

**APPLICATION FOR:** 24351/APP/2023/2135  
45 FRAYS AVENUE WEST DRAYTON

**COMMITTEE:** Minor Apps PC

**DATE:** 6th December 2023

I confirm:-

- All consultations have been completed
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- \_\_\_\_\_  
Case Officer

Signed:- \_\_\_\_\_  
Team Manager

Signed:- \_\_\_\_\_  
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- \_\_\_\_\_  
DC Tech Admin

<b>Item No.</b>	<b>Report of the Head of Development Management and Building Control</b>	
<b>Address:</b>	45 FRAYS AVENUE WEST DRAYTON	
<b>Development:</b>	Demolition of existing bungalow and erection of two storey, 4-bed detached dwelling with habitable roof space (incorporating a rear dormer and front/side roof lights), parking and amenity space and installation of vehicular crossover to front. Renewal of expired planning consent under reference 24351/APP/2016/1304.	
<b>LBH Ref Nos:</b>	24351/APP/2023/2135	
<b>Drawing Nos:</b>	01.01 03.01 Rev F 03.02 Rev E 1027-110_2D (A1) 03.03 Rev G Flood Risk Assessment	
<b>Date Plans received:</b>	18-07-2023	<b>Date(s) of Amendment(s):</b>
<b>Date Application valid</b>	25-07-2023	

## 1. SUMMARY

Planning Permission is sought for the demolition of the existing bungalow and the erection of two storey, 4-bed detached dwelling with habitable roof space (incorporating a rear dormer and front/side roof lights), parking and amenity space and installation of vehicular crossover to front.

An identical development was approved at the site in 2017 under planning permission reference 24351/APP/2016/1304.

This application seeks to renew the expired permission.

The replacement of bungalows with larger properties is common in the area (see section 7.03 of this report) and overall it is considered that subject to conditions, the replacement dwelling would cause no harm to the character and appearance of the area, nor would it cause significant harm to neighbouring amenities or the local highways network. Residents of the new dwelling would be provided with an acceptable standard of internal and external living accommodation.

It is therefore recommended that the committee grant planning permission for the proposed development.

## 2. RECOMMENDATION

**APPROVAL** subject to the following:

### 1. RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990

### 2. RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans numbers:

03.01 Rev F  
03.02 Rev E  
03.03 Rev G

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

### 3. NONSC Sustainable Drainage and Water Management

No development above ground level shall take place until a scheme for the provision of sustainable water management and water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. Provide details of water collection facilities to capture excess rainwater;
- v. Provide details of how rain and grey water will be recycled and reused in the development;
- vi. Provide details of how the dwelling will achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined

within Approved Document G of the Building Regulations).

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policies SI2 and SI 13 of the London Plan (2021).

#### **4. HO5 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the first floor walls or roof slopes of the dwelling.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **5. NONSC Step Free Access**

Prior to the construction of the hereby approved dwelling details of step free access via all points of entry and exit for the dwelling 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 housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

#### **6. HO6 Obscure Glazing**

The side elevation windows and rooflights facing Nos. 43 and 47 Frays Avenue shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **7. NONSC Accessibility Compliance M4(2)**

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.

#### **8. RES6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

#### **REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **9. RES7 Materials (Submission)**

No development above ground level shall take place until details of all materials and external surfaces (associated with the proposed development) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### **REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **10. RES9 Landscaping (car parking & refuse/cycle storage)**

No development above ground level shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

##### **1. Details of Soft Landscaping**

1.a Planting plans (at not less than a scale of 1:100)

1.b Written specification of planting and cultivation works to be undertaken

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

##### **2. Details of Hard Landscaping**

2.a Refuse Storage (secure and enclosed)

2.b Cycle Storage (for at least 2 cycle spaces shall be provided for the approved dwelling and the storage shall be secure and enclosed)

2.d Hard Surfacing Materials

2.e Car parking layout (which includes the provision of 1x active electrical vehicle charging point and 1x passive charging point for the proposed dwelling)

2.f Full details of the new vehicle crossover (and visibility splays) which comply with the London Borough of Hillingdon Domestic Vehicle Crossover 2022 policies.

### 3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years

3.b Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased

### 4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

### 11. RES8 Tree Protection

Prior to the construction of the hereby approved dwelling, details shall be submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority. Such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020)

## **12. 0M10 Construction Management Plan**

Prior to development commencing, a demolition and construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (iv) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vi) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

### **REASON**

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

## **13. RES14 Outbuildings, Extensions and Roof Alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no extension or roof alteration to the dwellinghouse hereby approved shall be erected without the grant of further specific permission from the Local Planning Authority.

### **REASON**

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020).

## **14. RES10 Tree to be Retained**

The trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'.

The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### 15. NONSC Air Quality Neutral Development

The heating system installed for the new dwelling shall only be any of the following:

- A heat pump or other zero-emission heat source.
- One or more individual gas boilers with NOx emissions rated at less than 40 mg/kWh.
- The development is connected to an existing heat network.

The development shall be carried out in accordance with the above heating systems and maintained for the lifetime of the development.

Reason: In the interests of improving air quality and ensuring an air quality neutral development in accordance with Policy DMEI 14 of the Hillingdon Local Plan Part 2 (2020), Policy SI 1 of the London Plan (2021) and London Plan Guidance: Air Quality Neutral (2023).

#### 16. NONSC Flood Risk Mitigation

The flood resistance, resilience and management measures set out in 'FLOOD RISK ASSESSMENT - Three Counties Flood Risk Assessment, Dated 13 June 2023) shall be implemented in full and maintained throughout the life time of the development.

REASON: To ensure that the new building is flood resilient and does not put its occupiers or those neighbouring at risk during a flood event in compliance with SI 12 of the London Plan (2021), DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 167 of the National Planning Policy Framework (2023).

### INFORMATIVES

#### 1. I52 Compulsory Informative (1)

The decision to GRANT 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. 173 Community Infrastructure Levy (CIL) (Granting Consent)**

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [planning@hillingdon.gov.uk](mailto:planning@hillingdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

## **3. 115 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### 4. I23 Works affecting the Public Highway - Vehicle Crossover

The development requires the alteration of a vehicular crossover, which will be constructed by the Council at the applicant's expense. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

#### 5.

You are advised by London Borough of Hillingdon, Highways Management, that any works on the Highway, in relation to the reinstatement of any existing vehicle access, must be carried out with approval from the Highway Authority. Failure to reinstate an existing vehicle access will result in the Highway Authority completing the works, and the developer may be responsible for the costs incurred. Enquiries should be addressed to: Highways Maintenance, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

#### 6. IT05 Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, if applicable, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

#### I53 Compulsory Informative (2)

The decision to GRANT 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.

DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach

LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

This application relates to a detached bungalow located on the southeast side of Frays Avenue, Hayes. The existing property sits forward of the established building line of the surrounding properties within Frays Avenue. The character of the area comprises a multiplicity of building styles and designs. Whilst the application property is more intimate in scale and height than the surrounding properties, there are a number of two storey properties which neighbour the application property.

The area to the front of the property is covered by a mixture of hard and soft landscaping, which accommodates 1 off-street parking space. The property is served by a large rear garden, which measures over 750sqm. The River Colne runs along the rear boundary of the application site.

A number of the surrounding properties, including the neighbouring property to the southwest no.47 have habitable roof spaces with many also having large dormers to their side roof slopes. Numerous bungalows within the area have been demolished and replaced with larger properties.

The development site is located within the West Drayton Garden City Area of Special Local Character. It is also located upon potentially contaminated land and is within an area covered by a zonal tree protection order. The site has a PTAL rating of 1b.

#### 3.2 Proposed Scheme

Planning permission is sought for the demolition of the existing bungalow and erection of a two storey, 4-bed detached dwelling with habitable roof space (incorporating a rear dormer and front/side roof lights), parking and amenity space and the installation of vehicular crossover to front.

An identical development was granted planning permission under reference 24351/APP/2016/1304 (dated 10-02-2017).

### 3.3 Relevant Planning History

24351/APP/2016/1304 45 Frays Avenue West Drayton

Demolition of existing bungalow and erection of two storey, 4-bed detached dwelling with habitable roofspace (incorporating a rear dormer and front/side rooflights), parking and amenity space and installation of vehicular crossover to front

**Decision:** 18-01-2017 Approved **Appeal:** 29-09-2017 Allowed

#### Comment on Relevant Planning History

The sites planning history is cited above.

It should be noted that planning permission was approved for an identical development in 2017 under planning permission reference 24351/APP/2016/1304.

The planning permission had the following condition:

'Notwithstanding the submitted plans the proposed dwelling shall not exceed a maximum height of 7.8 metres as measured from existing ground level and shall not exceed the existing maximum height of the adjoining property at No. 47 by 300 mm'.

Reason: To ensure that the development presents a satisfactory appearance in accordance with policy BE13 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (November 2012).'

An appeal was lodged (APP/R5510/W/17/3174622) to remove this condition and was allowed by the planning inspectorate for the following reasons:

"Decision

1. The appeal is allowed and the planning permission Ref: 24351/APP/2016/1304 for demolition of existing bungalow and erection of two-storey, 4-bed detached dwelling with habitable roof space (incorporating a rear dormer and front/side roof lights), parking and amenity space and installation of vehicular cross-over to front at 45 Frays Avenue, West Drayton, UB7 7AG granted on 4 April, 2016 by the Council of the London Borough of Hillingdon, is varied by deleting condition 11."

The Inspector concluded that the disputed condition is neither necessary nor reasonable, and does not as a result pass the tests set out in law and in Paragraph 206 of the National Planning Policy Framework.

The appeal decision is relevant to this application in that the proposed developments are identical and it is therefore considered acceptable to have an 8.41m high dwelling in this location. Furthermore, the appeal decision clarifies that the previous height restriction condition was unreasonable and unnecessary and therefore it is not recommended for this application.

The appeal decision (APP/R5510/W/17/3174622) and previously approved identical scheme (Ref. 24351/APP/2016/1304) are material planning considerations which weigh in favour of this proposal, though the decision should be made with regard to current planning policy.

#### **4. Planning Policies and Standards**

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)

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### **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
- PT1.H1 (2012) Housing Growth

Part 2 Policies:

- DMH 1 Safeguarding Existing Housing
- DMH 2 Housing Mix
- DMEI 12 Development of Land Affected by Contamination

DMEI 14	Air Quality
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes

NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: Not applicable

5.2 Site Notice Expiry Date: Not Applicable

## 6. Consultations

### External Consultees

17 neighbouring properties were directly notified of the proposal on 31/07/23.

2 letters of objection have been received in response to consultation on the application. These comments are summarised below.

- 1) The proposed dwelling is 3 storey, 6 bed property not a 2 storey, 4 bed property.
- 2) The proposal would cause harm to the character and appearance of the area.
- 3) The proposal would cause harm to neighbouring amenities.
- 4) The original permission ran out several years ago and should be dismissed or at the very least reissued with further investigation and consideration.

A petition with 21 signatures has also been submitted against the application. The petition raises the following concerns regarding the proposed development.

- i) The proposal represents an overdevelopment of the site.
- ii) The proposal would cause harm to the character and appearance of the area.
- iii) The proposal would cause harm to neighbouring amenities, especially No.43 by reason of overshadowing. The development will also cause a loss of privacy and overlooking to neighbours.
- iv) The extract from the proposed kitchen discharges directly towards the patio door of No.43.

### WEST DRAYTON CONSERVATION AREA PANEL

I am writing on behalf of West Drayton Conservation Area Advisory Panel. We do not object in principle to the proposal to replace the existing bungalow with a two-storey house but feel that the proposed building is too large for the site. The surrounding houses are mainly chalet-style with the second floor contained within the roof, while the one two-storey house shown on the submitted streetscape (No 49) has wide open spaces to the sides. These features contribute to the openness of the area while the proposed new house has been designed as a massive block that almost completely fills the frontage.

The 'elephant in the room' effect is even larger than appears from the front elevation because of the excessive depth of the building. Placing it further back on the plot regularises the building line, but because it is so deep, it will take light from the rear of No 43 and will have an overbearing effect on the

properties on both sides.

Although the plans show the use proposed for the roof space, these uses are specific to the applicant and if sold on are most likely to be used as bedrooms, especially as a shower room is provided on the second floor. No matter what use is made of the second-floor rooms, what is actually being proposed is a three-storey house - which would be quite out of character in this Area of Special Local Character.

We consider the current proposals are over-development of the site so we hope that planning consent will not be granted, despite the decisions made six and seven years ago.

#### GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (GLAAS)

NPPF section 16 and the London Plan (2021 Policy HC1) make the conservation of archaeological interest a material planning consideration.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The planning application is not in an Archaeological Priority Area.

Although within the Colne Valley Archaeological Priority Zone, the proposed development is too small-scale to be likely to cause harm in this location.

No further assessment or conditions are therefore necessary.

#### PLANNING OFFICER COMMENTS

Issues raised by the West Drayton Conservation Area Panel, GLAAS, as well as those relating to points 1,2,3,4, i, ii, iii are considered in the main body of this report.

In relation to point iv, no kitchen extractor is shown on the proposed plans.

#### **Internal Consultees**

##### ACCESS OFFICER:

This proposal is for the demolition of the existing bungalow and erection of a new two storey, four bedroom dwelling. It has been reviewed against the requirements of the 2021 London Plan, policy D7, with no accessibility concerns subject to the following Conditions attached to any approval:

Prior to any works on site above damp proof course level, details of step free access via all 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 housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

The dwelling(s) 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.

HIGHWAYS OFFICER:

I refer to the above planning application ref 24351/APP/2023/2135 which was received on 18 July 2023 and previous application 24351/APP/2016/1304.

#### Site Description

The site is located on Frays Avenue, a residential cul de sac with a 30mph speed in a controlled parking zone with parking restrictions allowing parking for permit holders only, Monday to Friday between 10am and Midday.

The site is located in an area with a PTAL ranking of 1b indicating that the proposal would be located in an area with low access to public transport, however, as this is an existing dwelling that will be replaced the proposals will be acceptable on this occasion.

#### Access

The application proposes to provide a detached four-bed dwelling with 2no. loft rooms on the site of the bungalow. Drawing 2023.011 03.01 F titled Proposed Ground + First Floor Plans shows that the existing vehicle crossover will be removed and replaced with a similar crossover towards the north east of the frontage which will be acceptable. The kerbs to the existing vehicle crossover should be raised and the footway and verge reinstated. The new crossing and reinstatement should comply with London Borough of Hillingdon's Domestic Vehicle Footway Crossover Policy (2022) and would need to be constructed under S184 Highways Act 1980 at the applicant's/developer's expense.

Vehicular visibility will remain as existing, however, pedestrian visibility splays which are within the control of the applicant and contain no obstructions over 0.6m will be required. A condition should be applied to any approval for provision and retention.

#### Parking

The proposed dwelling will require up to 1.5no. spaces to comply with the published London Plan 2021 Table 10.3 - Maximum Residential Parking Standard. Drawing 2023.011 03.01 F titled Proposed Ground + First Floor Plans shows a garage with 2no. cars parked inside, however, the garage has internal dimensions of approximately 5m x 6.75m which is not wide enough to accommodate 2 vehicles and has a pedestrian door which opens inwards, restricting available parking area, but may be considered suitable for 1no. vehicle plus cycles. A further parking space can be accommodated on the driveway which will be acceptable.

#### Electric Vehicle Charging Points (EVCP's)

The published London Plan (2021) requires that 1no. EVCP is provided for the proposed parking. A suitable condition should be applied to secure provision and retention.

#### Cycle Parking

The proposed dwelling will require 2no. cycle parking spaces to comply with The London Plan: Table 10.2 - Minimum Cycle Parking Standards which may be provided in the garage.

## Recommendation

The Highway Authority therefore offers no objection to this application on highway grounds subject to suitable conditions being applied for the provision and retention of pedestrian visibility splays, reinstatement of footway and ECVPs.

## CONTAMINATION OFFICER:

No objection.

## PLANNING OFFICER COMMENT:

Comments from the Access Officer, Highways Officer and Contaminated Land Officer have been taken into consideration in the assessment of this application. In order to make the development acceptable in planning terms the recommended conditions and informatives would be attached to the permission, should the application be approved.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The site comprises a detached dwelling and land within its curtilage. The site is located within an established residential area.

The National Planning Policy Framework has a requirement to encourage the effective use of land.

London Plan (2021) Policy H2 states that well designed housing schemes on small sites should be actively supported. The Hillingdon Local Plan details how small scale sites will make a significant contribution to housing supply.

Subject to compliance with relevant planning policies and other material considerations, the principle of replacing the existing dwelling with another dwelling is considered acceptable.

### HOUSING MIX

Policy H10 of the London Plan (2021) states that applicants and decision-makers should have regard to the need for additional family housing. Family housing is defined within the glossary of the London Plan (2021) and advises that it must generally be of a size that has three or more bedrooms.

Policy DMH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need.

The supporting text to policy DMH 2 states at paragraph 4.6 that 'The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account.'

A family sized dwelling would be replaced with a family sized dwelling and therefore the development is considered acceptable. The scheme is therefore considered acceptable in terms of policy DMH 2 and London Plan policy H10.

## **7.02 Density of the proposed development**

Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 of the London Plan (2021) which states that Boroughs should proactively support well-designed new homes on small sites below 0.25 hectares in size.

Numerical densities are considered to be more appropriate to larger sites and what is considered of greater significance to the determination of this application is the local contextual factors. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the area, and would respect residential amenity considerations, rather than the consideration of the numerical density of the proposal. These issues are discussed in detail at sections 7.07 and 7.08 of this report.

## **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The development would not have an impact on any heritage assets. The impact on the Area of Special Local Character is discussed in section 7.07.

Furthermore, The Greater London Archaeological Advisory Service (GLAAS) has confirmed that the development would have no adverse impact on the Colne Valley Archaeological Protection Zone.

## **7.04 Airport safeguarding**

The development would have no impact on airport safeguarding.

## **7.05 Impact on the green belt**

The development would have no impact on the Green Belt.

## **7.06 Environmental Impact**

Not applicable to this application.

## **7.07 Impact on the character & appearance of the area**

Paragraph 130 of the National Planning Policy Framework (NPPF) 2023 states '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, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building

types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

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

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'

Policy DMHB 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: 'A) Within Areas of Special Local Character, new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area. B) Extensions to dwellings should be subservient to, and respect the architectural style of the original buildings and allow sufficient space for appropriate landscaping, particularly between, and in front of, buildings. C) The replacement of buildings which positively contribute to the character and local importance of Areas of Special Local Character will normally be resisted.'

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: '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, 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.'

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The proposed dwelling would be approximately 8.4m high, 17.2m deep and 10m wide. The property would be finished in brick and render, with aluminium windows. Its roof would be pitched, tiled and to the rear it would have a small lead cladded dormer.

In 2020 planning permission was granted for the replacement of a bungalow with two x 2 storey dwellings (17012/APP/2020/368) at No.20 Frays Avenue. Each of the approved properties was approximately 8.1m high and 15m deep. At No.40 Frays Avenue, a 6 bedroom, 8.2m high, 17.2m deep, 22.6m wide dwelling was approved in 2016 (3650/APP/2016/4353) and amended in 2020

(3650/APP/2019/3036). The proposed development would therefore be in keeping with the varied sizes of other detached properties in the area. Furthermore it would be one of many sites on the road that has replaced a bungalow with a larger property.

The new dwelling would be two storeys in height with accommodation within its roof. Nos 36, 40 and 14 Frays Avenue are two storey properties with a third floor of accommodation within their roof spaces, the resulting dwelling would therefore be in keeping with the form and scale of other properties within the area.

Properties within the area vary significantly in their design and bear little similarity to one another. They vary in height, design and depth. In terms of materials they are finished in brick, render, pebble dash, mock Tudor beaming, cladding, hung tiling or mixtures of the mentioned materials. The proposed dwelling would add another uniquely designed property to the area.

On site parking would be provided for the new dwelling, similar to other properties in the area.

An identical development has been approved at the site (No.24351/APP/2016/1304) and it is not considered that the planning policy situation or other material considerations have changed to such an extent that a different view on the design could reasonably be taken on the current application.

In the event of the application being approved a landscaping scheme would be secured via condition to ensure that appropriate landscaping is provided at the site.

Conditions are recommended to ensure that trees and greenery on the boundary of the development site would be protected during construction, to approve details of materials and limiting permitted development right for extensions.

Taking into consideration all of the above, the proposed development would have an acceptable impact on the visual amenities of the area.

## **7.08 Impact on neighbours**

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.

Properties neighbouring the development site are predominantly two storey in height. Each property has first floor rear windows which provide overlooking views into each others gardens. As such it is common for properties to have views into each others rear gardens in this built-up residential environment. The proposed development includes first floor rear windows and a rear dormer which would provide similar views to neighbouring dwellings. The rear windows of the development would therefore cause no harmful overlooking to neighbours. Front elevation windows would look toward the street. Ground floor side windows would look toward the sites boundaries. First floor side elevation windows would serve bathrooms and would be conditioned (if the application were to be approved) to be obscure glazed. Conditions are recommended restricting the insertion of further first floor side windows in the property. The proposal is therefore considered to cause no harmful loss of privacy to neighbouring properties.

The proposed dwelling would not dissect a line drawn at 45 degrees from the habitable windows of either neighbouring property and is therefore unlikely to cause any significant loss of light or outlook from neighbouring properties.

No. 47 Frays Avenue has 3 dormer windows facing the development site. Planning history suggests that from the front of the property to the back, No.47s dormers serve a bathroom, an ensuite and the last dormer serves a secondary window to a bedroom. Taking into consideration that the first floor bedroom has a primary window facing toward its garden, it would still have adequate outlook and light reception, should any loss of light or outlook occur to its side dormer window. The proposal would therefore cause no harmful loss of light or outlook to its nearest neighbour.

It should also be noted that an identical development has been approved at the site (ref. 24351/APP/2016/1304).

Overall and for the reasons mentioned above the proposed development would have an acceptable impact on the amenities of neighbouring properties.

## **7.09 Living conditions for future occupiers**

### **INTERNAL AMENITY**

Policy DMHB 16: 'Housing Standards' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) 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.

The largest of the minimum internal floor space standards set out in The London Plan (2021) advises that 3 storey, 6 bed, 8 person dwellings should provide future residents with a minimum internal floor space of 138sqm. The plans supplied show that 390sqm of floor space would be provided, far exceeding the minimum standards. Each habitable room within the property would have access to natural light and outlook through the position of windows and doors. Overall, it is considered that the new dwelling would provide future residents with an acceptable standard of internal living accommodation.

### **EXTERNAL AMENITY**

Policy DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) requires all new residential developments to provide good quality and usable private outdoor amenity space. 100sqm of external amenity space is required for dwellings with 4 bedrooms or more. Approximately 650sqm of external amenity space would be provided for the new dwelling.

## **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) 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 pedestrians 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 5 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.'

Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'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.

The Mayor of London adopted a new and revised London Plan in March 2021. Consequently, the car parking standards set out in the London Plan take precedence over those in the Local Development Plan, except where the Local Plan specifies lower local maximum standards.

## PARKING

The London Plan (2021) advises that 3+ bed dwellings in Outer London with a PTAL rating of 0-1 should be provided with up to 1.5 parking spaces. Two functional parking spaces would be provided for the proposed dwelling. No objection with the proposed level of parking has been raised by the Council's highways officer.

## ELECTRIC CHARGING POINTS

Part G) of Policy T6 and part C) of Policy T6.1 of the London Plan (2021) state that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. A condition has been recommended to secure an electric vehicle charging point for the proposed dwelling, in the event of approval.

## BICYCLE PARKING

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of cycle parking facilities for new residential units. Sufficient space exists on site for cycle parking. Full details of cycle storage, cycle storage design and siting will be secured through condition in the event of an approval.

## REFUSE/RECYCLING COLLECTION

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. Full details of the sites waste storage facilities will be secured through condition in the event of an approval.

## ACCESS

The existing crossover would be removed and replaced at the north east of the site. If recommended for approval a condition would be added requiring adequate visibility splays at the new access.

## CONCLUSION

The Borough's Highways Officer has raised no objection to the proposed development as mentioned above.

Overall, subject to the aforementioned conditions, it is concluded that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies DMT 1, DMT 2 and DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

### 7.11 Urban design, access and security

Discussed in other sections of this report where relevant.

### 7.12 Disabled access

Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires for at least 10% of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings', with all other dwelling meeting Category M4(2) 'accessible and adaptable dwellings'.

In the event of an approval, the conditions recommended by the Council's Access Officer (see Section 6 of this report) would be included in the decision. These two conditions require details of step free access via the principal private entrance to the dwelling; and a requirement that the new dwelling be certified as compliant with the technical specifications for an M4(2) dwelling. Subject to compliance with these conditions the proposal is considered compliant with Policies D5 and D7 of the London Plan (2021).

### 7.13 Provision of affordable & special needs housing

The scale of development is below the threshold where affordable housing would be required.

### 7.14 Trees, landscaping and Ecology

#### TREES

Policy DMHB 14: 'Trees and Landscaping' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) requires:

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 development site is located within a tree protection area.

The replacement dwelling would not be located near to trees. Nevertheless the development site comprises protected trees and therefore a tree protection plan condition has been added to ensure trees are protected during construction.

The proposed development would result in the loss of some lawn at the site. Nevertheless appropriately sized garden space would be retained at the site.

A landscaping condition is recommended for inclusion on the decision, if the application is approved. Additionally a condition is recommended to ensure that trees and hedging shown to be retained on the submitted plans are protected during construction and replaced if felled.

The proposal is therefore considered to be acceptable.

## ECOLOGY

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

Trees and greenery would be protected and retained on site. In the event of an approval, an informative would be secured advising that should protected species be found at the site, the applicant(s) must fulfil their duties under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

### **7.15 Sustainable waste management**

Discussed in other sections of this report.

### **7.16 Renewable energy / Sustainability**

Policy DMEI 10 of the London Plan (2021), inter alia, requires water efficiency measures in new development. These measures include the collection and reuse of rain water and grey water, as well as a requirement for water usage rates to not exceed 105 litres/person/day. In the event of an

approval, these requirements would be secured by condition.

## 7.17 Flooding or Drainage Issues

Policy SI12 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. The Policy also states 'A) Development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk. Where no appropriate sites are available, development should be located on the areas of lowest flood risk within the site. Flood defences should provide protection for the lifetime of the development. Finished floor levels should reflect the Environment Agency's latest guidance on climate change. B) Development proposals in these areas will be required to submit an appropriate level Flood Risk Assessment (FRA) to demonstrate that the development is resilient to all sources of flooding'. 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.

With regards to flooding the NPPF (2023) states:

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

165. Both elements of the exception test should be satisfied for development to be allocated or permitted.

The replacement dwelling is proposed within Flood Zone 2. The rear of the site/garden is within Flood Zone 3.

A flood risk assessment has been provided in support of the application (Flood Risk Assessment-13/10/23).

As the dwelling is replacing an existing dwelling with another dwelling the sequential test is passed.

In terms of flood resilience and safety. The existing bungalow has sleeping accommodation at ground floor (putting residents at risk in the event of a flood). The new dwelling has sleeping accommodation at first floor. The new dwelling would therefore provide increased flood safety for its residents as they would have a place of refuge above the floodplain. Additionally residents would not be at risk of flash flooding in their sleep. The finished ground floor levels would be above the flood risk level with an allowance for climate change (25.42 AOD). New residents would join the Environment Agency's emergency flood line service, so that they are warned of emerging flood risks. In terms of egress from the site in the event of a flood, residents could escape to Frays Avenue, similar to the existing house. Furthermore residents could stay at first floor until flood water subsides. The development would therefore have an acceptable flood risk mitigation.

In the event of approval, a condition would be secured to ensure that the proposed development is carried out in accordance with flood management and resilience measures set out in the submitted Flood Risk Assessment. A condition requiring a sustainable water management scheme would also be secured by condition. The conditions would ensure the proposal complies with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies SI 12 and SI 13 of the London Plan (2021) and NPPF (2023).

## 7.18 Noise or Air Quality Issues

### NOISE

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

The proposed development would have no adverse noise impacts. The necessity to comply with Building Regulation standards would ensure that the development is appropriately noise insulated.

### AIR QUALITY

Local Plan Policy DMEI 14 states:

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. B) Development proposals should, as a minimum: i) be at least "air quality neutral; ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The development site is located within an Air Quality Management Area. Gardens and greenery would be retained at the site. The proposal would result in no net increase in dwellings. The car parking movements associated with the development would be limited and thus the development is unlikely to have any significant adverse air quality impact. Additionally the retained and proposed planting (to be secured by condition), and provision of infrastructure for electric vehicles would contribute positively to meeting air quality objectives.

Given that the proposed parking to the front of the site would remain principally unchanged, the

transport emissions for this minor development is considered air quality neutral. In terms of building emissions, a condition has been included requiring any new heating system to the new dwelling to be from a zero-emission heat source (e.g. heat pump); one or more individual gas boilers with NOx emissions rated at less than 40 mg/kWh; or to be connected to an existing heat network. This would ensure an Air Quality Neutral minor development, in accordance with London Plan Guidance: Air Quality Neutral.

#### **7.19 Comments on Public Consultations**

The issues raised during the consultation process have been addressed in the sections above.

#### **7.20 Planning obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre.

The proposal involves the erection of replacement dwelling and is CIL liable.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

No other issues raised.

### **8. Observations of the Borough Solicitor**

#### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or

undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable.

#### **10. CONCLUSION**

An identical development was approved at the site in 2017 under planning application ref. 24351/APP/2016/1304.

This application in essence seeks to renew the expired permission. The replacement of bungalows with larger properties is common in the area and overall it is considered that subject to conditions, the replacement dwelling would cause no harm to the character and appearance of the area, nor would it cause significant harm to neighbouring amenities or the local highways network. Residents of the new dwelling would be provided with an acceptable standard of internal and external living accommodation.

The proposal is considered to comply with the Development Plan and no material considerations indicate that the policies of the Development Plan should not prevail. It is therefore recommended that planning permission be granted subject to conditions.

#### **11. 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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