Development Management

APP REF No.	78553/APP/2024/283

DELEGATED HOUSEHOLDER DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL		Select an Option
1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL		
6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT		
10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT		
12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS		
15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS		
18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

A

Item No.	**Report of the Head of Development Management and Building Control**
Address:	13 CHESTNUT CLOSE HAYES
Development:	Erection of single storey rear extension following demolition of extension.
LBH Ref Nos:	78553/APP/2024/283
Drawing Nos:	Site Location Plan TRICON/13CC/101/Rev A TRICON/13CC/103/Rev A TRICON/13CC/102/Rev A TRICON/13CC/104/Rev A TRICON/13CC/105/Rev A TRICON/13CC/106/Rev A TRICON/13CC/107/Rev A
Date Plans received:	02-02-24 **Date(s) of Amendments(s):**
Date Application valid	02-02-24

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the northern side of Chestnut Close and comprises a two-storey semi-detached property. The property benefits from a front garden laid to lawn and a private garden to the rear. The property has not been extended but does feature an outbuildings within the rear garden. The surrounding area is predominantly residential, mainly comprising two-storey semi-detached properties.

The application site is not designated within a Conservation Area, nor an 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 lies in Flood Zone 1 and is designated within a Critical Drainage Area.

1.2 Proposed Scheme

Planning permission is sought for the erection of a single storey rear extension following demolition of extension.

1.3 Relevant Planning History

Comment on Planning History

No recent relevant planning history.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date: Not applicable

2.2 Site Notice Expiry Date: Not applicable

3. Comments on Public Consultations

10 neighbouring properties were consulted on 09-02-2024. No comments were received by the end of the consultation period.

4. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment

Part 2 Polices:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHD 1	Alterations and Extensions to Residential Dwellings
DMHB 18	Private Outdoor Amenity Space
DMT 6	Vehicle Parking
LPP D6	(2021) Housing quality and standards
LPP D3	(2021) Optimising site capacity through the design-led approach
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places

5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the impact upon the streetscene and locality the impact upon the amenities of adjoining occupiers, the reduction in size of the rear gardenband car parking provision.

Character and Appearance:

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

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

With regards to rear extensions, Policy DMHD 1 states that:
1) single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or more;
2) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
3) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;
4) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet;
5) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
6) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres;
7) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
8) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported; and
9) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

The application proposes a single storey rear extension which would measure a depth of 6m, a length of 5.4m and will feature a gently sloping flat roof measuring a maximum height of 3m. Policy DMHD 1 requires single storey rear extensions on semi-detached properties to not exceed 3.6m in depth. The proposed 6m deep rear extension would almost double the footprint of the original property creating a disproportionate and over dominant addition to the dwelling. By virtue of the overall scale and depth of the rear extension, it is considered that the proposal would cause harm to the character and appearance of the original property.

In terms of the surrounding area, it acknowledged that the two adjacent neighbouring properties benefit from 3.6m deep single storey rear extensions. It does not appear that there are any properties within the immediate vicinity that benefit from 6m deep extensions. The surrounding extensions appear to be 3-4m deep, it is therefore considered that the proposal would be out of character with the immediate surrounding area and the depth of other extensions.

In addition to the above, the 6m deep extension proposed under this application could not be constructed under permitted development as in 2014 The London Borough of Hillingdon introduced an Article 4 Direction restricting larger home (Permitted Development) extensions to 4m in depth.

The Article 4 was put in place to protect the overdevelopment of gardens, properties and plots. As such the fall back position of constructing the extension under permitted development does not exist.

In the consideration of this application, the Officer has had regard to a recent Appeal Decision (Appeal Ref: APP/R5510/D/23/3332004) for the erection of a single storey rear extension. The appeal related to planning application ref: 28798/APP/2023/1896 at 8 Phelps Way, Hayes. The two properties share similar characteristics; both being two-storey semi-detached properties where adjoining neighbours had extended with 3.6m deep extensions and the proposal was for 6m deep extensions. Within the Appeal, the Inspector concluded that "the proposals would extend 6m into the rear garden from the back wall of the host dwelling, well beyond those of neighbouring properties and would, in my view, dwarf the host dwelling and appear disproportionate and incongruous. I consider the proposed extension would therefore result harm to the character of the host dwelling as well as the wider area."

Taking the above into consideration, regardless of the presence of neighbouring extensions, it is considered that the proposed 6m deep extension would appear disproportionate and incongruous. It is concluded that the proposal would not comply with with Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Residential Amenity:

No. 11 and No. 15 Chestnut Close are the principal neighbouring properties that must be taken into consideration when assessing the developments impact on neighbouring amenities as they are the closest dwellings to the application site.

No. 11 is located to the west of the site and comprises the adjoining dwelling. It is noted that no. 11 benefits from a ground floor rear addition with a depth of 3.6M. Whilst the proposed extension has a depth of 6m (which greatly exceeds the prescribed criteria of 3.6M), the extension would only project beyond the neighbour's rear wall by 2.4M. This is considered acceptable and would result in no harmful amenity impacts such as overlooking, loss of light or overbearing effects.

No. 15 is located to the east of the site and comprises a two-storey semi-detached property. It has been noted that the adjacent neighbour also benefits from a rear extension with a depth of around 3.6m. Given the separation distance between the two properties and that the proposed ground floor extension would project 2.4m beyond the neighbour's rear wall, it is considered there would be no detrimental impacts on the quality of amenity for no. 10.

It would therefore comply with the objectives of Policies DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), in this respect.

External Amenity Space Provision:

The proposed development would retain sufficient rear garden space. This would be in accordance with the minimum private amenity space standards set out in Table 5.3 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020). As such, it is considered that the proposal would not undermine the provision of external amenity space for the existing occupiers at the site, in accordance with Policies DMHD 1 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Parking and Highways Safety:

The proposed development would not affect the existing parking arrangement. The proposal would not significantly exacerbate the demand for street parking or prejudice highway safety, in accordance with DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020).

Conclusion:

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

The proposed ground floor rear extension, by reason of its excessive depth, design and bulk would appear as a disproportionate and incongruous addition that would fail to respect the architectural composition or size of the original dwelling. The extension is therefore considered to be detrimental to the character, appearance and visual amenities of the host property. Due to its oversized design it would also be harmful to character of the surrounding area where extensions are generally smaller. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and paragraph 139 of the NPPF (2023).

INFORMATIVES

1. The decision to REFUSE 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. The decision to REFUSE 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 (2016) and national guidance.

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHD 1 Alterations and Extensions to Residential Dwellings

DMHB Private Outdoor Amenity Space

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DMT 6	Vehicle Parking
LPP D6	(2021) Housing quality and standards
LPP D3	(2021) Optimising site capacity through the design-led approach
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places

Standard Informatives

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Part 1 Polices

PT1.BE1	(2012) Built Environment

Part 2 Polices:

DMHB 11	Design of New Development
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