

Report of the Head of Planning, Transportation and Regeneration

Address LAND ADJACENT TO 26 HAWTHORNE CRESCENT WEST DRAYTON

Development: Amendment of conditions 2 (Approved Plans) and 6 (External Windows) of planning permission Ref:44222/APP/2017/1810 dated 14/08/2017 (Two storey, 2-bed detached dwelling with parking and amenity space) comprising a pitched roof over the single storey rear element; the inclusion of three additional windows across both floors on the South flank elevation; and two roof-lights to the front and rear elevation.

LBH Ref Nos: 44222/APP/2019/323

Drawing Nos: PL2/PP/2230-00 - Received 22.05.19
PL2/PP/2230-01 - Received 22.05.19
PL2/PP/2230-02 - Received 22.05.19
PL2/PP/2230-03 - Received 22.05.19
PL2/PP/2230 - 04 Rev A - Received 22.05.19
PL2/PP/2230 - 05 - Received 22.05.19

Date Plans Received: 29/01/2019 **Date(s) of Amendment(s):**
Date Application Valid: 29/01/2019

1. SUMMARY

The application seeks permission for the amendment of Conditions 2 (Approved Plans) and 6 (External Windows) of planning permission Ref: 44222/APP/2017/1810 dated 14/08/2017 (Two storey, 2-bed detached dwelling with parking and amenity space) comprising a pitched roof over the single storey rear element and the inclusion of three additional windows across both floors on the South flank elevation; and two roof-lights to the front and two on the rear elevation.

Having regard to the extant permission, it is considered that the proposal would not be harmful to the amenity of nearby residents and occupants, or to the character and appearance of the immediate locality. It is also considered that the level of parking provided would be acceptable and that the proposed dwelling meets The London Plan (2016) and Local Plan space standards in terms of internal and external amenity spaces.

Therefore it is considered the proposal is acceptable and is recommended for approval subject to the conditions as originally imposed.

2. RECOMMENDATION

APPROVAL subject to the following:

1 RES3 Time Limit

The development hereby permitted shall be begun before 25th April 2020.

REASON

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

2 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 PL2/PP/2230-01, PL2/PP/2230-02 and PL2/PP/2230-03 all received 29-01-2019 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).

3 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 RES8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority. Such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections/meetings shall be submitted to the Local Planning Authority.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (2012)

5 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been 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 Means of enclosure/boundary treatments

2.b Car Parking Layouts

2.c 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 surfing/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

5. Other

5.a Existing and proposed functional services above and below ground

5.b Proposed finishing levels or contours

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 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

6 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.

REASON

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

7 RES13 Obscure Glazing

All first floor windows on each side elevation which face 26 Hawthorn Crescent (north elevation) and face 7-15 Kings Road (south elevation)

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 (2012)

8 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)

9 RES15 Sustainable Water Management (changed from SUDS)

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and The London Plan (2015) Policy 5.12.

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).

2 153 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.

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.
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.
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
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 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

3 159 Councils Local Plan : Part 1 - Strategic Policies

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

4 147 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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

5 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.

6 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.

7 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.

8 115 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 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.

9 170 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.

10

This permission is liable for a contribution under the Community Infrastructure Levy (CIL) and a separate CIL liability notice will be provided for your consideration.

11

The applicant is advised that where details pursuant to the conditions have been previously submitted to and approved by the Local Planning Authority (conditions 3, 4 5 and 9 under Ref: 44222/APP/2017/3149), there would be no requirement for these details to be re-submitted where the details would remain the same. The applicant should ensure that the development is carried out in compliance with the approved details.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a plot of land that is located off the Southern side of Hawthorne Crescent and accessed through a narrow pedestrian footpath. The site is adjacent to the end-of-terraced dwelling at No. 26 Hawthorne Crescent.

The dwelling at No.26 forms part of a terrace of five properties, which are modern in appearance and are identical in their character to other properties in the immediate locality. To the South of the site are the rear gardens of residential properties on Kings Road; to the West, the site abuts an adopted footpath (Edison Close) and immediately to the East of the site (across the pedestrian footpath) is the rear garden of the end-of-terraced dwelling at No. 28 Hawthorne Crescent.

The application site is situated within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and the prevailing character of the immediate locality is residential, comprising mainly of terraced properties.

3.2 Proposed Scheme

The application seeks permission for the amendment of Conditions 2 (Approved Plans) and 6 (External Windows) of planning permission Ref: 44222/APP/2017/1810 dated 14/08/2017 (Two storey, 2-bed detached dwelling with parking and amenity space).

The revised proposal comprises a pitched roof to the approved single storey rear element and the inclusion of three additional windows across both floors to the South flank elevation; and two roof-lights to the front and two on the rear elevation. The submitted plans illustrate that the roof space would be used as storage only and would have a maximum head height to the ridge of 2.6m.

The proposals would continue to be finished in materials to match the existing.

3.3 Relevant Planning History

44222/APP/2014/1121 26 Hawthorne Crescent West Drayton

Erection of a single storey rear extension, which would extend beyond the rear wall of the origin house by 6 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 2.85 metres

Decision: 09-05-2014 Refused

44222/APP/2014/1868 26 Hawthorne Crescent West Drayton

Single storey rear extension

Decision: 07-08-2014 Approved

44222/APP/2016/304 Land Adjacent To 26 Hawthorne Crescent West Drayton

Two storey, 2-bedroom, detached dwelling with associated amenity space

Decision: 25-04-2016 Approved

44222/APP/2017/1810 Land Adjacent To 26 Hawthorne Crescent West Drayton

Two storey, 2-bed detached dwelling with parking and amenity space.

Decision: 14-08-2017 Approved

44222/APP/2017/3149 Land Adjacent To 26 Hawthorne Crescent West Drayton

Details pursuant to conditions 3 (Materials), 4 (Site Clearance), 5 (Landscape Scheme) and 9 (Sustainable Water Management) of planning permission Ref: 44222/APP/2017/1810 dated 14/08/2017 (Two storey, 2-bed detached dwelling with parking and amenity space)

Decision: 22-11-2017 Approved

Comment on Relevant Planning History

44222/APP/2017/1810: Two storey, 2-bed detached dwelling with parking and amenity space - Approved.

44222/APP/2016/304: Two storey, 2-bedroom, detached dwelling with associated amenity space - Approved

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

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.

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.

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

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 7.4 (2016) Local character

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

NPPF- 11 NPPF-11 2018 - Making effective use of land

NPPF- 12 NPPF-12 2018 - Achieving well-designed places

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 9 adjoining and nearby neighbouring properties were consulted via letter dated 01.02.19 including a site notice displayed adjacent to the premises on 12.02.19.

A total of 5 representations and a petition with 21 valid signatories against the proposed development have been received.

The representations can be summarised as follows:

- i. The owner does not adhere to the plans and rules and regulations,
- ii. The works have resulted in all vegetation and trees being removed, causing a hazard for the occupiers of the adjoining properties,
- iii. The gardens should be made safe before permission is granted,
- iv. All previous objections raised have been ignored,
- v. The additional windows would result in overlooking and loss of privacy,
- vi. Resulted in structural damage to our fences,

The Petition objects to the proposal for the following reasons:

- i. The building is an over-development of the site
- ii. The property is out of character with the existing area
- iii. The adjacent windows will overlook neighbouring properties resulting in a loss of privacy for adjoining residents.
- iv. The development has been carried out to date in an unsafe manner with the removal of 11 lorry loads of earth from the retaining bank to neighbouring gardens causing destabilisation of existing boundary fences and gardens. A failure to erect any retaining wall to neighbouring properties has resulted in structural damage to existing fences which has still not been rectified 6 months later. There are photographs provided.
- v. Several established trees have been removed contrary to planning approval while the root systems of other established trees have been left exposed, thereby compromising the trees. Again photographs are included.
- vi. The hours of working consistently breach the agreed times stated in the planning approval.
- vii. The welfare facilities on site are in breach of Environment Agency standards with an open toilet provided for the contractors This is not connected to any source of running water. Again a photograph is provided.

In addition to the above two ward Councillors have also written in referring to the Petition and stating that the points raised by the petitioners are serious issues to be considered as part of the planning process and therefore requested that the application be considered by the Central and South Planning Committee.

OFFICER COMMENTS:

The strong objections and concerns raised are duly noted however it is pertinent to note that the principle of this new dwelling has already been established with the grant of the original planning permission, ref: 44222/APP/2017/1810. This application relates to the relatively minor changes to the extant planning permission.

Objections relating to the character of the development and the impact upon the amenities of the adjoining and nearby neighbouring properties will be addressed within the main body of the report. In relation to points 4 and 5, these issues have been referred to the Council's enforcement section and are under investigation. Matters relating to delivery of materials, party walls, working hours, poor

working standards do not constitute a material planning consideration and are covered by other legislation.

Internal Consultees

None.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has been established following the granting of Planning Permission under Application Ref: 44222/APP/2017/1810.

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 BE15 of the Hillingdon Local Plan Part two (Saved UDP Policies) requires alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building. Policy BE13 requires the layout and appearance of extensions to harmonise with the existing street scene and Policy BE19 ensures any new development complements or improves the amenity and character of the area.

The Council's Adopted SPD the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008) or HDAS, contains design guidance (below) for all types of extensions which should appear subordinate in scale to the original building and should reflect the roof form and lines of the original dwelling.

The overall size, scale and bulk of the proposed dwelling would remain unchanged following the grant of permission under Ref: 44222/APP/2017/1810. The sole change to the design is the addition of a pitched roof with a maximum height of 3.6 m to the approved single storey element. This element would continue to project a maximum of 3 m beyond the main two storey rear elevation for its full width, and by reason of its relatively low level height would continue to appear subordinate and therefore would satisfactorily integrate with the appearance of the host dwelling and subsequently the visual amenities of the surrounding area.

Furthermore the addition of two roof lights to the front and rear roof slopes would not result in any adverse impact on the street scene. Therefore the proposal would comply with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity would not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 should protect the privacy of the occupiers and their neighbours.

The application site shares a boundary with a number of properties including the host dwelling No. 26 Hawthorne Crescent and 7-15 Kings Road whom are positioned at a 90 degree to face South.

The HDAS SPD specifies that the distance provided will be dependent on the bulk and size of the building but generally, 15m will be the minimum acceptable distance. The HDAS SPD further specifies that as a guide, the distance between facing habitable room windows in adjoining/adjacent residential properties should not be less than 21 m. In order to both protect the existing outlook from, and to ensure that there is adequate daylight received to habitable rooms, kitchens and gardens of adjacent dwellings, a minimum distance of 15 m is required.

The proposed dwelling would maintain a separation distance in excess of 15 metres from the nearest residential dwellings to the South along Kings Road and therefore the resultant increase in height of the pitched roof would continue to have an acceptable level of impact upon their residential amenities and light levels. Planning permission was granted for a single first floor window in the South elevation facing towards the rear gardens on Kings Road. The current proposal includes the replacement of this window with a two pane window and the addition of a single pane window alongside it. The two pane window would continue to serve the landing and the new single pane window would serve as a secondary window to the front bedroom. Therefore both these windows can be conditioned to remain obscure glazed and non-opening below a height of 1.8m. With this condition, the proposal would not significantly increase overlooking of the residential rear gardens on Kings Road, to merit a refusal on these grounds.

At ground floor level the introduction of new windows to the south elevation would serve a W/C and the other would be a secondary window to the main living room. Although these could also be conditioned to be obscured glazed, given the existing fence and ground levels, there is no such requirement for these windows to be specifically conditioned.

With regards to No. 26 Hawthorne Crescent the host dwelling, this benefits from a similar single storey rear extension, as such given the proposed alteration would not be visible when viewed from their rear habitable aspect is considered to have an acceptable impact upon their amenities and light levels.

Given the above considerations in respect of the assessment of the previous appeal and extant permission, it is considered that the proposal would not have an unacceptable impact upon the residential amenities of the adjoining occupiers and would be in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) Hillingdon SPD: Residential Layouts (December 2008).

7.09 Living conditions for future occupiers

The Minor Alterations to the London Plan (2016) sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The statement requires a two bed, 4 person dwelling (two storey) to have a minimum internal floor area of 81 m² (including 2 m² of storage space).

As previously approved, the proposed dwelling would incorporate two double sized bedrooms thereby constituting a four-person occupancy level. The internal floor space area of the proposed dwelling across both ground and first floors would be 113m². With the inclusion of the newly created roof storage space the total area would be 146m². This would exceed the minimum required area. It is therefore considered that the proposed

dwelling would result in the provision of satisfactory internal accommodation of adequate size for future occupiers.

All habitable rooms would continue to benefit from either a front or rear facing outlook and would ensure an adequate amount of outlook and natural light and sunlight is achieved into these areas. The proposal would continue to accord with Policy 3.5 of the London Plan and BE20 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 of the Local Plan specifies that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of two off-street parking spaces for a three or more bedroom dwellinghouse.

The proposal would not result in an alteration to the pre-approved car parking layout.

7.11 Urban design, access and security

See section 7.02.

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

Objections relating to the removal of trees has been acknowledged however condition 4 (Tree Protection) of planning permission ref: 44222/APP/2017/1810 was discharged on the basis no trees were evident on the application site at the time of the submission.

In any event it should be noted that the site is not within a designated Conservation Area and there are/were no trees that had Tree Preservation Orders (TPO) which would or could prevent the loss of any existing trees within the red lined area of the development site. Furthermore as per the original planning permission there is a condition attached which ensures the ongoing protection for the off-site tree on the southern boundary and to the rear of 9 Kings Road.

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

Objections relating to the character of the development and the impact upon the amenities of the adjoining and nearby neighbouring properties will be addressed within the main body of the report. In relation to points 4 and 5, these issues have been referred to the Council's

enforcement section and are under investigation. Matters relating to delivery of materials, party walls, working hours, poor working standards do not constitute a material planning consideration and are covered by other legislation.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The current application has been submitted in order to regularise the current situation following an enforcement site visit.

7.22 Other Issues

COMMUNITY INFRASTRUCTURE LEVY (CIL):

The scheme would also be liable for payments under the Community Infrastructure Levy.

The Council adopted a Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace.

In addition to the London Borough of Hillingdon CIL, the Mayor of London's Community Infrastructure Levy (CIL) has introduced a charging system within Hillingdon of £60 per square metre (as of the 1st of April 2019) of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development with a total gross internal floor area of 146m² is currently calculated as follows:

Hillingdon CIL = £18,610.38

London Mayoral MCIL = £12,491.84

Total = £31,102.22

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 is not considered to result in a greater impact upon the visual amenities of the street scene and the surrounding area nor upon the residential amenities of the adjoining and nearby neighbouring properties and would therefore accord with Policies BE13, BE15, BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan Part Two Saved UDP Policies (November 2012) and the Hillingdon SPD Residential Layouts (December 2008). The application is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)

The London Plan (2016)

The Housing Standards Minor Alterations to The London Plan (March 2016)

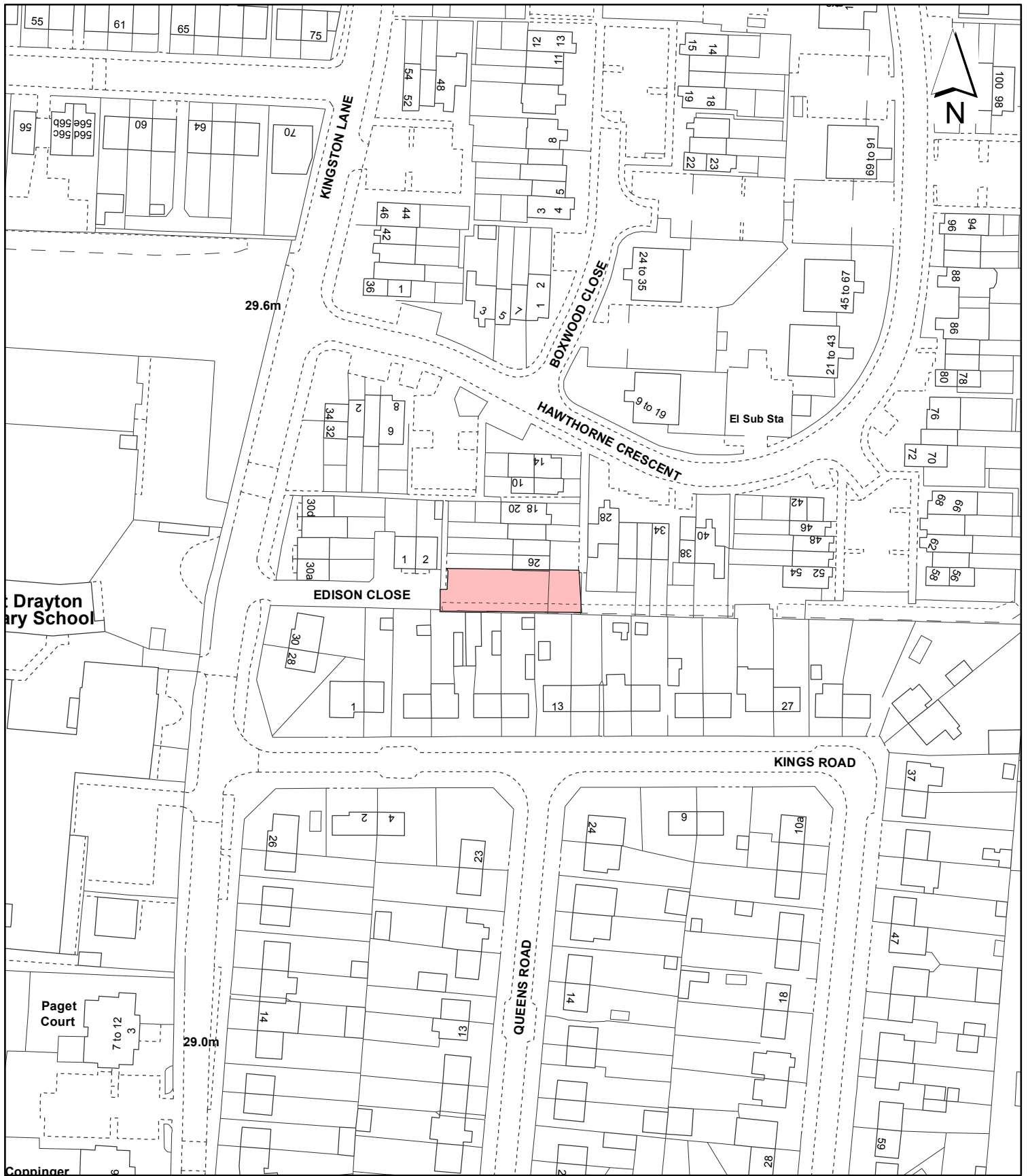
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)

Hillingdon Design and Accessibility Statement: Residential Layouts

Hillingdon Design and Accessibility Statement: Residential Extensions
National Planning Policy Framework

Contact Officer: Hardeep Ryatt

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Notes:

 Site boundary

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Site Address:

Land Adjacent to 26 Hawthorne Crescent

Planning Application Ref:
44222/APP/2019/323

Planning Committee:
Central & South

Scale:
1:1,250

Date:
June 2019

LONDON BOROUGH OF HILLINGDON
 Residents Services
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