/237/15
09/237/10
09/237/13
09/237/11

Date Plans Received: 17/05/2011

Date(s) of Amendment(s):

Date Application Valid: 02/06/2011

1. **CONSIDERATIONS**

1.1 **Site and Locality**

The application site is located on the north east side of Parkfield Road and comprises of a detached bungalow. The application property is separated from the adjoining property, No.32 also a detached bungalow, by 2.5m. To the northwest is 36 Parkfield Road, also a detached bungalow.

The area is characterised by a mix of bungalows and two storey houses and the application site lies within the developed area as identified in the adopted Unitary Development Plan Saved Policies 2007.

1.2 **Proposed Scheme**

The proposal is to retain the dormer window facing No.32 as constructed and to alter and retain the dormer facing No.36.

The dormer facing No.32 would measures 4.25m wide, 3.4m deep and finished with a flat roof 2.3m high. It would retain gaps of 0.5m to the eaves and 0.2m to the roof ridge and would be set some 4.5m back from the front of the property. This dormer is as constructed and would retain the existing windows.

The dormer facing No.36 would still measures 4.25m wide and 3.4m deep but would be

finished with a flat roof 1.96m high. This would involve a reduction in its height by approximately 400mm. It would increase the gap between it and the eaves to 0.9m, but would still be 0.2m to the roof ridge and would be set some 4.5m back from the front of the property. It is also proposed to remove both the existing windows from the face of this dormer, leaving a blank facade facing No.36.

1.3 Relevant Planning History

59470/APP/2006/1125 34 Parkfield Road Ickenham Middlesex

INSTALLATION OF FRONT AND REAR GABLES AND SIDE DORMERS (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT)

Decision Date: 07-06-2006 Refused **Appeal:**

59470/APP/2006/1858 34 Parkfield Road Ickenham Middlesex

CONVERSION OF ROOF FROM HIP TO GABLE AND INSTALLATION OF TWO SIDE DORMERS, FRONT ROOFLIGHT AND CONVERSION OF LOFT SPACE TO HABITABLE ROOM (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT)

Decision Date: 17-08-2006 GPD **Appeal:**

59470/APP/2006/1900 34 Parkfield Road Ickenham Middlesex

CONVERSION OF ROOFSpace FROM HIP TO GABLE END INCORPORATING INSTALLATION OF FRONT GABLE WINDOW (RETROSPECTIVE)

Decision Date: 25-06-2008 Approved **Appeal:**

59470/APP/2008/2796 34 Parkfield Road Ickenham Middlesex

The installation of two side dormer windows (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990).

Decision Date: **Appeal:** 19-MAR-09 Dismissed

Comment on Planning History

The site has an extensive planning history relating to developments in the roof. However, the most relevant is the enforcement notice relating to the existing dormers, the subject of this application, which was served in July 2008 and was the subject of an appeal. The relevant parts of the decision are discussed below.

The Council has already secured a prosecution through the courts which resulted in the courts instructing the owner to comply with the terms of the enforcement notice. This has not occurred and the matter will be referred back to the courts for further determination.

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 occupiers, the Oak Avenue & Parkfield Road Residents Association and the

Ickenham Residents Association consulted. Two letters received objecting to the proposal on the following grounds:

- i) The enforcement notice should be acted upon;
- ii) The application is in breach of policies BE13, BE15, BE19, BE21 and BE24 and the SPD HDAS: Residential Extensions;
- iii) The application is a strategy of procrastination;
- iv) The proposal is visually overdominant and out of character;
- v) The applicants own calculations showed that the dormer resulted in loss of light to the adjoining property;
- vi) The applicants approach is making a mockery of the Council and the neighbours;

Two petitions, one with 21 signatures and one with 20 signatures have also been received both requesting that the application is refused and the enforcement notice complied with.

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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

The main issues relate to the size, scale and design of the dormers and their impact on the character and appearance of the bungalow and the street scene in general and the impact on adjoining occupiers.

Impact on character and appearance

With regard to the issue of the character and appearance of the bungalow and the impact on the street scene, the Inspector in his appeal decision relating to the dormers commented as follows:

"21. The flat roofs of the two dormers are immediately below the ridge of the main roof, and the front faces are set back some 0.5 of a metre from the eaves. Coupled with their considerable width, roughly a third of the front to back dimension of the bungalow, as extended - they appear as bulky protrusions, giving an unbalanced appearance to what

was a conventionally proportioned bungalow. The fact that they are screened by other buildings in longer views down Parkfield Road does nothing to diminish their impact and dominating nature in views at close range. I consider they cause significant harm to the appearance of the bungalow.

22. Although the road may at one time have been predominantly developed with bungalows of broadly similar design, I saw that there is now considerable variety. A number of 2-storey houses and chalet bungalows have been built, and there have been roof alterations to a considerable number of the bungalows. However, by and large the new additions and alterations have been carried out in a sympathetic manner, with elements such as dormers being in scale with the parent buildings. The existence of a variety of forms does not to my mind justify the introduction of such bulky features as these dormers, which I consider are incongruous in the context of the prevailing small-scale nature of the buildings and their various architectural features.

23. I conclude on the first main issue that the development causes significant harm to the character and appearance of the original dwelling, and to the street scene in the vicinity. The development does not accord with the aims of UDP Policies BE13, BE15 & BE19."

The proposal does not involve any changes to the size, scale or bulk of the dormer facing No.32 and a minor change to the dormer facing No.36 involving a reduction in its height by 400mm. Thus its overall bulk and scale remains virtually the same. This being the case it is difficult to reach any conclusion other than the one reached by the appeal inspector that the development causes significant harm to the character and appearance of the original dwelling, and to the street scene in the vicinity. The development is therefore contrary to Policies BE13, BE15 and BE19 of the UDP Saved Policies September 2007 and the SPD HDAS: Residential Extensions.

Impact on adjoining occupiers

With regard to the issue of the impact on adjoining occupiers, the Inspector in his appeal decision commented as follows:

"24. Turning to the second main issue, the bungalows to either side, no. 32 to the south-east and no. 36 to the north-west, have their flank walls some 3.6 metres and 2.5 metres respectively from the flank walls of the appeal property. Both have windows of habitable rooms in their flank walls. The windows in the two dormers are positioned such that they can give clear views down into these rooms. However, the principal window in the south-eastern dormer lights the staircase landing, the other window lights a bathroom, and both are obscure glazed. I accept that the potential overlooking could be overcome by imposing a condition requiring the opening light of the landing window to be fixed shut.

25. Similarly, windows in the north-western dormer, which are clear glazed, might have obscure glazing fitted and have their lower lights fixed shut. However, these windows provide the principal outlook and source of daylight for a new first floor bedroom. I consider that requiring the windows to be obscure glazed, and at least the lower lights to be fixed shut, would result in a poor quality environment in one of the larger bedrooms in the dwelling. I do not accept that this would be a reasonable and acceptable choice for the building owner to make, since it could only be ensured by imposing a planning condition that would be effectively permanent. Thus, any future owners of the dwelling would be bound by it, and the poor quality living conditions would become a permanent feature of

the dwelling. While the overlooking problem might be overcome, I do not consider this should be at the cost of introducing a further problem.

26. Furthermore, the north-western dormer looks down onto the paved sitting-out area at the back of no. 36. I consider the occupants have a reasonable expectation of privacy in such an area, and that the windows in the dormer cause significant intrusion.

27. I saw that the north-western dormer is a highly prominent and bulky feature when looking from the garden of no. 36, particularly from the sitting-out area. I was not able to look from the site of no. 32, but it appears that a similar relationship exists there. In my opinion the dormers are of such size and bulk that they are an over-dominant feature. Looking from within the room on the south-eastern flank of no. 36, the dormer is not visible except from very close to the window, since the flank of no. 34 is at such close range. The outlook from this room is mainly onto the boundary fence and adjacent flank wall, and is not made significantly worse by the presence of the dormer. However, the situation in relation to no. 32 is somewhat different due to the greater separating distance. It is likely that the outlook from the equivalent room in this property is harmed by the presence of the dormer.

28. The appellant put forward a study of the effects of the dormers on daylight, sunlight and shading for adjoining properties. I understand the analysis has been done with reference to the recommendations of the Building Research Establishment (BRE) publication 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.' The results show that there have been reductions in daylight to windows of the habitable rooms to the sides of nos. 32 and 36. In particular there have been reductions in the Vertical Sky Component (VSC) has been reduced from 27.4% to 21.7% in the case of no. 32 - a factor of 0.8 - and from 20.9% to 13.7% in the case of no. 36, a factor of 0.65.

29. In relation to existing buildings, paragraph 2.2 of the BRE Guide advises that if the VSC is greater than 27% then enough skylight should be reaching the window of the existing building, but any reduction below this level should be kept to a minimum. Furthermore, if the VSC with the new development in place, is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction. The area lit by the window is likely to appear gloomier, and electric light will be needed more of the time.

30. It appears to me that the loss of daylight to the room in no. 32 is on the margin of acceptability. However, in the case of no. 36 the room would previously have had relatively low levels of daylight, and this has been exacerbated by the introduction of the north-western dormer. I saw that even in mid-afternoon the room was very poorly lit, and I consider the dormer makes a significant contribution to this situation.

31. It was argued that the Average Daylight Factor (ADF), would be above the minimum recommended value for bedrooms of 1%, which should be attained even if a predominantly daylight appearance is not required. In this case the ADF for the relevant rooms in nos. 32 and 36 is 1.79% and 1.81% respectively, reduced from the previous calculated values of 2.13% and 2.31%. The ADF is one of the criteria recommended by the BRE for assessment of daylight in new buildings, rather than existing buildings, and I am therefore not convinced it is necessarily the appropriate measure. Furthermore, I consider rooms in family dwellings may frequently be multi-purpose, needing higher levels of daylight, and not be restricted to bedroom use. The BRE guidance is that an ADF of 2% or more is appropriate if supplementary electric lighting is provided. Overall, I consider the

daylight levels in these rooms have been reduced by an unacceptable degree.

32. I am generally satisfied that any overshadowing and loss of sunlight caused by the dormers is not sufficient to be unacceptable. However this does not lessen the harm caused by loss of daylight.

33. I conclude on the second main issue that the unauthorised development causes significant harm to living conditions for occupants of adjacent properties in terms of daylighting, outlook and privacy. The development does not accord with the aims of UDP Policy BE21."

The applicant has attempted to address the issues raised by the Inspector by reducing the overall height of the dormer facing No.36 by 400mm and by removing the windows in this elevation and leaving a blank facade. This has addressed the issue relating to the loss of privacy to No.36 but the minor reduction in size has not addressed the issues relating to the dormers being over-dominant features when viewed from the adjoining properties, nor has it addressed the issue of the outlook to no. 32 or the loss of daylight to both properties highlighted by the Inspector. The proposal is thus considered to result in significant harm to the amenities of occupants of adjacent properties in terms of daylighting, outlook and overdomination contrary to Policies BE21 of the UDP Saved Policies September 2007 and the SPD HDAS: Residential Extensions.

The removal of the windows in the dormer facing No.36, whilst addressing the issue of the loss of privacy to this property, means that the bedroom, which was provided with outlook and light by these windows, is now only served by a small rooflight to the front of the property, which is considered insufficient. This was an issue which the Inspector highlighted and the reason why he considered the provision of obscure glazing, fixed shut to be unacceptable. Thus, by removing the windows it is considered that poor quality living conditions would be created to the detrimental of the amenities of current and future occupiers and contrary to Policy BE19 of the UDP Saved Policies September 2007 and the SPD HDAS: Residential Extensions. The restriction on natural light would also mean that the proposal would not comply with the aims of sustainable development, requiring artificial lighting to be used at all times of the day, contrary to Policy 4A.3 of the London Plan 2008.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed dormer windows by reason of their overall size, bulk, scale, siting, design and appearance would represent an incongruous and visually intrusive form of development which would fail to harmonise with the character, proportions and appearance of the bungalow and would be detrimental to the visual amenities of the street scene and the area in general, contrary to policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposed dormer windows by reason of their overall size, bulk, scale, siting, design

and appearance would be detrimental to the amenities of adjoining occupiers by reason of overdomination, loss of outlook, and loss of daylight, contrary to policies BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

3 NON2 Non Standard reason for refusal

The proposed removal of the windows serving a bedroom would result in a habitable room with restricted natural light and little or no outlook to the detriment of the current and future occupiers of the property and the aims of sustainable development. The proposal would thus be contrary to policy BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), policy 4A.3 of the London Plan (2008) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

INFORMATIVES

Standard Informatives

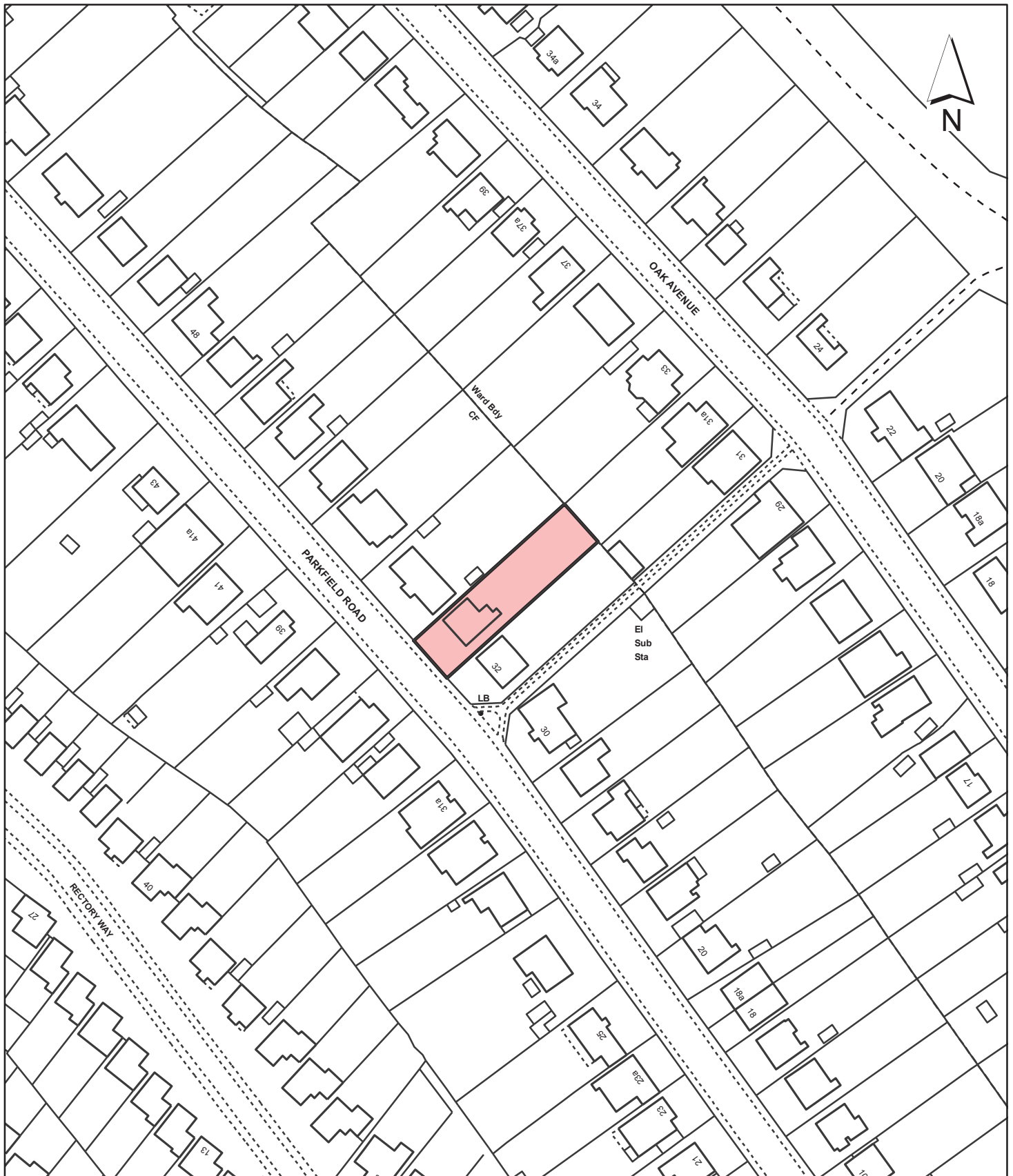
- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, 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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

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Notes

 Site boundary

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Site Address

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& Community Services

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Telephone No.: Uxbridge 250111

Planning Application Ref:

59470/APP/2011/1203

Scale

1:1,250

Planning Committee

North

Date

**July
2011**



HILLINGDON
LONDON