

## 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 an 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.	ADVERTISMENT 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 the 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 changed. Interim Director of Planning, Regeneration & Public Realm can determine this application**

Case Officer:

Signature:

Date:

**A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's 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 DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM



<b>Decision:</b> 12-10-2005	Approved
60494/APP/2005/1543	47 CHERRY ORCHARD WEST DRAYTON ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION
<b>Decision:</b> 20-07-2005	Refused
60494/APP/2005/1014	47 CHERRY ORCHARD WEST DRAYTON ERECTION OF SINGLE STOREY FRONT, SIDE AND REAR EXTENSIONS (INVOLVING DEMOLITION OF EXISTING GARAGE AND PLAYROOM), 2 PARKING SPACES TO BE PROVIDED TO FRONT OF PROPERTY
<b>Decision:</b> 20-05-2005	Refused

### **Comment on Planning History**

The application site had a previous approved permission under planning ref: 60494/APP/2005/2318 for the erection of a single storey side and rear extension and frontage parking (involving demolition of existing single storey rear extension and detached garage).

## **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**

7 neighbouring properties were consulted on 20th July 2023. One neighbour objection was received as well as a petition in objection with 32 signatures.

Objections are summarised below:

- Negative impact on neighbour amenity
- Overshadowing to neighbours
- Breach of 45 degree rule affecting front windows
- Size and bulk of new roof would set unfortunate precedent
- Extended porch would create room in front of building line
- Porch would be out of character
- Construction on the building line would allow no space for guttering
- Out of character with all neighbouring properties
- Intrusive/overlooking to neighbours
- Unfortunate precedent to others in the road.
- The proposed development would appear visually overbearing and would overshadow the adjacent neighbouring property.

Officer comment: The objections are noted and are considered in the report.

In terms of precedent, each application is assessed on its merits.

## **4. Local Plan Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11	Design of New Development
DMHD 1	Alterations and Extensions to Residential Dwellings
NPPF4	NPPF 2021 - Decision-Making
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF2	NPPF 2021 - Achieving sustainable development
LPP D6	(2021) Housing quality and standards
DMT 6	Vehicle Parking
DMHB 12	Streets and Public Realm
DMHB 18	Private Outdoor Amenity Space

## 5. MAIN PLANNING ISSUES

The main considerations are the design and impact on the character of the existing property, the impact upon the streetscene and locality, the impact upon the amenities of adjoining occupiers, internal amenity space provision, the reduction in size of the rear garden and car parking provision.

Character and appearance:

The Hillingdon Local Plan: Part One Strategic Policy BE1 seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

Policy DMHD 1 requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling.

With regards to rear extensions, Policy DMHD 1 states that:

i) single storey rear extensions on terraced or semi-detached houses with a plot width of 5 metres or less should not exceed 3.3 metres in depth or 3.6 metres where the plot width is 5 metres or

more;

- ii) single storey rear extensions to detached houses with a plot width of 5 metres or more should not exceed 4.0 metres in depth;
- iii) flat roofed single storey extensions should not exceed 3.0 metres in height and any pitched or sloping roofs should not exceed 3.4 metres in height, measured from ground level;
- iv) in Conservation Areas and Areas of Special Local Character, flat roofed single storey extensions will be expected to be finished with a parapet;
- v) balconies or access to flat roofs which result in loss of privacy to nearby dwellings or gardens will not be permitted;
- vi) two storey extensions should not extend into an area provided by a 45-degree line of sight drawn from the centre of the nearest ground or first floor habitable room window of an adjacent property and should not contain windows or other openings that overlook other houses at a distance of less than 21 metres;
- vii) flat roofed two storey extensions will not be acceptable unless the design is in keeping with the particular character of the existing house;
- viii) pitched roofs on extensions should be of a similar pitch and materials to that of the original roof and subordinate to it in design. Large crown roofs on detached houses will not be supported; and
- ix) full width two storey rear extensions are not considered acceptable in designated areas or as extensions to Listed Buildings or Locally Listed Buildings.

With regard to side extensions, Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

- i) side extensions should not exceed half the width of the original property;
- iv) two storey side extensions should be set in a minimum of 1 metre from the side boundary
- v) two storey side extensions to detached and semi-detached properties should be set back a minimum of 1 metre behind the main front elevation.

With regards to front extensions, Policy DMHD 1 states that:

- i) alterations and extensions to the front of a house must be minor and not alter the overall appearance of the house or dominate the character of the street. Front extensions extending across the entire frontage will be refused;
- ii) porches should be subordinate in scale and individually designed to respect the character and features of the original building; pastiche features will not be supported; and
- iii) notwithstanding the above, at least 25% of the front garden must be retained.

The proposed single storey front extension would extend approximately 1.2m from the principal elevation and would not extend beyond the existing depth of the front porch structure. Whilst the front porch would be visible from the public realm, notwithstanding its single storey nature and modest scale, it is considered to have a detrimental impact on the character and appearance of the existing dwelling. In combination with the existing porch it would dominate the front elevation and represent poor design, detracting from the street scene.

The proposed first floor development would be built directly on the boundary, resulting in a terracing effect. The applicant has declined to set this element back by 1m in line with policy. Given the lack of a set back from the side boundary, the proposed development would fail to respect the architectural character and appearance of the existing dwelling and the surrounding area. No properties along this part of Cherry Orchard which have been extended in a similar way. Furthermore, if a gutter was added the extension would oversail the boundary, further emphasizing its excessive scale.

The proposed development would be constructed in external materials that would match the existing dwelling.

Overall, the current proposal is considered to not satisfactorily integrate with the appearance of the original dwelling. Taking into account the surrounding context of neighbouring development it would harm the character, appearance and visual amenities of the area. As such, the development proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local plan - Part Two (2020).

Neighbouring residential amenity:

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that planning applications relating to alterations and extensions of dwellings will be required to ensure that: ii) a satisfactory relationship with adjacent dwellings is achieved; and v) there is no unacceptable loss of outlook to neighbouring occupiers.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

Impact on the neighbouring property at No. 45 Cherry Orchard:

The proposed first floor side/rear extension would be sited approximately 4m from the shared side boundary with the neighbouring property at No. 45 Cherry Orchard. The plans illustrate that the proposed development would not intrude into the 45-degree line. The proposed ground floor front/side extensions would be sited approximately 3.4m from the shared side boundary. No side facing windows are proposed to face towards No.45. Given the sufficient separation distance, the proposed development would not have an adverse impact on loss of sunlight/daylight, loss of privacy or appearing visually overbearing to this neighbour.

Impact on the neighbouring property at No. 49 Cherry Orchard:

The proposed first floor side/rear extension would be built on the shared side boundary with the neighbouring property at No.49 Cherry Orchard and would not extend beyond the rear build line of this neighbour. One first floor side facing window is proposed to face towards No.49 however, this window would serve a non-habitable room (bathroom). To ensure no adverse impact on loss of privacy, an obscure glazing condition could have been secured to this window if the application were approved. Whilst noting that a first floor side window is identified at No.49, this window is considered a secondary window as the main source of light would be provided at the front and rear elevations. Furthermore, the plans illustrate that the plans would not intrude into the 45-degree line at 1st floor level. Due to orientation and separation distance, it is not considered to have a detrimental impact on loss of sunlight/daylight, loss of privacy or would appear visually overbearing to No. 49 Cherry Orchard.

Although the proposed development includes additional windows to the front and rear elevations, these windows would provide similar views as the existing windows at first floor. Therefore, it is not considered that the proposed development would have a detrimental impact on loss of privacy.

The proposed development is considered not to significantly impact on neighbour amenity and therefore accords with Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

Living/amenity standards:

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with the Housing quality and standards of the London Plan (2021).

External Amenity Space Provision:

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space.

Policy DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that: Planning applications relating to alterations and extensions of dwellings will be required to ensure that adequate garden space is retained.

In terms of the garden area the development would retain adequate garden space and would accord with Policies DMHD 1 and Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Parking:

Policy DMT 6: Vehicle Parking 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 existing dwelling comprises 3 bedrooms. As a result to the proposed development one additional bedroom would be added to the subject property. The proposed development would not have an impact on the existing parking arrangements as the existing driveway would be retained to accommodate at least two off-street parking spaces, in accordance with adopted Council parking standards, additional parking provision would not be required.

Conclusion:

For the reasons covered in this reports, it is considered that the proposal would not accord with the policy objectives set out in the Hillingdon Local Plan: Part One and Two. It is therefore recommended that the application be refused.

## 6. RECOMMENDATION

**REFUSAL** for the following reasons:

1. NON2 Harm to the character of the area

The proposed development, by reason of its design, size, scale and bulk, would result in an incongruous and cramped form of development that would not appear as a subordinate addition to the original dwellinghouse, would result in a terracing effect and would be detrimental to the character, appearance and visual amenities of the street scene and surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHD 1, DMHB 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

## INFORMATIVES

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

## Standard Informatives

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 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 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

### Part 1 Policies

PT1.BE1 (2012) Built Environment

### Part 2 Policies:

DMHB 11	Design of New Development
DMHD 1	Alterations and Extensions to Residential Dwellings
NPPF4	NPPF 2021 - Decision-Making
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
NPPF2	NPPF 2021 - Achieving sustainable development
LPP D6	(2021) Housing quality and standards

DMT 6	Vehicle Parking
DMHB 12	Streets and Public Realm
DMHB 18	Private Outdoor Amenity Space

3. You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
4. You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control that is considered to cause harm to local amenity.
5. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).
6. You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
7. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
  - carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
 Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM.
8. Your attention is drawn to the fact that the planning permission does not override property

rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

9. 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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.

10. You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.
11. To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
12. You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**Contact Officer:**

Natasha Vernal

**Telephone No:**

01895 250230