

## Report of the Head of Planning, Transportation and Regeneration

**Address:** 43 SWEETCROFT LANE HILLINGDON

**Development:** Variation of condition 2 (Approved Plans) of planning permission Ref: 17412/APP/2019/2186 dated 16/10/2019 (single storey side extensions, single storey rear extension and conversion of roofspace to habitable use to include, raising of ridge of roof, 6 side dormers, 5 side rooflights and extension and conversion of front and rear of roof from hip to gable end with new gable end windows) to allow for additional windows and to enable the roofspace to be used for additional living accommodation

**LBH Ref Nos:** 17412/APP/2021/599

**Drawing Nos:** 20/3379/2  
Location Plan (1:1250)  
20/3379/1 Rev. C

**Date Plans Received:** 15/02/2021      **Date(s) of Amendment(s):** 15/02/2021

**Date Application Valid:** 22/02/2021

### 1. SUMMARY

The application seeks permission for a variation of condition 2 (Approved Plans) of planning permission Ref: 17412/APP/2019/2186 dated 16/10/2019 (single storey side extensions, single storey rear extension and conversion of roofspace to habitable use to include, raising of ridge of roof, 6 side dormers, 5 side rooflights and extension and conversion of front and rear of roof from hip to gable end with new gable end windows).

The changes involve alterations to the use of the roof space and fenestration, with no changes to the size, scale, bulk and siting of the approved development. It is not considered that the proposed changes would result in any adverse neighbour impacts, however the proposals would detrimentally impact upon the character of the dwelling and the visual amenities of the surrounding area.

### 2. RECOMMENDATION

#### REFUSAL for the following reasons:

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

The proposed development, by reason of its design, including window panels covering substantial areas of the proposed dwelling, would fail to harmonise with the architectural composition of the original dwellings and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The development is in contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 5, DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D4 and D6 of the London Plan (2021).

### INFORMATIVES

##### 1        I52        Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant

planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMHB 11	Design of New Development
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards

## **3 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is a 1450 sq.m plot comprising of a large detached, single storey dwelling with associated parking and private amenity space. Access to the property is via a long, narrow driveway which runs from Sweetcroft Lane and is situated between No. 41 and No. 45 which front the road and No. 39 and 47 which are situated behind.

The site is located within the Hillingdon Court Park Area of Special Local Character, where the prevailing character of the area is residential comprising large detached dwellings set within spacious plots, and is bounded by heavy planting and mature trees, many of which are subject to a Tree Preservation Order (TPO) 32A. There are also protected trees fronting Sweetcroft Lane on either side of the access into the site. The site also is located within a Critical Drainage Area (CDA).

#### **3.2 Proposed Scheme**

The application seeks permission for a variation of condition 2 (Approved Plans) of planning permission Ref: 17412/APP/2019/2186 dated 16/10/2019 (single storey side extensions, single storey rear extension and conversion of roofspace to habitable use to include, raising of ridge of roof, 6 side dormers, 5 side rooflights and extension and conversion of front and rear of roof from hip to gable end with new gable end windows) to allow for additional windows and to enable the roofspace to be used for additional living accommodation.

The changes involve alterations to the use of the roof space, with no changes to the size, scale, bulk and siting of the approved development.

The proposed changes to the approved plans (Ref: 17412/APP/2019/2186) are as follows:

1. Larger, triangular shaped, gable end window to the principle elevation.
2. Large triangular shaped window to the rear elevation, including the installation of a Juliette balcony.
3. Internal changes to the first floor, allowing for access to the roofspace and the use of the roofspace for a gym room/games room and WC facilities.
4. Two additional rooflight to the West elevation.
5. Large ground floor windows to the principle elevation.

### **3.3 Relevant Planning History**

**17412/APP/2018/3378 43 Sweetcroft Lane Hillingdon**

Variation of condition 2 (Approved Plans) of planning permission Ref:17412/APP/2018/736 dated 03/07/2018 (Two storey, 5-bed detached dwelling with habitable roofspace, parking and amenity space and demolition of existing dwelling) to allow changes to the approved plans

**Decision:** 22-11-2018 Refused

**17412/APP/2018/736 43 Sweetcroft Lane Hillingdon**

Two storey, 5-bed detached dwelling with habitable roofspace, parking and amenity space and demolition of existing dwelling

**Decision:** 03-07-2018 Approved

**17412/APP/2019/2186 43 Sweetcroft Lane Hillingdon**

Single storey side extensions, single storey rear extension and for conversion of roofspace to habitable use to include, raising of ridge of roof, 6 side dormers, 5 side rooflights and extension and conversion of front and rear of roof from hip to gable end with new gable end windows

**Decision:** 16-10-2019 Approved

**17412/APP/2019/429 43 Sweetcroft Lane Hillingdon**

Variation of condition 2 (Approved Plans) of planning permission ref: 17412/APP/2018/736 dated 03/07/2018 (Two storey, 5-bed detached dwelling with habitable roof space, parking and amenity space and demolition of existing dwelling).

**Decision:** 17-10-2019 Withdrawn

**17412/APP/2020/3984 43 Sweetcroft Lane Hillingdon**

Variation of condition 2 (Approved Plans) of planning permission Ref: 17412/APP/2019/2186 dated 16/10/2019 to allow for additional windows and to enable the roofspace to be used for additional living accommodation (single storey side extensions, single storey rear extension and conversion of roofspace to habitable use to include, raising of ridge of roof, 6 side dormers, 5 side rooflights and extension and conversion of front and rear of roof from hip to gable end with new gable end windows)

**Decision:** 04-02-2021 Approved

17412/C/80/0816 43 Sweetcroft Lane Hillingdon  
Garage.

**Decision:** 02-07-1980 Approved

17412/TRE/2017/203 43 Sweetcroft Lane Hillingdon  
To carry out tree surgery, including a crow lift to 5m, to one Oak on TPO 32a

**Decision:** 19-12-2017 Approved

#### **Comment on Relevant Planning History**

Listed above.

#### **4. Planning Policies and Standards**

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development  
DMHB 18 Private Outdoor Amenity Space  
DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

13 neighbouring properties were consulted by letter, and by the end of the consultation period 2 objections and a petition were received. The comments can be summarised as follows:

1. Overbearing outlook for neighbours;
2. Loss of privacy due to front and rear windows;
3. Development on site is not as approved previously;
4. The subsequent applications to that approved in 2018 have only got worse, increasing in bulk and size, as well as new windows worsening neighbouring properties privacy issues;
6. The windows being replaced with large panels covering most of the North and South elevation further impacts upon the privacy of neighbours.

Planning officer: Concerns regarding the impact upon neighbours and a loss of privacy will be discussed below in section labelled "Impact on neighbours", and all other design issues in "Impact on the character & appearance of the area". With regards to neighbouring concerns regarding what has been built on site, the enforcement team are aware of issues raised and the matter is currently under investigation.

### Internal Consultees

Trees officer:

This proposal seeks to create additional habitable roof space with windows, all within the approved footprint of the building approved under Ref: 17412/APP/2019/2186. There will be no additional impact on trees or the external space.

RECOMMENDATION: No objection subject to the previous tree/landscape conditions.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

This proposal seeks to create additional habitable roof space with new windows to the front and rear elevations, without increasing the bulk/size of the approved building under application Ref: 17412/APP/2019/2186. It is therefore considered that there is no objection in principle to the proposed development, subject to compliance with policies within the Council's Local Plan, the London Plan and the NPPF. These issues are considered below.

### 7.02 Density of the proposed development

Not applicable to this application.

### 7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

**7.04 Airport safeguarding**

Not applicable to this application.

**7.05 Impact on the green belt**

Not applicable to this application.

**7.06 Environmental Impact**

Not applicable to this application.

**7.07 Impact on the character & appearance of the area**

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that: A) All development, including extensions, alterations and new buildings, will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context; ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

Policy DMHB 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that A) Within Areas of Special Local Character new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area. B) Extensions to dwellings should be subservient to, and respect the architectural style of the original buildings and allow sufficient space for appropriate landscaping, particularly between, and in front of, buildings. C) The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also required that there is no unacceptable loss of outlook to neighbouring occupiers.

The proposed changes to the approved plans (Ref: 17412/APP/2019/2186) are as follows:

1. Larger, triangular shaped, gable end window to the principle elevation.
2. Large triangular shaped window to the rear elevation, including the installation of a Juliette balcony.
3. Internal changes to the first floor, allowing for access to the roofspace and the use of the roofspace for a gym room/games room and WC facilities.
4. Two additional rooflight to the West elevation.
5. Large ground floor windows to the principle elevation.

There is no objection to the change to include an additional rooflight to the West elevation of the dwelling.

However, the proposed new windows to the front and rear elevation are considered unacceptable. The development involves a new gable end window to the principle elevation, which would measure 5.1m in width and would have a height of 2m. To the rear, additional window panels to that allowed under previous variation application (Ref: 17412/APP/2020/3984) have been proposed covering the entire first floor and loft. The

development would result in a substantial area of both the South and North elevations covered in glass. Large windows also result in developments which appear dark when viewed externally. The proposed design, by reason of its window panels covering substantial areas of the proposed dwelling, would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area.

The development is therefore considered contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 5, DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D4 and D6 of the London Plan (2021).

#### **7.08 Impact on neighbours**

The development would not differ in size, scale and bulk from what has been approved previously under a householder application, as such it is not considered that the development would have a detrimental impact upon adjoining neighbours with regards to the development resulting in an overbearing outlook or loss of light.

The floor plan arrangement of the property involves habitable rooms with their window openings facing towards the properties front and rear gardens. Side dormers and windows (which are to non habitable rooms) where they are considered to have the potential for overlooking could be conditioned in the event of an approval.

The implications of the large rear window with a Juliette balcony has raised privacy concerns by neighbouring occupiers and hence it is necessary to consider the impact of this on adjoining occupiers. The proposed rear window would result in two windows being merged into one large centrally located window, following the shape of the gable. The window would not result in any further overlooking into neighbouring properties than what was approved previously (there would simply be more glazing and perhaps a greater perception of overlooking).

Although the property would have more glazing than other properties in the streetscene (which does have an adverse impact on the properties appearance as discussed elsewhere in this report) it would still be facing the applicants front and rear gardens. On balance it is not considered that the amendments would result in unacceptable overlooking impacts on neighbouring property.

#### **7.09 Living conditions for future occupiers**

The London Plan (2021), Policy D6 outlines that the nationally described space standard sets a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatness nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

The proposed plans shows that the ground floor would have a headroom of 2.7m, first floor 2.4m and proposed third floor 2.2m. The third floor proposed would not be considered habitable given its low ceiling height as well as the intended use being a gym and game room. The ground and first floor is considered, on balance, sufficient and is not considered a strong reason to refuse the scheme.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The development would not differ in size, scale and bulk from what has been approved previously under a householder application, the parking arrangements would also not differ.

As such it is not considered that the development would not have an impact on traffic or pedestrian safety.

**7.11 Urban design, access and security**

Discussed above.

**7.12 Disabled access**

Not applicable to this application.

**7.13 Provision of affordable & special needs housing**

Not applicable to this application.

**7.14 Trees, landscaping and Ecology**

The site is covered by Tree Preservation Order (TPO) 32A, however the Council's tree officer considers that there will be no additional impact on trees or the external space from the proposed development over and above that already approved and thus recommends that the previous tree/landscape conditions are imposed, in the event of an approval.

**7.15 Sustainable waste management**

Not applicable to this application.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

The site is within a critical drainage area, however the proposals do not enlarge the footprint of the property over and above that already approved.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.19 Comments on Public Consultations**

The issues raised by occupants of neighbouring properties are addressed in the sections above.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

No other issues raised.

**8. Observations of the Borough Solicitor**

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probit in Planning, 2009.

### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

## 9. Observations of the Director of Finance

Not applicable to this application.

## 10. CONCLUSION

The proposed design features, by reason of its large window panels covering substantial areas of the proposed dwelling, would fail to harmonise with the architectural composition of the original dwellings and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area.

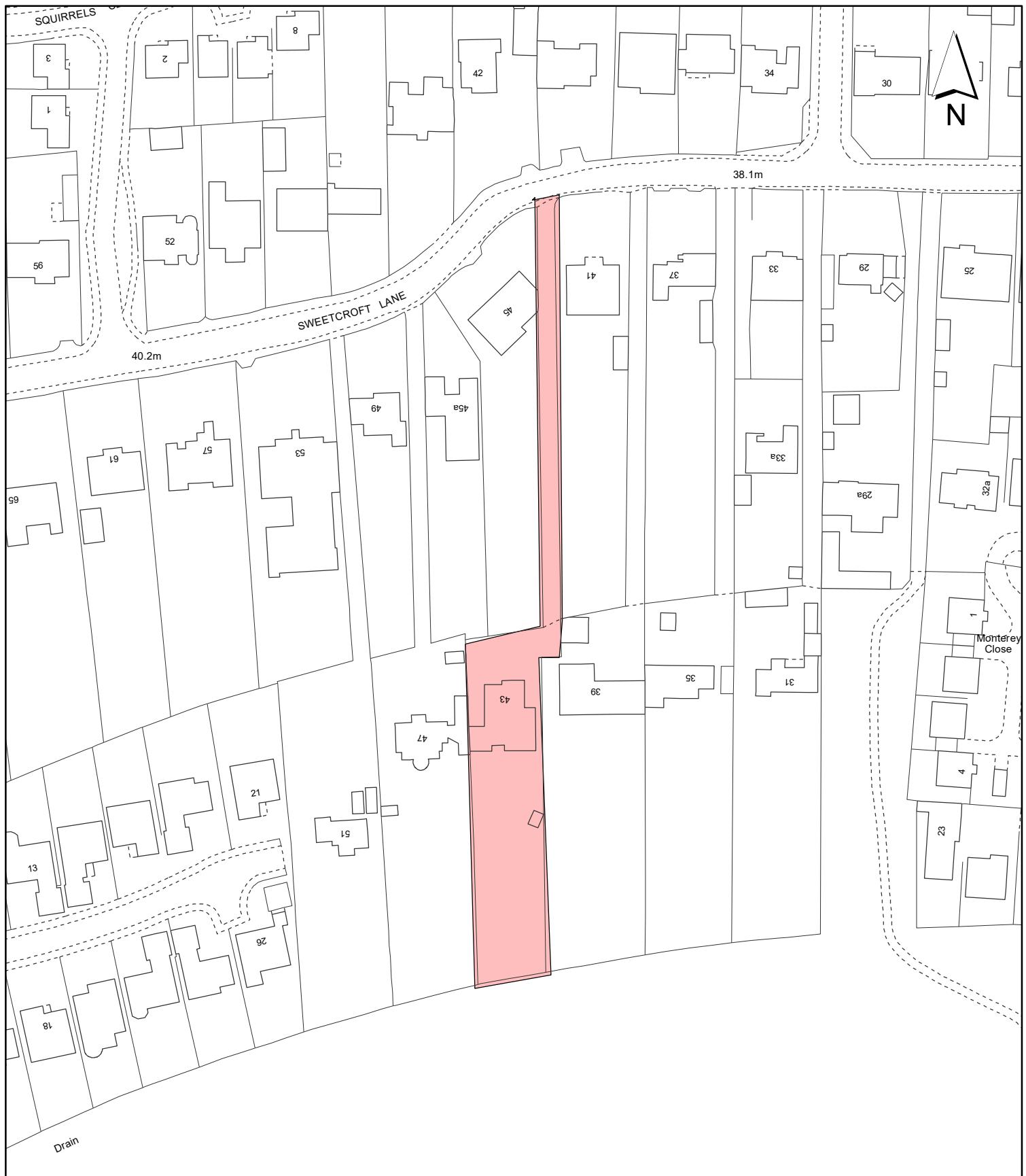
As such, the development is contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 5, DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D4 and D6 of the London Plan (2021).

## **11. Reference Documents**

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The London Plan - (2021)  
National Planning Policy Framework

**Contact Officer:** Nurgul Kinli

**Telephone No:** 01895 250230



<p><b>Notes:</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2020 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p><b>43 Sweetcroft Lane Hillingdon</b></p>	<p><b>LONDON BOROUGH OF HILLINGDON</b> Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 01895 250111</p>
<p>Planning Application Ref:</p> <p><b>17412/APP/2021/599</b></p>	<p>Scale:</p> <p><b>1:1,250</b></p>	
<p>Planning Committee:</p> <p><b>Central &amp; South</b></p>	<p>Date:</p> <p><b>May 2021</b></p>	