

## 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 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 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 checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

**Item No. Report of the Head of Planning and Enforcement****Address** 5 NEELA CLOSE ICKENHAM**Development:** Two storey side extension**LBH Ref Nos:** 43861/APP/2016/3222

**Drawing Nos:** 16/211/21  
 12/211/22  
 16/211/23  
 16/211/26  
 16/211/18 Rev. A  
 16/211/24 Rev. A  
 16/211/27  
 16/211/25

**Date Plans Received:** 25/08/2016**Date(s) of Amendment(s):****Date Application Valid:** 25/08/2016**1. CONSIDERATIONS****1.1 Site and Locality**

The application site comprises a detached two storey dwelling situated on the Western side of Neela Close, a small cul de sac leading off from Milton Road. The property currently benefits from a large attached double garage to one side with an additional car port and a driveway in front, providing an additional off road parking space to the other. The dwelling is set well forward in the plot with a small hedgerow separating the house from the pavement to the front. There is a reasonable sized enclosed garden to the rear which contains several trees, including an Oak which is subject to a Tree Preservation Order.

The street scene is residential in character and appearance comprising detached dwellings of varying sizes set beneath hipped roofs. The properties fronting Milton Road (on the Northern side of the application property) are mainly period properties with gable end features. The principal elevation faces South East.

The site lies within the 'Developed Area' and the Ickenham Village Conservation Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The site is also covered by TPO 5.

**1.2 Proposed Scheme**

This application seeks permission for the erection of a two storey side extension.

**1.3 Relevant Planning History**

43861/APP/2016/1778 5 Neela Close Ickenham

Part conversion of garage to habitable use involving alterations to front elevations, conversion of roof space to habitable use to include 2 side dormers and conversion of roof from hip to gable end

**Decision Date:** 05-07-2016

Refused

## **Comment on Planning History**

43861/APP/2016/1778 - Part conversion of garage to habitable use involving alterations to front elevations, conversion of roof space to habitable use to include 2 side dormers and conversion of roof from hip to gable end (refused)

The previous submission was refused on the basis of the hip to gable alteration and the scale of the side dormer windows which failed to harmonise with the original building and their detrimental impact on the amenity of the adjoining occupiers.

## **2. Advertisement and Site Notice**

**2.1** Advertisement Expiry Date:- 5th October 2016

**2.2** Site Notice Expiry Date:- Not applicable

## **3. Comments on Public Consultations**

Twelve neighbouring properties were consulted for a period of 21 days expiring on the 23 September 2016. A site notice was also erected to the front, which expired on the 4 October 2016.

4 responses were received from near by neighbours, raising the following issues:

- Loss of privacy from the new first floor rear windows.
- Loss of light.
- Negatively impact on the street scene.
- There is a mature English Oak within falling distance of the development not identified in the application form.

Officer response: The comments submitted are noted and the Oak Tree has been identified and will be taken into consideration in the assessment of this proposal. All issues are addressed within the report.

Ickenham Residents Association: This is still a massive extension and does not address the previous reasons for refusal. The proposal will neither preserve nor enhance the conservation area and would be detrimental to the visual amenities of the street scene. It also result in the loss of privacy to the properties in Pepys Close.

Ickenham Conservation Area Panel: No response.

Trees/Landscape Officer: There is a very large, mature, protected Oak near the rear boundary of the site. This tree makes a valuable contribution to the arboreal character and amenity of the Conservation Area. In order to show that this scheme makes adequate provision for the protection and long-term retention of the valuable Oak, the following detail is required (in accordance with BS5837:2012):

A Tree Survey to categorize the trees on and off site;

A Tree Protection Plan to show how the trees (to be retained) will be protected during development;.

An Arboricultural Method Statement to show any incursion into tree root protection areas (RPA's) will be addressed. Details of how the tree protection measures will be assessed before demolition/construction starts and how the tree protection (and any procedures described within approved arboricultural method statements) will be supervised during construction.

Conclusion (in terms of Saved Policy BE38): In the absence of this information the scheme is considered unacceptable because it does not make adequate provision for the

protection and long-term retention of valuable trees.

#### **4. UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

#### **5. MAIN PLANNING ISSUES**

The main issues for consideration in determining this application relate to the effect of the proposal on the character and appearance of the original dwelling, the impact on the visual amenities of the surrounding Conservation Area, the impact on residential amenity of the neighbouring dwellings, provision of acceptable residential amenity for the application property, provision of adequate parking provision and the impact upon trees.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. Policies BE4, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

HDAS advises that extensions should always be designed so as to appear 'subordinate' to the original house. The width of a side extension should be considerably less than the original house and be between half and two thirds of the main house. Two storey

extensions should be set back 1m from the side boundary.

The proposed extension sits behind and in part above the existing garage to the side of the property. It would measure 4.45m in width and 9.3m in depth with a large crown roof detail of 7.35m in height set down from the ridge line by 0.75m. It is set back 1m from the front elevation and 1.5m from the side boundary. HDAS advises that extensions should always be designed so as to appear 'subordinate' to the original house. The width of a side extension should be less than the original house and be between half and two thirds of the main house. Two storey extensions should be set back 1m from the side boundary. In terms of scale the proposed extension would comply with HDAS requirements. However this is a large addition to the dwelling which is situated forward of the adjoining property and is thus very prominent within the street scene, which is characterised by properties with a hipped roof detail. The scale of the proposed extension with the large crown roof detail would be an incongruous addition to the existing dwelling. Given the siting of the property, the design and crown roof element would be particularly visible and as such it is considered that the proposed extension fails to respect the architectural character of the original building or enhance and preserve the character and appearance of the wider Ickenham Village Conservation Area. Therefore the proposal fails to comply with the requirements of Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Section 3.0 of HDAS.

Policy BE20 states that buildings should be laid out to allow adequate daylight to penetrate and that the amenities of existing houses should be safeguarded. The proposed extension sits to the side of the existing dwelling set back 2.45 m from the blank side wall of the adjacent property at no. 4 Neela Close (which is situated to the South of the application site). To the rear it will be level with the adjacent property but projects approximately 2m forward of the adjacent property. However given the degree of separation and that the proposal would not compromise a 45 degree line of site from the first floor bedroom window it is not considered the proposed extension would result in an unacceptable degree of over dominance, visual intrusion and over shadowing to that property.

Concern has also been raised over the negative impact on sunlight to nos. 1 and 2 Neela Close and nos. 1 and 3 Pepys Close. No 1 Neela Close sits directly opposite the application site with no. 2 set opposite no. 4 and to the South of the proposal. No. 1 is situated approximately 12.7m to the East on the opposite side of the road. The potential loss of sunlight which would result from the increased height, which given the relationship between the two dwellings, would appear to primarily effect the front window of the living area of no 4 directly opposite the extension. From a previous application for that property it is noted that this room runs the full width of the property and also benefits from patio doors at the rear. To the rear the proposed extension would be set back approximately 11.8m from the boundary between the properties. This boundary is currently maintained as a tall well established hedgerow with the mature Oak tree situated very close to the boundary. Given the degree of separation, the orientation and the existing screening between the properties it is therefore considered that the proposal would not significantly impact on the levels of sunlight to these properties.

Policy BE24 states that the proposal should protect the privacy of the occupiers and their neighbours and HDAS advises that no direct overlooking will be permitted and adequate distance should be maintained between buildings with a guide of not less than 21 m between habitable rooms. The proposal includes a side window facing no. 4 however this would serve a bathroom and replaces two side facing bedroom windows. To the rear the property faces nos. 1 and 3 Pepys Close. Concern has been raised by the occupiers of these properties with regard to two new first floor windows in the rear elevation serving

bedrooms that this would result in a loss of privacy to those properties. These properties are situated approximately 22m from the rear elevation of the proposed extension and although no. 5 did not previously have first floor windows facing the rear, it is noted that no. 4 does. It is therefore considered that given the distance between the properties and the substantial screening provided by the protected Oak tree, the proposed windows would not increase overlooking to that already experienced within the urban environment. It is therefore considered that the proposal would not significantly harm the residential amenities of the occupiers of the adjoining properties by an additional a loss of privacy. Therefore the proposal complies with the requirements of Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and HDAS: Residential Extensions.

Policy BE21 advises that planning permission will not be granted for extensions which would result in a loss of residential amenity. Paragraph 5.13 of Residential Extensions. HDAS: Residential Extensions requires sufficient garden space to be retained as a consequence of an extension. The property benefits from a good sized rear garden and adequate amenity space will be retained.

The proposal includes the conversion of part of the attached garage however the proposal still retain adequate parking in excess of two cars. It is therefore considered that parking provision can be provided.

To the rear of the property there is a very large, mature, protected Oak tree near the boundary of the site. The Tree Officer has advised that this tree makes a valuable contribution to the arboreal character and amenity of the Conservation Area. In terms of saved Policy BE38, no details have been provided to demonstrate that this scheme can make adequate provision for the protection and long-term retention of the valuable Oak. In the absence of these details the proposal is considered unacceptable, and the scheme is recommended for refusal given this issue.

## **6. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The proposed development, by reason of its size, scale, bulk and design would represent a visually unsympathetic form of development that would fail to harmonise with the architectural composition of the original dwelling and neither preserves nor enhances the character and appearance of the wider Ickenham Village Conservation Area and would thus be detrimental to the visual amenities of the street scene and the wider Ickenham Village Conservation Area. Therefore the proposal would be contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

#### **2 NON2 Non Standard reason for refusal**

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing protected trees on and close to the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

## **INFORMATIVES**

- 1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.
- 2 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 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

### 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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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 |
| PT1.HE1 | (2012) Heritage          |

#### Part 2 Policies:

|      |                                                                       |
|------|-----------------------------------------------------------------------|
| AM14 | New development and car parking standards.                            |
| BE4  | New development within or on the fringes of conservation areas        |
| BE13 | New development must harmonise with the existing street scene.        |
| BE15 | Alterations and extensions to existing buildings                      |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations.                                 |
| BE21 | Siting, bulk and proximity of new buildings/extensions.               |
| BE22 | Residential extensions/buildings of two or more storeys.              |

|          |                                                                                                                           |
|----------|---------------------------------------------------------------------------------------------------------------------------|
| BE23     | Requires the provision of adequate amenity space.                                                                         |
| BE24     | Requires new development to ensure adequate levels of privacy to neighbours.                                              |
| BE38     | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| HDAS-EXT | Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008      |

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