

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 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. ADVERTISEMENT 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 Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

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, Transportation and Regeneration**

Address 51A THE DRIVE ICKENHAM

Development: Erection of rear outbuilding following demolition of existing structure.

LBH Ref Nos: **66020/APP/2021/4369**

Drawing Nos: A101 + A102 Draft 3

Date Plans received : 30/11/2021 **Date(s) of Amendment(s):**

Date Application Valid: 30/11/2021

1. SUMMARY

The application seeks planning permission for the erection of rear outbuilding following demolition of existing structure. It is noted that there is a recent extant consent for the erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed outbuilding would represent a discordant and harmful addition to the character of the surrounding area. The proposal is therefore considered contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHD2 and DMHB11 of the Hillingdon Local Plan - Part Two (2020), The London Plan (2021), and the National Planning Policy Framework (2021).

2 NON2 Non Standard reason for refusal

In the absence of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, the application has failed to demonstrate that the proposed outbuilding could be constructed without undue harm to significant trees, including trees protected by Tree Preservation Order number 287, where the site is located. The potential harm caused to the protected trees would undermine the character and visual amenity of the area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policy DMHB 11 and DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) and the National Planning Policy Framework (2021).

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 I53 Compulsory Informative (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 (2021) and national guidance.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 2	Outbuildings
DMT 2	Highways Impacts
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP T6.1	(2021) Residential parking

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 detached recently erected flatted building. The front garden is laid with brick paving and provides ample parking provision. The rear garden is enclosed and slopes away from the house towards Uxbridge Golf Course and the Green Belt to the rear. A detached pool building is located to the rear.

The street scene is residential in character and appearance comprising large individually designed detached houses. The private road has no street lighting or pavements.

3.2 Proposed Scheme

The application seeks planning permission for the erection of rear outbuilding following demolition of existing structure.

3.3 Relevant Planning History

66020/APP/2014/3285 51a The Drive Ickenham

Two storey, 6-bed, detached dwelling with habitable basement and roofspace and detached double garage to front involving demolition of existing dwelling, garage and pool building

Decision: 12-11-2014 WD

66020/APP/2015/1788 51a The Drive Ickenham

Two storey, 6-bed, detached dwelling with habitable basement and roofspace involving demolition of existing dwelling, garage and pool building

Decision: 28-07-2015 Refused

66020/APP/2015/3142 51a The Drive Ickenham

Two storey, 6-bed, detached dwelling with habitable basement and roofspace involving demolition of existing dwelling, garage and pool building

Decision: 19-10-2015 Approved

66020/APP/2018/3373 51a The Drive Ickenham

Two storey, 6-bed, detached dwelling with habitable basement and roofspace involving demolition of existing dwelling, garage and pool building

Decision: 28-11-2018 Approved

66020/APP/2019/733 51a The Drive Ickenham

Erection of two storey building with habitable roof space and basement to create 1 x 2-bed and 2 x 3-bed self-contained flats with associated parking and amenity space, involving demolition of existing dwelling

Decision: 07-05-2019 Approved

66020/APP/2020/3720 51a The Drive Ickenham

Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 66020/APP/2019/733 dated 07/05/2019 (Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to remove the basement level and reconfigure the internal arrangement to create 3 x 2 bed self contained flats

Decision: 12-04-2021 Approved

66020/APP/2021/1034 51a The Drive Ickenham

Application for a Non-Material Amendment to Planning Permission Ref: 66020/APP/2019/733 (Erection of two storey building with habitable roof space and basement to create 1 x 2-bed and 2 x 3-bed self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to vary the description of the proposal to read - Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling

Decision: 12-04-2021 Approved

66020/APP/2021/1882 51a The Drive Ickenham

Details pursuant to condition 10 (Construction Logistics Plan) of planning permission Ref: 66020/APP/2020/3720 dated 12.04.21 (Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 66020/APP/2019/733 dated 07/05/2019 (Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to remove the basement level and reconfigure the internal arrangement to create 3 x 2 bed self contained flats)

Decision: 07-06-2021 Approved

66020/APP/2021/2021 51a The Drive Ickenham

Details pursuant to condition 3 (Materials) of planning permission Ref: 66020/APP/2020/3720 (Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 66020/APP/2019/733 dated 07/05/2019 (Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to remove the basement level and reconfigure the internal arrangement to create 3 x 2 bed self contained flats))

Decision: 02-06-2021 Approved

66020/APP/2021/2574 51a The Drive Ickenham

Details pursuant to condition 6 (Tree Protection) of planning permission Ref: 66020/APP/2020/3720 dated 12.04.21 (Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 66020/APP/2019/733 dated 07/05/2019 (Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to remove the basement level and reconfigure the internal arrangement to create 3 x 2 bed self contained flats)

Decision: 13-08-2021 Approved

66020/APP/2021/3371 51a The Drive Ickenham

Details pursuant to condition 9 (Sustainable Water Management) of planning permission 66020/APP/2020/3720 dated 12 April 2021 (Variation of Condition 2 (Approved Plans) of Planning Permission Ref: 66020/APP/2019/733 dated 07/05/2019 (Erection of two storey building with habitable roof space and basement to create 3 self-contained flats with associated parking and amenity space, involving demolition of existing dwelling) to remove the basement level and reconfigure the internal arrangement to create 3 x 2 bed self contained flats)

Decision:

66020/TRE/2009/25 51a The Drive Ickenham

To carry out tree surgery, including crown reduction by 15% on the southern side of the crown and crown thin by up to 15%, to one Oak tree (T2) on TPO 287.

Decision: 21-07-2009 Approved

66020/TRE/2017/138 51a The Drive Ickenham

To fell one Oak (T18) on TPO 287 (infected at base by *Ganoderma resinaceum*)

Decision: 31-08-2017 Approved

Comment on Planning History

Planning permission was previously granted under reference 66020/APP/2019/733 - Erection of two storey building with habitable roof space and basement to create 1 x 2-bed and 2 x 3-bed self-contained flats with associated parking and amenity space, involving demolition of existing dwelling. - Approved

The above permission has also been the subject of subsequent amendments as detailed in the list 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

Ickenham Residents Association - Would request that the replacement building did not include services to enable future independent occupation.

Planning Officer Comment - The above request is noted, however given that the proposal appears/is annotated to include a pool with additional sauna, steam room, shower room and WC, such a condition would appear incompatible. Nevertheless, there are concerns with the proposal as detailed within this report.

1 letter of objection has been received raising concerns about:

1. Impacts on the conservation area and nature designation
2. Loss of open space
3. Impact on trees and consequent impact on wildlife
4. Scale and bulk almost twice as large as existing building
5. Loss of garden area
6. Discrepancies in application, e.g. regarding project cost and no provision for heat pumps
7. Concern about foul sewage provision
8. Party wall issues

Officer note: The site is not located within a Conservation Area, however the land to the west of the site is green belt and forms part of Colne Valley Regional Park. The concerns raised in respect of planning issues will be addressed in the sections below. With regard to the comments about discrepancies in the application, it is considered that there is sufficient information available to take a decision on the application. This is notwithstanding the concern about impact on trees discussed in this report. In relation to foul sewage, it is considered that this would be a matter for the applicant to address.

Landscape Officer -

This site is occupied by an existing out-building located in the north-west corner of the back garden of number 51A, to the west of The Drive. The site lies within the area covered by TPO 287. According to the schedule there are / were three protected trees nearby; T5 hornbeam, T6 Blue spruce and T7 Scots pine. There are also trees on the third-party land to the west which are situated within the Green Belt. COMMENT No tree survey has been submitted and none are shown on the layout plan - without which it is not possible to assess the possible impact of the development on nearby trees. According to the aerial photographs, there is a tree to the south-east of the proposed extension - possibly the hornbeam (T5 on the TPO) and a tree to the south-west of the extended building. RECOMMENDATION In the absence of a tree survey and report to BS5837:2012, the applicant has failed to demonstrate that the tree(s) will be unaffected by the development and has not made provision for its/their long-term protection. The application fails to satisfy policy DMHB 14 and should be refused - unless suitable tree

information is forthcoming.

Access Officer -

This development application has been assessed against the requirements of the 2021 London Plan and its contained policy D7. The above policy should not be applied to the proposed outbuilding. Conclusion: acceptable.

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 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 2 Outbuildings

DMT 2 Highways Impacts

LPP D4 (2021) Delivering good design

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP T6.1 (2021) Residential parking

7. MAIN PLANNING ISSUES

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

It is acknowledged that the large outbuilding would replace an existing outbuilding of substantial scale for use by the occupants of the recently constructed flats. The increased scale and use of the outbuilding would not be considered, on balance, to result in an unacceptable increase to noise and disturbance. Given the degree of separation, the proposal is not considered to give rise to an unacceptable loss of light, outlook or privacy to occupants of nearby residential properties.

7.2 Impact on Street Scene

The NPPF (2021) highlights the importance of good design, stating at paragraph 130 that: 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting....'

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 (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states: The Council will require residential outbuildings to meet the following criteria:

- i) the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;
- ii) the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;
- iii) the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and
- iv) primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

There is an existing substantial outbuilding at the site which accommodates a pool. This building has a shallow pitched roof and footprint of approximately 140 square metres. The current proposed outbuilding would be L-shaped, finished with a flat roof of 3.5m in height with roof lanterns and have a footprint of 180 square metres. The outbuilding is shown to be split into 3 large rooms which are annotated as a gym, games room and what appears to be a pool with additional sauna, steam room, shower room and WC. The proposed increased scale of the outbuilding is considered unacceptable in that it would compete with the host building and result in an unacceptable increase to the built up appearance of the site. It is noted that the site drops away from the rear boundary. No sections have been provided to demonstrate the visual impact of the enlarged outbuilding. The development would have a harmful impact on the character and appearance of the host building and the surrounding area, contrary to the National Planning Policy Framework (2021), Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part

Two - Development Management Policies (January 2020).

7.3 Traffic Impact/Pedestrian Safety

N/A

7.4 Carparking & Layout

N/A

7.5 Urban Design, Access and Security Considerations

The issues are addressed in the sections above.

7.6 Other Issues

IMPACT ON PROTECTED TREES

Policy DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states that:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The application site is covered by a TPO. Given the scale of the proposed development, additional information is required in order to assess the possible impact on trees. No such information has been provided. The Council's Tree and Landscaping Team have objected to the proposal on this basis.

Therefore in the absence of a tree survey and report to BS5837:2021 standards, the proposal runs contrary to Policy DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (2020).

IMPACT ON NATURE/WILDLIFE

Whilst the replacement of an outbuilding would be unlikely to have a significant adverse impact on wildlife/biodiversity in principle, there are concerns that the impact on trees is not known and harm to significant trees would result in an unnecessary adverse impact on wildlife habitat.

IMPACT ON GREENBELT

As noted, the site is adjacent to the greenbelt. Whilst the proposal would not physically impact on the openness of the greenbelt, the land beyond the site does fall away and as noted previously in the report, there are concerns about the visual impact on the surrounds - this would include the adjacent greenbelt.

LOSS OF GARDEN/OPEN SPACE

Given the scale of the site, a significant amount of amenity space would remain following the development.

8. Reference Documents

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

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