

Report of the Head of Development Management and Building Control Committee Report Part 2 – Application Report

Case Officer: **Rhian Thomas**

28236/APP/2024/2761

Date Application Valid:	23-10-24	Statutory / Agreed Determination Deadline:	18-12-24
Application Type:	Householder	Ward:	West Drayton

Applicant: **London Borough of Hillingdon**

Site Address: **35 Berberis Walk, West Drayton, UB7 7TZ**

Proposal: **Erection of a single storey rear extension.**

Summary of Recommendation: **GRANT planning permission subject to conditions**

Reason Reported to Committee: **Required under Part 6 of the Planning Scheme of Delegation (the Council is the Applicant)**



	Summary of Recommendation:
	GRANT planning permission subject to the conditions set out in Appendix 1.
1	Executive Summary
1.1	Planning permission is sought for the erection of a single storey rear extension.
1.2	The proposed development complies with the objectives of the relevant planning policies and the proposal would not give rise to any harm to the character and appearance of the host dwelling nor the surrounding area.
1.3	It is concluded that the proposal complies with the Development Plan and no material considerations indicate that a contrary decision should be taken.
1.4	The planning application is therefore recommended for approval, subject to the conditions set out in Appendix 1.
2	The Site and Locality
2.1	The application site comprises a two-storey end of terraced dwelling located within the cul-de-sac on Berberis Walk, West Drayton. To the front of the site is an area of soft landscaping and to the rear is an enclosed garden which acts as private amenity space.
2.2	The site lies on former Nursery/Orchard Land.
2.3	The surrounding area is residential in character comprising mainly two storey terraced properties.
	<i>Figure 1: Location Plan (application site edged red)</i>



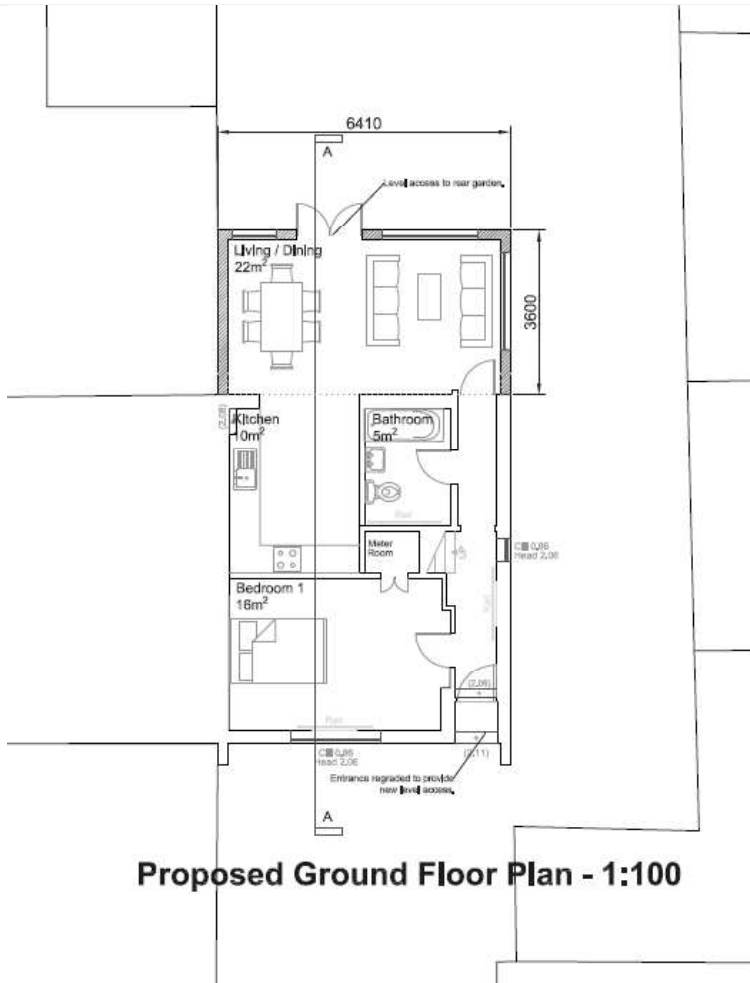
Figure 2: Street View Image of the Application Property



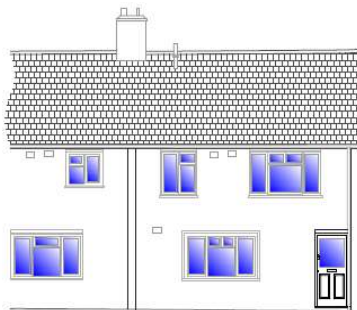
3 Proposal

3.1 Planning permission is sought for the erection of a 3.6m deep single storey rear extension.

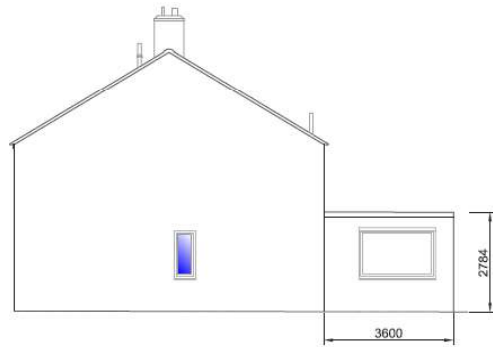
Figure 3: Proposed Plan (please note – larger version of plan can be found in the Committee Plan Pack)



Proposed Ground Floor Plan - 1:100



Elevation 1



Elevation 2



Elevation 3



Existing Section AA - 1:100



Proposed Section AA - 1:100

4 Relevant Planning History

4.1 There is no planning history for the site.

5 Planning Policy

5.1 A list of planning policies relevant to the consideration of the application can be found in Appendix 3.

6 Consultations and Representations

6.1 Six neighbouring properties were consulted on the application by letter dated 24-10-24. The consultation period expired 14-11-24. One representation was received.

6.2 Representations received in response to public consultation are summarised in Table 1 (below). Consultee responses received are summarised in Table 2 (below). Full copies of the responses have also separately been made available to Members.

Table 1: Summary of Representations Received

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Representations	Summary of Issues Raised	Planning Officer Response
One neighbouring representation was received during the consultation process	i. The proposed development has been designed for a disabled tenant/resident. Has any consideration been given to how they will access the property.	The proposed development relates solely to the erection of a single storey rear extension. The application has not been applied for under a disability exemption. However, level access is shown on the entry and exit points of the dwelling for improved access. It should be noted that amendments to entry points other than within the extension proposed, do not require the benefit of planning permission.
	ii. Concerns regarding delivery vehicles and access to the property during construction phase given limited parking on the road.	Discussed at paragraph 7.18 – 7.19
	iii. There is no parking or designated disabled parking available.	Parking matters have been discussed at paragraph 7.16 to 7.19. It is not considered necessary for the proposed development to include additional parking as this solely relates to a single storey rear extension.

Table 2: Summary of Consultee Responses

Consultee and Summary of Comments	Planning Officer Response
N/A	N/A

7	Planning Assessment
	<u>Principle of Development</u>
7.1	The site is located in the developed area of the Borough, where the extension and alteration of an existing residential property is acceptable in principle subject to compliance with other relevant policies as set out in this report.
	<u>Design / Impact on the Character and Appearance of the Area</u>
7.2	The proposed development involves the erection of a single storey rear extension. It would measure 3.6m in depth, span the full width of the rear elevation and measure approx. 2.8m in height characterised with a flat roof. The extension would include a side facing window within the eastern elevation, 2 windows and a door within the rear elevation facing onto the rear garden.
7.3	The proposed development would comply with Policy DMHD 1 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020) in terms of its size.
7.4	The application site benefits from a large rear garden, as shown within Figure 4 below, and it is not considered that the proposed development would appear cramped within its plot.
	Figure 4: Photograph showing the rear of the site



7.5 The proposed extension would be sited to the rear of the property and would not be visible from the street scene, and due to its modest size, it would not cause harm to the character and appearance of the host dwelling, nor the surrounding area. A condition is to be added to the decision notice to ensure that materials used to construct the development match the existing external material pallet.

7.6 As such, the proposed development would comply with the objectives of Policies BE1 of the Local Plan Part 1 (2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Local Plan Part 2 (2020), Policy D3 of the London Plan (2021) and the NPPF (2023).

Residential Amenity

7.7 Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that planning applications relating to alterations and extensions of dwellings will be required to ensure that: ii) a satisfactory relationship with adjacent dwellings is achieved; and v) there is no unacceptable loss of outlook to neighbouring occupiers.

7.8	Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
7.9	Number 33 Berberis Walk is sited west of the application site and forms part of the row of terraced properties. The proposed extension would extend 3.6m beyond the rear building line of this neighbour. The closest opening to the development would be a window serving a kitchen/dining area. Policy DMHD 1 sets prescribed measurements for the harm derived from domestic scaled extensions are limited and therefore acceptable. Given that the extension complies with these prescribed measurements, it is not considered that the modest depth and height of the proposed extension would cause a considerable amount of loss of light or overshadowing to this habitable room to warrant refusal. Nor would the extension cause a significant amount of overshadowing to the garden of this neighbouring property.
7.10	Number 90 Great Benty is located northeast of the application site and is separated from the host dwelling. There would be one new ground floor side facing window within the extension, however given the orientation of the properties, this would not face no.90 and therefore would not give rise to any unacceptable loss of privacy or overlooking. Given the position of the proposed extension to the rear of the host it would not have any harmful impact in terms of loss of light, loss of outlook, loss of outlook, nor would it be overbearing to this neighbour. As such the impact would be acceptable.
7.11	Given the distance to other neighbouring properties, there would be no harmful impact to the amenities of these neighbours.
7.12	For the reasons outlined above, it is concluded that the proposal would have an acceptable impact on neighbouring residential amenity in compliance with Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).
	<u>Quality of Residential Accommodation</u>
	<i>Internal accommodation</i>
7.13	The proposed development would involve internal alterations including a new bedroom at ground floor level. The bedroom would measure 16sqm and would meet the minimum floor space standard for a double occupancy bedroom.
7.14	It is considered that all the proposed habitable rooms, and those altered by the proposed development, would maintain an adequate outlook and source of natural light, therefore complying with the requirements of Policy D6 of the London Plan (2021).
	<i>External Amenity</i>

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7.15	The proposed development would lead to a 4-bedroom property which would require at least 100sqm of private amenity space. Over 100sqm of private amenity space would be retained post development within the rear garden to meet the 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 and Policy DMHD 1 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).
	<u>Highways and Parking</u>
7.16	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.
7.17	The existing property does not benefit from off street parking, however, the parking arrangement at the site would remain unchanged by the proposed development. As such, it would not lead to further parking stress or highway safety concerns in compliance with Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
7.18	A neighbouring resident has expressed concern regarding the delivery of materials to the site and access to the property, citing the lack of parking available directly outside the dwelling. As the development is small-scale in nature, a formal Construction Management Plan (CMP) is not required. Given the scale of the works, no specific condition or advice regarding delivery management has been included. It is anticipated that deliveries will be handled in a manner that avoids significant disruption to the surrounding area, in line with general expectations for such projects.
7.19	In addition to this, the relevant informative note has been added which directs the applicant's attention to The Control of Pollution Act 1974 which covers nuisance from demolition and construction work.
	<u>Contamination</u>
7.20	The application site lies on former Nursery/Orchard Land. However, given the modest scale of the household extension, it is not considered necessary for any further details to be submitted.
8	Other Matters
	<u>Human Rights</u>
8.1	The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself.

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	This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.
	<u>Equality</u>
8.2	Due consideration has been given to Section 149 of the Equality Act with regard to the Public Sector Equality Duty in the assessment of this planning application. No adverse equality impacts are considered to arise from the proposal.
	<u>Local Finance Considerations and CIL</u>
8.3	Not applicable. The proposed development is not CIL liable.
9	Conclusion / Planning Balance
9.1	The proposal is considered to comply with the Development Plan and no material considerations indicate that a contrary decision should be taken. Consequently, the application is recommended for approval subject to the conditions set out in Appendix 1.
10	Background Papers
10.1	Relevant published policies and documents taken into account in respect of this application are set out in the report. Documents associated with the application (except exempt or confidential information) are available on the Council's website here , by entering the planning application number at the top of this report and using the search facility. Planning applications are also available to inspect electronically at the Civic Centre, High Street, Uxbridge, UB8 1UW upon appointment, by contacting Planning Services at planning@hillingdon.gov.uk .

APPENDICES

Planning Application

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Appendix 1: Recommended Conditions and Informatives

Conditions

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 drawings numbered:

11003-00-1140 Rev S3.B

11003-00-3142 Rev S3.B

11003-ZZ-0341 Rev S3.B

11003-ZZ-3141 Rev S3.E

11003-ZZ-3241 Rev S3.C

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 dwelling on site 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. HO7 **No roof gardens**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with Policy DMHB 11 of the

Hillingdon Local Plan Part 2 (2020).

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 facing number 33 Berberis Walk.

REASON

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

Informatives

1. 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 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.

2. I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other

than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. 147 Damage to Verge - For Council Roads:

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

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.

4. 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

Appendix 2: Relevant Planning History

Appendix 3: List of Relevant Planning Policies

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHD 1 Alterations and Extensions to Residential Dwellings

DMEI 12 Development of Land Affected by Contamination

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D6 (2021) Housing quality and standards

NPPF12 -23 NPPF12 23 - Achieving well-designed and beautiful places