

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

**Address** LAND FORMING PART OF 14 WIELAND ROAD NORTHWOOD

**Development:** Variation of condition 5 (Windows) of planning permission Ref: 71125/APP/2016/360 dated 02/02/2016 (Two storey, 4-bed, detached dwelling with habitable roofspace including dormer to rear and 2 side rooflights, with associated parking and amenity space involving demolition of existing garage and alterations to existing access)

**LBH Ref Nos:** 71125/APP/2017/2541

**Drawing Nos:** 1227-P3-2A

**Date Plans Received:** 12/07/2017

**Date(s) of Amendment(s):**

**Date Application Valid:** 20/07/2017

### 1. SUMMARY

The application seeks permission for the variation of condition 5 (Windows) of planning permission ref: 71125/APP/2016/360 dated 02/02/2016, for the erection of a two storey, 4-bed, detached dwelling with habitable roofspace including dormer to rear and 2 side rooflights, with associated parking and amenity space. The proposed alterations are identified within the submitted plans and seek to allow the removal of obscure glazing for two of the ground floor side facing windows and restricted opening of 100 mm for seven of the ground and first floor side facing windows.

The proposed amendments are not considered to result in an unneighbourly form of development and would not have an impact on the visual amenity of the development.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 RES4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 1227-P3-2A and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

#### 2 RES13 **Obscure Glazing**

The window as specified within the approved plan 1227-P3-2A facing 14 and 16 Wieland Road shall be glazed with permanently obscured glass and non-opening beyond 100mm for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### 3 NONSC **Non Standard Condition**

The proposed alterations to the detailed arrangements of the windows, their obscurity and means of opening as approved in this application shall be fully implemented within one month of the date of this permission, and the arrangements shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016 so as to protect the amenities of adjacent residential neighbours.

**4 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 14 and 16 Wieland Road.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**5 RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no extension or roof alteration to the dwellinghouse shall be erected without the grant of further specific permission from the Local Planning Authority.

**REASON**

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE21, BE23 and BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**6 RES23 Visibility Splays - Pedestrian**

The access for the proposed car parking shall be provided with those parts of 1.5 m x 1.5 m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6 m above the level of the adjoining highway.

**REASON**

In the interests of highway and pedestrian safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**INFORMATIVES**

**1 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 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.

## **2**            I52                    **Compulsory Informative (1)**

The decision to GRANT this application 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).

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

The decision to GRANT this application 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.
H4	Mix of housing units
H5	Dwellings suitable for large families
OE6	Proposals likely to result in pollution
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
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

### **3.        CONSIDERATIONS**

#### **3.1      Site and Locality**

The application site is located on the North Western side of Wieland Road. It comprises a new detached property with an integral garage on the South Western side, with a paved

driveway and gardens to the front. There is a large rear garden to the rear. The property has been built on land which was formerly a side garden area to no. 14 and is situated at a lower level than that property. To the other side no. 16 is set at a lower level again.

The street scene is residential in character and appearance comprising two storey detached period properties set within plots of a similar width.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and lies within the Gatehill Farm Estate Area of Special Local Character. It is also covered by TPO 170.

### **3.2 Proposed Scheme**

This application seeks permission for the variation of condition 5 (windows obscure glazing and fixed shut below 1.8 m). This seeks to allow two ground floor side facing windows to be clear glazed and opening, with all others retained as obscure glazed and allow seven windows to be opening below 1.8 m to a maximum of 100 mm.

Condition 5 was imposed to prevent overlooking, and thereby to protect the amenities of nearby residential occupiers.

### **3.3 Relevant Planning History**

71125/APP/2015/3960 Land Forming Part Of 14 Wieland Road Northwood

Two storey, 4-bed, detached dwelling with habitable roofspace including dormer to rear and 2 side rooflights, with associated parking and amenity space involving demolition of existing garage and alterations to existing access

**Decision:** 22-12-2015 Approved

71125/APP/2016/131 Land Forming Part Of 14 Wieland Road Northwood

Details pursuant to conditions 3 (Materials and External Surfaces), 7 (Sustainable Water Management), 9 (Levels), 10 (Method Statement/Fencing) and 11 (Landscaping) of planning permission Ref: 71125/APP/2015/3960 dated 22/12/2015 (Two storey, 4-bed, detached dwelling with habitable roofspace including dormer to rear and 2 side rooflights, with associated parking and amenity space involving demolition of existing garage and alterations to existing access)

**Decision:** 07-03-2016 Approved

71125/APP/2016/360 Land Forming Part Of 14 Wieland Road Northwood

Two storey, 4-bed, detached dwelling with habitable roofspace including dormer to rear and 2 side rooflights, with associated parking and amenity space involving demolition of existing garage and alterations to existing access

**Decision:** 05-04-2016 Approved

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

71125/APP/2016/360 - Two storey, 4-bed, detached dwelling with habitable roofspace including dormer to rear and 2 side rooflights, with associated parking and amenity space involving demolition of existing garage and alterations to existing access (approved)

71125/APP/2015/2968 - Details pursuant to conditions 3 (Materials and External Surfaces), 7 (Sustainable Water Management), 9 (Levels), 10 (Method Statement/Fencing) and 11 (Landscaping) of planning permission Ref: 71125/APP/2015/3960 dated 22/12/2015 (approved)

71125/APP/2015/3960 - Two storey, 4-bed, detached dwelling with habitable roofspace and dormer to rear, 2 x side rooflights with associated parking and amenity space involving demolition of existing garage (approved)

71125/APP/2015/2968 - Two storey, 4-bed, detached dwelling with habitable roofspace and dormer to rear, 2 x side rooflights with associated parking and amenity space involving demolition of existing garage (refused)

#### **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.

H4 Mix of housing units

H5 Dwellings suitable for large families

OE6 Proposals likely to result in pollution

LPP 3.3 (2016) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2016) Quality and design of housing developments

LPP 3.8	(2016) Housing Choice
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
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

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

10 neighbours were consulted for a period of 21 days expiring on the 11 August 2017 and a site notice was also erected on the lamp post opposite no. 14.

1 response was received raising the following objections:

- The windows installed are not in accordance with the condition as originally stipulated and are openable below 1.8 m.
- Advised that the application is for the removal of the condition which would result in a loss of privacy on our property.
- The windows adjacent to our property are not fully obscured and the windows do overlook our property.
- We believed the orangery windows should also be obscure glazed and fixed shut as this directly faces our patio.
- Also concerned that the bedroom window on the first floor to the rear of the property should have been an obscure panel and consists of four sections, has a clear panel with only two sections of glass, which means whenever the bedroom is occupied we have a clear unrestricted view into the room from parts of our garden.

Gateshill Estate Residents Association - This is a retrospective application. The GRA fully support Mr & Mrs Houghton of 16 Wieland Road in their objections and endorse their letter of objection. The GRA have raised a petition in objection to this application to remove condition no. 5. It appears from the outset the applicant had no intention of complying with condition no. 5. The neighbours are suffering a distressing loss of privacy, which they had been assured would be maintained. We note the plans indicate the specific windows which would be affected but the description advises removal of condition, which could then be applied to all. It is inconceivable that planning permission would be granted as LBH would be seen as irresponsible, breaking their own Policy and Conditions that they have set in stone. LBH have a duty to uphold Policy and Condition in order to safeguard the privacy of residents. We consider condition no. 5 is also applicable to all windows on the flanks, including the orangery/single storey rear projection.

A Petition from the GRA has also been submitted.

Officer response: The proposal is for the Variation of Condition no. 5, not the removal and the description has been amended to more accurately reflect this. If all aspects of the proposal were considered acceptable then a condition requiring the maintenance of the proposal in accordance with approved plans, would restrict any amendment to those identified in the plans.

Northwood Hills Residents Association - No response.

### **Internal Consultees**

Access Officer - No response.

Tree/Landscaping - No landscape impact.

Conservation and Urban Design - This condition was imposed to prevent overlooking so is a development control matter only.

Highways - No highway impacts.

## **7. MAIN PLANNING ISSUES**

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

The proposed variation of condition is to amend the opening details for windows installed within the dwelling as approved under permission 71125/APP/2016/360. Condition 5 of that approval stated:

The windows facing 14 and 16 Wieland Road shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### **REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012). .

This would allow for higher level top hung casement windows to be fully opened allowing ventilation to the room, whilst restricting direct overlooking of the neighbouring properties. The windows as installed are obscure glazed side hung casements, which it is proposed to have restricted opening of just 100 mm to allow for ventilation. In principle a variation to the condition would be acceptable, subject to the detailed arrangement of the windows ensuring the privacy of the neighbouring property is being maintained.

### **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 BE13 ensures development harmonises with the existing street scene or other features of the area which are considered desirable to retain or enhance. BE19 ensures new development complements or improves the amenity and character of the area. The NPPF (2012) also notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The proposal seeks a variation of condition no.5 in relation to the opening of the windows on the side elevations. The overall proportions of the windows are as previously approved. The only variation in design is to the rear patio doors and Juliette balcony, where two large glazed panels have been installed against the approved 4 panels, however in terms of appearance these are minor amendments at the rear of the property. As such the alterations are not considered to have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy OE1, OE3 and BE24 of the Hillingdon Local Plan (November 2012) require the design of new developments to protect the amenity and privacy of neighbouring dwellings.

Condition 5 was included on the original permission to prevent any direct overlooking and loss of privacy to the neighbouring properties. This required obscure glazing and non opening windows below 1.8 m. The design of the windows are such that there is no top hung casement to allow ventilation and the proposed alterations seek to address this by identifying specific side casement windows with a maximum opening of 100 mm. This includes windows on both side elevations.

On the North Eastern side facing no. 14 there are two narrow ground floor windows, the forward most window serves a shower room and is proposed to be obscure glazed and openable, the second window sits beside the chimney and is a secondary window to the living area and is proposed to be clear glazed and openable. These windows face and are set down below the level of the side fence and would not give rise to any increase in overlooking to the neighbouring property. At first floor level are three narrow windows, which serve a shower room, the stairs and a secondary window to the rear bedroom. These are to be obscure glazed with restricted opening of 100 mm. Given the size of the windows and obtuse angle of view to the shared boundary it is not considered this would result in any direct overlooking of the flank wall of the neighbouring property. The proposed dormer window is set at 1.7 m above floor height, which would accord with permitted rights. It is therefore considered that the proposed amendments would not result in any significant loss of amenity to the neighbouring occupiers at no. 14.

On the South Western side, no. 16 is set at a lower level and has raised concerns over the overlooking and loss of privacy of the proposed amendments. At ground floor level the two forward most windows serving the dining room and kitchen are proposed to be obscure glazed with restricted opening of 100 mm. The rearmost window on the main building nearest to the neighbouring patio area would be retained as obscure glazed and fixed shut. At first floor level a small side facing bathroom window is also proposed to be obscure glazed with restricted opening. Again given the obtuse angles it is not considered the proposed alterations would result in any direct overlooking or significant increased loss of privacy to the neighbouring property. Concern has also been raised that the side facing window of the single storey rear projection is not obscure glazed and fixed shut below 1.8 m allowing clear views onto the patio area of the neighbouring property. However it is noted that this window is set back 5.3 m from the shared boundary and faces the new dwelling's own patio area. The submitted section identifies the finished floor levels at 0.15 m above ground level. This would mean that the tops of the window stand at 2.15 m above the floor level. Therefore although the top of the windows may be visible from the rear garden of the adjacent property, this is significantly above the head height of most adults. It is also noted that the no. 14 had side facing clear glazed windows directly overlooking the rear of no. 16 and although at a slightly greater distance was also at a significantly higher level. It is



therefore considered that the proposed revised development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

**7.09 Living conditions for future occupiers**

The proposed alterations do not impact on the previously approved scheme.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

The proposed alterations do not impact on the previously approved scheme.

**7.11 Urban design, access and security**

The proposed alterations do not impact on the previously approved scheme.

**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 proposed alterations do not impact on the previously approved scheme.

**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**

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.19 Comments on Public Consultations**

The comments raised have been noted and addressed within the report.

**7.20 Planning Obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

Not applicable to this application.

**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**

### **10. CONCLUSION**

The proposed amendments to the window detail are not considered to result in an unneighbourly form of development and would not have an impact on the visual amenity of the development.

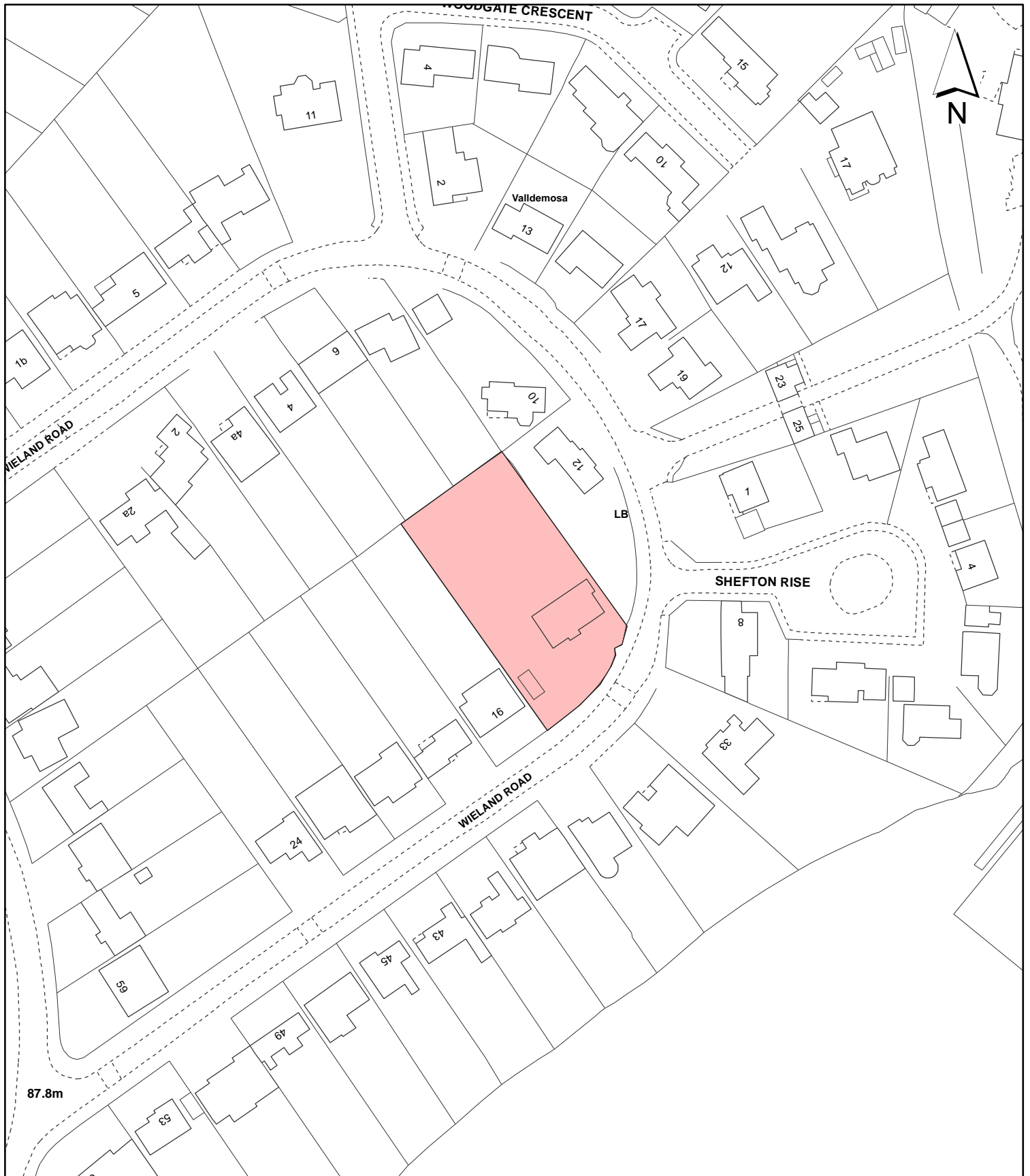
### **11. Reference Documents**

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).  
Hillingdon Local Plan Part 2.  
The London Plan (216).

Supplementary Planning Document HDAS: Accessible Hillingdon.  
National Planning Policy Framework.

**Contact Officer:** Liz Arnold

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Land Forming Part of  
 14 Wieland Road**

Planning Application Ref:

**71125/APP/2017/2541**

Planning Committee:

**North**

Scale:

**1:1,250**

Date:

**October 2017**

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

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