

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

**Address** 9 GREENHEYS CLOSE NORTHWOOD MIDDLESEX

**Development:** Alterations to single-storey rear extension to include amended roof design, changes to the rear elevation and installation of window to side elevation (retrospective application).

**LBH Ref Nos:** 69090/APP/2017/2535

**Drawing Nos:** 002 Rev.B  
005 Rev.B  
006  
003 Rev.A  
004 Rev.A  
001

**Date Plans Received:** 12/07/2017      **Date(s) of Amendment(s):** 12/07/2017  
**Date Application Valid:** 24/07/2017      19/09/2017

### 1. CONSIDERATIONS

#### 1.1 Site and Locality

This application seeks retrospective planning permission for alterations to a single-storey rear extension at 9 Greenheys Close in Northwood.

Planning permission (ref: 69090/APP/2016/1436) was granted on 07/06/16 for the erection of a single-storey extension to the property. That extension has been built but not in accordance with the originally approved plans. This application therefore seeks retrospective consent for alterations to that extension to include an amended roof design, changes to the rear elevation, installation of a window in its side elevation and alterations to the rooflights.

It is not considered that the extension as built has any significant increased impact on residential or visual amenity over the approved scheme. It is, accordingly, considered to comply with relevant Local Plan policies and guidance and approval is recommended.

#### 1.2 Proposed Scheme

Planning permission (ref: 69090/APP/2016/1436) was granted on 07/06/16 for the erection of a single-storey extension to the property.

That extension has been built but not fully in accordance with the approved plans. Accordingly, retrospective planning permission for alterations to the approved extension, to include the following, is now sought:

1. Installation of a window in the north east elevation. It should be noted that although the plans state the lower part is obscure glazed and fixed shut with only the upper part clear glazed and openable, the entire window is in fact obscure glazed.
2. Change in size of rooflights.

3. Alterations to fenestration to include provision of additional door in rear (south east) elevation.
4. Provision of shallow pitched rather than flat roof.

### 1.3 Relevant Planning History

69090/APP/2016/1436      9 Greenheys Close Northwood Middlesex  
 Single storey side/rear extension

**Decision Date:** 07-06-2016      Approved      **Appeal:**

69090/APP/2017/2628      9 Greenheys Close Northwood Middlesex

Application for a non-material amendment to planning permission Ref:69090/APP/2016/1436 dated 07/06/2017 to allow for amendments to design of rear element and roof (Erection of a single storey side/rear extension)

**Decision Date:** 16-08-2017      Withdrawn      **Appeal:**

#### Comment on Planning History

The planning history is summarised above.

### 2. Advertisement and Site Notice

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

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

### 3. Comments on Public Consultations

Consultation letters were sent to three neighbouring properties and the Northwood Residents' Association. A site notice was also posted. Letters of objection have been received from two neighbouring properties, which raise the following concerns:

1. The original planning permission stipulated that development must be carried out in accordance with the approved plans and that no windows be erected in the side elevations. This has been ignored and should be enforced.
2. The new window is 1m from the boundary and overlooks the neighbouring conservatory. This is an invasion of privacy and affects the occupant's enjoyment of their home.
3. Light pollution from the window.
4. The plans are misleading. Level changes mean there is only 0.71m difference in height between the finished floor level in the conservatory of no.8 and the boundary wall.
5. Neighbours can see straight into the extension.
6. Cooking fumes and steam from the window will come into the neighbouring property.
7. Noise from conversations heard through the open window.
8. Insufficient notification with neighbours.
9. The window is not needed as there are bi-folding doors and a cooker hood could extract fumes.
10. The originally flat skylight is now large, bulbous and unpleasant to look at.
11. Two roof flues, not shown on the approved plan, look hideous.
12. Planning laws have need ignored and neighbours will be left with the result of this.
13. Permission for the modifications should have been sought before work commenced.
14. The Council should enforce its own policies and procedures and put residents first.
15. There has been no change to negate the need for the original condition.
16. This will infringe residents' right to privacy and the enjoyment of their homes.

17. No other house in the Close has been allowed such latitude.
18. The roof is 200 mm taller than originally specified.
19. Contrary to the application form, which suggests the site cannot be seen from public land, it is visible from large areas of Greenheys Close.
20. Neighbours will be affected by the loss of light to the adjacent glass kitchen door.
21. It is untrue and subjective to suggest there will be no overbearing impact on neighbours.
22. No dimensions are provided on the plans to enable a comparison with the height of the original garage roof.
23. In places the extension is 50% higher than the original garden wall, is claustrophobic and overbearing.
24. 3 huge skylights and two large roof flues have been installed but are not shown on the plans.
25. The roof differs from all other extension roofs in the Close. It is unsightly, has the appearance of a factory roof, is incongruous, is an eyesore from any angle and obscures previous garden views.
26. Other breaches of the original conditions include the building of a wall abutting the existing boundary wall; installation of two roof flues; unsuitable roofing material; 3 huge skylights.
27. The materials do not match those used in the existing building, contrary to condition requirements.
28. If allowed this indicates that the Council will overlook transgressions by professionals acting unethically, rather than enforcing its policies and procedures and putting residents first.

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

OE1 Protection of the character and amenities of surrounding properties and the local area

LPP 7.4 (2016) Local character

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

#### **5. MAIN PLANNING ISSUES**

Planning permission (69090/APP/2016/1436) was granted for the provision of a single-storey rear extension to this property in June 2016. Matters relating to the impact of that extension on both residential and visual amenity were considered at that time and found to be acceptable. The extension as built does not fully accord with the original planning permission and, accordingly, approval is now sought for those changes, as summarised above in part 1.2 of this report. The key matters for consideration are not therefore whether the extension is acceptable in principle but whether the changes which have been made to the approved scheme would have such a significantly greater impact on residential or visual amenity such they would be considered unacceptable. Each of the changes made and the associated impacts are discussed in detail below:

New window:

One of the key alterations made, and a key reason for objection from neighbours, relates to the installation of a window in the north east elevation of the extension.

Condition 4 of the original consent states:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls of the development hereby approved facing 8 or 10 Greenheys Close.

Reason

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

Accordingly, the provision of a window here is in direct conflict with the requirements of that condition.

Residents have raised very strong objections to the provision of a window here citing the condition, in addition to impacts on residential amenity (particularly with regard to overlooking) as key reasons for disallowing it.

It is important to note that without the attachment of the condition to the original consent, the applicant could have installed windows in the side elevation without the requirement for planning permission. The condition sought to remove the applicant's ability to do this without the need for planning permission in order to ensure that impacts of residential amenity could be properly assessed, but it does not necessarily mean that a window here could never be found acceptable; just that consent would be needed.

In considering the acceptability of the window, it is important to consider why the condition was attached and what it sought to achieve. In this case, the reason given for attaching the condition is specific, relating to overlooking only and policy BE24 of the Hillingdon Local Plan: Part 2, as quoted in the reason for the condition, states that "the design of new buildings should protect the privacy of the occupiers and their neighbours."

The window which has been installed measures approximately 0.5m wide by 1.5m high. It is top opening at a height of approximately 1.9m as measured externally from the patio floor level. The bottom of the window is fixed shut. The entire window is obscure glazed.

The window is located less than 1m from the boundary with no.8 Greenheys Close. However, it directly faces onto approximately 2.1m high timber boundary fencing (as measured from the patio floor level of the application site), which screens views of the adjoining property. Residents' comments regarding the change in levels between the properties, which they argue exacerbates overlooking issues, are noted. However, officers viewed the window from inside and outside the applicant's property and are satisfied that the provision of obscure glazing in addition to the existing high boundary fence is such that views of the neighbouring dwelling from the window are so limited that no unacceptable loss of privacy occurs.

In view of the above, notwithstanding the original condition, the provision of a window here does not result in unacceptable overlooking such that it would fail to comply with Local Plan: Part 2 policy BE24 and it is therefore considered to be acceptable. It is however recommended that, should planning permission be granted, conditions be attached to ensure the window remains obscure glazed in perpetuity and that no other windows are installed in the side elevations without the need for planning permission, so that future impacts on residential amenity can be properly assessed.

In addition to concerns regarding overlooking neighbours have also raised strong objections on grounds of noise and air pollution from the window. Notably, Local Plan: Part 2 policy OE1 seeks to safeguard against uses or structures which, amongst other criteria, would result in unacceptable noise, smell or other pollutants.

With regard to noise, specific concern has been raised over the ability to hear conversations through the window, which it is suggested affects the neighbours' enjoyment of their gardens.

The area of the extension was formally garden area. Officer photos taken at the time of the original application show that it was a patio, occupied by children's play equipment. Photos also shown that there were openable windows in the rear elevation of the house at that time and the floorplans confirm that these served the kitchen/dining room. It is not considered that noise from the new window would be any greater than that which could have occurred from previous windows in the rear elevation or from use of the garden area and refusal can not be justified on these grounds.

Neighbours have also suggested that the window would act as a vent to the kitchen. The floorplans indicate, and it was evident on visiting the property, that the extension serves a family room, which forms part of a wider open plan space accommodating the kitchen and dining area. The window does not directly serve the kitchen area and it was noted that kitchen extraction already existed. As mentioned above, it is notable that the kitchen also formerly had openable windows in the rear elevation of the property. It is not therefore considered that the window would result in such noise, odour or air pollution that it would be contrary to the objectives of Local Plan: Part 2 policy OE1 and refusal could be justified.

Change in size of rooflights:

Local Plan: Part 2 Policies BE13, BE15 and BE19 seek to ensure that new development complements or improves the character and amenity of the area.

The originally approved plans showed that three rooflights would be provided to the property. A small rooflight was proposed to serve a new shower room, a slightly larger one was proposed to serve a study and a large, approximately 3.2m by 1.5m rooflight was

proposed to serve the family room of the extension.

The rooflights installed are all of slightly differing sizes to those shown on the original consent. Small rooflights of equal sizes (approximately 0.8m by 0.8m) have been installed to serve the shower room and study. For the shower room this means a slightly larger rooflight than originally shown has been installed, but for the study this represents a small decrease in the size of the rooflight. In the family room, a much smaller, approximately 1.5m by 1m rooflight has instead been installed. Due to the change in levels on site (the rear garden slopes away from the property) no views of the rooflights are easily visible from the rear of the property. The side rooflights are however visible from Greenheys Close to the front.

The principle of allowing rooflights to the extension has already been established through the approved consent. Accordingly, the key consideration relates to whether those rooflights now installed have a considerably greater and unacceptable visual impact.

Limited details of the originally approved rooflights were provided at the time of the original consent and, therefore, contrary to suggestions by neighbours, it is not possible to directly compare the designs of those previously proposed with those now installed. It is notable however that, reflective of their relatively limited visual impact, no conditions requiring further details of the rooflights were attached to the previous consent. Indeed, now they are installed, although some of them are visible from Greenheys Close, it is noted that they are broadly in keeping with those present on other properties in the Close and their limited overall visual impact on the application site and surrounding area is apparent.

Notwithstanding this, it is acknowledged that neighbour's have raised strong objections to their visual appearance and design. There are two first floor windows in the side elevation of no.10 Greenheys Close and it is feasible that the rooflights would be visible from these. However, these are not in a principle elevation, unlikely to be the sole window serving habitable rooms (if they serve habitable rooms at all) and their outlook is already impeded by the proximity of the adjoining property. Accordingly, it is not considered that the small change in the sizes of the rooflights in the side of the extension, one of which would become smaller, would have any significant impact on the residential amenity of occupants of that property. No. 10 projects further back than the application site and so the rear rooflight would not be visible to that property. Whilst views may be visible from windows in the rear elevation of No. 8 it would not be within the direct line of sight from those windows and, given its significant reduction in size, it is not considered that it would be so detrimental to the outlook from those windows that refusal could be justified.

Despite the strong neighbour objection to the design of the rooflights, it is considered that their visual impact in this location is limited. They are visible from first floor windows of neighbouring properties and from Greenheys Close. However, they are residential in size and scale and seen in context with surrounding development. Whilst slightly larger than those present in neighbouring properties they are nevertheless not uncharacteristic of the area. Accordingly, it is not considered that they are so harmful to the visual amenities of the application site or surrounding area, or that they have such a detrimental impact on the outlook from adjoining properties, that refusal could be justified on these grounds. Accordingly, the rooflights are considered to comply with the objectives of the above mentioned policies.

Alterations to fenestration to include provision of additional door in rear (south east) elevation:

As mentioned above, Local Plan: Part 2 Policies BE13, BE15 and BE19 seek to ensure that new development complements or improves the character and amenity of the area.

Minor alterations have been made to the rear elevation of the property, which include swapping of a previously approved window for a smaller window and a door.

These changes are considered to be minor. They are in keeping with the character and appearance of the previously approved scheme and are considered to be visually acceptable in this location. Furthermore, it is not considered that they result in any significant harm to the residential amenity of adjoining occupants, over and above the previously approved scheme. Accordingly, these changes are considered to comply with the requirements of policy BE13 and BE19 and are considered to be acceptable.

Provision of shallow pitched rather than flat roof:

As mentioned above, Local Plan: Part 2 policies BE13, BE15 and BE19 seek to safeguard visual amenity. Policies BE20, BE21 and BE24 seek to safeguard residential amenity from development which could result in unacceptable overshadowing, overdomination and/or loss of privacy, respectively.

The approved plans showed that a flat roof would be provided to the extension. However, the as built roof has a very gentle pitch which slopes towards the rear. Notwithstanding neighbour assertions that the roof has been considerably increased in height, the plans confirm that this is not the case. There has been no increase in the maximum height of any part of the roof and it would, in fact, be marginally lower towards the rear of the property.

Notwithstanding the resident objections, given the minor nature of the alteration to the roof, it is not considered that it has any additional detrimental impact on residential or visual amenity. It is therefore considered to comply with the above mentioned policies and, notwithstanding the strong neighbour objections, refusal could not be justified.

Other matters raised by objectors:

Concerns have been raised over light pollution from the new window in the side elevation. This is a residential extension with domestic internal lighting. The window is obscure glazed, screened by fencing and does not face habitable room windows in the adjoining property. Accordingly, it is not considered that it results in such high levels of light pollution that refusal could be justified. If residents have concerns regarding light pollution from other light sources, such as external floodlights not requiring planning permission, then this would need to be reported to the Council's Anti-Social Behaviour Team.

It has been suggested that the plans are misleading as they do not accurately show level changes or dimensions. The plans are drawn to scale and officers are satisfied that they represent the situation on site. Refusal cannot be justified on these grounds.

Neighbours have raised concerns over insufficient consultation. Residents were notified of the application by way of letter and site notice in exceedance of minimum statutory requirements. Any consultation carried out by the applicant is voluntary.

Residents have questioned the need for the window. There is no requirement for the applicant to demonstrate need in this instance. Matters relating to impacts on visual and residential amenity have been considered as part of this report.

Concerns have been raised over the visual impact of two roof flues. These are indicated on the floor plans and serve a shower room and boiler. They would be seen in context with the adjoining buildings and are typical of the type of flues commonly seen on residential properties. Their overall visual impact is considered to be minor and refusal could not be justified on these grounds.

Neighbours' comments regarding the stance the Council should take and its handling of the application are noted. The Local Planning Authority must consider the application against current planning policies, guidance and legislation, regardless of the site history.

Residents suggest that no other properties in the Close have been allowed such leniency. Each application must be assessed on its merits based on the policies, guidance and legislation in place at the time.

It is suggested that the application form incorrectly suggests that the site cannot be seen from public land. Only limited views are available from public areas of Greenheys Close. The larger part of the development is not visible from public areas. This is not a valid reason for refusal.

Residents raise concerns over other breaches of the original conditions include the building of a wall abutting the existing boundary wall; installation of two roof flues; unsuitable roofing material; 3 huge skylights. There was no evidence of other breaches not addressed by this application when visiting the site.

Residents complain that the external materials used in the extension do not match those of the original house and so are contrary to conditional requirements. Officers are satisfied that the materials are satisfactorily in keeping with the character and appearance of the original property such they have no significant detrimental impact on the visual amenities of the application site or surrounding area. Accordingly, refusal could not be justified on these grounds.

Conclusion:

Planning permission (ref: 69090/APP/2016/1436) was granted on 07/06/16 for the erection of a single-storey extension to this property. The applicant has built the extension and retrospectively seeks planning permission for minor alterations to the approved plans.

Notwithstanding the very strong objections received from neighbours to the changes made, it is not considered that the development has any significant detrimental impact on residential or visual amenity.

The development is considered to comply with relevant Local Plan policies and guidance and, accordingly, approval is recommended.

## **6. RECOMMENDATION**

**1**            HO1            Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.



REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

**2** HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 002 Rev.B, 005 Rev.B & 006.

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).

**3** HO5 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 8 or 10 Greenheys Close.

REASON

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

**4** HO7 No roof gardens

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

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

**INFORMATIVES**

**Standard Informatives**

2

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.  
BE15 Alterations and extensions to existing buildings  
BE19 New development must improve or complement the character of the area.

BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 7.4	(2016) Local character
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

- 3 You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
- 4 You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.
- 5 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning, Environment and Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).
- 6 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air

Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).

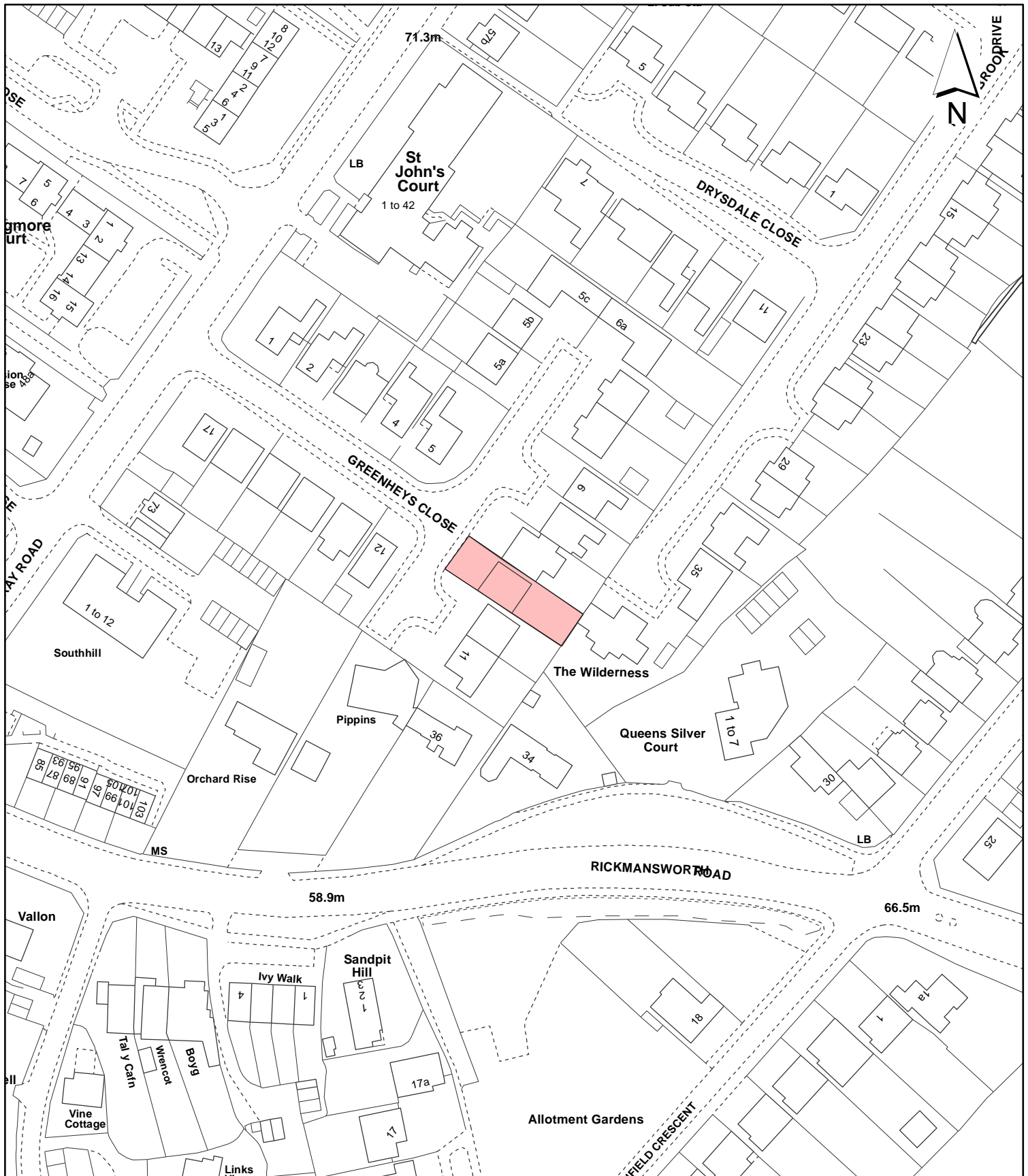
- 7 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning, Environment and Community Services Reception, Civic Centre, Uxbridge, UB8 1UW.
- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- 9 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -
- A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays Bank and Public Holidays.
  - B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
  - C) The elimination of the release of dust or odours that could create a public health nuisance.
  - D) No bonfires that create dark smoke or nuisance to local residents.
- You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.
- 10 You are advised that care should be taken during the building works hereby

approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

- 11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- 12 You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**Contact Officer:** Johanna Hart

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**9 Greenheys Close**

Planning Application Ref:

**69090/APP/2017/2535**

Planning Committee:

**North**

Scale:

**1:1,250**

Date:

**October 2017**

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

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



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