

Report of the Head of Planning, Transportation and Regeneration

Address OXENEY COTTAGE THORNEY MILL ROAD WEST DRAYTON

Development: Erection of a detached, two storey building to create 4 x 1-bed self contained flats with associated parking and installation of new crossover to front involving demolition of existing buildings

LBH Ref Nos: 40485/APP/2019/1922

Drawing Nos: AC/OXNEY//2017/COMBINED2
SC/OXNEY/2019/LANDSCAPE

Date Plans Received: 07/06/2019 **Date(s) of Amendment(s):** 07/06/2019

Date Application Valid: 12/06/2019

1. SUMMARY

The application seeks planning permission for the erection of a detached, two storey building to create 4 x 1-bed self contained flats with associated parking and installation of new crossover to front involving demolition of existing buildings.

The proposal, although it does represent a disproportionate change to the size of the original building 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 proposal would not be detrimental to the residential amenities of adjoining residential occupiers. 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 RES3 Time Limit

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

REASON

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

2 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 SC/OXNEY/2019/LANDSCAPE and AC/OXNEY//2017/COMBINED2 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)

The works on the superstructure shall not commence 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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

That the works on the superstructure shall not commence 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 Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
- 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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (2016).

5 RES15 Sustainable Water Management (changed from SUDS)

That the works on the superstructure shall not commence 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 5.12.

6 NONSC Non Standard Condition

The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

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 Non Standard Condition

Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON

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

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.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMT 6	Vehicle Parking
DMHB 18	Private Outdoor Amenity Space
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 3.8	(2016) Housing Choice
LPP 7.16	(2016) Green Belt
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
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land

3 I59 Councils Local Plan : Part 1 - Strategic Policies

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

development control decisions.

4 115 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.

5 170 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.

6 173 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillington.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises a detached two storey dwelling located on the Northern side of Thorney Mill Road. The site is located within the Metropolitan Green Belt as identified within the Hillingdon Local Plan: part Two - Saved UDP Policies (November 2012). The property has been previously extended by way of a single storey rear extension and flat roofed first floor extension. A large outbuilding occupies much of the rear garden.

3.2 Proposed Scheme

The application seeks planning permission for the erection of a detached, two storey building to create 4 x 1-bed self contained flats with associated parking and installation of new crossover to front involving demolition of existing buildings.

3.3 Relevant Planning History

40485/APP/2016/2405 Oxeney Cottage Thorney Mill Road West Drayton

Two storey side extension involving demolition of existing first floor rear element and outbuilding

Decision: 13-09-2016 Approved

40485/APP/2016/3547 Oxeney Cottage Thorney Mill Road West Drayton

Two storey side extension involving demolition of existing first floor rear element and outbuilding

Decision: 17-11-2016 Approved

40485/APP/2016/4470 Oxeney Cottage Thorney Mill Road West Drayton

Conversion of roof space to habitable use to include a rear dormer and 2 front roof lights
(Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 23-02-2017 Approved

Comment on Relevant Planning History

The relevant planning history is listed above.

4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a

Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

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.H1 (2012) Housing Growth

Part 2 Policies:

OL1 Green Belt - acceptable open land uses and restrictions on new development

OL4 Green Belt - replacement or extension of buildings

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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.
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BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMEI 4	Development on the Green Belt or Metropolitan Open Land
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DMT 6	Vehicle Parking
DMHB 18	Private Outdoor Amenity Space
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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LPP 3.5	(2016) Quality and design of housing developments
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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
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land

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 were consulted by letter dated 15.6.19 and a site notice was displayed to the front of the site which expired on 17.7.19. No response received.

West Drayton Conservation Area Advisory Panel: We have no objection to the proposal to demolish the existing outbuilding in order to allow for the increase in size of the house, its conversion to 4 self-contained one-bedroom flats and to create rear amenity space for them.

Internal Consultees

Landscape Officer:

This site is occupied by a two-storey house set back to the north of Thorney Mill Road and north-west of Waterford House. The front 'garden' comprises concrete hard-standing. There is a large portable cabin in the back garden, which is due to be removed. There are no TPO's or Conservation Area designations affecting the area. The site lies within the Green Belt, albeit the character of this site is blighted by a sense of urban fringe, including the neighbouring industrial yard.

COMMENT: No trees or other landscape features will be lost. The opportunity should be taken to enhance the character and appearance of the site and improve the residential environment in accordance with policies BE23 and BE38. Bin stores should be discreetly sited away from the front boundary and 25% of the front 'garden' should be restored to soft landscape. The rear garden should be designed and maintained as a private / communal garden space for the use and enjoyment of the occupants of the flats.

RECOMMENDATION: No objection subject to conditions RES9 (parts 1, 2, 4 and 5).

Access Officer:

Any grant of planning permission should include the following conditions:

Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

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

The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

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

Highways Officer:

Upon reviewing the PTAL rating for the proposed development using the Transport for London WebCAT service, it is indicated that the site has 'poor' access to public transport with a PTAL rating of 1a. On this basis, it is considered that an emphasis will be placed on the private car. When considering the quantum of development against the London Borough of Hillingdon's car parking standards, it is required that this scheme provides a maximum of 1.5 spaces per unit. Whilst only 4 spaces are depicted, when considering the likely tenure of each unit and that the car parking standards are based on a maximum provision, I find the proposed provision satisfactory. Cycle parking should accord with the London Plan cycle parking standards which request that 4 secure and covered spaces be provided. Whilst the submissions depict cycle storage the number of spaces has not been indicated. This however can be secured by way of condition. In terms of access provision, it is considered that the site will be subject to a minor increase in trip rates as a result of the proposals thus presenting an intensification of use. On this basis, it is required that this

access conform to current highway legislation. Commensurate with the speed limit in place and in accordance with highway guidance contained within the current 'Manual for Streets' document (1 & 2), visibility splays of 2.4m are required back from the access centerline by 79m along both directions of Thorney Mill Road to the nearside kerb line. This should be demonstrated. In addition, the access width is measured at 3.0m wide. I would request that the access be widened to 4.1m wide which will accommodate two-way traffic flows upon access and egress. Mindful of the above, I would request the applicant to address the above mentioned points.

Officer comment: An amended plan has been received which shows a widened access.

Flood and Water Management Officer:

Although the site lies adjacent to Flood Zone 2, there is no objection to the proposals as the site is located in Flood Zone 1. Due to the location adjacent to the flood zone, the standard drainage condition should be placed on the permission.

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.

The submitted plans confirm that the replacement building would have an internal floor area of 244 square metres.

- (i) The additional floor area compared to the original dwelling: $244 - 92 = 152$ square metres.
- (ii) The additional floor area compared to the original dwelling + extension plus outbuilding: $244 - 199 = 45$ square metres.

The percentage increase in floor area on the site is: 165% in scenario (i) and 22% in

scenario (ii).

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 site forms an established residential plot. The replacement building would not project further forward on its plot and would reduce the overall footprint of the buildings on the site and the overall height of the building would not be increased. Furthermore, 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. Thus, whilst in strict numerical terms, the proposal may be considered to result in a disproportionate change in the size of the original building, the associated benefits from the removal of unsightly additions and buildings on the site, which aerial photographs show have been in situ since at least 2008, and general softening of the appearance of the site are such that it is considered that the proposed replacement building along with the associated soft landscaping, would not add to the built-up appearance of the site and it would not detract from the openness of the Green Belt. It is therefore considered that, given the context of the site and the nature of the works, the proposal would be acceptable in terms of Policies OL1 and OL4 in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and Policy DMEI4 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) seeks to ensure that new development 'takes into account local context and character, the design principles in Chapter 7 and that public transport capacity development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals that compromise this policy should be resisted'.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings, or not, and its impact on adjoining occupiers.

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

The application site lies within the Green Belt

Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) specifies that any proposals for development in Green Belt will be assessed against National and London Plan policies, including the 'Very Special Circumstances' test.

Policy OL1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) defines the types of development considered acceptable within the Green Belt. These are predominantly open land uses including agriculture, horticulture, forestry, nature conservation, open air recreational activities and cemeteries. It specifies that planning permission will not be granted for new buildings or changes of use of existing land or buildings, which do not fall within these uses.

Policy OL2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that, where development proposals are acceptable within the Green Belt, in

accordance with Policy OL1, the Local Planning Authority will seek comprehensive landscaping improvements to enhance the visual amenity of the Green Belt.

The London Plan Policy 7.16 (2016) reaffirms that the strongest protection should be given to London's Green Belt, in accordance with national guidance, and emphasises that inappropriate development should be refused, except in very special circumstances.

Paragraph 133 of the NPPF (2018) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 134 of the NPPF states:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposed building would result in an increase in floorspace over that which currently exists by some 45 square metres.

The Local Planning Authority needs to ensure that there is no undue intensification or enlargement of buildings within or adjacent to the Green Belt that collectively may injure the visual amenities of the Green Belt. The new building is materially larger and than the house and outbuilding it replaces in terms of volume. However the floor area of the buildings on site would be replaced by a building which would be 45 square metres larger. This equates to a total floorspace increase of 22% over that which currently exists. The Council's adopted Policy requires consideration of the percentage increase over the original dwelling

on site which would equate to an increase of some 165% which is clearly contrary to policy. However consideration is given in this case to the benefits that would be secured to the openness of the Green Belt and character of the area by the removal of the existing unattractive outbuilding, the reduction in the spread of development across the site and the opportunity to secure some soft landscaping to the site which would be of visual benefit. These benefits are considered sufficient justification for a departure from policy. The applicant has submitted a landscaping plan which details soft landscaping to the frontage which will result in a significant visual benefit to the setting of the semi-rural development. Furthermore the rear garden area would introduce soft landscaping and the removal of a significant area of hardstanding to the rear which would again be of visual benefit.

It is considered, on balance, that the replacement of the existing building and outbuilding with the proposed two storey building will not significantly increase the built up appearance of the site in accordance with 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 DME14 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policy 7.16 of the London Plan (2016) and the National Planning Policy Framework.

7.07 Impact on the character & appearance of the area

The NPPF (2012) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy 7.1 of the London Plan states that "design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood".

Policy 7.4 of the London Plan states, "Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area".

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. Paragraph 4.14 of the Residential Layouts HDAS SPD specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and lines of surrounding buildings.

The proposed replacement building would have a ridge height 0.5m higher than the building on site. It would have a simple gable roof and front bay feature to reflect the character of the original building. It is considered that subject to suitable conditions to secure appropriate materials, that the proposed building would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.08 Impact on neighbours

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The Council's adopted HDAS SPD: Residential Layouts (July 2006) specifies in paragraph 4.9 that where a two or more storey building abuts a property or its garden, a minimum acceptable distance of 15m should be maintained, so as to overcome possible over-domination, overbearing and overshadowing. Paragraph 4.11 of the HDAS SPD specifies that the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings. The principle involves drawing a line from the mid-point of an existing/new window that is potentially affected by a new dwelling at an angle of 45 degrees towards the new building. Paragraph 4.12 of the HDAS SPD specifies that new residential development should be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property. It gives advice that the distance should not be less than 21m between facing habitable room windows.

There are no adjacent residential properties. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 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. A one bedroom (2 person) flat is required to provide 50 square metres which the proposal complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of Policy 3.5 of the London Plan (2016).

Policy BE23 of the Hillingdon Local Plan (November 2012) recognises that new residential

buildings should 'provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings'. Submitted plans demonstrate that each property would be served by a private outdoor amenity space which would comply with the requirements of Policy DMHB18 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) the Council's guidance HDAS Residential Layouts (2008).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP 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 Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The submitted plans indicate 4 car parking spaces could be provided within the frontage which would meet the Council's Parking Standards and the proposal is considered acceptable in accordance with Policies AM7 and AM14 of the Local Plan and Policy DMT6 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.11 Urban design, access and security

The issues are addressed in the sections above.

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

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The applicant has submitted a landscaping scheme for the proposal which is considered acceptable and would mitigate the impact of the development. The landscaping scheme is secured by way of condition.

7.15 Sustainable waste management

The submitted plans indicate bin storage which can be secured by way of condition.

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 Council's Flood and Water Management officer has confirmed that although the site lies adjacent to Flood Zone 2, there is no objection to the proposals as the site is located in Flood Zone 1. Due to the location adjacent to the flood zone, the standard drainage condition can be placed on the permission.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No responses have been received from external consultees.

7.20 Planning obligations

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal, although it does represent a disproportionate change to the size of the original building 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 proposal would not be detrimental to the amenities of adjoining occupiers. The scheme would provide suitable residential accommodation to its occupiers and adequate off-street parking is provided.

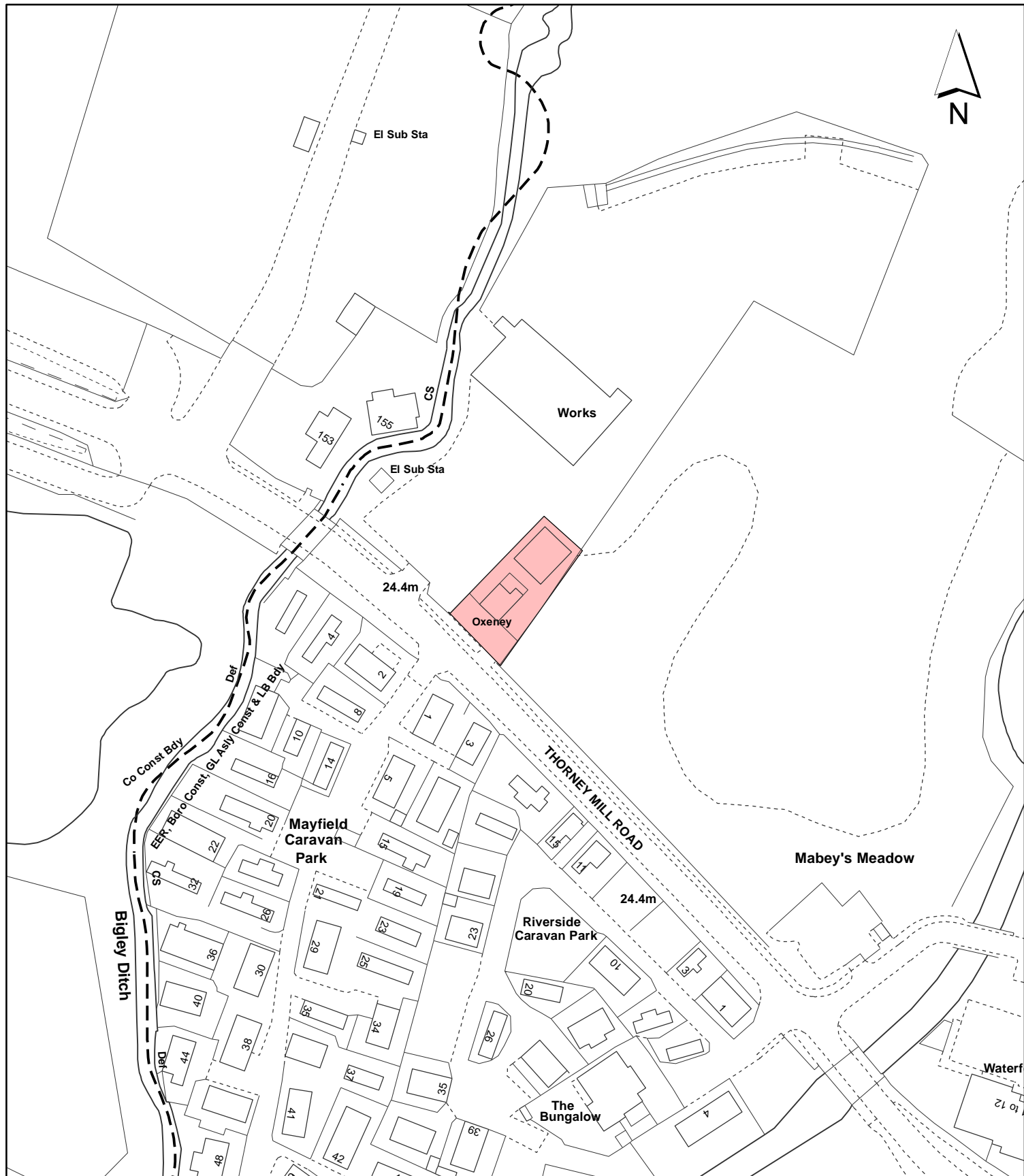
The application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019)
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
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

Oxeney Cottage

Planning Application Ref:

40485/APP/2019/1922

Planning Committee:

Central & South

Scale:

1:1,250

Date:

September 2019

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
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