

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

**Address** 159 CHARVILLE LANE HAYES

**Development:** Erection of a replacement bungalow with associated access, parking and landscaping works (Part Retrospective).

**LBH Ref Nos:** 4734/APP/2017/4236

**Drawing Nos:** Design and Access Statement, dated 23-11-2017  
15\_735\_004  
CHARVILLE/03  
LP-01-2017  
MW-01-BFSGC (Proposed Front Elevation)  
FP-02-BFSGC-2018  
MW-02-BFSGC-2018  
MW-03-BFSGC-2018  
MW-04-BFSGC-2018  
FP-01-BFSGC-2018  
BP-05-2018  
RFP-01-2018 (Site Layout superseded by Drwg. No. BP-05-2018)  
Flood Risk Assessment (Ref: WTRF-FRA-2018/09/Q20 Rev. B) dated 2-11-2018

**Date Plans Received:** 24/11/2017                      **Date(s) of Amendment(s):** 24/11/2017

**Date Application Valid:** 24/11/2017

### 1. SUMMARY

The application seeks part retrospective planning permission for the erection of a replacement single storey dwellinghouse on the northern side of Charville Lane which is included within the Green Belt.

A number of applications have been submitted in the past to regularize the works, but these have been unsuccessful and it is considered that the current scheme has included a number of further revisions to the scheme which are considered to have overcome the previous main objection to the scheme on Green Belt grounds.

Furthermore, the proposed replacement bungalow would not be detrimental to the residential amenities of adjoining occupiers and the Council's Water and Flood Management Officer, with the submission of a Flood Risk Assessment, raises no further objections to the scheme, subject to a recommended condition.

The scheme would provide suitable residential accommodation to its occupiers and adequate off-street parking is provided.

The application is recommended for approval.

### 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, numbers FP-01-BFSGC-2018, FP-02-BFSGC-2018, MW-01-BFSGC (Proposed Front Elevation), MW-02-BFSGC-2018, MW-03-BFSGC-2018, MW-04-BFSGC-2018, BP-05-2018 and RFP-01-2018 ('Site Layout Plan superseded by Drw. No. BP-05-2018) 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 (March 2016).

### **2 RES9 Landscaping (car parking & refuse/cycle storage)**

Within two months of the date of this permission, a landscape scheme, based upon Drw. No. BP-05-2018 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

#### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

#### 2. Details of Hard Landscaping

2.a Refuse Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts

2.e Hard Surfacing Materials

#### 3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (March 2016).

### **3 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 157 or 161 Charville Lane.

#### REASON

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

**4 RES13 Obscure Glazing**

The rooflight window(s) facing 157 Charville Lane shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be 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 (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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) 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 NONSC Accessibility Condition**

The development shall meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, with all such provisions retained in perpetuity.

**REASON:** To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8 (c), is achieved and maintained.

**7 NONSC Sustainable Water Management Condition**

Prior to the occupation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures submitted to and approved in writing by the Local Planning Authority:

- i). Provision of a Flood Action Plan to all future residents including plan and locations of appropriate refuge and evacuation routes etc, and explanations that the site is at risk, to ensure the occupants take the right action at the right time, and do not burden emergency services.
- ii). Details of the flood resistance measures (flood exclusion) and flood resilience measures.
- iii) Agree levels of and materials used for the formation of the front and rear garden, including appropriate compensatory flood storage on / or in the vicinity of the site. As built ground level information should be submitted. Provide survey showing existing surrounding ground levels of adjacent properties for indication of levels prior to development, and put forward levels to be agreed for compensation for extension. Specify also materials used for the formation of the front and rear garden.
- iv) Ordinary Watercourse works to remove section of ordinary watercourse culverted purely for aesthetic purposes.

v) Provide plan of the sustainable surface water drainage strategy for the site limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

#### REASON

To minimise the impact of flooding on the proposed development and future occupants and to minimise the impact of the proposed development on the surrounding area in compliance with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 5.12 of the London Plan (2016) and the NPPF.

#### INFORMATIVES

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

The decision to GRANT 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 GRANT 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.

NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 14	NPPF-14 2018 - Meeting the challenge of climate change, flooding and coastal change
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 7.4	(2016) Local character
LPP 7.16	(2016) Green Belt
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
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.
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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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

### **3 147 Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

### **4 12 Encroachment**

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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

### **5 15 Party Walls**

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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

### **6 16 Property Rights/Rights of Light**

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.

## **7 115 Control of Environmental Nuisance from Construction Work**

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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) 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.

## **8 170 LBH worked applicant in a positive & proactive (Granting)**

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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **3. CONSIDERATIONS**

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

The application site is located on the northern side of Charville Lane, directly opposite its junction with Langdale Drive. It forms one in a row of twelve bungalows, many of which have been extended and altered and is the penultimate property on the eastern end of this side of the road with open land/fields beyond No. 161 and adjoining the site to the rear. Charville Lane continues to the east through open countryside for some 620 metres, providing access to Westways Farm which appears to be in commercial use. Other significant uses surrounding the site include Charville Primary School situated to the south west and the Abbeyfields Equestrian Centre located to the north west of the site. This is an urban fringe location, with the surrounding area comprising a mix of residential and open land and countryside.

The previous dwelling prior to its demolition comprised a modest detached bungalow with a hipped roof. It was extended to the rear by way of an L-shaped flat roofed single storey rear

extension. No evidence of the previous dwelling exists and the scale of the works observed on-site suggests wholesale clearance of the site has taken place.

The present dwelling is near completion and has reached an advanced stage in its construction, with the building being water tight with windows and doors fitted and only requires fitting out internally, although no works have been undertaken recently and the property remains unoccupied. A mobile home, which appears to be in use by the applicant, a touring caravan and outbuilding have also been erected/sited in the rear garden. The site is mainly covered in tarmacadam.

The site forms part of the Metropolitan Green Belt, a designation which includes all the properties on this part of the northern side of the road, and extends across the road to include the wooded highway verge. The site has also been identified as being at risk from surface water flooding.

### 3.2 Proposed Scheme

The application seeks part retrospective planning permission for the erection of the replacement bungalow, together with associated access, parking and landscaping works.

### 3.3 Relevant Planning History

4734/APP/2014/3453 159 Charville Lane Hayes

Single storey side/rear extension, raising of roof ridge height, conversion of roof space to habitable use to include 2 front, 2 rear rear dormers, 1 front and 1 rear rooflights and conversion of roof from hip to gable end

**Decision:** 23-12-2014 Refused

4734/APP/2015/183 159 Charville Lane Hayes

Single storey side extension (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 10-02-2015 Approved

4734/APP/2015/184 159 Charville Lane Hayes

Single storey rear extension involving demolition of existing rear extension and re-positioning of side wall

**Decision:** 10-03-2015 Approved

4734/APP/2015/2645 159 Charville Lane Hayes

Single storey, 4-bed, detached dwelling with habitable roofspace including associated parking and amenity space involving demolition of existing detached bungalow (Part Retrospective)

**Decision:** 03-11-2015 Refused

4734/APP/2017/418 159 Charville Lane Hayes

Erection of a new dwellinghouse (part-retrospective)

**Decision:** 13-04-2017    Refused

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

There is a lengthy planning history on this site which is as follows:

Following a report that the original house had been demolished, an inspection was carried out by the Council's Planning Enforcement Team in June 2015. Upon inspection it was apparent that the original dwelling had been demolished and the dwelling was in the process of a complete re-build. At the time of the inspection, no windows or doors had been installed and works were continuing on the roof.

Following on from this there have been numerous applications for a replacement dwelling on this site.

The most recent application 4734/APP/2017/418 for the erection of the bungalow was refused for the following reasons:-

1. The development, by reason of its overall size, scale, and bulk would be materially larger than the originally existing bungalow and therefore would significantly increase the built up appearance of the site. The proposal would therefore constitute inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2016) and the National Planning Policy Framework.

2. In the absence of a Flood Risk Assessment, the applicant has failed to demonstrate that the dwelling is appropriate in this location and that flood risk is suitably mitigated. The proposal is thus contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies 5.12, 5.13 and 5.15 of The London Plan (2016), the National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014).

Before this, application ref. 4734/APP/2015/2645 for a single storey, 4-bed, detached dwelling with habitable roofspace including associated parking and amenity space involving demolition of existing detached bungalow (part retrospective) was refused for the following reasons:

1. The development, by reason of its overall size, scale, and bulk would be materially larger than the originally existing bungalow and therefore would significantly increase the built up appearance of the site. The proposal would therefore constitute inappropriate development in the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.16 of the London Plan (2015) and the National Planning Policy Framework.

2. The development by reason of its overall size, height, bulk, siting, length in relation to the adjoining properties and proximity, would be detrimental to the amenities of the adjoining occupiers by reason of overdominance, overshadowing, visual intrusion, loss of light and



loss of outlook. Therefore the proposal would be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The development, by reason of its overall size, scale, height, bulk, design use of materials represents an incongruous and visually intrusive form of development that is detrimental to the character and appearance of the Green Belt and the visual amenity of the street scene. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

Previous approvals on the site granted under application reference 4734/APP/2015/183 and 4734/APP/2015/183 for a single storey side extension and single storey rear extension cannot now be implemented as they relate to the previous dwelling, now demolished.

More contentious schemes under application reference 4734/APP/2015/544 and 4734/APP/2015/3453, involving significant raising of the height of the roof as well as extending the rear of the property and installing bay windows, were refused. In each case, the primary grounds for refusal were that they constituted disproportionate additions to the original house and as such were inappropriate development within the green belt contrary to Policy OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

A further inspection by the Enforcement Team was undertaken in April 2018 following reports regarding the stationing of mobile homes to the rear of the property. The applicant confirmed that his family were residing in the mobile home and the caravan stationed to the rear of the premises whilst they were waiting for the planning situation to be resolved so as to allow the completion of internal works to the dwelling house. It was also noted that a wooden shed had been built and was in use as a utility. The applicant stated that all would be removed once they move into the main house. The entire site, front and rear, had also been covered in tarmac. The applicant stated that this would be removed in line with any approved plans as part of planning permission for the house.

#### **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.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- NPPF- 2 NPPF-2 2018 - Achieving sustainable development
- NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 14	NPPF-14 2018 - Meeting the challenge of climate change, flooding and coastal change
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 7.4	(2016) Local character
LPP 7.16	(2016) Green Belt
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
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.
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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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**

5 neighbouring properties have been consulted and a site notice has been displayed at the front of the site. Only 1 comment has been received, in support of the application which raises the following point:

I live at 161 Charville Lane and support this application. The street scene has changed considerably within the last decade or so and as there is another bungalow in Charville Lane which is virtually the same I see no reason to deny this for 159. I think that these bungalows were not built for modern day

living and modernisation is to be applauded to preserve them for generations. If other bungalows were able to replicate this design then the street scene would again become more consistent.

#### Officer comment

The above comment relates to the original submission which was for a much larger chalet bungalow on this site. The comments in support (for a much larger unit on this site) are noted.

#### **Internal Consultees**

Highway Engineer:

The applicant has now provided revised plans demonstrating parking in accordance with the London Borough of Hillingdon's Car Parking Standards. On this basis, there are no objections to the scheme.

Water and Flood Management Officer:-

Land ownership of the current boundary of the property and the river bank should be determined.

None of the plans appears to have been superceded showing which the most up to date.

D-SA-03-2018 Drainage Plan received 5/11/18 is superceded  
WTFR-FRA-2018/09/Q20 Rev. A Flood Risk Assessment, Rev. A dated 29/9/18 received 1.10.18 is superceded.

#### Summary

Further additional information has been submitted quantifying the extension and impact on the surrounding area and putting forward mitigation although the level of detail of the mitigation is lacking

#### Historic Flood Risk

The site has been affected historically by flooding, which is clear from the flood investigation reports held on the Council website and referenced by the Council in previous responses. Water has surrounded the property on previous occasions and the Council has evidence of this. It is therefore an area of significant concern to the Council to ensure that the occupants are safe and the development does not increase risk to the surrounding area.

#### Flood Resistance and Resilience Measures

It is not clear that with such a potential and substantial height of water surrounding the property of possibly 900mm whether the building can structurally deal with this level of water pressure.

There is no information on the finished floor levels of the building in relation to that risk, and therefore the risks to the occupants internally.

Specifically as the property has been built it should be easier to specify exactly what flood measures can and will be able to be included. ie do you need air brick covers, flap valves on drainage.

It is suggested by the various FRA that flood resistance measures (flood exclusion) should be used. However they have not been specified. These are in preference to flood resilience which only allows the building to recover more quickly once it is flooded. As this would potentially reduce the need for and the burden on emergency responders and the detail of these have not been specified, this will be a condition of development.

#### Assessment of risk from the development

The applicant has now quantified the building footprint over the existing footprint suggesting it has been extended 35sqm.

This could have a considerable impact if footprint has increased and water is pushed elsewhere, increasing the risk to others. It is also linked to the levels of the surrounding landscaping and garden, which if they have also been raised could in addition increase the risk to the neighbours in an already flood prone area.

Therefore a condition specifying the levels and materials used for the formation of the front and rear garden to be submitted to the Council for approval will be required.

#### Surface Water.

The Surface water calculations submitted now propose a discharge limit of 2/l/s through provision of 6m<sup>3</sup> attenuation. The previous house drained to 3 soakways but there is evidence that groundwater levels can be high rendering these ineffective and so an alternative method is required and proposed. Further detail of the final arrangement and if connected to the watercourse the outfall will need to be submitted.

#### Groundwater Risks

Infiltration is unlikely to work as groundwater levels are high in the area, and local parks have had surface water ponding on them for large amounts of the year, which has been advised by the Council previously.

However tanks are still possible and are proposed and the Council would require a more detailed plan showing the location and sizing of this, taking into account comments on the surface water calculations taking into account all hard surfacing as well as any pipe work required to connect to wider systems.

#### Ordinary watercourse

No further information is provided within the FRA on acknowledging the location of the ordinary watercourse or the impact of the works already done to the ordinary watercourse. Any FRA should address all sources of flood risk.

The site also incorporates an ordinary watercourse to the front of the property, which also appears to have been further culverted and grassed over. This is not considered acceptable and should be removed. A culvert reduces the capacity within the watercourse for water to be stored and is not necessary unlike where it is required for crossing purposes. Any replacement culvert or new culvert within that ordinary watercourse requires the additional permission from the Lead Local Flood Authority. The pipe size should mimic the size of the ditch and not other or adjacent pipes in order to ensure that capacity is maintained and flood risk not increased.

A Flood Action Plan in such an area will be specifically required to ensure the occupants take the right action at the right time, and do not burden emergency services.

#### RECOMMENDATIONS:

Subject to the following conditions:

Unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall only be carried out in accordance with the following mitigation measures submitted to and approved in writing by the Local Planning Authority:

- i). Provision of a Flood Action Plan to all future residents including plan and locations of appropriate refuge and evacuation routes etc, and explanations that the site is at risk, to ensure the occupants take the right action at the right time, and do not burden emergency services.
- ii). Details of the flood resistance measures (flood exclusion) and flood resilience measures.
- iii) Agree levels of and materials used for the formation of the front and rear garden, including

appropriate compensatory flood storage on / or in the vicinity of the site. As built ground level information should be submitted. Provide survey showing existing surrounding ground levels of adjacent properties for indication of levels prior to development, and put forward levels to be agreed for compensation for extension. Specify also materials used for the formation of the front and rear garden.

iv) Ordinary Watercourse works to remove section of ordinary watercourse culverted purely for aesthetic purposes.

v) Provide plan of the sustainable surface water drainage strategy for the site limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

## REASON

To minimise the impact of flooding on the proposed development and future occupants and to minimise the impact of the proposed development on the surrounding area to comply with Policy 5.13 of the London Plan (March 2016) and to ensure the development does not increase the risk of flooding in compliance with Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 of the London Plan (March 2016), National Planning Policy Framework (July 2018) and the Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

Access Officer:

In assessing this retrospective planning application for a replacement bungalow, reference has been made to London Plan policy 3.8(c) and its requirement for all new dwellings to be constructed in line with M4(2), as set out in Approved Document M to the Building Regulations. The following comments should be observed:

1. In order to comply with the above technical standards, it may be necessary to reconfigure the bathroom layout. In any case, it would be necessary to demonstrate for compliance with M4(2).

Any planning permission to allow the retention of the constructed bungalow should require the development to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, with all such provisions retained in perpetuity.

REASON: To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8 (c), is achieved and maintained.

Conclusion: should an agreement be reached on the fundamental planning concerns, further details in respect of M4(2) compliance would be required.

## **7. MAIN PLANNING ISSUES**

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

The main principle involved with the consideration of this application concerns its location within the Green Belt. The National Planning Policy Framework (July 2018) explains at paragraph 133 that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. One of the purposes of including land within Green Belts is to safeguard the countryside from encroachment. The Framework explains that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building and replacement buildings are in the same use and not materially larger than the one it replaces. The Council's stance with regard to disproportionate additions is found in Policy OL4 in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies

(November 2012) which advises of the criteria to be applied for the replacement or extension of buildings within the Green Belt, namely:-

- (i) The development should not result in any disproportionate change in the bulk and character of the original building;
- (ii) The development would not significantly increase the built-up appearance of the site; and
- (iii) Having regard to the character of the surrounding area, the development would not injure the visual amenities of the Green Belt by reason of siting, materials, design, traffic or activities generated.

The general 'rule of thumb' adopted by LPAs and the Planning Inspectorate is that additions/buildings are not disproportionate/materially larger than the one they replace if the new floorspace is not larger than 50% of the original building. This is the main reason why previous applications to retain the replacement bungalow on this site have been rejected under delegated powers, with the last application (ref. (4734/APP/2017/418) advising that:-

'The submitted plans confirm that the replacement dwelling, as amended would have an internal floor area of 184 square metres.

- (i) The additional floor area compared to original dwelling:  $184 \text{ minus } 98.15 = 85.85$  square metres.
- (ii) The additional floor area compared to original dwelling + extension:  $184 - 108.47 = 75.53$  square metres.

The percentage increase in floor area on the site is: 87% in scenario (i) and 76% in scenario (ii).'

In an attempt to try to clarify the original size of the bungalow, it appears that the former rear extension was added after 1947, so that it cannot be considered to form part of the original dwelling. It also appears that the size of the original dwelling was over-estimated, as judging from an old aerial photograph, which shows 7 identical bungalows at this end of Charville Lane and based on measurements of the adjoining bungalow, the internal floor area of the original bungalow has been estimated to be around 78sqm. As such, the replacement dwelling represents a 136% increase in the floor area of the original bungalow

In terms of the current application, this also now involves the removal of the front porch and the first floor is now shown as only providing storage space with the stairwell access removed to be replaced by a loft hatch from a bathroom. Although this would obviously not reduce the size and bulk of the dwelling (the impact of which is considered below), traditional loft space is not normally included as part of the floor area calculation. With the first floor discounted, the proposed replacement bungalow equates to a 82% increase on the original bungalow. However, it is also clear that as part of the works, a detached garage was also removed from the site (located towards the rear of the bungalow, adjacent to the side boundary with No. 161) and if its floor area is taken into consideration, then the percentage increase in floor area on site would be less than a 50% increase.

Turning to the issue of the impact of the development on the built-up appearance of the site and the openness of the Green Belt, this is not an isolated site within the Green Belt, but forms an established residential plot within a residential street, albeit on the urban fringe. The replacement bungalow would not project further forward on its plot than adjoining properties and at the rear, the proposal does not extend significantly further into the rear

garden than the extended neighbours properties, and significantly less so if the neighbouring detached garages and outbuildings are considered.

Having regard to the character of the properties along this stretch of Charville Lane, all the original bungalows have been extended, with only Nos. 153 and 157 retaining their original hipped roof form, whilst Nos. 151, 155 and 161 have had substantial extensions with No. 151 being granted permission to convert the bungalow to a 2 storey, 4 bedroom detached dwelling with 2 storied front and rear gables in November 2013 (1590/APP/2013/2369 refers). By contrast, this proposal retains the single storey character of the original bungalow, with a hipped roof. As such, it is considered that the proposed building does not add to the built-up appearance of the site and it does not detract from the openness of the Green Belt.

As part of this proposal, the mobile home sited at the end of garden would be removed and a comprehensive landscaping scheme would be implemented, controlled by condition.

It is therefore considered that, given the context of the site and the nature of the works for a replacement family dwelling, on balance, the replacement bungalow does not increase the building-up appearance of the site and is acceptable in terms of Policy OL4 in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

#### **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**

This is dealt with in Section 7.01 above.

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

Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements or improves the character and amenity of the area.

The properties on this part of Charville Lane all comprise detached properties, but they are of a varied mix of property sizes, types, design and materials.

The replacement bungalow maintains the single storey character and appearance of the former bungalow and re-provides its original hipped roof form. Three projecting hipped gable elements have been added to the side elevation of the roof facing No. 161 which have lower ridge heights than the main roof and appear subordinate and in keeping with the main hipped roof and given their location, do not appear unduly prominent in the street scene.

The proposed replacement bungalow is set well back from the road and maintains a similar front building line as its neighbours. The front elevation currently incorporates a central gabled roof porch and a gabled roof projecting bay window each side which do dominate the front elevation and give it a cramped and cluttered appearance. These would be removed as part of this application which would simplify and un-clutter the front elevation.

The use of material, with a red brick and grey plain roof tile are considered to be acceptable in this location.

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

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to afford and safeguard the residential amenity of new and surrounding residential development. This is achieved by ensuring adequate daylight and sunlight is allowed to penetrate into and between properties (Policy BE20), and that by virtue of the siting, bulk and proximity of new development, it would not result in a significant loss of residential amenity (Policy BE21) and that the design of new buildings protects the privacy of their occupiers and neighbours (Policy BE24).

The neighbouring property to the east (No. 161 Charville Lane) has two windows serving a large kitchen sited in its side elevation toward the rear and the only other outlook to this room would be from a rear facing door and a small w.c. window in the middle of this elevation and there is a side window which is the only window serving a habitable room at No. 157. Outlook from these neighbouring windows is not ideal as they would both be overlooking the side boundary fence in close proximity. However, the proposal, being single storey with a recessive hipped roof above would not significantly worsen the impact of the former bungalow on these windows. Also, on the previous application (App. No. 4734/APP/2017/418 refers), a solar assessment was submitted which was based upon the Building Research Establishment's report 'Site Layout Planning for Daylight and Sunlight' 1991 that recommends that suitable daylight to habitable rooms is achieved where a 25 degree vertical angle taken from a point 2 metres above the floor of the fenestrated elevation is kept unobstructed. The submitted report confirmed that the 25 degree angle is not breached by the dwelling to both adjacent properties which demonstrates that the occupants of these properties would not suffer an unacceptable loss of light in accordance with Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

There are also 3 rooflights on each of the side elevations. In terms of No. 161, the projecting hipped roof elements would restrict the opportunity for overlooking from these windows. As regards No. 157, the rooflights are shown to be obscure glazed and fixed shut which would prevent any overlooking to No. 157. This has been conditioned.

It is therefore considered, that the proposed bungalow would not result in an unneighbourly form of development in accordance with Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

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

Internal living space

The replacement bungalow has an internal floor area of some 152sqm which would satisfy the minimum 95sqm internal floor area of the National Housing /London Plan standard for the 3 bedroom, 6 person bungalow.

All the habitable room windows would also be served by windows which either face towards the front or rear of the property which would ensure that they have an adequate outlook and natural lighting. The only exception to this is the living room window which would overlook the property's drive. However, given that the property includes a large open plan kitchen/ dining room at the rear and the adjoining property only comprises a single storey bungalow, it is considered that a refusal of permission on grounds of the restricted



outlook to this room could not be justified. The bedrooms are also of a good size which satisfy London Plan minimum standards for double bedrooms (11.5sqm).

#### External Amenity Space

The bungalow would retain a rear garden in excess of 400sqm which exceeds the minimum 60sqm area required by the Council's HDAS 'Residential Layouts' for this size of property.

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

The proposed block plan shows that the vehicular access to the property has been retained on the left hand side of the site which provides access to two off-street parking spaces within the front garden and a driveway at the side of the bungalow.

The Council's Highway Engineer raises no objections to the proposed arrangement.

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

Design and access issues are considered in Sections 7.07 and 7.12 of this report. The proposal for a replacement bungalow also does not raise any specific issues as regards security.

#### **7.12 Disabled access**

Policy 3.8 of the London Plan (March 2016) requires all new dwellings to be constructed in line with M4(2), as set out in Approved Document M to the Building Regulations. Further guidance is provided in the Council's Supplementary Planning Document 'Accessible Hillingdon' (adopted September 2017).

The Council's Access Officer has reviewed the application and advises that it may be necessary to re-configure the bathroom layout to fully comply with M4(2), as set out in Approved Document M to the Building Regulations, but this is a detailed matter that would be dealt with by the Building Regulations. The recommended condition seeking compliance with the Building Regulations forms part of the officer recommendation on this application.

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

Not applicable to this application.

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

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) advises that new development should retain topographical and landscape features of merit and that new planting and landscaping should be provided wherever it is appropriate.

Whilst the front and rear gardens were initially planted, there were no protected trees on this site at the time when the re-development works were commenced.

The latest Block Plan shows the majority of the rear garden laid to grass with a drive to the front which passes along the side of the bungalow with two parking spaces to the front, with the rest of the front garden area landscaped.

As part of this permission, a condition will be added to ensure that a suitable, detailed landscaping scheme, based on the Block Plan is submitted to, and approved and then implemented within an appropriate time frame.

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

The proposal is for a replacement bungalow within its own curtilage and therefore refuse storage is a matter for the occupier of the property.

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

Not applicable to this application.

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

Policy OE7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies seeks to prevent development in areas liable to flood unless appropriate flood protection measures are proposed and Policy OE8 seeks to resist developments that would result in an increased risk of flooding elsewhere. Policy 5.13 of the London Plan (March 2016) also requires development proposals to utilize sustainable drainage techniques.

The application has now been supported by a Flood Risk Assessment, which has been revised following comments from the Council's Water and Flood Risk Officer. Although the site is within Flood Zone 1, the officer advises that this and surrounding sites have been prone to historical flooding. Whilst the officer notes that the revised Flood Risk Assessment has not been fully revised in line with the officer's previous comments, it is considered to be sufficient to allow the application to proceed, subject to a condition requiring further details to be submitted, including a flood action plan, details of flood resistance measures, levels and materials used in front and rear gardens to be agreed and compensation for changes in level/ proposed extension, removal of culvert over ordinary watercourse at front of site and surface water drainage strategy. The condition forms part of the officer recommendation. As such, the scheme is considered to accord with Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

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

The comment in support of the proposal is noted.

#### **7.20 Planning obligations**

Not applicable to this application.

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

No additional enforcement issues are raised by this application.

#### **7.22 Other Issues**

No other issues are raised by 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**

Not applicable to this application.

#### **10. CONCLUSION**

The proposal, although it does represent a disproportionate change to the size of bungalow previously on site is not considered to have materially altered the built-up appearance of the site or the openness of the Green Belt and on balance, it is considered to be acceptable on Green Belt grounds. Also, the proposed replacement bungalow would not be detrimental to the residential amenities of adjoining residential occupiers and the Council's Water and Flood Management Officer, having considered the submitted Flood Risk Assessment, raises no further objections to the scheme, subject to a recommended condition.

The scheme would provide suitable residential accommodation to its occupiers and adequate off-street parking is provided.

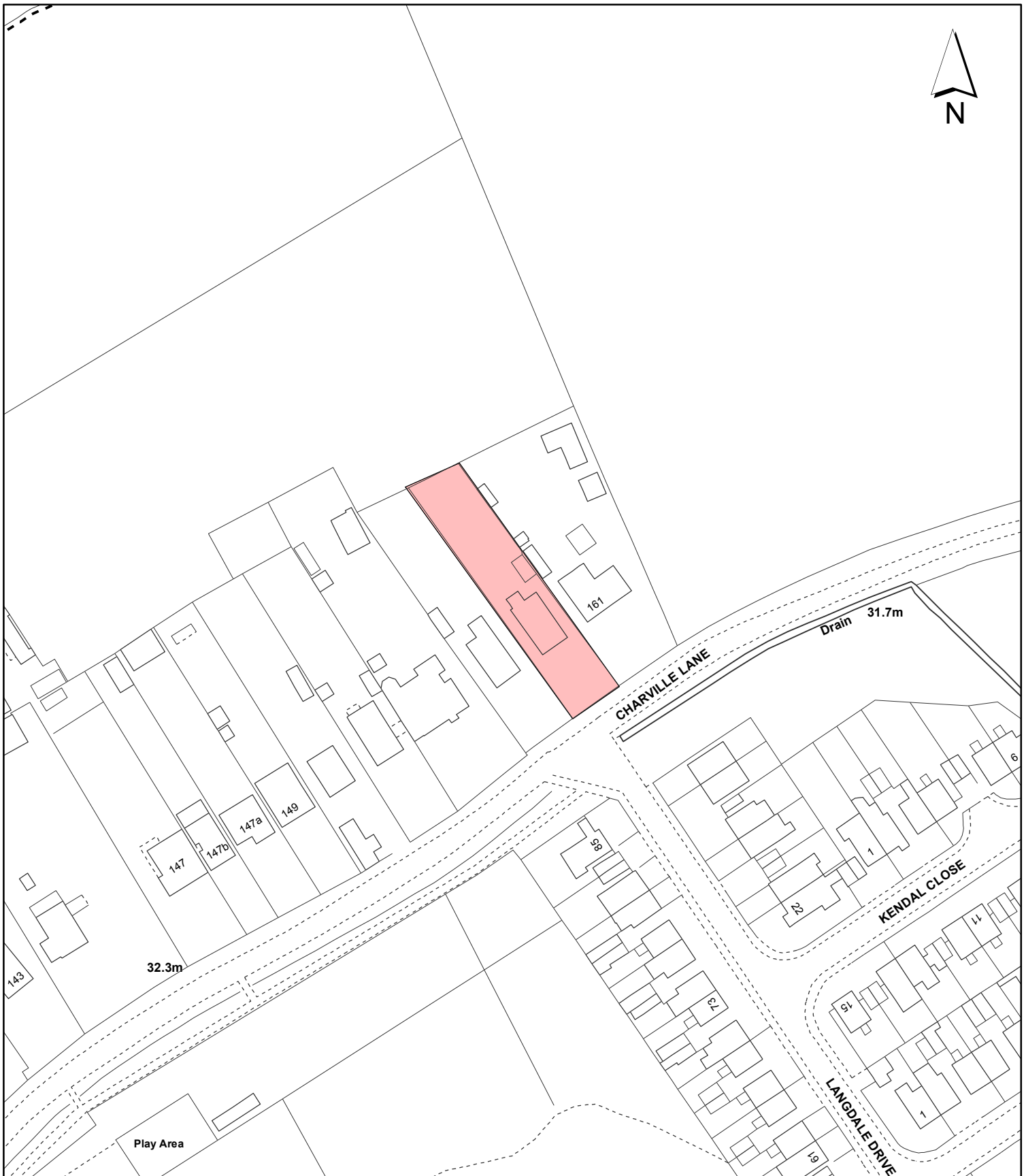
The application is recommended for approval.

## 11. Reference Documents

National Planning Policy Framework (July 2018)  
The London Plan (March 2016)  
The Housing Standards Minor Alterations to The London Plan (March 2016)  
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)  
Technical Housing Standards - Nationally Described Space Standard  
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).  
Unless the Act provides a relevant exception to copyright.  
© Crown copyright and database rights 2018 Ordnance Survey 100019283

Site Address:

**159 Charville Lane  
Hayes**

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

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

Planning Application Ref:

**4734/APP/2017/4236**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**February 2019**



**HILLINGDON**  
LONDON