

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Interim Director of Planning, Regeneration & Public Realm can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Interim Director of Planning, Regeneration & Public Realm**

Address OLD ORCHARD LODGE PARK LANE HAREFIELD

Development: Variation of Conditions 2 (Approved Plans) and 4 (External timber windows) of planning permission ref. 69790/APP/2021/2451, dated 17/12/2021 (Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping) to include fenestration changes including the replacement of timber windows with aluminium windows, re-positioning and installation of new external stairs, re-positioning of proposed gazebo, erection of a wall adjacent to western boundary and re-positioning of external western basement wall.

LBH Ref Nos: **69790/APP/2022/684**

Drawing Nos: 19_084_S00A
 19_084_S0A
 19_084_S1A
 19_084_FP7
 19_084_P0E
 19_084_P1F
 19_084_P3E
 19_084_P4D
 19_084_P7G
 19_084_P9E
 19_084_P2D
 19_084_P5F

Date Plans received : 01/03/2022 **Date(s) of Amendment(s):**

Date Application Valid: 01/03/2022

1. SUMMARY

The principle of the dwelling at the site has already been established through the scheme approved under application ref: 69790/APP/2021/2451 (the original permission).

The proposed amendments would not have a materially greater effect on the openness of the Green Belt than the original permission. The circumstances relating to this site, noting in particular the originally approved scheme, are considered to be sufficient to amount to the very special circumstances necessary to justify the proposed amendments and overcome the harm identified.

The S.73 proposal would not cause harm to the character and appearance of the area and would preserve the setting of the surrounding Conservation Area. The proposal would not adversely impact upon the residential amenities of neighbouring occupiers. The proposed dwelling would provide future occupiers with a satisfactory provision of internal and external amenity space.

The proposed amendments would not involve any changes to the access arrangements or on-site parking provision approved under application ref: 69790/APP/2021/2451. The Council's Highways Officer has raised no objection to the S.73 application. The pre-commencement conditions - which includes the submission of a Construction Management Plan, Basement Impact Assessment, Contamination Report and Sustainable Drainage Strategy- would be re-attached, in the event of an approval.

The proposed amendments are therefore considered to accord with the Development Plan, and it is recommended that planning permission be granted. All previous conditions will be attached where relevant.

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 17th December 2021, being the date of the original permission granted under reference 69790/APP/2021/2451.

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 the submitted drawings, numbered 19_084_S00A, 19_084_P0E, 19_084_P1F, 19_084_P2D, 19_084_P3E, 19_084_P4D, 19_084_P7G, 19_084_P9E and 19_084_FP7 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 RES7 Materials (Submission)

No development shall take place until details and samples of all external materials and finishes as listed below, have been submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. Samples shall be made available on site for inspection. Works shall be carried out in accordance with the approved details.

- a. Brickwork
- b. Clay roof and ridge tiles
- c. Timber cladding
- d. External finish to dormers
- e. Soffit/ fascias
- f. Balustrades
- g. Guttering and downpipes

REASON

To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning

4 NONSC Non Standard Condition

No development shall take place until details of all the external aluminium windows and doors have been submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. Works shall be carried out in accordance with the approved details.

REASON

To safeguard the character and appearance of the conservation area and the green belt in accordance with Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMEI 4, DMHB 1, 4 and 11 (January 2020), Policy HC1 and G2 of the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 NONSC Non Standard Condition

Prior to installation, details of all conservation roof lights shall be submitted to and approved in writing by the Local Planning Authority. Details shall include manufacturer/supplier information, product type/code and RAL colour where relevant. The roof lights shall be traditional conservation roof lights installed completely flush along the roof line or set just below the roof tiles. Works shall be carried out in accordance with the approved details.

REASON

To safeguard the character and appearance of the conservation area in accordance with Hillingdon's Local Plan: Part 1 policy HE1 (November 2012), Hillingdon's Local Plan: Part 2 policies DMHB 1, 4 and 11 (January 2020), the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6 NONSC Non Standard Condition

Prior to any works above damp proof level, details of the site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Details shall include scaled drawings, manufacturer/supplier information, product type/code and RAL colour where relevant. Works shall be carried out in accordance with the approved details.

REASON

To safeguard the character and appearance of the conservation area and the green belt in accordance to policy Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMEI 4, DMHB 1, 4 and 11 (January 2020), Policy HC1 and G2 of the London Plan (2021) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

7 NONSC Non Standard Condition

Prior to the commencement of any site clearance or construction work, a Basement Impact Assessment by a suitably qualified chartered engineer shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include the following details:

- a) A desktop study of geological and hydrological conditions of the site and the wider area;
- b) Site specific investigations to assess local ground conditions, including trial pits and/or boreholes;
- c) Identify suitable construction methods and mitigation measures for the basement, taking into account the stability of the host and neighbouring buildings and hydrology;
- d) A method for monitoring local ground conditions, water movement and subsidence.

The development thereafter shall be implemented in strict accordance with the approved details.

REASON

To ensure the development provides satisfactory means of drainage on site and to reduce the risk of localised flooding, and to safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in compliance with Policies DMHB 11, DMHD 3 and DMEI 9 of the Hillingdon Local Plan Part 2 (2020)

8 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. 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) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities)
- (v) 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
- (vii) 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 reduce the impacts of construction on the surrounding highway network and to safeguard the amenity of surrounding areas in accordance with Policies DMHB 11, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy T6 of the London Plan (2021).

9 RES15 Sustainable Water Management (changed from SUDS)

The development hereby permitted shall be carried out strictly in accordance with the approved Foul & SuDS Drainage Assessment by Consulting Engineers (Ref: 10757).

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 London Plan (2021) and Policies SI 12 and SI 13 of the London Plan (2021).

10 RES8 Tree Protection

No site clearance or construction work shall take place until the details have been 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).

11 RES9 Landscaping (car parking & refuse/cycle storage)

Prior to the commencement of works above damp proof level, a landscape scheme shall be 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

2.b Cycle Storage

2.c Car Parking Layouts (including one active and two passive electrical charging points)

2.d Hard Surfacing Materials

2.e External Lighting

2.f Scaled elevations of the gazebo structure shown on approved drawing 19_084_P0D

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 surfacing/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

5. Other

5.a Existing and proposed functional services above and below ground

5.b Proposed finishing levels or contours

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 DMEI 4, DMHB 11, DMHB 12, DMHB 14, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies D1, D3, D4, G2, G5, T5, T6 and T6.1 of the London Plan (2021).

12 RES12 No additional windows or doors

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 additional windows, doors or other openings shall be

constructed in the walls or roof slopes of the development hereby approved facing the property at Old Orchard Lodge.

REASON

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

13 RES13 Obscure Glazing

The dormer window and rooflights serving the rooms specified as 'bathroom' and 'ensuite' on approved drawing number 19_084_P7G and 19_084_P2D 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).

14 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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the openness of the Green Belt, the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

15 NONSC Non Standard Condition

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).

16 NONSC Non Standard Condition

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).

17 NONSC Non Standard Condition

The dwelling hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum 10% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

REASON

In the interest of energy conservation and to comply with Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the

London Plan (2021).

18 NONSC Non Standard Condition

The dwelling hereby approved shall 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).

REASON

In the interest of water conservation and to comply with Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

19 NONSC Non Standard Condition

Prior to commencement of development above ground level, details of suitable sound mitigation/insulation to be incorporated into the development shall be submitted to the local planning authority for approval in writing. The details shall be accompanied by sufficient information to demonstrate that a suitable living environment will be created for the future occupiers of the development, having regard to likely noise emissions from the adjacent public house. Thereafter, the development shall only be carried out in accordance with the agreed details and any mitigation measures agreed shall be permanently maintained/retained.

REASON

To accord with the agent of change principle and London Plan (2021) Policy D13.

20 RES10 Tree to be retained

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.

21 RES26 Contaminated Land

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with

any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DMEI 12 of Hillingdon Local Plan Part 2.

INFORMATIVES

1 115 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 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.

2 I2 Encroachment

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 may 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 for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

3 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

4 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).

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

DMEI 10	Water Management, Efficiency and Quality
DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm

DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 4	Conservation Areas
DMHD 3	Basement Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
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 G2	(2021) London's Green Belt
LPP HC1	(2021) Heritage conservation and growth
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

6 16 Property Rights/Rights of Light

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.

7 170 LBH worked applicant in a positive & proactive (Granting)

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 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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

8 173 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@hillingsdon.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

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.

9 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a previously development parcel of land to the south of Park Lane. It used to comprise a single storey building known as Old Orchard Lodge Cottage. Old Orchard Lodge Cottage originally served as an ancillary workshop/storage in connection to the Old Orchard Public House (when it was a former residential property). However, it appears to have been converted into residential accommodation in the late 1960s or 1970s. Old Orchard Lodge has been demolished as part of the implementation of the dwelling approved under application reference 12385/APP/2016/2040, and the site is currently vacant.

The application site is located at the fringe of Harefield Village amongst a group of properties comprising the Old Orchard Lodge, the Old Orchard Cottage and Old Orchard Public House. The surrounding area is rural, and these groups of buildings are of Edwardian style.

The application site lies within the Green Belt and Harefield Village Conservation Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). According to the Council's GIS Map, the site falls within the Denham Aerodrome 3km Perimeter Buffer Zone and a Landfill Buffer Zone. The site has a Public Transport Accessibility Level rating of 1a (very poor) and lies within Flood Zone 1.

3.2 Proposed Scheme

The application proposes to vary Conditions 2 (Approved Plans) and 4 (External timber windows) of planning permission ref. 69790/APP/2021/2451, dated 17/12/2021 (Erection

of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping) to include fenestration changes including the replacement of timber windows with aluminium windows, re-positioning and installation of new external stairs, re-positioning of proposed gazebo, erection of a wall adjacent to western boundary and re-positioning of external western basement wall.

Under the terms of a Section 73 application, it is only the impact of the proposed minor changes that are for consideration.

3.3 Relevant Planning History

12385/APP/2015/859 Old Orchard Lodge Cottage Park Lane Harefield

Three-bed, detached bungalow with detached double garage involving demolition of existing bungalow

Decision: 11-05-2015 Refused

12385/APP/2016/2040 Old Orchard Lodge Cottage Park Lane Harefield

Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house

Decision: 10-10-2016 Approved

12385/APP/2016/4631 Old Orchard Lodge Cottage Park Lane Harefield

Details pursuant to condition 13 (Landscaping) of planning permission Ref: 12385/APP/2016/2040 dated 10/10/2016 (Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house)

Decision: 16-02-2017 Approved

12385/APP/2017/1554 Old Orchard Lodge Cottage Park Lane Harefield

Details pursuant to conditions 2 (Proposed Colour) and 13 (Landscaping) of planning permission Ref: 12385/APP/2016/2040 dated 10/10/2016 (Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house)

Decision: 04-07-2017 Refused

12385/APP/2017/3030 Old Orchard Lodge Cottage Park Lane Harefield

Details pursuant to conditions 3 (Materials), 6 (Landscaping), 8 (Sustainable Water Management) and 9 (Levels) of planning permission Ref: 12385/APP/2016/2040 dated 10/10/2016 (Demolition of existing structure, currently used as a dwelling, and construction of a new four bed detached house)

Decision: 11-10-2017 Approved

12385/APP/2018/1199 Old Orchard Lodge Cottage Park Lane Harefield

Installation of driveway

Decision: 14-06-2018 Refused

12385/APP/2018/2770 Old Orchard Lodge Cottage Park Lane Harefield

Installation of driveway (Part retrospective)

Decision: 17-01-2020 Refused

69790/APP/2014/655 Old Orchard Lodge Park Lane Harefield

Detached double garage to side (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 28-04-2014 Refused **Appeal:** 12-06-2015 Dismissed

69790/APP/2019/3871 Old Orchard Lodge Park Lane Harefield

Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping

Decision: 15-05-2020 WD

69790/APP/2020/2070 Old Orchard Lodge Park Lane Harefield

Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping

Decision: 04-12-2020 Refused **Appeal:** 20-05-2021 Dismissed

69790/APP/2021/2451 Old Orchard Lodge Park Lane Harefield

Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping

Decision: 16-12-2021 Approved

69790/APP/2022/1525 Old Orchard Lodge Park Lane Harefield

Details pursuant to the discharge of Conditions 3 (Materials); 5 (Roof Lights); 7 (Basement Impact Assessment); 8 (Demolition and construction management plan); 10 (Method Statement and Fencing); 15 (Step free access); and 21 (Contamination) of planning permission ref. 69790/APP/2021/2451, dated 17/12/21 (Erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping)

Decision:

Comment on Planning History

The relevant planning history attached to this site is referenced above.

Planning application reference 69790/APP/2021/2451 proposed the erection of a two storey, detached dwelling house with habitable basement space with associated parking and landscaping. The application was approved on 16th December 2021. This is the original permission which the subject S.73 application seeks to vary.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 22nd April 2022

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consultation

EXTERNAL CONSULTEES:

Three neighbouring properties were consulted on 21st March 2022. Following the receipt of revised drawing, neighbouring residents were re-consulted on 14th July 2022. The consultation period expired on 28th July 2022. One representation was received, and their comments are summarised as follows:

- The existing drainage cannot cope with the extra demand
- No Sustainable Drainage System is being proposed
- The site contains Asbestos
- Excavating below ground level could cause structural defects to neighbouring properties
- Unable to open the Basement Impact Assessment document available on the website

PLANNING OFFICER RESPONSE: The representation received has been duly noted by Officers. Planning permission 69790/APP/2021/2451 contains conditions which require the submission of a Contamination Mitigation Strategy, Basement Impact Assessment, Surface Water Management Strategy (including the incorporation of SuDs). These conditions would be re-attached, if planning permission were to be granted for this current S.73 application. Condition 9 requires the development to be carried out in accordance with the approved Foul & SuDS Drainage Assessment by Consulting Engineers (Ref: 10757). This condition would also be re-attached, in the event of an approval.

A separate details to pursuant application has been submitted to discharge Condition 7 (Basement Impact Assessment) attached to permission 69790/APP/2021/2451. Officers have checked that this document can be downloaded from the Council's website and opened.

Denham Aerodrome: We would like to draw attention to the fact that the site is within the Denham Aerodrome Traffic Zone. Denham is a long established Civil Aviation Authority Licensed Aerodrome providing facilities for business aviation and flying training for both fixed and rotary wing aircraft, and may be available for use at any time. It is inevitable that any occupants in this location will both hear and see aircraft operations including aircraft and it is important that all concerned are aware of the juxtaposition of the sites.

INTERNAL CONSULTEES:

Council's Highways Officer: There are no identified highway implications related to this variation of condition hence there is no further comment made.

Council's Access Officer: I have considered the detail of this planning application and consider this proposal to have no impact on accessibility.

Council's Trees and Landscape Officer: No comments received.

Council's Environmental Health Officer: No comments received.

Council's Conservation Officer: No comments received.

6. **Local Plan Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

DMEI 10	Water Management, Efficiency and Quality
DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development

DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 4	Conservation Areas
DMHD 3	Basement Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
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 G2	(2021) London's Green Belt
LPP HC1	(2021) Heritage conservation and growth
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

In addition: Development Plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material

consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

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

As previously stated, under the terms of a Section 73a application, it is only the impact of the proposed minor changes that are for consideration.

The proposed amendments would not involve any changes above ground level to the siting, dimensions or height of the dwelling approved under application ref: 69790/APP/2021/2451. As such, the proposal would not result in a loss of light, outlook or overbearing impact for the neighbouring occupiers at Old Orchard Lodge, over and above that deemed acceptable under application ref: 69790/APP/2021/2451.

It is noted that a new wall is being proposed adjacent to the western boundary. However, the submitted section drawings shows that the wall would mainly be located at the basement level, with its maximum height matching that of the existing ground level. On this basis, it is considered that the proposed wall would not result in a loss of light or sense of enclosure for the neighbouring occupiers at Old Orchard Lodge. Similarly, the section drawings shows that the approved external stairs which would be re-positioned and the installation of a new external staircase leading to the basement would not project above the height of the existing ground levels. It is therefore considered that the external staircases would not give rise to loss of privacy or overlooking issues for the occupiers at Old Orchard Lodge. Condition 6 attached to the original permission (ref: 69790/APP/2021/2451) requires details in respect to boundary treatment to be submitted to the Council for consideration. This same condition would be re-attached to the S.73 permission, in the event of an approval.

No additional windows above ground level or dormers are being proposed beyond those forming part of the original scheme approved under application ref: 69790/APP/2021/2451. Condition 13 attached to the original permission requires the dormer windows and rooflights serving the bathroom and en-suite to be obscure glazed and non-opening up to 1.8 metres of the finished floor level. This condition would be re-attached to the S.73 permission, in the event of an approval.

The proposed gazebo approved under the original permission would be re-located to the south-eastern corner of the site, adjacent to the boundary shared with the Public House. Due to its proposed position, it is considered the gazebo would not adversely impact on the residential amenities of neighbouring occupiers.

There would be a separation distance of approximately 30 metres between the proposed dwelling and Old Orchard Cottage. Given this separation distance, it is considered that the proposed amendments would not adversely impact on the residential amenities of Old Orchard Cottage.

Old Orchard Public House sits on higher grounds (circa 1 metre) and would be separated from the proposed dwelling by approximately 19 metres. Bearing this in mind, coupled with its drinking establishment use class, it is considered that the Old Orchard public House would not be adversely impacted by the proposed development, in respect to residential amenity. The Agent of Change is discussed in the section 7.6 of this report.

7.2 Impact on Street Scene

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA, INCLUDING THE SURROUNDING CONSERVATION AREA:

As previously stated, the proposed amendments include the replacement of timber windows with aluminium windows, re-positioning and installation of new external stairs, re-positioning of proposed gazebo, erection of a wall adjacent to the western boundary and re-positioning of external western basement wall.

The proposed replacement of the approved timber framed windows with aluminium framed windows would continue to respect the barn inspired architectural style of the dwelling. In the event of an approval, Condition 3 which requires full details of the external materials and finishes of the dwelling would be re-attached to the S.73 permission. The proposed wall adjacent to the western boundary and three proposed external staircases would be wholly contained within the garden of the site and would appear as domestic features. The proposed gazebo would be discreetly re-located to the south-eastern corner of the site, adjacent to the boundary of the Public House. It is therefore considered that the proposed dwelling would continue to sit comfortably within the its plot.

Due to the location of the site, and noting the proposed vegetation and boundary treatment which would be secured by condition, views from the surrounding public vantage points into the site would be limited. It is considered that the dwelling would harmonise with the surrounding rural landscape.

In light of the above, and given a significant degree of weight to the scheme approved under the original permission, it is considered that the proposed amendments would not cause harm to the character and appearance of the area or the setting of the Harefield Village Conservation Area. The proposal therefore accords with the objectives of Policies HE1 and BE1 of the Hillingdon Local Plan Part 1 (2012) and Policies DMHB 4, DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan Part 2 (2020), Policies D3, D4 and HC1 of the London Plan (2021) and the NPPF (2021), in this respect.

Please refer to section 7.6 of this report for the Green Belt assessment.

7.3 Traffic Impact / Pedestrian Safety

Covered in the following section of this report.

7.4 Carparking & Layout

ACCESS, PARKING AND HIGHWAY SAFETY:

The proposed amendments would not alter the access arrangement on the number of on-site car parking provision originally approved under application ref: 69790/APP/2021/2451. It is therefore considered that the proposal would not significantly prejudice highway safety or exacerbate the demand for street parking or congestion on the surrounding network over and above that deemed acceptable under the original permission.

In the event of an approval, Condition 11, which requires one active and two passive electric charging points to be provided, would be re-attached to the S.73 permission.

The proposal therefore accords with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies T6 and T6.1 of the London Plan (2021).

BICYCLE PROVISION:

Condition 11 required details of the on-site cycle storage to be submitted to the Council for consideration. This condition would be re-attached to the S.73 permission, in the event of an approval. Subject to such a condition, the proposal would comply with Policy DMT 5 of the Hillingdon Local Plan Part 2 (2020) and Policy T5 of the London Plan (2021).

REFUSE AND RECYCLING:

In the event of an approval, Condition 11, which requires the submission of refuse storage details, would be re-attached to the S.73 permission. Subject to such a condition, the proposal would comply with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

7.5 Urban Design, Access and Security Considerations

INTERNAL AMENITY SPACE PROVISION:

The proposed drawing shows that the dwelling would have a gross internal area (GIA) of 605 sqm, which by far exceeds the London Plan's minimum space standards. Similar to the scheme approved under the original permission, the proposed dwelling would be dual aspect with all the habitable rooms being served by principal windows in the front or rear elevations of the building, thus providing future occupiers with a reasonable level of natural light and outlook. The proposed basement would provide a games room/gym, kitchenette/laundry room, shower room and cinema. The basement therefore has no requirement for natural light, although it is noted that the basement would benefit from a roof light and light wells.

It is therefore considered that the proposal would provide future occupiers with a satisfactory provision of internal amenity space in accordance with Policy DMHB 16 of the Hillingdon Local Plan Part 2 (2020) and Policy D6 of the London Plan (2021).

EXTERNAL AMENITY SPACE PROVISION:

The proposed amendments would not result in an increase in the number of bedrooms within the dwelling. The submitted proposed site plan shows that 293 sqm of rear garden space would be provided to future occupiers, which far exceeds the minimum 100 sqm set out Table 5.3 of the Hillingdon Local Plan Part 2. The proposal would therefore provide future occupiers with a satisfactory provision of external amenity space in accordance with Policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020).

INCLUSIVE DESIGN:

In the event of an approval, Conditions 15 and 16, which require the submission of details relating to step-free access and for the approved dwelling to meet Category 2 M4(2) of the Building Regulation, would be re-attached to the S.73 permission. Subject to such conditions, the proposal would comply with Policies D5 and D7 of the London Plan (2021).

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

A) Whether the proposed changes to the consented scheme would give rise to inappropriate development in the Green Belt? And B) The effects of the changes on the openness of the Green Belt

The Committee Report in respect to the original scheme approved under application ref: 69790/APP/2021/2451 states the following, in respect to the Green Belt assessment.

"Paragraph 147 of the NPPF (2021) states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except for very special circumstances. Paragraph 148 of the NPPF (2021) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm

resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF (2021) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: -
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Part A) of Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that inappropriate development in the Green Belt will not be permitted unless there are very special circumstances. Part B) of Policy DMEI 4 states that extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

- i) the height and bulk of the existing building on the site;
- ii) the proportion of the site that is already developed;
- iii) the footprint, distribution and character of the existing buildings on the site;
- iv) the relationship of the proposal with any development on the site that is to be retained; and
- v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

Whether the proposed erection of a dwelling at the site would fall under exception paragraph 149 (g) of the NPPF [previously paragraph 145 (g)] was considered during Appeal Decision reference APP/R5510/W/21/3267239. The Inspector states the following in respect to this matter:

"The definition of previously developed land (PDL) is set out in the glossary to the Framework and includes land occupied by a permanent structure, including the curtilage of the developed land. Thus, as the site is the location for the now demolished outbuilding for the Old Orchard Public House, this leads me to consider it would constitute PDL, as defined by the Framework. It is therefore necessary to consider the impact of the proposal on openness of the Green Belt for this exception to apply."

There is no suggestion that the proposal would contribute towards an identified affordable housing need. Consequently, having regard to the second limb of paragraph 145 g) the development would be inappropriate if it would have a greater impact on the openness of the Green Belt than the existing development."

The Inspector goes on state the following in respect to the openness of Green Belt.

"The essential characteristics of Green Belts are their openness and their permanence. I refer to established case law 1 [Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 and Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466] which states that openness has both a visual and spatial quality with regard to the appellant's assertion that the proposed dwelling would not be visible from the long view along Park Lane and would only be visible from the pub's car park, being partially hidden behind the property's boundary wall. Even a modest dwelling would be likely to impinge on the visual and spatial quality compared to the existing empty site which forms the benchmark against which to consider the impact on openness, given that the previous buildings were demolished a number of years ago. The appellant has referred to a comparison between the previously approved scheme and the current proposal. However, whilst an alternative development may represent a fall-back position, the extant scheme has not been constructed and I must consider the impact on openness in comparison to the 'existing development' which is the present condition of the site."

In light of the above Appeal Decision, it is considered that this current proposal would not fall within the exception of paragraph 145 g) of the NPPF and is therefore inappropriate development. However, as required by paragraph 148 of the NPPF, it is necessary to consider if there are any 'other considerations' which would weigh in favour of the development.

Other considerations

In 2016 the Council granted planning permission for the erection of a new four-bedroom dwelling at the site under application reference 12385/APP/2016/2040. This extant permission has been implemented by the applicant, and as such, a fall back position has been established as identified by the Inspector in the above Appeal Decision. It is agreed with the Inspector it is the 'existing development' that must be considered rather than 'fallback positions', when it comes to applying the test of paragraph 149 g) of the NPPF. However, the 'other considerations' test set out in paragraph 148 of the NPPF (2021) does not preclude 'fall-back positions' from being considered. It is also understood that the applicant would revert to the approved and implemented 2016 scheme in the event that this application is not granted, and Officers afford this significant weight. It is therefore necessary to consider the effect of the approved permission on the Green Belt and how this compares with the proposed scheme.

The proposed dwelling would have additional floor space above the previously approved dwelling. However, this increase is at the basement level which comprises of 240 square metres of internal floor space. The proposed basement would not be visible from any public vantage points, nor from adjacent neighbouring land. It is therefore considered that the basement's impact to the visual aspect of 'openness' of the Green Belt would be very limited. The proposed dwelling would have a ground and first floor level footprint of 369 square metres, compared to the approved dwelling's footprint of 364 square metres. This equates to the floor area of the proposed dwelling above basement level being 5 square metres greater than the approved dwelling.

It is acknowledged that the overall floor area of the proposed development would be larger than that which was previously approved. However, the siting, scale and massing of the proposed dwelling would be similar to that of the approved dwelling. Furthermore, the barn inspired architectural style of the proposed dwelling and choice of material palette would be complementary to the site's rural setting, and would also be similar to that of the approved dwelling. It is therefore considered that whilst the current proposal would

have a moderate impact on the openness of the Green Belt, the harm would not be any greater than the approved scheme under application reference 12385/APP/2016/2040. Given that the refusal of this application would likely result in the applicant continuing to implement the approved scheme under 12385/APP/2016/2040, this is an important material consideration.

Green Belt Balance

The proposed development is inappropriate development in the Green Belt. It is also considered that the proposed dwelling would have a moderate impact on the openness of the Green Belt. As stated above, the NPPF states that substantial weight should be given to any harm to the Green Belt, and development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

As identified in the above paragraphs, it is considered that the proposed dwelling causes no greater harm to the Green Belt compared to the dwelling approved under application reference 12385/APP/2016/2040. Accordingly, given the clear fall-back position available to the applicant, no additional planning harm arises from the proposed scheme and the planning balance is considered to be the same.

Taking all of the factors into account, it is considered that the other considerations in this case clearly outweigh the harm that has been identified. Looking at the case as a whole, it is considered that very special circumstances exist to justify inappropriate development in the Green Belt. It is therefore considered that, in this particular and individual circumstance, the principle of the development is acceptable.

Due to the site's Green Belt location, it is considered necessary, in this particular instance, to use a condition (in the event of an approval) to withdraw permitted development rights for the enlargement, improvement or other alteration to the dwelling, alterations to its roof and the erection of incidental buildings. This is due to the effect any further extensions, additions and buildings at the site could have on the openness of the Green Belt."

Turning back to the current S.73 application, the proposed amendments would increase the GIA of the approved dwelling by additional 4 sqm at the basement level, which is considered to be a relatively modest increase when comparing to the overall size of the dwelling. The form, bulk, general design and height of the approved dwelling would not be significantly affected by the proposed changes, despite the proposed erection of a new wall along the western boundary, the re-location of the approved gazebo and the re-siting and installation of external staircases. It is therefore considered that the effect on openness would not be materially greater than the original scheme approved under application reference 69790/APP/2021/2451 .

When taking into account the above circumstances, it is considered that these factors are sufficient to amount to the very special circumstances necessary to justify the proposed amendments and overcome the harm identified.

As with the original permission (ref: 69790/APP/2021/2451), it is considered necessary to use a condition to withdraw permitted development for the enlargement, improvement or other alteration to the dwelling, alterations to its roof and the erection of incidental buildings.

TREES AND LANDSCAPING:

In the event of an approval, Condition 10, which requires the submission of a method statement detailing the sequence of the construction works and details of tree protection methods (including the submission of an arboricultural method statement) would be re-attached to the S.73 permission. Also, Condition 11, which requires the submission of a landscaping scheme, would also be re-attached to the S.73 permission. Subject to such conditions, the proposal would comply with Policy DMHB14 of the Hillingdon Local Plan Part 2 (2020).

FLOOD RISK AND DRAINAGE:

In the event of an approval, Condition 7, which requires the submission of a Basement Impact Assessment, would be re-attached to the S.73 permission. Condition 9, which requires the development to be carried out in accordance with the approved Foul & SuDS Drainage Assessment, would also be re-attached to the S.73 permission. Subject to such conditions, the proposal would comply with Policies DMEI 9, DMEI 10 and DMHD 3 of the Hillingdon Local Plan Part 2 (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

NOISE/AGENCY OF CHANGE:

The southern boundary of the application site adjoins Old Orchard Public House (an established drinking establishment). In the event of an approval, Condition 19, which requires details of suitable sound mitigation/insulation measures, would be re-attached to the S.73 permission. Subject to such a condition, the proposal would comply with Policy D13 of the London Plan (2021).

REFUSE AND RECYCLING:

In the event of an approval, Condition 11 which requires the submission of refuse and recycling details, would be re-attached to the S.73 application. Subject to such a condition, the proposal would comply with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

RENEWABLE ENERGY/SUSTAINABILITY:

In the event of an approval, Condition 17, which requires the dwelling to achieve an energy efficiency standard of a minimum of 10% CO2 improvement above Building Regulations requirements Part L 2013 (TER Baseline), would be re-attached to the S.73 permission. Subject to such a condition, the proposal would comply with Policy DMEI 2 of the Hillingdon Local Plan Part 2 (2020) and Policy SI 2 of the London Plan (2021).

CONTAMINATION RISK:

In the event of an approval, Condition 21 (which required the submission of contamination mitigation scheme) would be re-attached to the S.73 permission. Subject to such a condition, the proposal would comply with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

COMMUNITY INFRASTRUCTURE LEVY:

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 square metre. This application is liable for CIL.

8. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (September 2017)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

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