HESTON AND CRANFORD AREA COMMITTEE (PLANNING)

A meeting of the Heston and Cranford Area Committee (Planning) will be held in the Committee Rooms 1 & 2, Civic Centre, Lampton Road, Hounslow on Thursday, 12 February 2009 at 7:30 pm

MEMBERSHIP
Councillor Rajinder Bath- Vice-Chair, in the Chair
Councillors Chaudhary, Sukhbir Dhaliwal, Gopal Dhillon, Poonam Dhillon, Mohinder Gill, Shivcharn Singh Gill, Hughes, Lal, Mann, Sangha and Vaught.

AGENDA

Communications and Formal Business

1. Apologies for absence, declarations of prejudicial interest or any other communications from Members

2. Minutes of the meeting held on 8 January 2009  (Pages 1 - 10)

Speakers

3. Protocol for Speakers
   i) Members of the public or applicants must contact the Committee Administrator, Kate Wilkins on 020 8583 3356 with details of the proposed submission no later than 5 PM, on Friday 6th February 2009. Notification will be given of the decision with regard to the request to speak. The Chair will decide whether or not to grant the request to speak.
   ii) For planning applications, the applicants will only be allowed to speak if there is an objector who wishes to address the Area Committee. In exceptional circumstances the Chair may agree that an applicant who would significantly add to the information already available will be allowed to speak at the Area Committee in the absence of an objector. If refusal is recommended then speakers would not normally be permitted.
   iii) For all highways matters, if there are members of the public with opposing views regarding the proposal the chair will allow both sides to speak. Generally, speakers will only be allowed to speak on issues where funding is available.
   iv) With regard to planning applications, where both parties address the Area Committee, the order of speaking will be the applicants followed by the objectors.
   v) Each party will be given no more than 5 minutes to speak.
   vi) The Area Committee will consider submissions on up to 6 items per meeting: 3 planning applications and 3 highways matters.
   vii) Written submissions must be made to the Committee Administrator before 4 pm on the day of the meeting.

4. Items on which there are speakers
Planning Applications for Decision

5. 65 Sutton Road, Hounslow (Pages 11 - 19)

6. Star Texaco, 1 Great West Road, Hounslow (Pages 20 - 27)

Planning Enforcement

7. 23 The Alders, Heston (Pages 28 - 33)

8. 35 The Glen, Southall (Pages 34 - 45)

9. 142 Spring Grove, Hounslow (Pages 46 - 55)

10. 28 Dorset Waye, Hounslow (Pages 56 - 63)

11. 242 Ash Grove, Heston (Pages 64 - 71)

Traffic and Highways Matters

12. Vicarage Farm Road Parking Scheme - Satnam Sahota (Pages 72 - 75)

Other Planning Matters

13. Delegated Decisions (Pages 76 - 79)

14. Urgent Business

Any other items which the Chair accepts for consideration on the grounds of urgency

DECLARING INTERESTS

Committee members are reminded that if they have a personal interest in any matter being discussed at the meeting they must declare the interest and if the interest is also a prejudicial interest then they may not take part in any discussion or vote on the matter. If applicants or objectors on any application have contacted Members, they must also declare this fact.

T.WELSH, Director of Legal Services
London Borough of Hounslow, Civic Centre, Lampton Road, Hounslow TW3 4DN

3 February 2009
At a meeting of the Heston and Cranford Area Committee (Planning) held on Thursday, 8 January 2009 at 7:30 pm at Civic Centre, Lampton Road, Hounslow.

Present:
Councillor Rajinder Bath (Vice-Chair, in the Chair)
Councillors Sukbir Dhaliwal, Gopal Dhillon, Poonam Dhillon, Mohinder Gill, Shivcharn Singh Gill, Lal, Sangha and Vaught.

Apologies for Absence
Councillors Chaudhary and Mann.

41. Apologies for absence, declarations of prejudicial interest or any other communications from Members

The Chair welcomed the public present to the meeting.

There were the following declarations of interest:

Item 7: 14 West Way - Councillor Vaught declared that she had met the residents.

42. Minutes of the meeting held on 27 November 2008

The minutes of the meeting held on 27 November 2008 were confirmed. There were no matters arising.

43. Items on which there are speakers

The Chair had agreed to take speakers on Item 6 of the agenda.

44. 16 Westbrook Road, Hounslow

See the report of the Director of Environment – Agenda Item 6.

The Chair had agreed to take speakers on this item. He invited Mr Nigel Fallon, Architect/Agent, to speak on behalf of the applicant.

Mr Fallon explained that the applicant had engaged him to propose plans for a loft conversion prior to the change of legislation in October 2008. At the time it was clear that a conversion changing a hip roof to gable would not get permission and it was proposed to remove the roof to the back extension in order to obtain permission. New legislation in place from 1 October 2008 was laid before Parliament in September and changed the rules in respect of such applications. Had Mr Fallon and his client known that there would be such a change, that is if there had been early notice from government of new rules, then the applicants could have saved costs.

A further application had been submitted post 1 October 2008 to put the roof back and planning permission was required for this.

Mr Fallon explained that the adjacent property at No. 14 had an existing single storey
extension and a balcony. The adjacent property at No. 18 also had a single storey extension. There was a difference of 1.4m between the properties at No. 16 and No. 18.

Mr Fallon considered that the officer's report addressed the issues in respect of the objections. He noted that untidy work was not a planning consideration. He asked the Committee to uphold the officer's recommendation for approval.

Councillor Vaught noted that it would seem that the Council had also incurred additional expenses because of the change in the government ruling. She asked whether there was any opportunity to get this money back but was advised that there was no such opportunity.

There were no questions of Mr Fallon.

The Chair invited Mr and Mrs Mistry to speak in objection to the application.

Mr Mistry explained that he and his wife were the residents of No. 14 Westbrook Road. They had not heard of the proposal for the rear extension until they had received a letter from the Council.

Mr Mistry explained that the main objection was that the plans showed no dimension as to how far the new extension would be brought forward. Only the dimensions of the old extension were shown.

He wished to establish firstly, how much the extension would come forward and secondly, whether the extension fitted within the rules and regulations for a rear extension. Mr Mistry explained that his extension was 3.6m. If the proposed extension was in line with that, he had no objection. However, Mr Mistry explained that a wall had been built on the side of the two houses with a gap of 1.3m to put a gate. He thought that the neighbour would build the extension up to the wall, which would be in excess of 4m. This was the objection he had.

Finally, Mr Mistry explained that his third objection related to the reference to the balcony on his property. He explained that there was a flat roof to the extension. The balcony had been there when they bought the house in 1997. He explained that he and his wife had made no alterations. Also the balcony had only been used once by them since they moved into the house in 1997.

There were no questions to the objector.

In introducing the report, Shane Baker, Principal Planning Officer, explained that the property had had an existing single storey rear extension. It was not possible at the time to build a roof extension under permitted development because there was an extension to the ground floor. So it was proposed to demolish part of this extension to achieve a roof extension.

Then the rules changed. Shane Baker explained that the current extension could be built under the current rules without permission. It was now proposed to re-provide a roof, but this would now be a pitched roof, which would be more in keeping with the property. The depth of the extension would be the same as the original, apart from a canopy to provide guttering. The attached neighbour had an extension of similar depth. There were no windows that would cause overlooking and no loss of light.
There were no questions of the officer. The Chair opened the item for debate. Councillor Shivcharn Gill moved the recommendations of the report for approval. This was seconded and a vote for approval carried with all in favour.

Resolved:

That Application No. P/2008/3339 – 01187/16/P1 for erection of a single storey rear extension to the house be approved, subject to the conditions in the report.

45. **25 Wheatlands, Hounslow**

See the report of the Director of Environment – Agenda Item 5.

This item had been deferred from the last meeting as the consultation period was found to be a day short. It had been agreed to defer consideration and bring the report back to this meeting to ensure proper process was followed.

Councillor Lal advised that members would recall that he had raised objections to the application at the previous meeting. He wished to restate his objections. The property was within a Conservation Area and this was something which members and the authority took very seriously. He could not see why officers had used the idea of precedent in referring to similar residential dwellings in the same locality. He stated his position, which was that he wished to see strict guidelines upheld in a Conservation Area.

Councillor Shivcharn Gill supported Councillor Lal in his comments about setting a precedent and feared that other such developments might follow in the vicinity.

Councillor Vaught noted that the residents wished to change a garage to a habitable room. She asked whether this would have any impact on traffic and parking and asked whether there was parking within the property.

Shane Baker, Principal Planning Officer, advised that the residents were able to park in the front of the property. He pointed out that Traffic and Parking section had been consulted and had not objected to the application.

Councillor Vaught asked how many cars the family had and whether the present garage was a double garage. Shane Baker confirmed that the existing building was a single garage for one car. The report considered the implications for parking, with the comments based on the response from Traffic and Parking officers.

The Chair opened the item for questions and debate.

Councillor Mohinder Gill moved the recommendations of the report for approval. This motion was seconded and a vote for approval carried, with members voting as follows:

<table>
<thead>
<tr>
<th>For</th>
<th>Cllr S Dhaliwal, Cllr G Dhillon, Cllr M Gill, Cllr Sangha, Cllr Vaught</th>
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</thead>
<tbody>
<tr>
<td>Against</td>
<td>Cllr Lal</td>
</tr>
<tr>
<td>Abstained</td>
<td>Cllr S Gill, Cllr P Dhillon</td>
</tr>
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</table>

Motion carried 5/1
Resolved:

That Application No. P/2008/3150 – 01195/25/P1 for conversion of the existing integral garage to a habitable room be approved, subject to the conditions in the report.

46. 14 West Way, Hounslow

See the report of the Director of Environment – Agenda Item 7.

Councillor Vaught declared that she had met the residents of 14 West Way.

Gerard McCormack, Planning Enforcement, explained that there had been three applications submitted in respect of this property, all of which had been refused as proposals were not in keeping with the character of the street scene. Planning Enforcement sought the removal of the canopy and decrease in the size of the porch. The owner had reduced the size of the canopy but the porch was not permitted development and was not in character with the street scene. Enforcement action had been taken against others in the area.

Councillor Mohinder Gill welcomed the fact that the Committee was once again dealing with enforcement reports, following a review of a political decision. However, he felt that the Committee should keep to the same policy it had previously followed, namely to seek every opportunity to bring the officer and the applicant together to meet and negotiate a settlement before the final sanction of enforcement action was taken. Councillor Gill would agree with the officer’s recommendations but asked whether there was still scope for negotiations if approval of enforcement action was passed.

Gerard McCormack explained that officers were seeking authority to issue an enforcement notice. If the applicant came back with proposals, Enforcement officers could give the applicant additional time to improve the situation. Mr McCormack confirmed that there was scope for negotiation if the applicant was proactive in wishing to sort out the breach of planning.

Councillor Mohinder Gill sought to clarify whether the canopy and porch counted as two separate enforcement actions and was advised that they were judged as one structure. If the canopy was removed and the porch reduced, the applicant could keep the porch.

Councillor Vaught had spoken to the resident and understood that the difference in the porch was approximately a 1/2m area and was negligible, but that the real problem was the canopy. As the resident had previously tried to negotiate, she asked whether there was any point in deferring to allow both parties to seek to reach a mutually satisfactory agreement.

Mr McCormack explained that the issue of an enforcement notice was a tool encouraging applicants to be more willing to sort out a problem. He advised that he would prefer to get the authority for the notice but could then give the applicant a month or two months before it was issued if there were genuine attempts to meet the planning requirements.

Councillor Gopal Dhillon agreed with the officer and considered that members should pass the authority for enforcement action as indicated, but officers should seek to negotiate if the situation was negotiable. He advised that ward councillors would be
willing to assist with negotiations if this would help.

Councillor Sangha proposed that the Committee should authorise the enforcement action, whilst allowing for negotiation if appropriate. Gerard McCormack advised that he would write to the applicant advising of the authority to issue the notice and asking him to contact Planning Enforcement within 10 days. If the response showed that the applicant was willing to negotiate an acceptable settlement then Planning Enforcement would not issue the notice.

Members voted to approve the recommendations of the report for enforcement action with all in favour.

Resolved:
That members approved the recommendations of the report for enforcement action.

47. 228 Beavers Lane, Hounslow

See the report of the Director of Environment – Agenda Item 8.

Gerard McCormack explained that enforcement action was sought in respect of an outbuilding that did not blend with the character of the property because of its bulk and height. He believed that the building was currently used for storage.

Councillor Shivcharn Gill suggested that if the development had been constructed to be used as a separate dwelling, with evidence of a kitchen and cooking facilities, he understood the officer’s view. However, if the building was used as a study or exercise room, then he understood that young people needed space for their physical and mental development and he would be in favour of keeping the building.

He considered that Planning Enforcement needed to make sure the use of the building was not abused as a dwelling and was happy to approve enforcement if there was evidence of this. Otherwise he considered that there might be grounds to retain the structure.

Gerard McCormack explained that the main property had been converted into two flats so the area in which the outbuilding was built represented the only amenity space for the flats. It would add to the bulk of the area if all properties were to build such a structure. So the structure in question was too bulky for this location because it was situated in a small garden. If the property was a normal family dwelling, then different considerations would apply.

Having received this explanation, members agreed the recommendations of the report for enforcement action, with all in favour.

Resolved:
That members approved the recommendations of the report for enforcement action.

48. 181 Wentworth Road, Hounslow
Gerard McCormack, Planning Enforcement, explained that enforcement action was proposed against a canopy, which engulfed the bay window and was not in character with the street scene.

Councillor Lal noted that he had seen previous applications for porches and that in Wentworth Road there were a good number of porches that were similar to this example. Some were immune from enforcement action because of the four year rule. He considered that as this porch was not an isolated incident in this street, it was not warranted to say that the porch was not in keeping with the street scene. He suggested that the porch was more in keeping with the character in this particular street than it would be in any other part of the area.

Councillor Lal sought the officer’s views on this particular situation. He understood that in Wentworth Road a good majority of the houses had these types of porches. This created a difficult situation as residents would quote this fact, although Councillor Lal also suggested that residents should be made aware of the guidelines.

Gerard McCormack appreciated Councillor Lal’s point and acknowledged that Planning Enforcement could not redo the wrongs of the past. However, he pointed out that Wentworth Road was a long road. Porches or canopies were a feature of around 5% of the road and they would enforce against around 3%. It was intended to take action against all breaches where it was possible to do so. Planning Enforcement section had achieved the removal of a great number of structures breaching planning requirements in other roads with significant numbers of such porches and it was important that action was taken in order that the problem was not aggravated further.

Councillor Lal asked whether this meant that there would be other enforcement proposals to follow in the road and Mr McCormack confirmed that there would be.

Councillor Vaught noted that the resident was saying that the porch had been there for more than four years. She asked whether there was a reliable method of checking via aerial photographs whether this was or was not the case. Gerard McCormack replied that they did have aerial photographs and had also commissioned a flight in September to provide up to date detail, so Planning Enforcement did have evidence. It was practice to write to the owners about any such breaches. In this case Planning Enforcement had written four times to the owners with no response.

Members all voted in favour of approving the recommendations in the report.

Resolved:

That members approved the recommendations of the report for enforcement action.

49. 14 Waye Avenue, Hounslow

See the report of the Director of Environment – Agenda Item 10.

The report recommended enforcement action against a porch and canopy, which did not blend with the street scene. The owner had been in contact since the report was issued and had agreed to reduce the structure by 1 February 2009.
The Planning Enforcement officer explained that Planning Enforcement were seeking authority for enforcement action, but would not issue the notice, pending action by the owner to reduce the structure.

Councillor Sangha proposed approval of the recommendations of the report, subject to that condition, that it would not be necessary to issue the notice if the owner complied.

Members agreed unanimously to the recommendations of the report for enforcement action.

Resolved:

That members approved the recommendations of the report for enforcement action.

50. **124 Ash Grove, Hounslow**

See the report of the Director of Environment – Agenda Item 11.

The Planning Enforcement officer advised members that the property had been converted to three flats. There was an outbuilding with separate residential accommodation. The conversion was deemed too small and there were issues relating to privacy and overlooking in respect of the outbuilding.

Members approved the recommendations to take enforcement action with all in favour.

Resolved:

That members approved the recommendations of the report for enforcement action.

51. **66 Wesley Avenue, Hounslow**

See the report of the Director of Environment – Agenda Item 12.

The property had been converted to two units. Although registered for Council Tax since 2000, there had been no response to attempts to contact the owner to provide evidence that the unauthorised conversion had been in use for more than four years.

The property was deemed to be too small for such a conversion. The room sizes did not meet agreed standards and there was insufficient amenity space.

Members voted to approve the recommendations of the report for enforcement action, with all in favour.

Resolved:

That members approved the recommendations of the report for enforcement action.

52. **207 Springwell Road, Hounslow**
Gerard McCormack, Planning Enforcement, informed members that there was an error in the report at paragraph 3.2 in respect of the dates of Council Tax. He drew attention to the evidence of the Council Tax records included in the report at page 66, which showed Council Tax paid since November 2005.

The property had been converted to three self contained flats but was deemed too small for such a conversion. The unauthorised conversion did not comply with standards for room sizes and amenity space.

The Chair asked how long ago the property had been converted and was advised that it was approximately 3 years. There was a record of Council Tax paid on three flats from November 2005.

Councillor Shivcharn Gill asked why the authority did not challenge the owner about the legality of the conversion at the point at which it started to receive Council Tax for three flats. He considered that it was in some way unethical for the authority to be receiving payment for properties which were unauthorised and suggested that if the building was put back to its original character, the Council Tax should be refunded.

Gerard McCormack explained that Planning Enforcement did work closely with the Council Tax section. In this case, Council Tax section had referred the matter to Planning Enforcement, who had then written to the owner. There was a duty to pay Council Tax if there was a separate residential unit. However, if the property reverted to one house, the Council Tax payable would be re-banded to the appropriate charge as one house.

Members voted to take enforcement action, with all in favour.

Resolved:

That members approved the recommendations of the report for enforcement action.

53. **Route 423: Proposed Bus Stop Improvement Measures on Salisbury Road - Beavers Lane**

See the report of the Director of Environment – Agenda Item 14.

Nigel Kent, Senior Transport Planner, explained that the report related to bus stop improvements for Route 423. The service running from Hounslow to Terminal 5 was being upgraded and this would be helped by improving the bus stops. A report was being considered by both the Heston and Cranford Area Committee and the Central Hounslow Area Committee, as part of the route ran through each of the Committee areas. The relevant section for the Heston and Cranford Area Committee was the section from Salisbury Road to Beavers Lane. There were six bus stops to improve within this section.

Mr Kent displayed the plans to members of the Committee to show the sites of the proposed stops. Part of the route had been ‘hail and ride’ with no stops. The ‘hail and ride’ section would now have improved hard standing.
It was proposed to provide a yellow bus stop clearway, where access to the stop could be enforced. This would make it safer for passengers getting on and off the buses. All stops would be 25 metres long, in accordance with Transport for London guidance. There would be no parking at any time at the bus stops.

Residents in the area had been consulted, with only two responses, as detailed in the report. The two objections related to loss of parking but all residents had access to unrestricted parking.

Councillor Lal asked whether there was a risk in Beavers Lane, if two buses stopped at the same time, that they would impede traffic flow. Mr Kent advised that the stops were staggered and had been agreed by Transport for London. However, he agreed that he would check with Transport for London that the stops were staggered enough to prevent any traffic hold up.

Members agreed the recommendations of the report unanimously, subject to checking that the bus stops were sufficiently staggered.

Resolved:

That members approved the recommendations of the report to note the results of the consultation, approve the new bus stop locations and to approve the bus stop clearway proposals, subject to checking with Transport for London that the proposed bus stops in Beavers Lane were sufficiently staggered not to impede traffic flow.

(Please note that the officer has checked since the meeting with Transport for London and received confirmation that the length of stagger between the 2 bus stops on Beavers Lane is sufficient to allow a bus to be at either stop without impeding traffic. Therefore all 6 proposed bus stop improvements contained in the report can be implemented.)

54. Delegated Decisions

See the report of the Director of Environment – Agenda Item 15.

Resolved:

That the report be noted.

55. Additional comment- other business

A number of local residents attended the meeting wishing to discuss an issue raised in the press about the possibility of the development of a bail hostel on the site of the old Hope and Anchor Public House. The Chair explained to residents that this was not an item that the Committee was able to discuss at this meeting. He asked the Planning Officer to make a statement on the issue and proposed that the officer discuss the matter with residents outside the meeting. The Planning Officer explained that the Planning department and the Council had no information on this issue and had not seen the press reports in question. He confirmed that should there be a proposal for a new building on the site, this would require planning permission and would be subject to the normal process of consultation for any planning application.
After the Chair had completed the agenda and closed the meeting, residents also raised concerns about traffic in Sutton Road. The Chair informed the residents that the meeting was now closed but that local councillors might wish to speak to them about this issue outside the meeting.

The meeting finished at 8:15 pm. The minute taker at this meeting was Carol Stiles.
1.0 SUMMARY

1.1 Planning Permission is sought for the erection of a two storey side and rear roof extension to this semi-detached house. The extensions would maintain neighbours’ living conditions and the appearance of the area. The proposal is considered to be an acceptable form of development in accordance with the relevant Council Policies and would serve to preserve the character of the area. Approval is recommended subject to conditions.

2.0 SITE DESCRIPTION

2.1 This is a semi detached 1930s style house. The house is on the north side of Sutton Road. The house is of red facing brick at the front ground floor with pebbledash at first floor and pink fletton bricks at the side and rear. The house has a single storey rear extension and flank extension providing a garage. The frontage has a large porch and two Doric columns in front of the garage entrance. There is parking for two cars on the front hardstanding. The roof is of red weathered clay tiles. The site is level at this house at the front and rear and on the same level as the adjacent properties. The rear garden is 26m in depth and has a brick built outbuilding at the rear. Beyond the rear of the outbuilding is an access road serving Sark Close. The overall plot of land is narrower at the rear than at the front and is reflected in the slightly narrowing width of the alleyway on the east side of the house.

2.2 The house to the west has a single storey rear extension as does the house to the east being a garage adjoining the boundary with number 65.

2.3 The area is predominantly residential.
3.0 HISTORY

3.1 01096/65/LAW1  Certificate of Lawfulness for the erection of an outbuilding.

**Not Granted 9/11/04.**

3.2 01096/65/P1  Single storey rear extension.

**Granted 11/4/04.**

3.3 01096/65/P2  Erection of outbuilding for use as a gym. Relevant conditions being that no additional windows are to be inserted without permission of the LPA and that the building is only to be used as ancillary to the main house.

**Granted 8/2/05**

3.4 01096/65/P3  Erection of a two storey side extension, rear roof extension to house and retention of new opening to existing outbuilding.

**Refused 24/4/08. The reasons given were:-**

1/ The width of the proposed rear roof extension is excessive and disproportionate and so would be harmful to the appearance of the area, contrary to the Policy ENV-B 1.1 (New Development) and H.6.4 (Extensions and Alterations) of the Unitary Development Plan.

2/ The Local Planning Authority is unable to fully assess this development, as the drawings submitted are inaccurate and contradictory. In the absence of accurate drawings the authority is unable to determine whether the proposal would be acceptable and cannot be certain of the size and position of the roof extension. It therefore has no alternative, in the absence of consistent drawings but to refuse planning permission.

3/ The proposed flank extension, (including eaves) exceeds the width of the site at the rear which is narrower than shown on the submitted plans and cannot therefore be implemented as shown.

3.5  Planning Enforcement has investigated a complaint regarding the use the outbuilding as a separate habitable unit, and also unauthorised alterations to the front of the house (canopy extension). The case regarding the outbuilding has been closed, as it is not
used as a separate dwelling. An Enforcement Notice was served in September 2008 in respect of the unauthorised alterations to the front of the house. The property owner has already partly removed some of the unauthorised canopy extension and this planning application, which would replace the existing garage, would remove the remaining unauthorised alterations.

4.0 DETAILS

4.1 The existing garage and columns in front of the garage would be demolished and replaced with the proposed double storey flank extension. The extension would be 9.2m along the flank of the house, 2.3m wide and 8.7m high, the gap was measured on site to be 2.35m wide at the rear which means that the guttering as shown, would be within the curtilage of the property. The extension would be set back 1m at first floor level. The extension would have a hipped roof joining to the main roof. The flank extension would provide a garage at ground floor and a bathroom/ wc and an extended bedroom and ensuite at first floor. The internal size of the garage is 2.6m wide which would be acceptable for a garage, 2.4m being the minimum.

4.2 The roof extension would consist of a rear dormer and a roof light on the front plane of the roof. The rear dormer would be set in 0.8m from the eaves and down from the ridge by 0.6m and in from the west side by 0.5m, and in from the east side by 4m. The rear dormer would be 3.2m wide, 1.6m high and 2.6m in depth. There would also be a large roof light on the front plane of the roof, which would measure 2.5m long by 0.8m wide. The roof extension would provide a bedroom and bathroom/ wc.

4.3 There is adequate parking in the front garden area for two cars as well as the proposed garage.

5.0 CONSULTATIONS

5.1 Eleven neighbouring residents were notified on 16 November 2008. There were four letters of objection, two letters from the same two addresses, as follows: -

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
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<tbody>
<tr>
<td>The two storey side extension, because of its resultant mass would not</td>
<td>See paragraphs 7.3 and 7.6 below.</td>
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<tr>
<td>relate well to the adjacent townscape and does not conform to UDP Policies</td>
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<td>ENV-B1.1 and H.6.4 and would go beyond what is reasonable in striking a</td>
<td></td>
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<tr>
<td>Balance between householders’ reasonable desires to extend and the need to protect the appearance of the area and neighbours’ living conditions.</td>
<td>See paragraph 7.6 below</td>
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<tr>
<td>The proposed extension would create a terracing effect, out of place in Sutton Road and create a precedent to this effect. A 1m setback of the proposed side extension will not reduce the impact of the terracing effect.</td>
<td>See paragraph 7.6 below</td>
</tr>
<tr>
<td>The extension would have a highly detrimental effect on my amenity in respect of outlook from the first floor lounge of my house.</td>
<td>See paragraph 7.8 below</td>
</tr>
<tr>
<td>The sense of space is fundamental to this locality and 65 Sutton Road is a pair of semi-detached houses and the proposal would destroy this symmetry of design.</td>
<td>See paragraph 7.6 below</td>
</tr>
<tr>
<td>Any further building would be over-development of the site.</td>
<td>See paragraph 7.6 below</td>
</tr>
<tr>
<td>The increase of bedrooms from four to five would reduce the number of four bedroom family houses of which there is a shortage.</td>
<td>Comment noted.</td>
</tr>
<tr>
<td>The garden space has already been significantly reduced by the rear extension and outbuildings to the extent that it is significantly below UUP standards.</td>
<td>See paragraph 7.6 below</td>
</tr>
<tr>
<td>With reference to application 00328/4/P2, (4 Crosslands Avenue), it was stated, ”The Council would expect that the symmetry of a pair of semis be kept”. I would expect that</td>
<td>See paragraph 7.4 below</td>
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approval for number 65 would not be forthcoming.

Objection is also made to the construction of an outbuilding at the rear of the garden. See paragraph 7.11 below

6.0 POLICY

Determining applications for full or outline planning permission

6.1 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

6.2 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)’ was adopted in February 2008.

6.3 Unitary Development Plan

ENV-B.1.1 All New Development.

H.6.4 Extensions and Alterations

6.4 Residential Extension Guidelines

Section 4.0 Two storey side and first floor side extensions

Section 5.0 Roof extensions roof lights and solar panels, roof terraces and balconies

7.0 PLANNING ISSUES

7.1 The main planning issues to consider are:

- The principle of the proposed development.
- Effects on the appearance of the dwelling, the street scene, and the character and appearance of the area.
- Effects on the living conditions of adjoining residents.
- The difference between this and the previous refused application
The Principle of the Proposed Development

7.2 The purpose of the Residential Extension Guidelines in respect of extensions is to ensure that they do not harm the overall appearance of the house or neighbours’ living conditions or dominate the character of the street.

7.3 The Unitary Development Plan policies seek to ensure that any development is compatible with the character of the area, and enhances it in terms of size, scale, materials and design and is consistent with the Council’s Residential Extension Guidelines. They state that the extension should have proportion and balance and must fit in with the shape of the property without overdeveloping the site. Extensions should respect property boundaries. Double storey side extensions should be secondary to the original house and should be set back one metre from the main frontage of the house, to avoid a terracing effect. Roof extensions should also be secondary to the size of the roof face within which it would be set. One roof light on the front plane of the roof is acceptable, additional roof lights would normally be regarded as excessive and be refused.

7.4 The Council's Residential Extension Guidelines are designed to strike a balance between protecting neighbours' living conditions and the wider environment and house owners' reasonable expectations that they can extend their homes. They seek to ensure that the proposed work is visually cohesive with the existing house and the surrounding rear gardens and street scene. The extensions should also be in proportion to the main house. The intent of the guidelines is to balance the protection of the appearance of the area and neighbours’ living conditions against homeowners’ reasonable expectation of extending their property. In determining a Planning Application each case is looked upon on its merits.

7.5 Policy H.6.4 seeks to ensure that an extension complements the original building, harmonises with adjoining properties, and maintains the general street scene: it should be in proportion and balance. In accordance with Policies ENV-B.1.1 and H.6.4, proposals for new development should also ensure adequate daylight and sunlight reaches adjoining properties and minimise any detrimental impact on neighbouring residents.

Appearance

7.6 The proposed flank extension conforms to the Residential Extension Guidelines, which recommend, for a semi-detached house, a one metre setback from the main frontage of the house. In this case, although the setback is at first floor level only, it is considered adequate to prevent a terracing effect, as the extension adjoins the neighbour’s driveway meaning there would still be a gap between the house and
the neighbouring house. Additionally, the lower roof and one metre setback of the proposed first floor would ensure the extension appears secondary to the original house. The extensions would also leave an adequate area of amenity space, complying with the requirement for a house with five habitable rooms, (min. of 75 sq.m). The rear roof extension is also satisfactory, as it would not dominate the roof and would have a no impact on the street scene. It is set in from each side of the roof, down from the ridge and up from the eaves. One of the top corners of the proposed extension would extend to the new roof of the flank extension, however this would not harm the appearance of the house as the extension owing to its adequate set in from the side of the roof.

7.7 It is considered that the overall appearance of the dwelling or the area would not be harmed. This development would preserve the character of the area.

**Effects on Neighbours' Living Conditions**

7.8 The rear of the application property faces north and the adjacent houses to the east and west are approximately level. There would be no impact as a result of the flank extension on day and sunlight to the house to the east, where there is a gap between the houses of 3m. There would be no impact on houses on the opposite side of the road or to the rear, although there may be a loss of view between the houses, there is no right to a view over other properties and the effect is deemed acceptable.

7.9 With no side windows, the proposed flank extension would create no additional overlooking. Given the size of the flank and roof extension, within the recommended limits set by the Residential Extension Guidelines, the extensions would not be obtrusive when viewed from the neighbouring properties.

7.10 The proposed roof extension is modest in size and would not create any adverse effect on neighbours' living conditions. The roof light on the front plane of the roof would be at an angle in the plane of the roof an so there would be no overlooking or loss of privacy. It is therefore considered that the privacy and access to light of the occupiers of the adjoining houses would be satisfactorily maintained.

**The difference between this and the previous refused application**

7.11 With the previous refused application, the roof extension was considered to be too large to be acceptable and this has now been resolved with the width of the proposed roof extension being reduced from 4.6m to 3.2m. The application also included access to the rear outbuilding but lack of accurate information provided in the submitted plans prevented a full assessment being made of the proposed
extensions and therefore the application was refused. The outbuilding is not part of this application.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 This proposal has no equal opportunities implications.

9.0 CONCLUSION

9.1 The proposed extensions would maintain neighbours’ living conditions and the appearance of the area. The proposal is considered to be an acceptable form of development in accordance with the relevant Council policies listed above and would serve to preserve the character of the area.

10.0 RECOMMENDATION

10.1 Approval

Reasons:

Subject to appropriate safeguarding conditions, it is considered that this application for the erection of a two storey side and rear roof extension to 65 Sutton Road would not harm the appearance the existing building or the character of the surrounding area, and would protect neighbours’ living conditions. The proposal is considered to be in accordance with the Unitary Development Plan Policies ENV-B.1.1 (New Development) and H.6.4 (Extensions and Alterations) and the relevant provisions of the Residential Extension Guidelines.

Conditions:

1. A1a Time Limit – three years
2. B3 Matching materials
3. B5 Compliance with approved plans
4. C9 Granny Annexe
5. D2 No additional flank windows or other glazed openings, (east).
6. C29 Hours of demolition and construction (standard).
1.0 SUMMARY

1.1 The proposal is to install two Liquid Petroleum Gas storage vessels and associated equipment within the Texaco petrol filling station that would cause no harm to the appearance of the area nor cause harm to neighbours’ living conditions.

2.0 SITE DESCRIPTION

2.1 The site is the Texaco Petrol Station that is a triangular shaped site with Great West Road adjacent to its north boundary, Bath Road adjacent to its south boundary, and Springwell Road adjoining its east boundary. Access and egress to the site is from Great West Road and Bath Road.

2.2 Petrol filling pumps and forecourt canopy are positioned in the centre of the site. On the east side of the canopy there is a lower height single storey sales building with a flat roof. Adjacent to the east side of this building there is a drive through hand car wash service that is enclosed with a brick wall and built up to the east boundary of the site.

3.0 RELEVANT HISTORY

3.1 00505/1/P1 Erection of new petrol filling and service station.

Granted 26/10/66
3.2 00505/1/P5 and P6 Erection of garage and petrol filling station with ancillary office and showrooms.

**Granted 08/10/56**

3.3 00505/1/P9 Demolition of forecourt canopy and erection of new canopy, alterations to sales/store building and installation of new underground fuel storage tanks and new pumps.

**Granted 30/06/80**

3.4 00505/1/P20 Erection of a two-storey forecourt building.

**Refused 20/11/08**

Reasons:

1. The development would be prejudicial to the free flow of pedestrians and vehicles and on off the site.

2. The building due to its design would harm the appearance of the site.

4.0 DETAILS

4.1 The proposal seeks to install two one tonne Liquid Petroleum Gas (LPG) storage vessels and associated equipment in the south east corner of the site. They would be within their own enclosed compound.

4.2 The two vessel containers would both be cylindrical, be 1m in diameter and 3.05m in length, and be coloured white. They would be mounted 0.55m above the ground and positioned parallel with each other a distance of 900mm apart, inset 1.5m from the east boundary and between 2.4m and 1.5m from the south boundary. The dispensing pump would be within the existing petrol sales forecourt.

4.3 The area that they would occupy would be 6.7m x 6.8m in area and be enclosed by replacing the existing dwarf brick wall on the east and south boundary with a 2m high fire wall and a 1.8m high steel palisade fence on the west and north side of the compound.

4.4 A floodlight would be mounted on the south wall of the forecourt shop building, adjoining the location of the vessels, to illuminate this area. It would be mounted on a 20mm diameter pole that would be 6m in height.

4.5 The applicant stated the following:

- The installation is to be carried out in accordance with LPG association Code of Practice Part 1: Design, Installation and operation of Vessels
located above ground. The drawings submitted with the application are standard drawings issued to the LPA with the application.

- LPG Product Delivery (deliveries and conditions) these are issued to the Petroleum Officer when they obtain their approval to the application. These are site conditions and safety rules given to the delivery vehicles together with emergency procedures.

- The installation will be carried out in accordance with LPG association Code of Practice Part 1: Design, Installation and operation of Vessels located above ground.

- The London Fire and Emergency Planning Authority have approved the LPG installation on 3rd July 2008.

5.0 CONSULTATIONS

5.1 The occupiers of sixty nine neighbouring properties adjoining the site were notified on 5th October 2008. One letter with the signatures of residents from two adjoining properties has been received and have commented as follows:

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danger to their property being to close to them in the event of an explosion.</td>
<td>See paragraph 7.6</td>
</tr>
</tbody>
</table>

5.2 Transport for London have raised no objection.

6.0 POLICY

Determining applications for full or outline planning permission

6.1 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

6.2 The Development Plan for the Borough comprises the Council’s Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The ‘London Plan (Consolidated with Alterations since 2004)’ was adopted in February 2008.
Local Development Framework

6.3 As part of its prospective Local Development Framework, the Council has adopted Supplementary Planning Documents on Planning Obligations and Air Quality, which are statutory material considerations and will be applied alongside the Development Plan.

As part of its prospective Local Development Framework, the Authority prepared two draft development plan documents (DPDs): the Employment Development Plan Document and the Brentford Area Action Plan (BAAP), which were subject to Examination Hearings in March and April 2008 respectively. The Employment DPD was subsequently adopted at Borough Council on 25 November 2008, and now forms part of the Development Plan for the Borough. As an emerging policy, the BAAP is a material consideration in determining applications for planning permission. However, neither DPD is relevant to this case.

6.5 Unitary Development Plan

| ENV-B.1.1 | New Development |
| ENV-B.1.9 | Safety and Security |
| T.1.4 | Car and Cycle Parking and Servicing for Developments |
| T.2.2 | Pedestrian Safety and Security |
| T.4.4 | Road Safety |

6.6 London Plan

| 4A.3 | Sustainable Design and Construction |
| 4B.1 | Design Principles for a Compact City |
| 4B.8 | Respect Local Context and Communities |

7.0 PLANNING ISSUES

7.1 It is considered that the main planning issues to consider are:

- The principle of the development
- The effect that the development would have on the appearance and character of the area
- The effect that the development would have on neighbouring properties
- Access
- Sustainability
Principle

7.2 Policies ENV-B.1.1 require that new development should relate well to its site and the scale, nature, height, massing, and character, and enhance the townscape through good urban design. It also specifies that new development should be designed to enhance safety and be designed so that it is accessible, ensure that traffic generated by the development does not prejudice the free flow and safe movement of pedestrians, cyclists, or existing traffic. This is reinforced in policies ENV-B.1.9, T.1.4, T.2.2 and T.4.4.

7.3 The proposed LPG tanks would provide an additional service for the petrol filling station that would not conflict with the existing uses on the site, would not prejudice the free flow of traffic and pedestrians, would cause no harm to the appearance of the site, and cause no harm to neighbours’ living conditions.

Effect on appearance of area

7.4 The proposed storage vessels would be positioned in the south east corner of the petrol filling station. These structures would be in keeping with the equipment and facilities that a petrol filling station would provide. However, while they would be on a currently open area of the site and raised above the ground, they would be screened by a 2m high fire wall on the perimeter of the site that would minimise their impact on the street scene. Given this, and that they would be of a low height, they would cause no harm to the appearance and character of the site and that of the surrounding area.

Neighbours

7.5 There are no residential properties to the east and south of the site, on the opposite sides of the roads. The proposed containers due to their position and height can have no impact on their sunlight and daylight. They are to be positioned on an open part of the site where there is currently little activity other than vehicles leaving this part of the petrol filling station. However, as they are for storage only and not dispensing of the gas to customers, and that deliveries of the gas would not be frequent, the siting of the equipment is unlikely to cause harm to neighbours’ through disturbance from any increased activity on this part of the site.

7.6 Concerns have been raised that the LPG containers could be a danger to neighbouring residential properties in the event of an explosion. The applicant has responded to this and submitted information from the manufacturer stating the following:

LPG tanks and associated fittings are manufactured to a high specification over and above the property characteristics found in LPG. The LPG pressure vessels are manufactured from carbon steel (unlike petroleum tanks which are plastic) and comply with British Standard BS5500, which prescribes the design specification required. They are fitted with robust safety devices such as pressure relief valves for circumstances that may give rise to internal overpressure. The LPG installation complies, and is
maintained in accordance with the Pressure Systems Safety Regulations 2000. Consequently, they have a ‘Written Scheme of Examination and Preventative Annual Maintenance Programme’ to ensure the safe integrity of the tanks and associated equipment. The LPG installation also complies with the UK liquefied Petroleum Gas Association Codes of Practice which is endorsed by the Health and Safety Executive. They are painted white to reduce any pressure internally that may be caused by external ambient temperature. This fuel has been in the UK for approximately 80 years and there are currently over 1000 LPG automotive refuelling facilities in the UK. Tank ruptures and explosions are an extreme rarity across the globe and there have been no cases of reported tank explosions occurring on a petroleum forecourt in the UK.

LPG installations falls under the scope of ‘The Pressure System Safety Regulations 2000’ and Dangerous Substances & Explosive Atmospheres Regulations 2002’ which regulates how they operate and control the LPG installation.

Access

7.7 The proposed containers and their compound would be positioned close to the vehicle exit onto Bath Road and hand car was facility to the north (behind the sales building). As the containers are for storage and the re-filling of them by heavy tankers not be frequent it they are unlikely to prejudice the free flow of vehicles and pedestrians on this part of the petrol filling station.

7.8 The applicant has stated that the Petroleum Officer has conditions relating to deliveries which they would adhere to in order to ensure the safe delivery of the LPG.

Sustainability

7.9 Sustainability underpins many of the UDP policies and the London Plan. The installation of the LPG tanks would allow for the sale of a clean alternative fuel.

8.1 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 The proposal does not raise any equal opportunities implications.

8.0 CONCLUSION

8.1 The proposed vessels to store LPG would provide a facility for motorists to use an alternative fuel that would be an appropriate service for an existing petrol filling station that sells fuel. Their position would not prejudice the movement of vehicles and pedestrians on the premises or off the site and cause no undue harm to neighbours’ through increased activity. Due to their position and height on this commercial site they would cause no harm to the appearance and character of the area. It is therefore considered to be in accordance with policies ENV-B.1.1 (New Development), ENV-B.1.9 (Safety and Security), T.1.4 (Car and Cycle Parking and Servicing for
Developments), T.2.2 (Pedestrian Safety and Security), and T.4.4 (Road Safety).

9.0 RECOMMENDATION:

GRANT

Reasons:

With appropriate safeguarding conditions the proposal would cause no harm to the appearance of the site, no harm to highway safety, and no harm to neighbouring residents’ living conditions, in accordance with policies ENV-B.1.1 (New Development), ENV-B.1.9 (Safety and Security), T.1.4 (Car and Cycle Parking and Servicing for Developments), T.2.2 (Pedestrian Safety and Security), and T.4.4 (Road Safety).

Conditions:

1  A1a  Time limit
2  B5  Detailed Applications
Heston and Cranford Planning Committee 12th February 2009

Heston West (354704)

23 The Alders

Report by: Director of Planning

Summary
This report seeks Members’ authority to issue an enforcement notice in respect of the erection of a third rear extension at 23 The Alders, Heston without the benefit of planning permission.

1.0 RECOMMENDATION

1.1 That the Committee considers it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice in relation to 23 The Alders requiring within three calendar months:

- Removal of the third rear extension
- Removal of all resultant debris;

and for

The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice, pursuant to Section 179 of the Town and Country Planning Act 1990; and

The carrying out of works in default under Section 178 of the Act in the event of non-compliance with the enforcement notice, including the recovery of the Council’s costs in carrying out such work.

2.0 SITE DESCRIPTION

2.1 The property lies in a residential road comprising closely packed semi-detached and terraced houses with relatively long rear gardens. The third rear extension the subject of this report was constructed in the last two years.
3.0 PLANNING HISTORY AND OTHER RECORDS

Planning Records

00021/23/P1

Erection of a single storey rear extension to the house

Withdrawn 25th July 2001

00021/23/LAW1

Erection of a single storey rear extension to the house

Granted 15th August 2001

4.0 ENFORCEMENT HISTORY, INVESTIGATION AND EVIDENCE.

4.1 On the 2nd September 2008 a complaint came in from a member of the public that a third rear extension had been built. A letter was subsequently sent to the owner advising them of the alleged breach of planning control. The owner responded by stating that the conservatory (second rear extension) had been built more than six years ago. The owner in her email did not mention the third rear extension that is the subject of this report.

4.2 A planning contravention was issued on the 10th September 2008, which asked a series of questions for the owner to answer. The owner replied to the planning contravention notice by letter on the 30th September 2008 with supporting evidence proving that the second rear extension was immune from enforcement action, again the third rear extension was not mentioned.

4.3 A letter was sent on the 1st October 2008 asking the owner of the property to contact the case officer to arrange a site visit.

4.4 A site visit was carried out at the end of October 2008, which revealed that a third extension had also been added to the rear of the property.

4.5 On the 27th October 2008 a letter was sent to the owners informing them that they were in breach of planning control. The letter advised them to either remove the third rear extension or apply for planning permission in an attempt to remedy the breach of planning control. This letter also advised the owners that if an application were to be submitted for the third rear extension then it would mostly likely be refused due to the excessive depth of the three rear extensions combined.

4.6 Planning application forms were sent to the owner of the property via email on the 17th November 2008. In response to an email from the owner the case officer sent another email on the 9th December 2008 advising them of the fee for a planning application.

4.7 At the time of writing this report no planning application had been received.

4.8 The pictures below show the 23 The Alders in 2003 and 2006.
5 ANALYSIS

Expediency in general

5.1 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

5.2 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control'. The government urges local planning authorities to use enforcement action as a last resort. Reports are not brought forward to committee unless it has been concluded that there is no other course of action available.

5.3 In addition to Government guidance the statutory Development Plan sets criteria against which to judge whether a breach of planning control is unacceptable.

5.4 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.5 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

Relevant Planning Policy

5.6 The Development Plan policies relevant to this case are:

ENV-B.1.1: New Development

In relation to the context, form and layout of the buildings and spaces, new development should:

Relate well to its site and the scale, nature, height, massing, character and use of the adjacent townscape.
Respect the proportions of existing neighbouring buildings where there are strong uniform design characteristics, such as doors, windows and roofs.

Use durable and high quality materials, that relate satisfactorily to its surroundings in terms of colour, scale, texture and pattern.

H.6.4 Extensions and Alterations

Extensions should normally be consistent with the Council’s guidelines on house extensions and meet the following criteria:

Position: Extensions should respect property boundaries and be positioned to avoid loss of light to adjoining properties.

Materials: Proposals should aim to match the type of materials and colour to both the existing building and surrounding area.

Details: Attention should be paid to design details, such as position and style of windows and doors and must complement the existing building and respect the character of the area.

Policy H.6.4 is Supplemented by the Residential Extension Guidelines, which state that in relation to rear extensions:

It is important that this type of extension is secondary to the original house. It should not project out too far from the rear wall of the original house as this could block daylight and sunlight received by neighbouring properties. To help stop this, the Council have set the minimum depths depending on the type of house. These depths must be measured from the main rear wall of the original house. For terraced properties a depth of 3.05m is recommended.

The key planning issues in this case are therefore:

Acceptability of the development in principle

Effect on neighbours’ living conditions

Appearance

Assessment of Harm

5.7 The Unitary Development Plan policies seek to ensure that any development is compatible with the character of the area, and seek to enhance it in terms of size, scale, materials and design, it should respect neighbours’ living conditions and should comply with the Council’s Residential Extension Guidelines. Extensions are therefore acceptable if they achieve these aims.

5.7 Policy H.6.4 of the Council’s UDP seeks to protect neighbouring properties from extensions causing undue adverse harm. The Residential Extension Guidelines state that in order to prevent harm to neighbours, single storey extensions should be no more than 3.05m in depth. The combined depth of the first extension and second extension and third extension that is the subject of this report is approximately 9m.
Therefore the total length of the three extensions is well beyond the length referred to in the guidelines.

5.8 The excessive depth and mass of the first, second and third rear extensions combined, because of its height and depth into the garden is considered to have a significant adverse impact on the occupiers of numbers 21 and 25 in terms of enclosure and outlook and loss of light. The loss of outlook and sense of enclosure is increased further as number 21 does not benefit from having a rear extension.

5.9 The considerable size and scale of the third rear extension dominates the rear elevation of the house and appears somewhat obtrusive. These elements, which are seen together, combine to produce a very discordant appearance, which compounds the visual harm resulting from the sheer impact of the third rear extension itself.

Proposed action
Demolition of the third rear extension, and removal of all resultant debris

6 SUMMARY AND CONCLUSION

6.1 The third rear extension, by reason of its design, disproportionate size, location and unbalancing effect, is harmful to the appearance of the property, of the terrace row of which it forms and the character of the area as a whole. The development also causes an unacceptable sense of enclosure for and harm the outlook of adjoining neighbours, in particular those at the adjoining property, number 21. The development is contrary to Unitary Development Plan Policies ENV-B.1.1 and H.6.4 and the Council’s Residential Extension Guidelines.

6.2 Based on the information in this report it has been concluded that no action short of the proposed enforcement action described in this report can remove the harm caused by these breaches of planning control. In these circumstances, it is considered expedient to take enforcement action as recommended at the start of this report.

Background Papers:

Relevant UDP polices are ENV-B.1.1 (New Development) and H.6.4 (Extensions and Residential Extension Guidelines section 1. The policy documents can be viewed online, at the Civic Centre and in local libraries.
Summary
This report seeks Members’ authority to issue an enforcement notice in respect of the erection of a second rear extension/outbuilding and first floor rear extension/conservatory at 35 The Glen, Southall without the benefit of planning permission.

1.0 RECOMMENDATION

1.1 That the Committee considers it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice in relation to 35 The Glen, Southall requiring within three calendar months:

- Removal of the second rear extension/outbuilding
- Removal of the first floor rear extension, and
- Removal of all resultant debris;

and for

The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice, pursuant to Section 179 of the Town and Country Planning Act 1990; and

The carrying out of works in default under Section 178 of the Act in the event of non-compliance with the enforcement notice, including the recovery of the Council’s costs in carrying out such work.

2.0 SITE DESCRIPTION

2.1 The property is a two-storey semi-detached property on the western side of the bend in The Glen. The property has a two-storey part side/part rear extension, extensive single storey rear extensions, a first floor rear extension and rear roof extension. The two unauthorised extensions subject to this report can be seen in the photograph on the following page.
2.2 The second rear extension that is the subject of this report extends across the full width of the property, it then wraps around the boundary of the property creating an L shape extension (see photograph above).

2.3 The first floor rear extension (conservatory) measures 4.5 metres wide, 3.5 m deep and is 3.5 metres high. It is made of brown UPVC and resembles a conservatory, it has a plastic sheeted roof finished with a pyramid shaped roof with ornamental features along the ridge line.

2.4 The side wall of the first floor rear extension has been set in 0.3 metres from the flank boundary of number 36. It is finished in brown UPVC panelling.

2.5 Number 36, the other half of the semi, has a two-storey side extension and a single storey rear extension. In addition it has an unauthorised second rear extension, which lies flush with the second rear extension at number 35. This extension is also subject to enforcement action.
3.0 PLANNING HISTORY AND OTHER RECORDS

Planning Records

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>00484/35/P1</td>
<td>Erection of a two-storey flank, single storey rear and porch.</td>
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<tr>
<td></td>
<td><strong>Approved: 03/09/1996</strong></td>
</tr>
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<td>00484/35/LAW1</td>
<td>Certificate of lawfulness for the erection of a roof extension to dwelling house</td>
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<tr>
<td></td>
<td><strong>Granted: 31/07/1997</strong></td>
</tr>
<tr>
<td>00484/35/P2</td>
<td>Erection of a first floor rear extension to dwelling house</td>
</tr>
<tr>
<td></td>
<td><strong>Refused: 4/05/2004</strong></td>
</tr>
<tr>
<td>00484/35/P3</td>
<td>Retention of the first floor rear extension to the house</td>
</tr>
<tr>
<td></td>
<td><strong>Refused: 12/08/2008</strong></td>
</tr>
</tbody>
</table>

4.0 ENFORCEMENT HISTORY, INVESTIGATION AND EVIDENCE.

4.1 Following a site visit by a planning officer on the 8th May 2006 a letter was sent to the owner on the 6th September 2006 regarding the erection of an unauthorised extension and roof terrace at 35 the Glen. The letter stated that these developments had been carried out without the benefit of planning permission and that in order to remedy this breach of planning control the owner must either submit a retrospective planning application for the retention of the two structures or demolish them both.

4.2 As no response to this letter was received a second letter was sent on the 15th April 2008. This letter referred to the erection of a first floor rear extension (conservatory) and requested that the owner regularise the breach of planning control by either applying for planning permission or removing the extension. The letter requested that the owner of the property contact the case officer within 10 working days.

4.3 A planning application for the retention of the first floor rear extension was received on the 17th June 2008, this was subsequently refused on the 12th August 2008. Following the refusal a letter was sent to the owner on the 23rd September stating that now that planning permission for the first floor rear extension had been refused it would need to be demolished within 28 days.

4.4 As no response to this letter has been received a final letter was sent on the 5th January 2008. This letter stated that seeing as the owner had failed to carry out the
necessary work a report would be written that will be presented to the Heston and Cranford Area Planning Committee in February 2009.

4.5 The pictures below show the second rear extension/outbuilding and first floor rear extension at 35 the Glen.

Photo 1- Rear of No.35 The Glen
Photo 2- The unauthorised first floor rear extension

Photo 3- Inside the unauthorised first floor rear extension
Photo 4- The adjoining property No. 36

Photo 5- Unauthorised second rear extension/ outbuilding at No. 35
5 ANALYSIS

Expediency in general

5.1 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

5.2 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled ‘Enforcing Planning Control’. The government urges local planning authorities to use enforcement action as a last resort. Reports are not brought forward to committee unless it has been concluded that there is no other course of action available.

5.3 In addition to Government guidance the statutory Development Plan sets criteria against which to judge whether a breach of planning control is unacceptable.

5.4 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.5 The Development Plan for the Borough comprises the Council’s Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State.
The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

**Relevant Planning Policy**

5.6 The Development Plan policies relevant to this case are:

**ENV-B.1.1: New Development**

In relation to the context, form and layout of the buildings and spaces, new development should:

- Relate well to its site and the scale, nature, height, massing, character and use of the adjacent townscape.
- Respect the proportions of existing neighbouring buildings where there are strong uniform design characteristics, such as doors, windows and roofs.
- Use durable and high quality materials, that relate satisfactorily to its surroundings in terms of colour, scale, texture and pattern.

**H.6.4 Extensions and Alterations**

Extensions should normally be consistent with the Council's guidelines on house extensions and meet the following criteria:

- **Position:** Extensions should respect property boundaries and be positioned to avoid loss of light to adjoining properties.
- **Materials:** Proposals should aim to match the type of materials and colour to both the existing building and surrounding area.
- **Details:** Attention should be paid to design details, such as position and style of windows and doors and must complement the existing building and respect the character of the area.

*Policy H.6.4 is Supplemented by the Residential Extension Guidelines, which state that:*

**Section 1**

Rear extensions on semi-detached properties should not extend beyond 3.65m. It also states that second extensions added to existing ones (and therefore exceeding the above depth) can severely overshadow neighbour’s houses and will normally be refused.

**Section 2**

Two storey rear and first floor rear extensions must be designed so that they include significant set-ins and set backs (e.g. 3m) from the boundaries and extension below. As a guide, this sort of extension should not be more than half the width of the house and the depth...
should be kept to the barest minimum. This is so that any extension will have as little impact as possible on neighbouring properties, amenity, the character of the house and the setting of the streetscene as possible.

**The key planning issues in this case are therefore:**

Acceptability of the development in principle

Effect on neighbours’ living conditions

Over development of the site

Appearance

**Assessment of Harm**

*First floor rear extension/ conservatory*

5.9 The Unitary Development Plan policies seek to ensure that any development is compatible with the character of the area, and seek to enhance it in terms of size, scale, materials and design, it should respect neighbours’ living conditions and should comply with the Council’s Residential Extension Guidelines. Extensions are therefore acceptable if they achieve these aims.

5.10 The first floor rear extension/conservatory appears as a brown UPVC conservatory with an alien pyramid shaped roof. This has been erected above an existing brick built rear extension. The design is completely unsympathetic with respect to the design of the original house and is therefore contrary to Section two of the Residential Extension Guidelines.

5.11 The first floor rear extension/ conservatory when taken together with the existing first floor rear extension forms a full width first floor rear extension. It is only 0.3 metres in from the boundary line of number 36 (the other half of the semi) and is therefore contrary to Section two of the Residential Extension guidelines.

5.12 The first floor rear extension when viewed with the existing single storey and first floor rear extensions and the rear roof extension constitutes over development and an excessive and obtrusive feature which is out of character with this property, those adjoining and the area generally.

5.13 With regard to the first floor rear extension/ conservatory a similar proposal (but brick built) was refused in May 2004.

5.14 It is noted that the property has a two storey rear extension located at the northwestern corner of the dwelling that was granted planning permission in 1996. This extension has very little impact on the neighbouring properties light as a result of the distance between the extension and neighbouring dwelling. In contrast the first floor rear extension/ conservatory that is the subject of this report has been built as an infill between the existing two-storey rear extension and the party wall with the adjoining
property. As a result it appears as an alien ‘box’ style development that unduly affects the light and outlook from the first floor windows in the rear elevations of the adjoining property. The extension is considered to result in an oppressive, overbearing feature that unduly harms the living conditions of the neighbouring property by reason of the sense of enclosure.

Second rear extension/ outbuilding.

5.15 Policy H.6.4 of the Council’s UDP seeks to protect neighbouring properties from extensions causing undue adverse harm. The residential extension guidelines state that in order to prevent harm to neighbours, single storey extensions on semi-detached properties should be no more than 3.65m in depth. The extension that is the subject of this report measures approximately 3.5m deep and is joined to the first extension that is also 3.5m deep. Therefore the total length of the two extensions is 7m, which is well beyond the length referred to in the guidelines. In addition the second rear extension, which extends across the full width of the garden is attached to a structure that runs along the boundary of number 34. This forms one L shaped structure that is the subject of this report and extends along the full depth of the garden (see photos 5 and 6).

5.16 The first and second rear extension/ outbuilding results in the loss of over half of the private amenity space originally provided for the property and when viewed in conjunction with all the other extensions on site represents over development at the site.

5.17 The excessive depth and mass of the second rear extension/ outbuilding has an adverse impact upon the neighbouring property number 34. This is because it results in a loss of light and restricts the outlook from the property (see photo 2.1).

5.18 The second rear extension at number 35 is flush with the unauthorised second rear extension at number 36. As mentioned previously in this report the second rear extension at number 36 is subject to enforcement action.

Proposed action

- Demolition of the first floor rear extension/conservatory
- Demolition of the second rear extension/ outbuilding, and
- The removal of all resultant debris

6.0 SUMMARY AND CONCLUSION

6.1 The first floor rear extension/conservatory by reason of its size, appearance, alien design and position results in an obtrusive and overbearing feature that unduly exacerbates the detrimental impact of the cumulative effect of the extensions on the character and design of the original house. The development is neither subordinate to the original dwelling, nor complimentary to the original features and design of the house. In addition the first floor rear extension has an unduly overbearing effect on the living conditions of the adjoining property by reason of loss of outlook, loss of light, increased sense of enclosure. It is therefore contrary Unitary Development Plan
Policies ENV-B.1.1 (New Development), H.6.4 (Extensions and Alterations) and the Residential Extension Guidelines.

6.2 The second rear extension/ outbuilding by reason of its design, disproportionate size and location is harmful to the appearance of the property and the neighbouring residents. The development is contrary to Unitary Development Plan Policies ENV-B.1.1 and H.6.4 and the Council’s Residential Extension Guidelines.

6.3 Based on the information in this report it has been concluded that no action short of the proposed enforcement action described in this report can remove the harm caused by this breach of planning control.

**Background Papers:**

Relevant UDP polices are ENV-B.1.1 (New Development) and H.6.4 (Extensions and Alterations). Residential Extension Guidelines section 1 and 2. Policy documents can be viewed online, at the Civic Centre and in local libraries.
Summary
This report seeks Members’ authority to issue an Enforcement Notice in respect of the conversion of 142 Spring Grove Road, Hounslow into four self-contained flats without the benefit of planning permission and in respect of an outbuilding at the property that is equipped and used as a separate residential unit.

1.0 RECOMMENDATION

1.1 That the Committee considers it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an Enforcement Notice in relation to 142 Spring Grove Road, Hounslow requiring within three calendar months:

- Cessation of the use of the house as four self contained residential units
- Cessation of the use of the detached outbuilding as a separate residential unit
- Removal of the kitchen facilities from all but one of the self contained residential units
- Removal of all kitchen and kitchen related facilities from the detached outbuilding
- Restoration of the property to use as a single family dwelling
- Removal of all resultant debris; and for

The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice, pursuant to Section 179 of the Town and Country Planning Act 1990; and

The carrying out of works in default under Section 178 of the Act in the event of non-compliance with the enforcement notice, including the recovery of the Council’s costs in carrying out such work.

2.0 SITE DESCRIPTION

2.1 The property is a two-storey semi-detached house on the northern side of Spring Grove Road. The street is predominantly residential in character. The house has been
converted into four flats, one on the ground floor, two on the first floor and one in the loft. The floor area of the original house is approximately 82 square metres. The property has been extended by way of a single storey rear extension and a side and rear loft extension (see Section 3.0).

2.2 The property has an outbuilding in the rear garden with a floor area of approximately 50 square metres. The garden and outbuilding can be accessed independently from the main dwelling via a side access door. The outbuilding was built under Permitted Development. The remaining garden space (front and rear combined) measures approximately 127 square metres.

3.0 PLANNING HISTORY AND OTHER RECORDS

Planning Records

01048/142/P1 Erection of single storey rear extension to dwelling house

Approved 29th November 2000

01048/142/P2 Erection of roof extension to dwellinghouse

Approved 16th November 2001

01048/142/LAW1 Certificate of Lawfulness for proposed use of one room of residential dwellinghouse as private hire office for single driver

Approved 12th July 2002

01048/142/LAW2 Certificate of Lawfulness in respect of the conversion of the single-family house to 3 bedsits on upper floors and 2 bedsits on ground floor and self contained dwelling in the rear garden of the house all prior to 01/11/2008

Refused 14th January 2009

4.0 ENFORCEMENT HISTORY, INVESTIGATION AND EVIDENCE.

4.1 The use of this property is not immune from enforcement action because the development was not undertaken more than four years ago. The use of the property as four self-contained flats and the use of the outbuilding as a separate residential unit is a breach of planning control since planning permission has not been sought and such a development would be contrary to the UDP Policies.

4.2 A report came into the Council on 4th July 2008, alleging that the outbuilding at the rear of the property was being used for residential purposes.

4.3 A letter was subsequently sent to the owner/occupier of the property on the 4th July 2008 to inform them that there was an alleged breach of planning control and stated what they were required to do in order to remedy this breach.

4.4 A site visit was undertaken on the 14th July 2008 where it was established that the outbuilding was being used as a residential unit and included a kitchen, bathroom, bedroom, living room and gym area.
4.5 During this site visit it was also established that the property had been converted into four self-contained residential units. The owner stated that he lived on the ground floor and the second and third floors were also being lived in separately. It was found that there were four kitchens and four bathrooms throughout the whole house.

4.6 On the 8th August 2008 a letter was sent to the owner stating that since planning permission had not been sought prior to the conversion of the property into separate flats, a breach of planning control had occurred. To remedy the breach the owner was requested to follow one of these courses of action: either obtain planning permission or return the property back to a single family dwelling and remove all but one of the kitchens and remove the kitchen and bathroom facilities from the outbuilding.

4.7 On 19th August 2008 a Planning Contravention Notice (PCN) was sent to all parties with an interest in the property seeking the following information:

- Who has a legal interest in the property;
- When the property was converted into separate residential units;
- How long tenants have been in each of the units; and
- If the units have been continuously rented out.

4.8 The Council received the completed PCN on the 6th October 2008. The owner confirmed that the property had been converted into flats and that the outbuilding was being lived in and that the outbuilding had been lived in for the last 4 years since it was first built. The owner further stated that in 2007 he let some of the bedrooms in the house and applied for a House in Multiple Occupation (HMO) Licence.

4.9 In response to the completed PCN, a letter was sent to the owner on the 6th October 2008. This letter stated that the evidence provided in conjunction with the PCN was not sufficient to show that the property and outbuilding had been continuously used as separate residential units for more than four years. The owner was therefore informed that the conversion was a breach of planning control and informed of the ways in which this breach could be remedied.

4.10 A letter was received from the owner on the 16th October 2008 stating that he intended to apply for a Certificate of Lawfulness for the use of the property as four separate residential units and the use of the outbuilding as a separate residential unit.

4.11 A Certificate of Lawfulness application was received on the 21st November 2008 for the use of the property as 3 bed sits on the first and second floor and a two-bedroom flat on the ground floor and the use of the outbuilding as a separate residential unit. This was refused on the 14th January 2009 as it was considered the evidence provided was not adequate enough to support the owner’s claim that the use had continued for more than four years (see Section 3.0).

4.12 A letter was sent to the owner on the 14th January 2009 stating that as the Certificate of Lawfulness had not been granted, the owner was required to return the property to a single family dwelling and cease the residential use of the detached outbuilding in the rear garden.

4.13 At the time of writing no further correspondence had been received.
5.0 ANALYSIS

Expediency in general

5.1 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

5.2 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control'. The government urges local planning authorities to use enforcement action as a last resort. Reports are not brought forward to committee unless it has been concluded that there is no other course of action available.

5.3 In addition to Government guidance the statutory Development Plan sets criteria against which to judge whether a breach of planning control is unacceptable.

5.4 When determining applications for planning permission, the authority is required to have regard to the Development Plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

5.5 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

Relevant Planning Policy

5.8 The Development Plan policies relevant to this case are:

UDP Policy ENV-B.1.1: New Development

Development proposals will be considered having regard to criteria to ensure that proposals make a positive contribution to overall environmental quality. New development should normally relate well to its site and scale, nature, height, massing, character of the adjacent townscape, and minimise any detrimental impact on adjoining properties.

UDP Policy H.3.4: Conversions of House to Flats

The Council will resist the subdivision of small houses suitable for single-family occupation and will normally only allow the conversion of larger dwellings to flats provided that certain criteria are met. Those relevant to this case are:

(i) properties considered suitable for conversion should have a minimum original net internal floor area of 120sq.m (1,300sq.ft) except in situations not suitable for families;
(ii) the converted property must provide at least one family sized unit (3 bed spaces), preferably at ground floor, except in situations not suitable for families;

(iii) provision on site for car and cycle parking in accordance with the standard residential requirement for each unit arising. Relaxation from this requirement will be considered where it is not appropriate to provide parking on-site and where there is assessed to be a sufficient local on-street capacity to accommodate any proposed shortfall in the on-site provision;

(iv) the converted property should have regard to the Council’s guidelines for amenity space and minimum room sizes in conversions (see SPG);

(v) there shall be no undue loss of amenity for neighbouring occupiers or the surrounding area; and

(vi) where possible, the converted property should have regard to the access standards for people with disabilities.

UDP Policy H.4.1: Housing Standards and Guidelines

The Council will encourage developers to have regard to guidelines for internal space arrangements, housing for people with disabilities, energy efficiency measures and recycling facilities in new developments.

The standards and guidelines will be applied flexibly to ensure that development relates well to the surrounding area, respecting the predominant character and density and not damaging the amenities of adjacent properties.

UDP Policy T.1.4: Car and Cycle Parking and Servicing Facilities for developments

The standard residential requirement for each self-contained unit is one parking space plus 20% for visitors and guests and must not result in conditions prejudicial to both highway and pedestrian safety. Parking standards are maxima.

The Council's Supplementary Planning Guidance (SPG) 1997

Section 10 (Private Amenity Space)
Section 12 (Internal Space Provision)

Residential Extension Guidelines, Section 7.0 (Detached Outbuildings)

States, amongst other things, that outbuildings should be used only for normal domestic purposes related to the residential use of the main house.
The key planning issues in this case are therefore:

- The general principle of this conversion
- The impact of this use upon the amenities and living conditions of adjoining residents and the surrounding area.
- The compliance of this use with the Council’s Supplementary Planning Guidance ‘Residential Standards and Controls’
- Traffic, access and parking issues resulting from this use.

Assessment of Harm

The general principle of the conversion

5.9 UDP policies seek to ensure that development proposals make a positive contribution to overall environmental quality of the area. They should contribute to the character of the immediate or wider residential area, and not result in the unacceptable loss of amenities in terms of privacy, private amenity space, noise, outlook, unsatisfactory vehicular and pedestrian access, or other amenity spaces. They should also provide appropriate living conditions.

5.10 Conversions are expected to retain at least one family unit, preferably at ground floor level and should not result in the loss of a property suitable for family accommodation. No family accommodation is provided within this development and the area is considered suitable for family housing. The original house is well below the 120m² threshold (approximately 82 square metres) and is therefore a small family house for which there is an identified need in the Borough.

5.11 The use of an outbuilding should be ancillary to the use of the main house unless prior consent has been sought from this Authority. As no such consent has been granted the conversion of the outbuilding for residential use is unacceptable in principle.

5.12 For these reasons, the loss of the single-family house and its conversion to flats is unacceptable in principle. Moreover the change of use is unacceptable because it fails to provide appropriate accommodation and because it adversely affects the locality as discussed further below.

The Compliance of this use with the Council’s Supplementary Planning Guidance ‘Residential Standards and Controls’

5.13 Internal Space Provisions (Section 12) found in the Supplementary Planning Guidance set out minimum room sizes for conversions. From the plans submitted in conjunction with the Lawful Development Certificate application it is considered that the overall floor area of the property including all access areas cannot meet the internal space provisions for such a conversion.
Table 1.0 Minimum Rooms Sizes in Conversions

<table>
<thead>
<tr>
<th></th>
<th>The Council’s Standard for a Family Unit</th>
<th>Ground floor flat</th>
<th>First floor bed-sit 1</th>
<th>First floor bed-sit 2</th>
<th>Loft bed-sit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dining/Living Room</td>
<td><strong>16.0</strong></td>
<td>24.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working Kitchen</td>
<td><strong>9.0</strong></td>
<td>6.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main Bedroom</td>
<td><strong>12.0</strong></td>
<td>15.84</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Double Bedroom</td>
<td><strong>10.0</strong></td>
<td>11.78</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bathroom</td>
<td><strong>3.7</strong></td>
<td>2.48</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50.7</strong></td>
<td><strong>60.4</strong></td>
<td><strong>17.82</strong></td>
<td><strong>17.82</strong></td>
<td><strong>20.0</strong></td>
</tr>
</tbody>
</table>

Areas represented in square metres

5.14 The Council has a minimum standard for 25 square metres of communal amenity space per flat with three habitable rooms or less. There is a rear garden with an area of 46 square metres, which under these guidelines is insufficient to meet the requirements for the four self-contained flats. There is a general requirement to provide more space for larger flats and the more flats there are on a development the greater the aggregate amount of communal areas should be provided. As this recommendation has not been met, it is considered that the amenity space available to the occupants of the four self-contained flats is unacceptable and contrary to the Council’s SPG.

5.15 Furthermore, the Council’s standards for private amenity space provision recommend that each house of three habitable rooms and under should benefit from 50 square metres amenity space. It is considered that the private amenity space available to the occupants of the outbuilding is insufficient as the space available is also shared with the three flats in the main house.

5.16 In addition to size, the layout of the usable amenity space must always provide a suitable shape, aspect and siting. It is considered that the layout of the rear garden results in a lack of privacy, as the garden has not been subdivided for use by the individual units.

5.17 Since there is no obvious way the garden can be divided between the four units this area of private amenity space is heavily overlooked, thus limiting the amount of privacy available to occupants. Since the outbuilding is less than 21 metres from the house, and the fact that the windows in the rear elevation of the house face those in the outbuilding, there is a large degree of overlooking regarding the position of the outbuilding in the rear garden. This renders the outbuilding unsuitable for residential use.

5.18 The front garden of the house provides off-street parking for two vehicles. As the property contains five stand alone units, and given the clear demand for on-street parking in the area, the failure to provide enough off-street parking is unacceptable. This is not in accordance with Council standards (albeit that these are considered to be
maximum standards for all but disabled parking spaces) and forces more vehicles onto the neighbouring streets in an area where this would not be acceptable.

**The impact of this use on the neighbours’ living conditions and change in character of the area**

5.19 The conversion of this house into four self-contained dwellings in residential use is likely to generate higher levels of activity than would a single-family use, particularly in terms of visitors and therefore result in increased vehicular activity to the property as well as increased noise. In addition to this, the use of the outbuilding as a separate residential unit will serve to further increase the impact on neighbouring properties, as it would lead to increased levels of noise and activity, greater overlooking of adjacent properties and general disturbance. This would be considered unacceptable in an area that predominantly consists of single family dwellings and would have a harmful impact on the character of the area in general.

**Summary**

5.20 Overall the use creates cramped and substandard living conditions for the occupants, inadequate amenity space and lacks privacy. It is inappropriate to, and out of character with, the neighbourhood, and generates more activity, noise, general disturbance, and vehicular activity, which would be harmful to neighbours’ living conditions.

**Proposed action**

- Cessation of the use of the house as four self-contained residential units
- Cessation of the use of the detached outbuilding as a separate residential unit
- Removal of the kitchen facilities from all but one of the self-contained residential units
- Removal of all kitchen and kitchen related facilities from the detached outbuilding
- Restoration of the property to one residential unit
- Removal of all resultant debris

6.0 **SUMMARY AND CONCLUSION**

6.1 The conversion of the property into four self-contained flats and the residential use of the outbuilding has resulted in cramped and substandard accommodation for the occupants, as well as inadequate provision of private amenity spaces, an unacceptable increase in noise, general disturbance and inadequate levels of privacy for both the occupants of the properties and neighbouring occupiers. It has also resulted in the loss of a family sized unit. This conversion is therefore contrary to policies ENV-B.1.1 (New Development), H.3.4 (Conversion Of Houses to Flats), H.4.1 (Housing Standards and Guidelines) and T.1.4 (Car and Cycle parking and servicing facilities for developments) of the Council's adopted Unitary Development Plan, as well as the Council's Residential Extension Guidelines, which is Supplementary Planning Guidance (Section 7.0 Detached Outbuildings).

6.2 Based on the information in this report it has been concluded that no action short of the proposed enforcement action described in this report can remove the harm caused by
this breach of planning control. In these circumstances, it is considered expedient to take enforcement action as recommended at the start of this report.

<table>
<thead>
<tr>
<th><strong>Background Papers:</strong></th>
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<tbody>
<tr>
<td>Relevant UDP policies are ENV-B.1.1 (New Development), H.6.4 (Extensions and Alterations), H.3.4 (Conversion of houses to flats) H.4.1 (Housing standards and Guidelines, and T.1.4 (Car and Cycle parking and servicing facilities for developments), Residential Extension Guidelines Section 7.0. The policy documents can be viewed online, Civic Centre and local libraries.</td>
</tr>
</tbody>
</table>
Summary
This report seeks Members’ authority to issue an enforcement notice in respect of the erection of a second rear extension at 28 Dorset Waye, Hounslow without the benefit of planning permission.

1.0 RECOMMENDATION

1.1 That the Committee considers it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice in relation to 28 Dorset Waye, Hounslow requiring within three calendar months:

- Removal of the second rear extension (conservatory)
- Removal of all resultant debris;

and for :-

The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice, pursuant to Section 179 of the Town and Country Planning Act 1990; and

The carrying out of works in default under Section 178 of the Act in the event of non-compliance with the enforcement notice, including the recovery of the Council’s costs in carrying out such work.
2.0 SITE DESCRIPTION

2.1 This is a two-storey semi-detached house on the southern side of Dorset Waye. The road is entirely residential in character. The properties are of a similar design, style and age, most having lawful single storey rear extensions.

2.2 There is a 30 square metres area of hard standing at the front of the house that can accommodate two vehicles.

2.3 There is a shared passageway on the right hand side of the property that allows access to the rear gardens of No. 28 and No. 30.

2.4 The house has an original footprint of approximately 45 square metres. It has been extended by way of a 16 square metre single storey rear extension and a front porch; both are lawful.

2.5 The property has been further extended by way of an unauthorised second single storey rear extension (conservatory), which is attached to the first lawful extension.

2.6 The unauthorised conservatory has a glazed pitched roof. The east, west and north elevations comprise part brick and part white upvc windows, whilst the east elevation also incorporates patio doors.

2.7 The unauthorised structure extends 5.3 square metres from the rear elevation of the first extension; it is 4.12 metres wide and is roughly 2.8 metres high at its lowest point raising to 3.5 metres high and has an area of 22 square metres.

2.8 The total depth of the extensions projecting from the rear elevation of the original house is approximately 8.6 metres. The combined area of both extensions is about 38 square metres. Due to the amount of extensions that have been erected to the property, the original footprint of the house has increased from around 45 square metres to about 83 square metres.

2.9 There is a detached outbuilding at the rear of the garden that measures approximately 20 square metres. The outbuilding is not being used for residential purposes and is lawful.

2.10 The remaining rear garden space at this property is approximately 59 square metres.

2.11 The original house (A). The unauthorised conservatory (C) is attached to and extends across part width of the lawful first rear extension (B)
2.12 There are no similar second rear extensions at neighbouring properties.

3.0 PLANNING HISTORY AND OTHER RECORDS

Planning Records

P/2008/0316 00364/28/Law1

Certificate of Lawfulness for the retention of the existing conservatory.


Reason:

The development exceeds the provision of Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 1995 because the combined extensions exceed 70 cubic metres and inadequate information has been provided to prove the conservatory is more than four years old and immune from enforcement action. The information provided indicates when the conservatory was purchased but not when it was built.

Building control

3.1 Any internal/external structural alterations require consent under the Building Act of 1984 and Building Regulations of 2000 as amended, it is considered illegal to carry out work without it.

3.2 No Building Regulation Certificate has been issued for the unauthorised extension.

3.3 Council Tax Records indicate that the property is registered as a single-family house.

4.0 ENFORCEMENT HISTORY, INVESTIGATION AND EVIDENCE.

4.1 The development is a breach of planning control because it was constructed less than four years ago and so is not immune from enforcement action. Planning permission has not been granted for the erection of a second single storey rear extension at this property meaning there is a breach of planning control. Furthermore, under UDP Polices ENV-B.1.1 (New Development) and H.6.4 (Extensions and Alterations) and the Council’s Supplementary Planning Guidance ‘Residential Extension Guidelines’ Section 1.0, the second rear extension is in breach of planning control as it is contrary to these policies in that it exceeds the 3.65 metres depth for rear extensions for semi-detached properties and has not been constructed with materials similar to the existing property.

4.2 The planning enforcement team received a memo from the Private Sector Housing Unit on 10/5/2006 stating that the above property appeared to have been converted into two flats.

4.3 The Housing Officer stated that there was a kitchen and living area on the first floor and although he did not inspect the ground floor he had reasons to believe that there had been some modifications (although none were mentioned) to the ground floor area.
4.4 A site visit was carried out on 1/6/2006 but the officer was unable to gain entry into the property. An enforcement letter was sent to the owner/occupier on the 5/6/2006 explaining that a planning enforcement site inspection of the property needed to be carried out to establish if an alleged breach of planning control had taken place.

4.5 In response to this letter, the owner of the property contacted the enforcement officer dealing with this case, and arranged a date for a site inspection.

4.6 On the 21/6/2006 a planning enforcement site visit was carried out. The officer established that a kitchen had been installed in one of the upstairs bedrooms and a second bathroom had been installed downstairs.

4.7 It was explained to the owner that the officer had concerns relating to the kitchen upstairs as this could give an impression that the property is two flats. The owner assured the officer that the house was in use as a single family unit.

4.8 Although it is thought unusual to have a kitchen upstairs as well as one downstairs this is not a breach of planning control in itself and does not require planning permission as the house is not been part partitioned off or sub-divided to create two separate self contained residential units. Council Tax Records confirm that the property is banded as a single-family house. (Para'3.3)

4.9 The officer noticed that a conservatory had been built onto the rear elevation of the single storey rear extension. (Measurements can be found in Para’ 2.7). The owner was made aware that the unauthorised conservatory was not a permitted development and was in breach of planning control and could be liable to enforcement action.

4.10 A letter was sent to the owner/occupier on the 21/6/2006. It explained to the owner that the conservatory was in breach of planning control and that to avoid enforcement action he needed to apply for retrospective planning permission in an attempt to regularise the breach or remove it. The owner/occupier was reminded that the breach of planning control as it then stood was liable to formal enforcement action, and would result in the Council, without further correspondence consider the expediency of taking enforcement action to remedy the situation.

4.11 A further letter was sent to the owner/occupier on the 10/1/2007. The letter explained that the breaches of planning control are liable for enforcement action and failure to contact the case officer within seven days might result in the Council issuing an enforcement notice in order to remedy the breach.
4.12 The owner submitted an application for a Certificate of Lawfulness for the retention of the existing conservatory on 1/2/2008 claiming that it is over four years and immune from enforcement action. However with the lack of evidence to support his claim the application was refused.

4.13 Further letters were sent on 17/9/2008 and 19/1/2009 warning the owner that the Council was considering the expediency of taking enforcement action to remedy the situation. A Planning Contravention Notice (P.C.N) was served on the owner on 21/9/2009 requesting information regarding the breach of planning control.

4.14 At the time of writing this report the P.C.N has not been returned nor has the breach been regularised.

5.0 ANALYSIS

Expediency in general

5.1 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

5.2 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control'. The government urges local planning authorities to use enforcement action as a last resort. Reports are not brought forward to committee unless it has been concluded that there is no other course of action available.

5.3 In addition to Government guidance the statutory Development Plan sets criteria against which to judge whether a breach of planning control is unacceptable.

5.4 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.5 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

5.6 As part of its prospective Local Development Framework, the Council has adopted Supplementary Planning Documents on Planning Obligations and Air Quality, which are statutory material considerations and will be applied alongside the Development Plan.

Relevant Planning policy

5.7 The Development Plan policies relevant to this case are:

ENV-B.1.1 New Development

In relation to the context, form and layout of the buildings and spaces, new development should:

- Relate well to its site and the scale, nature, height, massing, character and use of the adjacent townscape.
• Respect the proportions of existing neighbouring buildings where there are strong uniform design characteristics, such as doors, windows and roofs.

• Use durable and high quality materials, which relate satisfactorily to its surroundings in terms of colour, scale, texture and pattern.

H.6.4 Extensions and Alterations

Extensions should normally be consistent with the Council’s guidelines on house extensions and meet the following criteria:

• Position: Extensions should respect property boundaries and be positioned to avoid loss of light to adjoining properties.

• Materials: Proposals should aim to match the type of materials and colour to both the existing building and surrounding area.

• Details: Attention should be paid to design details, such as position and style of windows and doors and must complement the existing building and respect the character of the area.

These policies are supplemented by the Residential Extension Guidelines Section 1.0:

The guidelines are intended to ensure that the proposed work is visually cohesive with the existing dwelling and the surrounding streetscene and seeks to strike a balance between protecting neighbours’ living conditions and the appearance of the area, and property owners’ reasonable expectations of extending their homes. The Guidelines state that single storey rear extensions to a semi-detached properties should not exceed 3.65 metres in depth to ensure that they do not block daylight received by neighbouring properties.

The key planning issues in this case are therefore:

• General principle and suitability of the development;

• The impact of the development on the amenity of adjacent properties;

• The appearance and design of the development.

Assessment of Harm

5.8 The Unitary Development Plan policies seek to ensure that any development is compatible with the character of the area, and seek to enhance it in terms of size, scale, materials and design and should comply with the Council’s Residential Extension Guidelines.

5.9 Policy H 6.4 of the Council’s UDP seeks to protect neighbouring properties from extensions causing harm. The Residential Extension Guidelines state that in order to prevent harm to neighbours, single-storey rear extensions should be no more than 3.65 metres in depth for semi-detached properties. The excessive depth and mass of the rear extensions combined have an adverse impact on the outlook of the properties to the east number 30 and the property to the west number 26. This is especially pronounced since the unauthorised second rear extension at number 28 is on the boundaries of 26. This has created a large degree of overshadowing, a loss of light and outlook to this property.
5.10 The second rear extension that is the subject of this report is in contrast to the original building lines of the house. This structure, combined with the existing extension, due to its excessive depth serves to unbalance the appearance of this pair of semi-detached houses and does little to enhance the architectural character of the house, due in part to the scale of the development and the materials used, which do not match the existing building. The use of white upvc and glass is in stark contrast to the materials used for both the existing rear extension and the original house.

5.11 The extension also causes loss of light to the neighbouring property to the east, as well as being visually obtrusive and overbearing due to its proximity to the boundary and the lack of development at this part of the neighbouring property. This is in conflict with Council policies requiring that development makes a positive contribution to overall environmental quality, complements the original building and harmonises with adjoining properties. Therefore, it is considered that the second rear extension is not of a suitable scale, or design, as it has a detrimental impact on the neighbouring property in terms of loss of outlook, light and overshadowing, and is therefore unacceptable.

**Proposed action**

5.12 Demolish the second rear extension (conservatory)

5.13 Removal of all resultant debris

6.0 SUMMARY AND CONCLUSION

6.1 Overall the unauthorised development due to its size it is considered out of proportion with the site, it is not consistent with adjoining sites, as a result of its, design, materials used, layout, and oppressive appearance it unacceptably alters the appearance of the original house and the character of the area. It causes undue harm to the neighbours’ living conditions through loss of outlook, and harms the character of the established surrounding area. Therefore the impact of this unauthorised development on the local area and host building is considered detrimental.

6.2 The unauthorised extension is contrary to policies ENV-B.1.1 (All New Development), H.6.4 (Extensions and alterations) of the adopted Unitary Development Plan, and Section 1 of the Residential Extension Guidelines (Single Storey Rear Extensions & Conservatories).

6.3 This report assesses the planning merits of the unauthorised development and has agreed with a recent planning decision outlined in Para’ 3.0 that permission should not be given for the retention of the structure.

6.4 Based on the information in this report it has been concluded that no action short of the proposed enforcement action described in this report can remove the harm caused by this breach of planning control. In these circumstances, it is considered expedient to take enforcement action.

**Background Papers:**

Relevant UDP polices are ENV-B.1.1 (New Development) and H.6.4 (Extensions and Alterations), Residential Extension Guidelines Section 1.0. The policy documents can be viewed online, at the Civic Centre and in local libraries.
Summary
This report seeks Members’ authority to issue an enforcement notice in respect of the erection of a second rear extension at 242 Ash Grove, Heston without the benefit of planning permission.

1.0 RECOMMENDATION
1.1 That the Committee considers it expedient, having regard to the provisions of the Unitary Development Plan, and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice in relation to 242 Ash Grove, Heston requiring within three calendar months:

- The removal of the second rear extension;
- Removal of all resultant debris; and for

The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice, pursuant to Section 179 of the Town and Country Planning Act 1990; and

The carrying out of works in default under Section 178 of the Act in the event of non-compliance with the enforcement notice, including the recovery of the Council’s costs in carrying out such work.
2.0 SITE DESCRIPTION

2.1 This is a two-storey pebble-dashed mid terraced house on the eastern side of Ash Grove. The road is entirely residential in character. The properties are of a similar design, style and age, most having a small mono-pitch tiled canopy roof over the front door providing limited shelter, and a two storey front bay window with gable feature.

2.2 There is a 30 square metres area of hard standing at the front of the house that can accommodate two vehicles.

2.3 There is a front porch and canopy that has been erected to the front of the house. This unauthorised structure has never been reported to the enforcement team and the Council holds evidence (as shown in 2002 aerial photographs) that the porch and canopy are over four years old and therefore immune from enforcement action.

2.4 There is a shared passageway on the left hand side of the property that allows access to the rear gardens of numbers No. 240 and No. 242.

2.5 The house has an original footprint of approximately 40 square metres. It has been extended by way of a 16 square metre single storey rear extension. This extension is lawful.

2.6 The property has been further extended by way of an unauthorised second single storey rear extension, which is attached to the first extension. It has a flat roof made of transparent plastic sheeting with white facia boards. Incorporated in the rear elevation are white upvc doors and windows. Windows are incorporated in the brick built side elevations. The unauthorised structure extends the full width of the house and is 3.3 metres deep. It covers 17.5 square metres and has a volume of around 50 cubic metres.

2.7 The total depth of the extensions projecting from the rear elevation of the original house is approximately 6.3 metres. The combined area of both extensions is about 34 square metres. Due to the amount of extensions that have been erected to the property, the original footprint of the house has increased from around 40 square metres to about 74 square metres.

2.8 There is a detached outbuilding at the rear of the garden and measures approximately 40 square metres. The outbuilding is not being used for residential purposes and is lawful.

2.9 The remaining rear garden space at this property is approximately 55 square metres.

2.10 The unauthorised extension (C) is attached to and extends across the full width of the lawful first rear extension (B) The outbuilding at the rear of the property (D).
2.11 Similar second rear extension at 244 and 248 Ash Grove; both of these structures are the subjects of enforcement investigation. There is no similar structure at No.240.

2.12 The second single storey rear extension replaces an open ended canopy that was immune from enforcement action, therefore, as this is a new structure it is not immune from enforcement action.

3.0 PLANNING HISTORY AND OTHER RECORDS

Planning Records

No relevant planning records.

Building control

3.1 Any internal/external structural alterations require consent under the Building Act of 1984 and Building Regulations of 2000 as amended, it is considered illegal to carry out work without it.

3.2 No Building Regulation Certificate has been issued for the unauthorised extension.

4.0 ENFORCEMENT HISTORY, INVESTIGATION AND EVIDENCE.

4.1 The development is a breach of planning control because it was constructed less than four years ago and so is not immune from enforcement action. Planning permission has not been granted for the erection of a second single storey rear extension at this property meaning there is a breach of planning control. Furthermore, under UDP Polices ENV-B.1.1 (New Development) and H.6.4 (Extensions and Alterations) and the Council’s Supplementary Planning Guidance ‘Residential Extension Guidelines’ Section 1.0, the second rear extension is in breach of planning control as it is contrary to these policies in that it exceeds the 3 metres depth for rear extensions to terraced properties and has not been constructed with materials similar to the existing property.

4.2 Following a telephone call that was made by the complainant on 16/11/2005 alleging that bathroom facilities were being installed in an outbuilding at the above address. A site visit was conducted on 23/11/2005. Although the officer was unable to gain entry to premises it was established that an unauthorised porch and canopy had been erected to the front of the house.

4.3 By way of a passage way that runs between No. 240 and No.242 the officer was able to gain part entry to the rear of the houses and noticed that an unauthorised canopy had been erected to the first extension and that the structure was open on the sides and rear elevations.

4.4 It was established that the on the balance of probability (according to the 2002 aerial photographs) both structures were over four years old and time barred from enforcement action.

4.5 On 11/1/2006 a letter was sent to the owner of the property explaining that an inspection of the property was needed in order to establish if an alleged breach of planning control in relation to an outbuilding in the rear garden and a chauffeurs business being conducted from the property had taken place.

4.6 In response to the letter the owner contacted the case officer and a site visit was carried out on 19/1/2006. From this visit it was established that the detached outbuilding at this property fell within the then applicable ‘Permitted Development’
requirements in terms of its size. It was established that it has had bathroom facilities installed, however it was not being used for residential purposes.

4.7 No evidence of a chauffeurs business was established and the case was closed.

4.8 Following a further telephone complaint on 12/11/2008 it was alleged that the unauthorised rear canopy has been enclosed to form a second rear extension.

4.9 Photographs of the unauthorised extension were taken from Lymouth Gardens. It has been established from these pictures that the opened ended rear canopy has been enclosed to form a new structure.

December 2008

December 2008 Taken from between 240 and 242 in January 2006

4.10 Therefore the second rear extension that has been constructed to the existing rear extension has not been in existence for more than four years and that planning permission needs to be granted for the retention of this extension.

4.11 A letter was sent to the owner/occupier on the 19/1/2009 outlining the breach of planning control. At the time of writing this report the owner/occupier has not contacted the Council and the breach of planning control remains.

4.12 The Council consistently takes enforcement action against similar structures and repeatedly win subsequent appeals.
ANALYSIS

**Expediency in general**

5.1 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

5.2 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control'. The government urges local planning authorities to use enforcement action as a last resort. Reports are not brought forward to committee unless it has been concluded that there is no other course of action available.

5.3 In addition to Government guidance the statutory Development Plan sets criteria against which to judge whether a breach of planning control is unacceptable.

5.4 When determining applications for planning permission, the authority is required to have regard to the development plan, so far as is material, and to any other material considerations. In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.5 The Development Plan for the Borough comprises the Council’s Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended and saved as of 28 September 2007 by direction from the Secretary of State. The 'London Plan (Consolidated with Alterations since 2004)' was adopted in February 2008.

5.6 As part of its prospective Local Development Framework, the Council has adopted Supplementary Planning Documents on Planning Obligations and Air Quality, which are statutory material considerations and will be applied alongside the Development Plan.

**Relevant Planning policy**

5.7 The Development Plan policies relevant to this case are:

**ENV-B.1.1 New Development**

In relation to the context, form and layout of the buildings and spaces, new development should:

- Relate well to its site and the scale, nature, height, massing, character and use of the adjacent townscape.
- Respect the proportions of existing neighbouring buildings where there are strong uniform design characteristics, such as doors, windows and roofs.
- Use durable and high quality materials, which relate satisfactorily to its surroundings in terms of colour, scale, texture and pattern.

**H.6.4 Extensions and Alterations**

Extensions should normally be consistent with the Council’s guidelines on house extensions and meet the following criteria:
• Position: Extensions should respect property boundaries and be positioned to avoid loss of light to adjoining properties.

• Materials: Proposals should aim to match the type of materials and colour to both the existing building and surrounding area.

• Details: Attention should be paid to design details, such as position and style of windows and doors and must complement the existing building and respect the character of the area.

**These policies are supplemented by the Residential Extension Guidelines Section 1.0:**

The guidelines are intended to ensure that the proposed work is visually cohesive with the existing dwelling and the surrounding streetscene and seeks to strike a balance between protecting neighbours’ living conditions and the appearance of the area, and property owners’ reasonable expectations of extending their homes. The Guidelines state that single storey rear extensions to a semi-detached house should not exceed 3.05 metres in depth to ensure that they do not block daylight received by neighbouring properties.

**The key planning issues in this case are therefore:**

- General principle and suitability of the development;
- The impact of the development on the amenity of adjacent properties;
- The appearance and design of the development.

**Assessment of Harm**

5.8 The Unitary Development Plan policies seek to ensure that any development is compatible with the character of the area, and seek to enhance it in terms of size, scale, materials and design and should comply with the Council’s Residential Extension Guidelines.

5.9 Policy H 6.4 of the Council’s UDP seeks to protect neighbouring properties from extensions causing harm. The Residential Extension Guidelines state that in order to prevent harm to neighbours, single-storey rear extensions should be no more than 3.65 metres in depth for semi-detached properties. The excessive depth and mass of the rear extensions combined have an adverse impact on the outlook of the property to the north, number 240 and the property to the south 244. This is especially pronounced since the unauthorised second rear extension at number 242 is on the boundaries of both of these properties. This has created overshadowing, a loss of light and outlook to these properties.

5.10 The second rear extension that is the subject of this report is in contrast to the original building lines of the house. This structure, combined with the existing extension, due to its excessive depth serves to unbalance the appearance of this pair of semi-detached houses and does little to enhance the architectural character of the house, due in part to the scale of the development and the materials used, which do not match the existing building. The use of plastic sheeting is in stark contrast to the materials used for both the existing rear extension and the original house.
5.11 The extension also causes loss of light to the neighbouring property to the east, as well as being visually obtrusive and overbearing due to its proximity to the boundary and the lack of development at this part of the neighbouring property. This is in conflict with Council policies requiring that development makes a positive contribution to overall environmental quality, complements the original building and harmonises with adjoining properties. Therefore, it is considered that the second rear extension is not of a suitable scale, or design, as it has a detrimental impact on the neighbouring property in terms of loss of outlook, light and overshadowing, and is therefore unacceptable.

**Proposed action**

5.12 Demolition of the second rear extension

5.13 Removal of all resultant debris

6.0 SUMMARY AND CONCLUSION

6.1 Overall the unauthorised development due to its size it is considered out of proportion with the site, it is not consistent with adjoining sites, as a result of its, design, materials used, layout, and oppressive appearance it unacceptably alters the appearance of the original house and the character of the area. It causes undue harm to the neighbours’ living conditions through loss of outlook, and harms the character of the established surrounding area. Therefore the impact of this unauthorised development on the local area and host building is considered detrimental.

6.2 The unauthorised extension is contrary to policies ENV-B.1.1 (All New Development), H.6.4 (Extensions and alterations) of the adopted Unitary Development Plan, and Section 1 of the Residential Extension Guidelines (Single Storey Rear Extensions & Conservatories).

6.3 This report assesses the planning merits of these unauthorised developments and has concluded that, were an application to be submitted, it would certainly not be recommended for approval.

6.4 Based on the information in this report it has been concluded that no action short of the proposed enforcement action described in this report can remove the harm caused by this breach of planning control. In these circumstances, it is considered expedient to take enforcement action.

**Background Papers:**

Relevant UDP polices are ENV-B.1.1 (New Development) and H.6.4 (Extensions and Alterations), Residential Extension Guidelines Section 1.0. The policy documents can be viewed online, at the Civic Centre and in local libraries.
PROPOSED CONSULTATION ON THE REVIEW OF PARKING CONTROLS ALONG
VICARAGE FARM ROAD BY CRANFORD LANE

Report by:  Director of Environment

Summary
This report informs Members on the outcome of a consultation meeting between Ward Councillors, Officers and Traders along Vicarage Farm Road on proposed changes to the local parking scheme.

1.0 RECOMMENDATIONS

1.1 That Members note the outcome of the consultation meeting between Ward Councillors, Traders and Officers and agree to a consultation with traders as detailed at Item 2.

1.2 That the results of the consultation be reported to a future meeting of this Committee.

2.0 BACKGROUND

2.1 Members will recall considering a petition detailed in a report to the 27 November 2008 meeting of this Committee from 13 business owners in Vicarage Farm Road (along numbers 309 to 355) requesting changes to the local parking controls and restrictions. The requests were:

1. Loading bay in front of shop numbers – 331, 329, 327, and 325 to be abolished & be created into a 30 minute free parking facility.
2. Extra car parking spaces be created.
4. The abolishment of the 9.00am-6.30pm restrictions in our area.

2.2 Officers’ provided detailed responses to the above requests in their November 2008 report with recommendations that they consult with the traders on the relocation of the loading bay and the creation of additional parking spaces, subject to the availability of funding. Officers also reported that a meeting had taken place between traders, Officers and the local MP following the receipt of the petition. As local Ward Councillors had not attended this, or any meeting with traders in connection with the petition, Committee deferred its decision on the proposals detailed in the report pending a meeting between Ward Councillors, Traders and Officers.

2.3 A meeting subsequently took place on 5 December 2008 with two Heston Central Ward Councillors in attendance, traders, the local MP and Officers. Not all the traders along Vicarage Farm Road were in attendance, or were represented, however the outcome of the meeting was that Officers carry out a consultation with traders on the removal or relocation of the loading bay opposite numbers 327-331 Vicarage Farm Road, and its replacement with short term ‘pay & display’ parking. It was noted at the
meeting that any consultation would be subject to the agreement of the local Area Committee.

3.0 PROPOSAL

3.1 Members are requested therefore to agree that Officers consult with the traders along Vicarage Farm Road, near Cranford Lane, on the removal of the loading bay from its present location opposite 327-331 Vicarage Farm Road to an alternative location to be identified through the proposed consultation, and to the introduction of short term pay & display parking at the present location of the loading bay. Subject to Members approval, the outcome of the consultation will be reported to a future meeting of this Committee.

4.0 FINANCIAL IMPLICATIONS

4.1 The cost of the consultation proposed can be met from existing salary budgets; however there is no funding currently available to implement any changes resulting from the consultation.

5.0 COMMENTS OF THE DIRECTOR OF FINANCE

5.1 The Director of Finance comments that, as stated in para 4.1 above, no specific funding is currently available to implement any changes resulting from the consultation. Any possible funding will be considered as part of a future report on the outcome of the consultation.

6.0 COMMENTS OF THE BOROUGH SOLICITOR

6.1 None at this stage.

7.0 EQUALITIES / DIVERSITIES IMPLICATIONS

7.1 There are no specific equalities implications at this stage.

8.0 NETWORK MANAGEMENT IMPLICATIONS

8.1 The Traffic Manager would only support the conversion of the loading bay into parking bays if an alternative loading bay was provided in the vicinity as per the Officer’s recommendation.

8.2 The Traffic Manager also comments that due consideration must be given to minimising disruption to traffic flows during construction, should the proposals be approved.

9.0 ENVIRONMENTAL IMPLICATIONS

9.1 None at this stage.
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<th>Background Papers:</th>
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<td>Petition</td>
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<td>Heston &amp; Cranford Area Monitoring Committee - 8 May 2001</td>
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<td>Heston &amp; Cranford Area Planning Committee – 27 November 2008</td>
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**This report has been or is due to be considered by:**

- Heston & Cranford Area (Planning) Committee

**This report is relevant to the following wards/areas:**

- Heston Central & Heston West
HESTON AND CRANFORD AREA PLANNING COMMITTEE

12 February 2009

DELEGATED DECISIONS

Report by: Borough Planning Officer

Summary

List of delegated decisions taken between 11 Dec 2008 – 2 Feb 2009

RECOMMENDATION

That Members Note The Report

00600/K/S32(2) P/2008/3343
Heston Schools Heston Road, Hounslow, TW5 0QR
Details Pursuant Refused
Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant ans junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 2 (samples of materials) of planning permission dated 16/06/2008.

00600/K/S32(10) P/2008/3347
Heston Schools Heston Road, Hounslow, TW5 0QR
Details Pursuant Refused
Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant ans junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 10 (tree planting) of planning permission dated 16/06/2008.

00600/K/S32(16) P/2008/3350
Heston Schools Heston Road, Hounslow, TW5 0QR
Details Pursuant Approved
Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant ans junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 16 (carbon emissions) of planning permission dated 16/06/2008.

00600/K/S32(23) P/2008/3358
Heston Schools Heston Road, Hounslow, TW5 0QR
Details Pursuant Refused
Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant ans junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 23 (travel plan) of planning permission dated 16/06/2008.
Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant and junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 25 (breeding and roosting birds and bats) of planning permission dated 16/06/2008.

Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant and junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 22 (parking layouts) of planning permission dated 16/06/2008.

Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant and junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 20 (phasing) of planning permission dated 16/06/2008.

Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant and junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 28 (control of fumes) of planning permission dated 16/06/2008.

Following approval for part demolition of the existing infant school, full demolition of junior school, Norwood Block and relocation of the existing children's centre and erection of a new school building for nursery, infant and junior school, a new community school building, and associated external area and parking details submitted pursuant to Condition 29 (practical completion scheme) of planning permission dated 16/06/2008.

Following approval for Erection of a single storey extension to south elevation of building and change of use from Community centre to combined community centre and Adults education centre details submitted pursuant to Condition 13 (Reducing Carbon Emissions) of permission reference 00083/AA/P37 dated 06/10/2008.

Following approval for Erection of a single storey extension to south elevation of building and change of use from Community centre to combined community centre and Adults education centre details submitted pursuant to Condition 11 (Sustainable Drainage Scheme) of permission reference 00083/AA/P37 dated 06/10/2008.
In Details Pursuant Approved
Following approval for Erection of a single storey extension to south elevation of building and change of use from Community centre to combined community centre and Adults education centre details submitted pursuant to Condition 4 (Boundary Treatment) of permission reference 00083/AA/P37 dated 06/10/2008.

In Withdrawn
Erection of a single storey rear extension.

In Details Pursuant Approved
Following the approval of creation of a fenced compound within which 2 electricity transformers would be installed with 2 associated switch rooms, 3 stand-by generators, a bulk tank, mains generator enclosure and mechanical service room. A new vehicle access is also proposed, details submitted pursuant to Condition 4 (details of landscaping) of planning permission 00507/Z/P3 dated 8/7/08.

In Full Planning Permission Approved
Erection of detached outbuilding to provide storage area to existing retail unit.

In Full Planning Permission Approved
Erection of single storey side and rear extensions to the house, conversion of the garage to a habitable room, and erection of a front porch (PLEASE NOTE AMENDED PLANS AND DESCRIPTION)

Withdrawn

In Full Planning Permission Approved

Lawful (Full Planning Permission Not Required)
Background papers: This report has been or is due to be considered by:
Heston and Cranford Area Area Planning Committee

This report is relevant to the following wards:
Cranford, eston West, Heston Central and Heston East