

## Report of the Head of Planning, Sport and Green Spaces

<b>Address</b>	40 FRAYS AVENUE WEST DRAYTON		
<b>Development:</b>	Variation of condition 2 (Approved Plans) of planning permission ref: 3650/APP/2013/2962 dated 25/06/2014 (Two storey, 6-bed, detached dwelling involving demolition of existing detached dwelling) to alter the roof design to create habitable roofspace		
<b>LBH Ref Nos:</b>	3650/APP/2016/1437		
<b>Drawing Nos:</b>	40/AG/AC/40/16 (Existing Floor Plans and Elevations) 40/AG/AC/40/16 (Approved Site Layout AG/AC/40/16 (Location/Block Plan) Flood Risk Assessment AG/40/16 (Approved Floor Plans and Elevations 40/AG/AC/16 Rev. C (Proposed Floor Plans and Elevations)		
<b>Date Plans Received:</b>	12/04/2016	<b>Date(s) of Amendment(s):</b>	11/07/2016
<b>Date Application Valid:</b>	18/04/2016		12/04/2016 18/04/2016

### 1. SUMMARY

The application seeks to vary condition No. 2 (Approved Plans) of planning permission ref:3650/APP/2013/2962 dated 25/06/2014 to alter the roof design to create a habitable roofspace. The site is within The Garden City, West Drayton, Area of Special Landscape Character (ASLC).

The proposed variation of the approved plans would increase the number of proposed bedrooms within the dwelling from 6 to 9. However, the proposed development significantly exceeds minimum space and amenity standards and sufficient on-site car parking spaces are available. Subject to the property being used by a single household this change does not raise any adverse issues in its own right.

One of the key characteristics of the approved scheme was to retain a general appearance of two dwellings. This approach was considered appropriate given the location within the ASLC. The site is wider than its neighbours and generally open and any change as a result of development is likely to have a significant influence on the character of the area. In this regard, it is considered that the proposed alteration to the roof design by provision of crown roofs would harmfully change the character and appearance of the new dwelling within the street scene. Crown roofs are not a typical feature of two-storey development in the vicinity of the site, or locally on this side of Frays Avenue which is characterised by detached houses with hipped roofs. The resultant development would therefore introduce a significant discordant feature into the street scene. The proposed development is therefore not considered to be in keeping with and would be harmful to the character and appearance of the ASLC.

The issues were put to the applicant who wishes the application to be determined as it stands and is aware of the recommendation. It is recommended that the application to vary the condition be refused.

The application is brought before Committee as a result of petitions both for and against

the proposal.

## 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

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

The proposed variation, by reason of the resultant overall size, scale, bulk and design would result in a disproportionately large, over-dominant and incongruous form of development which would fail to respect the pattern of development in the area. The proposal would be detrimental to the visual amenities of the street scene and the character and appearance of the wider West Drayton Garden City Area of Special Local Character, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Paragraph 3.4 of the London Plan (2016) and the NPPF (requiring good design) and would be inappropriate in terms of the guidance set out in the adopted Supplementary Planning Document HDAS: Residential Layouts.

## **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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement,

LDF-AH	Supplementary Planning Document, adopted July 2006 Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF12	NPPF - Conserving & enhancing the historic environment

### **3 159 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 saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### **4**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions. No pre-application discussions took place. The applicant was offered an opportunity to withdraw the application due to the fundamental objection. However, the applicant confirmed that the application should be determined as it stands

### **3. CONSIDERATIONS**

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

The application site is located on the North West side of Frays Avenue and comprises a two storey detached dwelling. To the North East lies 38 Frays Avenue, a two storey detached dwelling and to the South West lies 44 Frays Avenue, also a detached two storey dwelling. Some 90m to the South West lies the Frays River. The street scene is residential in character and appearance, comprising of a mix of two storey detached houses and bungalows. It is noted that on the North West side of Fray's Avenue (the side the application site is located on) there is a predominance of two storey dwellings whereas on the opposite side there are predominantly bungalow/chalet bungalow type properties.

The application site is significantly wider than neighbouring sites; a width of over twice that of adjoining sites. The existing dwelling has a much greater size than neighbouring properties, both in terms of width and depth. The existing property has a number of distinct portions. There is a chalet type wing towards the North East of the site, a conventional two storey part towards the centre, another two storey element behind this and a single storey garage towards the South West. It is noted that the site was formed from two separate

sites and the two dwellings were conjoined some time in the past. There is no planning record concerning this.

There is a large rear garden, a front driveway with a capacity for several vehicles exists and there are two vehicular crossover points to the street frontage. The existing dwelling has five bedrooms.

The application site lies within the Garden City, West Drayton Area of Special Local Character, as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application site lies within Flood Zones 2/3.

### 3.2 Proposed Scheme

The application seeks to vary condition No. 2 (Approved Plans) of planning permission reference 3650/APP/2013/2962 dated 25/06/2014 to alter the roof design to create habitable roofspace (Two storey, 6-bed, detached dwelling involving demolition of existing detached dwelling).

This states:

"The development shall not be carried out otherwise than in strict accordance with the plans hereby approved, reference PS/40/2012/A Rev J, PS/40/2012/B Rev J, PS/40/2012/C Rev J, PS/40/2012/D Rev J, Design & Access Statement and Flood Risk Assessment (received 03/01/2014) unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)."

The development does not increase the height of the scheme but introduces two crown roofs.

### 3.3 Relevant Planning History

3650/APP/2011/2511 40 Frays Avenue West Drayton

Two storey, 9-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling and alterations to existing vehicular crossovers

**Decision:** 03-07-2012 Refused

3650/APP/2013/1505 40 Frays Avenue West Drayton

Double storey rear extension and side extensions on both sides and Internal alterations

**Decision:** 26-06-2013 Withdrawn

3650/APP/2013/1677 40 Frays Avenue West Drayton

Two storey, 6-bed, detached dwelling involving demolition of existing detached dwelling

**Decision:** 20-08-2013 Refused

3650/APP/2013/2962 40 Frays Avenue West Drayton

Two storey, 6-bed, detached dwelling involving demolition of existing detached dwelling

**Decision:** 26-03-2014 Approved

3650/APP/2014/3660 40 Frays Avenue West Drayton

Details pursuant to conditions 3 (Materials), 4 (Ground Levels), 5 (Scaled Drawings of Porch, Windows and Eaves), 6 (Approved Drawings), 7 (Obscured Glaze Windows), 10 (Code for Sustainable Homes), 11 (Lifetime Home Standards), 12 (Refuse Storage/Cycle Store), 13 (Access Points), 15 (Landscaping/Soils), 16 (Method Statement and Fence Details), 17 (Landscape Scheme) and 18 (Planting Scheme) of planning permission Ref: 3650/APP/2013/2962 dated 25/06/2014 (Two storey, 6-bed, detached dwelling involving demolition of existing detached dwelling)

**Decision:** 18-03-2015 Approved

3650/B/13/812 40 Frays Avenue West Drayton

**Decision:** 13-11-1972 Approved

3650/C/73/1186 40 Frays Avenue West Drayton

Householder development - residential extension(P)

**Decision:** 13-08-1973 Approved

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

The extant permission for a proposed dwelling shows that this would be arranged over two storeys, with accommodation at ground and first floor level. The dwelling would take the form of two separate rectangular wings connected at ground floor level with a single storey central core. The overall building would take a primarily rectangular shape, maintaining a set-in of around 1 m from the South West boundary and 1.6m from the North East boundary. The dwelling would take an overall, maximum depth of 17m and a total width of 22.7m.

As approved, the development would have a total of five habitable rooms at ground floor level and a total of six bedrooms arranged over the first floor. The front elevation of the new dwelling would be in line with the most forward elevation of the existing dwelling.

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

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

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- BE5 New development within areas of special local character
- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.
  
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
- LPP 3.3 (2016) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 5.3 (2011) Sustainable design and construction
- LPP 7.2 (2011) An inclusive environment
- LPP 7.4 (2011) Local character
- NPPF1 NPPF - Delivering sustainable development
- NPPF6 NPPF - Delivering a wide choice of high quality homes
- NPPF7 NPPF - Requiring good design
- NPPF12 NPPF - Conserving & enhancing the historic environment

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Neighbours were notified on 19/04/2016 and a site notice was displayed on 25/04/2016.

As a result of the publicity two objections to the development were received, one from an individual and one from the West Drayton Conservation Area Advisory Panel. A petition opposing the development with 23 signatures was received. A petition supporting the application, again with 23 signatures, was also received. These are discussed below.

### **Internal Consultees**

Conservation and Urban Design:

Whilst the principle of a new dwelling on the site has been established there are objections in regards to the proposal. The proposed alteration to the roof design would change the character and appearance of the new dwelling within the street scene. The proposed variation of the approved plans would increase the number of proposed bedrooms within the dwelling from 6 to 9, creating a substantial sized dwelling. The proposed crown roof is not considered in keeping with the character and appearance of the ASLC. It is recommended that the hipped roof form is retained.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The principle of the redevelopment was established by the grant of planning permission for which this proposal is a variation. The approved scheme is extant.

### **7.02 Density of the proposed development**

The density is not changed by the proposal. This remains a single family dwellinghouse.

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

The site is not within a Conservation Area, however, it does fall within the West Drayton Garden City Area of Special Local Character. The scheme was referred to the Council's Conservation Officer who has advised that the proposed alteration to the roof design would change the character and appearance of the new dwelling within the street scene. The proposed crown roof is not considered to be in keeping with the character and appearance of the ASLC.

### **7.04 Airport safeguarding**

Not applicable.

### **7.05 Impact on the green belt**

Not applicable.

### **7.06 Environmental Impact**

No issues arise.

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

There are 15 designated Areas of Special Local Character (ASLC) within the Borough. They are designated on the basis of their local architectural, townscape or historic merits. Policy BE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires all new development to harmonise with the materials, design features, architectural style and building heights predominant in the area. Within ASLC's there is a presumption in favour of retaining buildings and features that make a positive contribution to the character and appearance of the area. The site is within the West Drayton Garden City Area of Special Local Character. This incorporates all of Frays Avenue which is within the southern/south-eastern part of the ASLC.

The street scene is residential in character and appearance comprising a mix of two storey detached houses and bungalows. On the same side of the road as the application site there is a predominance of two-storey dwellings whereas on the opposite side there are predominantly bungalow/chalet bungalow type properties.

The existing dwelling is considered to be an attractive large detached house, of around

1930s construction within the ASLC. The house has been extended to the side and later to the rear and at one time was two-dwellings, which explains the overall width of the site. Whilst the rear additions are modern and do not relate to the appearance of the original house, the earlier side extension is considered to be well designed and sits very comfortably with the original design. The hipped roof, bonnet ridge tiles and tile hung elevation all contribute positively to the architectural quality of the house.

The immediate vicinity of the existing site is characterised by smaller scale two storey detached houses, single storey and chalet style bungalows.

The scheme as approved proposed to demolish what is considered to be an attractive property and replace it with a significantly larger dwelling. However, given the design of the proposal to mimic the smaller dwellings, similar to the general pattern of development in the street scene, the proposal was not considered to be detrimental to the character and appearance of the area.

The site is generally open when viewed from Frays Avenue. It is wider than all of the sites in the immediate vicinity on this side of the avenue. Therefore any change on the site is likely to have a significant public presence and a scheme of landscaping would not adequately mitigate any adverse impacts, especially given that this would take a considerable time to mature. The proposed amendment introduces crown roofs which are a form of development which is not typical of two-storey dwellings the area. It is also noted that the street has mainly individually designed dwellings, typically with hipped roofs. The scheme as approved sought to mimic the character of the area. However, the introduction of crown roofs to the the proposed dwelling would create a bulk and appearance of development which differs considerably from the general design in the area and which would introduce a prominent and discordant feature which would not be characteristic of the area.

The general openness of the site would further emphasise the visual impact this since effective screening would be difficult to achieve. Given that there is an emphasis within policy BE5 that requires new development to harmonise with the materials, design features, architectural style and building heights predominant in the area, it is considered, that the proposed variation would introduce a design solution which will be harmful to the special character of the area. It is therefore considered that the proposed variation would be unacceptable and would not be in accordance with Policies BE5, BE13, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and section 4.0 of the Council's HDAS Supplementary Planning Document: 'Residential Layouts'.

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

Impact on neighbours was considered as part of the approval for the scheme for which this is a proposed amendment. It was considered that as the approved scheme would be set away from the neighbouring property's flank wall by around 2m at ground floor level and 5m at first floor level, the 45 degree line from the nearest first floor habitable room window would not be breached and the proposal would not have a detrimental impact on the amenities of 44 Frays Avenue's occupiers, by way of a loss of daylight, outlook or an increased sense of enclosure.

Also, in respect of the impacts on the neighbouring dwelling to the North East (38 Frays Avenue), the proposal was considered acceptable. This neighbouring dwelling has a single storey side addition that runs along the boundary between the two sites. There are no habitable room windows to the flank wall of this single storey element to the neighbouring



dwelling. The frontage of the proposed dwelling would be in line with the frontage of 38 Frays Avenue. The ground and first floor rear element of the proposed dwelling closest to 38 Frays Avenue as approved would be set forward by around 4m from the rear wall of this neighbouring dwelling. At such a depth and combined with a separation distance of around 3m, the proposal was considered acceptable, not having a detrimental impact on the amenities of the occupiers of 38 Frays Avenue, given that the 45 degree guideline would not be breached from the windows in the rear elevation of this neighbouring occupier.

The amendments relate to the centre section of the proposed building and, notwithstanding the design considerations elsewhere in the report, it is considered that the proposed development does not raise any additional amenity issues for neighbours. As such the proposal would be in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015 and they have been adopted by The Mayor of London in the form of Housing Standards Minor Alterations to The London Plan (March 2016). This sets out how the existing policies relating to Housing Standards in The London Plan should be applied from March 2016. This represents a material change since the previous approval and must therefore be considered.

Table 3.5 specifies that the minimum internal floor space area/standard for a 6 bedroom (7 person) three-storey dwelling is 129 square metres. This is the largest size of property considered under the standards. The nationally described space standards defines the Gross Internal Area (GIA) or internal floor space area of a dwelling as 'the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. At approximately 600 square metres the proposed development significantly exceeds this standard.

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. Given the spacious internal layout, it is considered that the internal space proposed would provide acceptable living conditions for future occupiers.

Section 4.15 of the SPD: Residential Layouts requires a minimum of 100 sq.m. amenity space for units with over 4 bedrooms. Over 1000 sq.m. of private amenity space would be provided for the future occupiers of the new house. This represents a provision significantly in excess of the minimum standard and no adverse issues are raised.

The proposal therefore provides acceptable living conditions for future occupiers, in accordance with Hillingdon Local Plan Policy BE23, Policy 3.5 of the London Plan Minor Alterations (March 2016) and would be appropriate in terms of the guidance set out in the HDAS Residential Layouts SPD.

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

The site has a PTAL rating of 1a, which is at the lowest end of a rating scale that rises to level 6 (where a PTAL of 6 indicates a site with excellent public transport links and a PTAL of 1 has poor public transport links). The Council's parking standards for a dwelling of this size would require two off-street parking spaces. The increase in the number of bedrooms

does not change this.

The front driveway area would be able to accommodate well in excess of the two parking spaces required under the standards. As such, the proposal is unlikely to result in an increase in on-street parking to the detriment of highway and pedestrian safety, in accordance with policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.11 Urban design, access and security**

The design of the proposed building is considered to be unacceptable and the issues are discussed elsewhere in the report. The proposal does not raise any material access or security issues other than those considered in the approved scheme.

#### **7.12 Disabled access**

No additional issues are raised by the proposed development.

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

As the proposal relates to a single dwelling, the proposal falls below the threshold requiring affordable housing provision. It is not special needs housing.

#### **7.14 Trees, landscaping and Ecology**

There are a number of trees and hedges that contribute to the arboreal character of the Garden City Area of Special Local Character within the front and rear gardens of the site. The Trees and Landscaping Officer reviewed the previous proposal at the site and considered the trees were sufficiently distanced to ensure they would not be harmed by the proposed development subject to appropriate conditions. In the event of this proposal being considered acceptable, an informative would be recommended that all the other conditions would continue to apply.

#### **7.15 Sustainable waste management**

This matter was considered as part of the approved scheme and no additional issues arise.

#### **7.16 Renewable energy / Sustainability**

No additional issues arise.

#### **7.17 Flooding or Drainage Issues**

The proposed development lies within Flood Zone 2 and 3 as defined by the Environmental Agency. This issue was considered as part of the approved scheme. There is no change to the ground floor area and no additional issues arise.

#### **7.18 Noise or Air Quality Issues**

No issues arise.

#### **7.19 Comments on Public Consultations**

The petition in support did not give any planning reasons why the petitioners support the application but the document does note that this will give the applicant an opportunity to speak at the Committee meeting.

The petition of objection states that the development will result in an increase in bulk, will be overpowering and will be out of keeping with the character of the area.

The one individual objection believes the development will result in an increase in bulk, will be overpowering and out of character with the area.

The objection from the West Drayton Conservation Area Advisory Panel comments that the development appears to be an attempt to revert to the original scheme for re-development of the site (3650/APP/2011/2511) that was refused, rather than being a minor

change as the form of the application tends to suggest. The proposed changes represent over development of the site, replacing normal ridges with two massive crown roofs that run the whole depth of the buildings. The effect is not fully apparent from the streetscape submitted as part of the application as this under-represents the effect the overall mass the building would have when seen at an angle, especially when compared to the more modest size of its neighbours. Even in the form that was approved, the house is out of scale with its surroundings and this proposal would make matters worse and be actively detrimental to the street scene.

The issues raised are dealt with elsewhere in the report.

#### **7.20 Planning obligations**

The Council adopted the Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for additional floorspace for residential developments is £95 per square metre. This is in addition to the Mayoral CIL charge rate of £35 per square metre. The proposed floorspace is 610 square metres representing an increase of 297 square metres. This results in a total CIL charge of £38,610 were planning permission to be granted.

#### **7.21 Expediency of enforcement action**

Not applicable.

#### **7.22 Other Issues**

No other issues are 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 Probity 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

#### **10. CONCLUSION**

The proposed variation of the approved plans would increase the number of proposed bedrooms within the dwelling from 6 to 9. Since the proposal exceeds all minimum standards and the dwelling is to be used for single household occupation.

The change does not raise any adverse issues in its own right. One of the key benefits of the approved scheme was to retain a general appearance of two dwellings, which reflected the general special character of the street and which is a requirement when considering development within the ASLC. The proposed amendment would remove this benefit and would introduce a discordant feature out of keeping with the general character of development in the area. As such, it is considered that the proposed alteration to the roof design by provision of crown roofs would harmfully change the character and appearance of the new dwelling within the street scene. The proposed development is not considered to be in keeping with the character and appearance of the ASLC.

The issues were put to the applicant who wishes the application to be determined as it stands. It is recommended that the application to vary the condition be refused.

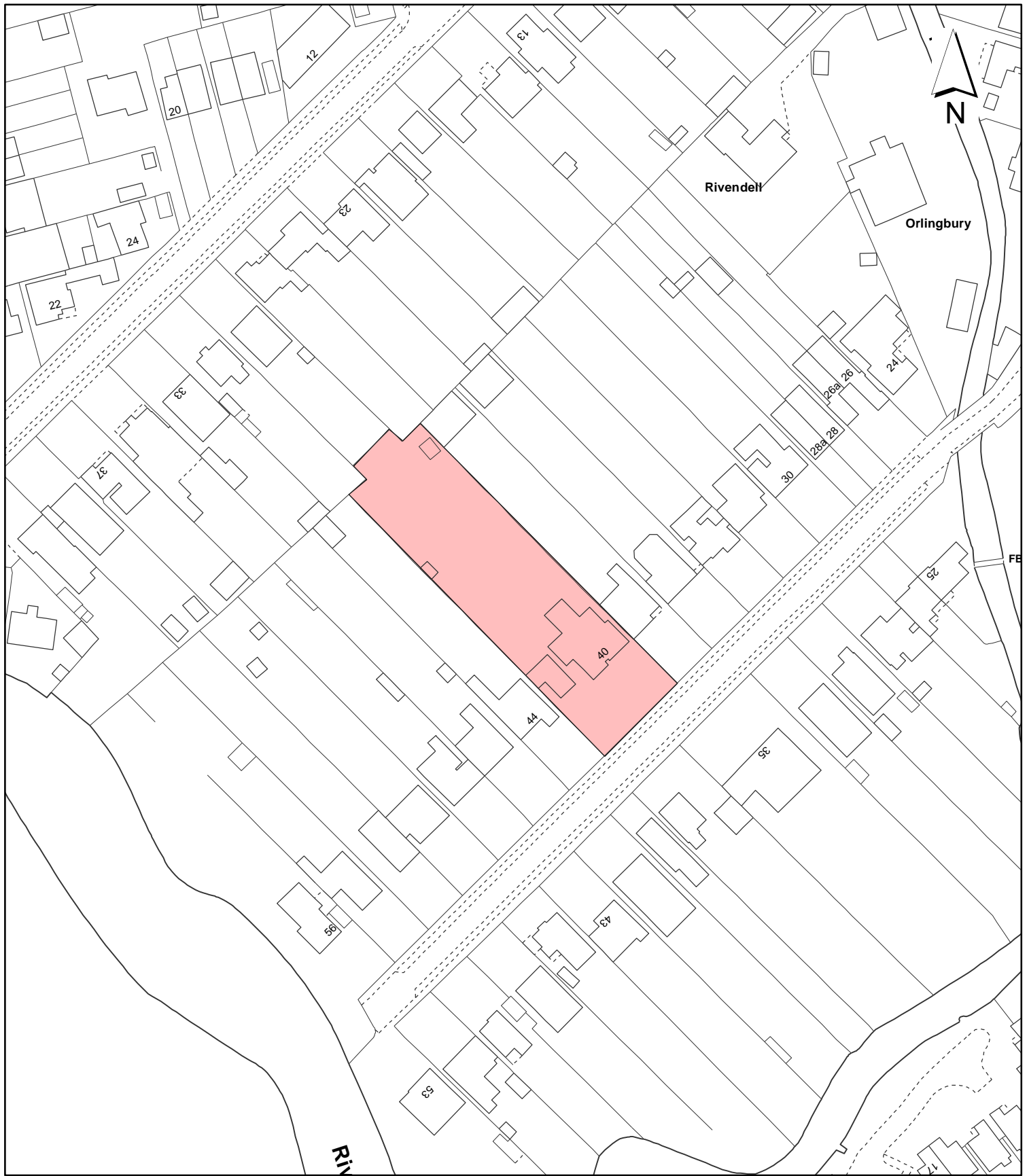
#### **11. Reference Documents**

Hillingdon Local Plan: Part One (November 2012)  
Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)  
London Plan 2016  
Accessible Hillingdon SPD

Council's HDAS Supplementary Planning Document: 'Residential Layouts'.

**Contact Officer:** Cris Lancaster

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**40 Frays Avenue  
 West Drayton**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section

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

Planning Application Ref:

**3650/APP/2016/1437**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**November 2016**



**HILLINGDON**  
 LONDON