

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. 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 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 Interim Director of Planning, Regeneration & Public Realm**

Address 20 NICHOLLS AVENUE HILLINGDON

Development: Demolition of existing building and erection of 1 x 2-storey dwelling, incorporating basement.

LBH Ref Nos: **28460/APP/2022/1536**

Drawing Nos: PL-01
 PL-03
 PL-02
 PL-04
 PL-05
 PL-06
 PL-08
 PL-09
 PL-10
 PL-18
 PL-07
 PL-21
 Basement Impact Assessment
 SUDS and FRA Report
 planning statement

Date Plans received : 11/05/2022

Date(s) of Amendment(s):

Date Application Valid: 11/05/2022

1. SUMMARY

The application seeks planning permission for the demolition of existing building and erection of 1 x 2-storey dwelling, incorporating basement.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by reason of its size, scale, bulk, massing, materiality and design would result in an incongruous and visually intrusive form of development that would fail to harmonise with the established built environment and rhythm of development between Nos.2 and 24 Nicholls Avenue resulting in a detrimental impact on the character and appearance of this part of Nicholls Avenue. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020).

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its proximity, size, scale, height and design would be detrimental to the residential amenities of the neighbouring occupiers at No.22 Nicholls Avenue, in terms of loss of light, outlook, overshadowing, sense of enclosure and overbearing effect. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020).

3 NON2 Non Standard reason for refusal

The proposed development has failed to demonstrate that it would provide an adequate level of outlook for the future occupiers of bedroom 5 due to its reliance solely on rooflights, which are set at a high level. The proposal would therefore give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies and Policy D6 of the London Plan (2021).

INFORMATIVES

1

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, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. This is a resubmission of a previously refused scheme, where the Officers Report identified issues to be addressed, which were reflected in the reasons for refusal, allowing the opportunity to address those issues within this submission.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a detached bungalow set within an 8.6m wide plot located on the southern side of Nicholls Avenue. To the front there is a garden which has been fully paved and provides space for up to three vehicles. To the rear there is a long garden which backs onto school playing fields.

The property has not been extended, however there is a detached outbuilding located within the rear garden which sits 2.4m away from the rear elevation of the application property and which also sits against the boundary with the neighbouring bungalow to the west (No. 18 Nicholls Avenue).

No.18 has been extended by way of significant single storey rear extensions and also has a detached outbuilding which is located next to the boundary with No.16 Nicholls Avenue. The other neighbouring property to the east (No.22) is also a detached chalet bungalow which has been extended by way of a loft conversion with side dormers.

3.2 Proposed Scheme

The application seeks planning permission for the demolition of existing building and erection of 1 x 2-storey dwelling, incorporating basement.

3.3 Relevant Planning History

28460/80/0792 20 Nicholls Avenue Hillingdon
Single storey rear extension.

Decision: 02-06-1980 Approved

28460/APP/2006/3205 20 Nicholls Avenue Hillingdon
CONVERSION OF INTEGRAL GARAGE TO HABITABLE ACCOMMODATION.

Decision: 30-01-2007 Approved

28460/APP/2006/921 20 Nicholls Avenue Hillingdon

ERECTION OF A PITCHED ROOF OVER EXISTING FLAT ROOFED SINGLE STOREY REAR EXTENSION

Decision: 17-05-2006 Approved

28460/APP/2012/2382 20 Nicholls Avenue Hillingdon

Change of use from Use Class C3 (Residential) to Use Class D1 (Non-residential institutions) for use as day care nursery, single storey side/rear extension and alterations to elevations.

Decision: 23-04-2013 Refused

28460/APP/2022/267 20 Nicholls Avenue Hillingdon

Erection of a single storey rear extension and construction of additional storey to convert bungalow into a two storey dwelling.

Decision: 08-04-2022 Refused

28460/APP/2022/269 20 Nicholls Avenue Hillingdon

Single story rear extension as shown on the drawings

Decision: 09-02-2022 NFA

28460/E/98/0159 20 Nicholls Avenue Hillingdon

Erection of a single storey front extension to form part of kitchen area and garage area

Decision: 20-03-1998 Refused

28460/F/98/1090 20 Nicholls Avenue Hillingdon

Erection of a single storey front extension and conversion of a habitable room to integral garage

Decision: 06-07-1998 Approved

Comment on Planning History

28460/APP/2022/267 - Erection of a single storey rear extension and construction of additional storey to convert bungalow into a two storey dwelling was refused for the following reasons:

1. The proposed development by reason of its size, scale, bulk, massing and design would result in an incongruous and visually intrusive form of development that could not be considered to constitute subordinate additions to the existing dwellinghouse and the works would fail to respect the architectural composition of the existing dwellinghouse. The proposed development would also fail to harmonise with the established built environment and rhythm of development between Nos.2 and 24 Nicholls Avenue resulting in a detrimental impact on the character and appearance of this part of Nicholls Avenue. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020).

2. The proposed two storey front extension, by reason of the size, scale, bulk and design, would fail to harmonise with the architectural composition of the original dwelling and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and policies D4 and D8 of the London Plan (2021).

3. The proposed development, by virtue of its proximity, size, scale, height and design would be detrimental to the residential amenities of the neighbouring occupiers at No.22 Nicholls Avenue, in terms of loss of light, outlook, overshadowing, sense of enclosure and overbearing effect. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020).

4. The proposed development has failed to demonstrate that it would provide an adequate level of outlook for the future occupiers of BEDROOM 5 due to its reliance solely on rooflights, which are set at a high level. The proposal would therefore give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies and Policy D6 of the London Plan (2021).

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

Highways

There are no highway objections to this proposal subject to a planning condition requiring the retention of a hardstanding that provides off-street parking for a minimum of one car. Taking into account the building of a basement a condition would require considerable excavation work a condition requiring a Construction Logistics Plan is also required. REASON. To ensure that the development does not result in the displacement of car parking on-street which would increase road danger and be contrary to the published London Plan 2021 Policy T4 Assessing and mitigating transport impacts.

Access

This proposal for a two-storey dwelling has been assessed against the requirements of London Plan policy D7. No concerns are raised, however, any grant of planning permission should include the following conditions: Prior to works commencing, details of step free access via the principal private entrance, and all the other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building. REASON To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D7 is achieved and maintained. The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building. REASON To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan."

3 letters of objection have been received raising the following, summarised concerns:

- A development of the proposed scale & type is inappropriate to the street scene, the

type, size & close proximity of properties & the lack of space around them.

- As originally built c 1930, Nicholls Avenue is predominantly a development of modest 2 bed single-storey bungalows, many now extended but retaining their primary character. None have basement development, nor redeveloped to a 2 storey house.

- Plots are approx 9 metres wide but the house frontages are approx 7m of this.

- Houses are not detached within the plots - the left elevation of each property is situated on the boundary of the neighbouring property. The only space between the houses is a narrow access of approx 2m between the right elevation of each house & the left wall of the neighbouring house.

- The proposed new house would extend further into the garden than other properties (no 20 has previously been extended - front & and rear extensions (rear 3m deep) . However, the rebuilt house would extend approx 7m from the original rear building line. The floor space of the house as built was approx 72m². The application gives an existing GIA of 132.82m². The new house proposed is vastly larger - 312.59m².

- It would be higher than neighbouring properties & reduce light into them.

- The proposed basement development would cause structural damage, vibration, heave or subsidence or indirectly due to changes in the water table/local drainage.

- Bungalows are of lightweight construction - 9 inch solid walls & wood (not concrete) floors ventilated by airbricks to prevent contamination & rot. The foundations are extremely shallow - a concrete strip of only approx 23 cms depth . A basement involves significant excavation - 3m+?

- Proposed GIA of the new basement is 99.8m² - nearly as large as the whole building footprint & much larger than original house.

- The road & houses opposite are at a higher level and during heavy/sustained rain water runs down towards the site.

- Drainage to all of the bungalows is by soakaways only.

- Major excavation would adversely affect existing ground drainage & be likely to lead to surface water diversion. - There are 3, not 2, parking spaces at no20 currently (used as such).

- There is insufficient space to create a 4th parking space.

- There are trees in at number 20 (inc a tall conifer) & nearby properties.

- Use of brick & render not be in keeping with the street.

- Concerns over structural impacts.

- Proposed property height not in keeping with the character

- Impact on daylight and sunlight

- No access should be allowed onto the flat roof extension from the master bedroom proposed Juliet balcony

- Ownership concerns.

- Overshadowing

- Out of proportion with row of bungalows.

Issues relating to appearance, the basement, impact on amenity and parking have been discussed below. Ownership would not be a reason to refuse planning permission. Conditions could restrict the use of the balcony, if permission was granted.

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

DMHD 1	Alterations and Extensions to Residential Dwellings
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D8	(2021) Public realm
DMHD 3	Basement Development
DMEI 9	Management of Flood Risk
LPP D10	(2021) Basement development
LPP SI12	(2021) Flood risk management

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) (2021) 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

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.

No. 22 is a detached chalet bungalow which has been previously extended within the roofspace and to the rear. The layout of this bungalow is such that there is a side facing window (facing the application site) serving a habitable room at ground floor level. It is considered that the provision of an additional storey at the application site would be detrimental to the residential amenities of the neighbouring occupiers at No.22 Nicholls Avenue, having particular regard to the impact on the existing habitable ground floor bedroom, in terms of loss of light, outlook, overshadowing, sense of enclosure and overbearing effect.

No. 18 has been extended by a large single storey rear extension. Given the orientation and rearwards projection of this property, it is considered, on balance, that the proposal would not result in an undue loss of light, outlook or privacy to the occupants of No.18.

7.2 Impact on Street Scene

Paragraph 126 of the NPPF (2021) seeks the creation of high quality, beautiful and sustainable buildings. Parts b) and c) of paragraph 130 of the NPPF (2021) states that

planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment.

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of a high quality and to enhance the local context, delivering buildings and spaces that positively respond to local distinctiveness

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.

The application property comprises a detached bungalow in a row of detached bungalows between Nos.2 and 24 Nicholls Avenue. No. 18 comprises a detached bungalow and Number 22 a chalet bungalow. Whilst it is recognised that there is an opportunity to enlarge the existing dwellinghouse, concerns are raised regarding the provision of an additional storey in this part of Nicholls Avenue where bungalow dwellings occupy sites from No.2 through to No.24 Nicholls Avenue. It is considered that the provision of a two storey dwellinghouse at this location would upset the existing rhythm in the streetscene where the bungalow dwellings are grouped together and the two storey dwellinghouses are grouped together.

The application follows a previous refusal for extensions to the existing property and now proposes a replacement dwelling. The applicant advises:

The scale of development is appropriate in this location when comparing the height & width in comparison with the surrounding properties to the east, the proposal is no more bulky than the two storey dwellings within the location.

- The building plot size, width & plot coverage is wholly appropriate when one considers the pattern within Nicholls Avenue.
- Building lines & setbacks, rooflines, streetscape rhythm gaps between structures, the proposal complies with all these requirements.
- The architectural composition is similar to the existing two storey properties to the East intermixed with the bungalows. The eaves height of the proposal has been lowered to 1500mm which further softens the difference in eaves height to the adjacent bungalows.

Whilst it is acknowledged that the scale of the resultant dwelling has been reduced, it is

considered that the dwelling would fail to harmonise with the established built environment and rhythm of development between Nos.2 and 24 Nicholls Avenue resulting in a detrimental impact on the character and appearance of this part of Nicholls Avenue. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020). The benefits do not outweigh the harm identified.

7.3 Traffic Impact/Pedestrian Safety

See below.

7.4 Carparking & Layout

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

The highways officer has confirmed that there are no highway objections to this proposal subject to a planning condition requiring the retention of a hardstanding that provides off-street parking for a minimum of one car. Taking into account the building of a basement a condition would require considerable excavation work a condition requiring a Construction Logistics Plan is also required. In the event of an approvable scheme, appropriate conditions would be imposed.

7.5 Urban Design, Access and Security Considerations

Policy DMHB 16: Housing Standards states:

All housing development should have an adequate provision of internal space in order to

provide an appropriate living environment. To achieve this all residential development or conversions should:

meet or exceed the most up to date internal space standards, as set out in Table 5.1 A 5 bedroom property is required to provide 119 square metres which the proposal exceeds.

Concerns were received in respect of the previous application that the bedroom 5 would not be served by any window providing a level of outlook for this habitable room. The current proposal fails to address this concern and as such, the proposed development has failed to demonstrate that it would provide an adequate level of outlook for the future occupiers of BEDROOM 5 due to its reliance solely on rooflights, which are set at high level. The proposal would therefore give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies and Policy D6 of the London Plan (2021).

Sufficient outdoor amenity space would be retained to meet the requirements of Policy DMHB18.

7.6 Other Issues

Basement, Flooding and Drainage

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused. Policy DMEI 10 states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused.

Policy DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that when determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability.

The site lies within a Critical Drainage Area. The proposal includes a basement level which could increase flood risk. The applicant has submitted a Basement Impact Assessment and an FRA and Drainage Strategy which demonstrates that the proposal would not, subject to appropriate drainage and mitigation measures, have an adverse impact on flooding. In the event of an approvable scheme, suitable conditions could be imposed.

The basement impact assessment also considers structural stability. In the event of an approvable scheme, the Applicant would be reminded of their duties under the party wall act and building regulations to further protect neighbouring residents from any potential impact as far as possible under planning regulations.

8. Reference 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)

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