

Report of the Head of Development Management and Building Control

Address: 28 JACKS LANE HAREFIELD

Development: Alterations of garage roof, erection of a three storey side extension with balcony and balustrade, alterations to fenestration, and demolition of chimney

LBH Ref Nos: 76265/APP/2023/1128

Drawing Nos: 2018IB_HH1: SH2 Revision B
2018IB_HH1: SHI Revision A

Date Plans received: 17-04-2023 **Date(s) of Amendments(s):**

Date Application valid 17-04-2023

RECOMMENDATION: GRANT planning permission subject to conditions

DEFERRED ON 5th October 2023 FOR SITE VISIT

The planning application was reported to the Borough Planning Committee on 5th October 2023, where it was deferred for a site visit.

The Members' site visit was conducted on 20th October 2023, with the Chair and Officers in attendance. Measurements were taken on the application site to indicate the extent of the proposed extension. The Chair and Officers also visited the neighbouring property no. 27 Jacks Lane, in order to consider the impact of the proposal on the side and rear garden area and relevant internal rooms. In particular, views were gained from the ground floor side facing study room window and the first floor front/side facing bedroom window at 27 Jacks Lane.

Having regard to comments and queries raised at the Borough Planning Committee on 5th October 2023 in respect of the accuracy of the applicant's plans, a further site visit was carried out by Planning Officers on 12th December 2023. At the visit, additional measurements were taken and lasers were shone at 45 degrees from the centre point of the first floor bedroom window at no. 27 Jacks Lane, to indicate the 45 degree guideline. It is important to note that there is a margin of error with any measurements being taken, however following the site visit, Officers are of the view that contrary to the Committee Report, the proposed extension would breach the 45 degree guideline in respect of the first floor bedroom window at no. 27 Jacks Lane, albeit by a relatively small margin.

Notwithstanding the above, having viewed the application site from within the bedroom at no. 27 Jacks Lane, Planning Officers are fully satisfied that the proposal would not unduly impact upon the outlook of the bedroom window, or otherwise harm the amenity of this room. It is considered that a refusal of planning permission in respect of the impact of the proposed development upon the first floor bedroom window could not be sustained in the event of a planning appeal. The amendments to the planning application (in relation to the previously refused scheme) are significant and satisfactorily address the previous concerns about the impact upon this window.

For additional context, it should be noted that the 45 degree guideline is a rule of thumb and should not be considered to be determinative in a planning application, as a judgement about impact on residential amenity is required. Moreover, the 45 degree guideline would generally be applied to assess front or rear extensions where dwellings are situated in a row, therefore the site context in this case is unusual, especially given the angled shape of neighbouring property no. 27 Jacks Lane. Having regard to the

site circumstances, including the relatively generous spacing between the properties, and with the benefit of having viewed the application site from within the neighbouring property, the impact of the proposal on the residential amenity of no. 27 Jacks Lane (and indeed all other properties) is considered acceptable.

It is concluded that the planning application complies with the Development Plan, and no material considerations indicate that a contrary decision should be taken. The Officer recommendation remains to grant planning permission subject to the proposed conditions set out in Section 6 of the Committee Report.

1. CONSIDERATIONS

1.1 Site and Locality

The application site comprises a three-storey detached dwelling on the western side of Jacks Lane. The dwelling has a single storey side garage towards the side of No. 27 Jacks Lane, with a single storey rear element with a roof used as a balcony with glass balustrade around. The frontage is hardstanding and accommodates parking. To the rear is private amenity space, beyond which is the Grand Union Canal.

This particular group of properties along Jacks Lane are similar in their form, proportion and appearance, and are grouped in a row/pairs. Nos.33 and 38 Jacks Lane are similar in massing and appearance to the host site, although No.38 is located at the very 'end' of the row of properties. The properties located to the north of the site also sit within a uniform row, but differ in design from the application property. The land levels on site appear relatively flat, although drop from the east to the west from the rear of the dwelling.

The site is subject to a Tree Preservation Order (TPO 581), is located within the Coppermill Lock Conservation Area and Colne Valley Archaeological Priority Area. Parts of the site are designated within an area susceptible to surface water flooding, and the site is also within a River Bank Protection area, being within 20m of the top of the riverbank. The site is also located within the Colne Valley Regional Park. To the front of the site, although separated by the highway is Green Belt land and a Site of Special Scientific Interest (SSSI).

1.2 Proposed Scheme

This application essentially seeks householder planning permission to construct a three-storey side extension and carry out fenestration alterations. This would involve the following proposed works:

- The existing integrated garage would be partially retained but the roof profile would be altered from pitched to flat;
- A first floor balcony and balustrade is proposed to the rear of the three-storey side extension;
- Replacement ground floor rear windows/doors with bi-folding doors;
- Replacement of ground floor side door on southern elevation (facing No.29) with a window; and
- Removal of chimney.

1.3 Relevant Planning History

76265/APP/2022/1716 28 JACKS LANE HAREFIELD

Part single; part three storey side extension (following part demolition of side garage addition and removal of chimney) with balcony and balustrade; replacement ground floor side door with window; reinstatement of front garage door; replacement ground floor rear windows/doors with new bi-fold doors and extended rear patio.

Decision: 23-02-2023 Refused

Appeal: 11-09-2023 Dismissed

Comment on Planning History

An application for a three-storey side extension was considered at the Borough Planning Committee in January 2023 (ref. 76265/APP/2022/1716) and was refused planning permission (decision dated 23-02-23). This current application is a revised resubmission.

The reason for refusal of the earlier application was the impact on a first-floor habitable room window at No. 27 Jacks Lane, and the harm this would cause to neighbouring living conditions. The specific wording of the refusal is as follows:

"The proposed side extension, by reason of its bulk, height, size, siting and proximity would cause a harmful sense of enclosure and perceived loss of outlook to the first floor bedroom window of 27 Jacks Lane, harming their existing living conditions to an unacceptable degree. The proposal is therefore contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)."

Following the refusal, it was later dismissed at appeal on 11 September 2023 (ref: APP/R5510/D/23/3322306). The Planning Inspector found the following:

4. That bedroom has a fairly open aspect towards the road and vegetation beyond, with No. 28's garage roof and flank wall off-set slightly to the side. The principal parties agree that the existing flank wall of No. 28 breaches a 45 degree line drawn from No. 27's bedroom window.
5. However, as a result of the scheme, the flank wall of No. 28 would be significantly closer to that window. Given its three storey height and its proximity to the window, which is the only one serving that room, it would be a bulky and looming presence, which would create a significant sense of enclosure within the bedroom, and which would harmfully affect those occupiers' outlook.
6. Whilst the appellant points to an alleged precedent in the relationship between 23 and 24 Jacks Lane, in that case both properties are two storeys high and consequently there is not a similar overbearing impact on their respective first floor front-facing windows compared to this scheme.
7. My finding regarding the impact on No 27's bedroom window would, to a lesser degree, hold true of the impact on the outlook from its office window, which is also the only window serving that room, although I observed on my visit that the aspect from there is already partially constrained by a shed/outbuilding in that property's garden.
8. The proposed privacy screen would prevent any significant overlooking from the scheme's first floor rear balcony towards No. 27, but given the height and bulk of the proposed extension and its proximity to the boundary, I share the neighbours' concerns that it would have a somewhat overbearing impact on those parts of their outdoor amenity space closest to the side boundary.

9. I observed that that No. 27 also has an amenity space to the rear and on the opposite side of the house, along with north facing windows, and rear facing openings and a balcony providing an attractive view over the Grand Union Canal. They would barely be impacted, if at all, by this scheme. Notwithstanding that, for the above reasons, having considered the impact on No. 27 as a whole, I conclude that the scheme would significantly harm the occupiers' living conditions.

10. It would therefore conflict with Policy DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part Two: Development Management Policies (2020). Amongst other things, in general terms, these require that development should not adversely impact on the amenity of adjacent properties, including that there should be no unacceptable loss of outlook."

To address the impact on the residential amenity of No. 27 Jacks Lane, the revised proposed side extension, subject to this application, has been reduced in scale.

This reduction involves a substantial 3.8m set-back from the front principal elevation (compared to the 1m set-back in the refused application). This means that the proposed side extension would be clear of a 45-degree line drawn from the centre of the first-floor bedroom window at No. 27 Jacks Lane (the front of the extension would meet this line where it dissects with the existing dwelling). Therefore, there would not be a harmful sense of enclosure to or undue loss of outlook from this neighbouring first-floor bedroom window, which formed the LPA's reason for refusing the earlier application.

Whilst not forming part of the LPA's reason for refusal, it is recognised that the Inspector notes that the outlook from the office window (ground floor side elevation facing the application site) would be affected to a lesser degree, but that the aspect from this window is already partially constrained by the outbuilding in the neighbours' garden (paragraph 7). The existing constraints on the neighbouring property would remain unchanged in the revised proposal, with the reduction in scale of the proposed extension further minimising any impact on the outlook from the office window. Therefore the impact is considered acceptable.

It is further recognised that the Inspector found that due to the scale and bulk of the extension, and proximity to the boundary, that in respect to No. 27, there would be a "somewhat overbearing impact on those parts of their outdoor amenity space closest to the side boundary" (paragraph 8). In paragraph 9 the Inspector continues that the remaining amenity space to the rear and on the opposite side of the neighbouring dwelling would "barely be impacted, if at all, by this scheme". The Inspector's decision as to the impact on No. 27 was ultimately considered "as a whole", whereby the harm was determined to be significant.

As noted above, the reduction in scale would be clear of the 45-degree line, resolving the impact on outlook from the first floor bedroom window at No. 27 Jacks Lane. This reduction in scale would also minimise any harm to the outlook from the ground floor office window, which the Inspector acknowledges is already constrained by the outbuilding at No. 27, and in respect to the larger refused extension, would have been impacted to a 'lesser degree'. Finally, whilst outlook from one of the side gardens at No. 27 may be "somewhat overbearing" the majority of the amenity space at No. 27 (located to the rear and opposite side of the neighbouring dwelling) would not be materially affected. Taken as a whole, the revised extension would not have a significantly harmful impact on the residential amenity of No. 27 and it is considered that a refusal of planning permission on such grounds could not be sustained in the event of an appeal.

Amendments have also been secured during the application process to change the roof of the retained integral garage from pitched to flat-roofed with decorative external corncicing. This design approach was recommended by the Council's Conservation Officer and agreed to by the applicant. Therefore, the increased set-back to address residential amenity harm has not introduced any new visual or heritage

harms. In respect to the previously refused application, the Inspector agreed with the LPA that "the scheme would not harm the character or appearance of the Coppermill Lock Conservation Area" (paragraph 14).

Given the above, planning officers consider that the previous reason for refusal has been addressed, and the application is therefore recommended for approval. The merits of the scheme are discussed throughout this report.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date: 1st June 2023

2.2 Site Notice Expiry Date: 2nd June 2023

3. Comments on Public Consultations

PUBLIC CONSULTATION

The two adjoining neighbours were consulted by letter on 25th April 2023. A site notice was displayed on 3rd May 2023 and the application was also published in the Gazette on 10th May 2023. The consultation period expired on 13th June 2023. It is noted that representations were received outside of this time, however, they have been included.

Eight representations have been received from neighbouring residents - 1 in support of the proposal, and 7 in objection. A petition with 58 signatories in objection to the proposal has also been received. The lead petitioner has also commissioned a planning consultant to prepare a report in objection to the proposal. The Waterside Mews Residents Association (WMRA) has also submitted a representation to inform the Council of restrictive covenants. The Canal Locks Conservation Panel has been consulted but no representation has been received.

The representation in support of the proposal does so, in summary, because "it really won't get in anyone's way, being the end block on a cul-de-sac. There is more than enough room to build on the footprint and not obstruct anything. All properties have an unobstructed view of the canal...and it will add to the rateable value of the street too, so all good".

The seven representations in objection to the proposal raise the following summarised matters, grouped under topic headings, with planning officers' responses below each section for ease of reference.

HARM TO THE CONSERVATION AREA AND CHARACTER OF THE AREA

- The design, scale, siting would destroy the architectural importance of these properties.
- There are no public benefits arising from this proposal to outweigh the 'less than substantial' harm to the conservation area.
- Would set an undesirable precedent for out-of-character developments in this and other Hillingdon conservation areas.
- The Council has a legal obligation to protect heritage.
- No Heritage Impact Assessment has been submitted.
- The Canal Locks Advisory Panel has not been consulted.

- Very poor design, the massing and proportions look awful.
- Visually the building will differ from the other properties within the conservation area and will be seen from the canal side and roadside.
- Size and design is inappropriate for this property
- This particular property has the same roof line as the property at the other end of the small estate, and the central property. The proposed roof line is not in keeping with the style and size of any of the neighbouring properties. This will have a negative effect on the conservation area, with no noticeable benefits.
- The charm of the estates and communities are based on the style and proportions of the properties, as they were built. It is inappropriate to spoil such with a large, obvious alteration/extension. Concerned that this would set a precedent of intrusive extensions to neighbouring properties.

PLANNING OFFICER'S RESPONSE

The impact on the character and appearance of the conservation area and wider area is addressed within Section 5 of this committee report. However, at this stage it should be noted that the impact on the conservation area was considered acceptable in the previously refused application (ref. 76265/APP/2022/1716) and by the Planning Inspector at appeal (ref: APP/R5510/D/23/3322306). Furthermore, the revisions reduce the scale of the extension, and hence its visual impact within the conservation area. Therefore, consistent with the previous application, the impact is also acceptable. It should also be noted that the previous application did not determine that there would be 'less than substantial harm'. It effectively concluded that there would be no harm, which was agreed by the Inspector.

A Planning and Heritage Statement has been submitted in support of the application. It is recognised that the heritage assessment in this submission is succinct. However, in light of the assessment for the previous application, appeal decision and the advice received from the Council's heritage officer, no further submission from the applicant was considered necessary.

The Canal Locks Conservation Panel has been consulted on 22nd May 2023. No representation has been received.

IMPACTS ON NEIGHBOURING RESIDENTIAL AMENITY

- Extension would be overbearing to No. 27 Jacks Lane due to its scale, height, siting, and proximity.
- Would result in loss of daylight and sunlight to habitable areas and private amenity space of No. 27 Jacks Lane.
- Would cause a harmful sense of enclosure to and perceived loss of outlook from No, 27 Jacks Lane.
- There are inalienable rights that the planning system has been set-up to protect, such as privacy and light. The Council in the past has been careful to ensure there is a gap between Nos. 27 and 28 to protect these rights.
- The council has a legal requirement to protect certain matters, such as heritage, and Hillingdon Council must protect the right to privacy and light. These rights would be overridden by the council should they approve this application.
- 45-degree rule concerns.
- There would be a loss of privacy to neighbours.
- Need to reaffirm the importance of planning policy in making places better, for all, and not worse for some.
- Fail to see how the revised extension will be any less impactful than the previous application that was refused. The impact on light and privacy to No. 27 remain.
- The balcony should not be acceptable, given its proximity to the neighbours' fence. It would have an intrusive view into the neighbouring property, along with greater noise intrusion. The privacy screen is

made of glass and not brick like the other balconies.

PLANNING OFFICER'S RESPONSE

The impact on neighbouring residential amenity is addressed within Section 5 of this committee report. However, at this stage it should be noted that the sole reason for refusing the previous application was a perceived loss of outlook from and a harmful sense of enclosure to the first-floor bedroom window facing the application site (ref. 76265/APP/2022/1716). The revisions reduce the length of the extension adjacent to the shared site boundary so that a 45-degree line of sight from this window is achieved. Therefore, Officers consider that the impact on this window has been addressed and the remaining impact is not sufficient to warrant refusal.

In terms of potential noise intrusion from the proposed balcony, the noise impacts would not be any greater than that expected from a residential home or garden. Any excessive noise which constitutes statutory noise nuisance is managed under separate legislation.

It should be noted that a right to light is a civil matter that is separate from sunlight and daylight considered by Local Planning Authorities. The grant of planning permission does not supersede this civil matter.

In terms of the comment that the Council in the past has been careful to ensure a gap is maintained between Nos. 27 and Nos. 28, there do not appear to be any planning records which may specify this aim. The only relevant planning record appears to be the one recently refused and referred to above.

HIGHWAYS IMPACTS

- Concern that building works would cause significant disruption and block the only entrance and exit to and from the street.
- The shortening of the garage will make it too small for most cars. Although currently, I believe it is used for storage, it should not be discounted that there could be an increase in vehicle numbers in the future. There are no spare car parking spaces within the estate of numbers 28 to 38, where street parking is not possible.

PLANNING OFFICER'S RESPONSE

Construction impacts are of a temporary nature, and the environmental impacts are managed under separate legislation. An informative has been included to remind the applicant of their obligations under this legislation. Nevertheless, given the somewhat restricted road access to the site, a condition has been included requiring the submission of a construction management plan.

In terms of parking, it is noted that Appendix C: Parking Standards, of Hillingdon's Local Plan Part 2, requires a maximum of two parking spaces within the curtilage of a dwelling. The existing forecourt currently accommodates parking for three vehicles. This would remain unchanged by the proposal. Therefore, the level of onsite parking provision would not result in parking congestion within the street and is acceptable.

OTHER MATTERS

- Lack of a flood risk assessment.
- Lack of a contamination survey.
- Inconsistencies in the application.
- Impact on the Green Belt.

-Breach of covenants.

PLANNING OFFICER'S RESPONSE

The flood risks associated with the proposal are addressed in Section 5 of this report, as are the potential impacts on the Green Belt.

Revised drawings have been received to remedy/clarify any inconsistencies in the drawings between proposed floor and roof plans, and proposed elevations. Planning officers are satisfied that the submitted drawings and documents are acceptable for determining this application.

Restrictive covenants are separate to the planning process and are therefore not a material planning consideration. The existence of a covenant cannot be considered when determining a planning application. The grant of planning permission does not supersede the requirements of a covenant.

Finally, with regard to potential contamination, the Council's Contaminated Land Officer has raised no objections to the proposal (see below).

THE WATERSIDE MEWS RESIDENTS ASSOCIATION (WMRA)

The WMRA has provided the following summarised comments concerning covenants:

"The WMRA have the legal responsibility of overseeing the Rent Charge and covenants. The WMRA need to inform the council of the covenants prior to such permission being granted due to issues concerning the private road. While covenants themselves are not part of the planning process, council officers should take note of them.

The property is situated on a private road and subject to a Rent Charge and restrictive covenants established in 1998 by Michael Shanly Homes and taken over by us in 2008. The Rent Charge is listed against title AGL63170. The adopted section of Jacks Lane terminates just before no 28 but the whole of Jacks Lane constitutes part of the Hillingdon Trail".

PLANNING OFFICER'S RESPONSE

As stated earlier, restrictive covenants are separate to the planning process and are therefore not a material planning consideration. The existence of a covenant cannot be considered when determining a planning application. The grant of planning permission does not supersede the requirements of a covenant.

PETITION

A petition containing 58 signatures has been received in objection to the application. The matters raised in the petition concern harm to the conservation area and character of the area, as well as harm to the residential amenity of No. 27 Jacks Lane. For completeness, the objections raised in the petition, verbatim, is as follows:

- The proposal, by its dimension, location and volumetry will irremediably destroy the architectural importance of the properties from no. 28 to 38 in terms of equal symmetry pattern, volumetry, roof shapes, chimneys patterns, and street character visible from Jacks Lane and the Grand Union Canal public footpath.

- The proposal permanently disgraces the singularity and upkeep of those constructions that were

designed to be not a singular building but still part of an integrated, fluid and valued architectonic edification, destroying an Area that is outlined for being different and of importance in terms of the quality and integration with the vicinity, built and environmental.

- The Proposal causes 'less than substantial harm' to the Conservation Area, which according to paragraph 202 of the NPPF, would need to be weighed against the package of public benefits arising from the development of this Conservation Area. As the applicant has not put forward any public benefits which would outweighs this harm, the development would be contrary to the NPPF, local policies and the London Plan policies, opening an undesirable precedent for out-of-character development in this particular Conservation Area and potentially encouraging further harming development to other Hillingdon Conservation Areas.

- The proposed 3-storey side extension is disproportionate and overbearing to the 2-storey no.27 Jacks Lane, by its bulk, height, size, volumetry, sitting and proximity. It will impair the daylight/sunlight rights to habitable areas and amenity space, cause a harmful sense of enclosure and perceived loss of outlook to the southern elevation ground floor habitable bedroom/office-room window of no.27, and directly overlook from above what is currently a screened and private garden seating area. The proposed balcony privacy screen further aggravates this loss of privacy in amenity areas by being made of glass instead of brick, in contrast with all balconies in the architectural group.

PLANNING OFFICER'S RESPONSE

The impact on the character and appearance of the conservation area, and the surrounding area are addressed above and within the main body of this report. This is the same with the impact on the residential amenity of neighbouring properties, specifically No. 27 Jacks Lane.

REPORT BY PLANNING DIRECT ON BEHALF OF THE LEAD PETITIONER

A report has been submitted in objection to the proposal that has been prepared by Planning Direct on behalf of the lead petitioner. The introduction to the report states that: "There are a large number of issues with the application all of which are contrary to local planning policy and with a number of specific issues impinge significantly on my client's enjoyment of the home and amenity". It concludes that there are 12 reasons that the Council should refuse the application.

The first section of the report considers the previously refused application (ref.76265/APP/2022/1716) and asserts that planning officers failed to correctly apply the tests for harm to conservation areas, and the new application would need to pass these tests. Planning officers strongly disagree with this position.

The objection takes issue with the local planning authority's determination that the proposal, in contrast to the comments received from the conservation officer at the time, would not result in 'less than substantial harm' stating that "being subordinate does not mitigate for nor outweigh the less than substantial harm to the conservation area." This, however, was not the only reasoning within the heritage section of the officer's report that concluded that the previous application was acceptable, and that no notable harm would result. Consequently, it was correct that planning officers did not engage paragraph 202 of the National Planning Policy Framework (2021), as there was not any 'less than substantial harm' that needed weighing against the public benefits of the scheme. The recent appeal decision also concurred with the LPA's assessment that the "scheme would not harm the character or appearance of the Coppermill Lock Conservation Area" stating that "It would broadly respect the rhythm of the buildings in this row, and would not disrupt its architectural composition" (paragraph 14).

The objection then states that the previous proposal did not "enhance the character and appearance of

the area," nor "sustain and enhance its significance and make a positive contribution to the local character and distinctiveness", contrary to Policy DMHB 4 of Hillingdon's Local Plan: Part 2. This policy requires new development "to preserve or enhance the character and appearance of the area". As stated in the previous committee report the proposal would preserve the character and appearance of the conservation area, and thus sustain the significance of the conservation area. This position remains unchanged with the revised proposal.

The twelve grounds for objection, stated within the objector's report are summarised as follows. Planning officers' responses are under each point for ease of reference.

OBJECTION 1: Lack of a detailed Heritage Impact Assessment that addresses the requirements of the National Planning Policy Framework in full. Further, the Canal Locks Advisory Panel have not been consulted.

PLANNING OFFICER'S RESPONSE

Paragraph 194 of the NPPF states that in "determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary". A Planning and Heritage Statement has been submitted in support of the application. It is recognised that the heritage assessment in this submission is succinct. However, in light of the assessment for the previous application, the appeal decision and the advice received from the Council's heritage officer, this level of detail is considered proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the conservation area.

The Canal Locks Conservation Panel has been consulted. No representation has been received.

OBJECTION 2: A Flood Risk Assessment has not been submitted with the application. Further, the Council must consult the Environment Agency as to the findings of this report.

PLANNING OFFICER'S RESPONSE

The flood risks associated with the proposal are addressed in Section 5 of this report. The Environment Agency has been consulted, and raises no objection on flood risk grounds.

OBJECTION 3: Lack of a Land Contamination Survey. There was formally an asbestos factory on site so a land contamination survey should be commissioned, and the Council's Environment Team consulted on this report.

PLANNING OFFICER'S RESPONSE

The Council's Contaminated Land Officer has been consulted on the application and raises no objection. Given that the property is residential surrounded by dwellings with gardens, it is reasonable to expect that if the site had previously been an asbestos factory, then the land would have been remediated prior to the residential redevelopment of these properties on Jacks Lane.

OBJECTION 4: There are inconsistencies / errors / omissions in the application that should be cleared up before the determination of the application. These are stated and addressed as follows:

-Lack of topographical survey and references make it difficult to comprehend how high the construction is. Also, the lack of drawings or CGI that demonstrate the impact on adjacent properties (e.g., sections and elevations), makes it impossible to evaluate how this extension affects the adjacent properties and the character of the conservation area.

PLANNING OFFICER'S RESPONSE

The drawings submitted, in combination with the officer's site visit are considered sufficient to assess the acceptability of the proposal.

-The proposed Section AA shows a much larger side extension towards the front of the property vs the side elevation.

PLANNING OFFICER'S RESPONSE - Revisions have been sought to correct plan 'Section AA' to show the correct outline of the proposed side extension.

-The extension in the proposed roof plan drawing seems wider than in the other drawings. There are no exterior measures to verify the length of the side extension and how much it sets back from both the front and rear walls of the property, across any of the drawings.

PLANNING OFFICER'S RESPONSE - Revisions have been sought to annotate measurements including length and set back of the side extension. Nevertheless, the proposed plans are scaled 1:100 so can be measured.

-There are no measures to show the size of the gap between the extension and the site boundary wall.

PLANNING OFFICER'S RESPONSE - Revisions have been sought to annotate measurements including the gap between the extension and boundary wall which varies from 1.3m at the front to 1.18m at the rear. The proposed plans are also scaled and measurable.

-The proposed garage roof is different from the original garage roof.

PLANNING OFFICER'S RESPONSE - Revised drawings have been received to change the roof profile of the retained garage from pitched to a flat roof, at the recommendation of the Council's Conservation Officer.

OBJECTION 5: Green Belt - Increasingly councils take into account the impact on the openness of the Green Belt when determining applications in areas adjacent to Green Belt. This application site lies between two areas of Green Belt and as such has the potential to affect both and impact on views into, out of and across the Green Belt. The council may wish to take this into account when determining the application.

PLANNING OFFICER'S RESPONSE

The impact on the Green Belt is addressed in Section 5 of this report.

OBJECTION 6: Design Concern 1 - Building in the gap between Nos. 27 and the application site is "by definition bad design" and does not comply with the tone or content of Policy DMHB 11. The houses in Jacks Lane were constructed in two tranches. The first tranche, up to No. 27, were designed as a series of horseshoes. No. 27 was designed with windows facing southwards (i.e., towards the application site). The orientation of No. 27 differs from houses in the immediate area, with its 'front' being southeast facing rather than east. In referring to the planning permission granted for the

development of these estates, the objector asserts that this gap was made in order to maintain the appropriate facing of the front of no. 27 and to allow light into the living areas of No. 27. This planning decision also preserved the outlook of No.27 and prevented overbearing from what is a 3-storey house. The proposal does not harmonise with the local context, and clearly impacts on the amenity, daylight and sunlight of the adjacent property.

PLANNING OFFICER'S RESPONSE

The principle of the proposed side extension has already been established through the previously refused application. Nevertheless, the impact on the character of the area and the impact on neighbouring residential amenity is discussed in Section 5 of this report.

OBJECTION 7: Design Concern 2 - Looking at the actual design of the extension itself is appalling. In attempting to address the Council concerns one-by-one in a piecemeal fashion the proposed design is now of a contrived appearance. The resultant design is not in scale with the donor property, looking at the side it is too small, appearing very odd. The roof form would appear incongruent. The removal of the chimney would be noticeably out-of-place. Again, this represents bad design.

PLANNING OFFICER'S RESPONSE

The Council only raised one concern in refusing the application. This was the impact on the first-floor bedroom window at No. 27. The proposed extension has been set-back substantially from the principal front elevation to mitigate this impact. In terms of visual appearance, it is not considered 'too small' and out-of-scale to the application dwelling. The roof of the retained garage has been amended to be flat roofed to not disrupt the elevations of the extension, and better harmonise with the appearance of the dwelling. The removal of the chimney is acceptable, as it was with the previous application.

OBJECTION 8: 45 Degree Rule. The applicant reduced the length of the previous side extension to, supposedly, comply with the 45-degree rule, however, there is not sufficient evidence that the drawings and angle calculations are correct. In fact, my client measured the precise 45-degree angle from the middle of her front bedroom window against the current north elevation of No. 28, using a laser angle marker, and the correct mark is beyond the middle of the current 3rd floor window towards the back of the property.

PLANNING OFFICER'S RESPONSE

There is no current third floor window, however it is deduced that the objector means the 2nd floor window that serves the stair well. Additional drawings have been secured from the applicant that better demonstrate that the 45-degree rule would be complied with.

OBJECTION 9: The proposed extension and balcony will have a considerable impact on my clients' amenity.

PLANNING OFFICER'S RESPONSE

The impacts on the residential amenity of No. 27 Jacks Lane are considered in Section 5 of this report, and in the planning history in respect to the Planning Inspector's appeal decision.

OBJECTION 10: The proposal would impact on the daylight and sunlight experienced by residents at No. 27 Jacks Lane.

PLANNING OFFICER'S RESPONSE

The impacts on the residential amenity of No. 27 Jacks Lane is considered in Section 5 of this report. However, it is noted that the previous application did not consider that there would be a harmful loss of sunlight or daylight to the property, and this did not form a reason for refusal. It is also noted, that whilst the Inspector in his decision considered neighbouring amenity impacts broader than the LPA's reason for refusal, this did not include sunlight and daylight. Given the reduction in scale of this revised proposal, there would not be any sunlight or daylight impacts that would warrant a sustainable reason for refusal.

OBJECTION 11: Loss of privacy due to proposed balcony

PLANNING OFFICER'S RESPONSE

As with the previous application, there would be a privacy screen on the balcony that would prevent significant overlooking towards No. 27. Therefore, this did not form a reason for refusal for the earlier application, and this assessment is agreed by the Planning Inspector (paragraph 8).

OBJECTION 12: There would be 'less than significant harm' to the conservation area and there would be no public benefit arising from the proposed extension.

PLANNING OFFICER'S RESPONSE

As with the previous application, it is Planning Officer's opinion that there is no heritage harm resulting from the proposal. This is consistent with the Planning Inspector's determination of the earlier refused application, whereby he stated that he "concur with the Council that the scheme would not harm the character or appearance of the Coppermill Lock Conservation Area (paragraph 14). Therefore there is no requirement to engage paragraph 202 of the National Planning Policy Framework and weigh the 'less than substantial harm' against the public benefits.

EXTERNAL CONSULTATION

The Canal Locks Conservation Panel, South Bucks District Council, The Environment Agency, Cadent Gas and the Canal and Rivers Trust were notified of the application. No response has been received from the Canal Locks Conservation Panel. The responses received are summarised as follows.

THE CANAL AND RIVERS TRUST

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal.

Should planning permission be granted we request that the following informative is appended to the decision notice:

1. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

SOUTH BUCKS DISTRICT COUNCIL

This Council has considered the above application and raises NO OBJECTION to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework.

CADENT GAS

Cadent Gas have recommended that an informative be added to any decision notice to prevent damage to their assets or interference with their rights. This informative has been included in planning officers' recommendation.

ENVIRONMENT AGENCY

As per the previous application, the Environment Agency has NO OBJECTION to the proposal on flood risk grounds. However, it is recommended that an informative be added to any grant of planning permission to advise the applicant of when a flood risk activity permit is required. This informative has been included in planning officers' recommendation.

INTERNAL CONSULTEES

COUNCIL'S CONTAMINATED LAND OFFICER

No objection / no comments

COUNCIL'S CONSERVATION OFFICER

"From a design perspective the garage flat roof of the previous scheme is preferred. It delivers clarity to the front elevation and designs out the lean-to roof interrupting the extension elevation and is more in keeping with the host building".

PLANNING OFFICER RESPONSE

In response to the Conservation Officer's comments, revised drawings have been secured which amend the roof of the retained garage to be flat with decorative external corning.

4. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment
PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 1 Heritage Assets
DMHB 4 Conservation Areas
DMHB 11 Design of New Development
DMHB 12 Streets and Public Realm
DMHB 14 Trees and Landscaping
DMHB 18 Private Outdoor Amenity Space

DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 5	Development in Green Chains
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
LPP G2	(2021) London's Green Belt
LPP HC1	(2021) Heritage conservation and growth
LPP T4	(2021) Assessing and mitigating transport impacts
LPP D8	(2021) Public realm
LPP T6.1	(2021) Residential parking
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP T6	(2021) Car parking
LPP D6	(2021) Housing quality and standards

5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the impact upon the street scene and locality, whether the proposal preserves the character and appearance of the conservation area, the impact upon the amenities of adjoining occupiers, the reduction in size of the rear garden, flood risk, impact on trees and car parking provision.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

POLICY CONTEXT - Character and appearance of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that Local Planning Authorities must pay "special attention to the desirability of preserving or enhancing the character or appearance of the conservation area."

Paragraph 134 (Chapter 12) of the NPPF (2021) states, inter alia, that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...conversely, significant weight should be given to...(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

Paragraph 199 (Chapter 16) of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Paragraph 202 (Chapter 16) of the National Planning Policy Framework (2021) states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy D3 of the London Plan (2021) requires that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy HC1 of The London Plan (2021) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that both enhances and contributes to the area in terms of form, scale and materials, is appropriate to the identity and context of the townscape and would improve the quality of the public realm and respect local character.

Policy HE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks to conserve and enhance Hillingdon's distinct and varied environment, its settings and wider historic landscape. This is reinforced by Policy DMHB 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), which states that the Council will expect development proposals to avoid harm to the historic environment.

Policy DMHB 4 of the Hillingdon Local Plan : Part 2 - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

Policy DMHB 11 of the Hillingdon 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.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also requires that there is no unacceptable loss of outlook to neighbouring occupiers.

With regard to side extensions, Policy DMHD 1 requires:

- 1) side extensions should not exceed half the width of the original property;
- 2) extensions to corner plots should ensure that the openness of the area is maintained and the return building line is not exceeded;

- 3) garages should reflect the size guidelines set out in Appendix C Parking standards;
- 4) two storey side extensions should be set in a minimum of 1 metre from the side boundary or in the case of properties in the Copse Wood and Gatehill Estates, at least 1.5 metres, but more if on a wider than average plot, in order to maintain adequate visual separation and views between houses;
- 5) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation;
- 6) where hip to gable roof extensions exist, a two storey side extension will not be supported; and
- 7) in Conservation Areas, single storey side extensions may be required to be set back.

ASSESSMENT - Character and Appearance of the Conservation Area

The proposal would replace the roof of the existing single storey side integral garage with a flat roof. Behind the garage would sit a side extension set over three floors to match the main dwelling. There would be a rear balcony at first floor level with a balustrade. This would match the existing balcony in terms of design. The existing garage door would be reinstated with a similar garage door of matching appearance. The ground floor doors/windows to the rear of the dwelling would be removed and replaced with bi-folding doors. In addition, a side ground floor door facing No.29 on the southern elevation would be replaced with a window.

The previously refused application (ref. 76265/APP/2022/1716 dated 23-02-2023) and dismissed appeal (ref: APP/R5510/D/23/3322306 dated 11-09-2023) are material planning considerations. It should be noted that the previous application was not refused on design grounds nor was it dismissed at appeal on design grounds. The Council considered the proposal to preserve the character and appearance of the conservation area, and it was determined that the "scheme would not result in any notable harm to the Conservation Area". The Planning Inspector agreed stating that "the scheme would not appear dominant in the streetscene, or from the canal. It would broadly respect the rhythm of the buildings in this row, and would not disrupt its architectural composition. I thus concur with the Council that the scheme would not harm the character or appearance of the Coppermill Lock Conservation Area" (paragraph 14 of the appeal decision).

As discussed in Section 1.3 (Relevant Planning History) of this report, the only material change is a reduction in the scale of the side extension with a greater set-back from the front elevation. This was principally to address the impact on neighbouring residential amenity (the reason for refusal and dismissal), but would also result in an even lesser impact on the character of the conservation area, and its appearance within the street scene. An amendment was also sought during this application to change the roof of the retained integral garage to a flat roof on the advice of the Council's Conservation Officer.

Consequently, it is not considered that this revised and resubmitted application introduces any new matters concerning the impact on the character and appearance of the conservation area that has not already been deemed acceptable. Nevertheless, for completeness the following assessment considers the proposal as a whole, consistent with officer's previous assessment of application ref. 76265/APP/2022/1716.

The proposed side extension has been carefully designed to comply with all the relevant requirements of Policy DMHD1:

- the side extension would not exceed half the width of the original property;
- the side extension is set in a minimum of 1 metre from the side boundary to maintain adequate visual separation and views between houses (it would be set-in approximately 1.2m to 1.3m);
- the side extension is set back a minimum of 1 metre behind the main front elevation (it would be set-back 3.8m).

It is acknowledged that the proposed internal garage dimensions would fall short of the guidelines set out in Appendix C to the Hillingdon Local Plan Part 2 which require internal space of 3 metres by 6 metres. However, the existing garage already falls short of the specified width and length, so this would not be a cause for concern or a reasonable ground to refuse planning permission. It is also noted that the existing off-street parking in the driveway would remain unaffected by the proposal.

Both Nos. 28 and 38 Jacks Lane form the 'end' properties of the group of houses along this part of Jacks Lane, which share a group value and balanced composition. They both have larger gaps to the side common boundaries. Whilst the properties along this side of the stretch are uniform and similar in appearance, Nos. 28 and 38 are to some degree unique, given they are detached and differ in terms of their design format and spacing. It is also difficult to fully appreciate the entire group of properties from street level given the size of the properties and narrow highway to the front. It is difficult to appreciate the two separate, detached 'end' properties from any particular viewpoint.

Given the generous gap to the boundary there is sufficient space to the side of the host dwelling (noting the existing garage) to extend the property. Therefore, from a design point of view, alongside noting Policy DMHD 1 of the Local Plan, the principle of a side extension is acceptable. This is provided that it reads as subordinate to the dwelling and successfully preserves the character and appearance of the conservation area.

Looking at the character and appearance of this particular part of the conservation area and this particular group of buildings, it is considered that the proposed side extension would read as subordinate and secondary, preserving the character and appearance and the significance of the conservation area. Including the revisions to the garage roof, the extension is successful in doing this and would not result in harm to the conservation area.

No. 28 has a large gap to the side, but also reads as slightly distinct as it is set further back from the street. This recessive position and gap to the side ensures that the extension is not unduly prominent, and successfully reads as subordinate. The revised and resubmitted application shows the proposed extension with a 3.8m set back from the front established building line and set in from the side boundary. It is therefore successful in terms of its form and envelope.

The extension is proposed to be 1.18m set in from the rear elevation and 3.8m at the front. This is important because the extension must be acceptable and subordinate in all public views, including from the canal to the rear and private gardens, given the importance of preserving the character and appearance of the conservation area. These set backs help to break up and articulate the new bulk to the side and ensure that the extension reads as secondary in all views, ensuring the main house reads as the dominant building on site.

Importantly, at the rear an additional area of first floor balcony is proposed. This would match the existing balcony but would be further set back. This would form an individual area of terrace and would not wrap-around to the rear existing terrace and would still read as secondary, and similar in design to other fenestration and detailing on the rear elevation.

The side extension would have a small crown roof. This would be difficult to appreciate given the three storey height of the existing property and the set down from the roof. Importantly the roof would respond to the existing angle and pitch of the gabled roof at No.28. This is the most suitable solution and integrates well with the main roof, particularly as it has been set down from the main ridgeline of the property. The proposal would preserve the character and appearance of the building, street scene and wider conservation area.

Objections regarding 'precedent' are noted. However, each planning application must be assessed on

its merits. Further, Nos. 28 and 38 are the only properties that can realistically be expanded to the side given the spacing between the flank and boundary line. The properties in the 'middle' of this row do not have sufficient space to the side to accommodate an extension and are also different and unique in their own setting.

No. 27 of which adjoins to no.26 and the terrace row step further forward (overall) and as such the overall 'step and siting' of the proposed side extension would be acceptable in design terms adjacent to this property.

With regards to the fenestration, large openings are proposed to the rear. However, they would be screened from public views from Jacks Lane and in any event would not be out of character given the existing openings across properties in the group, facing onto the Grand Union Canal.

As noted previously, the Conservation Officer, taking into account the site history, raised initial concerns with the proposed alterations to the garage roof. Subsequently, revisions were sought to amend the garage roof profile to be flat with external decorative corncicing. This amendment delivers clarity to the front elevation and designs out the lean-to roof that interrupts the elevation of the extension. It is also more in keeping with the appearance of the host building.

Objections on the basis that the proposal would result in 'less than substantial harm' to the Conservation Area and that the applicant has not put forward any public benefits to outweigh this harm are noted (in accordance with paragraph 202 of the National Planning Policy Framework). However, it is noted that the previous application determined that there would not be "any notable harm to the Conservation Area", and therefore the weighted assessment in paragraph 202 of the NPPF was not needed. As discussed above, this reduced scale proposal would result in an even lesser impact on the Conservation Area. Consequently, there would be no harm to the Conservation Area, and again paragraph 202 of the NPPF is not engaged.

To conclude in relation to design, the principle of a side extension has already been established in the previous planning application. It is considered that the revised and resubmitted scheme would not result in any harm to the Conservation Area, but would preserve its character and appearance, as well as that of the street scene and surrounding area. Therefore it is concluded that the proposal in respect of design and heritage impact complies with the objectives of Policies HC1 and D3 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part One - Development Management Policies (2012), Policies DMHD 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the National Planning Policy Framework (NPPF).

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

The host dwelling is adjacent to No. 27 Jacks Lane (north) which is a two-storey dwelling that has 'front' facing windows to the side of the host dwelling as the property angles into the plot. The host dwelling sits adjacent to No. 29 Jacks Lane (south) which is a semi-detached three-storey dwelling along Jacks Lane.

No.29 Jacks Lane:

With regards to No. 29, no part of the existing dwelling would be expanded deeper along this side, as the proposal is predominately for a side extension adjacent to the northern site boundary, next to No. 27. The host dwelling already has a terrace and balustrade to the rear with a side facing brick wall facing no.29. The proposed new bi-folding doors at ground floor level would not be harmful in this established context.

An existing side door facing No. 29 would be replaced with a window that would serve part of the wider kitchen area of the house. Given the ground floor siting and separation to the common boundary, no concerns would be raised from this window in respect to overlooking/loss of privacy. There would be no need to obscure this window.

No. 27 Jacks Lane:

This is the neighbour most affected by the proposal given its siting adjacent to the existing garage and gap to the side. The openings along the southern elevation of the neighbour (facing the application site) are important when considering the impact. These openings serve the entrance, a small room with a window that is being used as a home office/study, and a garage door at ground level.

At the first floor level there is a stairwell and bathroom window. Given that these are non-habitable rooms, the impact on light, outlook and sense of enclosure is acceptable in all respects in relation to these first floor openings.

Notably, the first floor bedroom window requires a greater degree of protection from neighbouring development. The position of the bedroom has been carefully designed in the original layout of the property and it offers an angled view, which faces towards the driveway of the application property, looking south east. This window appears to be the sole window serving this habitable room.

The impact on this window was the key issue and only reason for refusal on the previous application (ref: 76265/APP/2022/1716). At appeal it was noted that the Planning Inspector, in respect to the proposal's impact on this window, found that "given its three storey height and its proximity to the window, which is the only one serving that room, it would be a bulky and looming presence, which would create a significant sense of enclosure within the bedroom, and which would harmfully affect those occupiers' outlook" (paragraph 5 of the appeal decision).

This revised application reduces the length of the side extension, so that it is set-back from the established front building line by approximately 3.8m. This set-back ensures the side extension would sit outside of the 45 degree sight line taken from the centre of the first floor bedroom window at No.27 Jacks Lane. Subsequently, there would be no undue loss of outlook from, or a sense of harmful enclosure to this room. Consequently, it is considered that the sole reason for refusing the previous application has been overcome.

As discussed within the planning history section of this report (Section 1.3) whilst not forming part of the LPA's reason for refusal, the Planning Inspector did note that the outlook from the office window would be affected to a lesser degree, but that the aspect from this window is already partially constrained by the outbuilding in the neighbours' garden (paragraph 7 of the appeal decision). This is a ground floor side elevation window that faces the application site. Since the earlier refused planning application it would appear that the previously obscure-glazed window has been replaced with clear glazing. For transparency this was pointed out to the Planning Inspectorate and would have been clear-glazed at the time of the Inspector's site visit.

The existing constraints on the neighbouring property would remain unchanged, with the outlook from this office window principally constrained by the neighbour's own existing outbuilding/shed. Nevertheless, the revised application reduces the depth of the extension adjacent to this boundary from 9.7m to 5.8m. This reduction in scale would increase daylight to this room (compared to the previous application which was deemed acceptable in terms of daylight and sunlight), and minimise any additional impact to outlook from this window beyond that already caused by the shed.

It is further recognised that the Inspector found that due to the scale and bulk of the extension, and

proximity to the boundary, that in respect to No. 27, there would be a "somewhat overbearing impact on those parts of their outdoor amenity space closest to the side boundary" (paragraph 8 of the appeal decision). In paragraph 9 the Inspector continues that the remaining amenity space to the rear and on the opposite side of the neighbouring dwelling would "barely be impacted, if at all, by this scheme". The Inspector's decision as to the impact on No. 27 was ultimately considered "as a whole", whereby the harm was determined to be significant.

As established, the reduction in scale would be clear of the 45-degree line, resolving the impact on outlook from the first floor bedroom window at No. 27 Jacks Lane. This reduction in scale would also minimise any additional harm to the outlook from the ground floor office window, beyond the existing site circumstances. Finally, whilst outlook from one of the side gardens at No. 27 may be "somewhat overbearing" the majority of the amenity space at No. 27 (located to the rear and opposite side of the neighbouring dwelling) would not be materially affected. Taken as a whole, the revised extension would not have a significantly harmful impact on the residential amenity of No. 27 to sustain a reason for refusal.

In terms of sunlight and daylight, as stated in the assessment for the previous proposal, there would be no harmful loss. The sun would rise from the east and continue to move around the existing building and footprint. The setback from the rear and substantially increased set-back from the front, would ensure the impact would be limited, especially given it would be against the backdrop of existing built form.

The impact on the rear garden of No. 27 is also acceptable. This is for similar reasons. The new extension is set against the main dwelling in the same position as the existing garage. A gap to the side would still be retained and the overall impact on light and overshadowing would be acceptable.

With regard to privacy and overlooking, no significant concerns are raised. The proposed balcony at first floor is where the greatest potential for overlooking to No. 27 occurs. However, the levels of overlooking would be comparable to the existing given the existing balcony at this level offering similar views. In addition, the application proposes a privacy screen to the side of the new balcony, which would be secured by a condition. At appeal (ref: APP/R5510/D/23/3322306) the Planning Inspector supported this view stating "the proposed privacy screen would prevent any significant overlooking from the scheme's first floor rear balcony towards No 27" (paragraph 8 of the appeal decision).

A proposed ground floor side window (serving the dining area) and a proposed glazed door (serving the utility room) would face No. 27. However, given the boundary treatment between the dwellings and that these are ground floor openings, this would be acceptable with no impacts on overlooking or loss of privacy. For these reasons it is also not considered necessary to require this glazing to be obscure glazed.

Overall, it is considered that the proposal would not adversely affect the amenities of neighbouring occupiers, in accordance with Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

STANDARDS OF ACCOMODATION - Application Site

Light and Outlook

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with Policy D6 of the London Plan (2021).

External Amenity Space Provision

Over 100sqm of amenity space would be retained to the rear of the host dwelling which is sufficient to serve the extended dwelling, meeting the minimum standards set out in Table 5.3 (Private Outdoor Amenity Space Standards) of the Hillingdon Local Plan Part 2: Development Management Policies (2020). The proposal, therefore, would not undermine the provision of external amenity space, in accordance with Policy DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).

PARKING AND HIGHWAY SAFETY

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

No significant highway safety concerns are raised given the existing off-street parking provision available. It is therefore in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

FLOOD RISK

The site is partially located within an area susceptible to surface water flooding, and is located within a river bank protection area.

The proposed extension would be built behind the footprint of the existing side garage. In this circumstance and noting the separation distance of the proposed extension and building to the canal at the rear of the site, it is not considered that significant bank top protection and flooding issues are raised.

As stated in the previous application, the Environment Agency raises no objections on flood risk grounds. An informative however, has been recommended concerning requirements for a Flood Risk Activity Permit. This has been included in this report.

In terms of mitigating risk to the property from surface water flooding it is noted that the finished floor level will be flush with the existing. A planning condition has been recommended to secure drainage details and an informative has also been included concerning methods for sustainable urban drainage for surface water. With the imposition of the aforementioned condition, the proposal is considered acceptable in respect of drainage and floodrisk matters.

TREES AND LANDSCAPING

The site has a Tree Protection Order (TPO 581) and lies within the Coppermill Lock Conservation Area. All trees within the site and surrounds are protected.

The closest trees of merit that could be impacted by the proposal are located to the 'side' (southern side) of No. 27. The proposed extension, largely due to the set in from the side boundary, would be well separated from the neighbouring trees so as to ensure that any potential impact could be mitigated. Accordingly, a pre-commencement planning condition has been included in the recommendation to ensure adequate tree protection measures during construction.

IMPACT ON GREEN BELT

Land to the front of the site is within Green Belt, albeit approximately 22 metres away from the dwelling on the other side of the roadway. Given the intervening distance and position of the proposed extension within the existing line of development, the proposal would not adversely affect the open character of the Green Belt.

CONCLUSION

The main body of the report demonstrates that the proposed development complies with the aims and objectives of the relevant policies set out in the National Planning Policy Framework (2021), the London Plan (2021), Hillingdon's Local Plan: Part One Strategic Policies (2012) and Part Two - Development Management Policies (2020). It is concluded that the proposal complies with the development plan, and taking all matters into account, that planning permission should be granted subject to the recommended conditions.

6. RECOMMENDATION

APPROVAL subject to the following:

1. HO1 Time Limit

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

REASON

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

2. HO2 Accordance with Approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing No. 2018IB_HH1: SH2 Revision B.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

3. HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4. OM19 Construction Management Plan

Prior to the commencement of any site clearance or construction work, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

(i) The hours during which development works will occur (please refer to informative I15 for maximum

permitted working hours).

(ii) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).

(iii) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).

(iv) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.

(v) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy BE1 of the Hillingdon Local Plan Part 1 (2012).

5. HO5 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6. NONSC Details of Balcony Privacy Screen

Prior to any superstructure works details of the balcony privacy screen adjacent to No. 27 Jacks Lane shall be submitted to the Local Planning Authority for approval. The approved privacy screen shall be implemented prior to first occupation of the extension and retained for the lifetime of the development.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

7. HO9 Tree Protection

Prior to the commencement of any site clearance or construction work, 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. 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:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;

3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

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 DMHB 11 and DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and Policies G5, G6 and G7 of the London Plan (2021).

8. RES15 Sustainable Water Management (changed from SUDS)

No development approved by this permission shall be commenced until details of a scheme for a sustainable drainage system (SUDS) in accordance with the hierarchy set out in Policy SI5 of the London Plan have been submitted for approval. The scheme shall ensure that the risk of surface water flooding is minimised and mitigated, as far as practicable. A management and maintenance plan for the lifetime of the development shall also be included.

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 DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) Policy SI5.

INFORMATIVES

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river
 - on or within 8 metres of a flood defence structure or culvert
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing

enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
4. On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.
5. 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.

6. 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.

7. The site is identified at risk of surface water flooding on the Environment Agency Flood Maps.

Therefore you should minimise the water from your site entering the sewers.

Water run off from any roof or hard paving associated with the development should be directed to a soakaway, or tank or made permeable. This includes any work to front gardens not part of the planning application, must be permeable or be collected and directed to a permeable area, or it would need an additional permission.

A water butt should be incorporated.

No drainage to support the extension should be connected to any existing surface water network, other than as an overflow.

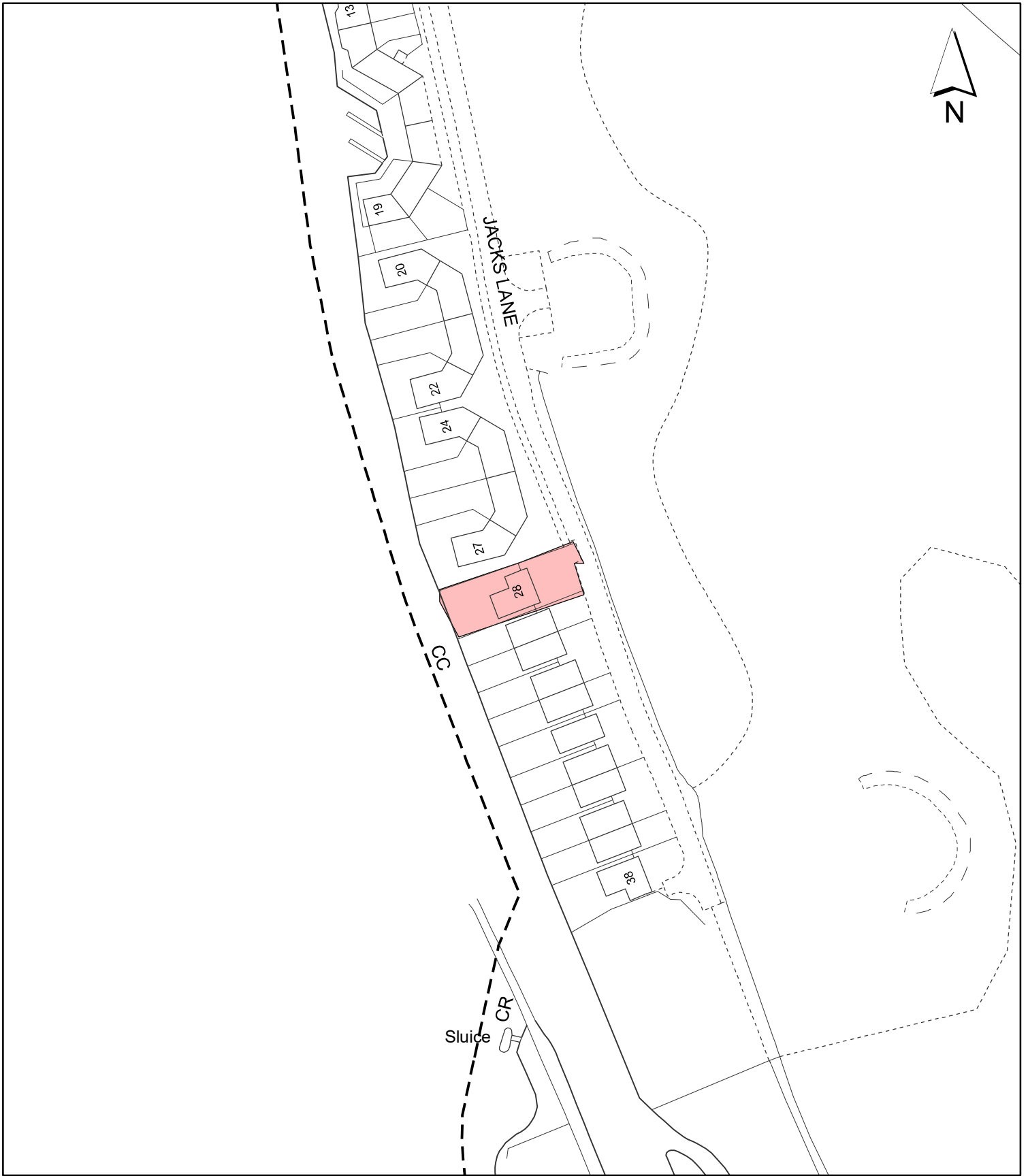
<https://www.hillingdon.gov.uk/article/12578/Sustainable-drainage-requirements-for-planning-applications>


Contact Officer:

Emilie Bateman

Telephone No:

01895 250230



<p>Notes:</p> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 15px; background-color: #f8d7da; border: 1px solid #c6c8ca; margin-right: 5px;"></div> Site boundary </div> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2020 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p style="text-align: center;">28 Jacks Lane, Harefield</p>		<p>LONDON BOROUGH OF HILLINGDON Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 01895 250111</p> 
	<p>Planning Application Ref:</p> <p style="text-align: center;">76265/APP/2023/1128</p>	<p>Scale:</p> <p style="text-align: center;">1:1,250</p>	
	<p>Planning Committee:</p> <p style="text-align: center;">Major</p>	<p>Date:</p> <p style="text-align: center;">January 2024</p>	