

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

**Address** LAND BETWEEN 2 & 6 WOODSIDE ROAD NORTHWOOD

**Development:** Variation of condition 2 (Approved Plans) and 5 (Side Windows) of Secretary of State's Appeal Decision ref: APP/R5510/W/17/3171932 dated 28/07/2017 (LBH ref: 70377/APP/2016/4221 dated 22/07/2017) Two storey, 3-bed detached dwelling , use of habitable roof space, ancillary works and provision of new vehicle access from Woodside Road.

**LBH Ref Nos:** 70377/APP/2019/2476

**Drawing Nos:** 1251/P/2C

**Date Plans Received:** 24/07/2019                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 01/08/2019

### 1. SUMMARY

The proposal seeks variation of condition 2 (Approved Plans) and 5 (Side Windows) of Secretary of State's Appeal Decision ref: APP/R5510/W/17/3171932 dated 28/07/2017 (LBH ref: 70377/APP/2016/4221 dated 22/07/2017) Two storey, 3-bed detached dwelling, use of habitable roof space, ancillary works and provision of new vehicle access from Woodside Road.

The proposal is to alter the locations of side windows from that shown on the approved plans. There are also changes to the internal layouts.

Condition 2 (Accordance with Approved Plans) states:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1251/P/1;1251/P/2; 1251/P/3; 1251/P/4 and 1251/P/5, 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).

Condition 5 (Obscure Glazing) states:

The windows facing 2 and 6 Woodside Road shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

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

The key planning issue is whether the changes to the locations of windows harms neighbours' amenity through loss of privacy/overlooking.

Revised plans were received on 8/10/19 which show all the side windows will be

obscured glazed and therefore will not directly overlook into any of the neighbouring properties. As such based on Drawing number 1251/P/2C received on 8/10/19, it is considered that the proposal complies with Policies BE21 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy 3.5 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

## **2. RECOMMENDATION**

### **APPROVAL subject to the following:**

#### **1 RES3 Time Limit**

The development hereby permitted shall be made not later than the expiration of 3 month beginning with the date of the grant of planning 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 plan number 1251/P/2C received 8/10/19 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 - Development Management Policies (2020) and the London Plan (2016).

#### **3 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing nos 2 and 6 Woodside Road

#### **REASON**

To prevent overlooking to adjoining properties in accordance with policies DMHD 1 and DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020)

#### **4 NONSC Non Standard Condition**

The windows facing 2 and 6 Woodside Road shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### **REASON**

To prevent overlooking to adjoining properties in accordance with policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

#### **5 NONSC Non Standard Condition**

The loft shall not be used as a habitable room as the rooflights do not provide suitable levels of natural light.

#### **REASON**

To protect the residential amenity of residents in accordance with policy DMHB 11 of the

## INFORMATIVES

### 1 147 **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.

### 2 152 **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).

### 3 153 **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.

DMT 6	Vehicle Parking
DMHB 1	Heritage Assets
DMHB 5	Areas of Special Local Character
DMHB 6	Gatehill Farm Estate and Copse Wood Estate Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 16	Housing Standards
DMHB 14	Trees and Landscaping
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments

LPP 3.8	(2016) Housing Choice
LPP 7.4	(2016) Local character
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

#### **4 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.

### **3. CONSIDERATIONS**

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

The application site comprises an area of open land situated on the Eastern side of Woodside Road and was formerly an area of garden attached to no. 2. The land is landscaped and well maintained, enclosed on three sides by mature well established hedgerows and partitioned from no. 2 by a closeboard fence.

The street scene is predominantly residential in character and is largely characterised by detached properties located within substantial plots.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and within the Gatehill Farm Estate Area of Special Local Character. It is also covered by TPO 99.

#### **3.2 Proposed Scheme**

The proposal seeks variation of condition 2 (Approved Plans) and 5 (Side Windows) of Secretary of State's Appeal Decision ref: APP/R5510/W/17/3171932 dated 28/07/2017 (LBH ref: 70377/APP/2016/4221 dated 22/07/2017) Two storey, 3-bed detached dwelling, use of habitable roof space, ancillary works and provision of new vehicle access from Woodside Road.

The differences are:

- internal changes to internal layout at all levels comprising rearrangement of staircases, conversion of study to wc and utility, removal of wall to create open plan kitchen/family room, conversion of dining room to larger lounge room, rearrangement of bedrooms and ensembles/shower rooms and rearrangement of loft layout
- relocation of side windows at ground level and first floor level

#### **3.3 Relevant Planning History**

70377/APP/2015/3826 Land Between 2 & 6 Woodside Road Northwood

Two storey, 3-bed, detached dwelling with habitable roofspace, with associated parking and amenity space and installation of vehicular crossover to front

**Decision:** 18-02-2016 Refused **Appeal:** 20-07-2016 Dismissed

70377/APP/2016/3210 Land Between 2 & 6 Woodside Road Northwood

Two storey, 3-bed, detached dwelling with habitable roofspace, with associated parking and amenity space and installation of vehicular crossover to front

**Decision:** 16-11-2016 Withdrawn

70377/APP/2016/4221 Land Between 2 & 6 Woodside Road Northwood

Two storey, 3-bed dwelling with habitable roofspace, parking and amenity space and installation of vehicular crossover to front.

**Decision:** 22-02-2017 Refused **Appeal:** 28-07-2017 Allowed

70377/APP/2017/2956 Land Between 2 & 6 Woodside Road Northwood

Details pursuant to conditions 3 (Materials), 5 (Obscure Glazing), 8 (Levels), 11 (Method Statement) and 13 (Landscaping) of the Secretary of State's Appeal Decision Ref: APP/R5510/W/17/3171932 dated 28-07-2017 (LBH Ref: 70377/APP/2016/4221 dated 06-03-20 (Two storey, 3-bed dwelling with habitable roofspace, parking and amenity space and installation of vehicular crossover to front)

**Decision:** 28-11-2017 Approved

70377/APP/2017/888 Land Between 2 & 6 Woodside Road Northwood

Two storey, 3-bed detached dwelling with habitable roofspace and installation of vehicular crossover, parking and amenity space.

**Decision:** 31-07-2017 Withdrawn

70377/PRC/2014/107 Land Between 2 & 6 Woodside Road Northwood

Proposed detached part single, part two storey dwelling house

**Decision:** 20-02-2015 NO

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

70377/APP/2016/4221 - Two storey, 3-bed dwelling with habitable roofspace, parking and amenity space and installation of vehicular crossover to front.

Refused on 22/2/17

Allowed under appeal on 28/7/19

#### **4. Planning Policies and Standards**

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18th May 2018. This comprises a Development Management Policies document, a Site Allocations and Designations document and associated policies

maps. This will replace the current Local Plan: Part 2 - - Development Management Policies (2020)

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPM) which outline the proposed changes to submission version (2015) that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the Examination in Public (EiP). The public examination hearings concluded on the 9th August 2018. The Inspector submitted a Post Hearing Advice Note outlining the need to undertake a final consultation on the updated SOPM (2019) only. The Council undertook this consultation between 27th March 2019 and 8th May 2019. All consultation responses have been provided to the Inspector for review, before the Inspector's Final Report is published to conclude the EiP process.

Paragraph 48 of the NPPF (2019) outlines 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).

On the basis that the public hearings have concluded and the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight may be attached to each policy is therefore based on the extent to which there is an unresolved objection being determined through the EiP process and the degree of consistency to the relevant policies in the NPPF (2019).

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

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

DMT 6	Vehicle Parking
DMHB 1	Heritage Assets
DMHB 5	Areas of Special Local Character
DMHB 6	Gatehill Farm Estate and Copse Wood Estate Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 16	Housing Standards
DMHB 14	Trees and Landscaping
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings

- LPP 3.3 (2016) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2016) Quality and design of housing developments
- LPP 3.8 (2016) Housing Choice
- LPP 7.4 (2016) Local character
- NPPF- 12 NPPF-12 2018 - Achieving well-designed places
- NPPF- 16 NPPF-16 2018 - Conserving & enhancing the historic environment

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

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Neighbours were notified on 7/8/19 and a site notice was displayed. By the end of the consultation period 10 responses were received from neighbours and Gatehill Residents Association who raised their concerns for the new clear side windows which result in lack of privacy and changes in built internal layouts.

### **Internal Consultees**

1) Trees/Landscape Officer:

Approved plans - variation This application involves an amendment to the fenestration of the building with no effect on the footprint or external landscape.

RECOMMENDATION No objection and no need for new landscape conditions

2) Conservation and Urban Design Officer:

1 Summary of comments: Objections

2 Historic Environment Designation (s)

-Gatehill Farm Estate, Northwood Area of Special Local Character (ASLC)

3 Assessment

The proposal would vary the scheme which was allowed at appeal. However this would subject to numerous conditions. The proposed variation would fail to meet the requirements stated by the Planning Inspector within the Appeal Decision in relation to protecting the 'privacy of adjacent occupiers', Nos. 2 & 6. The side windows which are clear glazed would need to be amended to obscure glazed windows.

It is duly noted that the internal layout of the property has not been constructed in accordance to the approved plans. However in this instance it has not resulted in any external alterations therefore it would be deemed admissible.

4 Conclusion: Objections

3) Highways Officer:

As this condition variation is associated with changes to fenestration, there are no relevant highway

related comments to be made

## **7. MAIN PLANNING ISSUES**

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

The application site lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012), where there is no objection in principle to the extension of a dwelling subject to compliance with the relevant policies set out the Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

### **7.02 Density of the proposed development**

Not relevant to this proposal.

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

As detailed within the impact on the character and appearance of the area.

### **7.04 Airport safeguarding**

Not relevant to this proposal.

### **7.05 Impact on the green belt**

Not relevant to this proposal.

### **7.06 Environmental Impact**

Not relevant to this proposal.

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

Policy DMHB 11: Design of New Development states that A) All development, including extensions, alterations and new buildings will be required to be designed to the quality standards, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; · architectural composition and quality of detailing; and local topography, views both from and to the site; and · impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; and iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy DMHD 1: Planning applications relating to alterations and extensions of dwellings will be required to ensure that:

i) there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area; ii) a satisfactory relationship with adjacent dwellings is achieved; iii) new extensions appear subordinate to the main dwelling in their floor area, width, depth and height; iv) new extensions respect the design of the original house and be of matching materials; v) there is no unacceptable loss of outlook to neighbouring occupiers; vi) adequate garden space is retained; vii) adequate off-street parking is retained, as set out in Table 1: Parking Standards in Appendix C; viii) trees, hedges and other landscaping features are retained; and ix) all extensions in Conservation Areas and Areas of Special Local Character, and to Listed and Locally Listed Buildings, are designed in keeping with the original house, in terms of layout, scale, proportions, roof form, window pattern, detailed design and materials.

It is duly noted that the internal layout of the property has not been constructed in accordance to the approved plans. However in this instance it has not resulted in any major external alterations therefore it would be deemed admissible. No specific impact, side windows are only partially visible.

Proposal by virtue of its size, scale and design would appear as a subordinate addition. As such the proposal would not be detrimental to the visual amenity of the original dwelling and street scene, and therefore would comply with Policies DMHD 1 and DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020)

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

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties or onto private open spaces. A minimum of 21m separation distance between windows of habitable rooms will be required to maintain privacy. The Council will also expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

Installation of an obscure glazed first floor side window is not considered to raise adverse amenity issues in its own right. However, it was established during a site visit that the windows on the side elevation are in different location and are not in accordance with the approved plans of REF: 70377/APP/2016/4221. It was also established that the ground floor windows facing no 2 and 6 have not been fitted with obscured glazing.

It is important to note that Drawing number 1251/P/2C received on 8/10/19 shows that the side windows which are clear glazed would be amended to obscure glazed windows and therefore will not directly overlook into any of the neighbouring properties. As such the proposal would provide satisfactory amenities for that adjoining properties at no 2 and 6. The proposal therefore complies with Policies DMHD 1 and DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020)

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

The proposed loft is identified on the plan as cinema, the floor area of which measures 13.7 sqm and is capable of being occupied as habitable accommodation. If approved this could be conditioned to ensure it is not used as habitable accommodation given the lack of natural light.

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

No adverse issues are raised.

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

DMHB 18 requires sufficient garden space to be retained as a consequence of an extension. The property benefits from a good sized rear garden and adequate garden space would be retained.

#### **7.12 Disabled access**

Not relevant to this proposal.

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

Not relevant to this proposal.

#### **7.14 Trees, Landscaping and Ecology**

Not relevant to this proposal.

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

Not relevant to this proposal.

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

Not relevant to this proposal.

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

Not relevant to this proposal.

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

Not relevant to this proposal.

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

The comments made are duly noted and have been addressed appropriately within the report.

#### **7.20 Planning Obligations**

Not relevant to this proposal.

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

Enforcement has been involved with the above address for breach of conditions 2 and 5 (Ref: 70377/APP/2016/4221) and they confirmed that the internal layout of the dwellinghouse is not in accordance with the approved plans which was granted on appeal (appeal ref: APP/R5510/W/17/3171932). They also stated that the windows on the side elevation are in different location and are not in accordance with plans. They also confirmed that the ground floor windows facing nos 2 and 6 Woodside Road are not obscured glazed.

#### **7.22 Other Issues**

Not applicable.

### **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

## **10. CONCLUSION**

It is recommended that the application be approved.

## **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies (2020)  
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)  
National Planning Policy Framework

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