

DELEGATED 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

Item No.	Report of the Head of Development Management and Building Control
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Address: 95 PINNER ROAD NORTHWOOD

Development: Retention of single storey rear extension (Retrospective application)

LBH Ref Nos: 27283/APP/2023/1732

Drawing Nos: SH/1 A
SH/2
SH/3
SH/4
SH/5 (Photographs May 2023)
SH/6

Date Plans received: 30-06-23 **Date(s) of Amendments(s):** 15-06-23

Date Application valid	30-06-23	15-06-23
		15-06-23
		15-06-23

1. SUMMARY

The application seeks retrospective planning permission for the retention of a single storey rear extension. Whilst there is no impact on neighbouring residential amenity or harm on the character and appearance of the area, the development would provide poor quality living conditions for occupants. In the absence of a lawful certification or planning permission, it would also fail to provide a suitable standard of accommodation. For this reason, the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Living conditions and amenity

The development would result in the provision of a habitable room with very poor levels of outlook, limited levels of natural daylight and sunlight and poor levels of privacy, which would fail to provide adequate living conditions for future occupiers. The development is therefore contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).

2. NON2 Non Standard reason for refusal

In the absence of a historic planning permission or lawful certificate, the proposed subdivision of the property into self-contained units has not been established. As such, the existing ground floor flats would provide an indoor living area of an unsatisfactory size and quality for the future occupiers of the proposed units and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policies DMH 4 and DMHB 16 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy D6 and Table 3.1 of the London Plan (2021) and the Technical Housing Standards - Nationally Described Space Standard.

INFORMATIVES

1. I52 Compulsory Informative (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. I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

3. I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a semi detached property situated on the south western side of Pinner Road. The property is finished in render and has projecting bay windows at ground and first floor level. The front of the property is laid down to hardstanding, which can accommodate 2 cars.

The street scene is residential in character and appearance comprising groups of semi detached properties the majority of which have off-street parking to the front.

3.2 Proposed Scheme

This is a retrospective planning application for the retention of a single storey rear extension.

3.3 Relevant Planning History

27283/APP/2023/1730 95 PINNER ROAD NORTHWOOD

Retention of outbuilding to rear garden (Retrospective application).

27283/APP/2023/1723 95 PINNER ROAD NORTHWOOD

Retention of the subdivision of a single dwelling into 4 flats (Application for a Certificate of Lawful Development for a Existing Development)

27283/APP/2020/486 95 PINNER ROAD NORTHWOOD

Change of use from a 5-bed House in Multiple Occupation to 4 x 1-bed self contained flats

Decision: 12-06-2020 Refusal

27283/APP/2015/3966 95 PINNER ROAD NORTHWOOD

First floor side/rear extension

Decision: 11-01-2016 Refusal **Appeal:** 23-03-16 Dismissed

27283/APP/2015/333 95 PINNER ROAD NORTHWOOD

First floor side/rear extension

Decision: 22-04-2015 Refusal

27283/APP/2014/3696 95 PINNER ROAD NORTHWOOD

Single storey side/rear extension involving alterations to front elevation (Part Retrospective)

Decision: 15-12-2014 Approval

27283/APP/2014/2668 95 PINNER ROAD NORTHWOOD

Single storey front extension involving alterations to front elevation (Part Retrospective)

Decision: 06-10-2014 Refusal

27283/APP/2014/574 95 PINNER ROAD NORTHWOOD

Single storey front extension (Retrospective)

Decision: 07-05-2014 Refusal

27283/APP/2013/3248 95 PINNER ROAD NORTHWOOD

1ST FLOOR SIDE AND REAR EXTENSION

Decision: 09-12-2013 No Further
Action(P)

27283/APP/2013/3184 95 PINNER ROAD NORTHWOOD

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 3 metres

Decision: 11-12-2013 Refusal

27283/APP/2013/2665 95 PINNER ROAD NORTHWOOD
1ST FLOOR SIDE AND REAR EXTENSION

Decision: 21-10-2013 No Further
Action(P)

27283/APP/2013/1700 95 PINNER ROAD NORTHWOOD
single storey rear extension

Decision: 22-07-2013 No Further
Action(P)

27283/APP/2013/1680 95 PINNER ROAD NORTHWOOD
Double Storey Side and Rear Extension

Decision: 19-07-2013 No Further
Action(P)

27283/APP/2013/579 95 PINNER ROAD NORTHWOOD
Double Storey Side and Rear Extension

Decision: 19-04-2013 No Further
Action(P)

27283/APP/2011/790 95 PINNER ROAD NORTHWOOD
Double Storey Side and Rear Extension

Decision: 24-06-2011 No Further
Action(P)

27283/D/98/0163 95 PINNER ROAD NORTHWOOD
Erection of a single storey rear extension

Decision: 18-03-1998 Approval

27283/C/88/2000 95 PINNER ROAD NORTHWOOD
Erection of a single storey rear extension.

Decision: 26-10-1988 Approval

Comment on Planning History

The relevant planning history is listed above.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

PUBLIC CONSULTATION:

9 neighbours and Northwood Hills Residents Association were consulted by letter dated 06-07-23. One letter of comments was received citing concerns regarding the use of the site which is in Multiple Occupation and that retained structures will be rented out; planning history includes previous refusals due to poor quality living conditions.

OFFICER COMMENTS:

The planning history is noted. The certificate of lawfulness under LPA ref: 27283/APP/2023/1723 for the retention of 4no flats within the building is considered separately. The application is associated with the certificate application however will be assessed on its own merits as an extension to the building.

CONSULTEE RESPONSES:

Access:

I have considered the detail of this retrospective application and consider this proposal to have no impact on accessibility.

Highways:

There are no transport/highway related comments on this application.

6. 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 Policies:

DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards

In addition: Development Plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY:

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that 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.

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

The development would project 3metres beyond the single storey rear extensions of the neighbouring properties at Nos. 93 and 97. As the height of the development is considered to be acceptable, due to its limited projection relative to the neighbouring building line, there are no undue neighbouring impacts that would warrant refusal.

The development therefore accords with Policy D3 of the London Plan (2021) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.2 Impact on Street Scene

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

Policy D3 of the London Plan (2021) states that: Development proposals should: D1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) 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 adverse 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.

With regard to Rear Extensions, Policy DMHD 1 states that:

- i) 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;
- iii) 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.
- v) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted.

The application seeks the retention of a 3metre deep single storey rear extension to the building, forming additional accommodation for the 2no proposed ground floor units (which are subject of a separate certificate of lawfulness application for an existing use under ref: 27283/APP/2023/1723.

Whilst marked on the floor plans as 'conservatory' it was evident that the rooms were and could be used as habitable accommodation including as an additional bedroom, which was at the time of a case officer's visit, was how the rear room of the 'ground floor unit 2' was set out.

The application form states that works were completed in 2020. Further correspondence with the agent indicates that the single storey rear extension was completed in 2018 and this is supported by invoices and undated photos. However no clear supporting evidence has been submitted by the applicant to corroborate.

The proposed single storey rear extension measures 2.8metres in height and is set under a flat roof. Being attached to an existing 3metre deep single storey rear extension, the development would cumulatively result in a 6metre deep extension which far exceeds the 3.6m limit set out in Policy DMHD 1. However, it is noted that there are similar developments nearby including at Nos. 85 and 89. In view of the surrounding site context, the development would not introduce an alien feature and is therefore on balance, not considered to be harmful to the character and appearance of the area.

The development therefore accords with Policy D3 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.3 Traffic Impact/Pedestrian Safety

Not applicable to this application.

7.4 Carparking & Layout

Not applicable to this application.

7.5 Urban Design, Access and Security Considerations

Not applicable to this application.

7.6 Other Issues

LIVING CONDITIONS:

Paragraph 135f) of the National Planning Policy Framework (2023) states - Planning policies and decisions should ensure that developments: 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.

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

Officers would point out that there is no planning permission or lawful certificate on the site for the use of the property as self-contained residential units. The existing ground floor layout shows this property subdivided and as there is no history of the subdivision being granted, Officers would need to consider these standards.

Policy DMHB 16 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The standards require a one person 1 bed flat should have a minimum internal floor area of 39sqm (37sqm with a shower) and a two person 1 bed flat should have a minimum floor area of 50sqm.

The total internal floor area for the proposed flats is as follows:

- Unit 1- One bed, 1 person = 34 Sqm
- Unit 2 - One bed, 2 person = 42 Sqm

The overall size of both units would be below the floorspace standards. Unit 2 proposes an internal living & dining room with no external windows. It is considered that some of the proposed habitable rooms would fail to maintain an adequate natural ventilation, outlook and source of natural light.

A daylight/sunlight assessment to demonstrate compliance with the BRE's "Site Layout Planning for daylight and sunlight, a Guide to good practice" (2022) has not been submitted with the application. Given the juxtaposition of the rear bedroom window which would be formed of an internal wall 3metres behind the rear wall of the proposed rear extension, it is unlikely that sufficient daylight/sunlight would be provided.

It is also noted that part of the rear bedroom window marked out on the floor plan as serving unit 1 is shown to encroach onto the rear room of unit 2. This would result in loss of privacy between occupants of the HMO.

It is considered that all the proposed habitable rooms, and those altered by the extension, would not maintain an adequate outlook and source of natural light, therefore failing to comply with the Housing quality and standards of the London Plan (2021).

The development would result in the provision of a habitable room with very poor levels of outlook and privacy and limited levels of natural daylight and sunlight which would fail to provide adequate living conditions for future occupiers. The development is therefore contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).

PRIVATE AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space in accordance with Table 5.3.

In accordance with Table 5.3 of Policy DMHB 18, houses with four-bedrooms or more are required to have at least 100 square metres of private outdoor amenity space. Were planning permission deemed acceptable, a detail condition could be secured ensuring that both units received sufficient private amenity space.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that planning applications relating to alterations and extensions of dwellings will be required to ensure an adequate garden.

A separate application for the retention of an outbuilding has been submitted under ref: 27283/APP/2023/1730. Taking into account the outbuilding, the retained garden area would exceed 100sq.m.

The development therefore accords with Policies DMHD 1 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

BIODIVERSITY NET GAIN:

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The planning application was submitted before 12 February 2024, therefore the proposal is considered to be BNG exempt and a biodiversity gain plan is not required.

8. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

London Plan (2021)

National Planning Policy Framework (2023)

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

Contact Officer:	Christos Chrysanthou	Telephone No:	01895 250230
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