

## 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 | <input type="checkbox"/> |
| 2. | Application complies with all relevant planning policies and is acceptable on planning grounds                | <input type="checkbox"/> |
| 3. | There is no Committee resolution for the enforcement action                                                   | <input type="checkbox"/> |
| 4. | There is no effect on listed buildings or their settings                                                      | <input type="checkbox"/> |
| 5. | The site is not in the Green Belt (but see 11 below)                                                          | <input type="checkbox"/> |

### REFUSAL RECOMMENDED: GENERAL

|    |                                                                 |                          |
|----|-----------------------------------------------------------------|--------------------------|
| 6. | Application is contrary to relevant planning policies/standards | <input type="checkbox"/> |
| 7. | No petition of 20 or more signatures has been received          | <input type="checkbox"/> |
| 8. | Application has not been supported independently by a person/s  | <input type="checkbox"/> |
| 9. | The site is not in Green Belt (but see 11 below)                | <input type="checkbox"/> |

### RESIDENTIAL DEVELOPMENT

|     |                                                                                  |                          |
|-----|----------------------------------------------------------------------------------|--------------------------|
| 10. | Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | <input type="checkbox"/> |
| 11. | Householder application in the Green Belt                                        | <input type="checkbox"/> |

### 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 | <input type="checkbox"/> |
| 13. | Refusal of change of use from retail class A1 to any other use                                                                    | <input type="checkbox"/> |
| 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.   | <input type="checkbox"/> |

### CERTIFICATE OF LAWFULNESS

|     |                                                             |                          |
|-----|-------------------------------------------------------------|--------------------------|
| 15. | Certificate of Lawfulness (for proposed use or Development) | <input type="checkbox"/> |
| 16. | Certificate of Lawfulness (for existing use or Development) | <input type="checkbox"/> |
| 17. | Certificate of Appropriate Alternative Development          | <input type="checkbox"/> |

### CERTIFICATE OF LAWFULNESS

|     |                                                                                                                 |                          |
|-----|-----------------------------------------------------------------------------------------------------------------|--------------------------|
| 18. | ADVERTISEMENT CONSENT (excluding Hoardings)                                                                     | <input type="checkbox"/> |
| 19. | PRIOR APPROVAL APPLICATION                                                                                      | <input type="checkbox"/> |
| 20. | OUT-OF-BOROUGH OBSERVATIONS                                                                                     | <input type="checkbox"/> |
| 21. | CIRCULAR 18/84 APPLICATION                                                                                      | <input type="checkbox"/> |
| 22. | CORPSEWOOD COVENANT APPLICATION                                                                                 | <input type="checkbox"/> |
| 23. | APPROVAL OF DETAILS                                                                                             | <input type="checkbox"/> |
| 24. | ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval | <input type="checkbox"/> |
| 25. | WORKS TO TREES                                                                                                  | <input type="checkbox"/> |
| 26. | OTHER (please specify)                                                                                          | <input type="checkbox"/> |

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**

**Address:**                      131 WALTHAM AVENUE HAYES

**Development:**              Erection of a single storey extension to the rear.

**LBH Ref Nos:**              38802/APP/2024/1517

**Drawing Nos:**              PP-13130928v1  
                                          k 1016 WA2  
                                          k 1016 WA1

**Date Plans received:**      06-06-24                      **Date(s) of Amendments(s):**

**Date Application valid**      19-06-24

## **1. CONSIDERATIONS**

### **1.1 Site and Locality**

The application site comprises of a two storey mid terrace dwelling situated on the South side of Waltham Avenue, Hayes. The property is set back from the adjacent highway with a fully covered hard surface area to the front for off street parking for up to 2 cars, and benefits from an extensively stretched but narrow rear garden which is accessible via a separate side access to the West of the site which stretches across the flank and rear boundary of the application site.

The rear gardens within the surrounding area measure upwards of 30 m in depth with detached outbuildings situated within this and the majority of the neighbouring properties.

### **1.2 Proposed Scheme**

The application proposes the erection of a single storey rear extension. The extension would span the full width of the property and adjoin the current extension creating a total depth of 6m.

### **1.3 Relevant Planning History**

|                              |                          |
|------------------------------|--------------------------|
| 38802/APP/2017/3201          | 131 WALTHAM AVENUE HAYES |
| Single storey rear extension |                          |
| <b>Decision:</b> 27-10-2017  | Refused                  |
| 38802/APP/2017/1133          | 131 WALTHAM AVENUE HAYES |
| Single storey rear extension |                          |
| <b>Decision:</b> 17-05-2017  | Refused                  |
| 38802/APP/2016/3574          | 131 WALTHAM AVENUE HAYES |

Single storey detached outbuilding to rear for use as a garage (Retrospective)

**Decision:** 18-11-2016                      Approved

38802/APP/2014/1173                      131 WALTHAM AVENUE HAYES

Two storey front infill extension

**Decision:** 05-06-2014                      Refused

38802/APP/2014/1171                      131 WALTHAM AVENUE HAYES

Conversion of roofspace to habitable use to include a rear dormer and 3 front rooflights  
(Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 03-06-2014                      Approved

### **Comment on Planning History**

The relevant planning history is listed above.

## **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**

Three neighbouring properties were consulted by letter dated 24-06-24. There were no objections raised during the public consultation which expired 15-07-24.

## **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 Policies:

DMHB 11                      Design of New Development

DMHB 12                      Streets and Public Realm

DMHB 18                      Private Outdoor Amenity Space

DMHD 1                      Alterations and Extensions to Residential Dwellings

## **5. MAIN PLANNING ISSUES**

The main planning issues are the effect of the development on the character and appearance of the original building, the street scene and the level of impact on the residential amenities of the neighbours, parking/highway safety.

Policy Context:

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 D3 of the London Plan (2021) requires that development proposals should: Form and 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) states that new development will be required to be designed to the highest standards and incorporate principles of good design.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that alterations and extensions to dwellings should not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling.

With regards to rear extensions, Policy DMHD 1 of the Hillingdon Local Plan: Part 2 (2020) 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;
- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- 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;

#### Character and Appearance:

The application proposes the erection of a single storey rear extension which would span the full width of the property, measuring 3m in depth however it would adjoin the current extension creating a total depth of 6m. In terms of compliance with DMHD 1, the proposal at 6 metres would extend beyond the maximum 3.6 m depth prescribed within the policy. However it is noted that deep extensions do form part of the character and appearance of the area therefore it is not considered the proposal for a 6 m deep rear extension would not compromise the character of the area.

In terms of its relationship and appearance with the host dwelling the extension would appear subservient and would serve as ancillary to the function of the dwelling. Overall, the proposal accords with the objectives of Policy BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies D3, DMHD 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

#### Residential Amenity:

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

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.

No. 133 is the neighbouring property to the West. This property benefits from a 6m deep extension. As the proposed extension would not project beyond the rear wall of this neighbour, it is considered that this neighbour would not be affected negatively in terms of loss of the daylight, sunlight and outlook.

No. 129 is the neighbouring property to the East, this property does not benefit from a rear extension. The property has two rear facing windows of which serve a kitchen and an open plan dining area dining room lounge. The proposed rear extension combined with the existing extension would project beyond the rear wall of this neighbour by 6m and would be built along the shared boundary. Given the orientation and the projection it is considered that the development would result in an overbearing, overshadowing and visually intrusive addition when viewed from their rear aspects and, as such would not result in a loss of the daylight, sunlight and outlook levels currently enjoyed.

It is noted that that application 38802/APP/2017/3201 submitted by the applicant a single storey extension was refused as it would be detrimental to the amenities of the adjoining occupiers at 129 Waltham Avenue. Given this assessment, officers believe that the current application has not adequately addressed the reasons for the previous refusal and is, in fact, considered to be more detrimental than the prior proposal.

Therefore, the single storey rear extension, by reason of its size, scale and siting is considered to be an overbearing structure that would overshadow the adjoining property to the East at No. 129 resulting in a loss of their residential amenities and light levels and would therefore be contrary to Policies, DMHB 1, DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

#### External Amenity Space Provision:

A sufficient amount of private amenity space will be retained to meet the minimum standards set out in Table 5.3 (Private Outdoor Amenity Space Standards) of the Hillingdon Local Plan Part 2: Development Management Policies (2020). The proposal, therefore, would not undermine the provision of external amenity space, in accordance with Policy DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).

#### Parking and Highway Safety:

The property has hardstanding at the front of the property, and could accommodate at least one car, in accordance with Policy DMT 6 of the Hillingdon Local Plan Part 2: 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 single storey rear extension, by virtue of its size, scale, bulk, depth and proximity, would be detrimental to the amenities of the adjoining occupiers at 129 Waltham Avenue, by reason of over-dominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal is contrary to Policies DMHB 1 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

## INFORMATIVES

### Standard 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..

#### Part 1 Policies

PT1.BE1 (2012) Built Environment

#### Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

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