

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

Case Officer: **Rhian Thomas**

79130/APP/2024/1864

Date Application Valid:	29.07.24	Statutory / Agreed Determination Deadline:	17.01.25
Application Type:	Full	Ward:	Uxbridge

Applicant: **Mr Gary Wynne**

Site Address: **22 Belmont Close, Uxbridge**

Proposal: **Erection of a detached house with 4 bedrooms and associated parking, amenity and bin/cycle stores**

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

Reason Reported to Committee: **Required under Part 3 of the Planning Scheme of Delegation (Petition received)**



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 detached house with 4 bedrooms and associated parking, amenity and bin/cycle stores.
- 1.2 The application site has been subject to two previous planning consents for the construction of a 4 bedroom dwelling at the application site (72006/APP/2023/1259 and 72006/APP/2023/2116). It is noted that the comments raised recognise that planning permission has previously been granted. It is also important to note that neither of the previously consented applications were subject to a public objection or a petition.
- 1.3 Most recently planning permission was granted at the site for the 'erection of a detached house with 4 bedrooms and associated parking amenity and bin/cycle stores.' under reference 72006/APP/2023/2116 dated 11-09-23. However, this consent cannot be implemented as the neighbouring property No.24 Belmont Close was incorrectly plotted on the submitted drawings.
- 1.4 The development is part retrospective as building works have commenced on site.
- 1.5 During the process of the application, a petition in objection to the development was received.
- 1.6 While the previous consent cannot be implemented it does need to be afforded weight in the assessment of this application. The principle of residential intensification on this site is established by both previous consents. The design of the development has been altered, but not substantially so and no further intensification is proposed, therefore the principle remains acceptable.
- 1.7 The consented site layout plan illustrated No.24 to set further back within its plot than has now been established through a site survey being undertaken. This has resulted in amendments to the proposal.
- 1.8 Although the design has been revised these revisions are limited and would not significantly differ from the design consented in both previous applications. Officers therefore consider the design of the development to be in keeping with the street scene and the North Uxbridge Area of Special Local Character.

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

- 1.9 Finally in terms of neighbour amenity, the revised scheme illustrates the neighbouring property at No.24 within its correct position. This has required minor alterations to the design to ensure that the new dwelling does not extend unacceptably beyond the rear elevation of either neighbouring property. Part of the rear of the building has now been reduced to single storey therefore restricting the potential overshadowing of neighbouring windows to the same level as previously consented. As such Officers consider that there would be no additional harm to neighbouring properties.
- 1.10 A more detailed assessment is set out within this Committee Report including a response to the concerns raised within the petition and objections received where they are material to the assessment of the application.
- 1.11 The Committee Report seeks to provide a comprehensive assessment of the full application and supporting documentation. All material planning considerations have been considered.
- 1.12 It is recommended that planning permission is granted subject to conditions (Appendix 1) by virtue that the development would not have a significant impact on the amenities of neighbouring properties, nor would it harm the character and appearance of the Area of Special Local Character, and it would not have a harmful impact on the highway network.

2 The Site and Locality

- 2.1 The proposed development site is located on the south side of Belmont Close. At present the site comprises a partly built detached dwelling which is subject to this application.
- 2.2 The surrounding area is predominantly residential and is characterised by uniquely designed two storey, detached properties some of which have accommodation in their roofs. Properties are set back from the main road, allowing for off street parking and/or front gardens with landscaping.
- 2.3 The site has public transport accessibility level (PTAL) of 2 and is located within the North Uxbridge Area of special local character.

Figure 1: Location Plan (application site edged red)



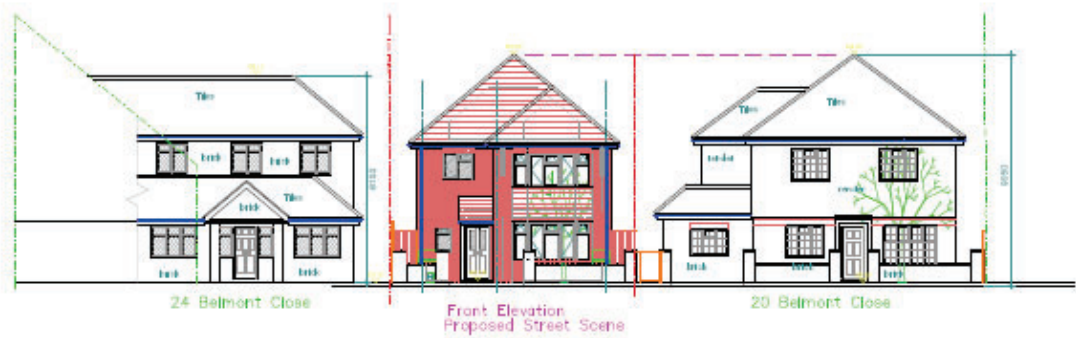
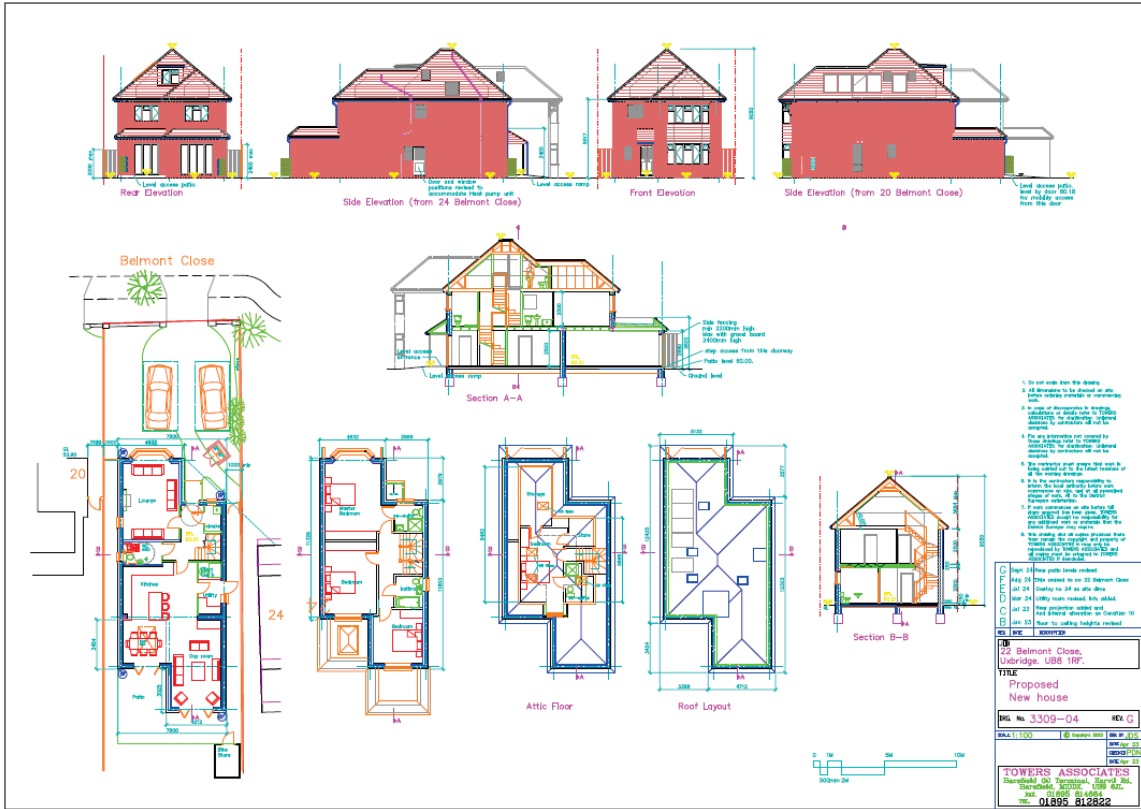
Figure 2: Street View Images of the Application Property



3 Proposal

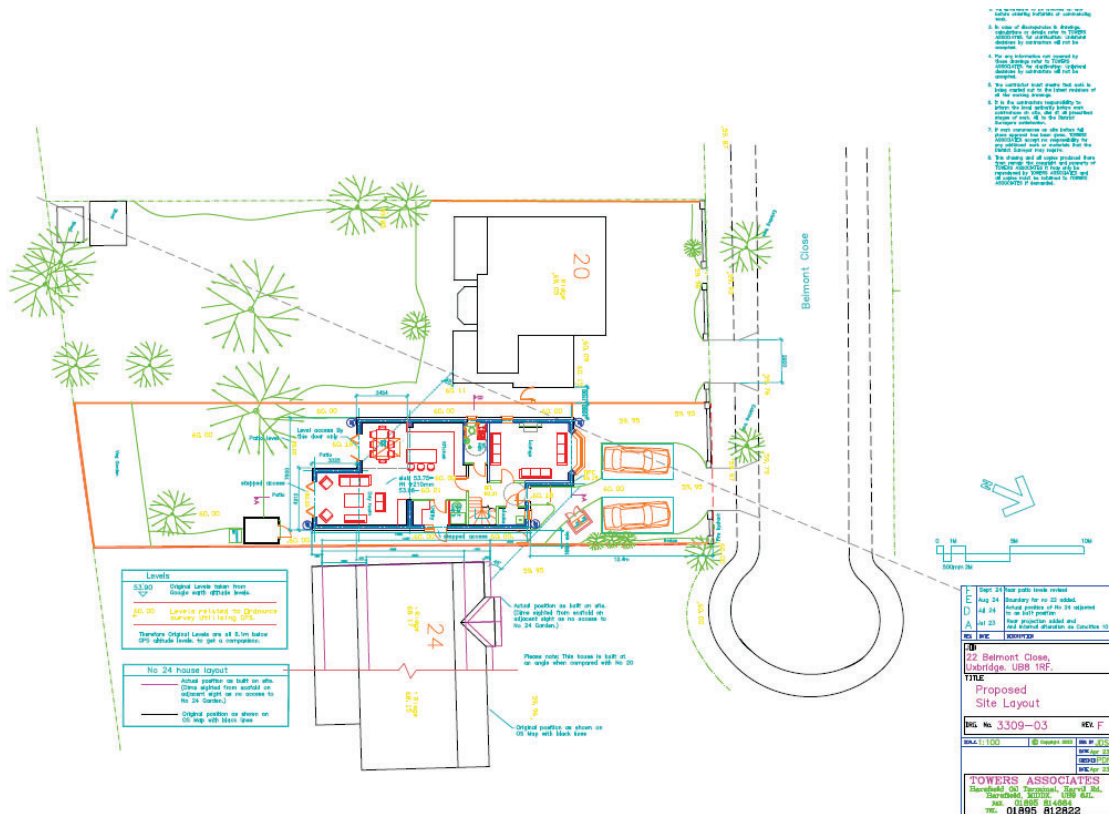
- 3.1 Planning permission is sought for the erection of a detached house with 4 bedrooms and associated parking, amenity and bin/cycle stores.
- 3.2 It should be noted that the development is part retrospective, as seen in the above photograph.
- 3.3 During the process of the application, updated drawings were sought and received amending the red outline of the location plan, updating the landscape plan and providing clarity on the roof height.

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



Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press



4 Relevant Planning History

- 4.1 A list of the relevant planning history related to the property can be found in Appendix 2.
- 4.2 It should be noted that the site has been subject to two approved applications 72006/APP/2023/1259 and the most recent under reference 72006/APP/2023/2116 dated 11-09-23. Both applications proposed the ‘Erection of a detached house with 4 bedrooms and associated parking amenity and bin/cycle stores.’
- 4.3 However, this permission cannot be implemented due to the neighbouring property being incorrectly plotted.

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 28 neighbouring properties were consulted on the application by letter dated 02-08-24. During the process of the application neighbouring properties were re-consulted due to the red outline of the location plan being amended and the

address being updated to accurately reflect the subdivided plot. The final consultation period expired 06-12-24.

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

Representations	Summary of Issues Raised	Planning Officer Response
<p>A petition of 42 valid signatures has been received against the application.</p>	<p>1. The drawings are inaccurate and do not accurately reflect what has been built</p>	<p>The drawings that are labelled as 'existing' are the pre-existing arrangement at the site. As the development is part retrospective (as the previous application cannot be built out) it is not considered a reasonable request to include the partly built development.</p> <p>Officers are determining the application based on the proposed plans.</p> <p>During the process of the application further information in the form of a roof level drawing was sought and received, undertaken by professionals to establish the building height of the surrounding properties. It is considered that the submitted plans accurately reflect the neighbouring roof levels.</p>
	<p>2. The plot is being overdeveloped</p>	<p>The principle of development has already been established with the previous planning applications. Therefore, an assessment of the design of the development has</p>

		been made within section 7 of this report.
	3. The proposed building line does not respect the building line of neighbouring properties.	This matter is discussed in section 7 of this report.
	4. Concerns over damp course level of property in relation to neighbouring properties.	This matter is discussed at paragraphs 7.46 to 7.48
	5. Concerns over loss of light.	This matter is discussed at paragraphs 7.40 to 7.48
	6. Respect of planning laws: <ul style="list-style-type: none"> - No party wall agreement issued to adjacent neighbours - Working on Sundays - Hoarding in places not as agreed - Pavement dug up - Tree branches cut off - Delivery times - Parking issues 	Most of these matters are not material to the determination of this planning application and are covered under separated legislation. A construction management plan has been provided, a compliance condition has been added to ensure these measures are adhered to.
12 individual letters of objection have been received from a total of 8 households. (Please note that where multiple letters of objection have been received from the same person	1. The rear building line exceeds the neighbouring property. The submitted Design and Access Statement contravenes this	It is noted that the submitted Design and Access Statement appears to be a copy of previous statement submitted with application reference 72006/APP/2023/2116. The Council are assessing the proposed plans and will not include the Design and Access Statement as a consented document.

during different consultation periods; this has been counted as one representation. All representations have been taken into consideration.)	II. The front bay window exceeds the building line of no.20 Belmont Close and the rear building line exceeds the building line of no.24 Belmont Close, causing overlooking.	The proposed drawings show that the front bay window does not exceed the front building line of no.20 Belmont Close. The matter of the rear building line and its impacts on the neighbouring property has been discussed in paragraphs
	III. The floor height of the proposed dwelling is higher than neighbouring properties causing a loss of privacy.	This matter has been discussed in section 7 of this report. A survey was undertaken to clarify the heights of the surrounding buildings and the depth of the building would not breach the 45 degree line of sight at either the front at ground and first floor level and first floor level to the rear.
	IV. The proposed ground floor side facing door and window will cause loss of privacy	This matter is discussed at paragraphs 7.43 & 7.44
	V. Concerns over loss of light and loss of outlook as the 45-degree angle line is not being followed	The proposed site layout drawing reference 3309-03 Rev F show that the proposed development does not enter the 45-degree angle line from the front facing neighbouring habitable room. Although there is some loss of outlook created. This has been established with the previously approved application and is considered acceptable.
	VI. Loss of light to neighbour's bathroom	A bathroom is not considered a habitable room. Therefore, refusal

		for this reason is not considered reasonable.
	II. Dormer window will cause loss of privacy	Discussed at paragraph 7.50
	III. Overdevelopment of the plot	The principle of development has already been established with the previous planning applications. The design is assessed in section 7 of this report.
	IX. The proposed dwelling will be higher than the neighbouring properties	<p>During the process of the application further information in the form of a roof level drawing was sought and received, undertaken by professionals to establish the building height of the surrounding properties. It is considered that the submitted plans accurately reflect the neighbouring roof levels.</p> <p>An assessment of the proposed height has been made in para's 7.29 & 7.30</p>
	X. Building works have continued through the planning process.	<p>It has been established by numerous site visits that building works have continued at site during the process of this planning application.</p> <p>The planning enforcement officer has instructed building works to be ceased at site.</p>
	XI. There will be hardly any garden left and the	An assessment of the proposed landscaping and external amenity space

	landscaping feels unrealistic.	has been made within paragraphs 7.58 & 7.59
	ii. According to the plans, rainwater is to be managed by a soakaway but is not shown on the plans.	The proposed plans show the provision of water butts. In addition to this a surface water management plan has been submitted. Should the application be recommended for approval, a suitable compliance condition will be added.
	iii. Too many plans are uploaded to the website, and it is confusing for residents to assess.	During the process of the application revised drawings have been sought. The up-to-date drawings are labelled as 'REVISED' on the website. An in-person meeting was held with the lead petitioners on 05/12/24 to show them the proposed drawings.
	iv. Concerns over parking stress	Parking matters have been discussed in paragraph 7.64
	v. Hillingdon Council should be putting residents first.	This is acknowledged by planning officers. The primary considerations are the alignment of the proposal with local planning policies, the impact on the built and natural environment and the impact of the development on neighbouring properties amenities. The planning process ensures that all neighbouring representations are taken into consideration (where

		they are material to the development). The below report has assessed these elements fully.
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Table 2: Summary of Consultee Responses

Consultee and Summary of Comments	Planning Officer Response
<p>Highway Authority:</p> <p>As this application is a reprise of an extant 2023 permission (72006/APP/2023/2116), the same comments made previously by the Highway Authority can be reapplied (no objection).</p> <p>Updated comment: For the scale of development, the Construction Management Plan (CMP) is broadly fit for purpose.</p>	<p>As assessment of the highway impacts has been made at paragraph 7.60-7.70</p>
<p>Access Officer:</p> <p>No accessibility concerns are raised subject to conditions to ensure the dwelling shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.</p>	<p>The comments have been noted and the relevant condition added.</p>

7 Planning Assessment

Principle of Development

- 7.1 The London Plan (2021) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy D4 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

- 7.2 The Mayor's Housing Supplementary Planning Guidance, also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.44 advises that when considering proposals which involve the loss of gardens, regard should be taken of the degree to which gardens contribute to defining local context and character (Policy D4 and D6), especially in outer London where gardens are often a key component of an area's character. The contribution gardens make towards biodiversity also needs to be considered as does their role in mitigating flood risk.
- 7.3 Policy BE1 of the Hillingdon Local Plan: Part One - Strategic policies states that a high quality design should be achieved in all new buildings, alterations and extensions, and states that schemes should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas.
- 7.4 Policy DMH6: Garden and Backland Development advises there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:
- i) Neighbouring residential amenity and privacy of existing homes and gardens must be maintained
 - ii) Vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light
 - iii) Development on backland sites must be more intimate in mass and scale; and
 - iv) Features such as trees, shrubs and wildlife habitat must be retained or re-provided
- 7.5 Policy H10 on the London Plan (2021) and Policy DMH2 of the Hillingdon Local Plan (2020) relate to housing mix and the need for family sized housing. The proposed development would provide a four-bed property and as such would make a contribution towards the boroughs need for family sized housing.
- 7.6 The property is located within an established residential area; however, the London Plan recognises the contribution of gardens (specifically rear gardens) make towards the quality of living accommodation and suggests a presumption against their loss where it can be locally justified. Local Plan Policy DMH 6 gives a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. Only in exceptional cases will backland, or garden land in this instance, development be acceptable.
- 7.7 It is important to recognise the significance of the previous approved application for the redevelopment of this site to provide a 4-bedroom detached dwelling which is also the subject of this application. The decision for application ref 72006/APP/2023/2116 was made in assessment of the proposed plans submitted to Officers. As these plans were not found to be accurate in terms of the plotting of the adjacent property, the development could not be built out in accordance with the approved plans. It is also important to note that a full

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

consultation was undertaken with residents, no objections were raised including against the principle of development.

- 7.8 As set out within the delegated report, Officers considered the development to comply with the garden land related development plan policies stating that “it is in a residential area characterised by family housing with large gardens being a prevailing characteristic. The proposal would cause no harm to neighbours, the highways network, the character of the area, important trees or biodiversity. The infill development would comply with Policy DMH 6.”
- 7.9 While the development cannot be constructed in accordance with the approved plans the decision is a material planning consideration in the determination of this application. An objection based on the principle of development would need to be strongly justified, meaning that Officers and Members of the Planning Committee would need to demonstrate a significant difference between the two proposals in order to form a strong reason for refusal which finds there to be a policy departure.
- 7.10 Turning to the assessment of this current proposal, in order to be considered compliant with the above policies the scheme would need to integrate within the street scene both in terms of appearance (scale bulk and massing) and the established pattern of development (location).
- 7.11 The application site was formally part of the side garden for number 20 Belmont Close, however recently the plot has been subdivided with a new address.
- 7.12 The surrounding area is characterised with family housing with large gardens being a prevailing characteristic. The proposed development overall will not significantly harm the amenity of neighbouring properties, will not cause harm to the highway network, nor will it be significantly harmful to the character and appearance of the surrounding area. As such, the infill development would comply with Policy DMH 6.
- 7.13 It should also be noted that the principle of development was accepted within the previous application reference 72006/APP/2023/2116. As such the main assessment of the application will focus on the design of the development and its impact on neighbouring properties amenities.
- 7.14 The design is assessed in more detail within the character and appearance section of this report, however the dwelling does not extend beyond the established front building line of No.20 and 18 Belmont Close. The scale, bulk and massing is more intimate than the surrounding properties and fits well within the site boundaries. As such the development complies with development plan and the support for the principle of development is retained. Officers do not consider there to be a justifiable reason to object to the principle of development and one which could be defended in the event of an appeal against a refusal, or an enforcement notice being served.

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

- 7.15 Finally, the application retains the benefits confirmed by the Case Officer when approving the two previous applications have been retained. Such as the developments contribution towards local housing stock, the provision of family sized units to help meet an identified demand for such accommodation and the redevelopment of a small brownfield site to provide new housing. These benefits are recognised and defined within the development plan.

Design / Impact on the Character and Appearance of the Area

- 7.16 Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.
- 7.17 Local Plan Policy DMHB 11 states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including harmonising with the local context and considering the height, mass and bulk of adjacent structures. They should also ensure the use of high-quality building materials and finishes, and ensure that the internal design and layout of development maximises sustainability and is adaptable to different activities.
- 7.18 Policy DMHB 5 states within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area. Extensions to dwellings should be subservient to and respect the architectural style of the original buildings and allow sufficient space for appropriate landscaping, particularly between, and in front of, buildings. The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted.
- 7.19 Policy DMHB 12 advises that development should be well integrated with the surrounding area. It should ensure public realm design takes account of the established townscape character and quality of the surrounding area.
- 7.20 Policy DMHB 14 advises that all development will be expected to retain or enhance existing landscaping, trees, biodiversity or other features of merit.
- 7.21 The proposed development site is located on the south side of Belmont Close, Uxbridge and is located within the North Uxbridge Area of Special Local Character (ASLC). The site has been partly developed and hosts a partially built detached property, this is due to the previously approved permission being made invalid due to the neighbouring property being incorrectly positioned. The surrounding area is predominantly residential in character characterised by uniquely designed properties, some of which having accommodation within the roof space. Properties are set back from the main road, allowing off street parking and/or front gardens with landscaping.

- 7.22 As Belmont Close is a cul-de-sac there is no strongly established set of front and rear building lines. For instance, No.20 & No.18 feature front elevations which are in line with one another, however No.24 which is closer to the end of the cul-de-sac sits much further back within its plot as it borders the curved end to the road.
- 7.23 Furthermore, a lot of the properties within Belmont Close benefit from some form of extension which has resulted in a deterioration of the side and rear buildings lines.
- 7.24 Based on the above it is appropriate to consider the relationship between the development and the adjacent properties as the most relevant when assessing the impact, the development may have on the character and appearance of the area.
- 7.25 The proposed site layout plan illustrates the new dwelling set within the context of No.20 and No.24. The front building line does not extend beyond the front building line of No.20 which aligns with No.18 as discussed above. In fact, the front bay window which is the closest and most extensive part of the front elevation to No.20 is set slightly behind the neighbouring front elevation.
- 7.26 Turning to No.24, firstly No.20 sits considerably further forward of the front elevation of No.24. While the new dwelling infills the generous gap between No.20 and No.24 the front elevation is staggered which means that there is form of transition between the front elevation of No.20 and the recessed front elevation of No.24.
- 7.27 It is evident to Officers that the development has been designed to integrate with the established pattern of development within this corner of the road and to fit the sites constraints.
- 7.28 With regard to scale, bulk and massing, the proposed development involves the erection of a two storey detached property with habitable roof accommodation set within a rear dormer extension. It would measure approx. 17.8m deep, 7.6m wide and 9.05m in height characterised with a hipped roof profile and front bay feature. It would be set back from the highway with off street parking and landscaping accommodated to the front. The property would be finished in red brick with brown concrete roof tiles, which is considered to fit in with the surrounding properties. As mentioned within the above paragraph, Belmont Close is made up of uniquely designed properties and the proposed development would not detract from this. A street scene elevation drawing has been submitted which shows that the development would not appear cramped within its plot, retaining a separation distance of approx. 1m both side boundaries.
- 7.29 During the process of the application revised drawings and additional information were sought to clarify the roof height levels of neighbouring properties. A suitable assessor has surveyed the roof heights and provided drawing number 200924/lev titled 'Level Survey' along with written confirmation to establish its credibility. The maximum roof height level is shown to be approx. 9.05m which

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

would be closely matched to the roof height of the adjacent property No.22 Belmont Close (shown as approx. 8.96m). It should also be acknowledged that a small increase in height would not be noticeable to a pedestrian at street level. A site visit has confirmed that properties along Belmont Close are of differing heights and as such there is no clear building height that should be adhered to. It is not considered that the proposed development would be excessively over dominating in terms of its height within the street scene.

7.30 Comments have been received during the assessment of the application regarding the accuracy of the street scene elevations and in particular the eaves line which are shown to be in line with No.20 and No.24. While Officers must assess the plans submitted by the applicant for consideration, the comments within the objections referring to the accuracy of the plans in comparison to what has been built are noted. It is important to note that the street scene elevation cannot be illustrated 100% accurately as the 2D plan cannot accurately present the location and relationship of the buildings. For example, the eaves line of the new dwelling may well appear in line with the eaves line of No.24 on the proposed drawings as this drawing is illustrated from a view looking directly at the two properties from the other side of the street. Whereas the two properties are not located side by side. The drawing does satisfactorily demonstrate that the eaves line would not appear awkwardly out of line, and this is supported by Officers.

7.31 As established within the above sections of this report, the application is a resubmission of a previous scheme where the neighbouring property No.24 was incorrectly plotted. As such, the proposed dwelling would be sited approx. 0.7m deeper than No.24. As this is located to the rear it would not be visible from the street scene and is not considered to harmfully break the building line to a degree that is unacceptable. It should also be noted that this is at ground floor level only and single storey rear extensions are common in the surrounding area where the rear buildings lines are not uniform.

Figure 4 – showing the front building line of the property in relation to No.20 Belmont Close



7.32 A large rectangular rear garden would be provided for new residents similar to other properties in the area. A hard and soft landscaping plan has been submitted and shows a good balance between hard and soft landscaping to compliment the areas suburban appearance. As mentioned further within the neighbouring amenity section of this report, a revised landscaping drawing was sought and received increasing the height of the boundary fence along the shared boundary with No.24. the fence would measure 2.2m in height and as this is solely along one boundary this is considered acceptable within design terms to reduce any harmful impact to the neighbouring property.

7.33 Concern has been raised in the public consultation responses regarding the proposal for a rear dormer and whether this is keeping with the character and appearance of the area. No.14 benefits from a modest rear dormer similar in scale to the proposed rear dormer. The rear dormer itself would meet the guidance set out within DMHD 1 of the Local Plan which states that extensions within the roof space should be located to the rear and measure no more than two thirds of the width of the roof. Finally, the properties within this street benefit from permitted

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

development rights, with a number utilising them to construct extensions of their own. The scale of the dormer would comply with the General Permitted Development Order and in fact is more modest in scale, therefore Officers consider the rear dormer to be acceptable.

- 7.34 It is not considered that the proposed development would cause harm to the Area of Special Local Character. It is acknowledged that the plot size is narrower than the neighbouring properties, however a sufficient separation distance is retained and as such the development would not appear cramped within the plot.
- 7.35 Taking into consideration the above, it is considered that the proposal would respect the character and appearance of the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies and Policies DMHB 5, DMHB 11, DMHB 12 and DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020), as well as relevant design guidance contained within the London Plan (2021) and NPPF (2024).

Residential Amenity

- 7.36 Local Plan Policy DMHB 11 sets out design guidance for all new development in the borough. Part B of the policy states 'development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space'.
- 7.37 Guidance for Policy DMHB 11 states 'The Council will aim to ensure that there is sufficient privacy for residents, and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary'.
- 7.38 Guidance for Policy DMHB 11 also states ' For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook. Single aspect dwellings should be avoided'.
- 7.39 Paragraph 135 (f) of the NPPF (2024) states that new development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 7.40 Number 24 Belmont Close is located east of the application site. The proposed development would involve the erection of a two-storey property with habitable roof accommodation. It is acknowledged that the development would result in

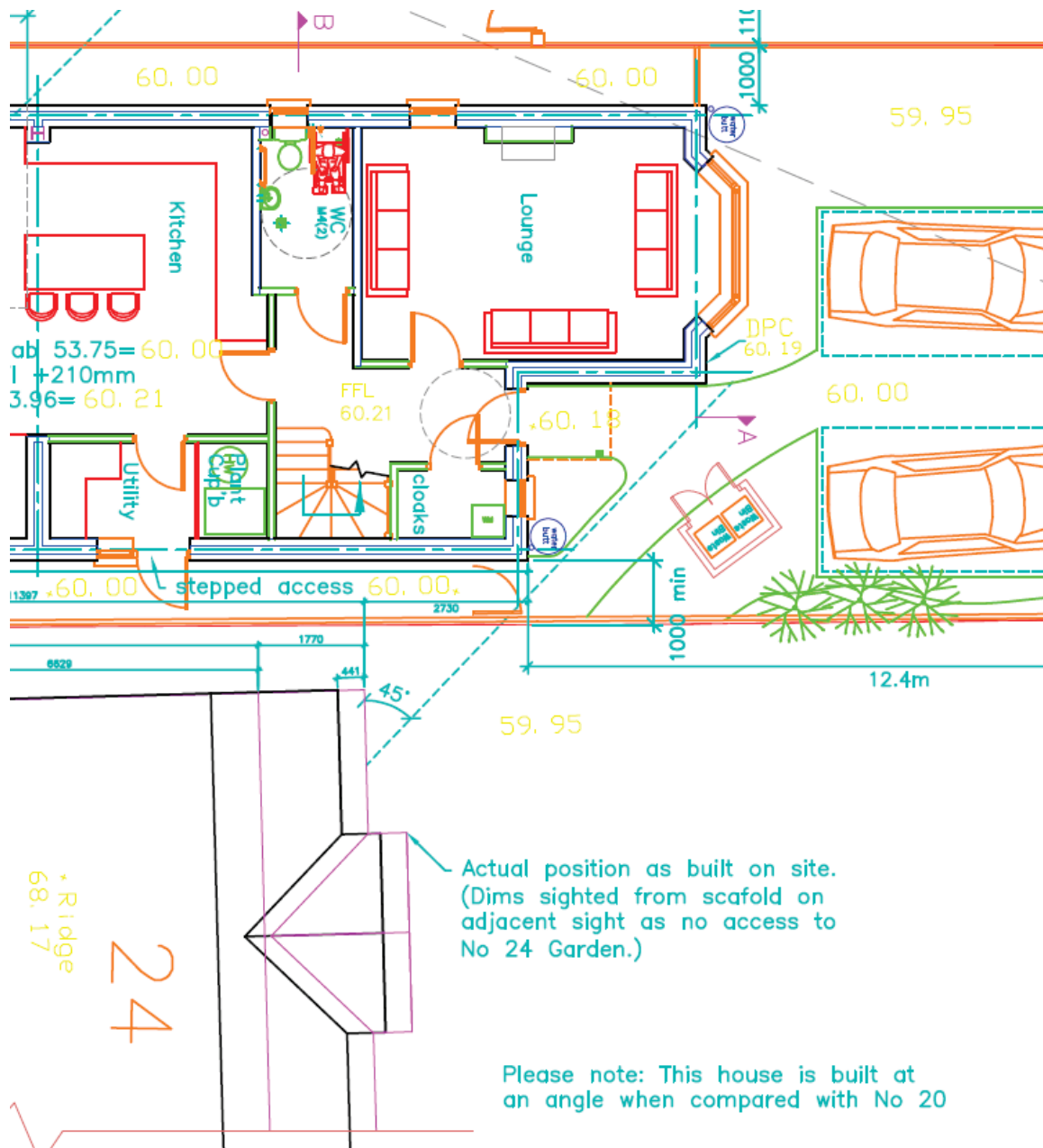
Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

some harm to the views which this neighbouring property would have benefitted from given that there would have been no building within 13 metres of the side and front elevations. Furthermore, given that this neighbouring property is set further behind the existing dwelling at No.20, the application needs to demonstrate that the new dwelling has been designed to limit any potential harm to the front and rear facing primary habitable room windows.

- 7.41 This neighbouring property has been shown on the existing and proposed plan with a pink outline to accurately show the correct position of the dwelling. The proposed development would be located 1m away from the boundary line with this neighbouring property and the rear building line would extend approx. 0.7m further (at ground floor level only) than the rear building line of this neighbour. This modest projection would not cause significant harm to the amenities of this neighbouring property as it would not extend into the 45-degree line of sight from the closest neighbouring habitable room window from the front or rear of the property.
- 7.42 The proposed site layout drawing reference 3309-03- Rev F, shows that the proposed development does not extend into the 45-degree line of sight from the closest front neighbouring habitable room window which is located within the front elevation of No.24 (see figure 5 below). It is acknowledged that the development would restrict some views as the existing plot was empty. However, this depicts that there would be not a substantial loss of light or overshadowing to this room.

Figure 5 plan indicating the 45 degree line of site and location of the neighbouring property



7.43 It is noted by Officers upon visiting site and well documented within the objections raised during the public consultation, that there is a ground floor side facing window within the flank elevation of No.24 which directly faces the new dwelling. However, this window serves a bathroom and bathrooms are not recognised as habitable rooms within the description contained within the development plan. Therefore they would not be safeguarded in terms of outlook or daylight/sunlight. Furthermore, they are commonly obscurely glazed and non-openable up to 1.7 metres above finished floor levels, to provide a level of privacy for occupiers.

7.44 The new dwelling features a door and window opening which is within a similar location to the opposing bathroom window. These openings would serve a utility and plant room thus not serving habitable rooms and would be used infrequently

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

and for short periods of time. In addition, as they are non-habitable, they are to be obscurely glazed to diminish the very limited level of overlooking which may occur.

- 7.45 A further point noted within the objections received is regarding the finished floor and external levels for the new dwelling in comparison with the neighbouring levels, in particular No.24.
- 7.46 Upon visiting site, Officers viewed the internal levels which had been constructed up to damp proof course at the time of the most recent visit. Further observations were made of the ground levels around the new dwelling in comparison with the levels at No.24. It is clear that there is a difference in levels between the two sites irrespective of the construction of the new dwelling as the levels lower towards No.24. As such any new building would naturally be formed on marginally higher ground level than the neighbouring property.
- 7.47 Measurements were taken from the existing ground level which indicated that the land around the new dwelling had been excavated. Internal measurements were taken which indicated that the finished floor levels are likely to be set 0.2 m (20cm) above the existing ground level. While Officers consider that any potential overlooking from the external areas and the side facing opening would be limited, the landscaping plan indicates that a 2.2 m high fence is proposed along the shared boundary with No.24 which would further reduce any potential for overlooking or loss of privacy. As illustrated on the proposed drawings a small ramp is to be provided to facilitate level access from the rear facing doors as the finished floor levels are set approximately 20 cm above the natural ground level within the rear garden.
- 7.48 It is acknowledged that this could give rise to potential loss of light to the neighbouring bathroom, however as stated above this is a non-habitable room as defined within the development plan. There is no sound policy basis which would require this window to be safeguarded from potential loss of light or outlook, the level of potential harm would be limited given that a fence of 2m in height could be constructed without the benefit of permission. As such there would be no justifiable reason for refusal which could be formed on this point alone.
- 7.49 There would be one new upper floor bathroom window facing this neighbour, this can be conditioned to be obscurely glazed and non-opening to prevent overlooking and loss of privacy.
- 7.50 The rear dormer would not face this neighbour and would therefore not overlook habitable rooms, there would be some views over the rear garden, however this arrangement is not unusual within residential areas and there would be mutual overlooking of garden areas. As such it is considered acceptable. The side facing rooflights would provide upwards views and would not cause a harmful loss of privacy.

- 7.51 Regarding the access levels of the rear doors into the garden, level access would be provided from one set of doors via a ramped access and the door closest to No. 24 would be stepped access. It is not considered there would be any harmful overlooking from this patio area due to this, combined with the 2.2m high fence.
- 7.52 Number 20 Belmont Close is located west of the application site. The development would not project past the front building line of this neighbouring property. The new dwelling would be positioned approx. 2.39m away from this neighbour. It would extend approx. 6.61m beyond the rear building line, however this at first floor level this would not project into the 45-degree line of sight from the closest neighbouring habitable room window. Furthermore circa 3.5 m of this depth would be single storey in height which would further limit any potential overshadowing. Given the separation distance it is not considered there would be a significant amount of loss of light or overshadowing to warrant refusal.
- 7.53 There would be two new ground floor windows facing this neighbour. These can be conditioned to be obscurely glazed and non-opening to prevent any overlooking or loss of privacy. The proposed rear dormer would not overlook this neighbour and the proposed rooflights would provide upwards views and as such there would be no loss of privacy.
- 7.54 Given the separation distance to other neighbouring properties. It is not considered there would be any harm to their amenities in terms of loss of light, overshadowing, loss of outlook, nor would it be overbearing.
- 7.55 As such, the proposed development would have an acceptable impact on the neighbouring properties amenities complying with Policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan, Part 2 (2020).

Quality of Residential Accommodation (Internal and External)

Internal

- 7.56 Policy D6 of the London Plan (2021) requires that 130sqm of internal floor space be provided for 4 bed, 8 person properties set over 3 floors.
- 7.57 The proposed dwelling would provide approx. 207sqm of internal floor space for future residents and therefore would comply with the relevant policy and space standards. The section drawings provided show that the floor to ceiling height would be 2.5m for at least 75% of the dwelling which would comply with Policy D6 of the London Plan (2021). The dwelling would be dual aspect and would provide all habitable rooms with an adequate source of light and outlook. As such, the proposed dwelling would provide a high standard of internal amenity space for future occupiers complying with Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan (2020).

External

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

- 7.58 Policy DMHB 18 of the Local Plan (2020) states that new residential developments should provide an adequate level of private amenity space for occupiers that is good quality and usable. 4-bedroom properties are required to provide 100sqm of amenity space.
- 7.59 The proposed dwelling would provide in excess of this area within the rear garden. As such, the proposal would have adequate external private amenity space in compliance with Policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020).

Highways and Parking

- 7.60 Policy DMT 2 states that proposals must ensure that safe and efficient vehicular access to the highway network is provided; they do not contribute to the deterioration of air quality, noise or local amenity; have safe, secure and convenient access and facilities for cyclists and pedestrian; that impacts on local amenity and congestion are minimised; and there are suitable mitigation measures to address any traffic impacts.
- 7.61 Policy DMT 6 states '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. The Council may agree to vary these requirements when the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.'
- 7.62 Similarly, the London Plan (2021) seeks to provide adequate parking for new residential development and to avoid harm to highways networks.

Parking Provision:

- 7.63 The maximum parking requirement for the new 4-bedroom residential unit would be in the order of 2 on-plot spaces which should be provided on-site to comply with the adopted Hillingdon parking standard whilst, by contrast, for a PTAL rating of 3, the London Plan (2021) parking standard demands up to 1 space. Two spaces located on the frontage are presented.
- 7.64 Although the regional maximum standard is exceeded, it is considered that this level of proposed provision is acceptable particularly as it reduces the likelihood for untoward on-street parking displacement on the adjacent roadways resulting from a higher dependency on the private motor car due to the average PTAL rating.

Vehicular Trip Generation:

- 7.65 In general terms, the proposal would clearly raise the level of vehicular activity to and from the site. However, peak period traffic movement into and out of the site is not expected to exceed 1-2 additional vehicle movements during the most sensitive and therefore crucial peak morning and evening hours hence this uplift is considered marginal in generation terms and therefore can be absorbed within

the local road network without notable detriment to traffic congestion and road safety.

Vehicle Crossing:

- 7.66 The proposed development involves the installation of a new carriageway crossing, the details of this have been previously approved under reference 72006/APP/2023/2396. The dimensions of this are the same as previously approved and as such are considered acceptable

Construction Management Plan:

- 7.67 The applicant has submitted a Construction Logistics Plan due to the sensitivities of the site. The Councils highway officer has reviewed this and considered the measures acceptable given the limited scale of development (one new dwelling). A compliance condition has been added to ensure the development is built on in accordance with this document.

Cycle Parking:

- 7.68 A bike store is located within the rear garden of the site. This would be accessed by the 1m side access path. This is considered a suitable level of cycle storage, in compliance with Policy DMT 5 of the Hillingdon Local Plan Part 2 (2020).

Electric vehicle Charging Points (EVCP's):

- 7.69 One active and one passive EVCP is shown on the propose landscaping plan. This is considered sufficient.

Conclusion

- 7.70 The application has been reviewed by the Councils Highway Officer who is satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

Noise

- 7.71 The site would be used in an exclusively residential capacity. As such, in terms of the operational phase of the proposed development, no significant issues are considered to be raised by the proposal, in respect to noise.
- 7.72 An air source heat pump is provided as part of this application. It is not considered that this would cause an adverse impact in terms of noise to warrant refusal, and it is not considered necessary to add further conditions relating to noise.

Air Quality

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

7.73 The site is located within an Air Quality Management Area and part of the rear of the site lies within an Air Quality Focus Area. Given the proposed development is for one new dwelling, it is not considered that the proposal would cause unacceptable levels of dust and disturbance during the construction phase. A construction logistics plan has been provided which has provided mitigation measures to prevent the spread of dust. As such, no further information is required.

Accessibility

7.74 Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires at least ten percent of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings', with all other dwellings meeting Category M4(2) 'accessible and adaptable dwellings'

7.75 The Council's Access Officer has been consulted on the application and has no concerns regarding accessibility subject to conditions which will be added to the decision should planning permission be granted. Level access would be provided from the front entranceway. Level access would be provided from one set of rear doors into the garden and the other door would have a small, stepped access. This is considered acceptable given step free access is provided into and out of the property.

Trees and Landscaping

7.76 Policy DMHB 14 advises that all development will be expected to retain or enhance existing landscaping, trees, biodiversity or other features of merit.

7.77 The applicant has provided a hard landscaping drawing, a soft landscaping drawing, a proposed landscaping notes drawing and a planting index. The proposed drawings demonstrate that there will be a good balance of hard and soft landscaping incorporated into the scheme to compliment the areas suburban appearance. As such the proposed landscaping at the site would make a positive contribution to the character and appearance of the street scene.

7.78 The applicant has provided details of refuse storage, cycle storage and boundary treatments which are all considered to be acceptable in terms of their design and impact to neighbouring properties.

7.79 The below section of this committee report has detailed the Biodiversity Net Gain at the site.

7.80 Overall, the proposed development would comply with Policy DMHB 14 of the Hillingdon Local Plan, Part 2 (2020) and a compliance condition will be added to ensure the details are built out and maintained accordingly.

Biodiversity Net gain

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

- 7.81 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It became mandatory for major developments on 12 February 2024 and small sites on 2 April 2024. Developers must deliver a BNG of at least 10%. This means a development will result in more or better-quality natural habitat than there was before development. The landowner is legally responsible for creating or enhancing the habitat and managing that habitat for at least 30 years to achieve the target condition.
- 7.82 Chapter 15 of the National Planning Policy Framework (2024) states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.83 Paragraph 8.6.6 of Policy G6 of The London Plan (2021) states that biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. Losses should be avoided, and biodiversity offsetting is the option of last resort.
- 7.84 Policy EM7 of Hillingdon Council's Local Plan Part One Strategic Policies (2012) states that Hillingdon's biodiversity and geological conservation will be preserved and enhanced, with particular attention given to improving biodiversity from all development.
- 7.85 Paragraph 6.28 of Policy DMEI 7 (Biodiversity Protection and Enhancement) of Hillingdon Council's Local Plan Part Two Development Management Policies (2020) states it is important that planning decisions are appropriately informed by the right level of survey and information on ecology features. The Council will apply Natural England's standing advice at the validation stage. Applications will only be validated if they have the appropriate information. Where initial assessments recommend further surveys, these will be expected to be provided as part of a planning submission. All ecological reports or information submitted should adhere to nationally accepted best practice survey standards and be consistent with the British Standard BS 42020: 2013 Biodiversity - Code of Practice for Planning and Development or an updated variation. Where appropriate, the Council will require the use of the approved DEFRA biodiversity impact calculator (as updated) to inform decisions on no net loss and net gain.
- 7.86 During the process of the application the Statutory Biodiversity Net Gain Metric was requested and provided. The document shows that there will be a 64.65% increase in BNG at the site by provided vegetated garden to the rear of the site that would see the introduction of a grassed area and/or flower beds along with shrubs and the retention of existing tree.
- 7.87 As such, a Biodiversity Net Gain is capable of being secured for the development and therefore reverting to the statutory habitat management scheme condition would be acceptable. As such, the site would be able to provide a 10% increase in biodiversity, therefore the statutory habitat management condition has been added to the decision notice.

Hillingdon Planning Committee – January 15th, 2025

PART 1 – Members, Public & Press

Flooding and Drainage

- 7.88 The proposed development site is not located in Flood Zones 2 or 3. Nor is it located within a critical drainage area or an area known for surface water flooding. The applicant has submitted a Sustainable Water Management Plan with SUDS mitigation measures. A suitable compliance condition has been added to ensure these measures are incorporated.

Waste Management

- 7.89 Policy DMHB 11 part (d) of the Hillingdon Local Plan (2020) states that development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.
- 7.90 The proposed landscaping plan shows the provision of ensure and enclosed refuge storage to the front of the dwelling. This is considered an acceptable arrangement as occupiers would drag the bins to the kerbside on collection days.

8 Other Matters

Human Rights

- 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. 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.

Equality

- 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.

Local Finance Considerations and CIL

- 8.3 The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of new dwellings and is therefore CIL liable if planning permission is granted.

9 Conclusion / Planning Balance

- 9.1 The site has been subject to two previous consents for the same development, as such the principle of development remains established. The design has been amended to address the concerns with the potential harm to neighbouring properties to a satisfactory degree. The development would provide additional housing on a brownfield site and a housing type for which there is an identified need. The potential harm would be limited and would be outweighed by the benefits of the scheme. Appropriate weight has been afforded to the previous consents and Officers find there to be no departure from the Development Plan which would be significant enough to warrant refusal.
- 9.2 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

79130/APP/2024/1864

Appendix 1: Recommended Conditions and Informatives

Conditions

1. RES3 Time Limit

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

REASON

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

2. RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

3367-01 (location plan)

3367-LS-02 (proposed hard landscaping layout)

3367-LS-03 (proposed soft landscaping layout)

3309-03 Rev F (proposed site layout)

3367-05 (existing and proposed street scene elevations)

3309-04 Rev G (proposed floor plans and elevations)

3367-LS-04 (proposed landscaping notes)

3367-VS-02 (proposed vehicle crossover and visibility splays)

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

3. HO6 Obscure Glazing

The ground floor utility door and window, in addition to the upper floor bathroom window facing number 24 Belmont Close shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and the windows shall be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

4. NONSC Habitat Management Condition

Within three months of the date of permission being granted the applicant shall submit to the Local Planning Authority a written 30-year Habitat Management Plan (HMP) for the site. These details shall be fully implemented prior to first occupation of the dwelling.

The approved HMP shall be strictly adhered to, and development shall commence and operate in accordance with it.

The HMP should, as a minimum, include:

- a) Description and evaluation of the features to be managed.
- b) Aims, objectives and targets for management.
- c) Description of the management operations necessary to achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a works schedule, including an annual works schedule.
- f) Details of the monitoring needed to measure the effectiveness of management.
- g) Details of the timetable for each element of the monitoring programme and;
- h) Details of the persons responsible for the implementation and monitoring.
- i) Report to the Council routinely regarding the state of the Biodiversity Net Gain requirements for development in years 1 (post-completion), 3, 5, 10, 20, and 30, with biodiversity reconciliation calculations at each stage.

REASON

To ensure the development delivers a Biodiversity Net Gain within the borough and secures the protection and effective management of the remaining habitat on site in accordance with Chapter 15 of the National Planning Policy Framework, Policy G6 of The London Plan, and Policy DMEI 7 (Biodiversity Protection and Enhancement) of Hillingdon Council's Local Plan Part 2 Development Management Policies.

5. NONSC SUDs Compliance

The development hereby permitted shall not be carried out except in complete accordance with the submitted Surface Water Management Plan Reference FD140, dated August 2023.

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding and is to be handled as close to its source as possible and Conserve water supplies in compliance with: Hillingdon Local Plan: Part 1- Strategic Policies Policy EM6 Flood Risk Management in (2012), Hillingdon Local Plan Part 2 Development Management Policies Policy DMEI 10 Water Management, Efficiency and Quality (2020), as well as relevant SuDs guidance contained within the London Plan (2021) and NPPF (2021).

6. RES5 Construction Management Plan Compliance

The development hereby permitted shall not be carried out except in complete accordance with the submitted Construction Logistics Plan dated July 2023

REASON

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

7. RES5 Materials Compliance

The development hereby permitted shall not be carried out except in complete accordance with the materials specified within the submitted Materials documents named 'Release of conditions: Condition 5' and tile specification sheet reference RED_TDS_2203_10201B1E1AHEP

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with Policies DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2 (2020).

8. RES5 Landscaping Compliance

The proposed landscaping scheme (including cycle storage, bin storage, boundary treatments and shed facility details) shall be implemented, retained and maintained throughout the lifetime of the development in accordance with submitted plan numbers:

3367-LS-02 (proposed hard landscaping layout)

3367-LS-03 (proposed soft landscaping layout)

3367-LS-04 (proposed landscaping notes)

Planting details ref 3309

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, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

9. NONSC M4(2) Compliance

The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan.

10. RES14 Outbuildings, extensions and roof alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) subject of this permission shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020).

11. RES12 No additional windows or doors

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

REASON

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

Informatives

1.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the London Borough of Hillingdon.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain

condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
 - 4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the

transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.
* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

2. I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

3. 115 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

4. 147 Damage to Verge - For Council Roads:

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

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

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

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

5. 173 Community Infrastructure Levy (CIL) (Granting Consent)

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

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

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

153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan and national guidance.

DMH 2	Housing Mix
DMH 6	Garden and Backland Development
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 5	Areas of Special Local Character
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards

- LPP D7 (2021) Accessible housing
- LPP T4 (2021) Assessing and mitigating transport impacts
- LPP T6.1 (2021) Residential parking
- NPPF11 -23 NPPF11 23 - Making effective use of land
- NPPF12 -23 NPPF12 23 - Achieving well-designed and beautiful places

Appendix 2: Relevant Planning History

72006/APP/2016/2394 20 Belmont Close Uxbridge

Part single, part two storey side extension involving demolition of conservatory and garage

Decision: 06-10-2016 Approved

72006/APP/2016/4433 20 Belmont Close Uxbridge

Application for a non-material amendment to planning permission Ref:

72006/APP/2016/2394 dated 6/10/2016 to allow for amendments to reduce the size of the side extension (Part single, part two storey side extension involving demolition of conservatory and garage)

Decision: 16-01-2017 Approved

72006/APP/2023/1259 20 Belmont Close Uxbridge

Erection of a detached house with 4 bedrooms and associated parking, amenity and bin/cycle stores.

Decision: 05-07-2023 Approved

72006/APP/2023/2116 20 Belmont Close Uxbridge

Erection of a detached house with 4 bedrooms and associated parking amenity and bin/cycle stores.

Decision: 11-09-2023 Approved

72006/APP/2023/2396 20 Belmont Close Uxbridge

Details pursuant to the discharge of Conditions 5 (Materials), 6 (Ground Levels), 7 (Electrical charging points), 8 (Step free access) and 11 (Vehicular crossover) of planning permission ref. 72006/APP/2023/1259 dated 05-07-2023 (Erection of a detached house with 4 bedrooms and associated parking, amenity and bin/cycle stores.)

Decision: 04-10-2023 Approved

72006/APP/2023/2468 20 Belmont Close Uxbridge

Details pursuant to the discharge of Condition 4 (Water Management) of planning permission ref. 72006/APP/2023/1259, dated 05-07-23 (Erection of a detached house with 4 bedrooms and associated parking, amenity and bin/cycle stores)

Decision: 29-11-2023 Approved

72006/APP/2023/2969 20 Belmont Close Uxbridge

Details pursuant to the discharge of Conditions 4 (SUDS Management), 5 (Materials), 6 (Ground Levels), 7 (Electrical charging points), 8 (Step free access), 11 (Vehicular crossover) of planning permission ref. 72006/APP/2023/2116, dated 11-09-23 (Erection of a detached house with 4 bedrooms and associated parking amenity and bin/cycle stores.)

Decision: 18-12-2023 Approved

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:

DMH 2 Housing Mix

DMH 6 Garden and Backland Development

DMHB 5 Areas of Special Local Character

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

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

LPP D4 (2021) Delivering good design

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP D7 (2021) Accessible housing

LPP T6.1 (2021) Residential parking

LPP T4 (2021) Assessing and mitigating transport impacts

NPPF11 -23 NPPF11 23 - Making effective use of land

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