

Report of the Head of Development Management and Building Control Committee Report

Case Officer: **Christos Chrysanthou**

35220/APP/2024/3046

Date Application Valid:	12.12.24	Statutory / Agreed Determination Deadline:	11.04.25
Application Type:	Full	Ward:	West Drayton

Applicant: **Mr M Madhang**
Site Address: **44 Frays Avenue, West Drayton, UB7 7AG**
Proposal: **Demolition and reconstruction of new build family home.**
Summary of Recommendation: **GRANT planning permission subject to legal agreement and 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 completion of a satisfactory legal agreement and to the conditions as set out in Appendix 1.

1 Executive Summary

- 1.1 The application seeks planning permission for the demolition and reconstruction of new build family home.
- 1.2 Whilst it is acknowledged that the existing property exhibits attractive features, this factor alone does not necessarily amount to the building being of such considerable importance to the Area of Special Local Character to warrant its protection from demolition. The building is not statutorily or locally listed and being a mid-twentieth century property, it is considered to be of limited historic value. Moreover, a number of replacement dwellings have been built on Frays Avenue over recent years which would have necessitated the demolition of the original dwellings. It is therefore considered, on balance, that the principle of the demolition and replacement of the existing dwelling is acceptable.
- 1.3 The proposal has been subject to negotiation with the LPA and following the receipt of revised plans that adjust the design of the development, the proposal is considered to harmonise with the character and appearance of the West Drayton Garden City Area of Special Local Character.
- 1.4 The application is a resubmission to Application reference: 35220/APP/2024/2203 which was refused on the grounds of character impacts and unsatisfactory amenity and living conditions. The current application overcomes these reasons for refusal.
- 1.5 The development would not adversely impact on the living conditions of neighbouring occupiers and would provide a satisfactory provision of internal and external amenity space for future occupiers. The proposal would not lead to parking stress or present a risk to highway safety.
- 1.6 The scheme would be delivered as a 'self-build' development, and the applicant has agreed to enter into a Unilateral Undertaking to secure the BNG exemption. The Unilateral Undertaking would be progressed via the Council's legal team in the event of planning permission being granted.
- 1.7 The planning application is therefore recommended for approval subject to the conditions set out in Appendix 1 and a Unilateral Undertaking securing the BNG 'self-build' exemption.

2 The Site and Locality

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- 2.1 The application site is located on Frays Avenue within a residential setting and comprises a two storey detached dwelling. The area to the front of the property is provided with an area of soft landscaping and hard surfacing that accommodates off-street parking provision for 2-3 cars. The rear garden is spacious and well landscaped. The dwelling has a single storey wrap-around side and rear extension.
- 2.2 The application site lies within the West Drayton Garden City Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land. The site is located within a Flood Zone 2 and an Archaeological Priority Area.

Figure 1: Location Plan (application site edged red)

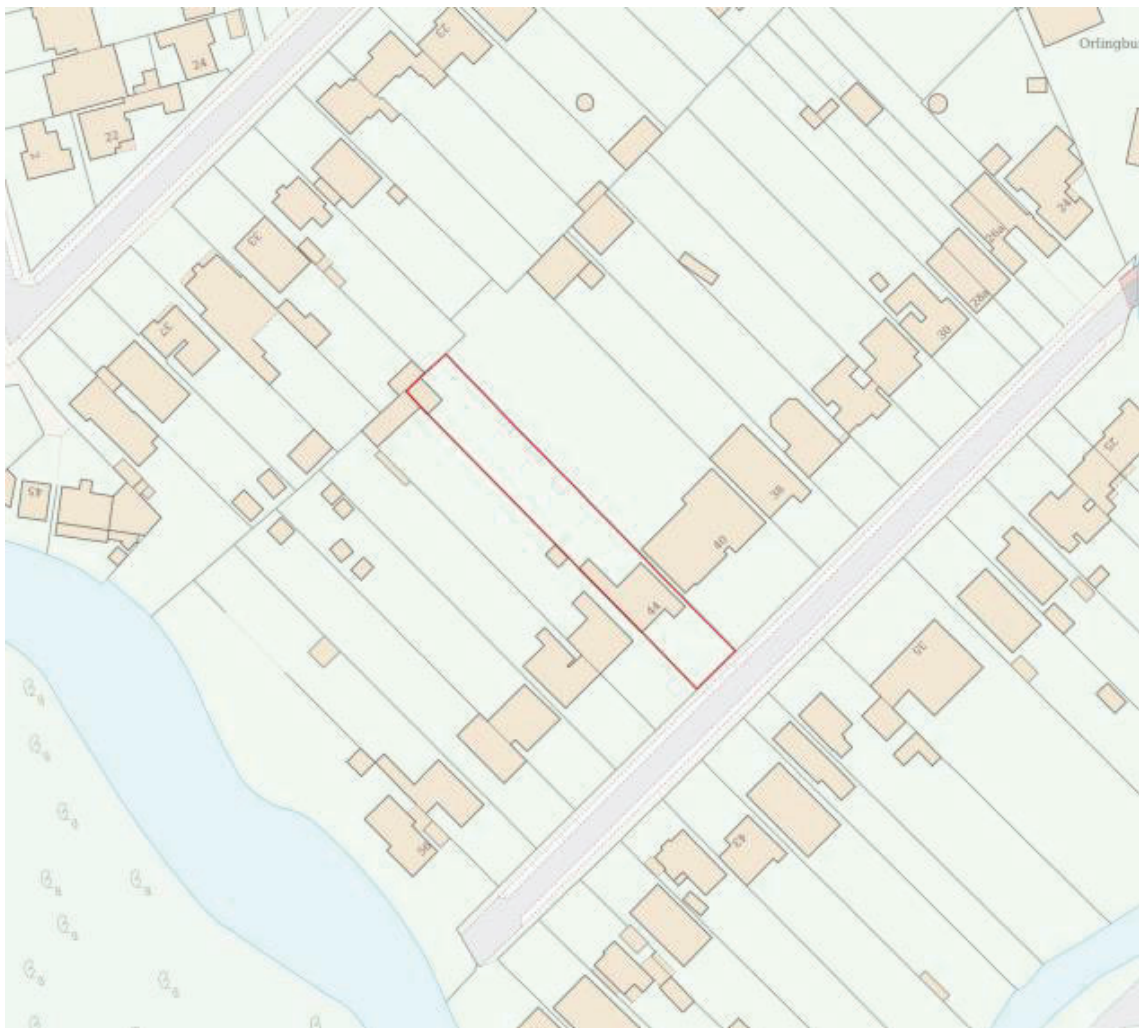


Figure 2: Street View Image of the Application Property



3 Proposal

- 3.1 Planning permission is sought for the demolition and reconstruction of new build family home.
- 3.2 During the course of the application and following discussion between the agent and the case officer, revised plans have been submitted that adjust the forward bay to reflect those found on the neighbouring properties.

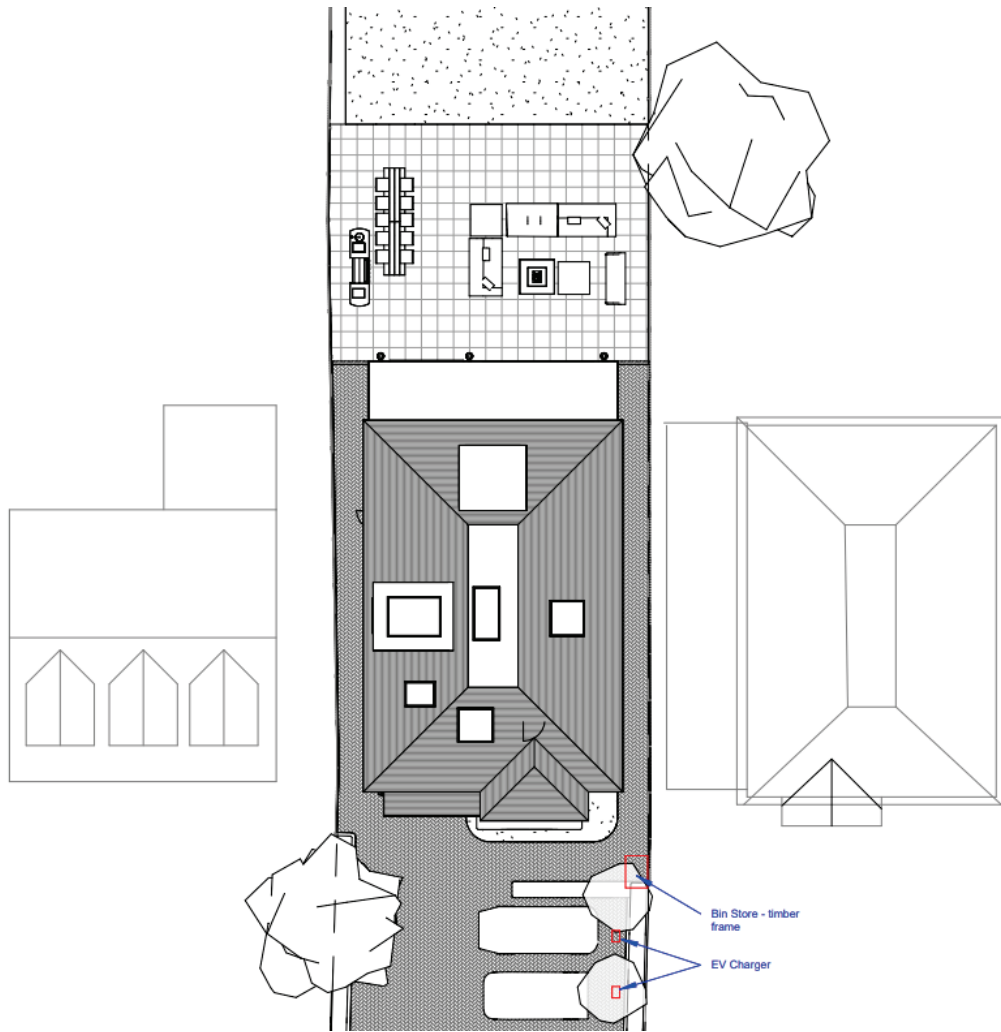
Figure 3: Proposed Plan (please note – larger version of plan can be found in the Committee Plan Pack)



Street scene section (Application site second property from the left)



Proposed Front Elevation



Proposed Site plan

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4 Relevant Planning History

A list of the relevant planning history related to the property can be found in Appendix 2.

- 4.1 This application is a resubmission to App ref: 35220/APP/2024/2203 (Erection of new dwellinghouse to include converted roof space into habitable use with 3x side facing roof lights, 1x front facing roof light, rear and side dormers, and formation of a crown roof, following demolition of existing dwellinghouse and attached garage.) which was refused on 30th October 2024 for the following reasons:

1 The development, by virtue of its design, siting and roof form, would result in a visual prominent, incongruous and cramped form of development, to the detriment of the visual amenities of the street scene and the character and appearance of the West Drayton Garden City Area of Special Local Character. The proposal therefore conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Paragraphs 128d) and 135c) of the National Planning Policy Framework (2023).

2 The development through the use of obscure glazing that serves primary accommodation would result in poor levels of outlook and daylight/sunlight provision, to the detriment of the living conditions and amenities of future occupiers. The proposal therefore conflicts with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of The London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).

- 4.2 As detailed in this report, the resubmission addresses the reasons for refusal of the previous planning application.

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 13 neighbouring properties were consulted on 24th December 2024 for a period of 21 days.
- 6.2 A round of re-consultations was carried out on 26th February 2025 and the re-consultation period expired on 12th March 2025.
- 6.3 Representations received in response to public consultation are summarised in Table 1 (below). Consultee responses received are summarised in Table 2

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(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
A petition in objection with 32 signatures has been received.	1. Height, bulk, scale and design are harmful to the character of the ASLC.	Discussed at paragraphs 7.7-7.16 of this report.
	2. Undesirable precedent for a three story building.	Discussed at paragraph 7.14 of this report.
	3. Third dormer is intrusive and compromises privacy.	Discussed at paragraph 7.20 of this report.
	4. Overdeveloped appearance and out of character with the ASLC.	Discussed at paragraphs 7.7-7.16 of this report.
	5. Depth and bulk results in loss of amenity to No.46.	Discussed at paragraph 7.18 of this report.
	6. Loss of dwelling and requirement for demolition notice.	The loss of the dwelling is discussed at paragraphs 7.5-7.6. The demolition of the existing dwelling would be permitted by virtue of the granting of planning permission. A separate demolition notice would not be required.
5 letters of objection have been received.	1. Overdevelopment, impact on ASLC and street scene, three storey height and scale, depth and bulk, out of character, loss of dwelling.	Discussed at paragraphs 7.5-7.6 and 7.7-7.16 of this report.

	II. Overshadowing, loss of privacy.	Discussed at paragraphs 7.17-7.22 of this report.
One letter of support was received.	III. It looks great with the street scene and is beautiful design. Request that side windows are frosted.	Noted.
West Drayton Conservation Area Advisory Panel also wrote in objection	IV. Concerns were raised regarding the loss of space between properties, depth, overdevelopment.	Discussed at paragraphs 7.7-7.16 of this report.

Table 2: Summary of Consultee Responses

Consultee and Summary of Comments	Planning Officer Response
Access Officer No accessibility concerns are raised subject to conditions.	Noted.
Highways Officer No highways concerns are raised subject to conditions.	Noted.

7 Planning Assessment

Principle of Development

- 7.1 Paragraph 202 of the NPPF (2024) states that local planning authorities should recognise "assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance".
- 7.2 Paragraph 210 of the NPPF (2024) relates to designated and to non-designated heritage assets and states that "In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".
- 7.3 Paragraph 216 of the NPPF (2024) states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required

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having regard to the scale of any harm or loss and the significance of the heritage asset."

- 7.4 This is reinforced at a local level, where Policy DMHB 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that "The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted."
- 7.5 Based on the interpretation of paragraph 039 of the Planning Practice Guidance, the Garden City Area of Special Local Character (ASLC) is a non-designated heritage asset. It is noted that the Council's Conservation Officer did not previously object in respect to the loss of the existing property and its current contribution to the ASLC. It is considered that refusing this application on this ground alone would be unsustainable in the event of the appeal.
- 7.6 The existing property is not a statutory listed building, nor is it a locally listed building. Subject to compliance with relevant planning policies and other material considerations, the principle of replacing the existing dwelling with another dwelling is considered acceptable.

Impact on the Character and Appearance of the Area

- 7.7 The site lies within the Garden City, West Drayton Area of Special Local Character. The existing dwelling is a two storey property with a rendered exterior and a pitched tiled roof. It has been extended to the side and the front. The retention of original features allows the existing building to provide a strong positive contribution to the significance of the ASLC. However as discussed in the principle of development paragraphs (7.1- 7.6 of this report), there is no objection to the demolition of the existing building.
- 7.8 The height of the proposed replacement dwelling would match that of the neighbours at Nos. 40 and 42, however it would be 2.25 metres taller than the neighbouring chalet bungalow at No. 46. The overall width of the proposal is 9.3metres (a 0.25 metre reduction from the previous scheme), which is comparable to other neighbouring dwellings.
- 7.9 The proposal includes gaps of 1.15 metres to the shared side boundaries with No. 42 and 46. It is noted that the side gaps prevalent on Frays Avenue vary in width. The proposal would include a set in off the boundary shared with No.40 which is subject to redevelopment. This creates adequate separation distance to prevent the potential for a terracing effect and is reflective of the established pattern of development within the street.
- 7.10 The rear dormer would occupy less than one third the width of the rear roof slope. It would be set down 0.4 metres from the ridge and in a central location with satisfactory set-ins from the side elevations. Whilst the window serving the rear dormer is quite large, the proportions of the rear dormer are considered to be acceptable. It would also not be overly visible from the street scene and as such, no material harm is identified.

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- 7.11 The side dormer is 2.5metres wide and would be set down 0.40 metres below the main ridge. It would be set back 5.3 metres from the front elevation. The side dormer is relatively narrow and set back from the street scene and when viewed against the side roof slope which measures 13.8 metres, it would not be unduly prominent. It is noted that there are other examples of side dormers on the neighbouring properties at Nos.41, 47 and 54. As such the side dormer would not introduce an alien feature to the street scene.
- 7.12 The resubmission scheme has replaced the previously proposed forward gable projection on the proposed replacement dwelling with a hipped roof. A further revision was received to reduce the forward projection further and is now comparable to those found on properties in the street scene. The revised forward bay projection reads as a subordinate feature and appears acceptable within the wider street scene.
- 7.13 The rear elevation would line up with that of No.42. The depth is acceptable, and the crown roof has been made narrower and is a similar size to those found on neighbouring properties.
- 7.14 The scale of the proposal is representative of a two-storey dwelling with loft accommodation. Similar modern replacement dwellings are found on Frays Avenue including the adjacent neighbouring properties at Nos. 40 and 42 and the proposal is considered to harmonise with the evolving street scene.
- 7.15 As described above, the design of the scheme as revised is not considered to be harmful to the character and appearance and the visual amenities of the area of special local character. Therefore, the first reason for refusal of application reference 35220/APP/2024/2203 is considered to have been overcome.
- 7.16 The materials listed on the application form are brick, plain roof tiles and aluminium windows and doors. In the event of an approval, details of all materials would be secured by condition.

Residential Amenity

- 7.17 The 45 degree lines of sight have been drawn on the proposed plans, indicating that the development would not breach these splays which are taken from the nearest first floor windows of the neighbouring properties. As such both neighbouring occupiers would not experience any loss of outlook.
- 7.18 The new dwelling would replace the existing dwelling and garage which are to be demolished. The replacement dwelling would be two storeys in height and whilst it would be set slightly closer to the shared boundary with No.46, adequate side gaps would be retained and overall, the relationship with the neighbour would not be dissimilar to the existing situation. As such, it is considered that the development would not have an overbearing impact upon the neighbouring bungalow at No.46.

- 7.19 The single storey rear element would project 2.2 metres beyond the rear elevation of No. 42 and 1.5 metres beyond the rear conservatory of No.46. The single storey rear element measures 3.15 metres in height and with side gaps between 1.2 metres and 1.3 metres to the side boundaries (an increase of 5-10cm each side). The impact of the single storey rear element would be considered acceptable.
- 7.20 The first-floor side windows serve the stairs/landing and a two bathrooms. All three first floor side windows are annotated to be obscure glazed. A condition would be attached in the event of an approval to secure the obscuring of these windows to preserve neighbouring amenity.
- 7.21 The side dormer would serve the stairs and is recommended to be obscure glazed to prevent overlooking towards No.46. The side rooflight serves a store. In the event of the application being determined for approval, a condition is recommended to be attached to obscure glaze these to preserve neighbour privacy.
- 7.22 In summary, no adverse impacts are identified with regards to neighbouring amenity.

Highway safety and Parking

- 7.23 No changes are being proposed to the existing vehicle crossover serving the site, which is considered to be fit for purpose.
- 7.24 The proposal indicates the retention of two car parking spaces in the front driveway. This is sufficient parking provision in accordance with adopted parking standards. The proposal also includes electric vehicle charging points. Cycle parking is not indicated, however this is recommended to be secured by a suitably worded condition.
- 7.25 As detailed in Table 2 of the report, the Highway Authority have not objected to the proposal, subject to conditions securing a parking layout plan and a Construction Management Plan. These conditions would be attached in the event of an approval.

Quality of Residential Accommodation

- 7.26 The overall Gross Internal Floor area (GIA) of the proposed replacement dwelling exceeds the London Plan minimum space standard. All the proposed bedrooms would exceed the minimum floor area standards set out in the technical housing standards - nationally described space standard (2015). The proposed dwelling would be dual aspect with all the habitable rooms being served by principal windows in the front or rear elevations of the building, thus providing future occupiers with a reasonable level of natural light and outlook.
- 7.27 The resubmission has altered the layout and as shown on the proposed floor plans, the bedrooms are now served by windows in the front or rear elevations not

windows in the side elevation. This overcomes the second reason for refusal of application reference 35220/APP/2024/2203.

Private amenity space

- 7.28 Table 5.3 to Policy DMHB 18 of the Hillingdon Local Plan Part 2 states that houses with four bedrooms or more should provide a minimum of 100 square metres of private usable amenity space. The retained private amenity space to serve the proposed replacement dwelling exceeds the policy requirement and as such is acceptable.

Trees and Landscaping

- 7.29 The site does not contain any TPO trees, however it lies adjacent to Tree Preservation Area Order 752 to the northeast boundary. An Arboricultural Method Statement, Impact Assessment and Tree Protection Plan has been submitted in support of the application. The report identifies one Category C1 tree (T4) to be removed from the rear garden. It also sets out a method statement and tree protection measures to safeguard other trees within the site and on neighbouring land.
- 7.30 In the event of a determination for approval, the implementation of the method statement and tree protection measures is recommended to be secured by condition. A further condition is also recommended to secure a full landscape scheme to enhance the visual amenity of the site and offset the loss of the tree that would be removed to accommodate the development.

Flood Risk and Drainage

- 7.31 The site lies within a Flood Zone 2, which represents a moderate risk of flooding. The application proposes a replacement dwelling. According to Annex 3 of the NPPF, buildings used for dwelling houses are classified as 'more vulnerable' uses.
- 7.32 The NPPG also states that for development in a Flood Zone 2, where the use is classified as more vulnerable, the central climate change allowance should be applied.
- 7.33 A flood risk assessment has been submitted in support of the application. It identifies flood risk mitigation measures including setting the finished floor levels 300mm above the 1% AEP + 20% CC modelled flood level and utilising flood resistant materials. These measures would be secured by condition in the event of a determination for approval. In addition, a condition is recommended to be attached to secure a sustainable water management scheme.

Access

- 7.34 As detailed in Table 2 of this report, the Council's Access Officer has no objection subject to conditions to secure details of step free access and compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document

M to the Building Regulations (2010) 2015. These conditions are recommended to be attached in the event of a determination for approval to ensure an accessible development.

Biodiversity Net Gain (BNG)

- 7.35 The application form has selected the 'Self-build and custom build development' exemption. It is understood that the applicant has made enquiries to sign up to the Council's self-build register. On the basis that the development would be delivered as a 'self-build', the proposal is considered to be BNG exempt, and a biodiversity gain plan is not required. A Unilateral Undertaking (UU) to secure the self-build exemption is being progressed by the Council and would be signed in the event of planning permission being granted.
- 7.36 Whilst the self-build exemption may be applicable, the exemption applies to the delivery of an on-site net gain of 10%. In order to ensure that mitigation is secured in the event that the self-build exemption is not conformed with, the applicant is required to submit a statutory metric which will demonstrate the level of shortfall between the existing and proposed development. A Biodiversity Net Gain Plan has been submitted in support of the application. It identifies a requirement of 0.03 offsite biodiversity units to offset the loss of habitats and achieve a 10% biodiversity net gain. On this basis, the proposal would be able to achieve a biodiversity net gain in line with the BNG framework.

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 August 1st 2014 which is chargeable on residential developments. This is in addition to the Mayoral CIL charge. CIL rates are index linked.

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- 8.4 The proposal involves the erection of a new dwelling and would therefore be liable to pay CIL. A relevant informative would be attached to the decision notice pointing to these obligations.

9 Conclusion / Planning Balance

- 9.1 The application seeks planning permission for the demolition and reconstruction of new build family home. 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 completion of a legal agreement to secure the BNG requirements set out within this report and the conditions set out in Appendix 1 (below).

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@hillingsdon.gov.uk.

APPENDICES

Planning Application

35220/APP/2024/3046

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 Location Plan, A102 dated 21/03/2025, A103 dated 21/03/2025, A104 dated 21/03/2025 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. RES7 Materials (Submission)

Notwithstanding any of the approved plans, no development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such. Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

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

Notwithstanding any of the approved plans, no development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species (including pollution absorbing plants), plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Accessible Cycle Storage for 2no bicycles
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layout including one active electric vehicle charging point and one passive electric vehicle charging point
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting

3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

5. RES8 Tree Protection and Method

The development hereby approved shall be carried out strictly in accordance with the recommendations contained within the approved Arboricultural Method Statement, Impact Assessment and Tree Protection Plan, SouthOaks Arboricultural Consultancy.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

6. 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 hereby approved 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).

7. RES12 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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).

8. RES13 Obscure Glazing

The windows at first floor and roof level in the side elevations facing Nos. 42 and 46 Frays Avenue shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and 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).

9. NONSC Flood Risk Assessment

The development hereby approved shall be carried out strictly in accordance with the recommendations contained within the approved Flood risk assessment, 13-08-2024, STM Environmental.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020).

10. RES15 Sustainable Water Management

Prior to commencement of the development hereby approved, a scheme for the provision of sustainable water management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI 13 of the London Plan (2021) and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

iv. provide details of water collection facilities to capture excess rainwater;

v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020).

11. NONSC **Step free Access**

Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. The measures implemented as approved shall be retained thereafter.

REASON

To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

12. NONSC **M4(2) Dwelling**

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 (2021).

13. NONSC **Demolition and Construction Management Plan**

No development shall take place until a demolition and construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail:

a) The phasing of development works

- b) Types of vehicles accessing the site, including their ability to enter the Frays Avenue without affecting neighbouring properties
- c) The hours during which development works will occur
- d) How vehicles will access the site whilst protecting neighbouring sites
- e) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities)
- f) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours)
- g) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process
- h) The storage of demolition/construction materials on site

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

REASON

To safeguard the amenity of surrounding areas in accordance with Policies DMHB 11, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

Informatives

1. I52 **Compulsory Informative (1)**

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

2. I59 **Councils Local Plan : Part 1 - Strategic Policies**

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2021) and national guidance.

3.

The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works

commence.

4.

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

5.

It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

6.

The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

7. 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.

8. IT05 Wildlife and Countryside Act 1981

You are advised that it is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats, nesting birds or any other protected species.

9. I2 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.

10. I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

11. I73 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.

Appendix 2: Relevant Planning History

35220/A/84/1441 44 Frays Avenue West Drayton

Section 53 certificate (P) Single-storey rear extension.

Decision: 01-10-1984 General
Perm.Devt.

35220/APP/2023/3303 44 Frays Avenue West Drayton

Erection of a first floor side and part rear extension. Conversion of roofspace to habitable use to include a rear dormer and garage conversion to habitable room.

Decision: 09-01-2024 Refused

35220/APP/2023/3305 44 Frays Avenue West Drayton

Erection of outbuilding to rear garden (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 20-12-2023 Refused

35220/APP/2023/3712 44 Frays Avenue West Drayton

Erection of outbuilding to rear garden (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 06-02-2024 Approved

35220/APP/2024/2203 44 Frays Avenue West Drayton

Erection of new dwellinghouse to include converted roof space into habitable use with 3x side facing roof lights, 1x front facing roof light, rear and side dormers, and formation of a crown roof, following demolition of existing dwellinghouse and attached garage.

Decision: 30-10-2024 Refused

35220/B/84/1732 44 Frays Avenue West Drayton

Section 53 certificate (P) Single-storey rear extension.

Decision: 05-11-1984 General
Perm.Devt.

35220/C/96/0417 44 Frays Avenue West Drayton

Erection of a single storey front extension

Decision: 03-06-1996 Approved

35220/D/98/0582 44 Frays Avenue West Drayton
Erection of a two storey front extension

Decision: 03-06-1998 Refused

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
PT1.H1	(2012) Housing Growth
PT1.EM6	(2012) Flood Risk Management
PT1.HE1	(2012) Heritage

Part 2 Policies:

DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 9	Management of Flood Risk
DMHB 15	Planning for Safer Places
DMHB 5	Areas of Special Local Character
LPP SI12	(2021) Flood risk management
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMT 1	Managing Transport Impacts

DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
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 H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking