

## 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, Sport and Green Spaces**

**Address**                      12 HARVIL ROAD ICKENHAM

**Development:**              Conservatory to rear and detached garage to rear

**LBH Ref Nos:**              **12371/APP/2015/2608**

**Drawing Nos:**              2013/732/P00 Rev. A  
                                      2015/772/P04 Rev. A  
                                      2015/772/P07 Rev. A  
                                      2015/772/P01  
                                      2015/772/P02  
                                      2015/772/P03  
                                      2015/772/P05  
                                      2015/772/P06  
                                      2015/772/P08

**Date Plans Received:**      13/07/2015

**Date(s) of Amendment(s):**

**Date Application Valid:**    28/07/2015

## **1. CONSIDERATIONS**

### **1.1 Site and Locality**

The application site comprises a detached two storey dwelling located on the western side of Harvil Road and approximately 55m to the north of its junction with Highfield Drive.

The area is characterised by a mixture of detached two storey houses and chalet bungalows on large plots of land which are set back from the road frontage and generally maintain an open character and appearance. No.11 Harvil Road located to the south of the application site is a two storey detached property and 13 Harvil Road to the north is a detached chalet bungalow. The western boundary of the application site abuts the rear gardens of Nos. 7 and 9 Highfield Drive.

The site is located within the Developed Area of the Borough as identified in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012). Land to the east of Harvil Road is located within the Green Belt. The site lies within the area covered by TPO No 620. There is a protected Oak, T4, in the rear garden.

### **1.2 Proposed Scheme**

The application proposes a conservatory to the rear measuring 4.4m wide, 7.2m deep extending 3.35m beyond the lounge with a 3.3m high lean-to roof. The detached garage in the rear garden measures 4.561m high with a pitched roof, 5.5m wide and 6.35m deep and set in 1m from the side boundary. Materials would match the existing house.

### **1.3 Relevant Planning History**

12371/APP/2007/1822      12 Harvil Road Ickenham

ERECTION OF A TWO STOREY, SIX-BEDROOM DETACHED DWELLINGHOUSE WITH BASEMENT, REAR CONSERVATORY AND ACCOMMODATION IN THE ROOFSPACE INCORPORATING 2 REAR AND 1 FRONT DORMER WINDOWS (INVOLVING DEMOLITION OF EXISTING HOUSE).

**Decision Date:** 18-09-2007      Refused

12371/APP/2007/3877      12 Harvil Road Ickenham

ERECTION OF A TWO STOREY, SIX-BEDROOM DETACHED DWELLINGHOUSE WITH BASEMENT, FRONT BALCONY AND ACCOMMODATION IN THE ROOFSpace INCORPORATING 2 REAR AND 1 FRONT DORMER WINDOWS (INVOLVING DEMOLITION OF EXISTING HOUSE).

**Decision Date:** 01-04-2008      Refused

12371/APP/2007/416      12 Harvil Road Ickenham

ERECTION OF TWO FOUR-BEDROOM HOUSES (INVOLVING DEMOLITION OF EXISTING DWELLINGHOUSE) (OUTLINE APPLICATION)

**Decision Date:** 30-03-2007      Refused

12371/APP/2008/1929      12 Harvil Road Ickenham

Erection of a two storey six-bedroom dwelling (involving the demolition of the existing dwelling)

**Decision Date:** 26-01-2009      Approved

12371/APP/2010/1521      12 Harvil Road Ickenham

Erection of a 6 bedroom detached dwellinghouse and erection of a detached garage in the rear garden (Part retrospective)

**Decision Date:** 21-09-2010      Refused

12371/APP/2012/619      12 Harvil Road Ickenham

Two storey x 4 bed detached dwelling with associated parking and amenity space

**Decision Date:** 24-05-2012      Refused

12371/APP/2013/3554      12 Harvil Road Ickenham

Erection of a two storey, 4 bedroom dwelling house with associated parking, amenity space landscaping and boundary treatments (Part-Retrospective)

**Decision Date:** 19-03-2014      Approved

12371/APP/2014/1488      Elthorne, 12 Harvil Road Ickenham

Details pursuant to conditions 4 (Method Statement/Tree Protection), 5 (Landscape Scheme) and 10 (Lifetime Homes) of planning permission Ref: 12371/APP/2013/3554 dated 19/03/2014 (Erection of a two storey, 4 bedroom dwelling house with associated parking, amenity space landscaping and boundary treatments (Part-Retrospective))

**Decision Date:** 27-05-2014      Approved

12371/APP/2014/1671      12 Harvil Road Ickenham

Details pursuant to conditions Nos. 9 (SUDS), 12 (Energy Efficiency Report) of planning permission Ref: 12371/APP/2013/3554 dated 19/03/2014 (Erection of a two storey, 4 bedroom dwelling house with associated parking, amenity space landscaping and boundary treatments (Part-Retrospective))

**Decision Date:** 23-06-2014      Approved

12371/APP/2014/4223      12 Harvil Road Ickenham

Details pursuant to condition 13 (Gate and Wall Details) of planning permission Ref: 12371/APP/2013/3554 dated 19/03/2014 (Erection of a two storey, 4 bedroom dwelling house with associated parking, amenity space landscaping and boundary treatments (Part-Retrospective)).

**Decision Date:** 02-02-2015      Approved

### **Comment on Planning History**

Three applications for dwellings on this site were refused in 2007 and 2008. The Inspector commenting on ref: 12371/APP/2007/416 which proposed to subdivide the plot to provide two detached houses, considered that the narrow plot width distance of 1.5m between the two storey flank walls and plot boundaries would give rise to a cramped and unsatisfactory appearance.

The proposed house on the previous application (under ref: 12371/APP/2007/3877) extended across a substantial part of the width of the application site and it was considered that the overall size, bulk and proximity to the side boundaries of that house resulted in an over dominant, incongruous and cramped form of development.

Planning permission was subsequently granted on this site for the erection of a single two storey six-bedroom dwelling (involving the demolition of the existing dwelling) under ref. 12371/APP/2008/1929 in January 2009.

However, the building at the site was not built in accordance with that permission and instead a materially different dwelling was constructed. An appeal against an enforcement notice issued by the Council on 16 March 2011 which required the demolition of the dwelling built or its alteration to conform to the approved scheme was subsequently dismissed.

Two further applications for modifications to the dwelling as approved were made, both of which were also refused and dismissed on appeal, in May 2011 and April 2013 respectively. The size, bulk and scale of the dwelling being the main reason in addition to lack of a tree survey and inadequate outlook from the roof space rooms which had potential for use as habitable rooms in the future.

On the most recent of these (under ref. 12371/APP/2012/619) which considered proposed alterations to the rear and front wings (including a reduction in their height and depth), removal of the apex windows in these wings and the addition of two columns to support the front first floor level cantilevered addition above the entrance, the appeal Inspector noted:

"Notwithstanding the absence of any definitive comment or objection to the crown roof, the angle of the pitch and the eaves levels of the main part of the house (of the first Inspector) .. The proposed scheme, although overcoming the particular concerns highlighted in the previous appeal decisions, would still result in a significantly larger dwelling than that formerly approved, thus adding to the visual impact of that "very imposing" structure."

In dismissing the appeal he concluded:

"There is considerable variety in the design, height and general appearance of the dwellings along Harvil Road. Even so, by reason of its significantly greater bulk and scale, the proposed dwelling would stand out very conspicuously compared to the others. Its significantly greater overall size and the extended profile of the roof would be readily apparent. This would create incongruous and unduly assertive development within this established residential area.

The adverse visual impact would be emphasised in particular by the greater height to the

eaves than the neighbouring two-storey property to the south and by the bulk of the roof incorporating an extensive crown element, untypical of others in the road.

The unduly imposing visual impact of the dwelling would not be adequately mitigated by the fact that it would be set well back into the plot from the road frontage. Its greater overall size and bulk than any of the neighbouring dwellings would still be readily apparent, including in longer range views from the east, beyond intervening open Green Belt land, from the junction of Swakeleys Road with Breakspear Road."

12371/APP/2013/3554: This application seeks to make significant amendments to the roofs and front elevation of the house as currently built and for which the original planning permission no longer exists. Approved.

## **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**

Four neighbouring occupiers and the Ickenham Residents Association were consulted on 31.07.2015 and a site notice erected on 06.08.2015. No responses received.

Trees and Landscape:

Tree Preservation Order (TPO)/Conservation Area: This site is covered by TPO 620.

Significant trees/other vegetation of merit in terms of Saved Policy BE38: There is a large, mature, protected Oak in the rear garden. The proposed buildings are likely to be within the tree's RPA's.

Recommendations: In order to show that this scheme makes adequate provision for the protection and long-term retention of valuable tree/s, 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 how 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): Please re-consult on receipt of the requested information; if the information is not forthcoming, then the scheme will be considered unacceptable because it does not make adequate provision for the protection and long-term retention of valuable trees.

OFFICER COMMENT: Agent and applicant have been contacted several times with no response.

#### **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

Part 2 Policies:

AM14 New development and car parking standards.

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.

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

LPP 3.5 (2015) Quality and design of housing developments

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

The main planning issues are the effect of the extensions on the scale and form of the existing dwelling, their impact on the street scene and character of the area in general, the potential impacts on the amenities of adjoining occupiers and parking provision.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design.

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies(November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene whilst Policy BE22 requires that all two storey (or first floor) extensions are set in from the side boundaries.

Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies(November 2012) requires all alterations and extensions to existing buildings to harmonise with the scale, form and architectural composition of the original building.

The Council's adopted SPD, the Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008), contains design guidance on the form and dimensions that are acceptable for all types of extensions, which should always be subordinate in scale to the original building.

Paragraph 3.4 sets out the maximum size of single storey rear extensions, which should be no more than 4 metres in depth and 3.4m in height (lean-to roof) for a detached house.

The proposed single storey rear extension measuring 4 metres in depth from the rear flank wall and 3.3m in height the proposal adhere to above the criteria in terms of depth and height sought by HDAS.

Given the location of the proposed garage close to the boundary of the property, its overall height, size, scale and siting between the large gap between the application and adjoining property, the garage would be highly visible from the street and is considered to detract from the visual amenities of the surrounding area. As such, the proposal would be in conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed detached garage would provide parking for one vehicle. There is also ample parking on the existing parking to the front of the house. The proposal would, thus, be in compliance to Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Policies BE20 (daylight/sunlight), BE21 (bulk and proximity) and BE24 (privacy) of the Local Plan seek to safeguard neighbouring residential amenities. In this regard, the proposed garage would be approximately set in 1m from the shared boundary with No.13, which has no habitable windows along the side of the property facing the proposed garage. The proposed rear extension would result in no significant loss of daylight, sunlight or visual intrusion to the nearest property at No. 11 and 14. Given the separation distance the extension would be unlikely to be intrusive in terms of their daylight and sunlight or dominate their outlook given that the proposal would not impinge on the 45 degree line of sight from the nearest habitable room window on both properties.

There are no habitable windows proposed to the side elevation and thus there is no potential for overlooking and loss of privacy.

Accordingly, it is considered that the proposed development would not constitute an un-neighbourly form of development and would be in compliance with Policies BE20 (daylight, sunlight), BE21 (bulk, proximity) and BE24 (privacy) of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

There is a large, mature, protected Oak in the rear garden. The proposed buildings are likely to be within the tree's RPA's. The applicant has failed to show that this scheme makes adequate provision for the protection and long-term retention of valuable trees and is contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Over 100sqm of private amenity space would be retained which is considered to be adequate for the application property and would be in compliance with policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Accordingly, it is recommended that permission be refused.

## **6. RECOMMENDATION**

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

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

The proposed garage, by reason of its siting, size, scale, bulk and overall height would be detrimental to the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies 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, Tree Protection Plan and Arboricultural Method Statement, the application has failed to demonstrate that the development would safeguard existing trees on 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) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

**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 (2015). 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.

**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 (July 2011) and national

**Part 1 Policies:**

PT1.BE1 (2012) Built Environment

**Part 2 Policies:**

|      |                                                                              |
|------|------------------------------------------------------------------------------|
| AM14 | New development and car parking standards.                                   |
| 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.                      |
| BE23 | Requires the provision of adequate amenity space.                            |
| BE24 | Requires new development to ensure adequate levels of privacy to neighbours. |

guidance.

|          |                                                                                                                           |
|----------|---------------------------------------------------------------------------------------------------------------------------|
| 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      |
| LPP 3.5  | (2015) Quality and design of housing developments                                                                         |

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