

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. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

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

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

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

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address SILVER BIRCHES TILE KILN LANE HAREFIELD

Development: Variation of Condition 2 (Approved Plans) of planning permission ref. 75438/APP/2021/1439 dated 6th August 2021 (Erection of a detached 5 bed dwelling with associated parking and amenity space including demolition of existing dwelling). Amendments sought to positioning of and reduction in width of the dwelling, dimensions of the garage and rebuilding of garden walls

LBH Ref Nos: **75438/APP/2021/3910**

Drawing Nos: 1334/P2/VOC/1A
 Covering Letter
 1334/P2/VOC/2
 1334/P2/VOC/3

Date Plans received : 20/10/2021

Date(s) of Amendment(s):

Date Application Valid: 20/10/2021

1. SUMMARY

The principle of development has been established through the granting of planning permission 75438/APP/2021/1439. It is considered that the proposed amendments would not adversely impact on the openness of the Green Belt or the overall character of the street scene or area. The proposal would not cause undue harm to the living conditions of neighbouring occupiers, and would provide future occupiers with a high standard of living accommodation. The proposal would provide an adequate provision of on-site car parking provision and would not prejudice highway safety. 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 NONSC Non Standard Condition

The development hereby permitted shall be begun before the expiration of three years from 16th April 2021 , being the date of the original permission granted under ref. 75438/APP/2021/1439.

REASON

As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.

2 NONSC Non Standard Condition

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1334/P2/VOC/1A, 1334/P2/VOC/2 and 1334/P2/VOC/3.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part

1 (2012), Part 2 (2020) and the London Plan (2021).

3 NONSC Non Standard Condition

The development hereby approved shall be constructed in accordance with the materials and external surface details approved under application 75438/APP/2021/3909 granted on the 8th March 2022. Thereafter the development shall be retained in accordance with the approved details.

REASON

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

4 NONSC Non Standard Condition

The development hereby approved shall be carried out in strictly in accordance with the method statement and tree protection measure details approved under application 75438/APP/2021/3909 granted on the 8th March 2022.

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).

5 NONSC Non Standard Condition

The development hereby approved shall be carried out in strictly in accordance with the demolition and construction management plan details approved under application 75438/APP/2021/3909 granted on the 8th March 2022.

REASON

To safeguard the amenity of surrounding areas in accordance with Policies DMT1, DMT2 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6 NONSC Non Standard Condition

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI5 of the London Plan (2021) and will:

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

which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

REASON

These details are required prior to the start of work to ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon

Local Plan Part 2 (2020) and London Plan (2021) Policy SI5.

7 NONSC Non Standard Condition

The development hereby approved shall be constructed in accordance with the landscaping scheme details approved under application 75438/APP/2021/3909 granted on the 8th March 2022. Thereafter the development shall be retained in accordance with the approved details.

REASON

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

8 NONSC Non Standard Condition

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.

9 NONSC Non Standard Condition

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 Beaufort and Merry Acre, Tile Kiln Lane.

REASON

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

10 NONSC Non Standard Condition

The first floor windows serving the rooms labelled as 'walk-in', 'en-suite' and 'shower' as detailed on approved drawing number 1334/P2/VOC/2 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).

11 NONSC Non Standard Condition

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, character and appearance of the area and amenity of residential occupiers in accordance with the NPPF (2021), Policy G2 of the London Plan and Policies Policy DME1 4, DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020)

12 NONSC Non Standard Condition

The development hereby approved shall be constructed in accordance with the step free access details approved under application 75438/APP/2021/3909 granted on the 8th March 2022. Thereafter the development shall be retained in accordance with the approved details.

REASON

To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

13 NONSC Non Standard Condition

The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions 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).

14 NONSC Non Standard Condition

The dwelling hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

REASON

In the interest of energy conservation and to comply with SI 2 of the London Plan (2021)

15 NONSC Non Standard Condition

The dwelling hereby approved shall not be occupied until the development has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum water consumption in accordance with the requirements defined within Approved Document G of the Building Regulations.

REASON

In the interests of Sustainability and Energy Conservation in accordance with SI 2 of the London Plan (2021)

INFORMATIVES

1 170 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.

2 173 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@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.

3 152 Compulsory Informative (1)

The decision to GRANT/REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

4 153 Compulsory Informative (2)

The decision to GRANT/REFUSE 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 4	Development on the Green Belt or Metropolitan Open Land
DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards

DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP G2	(2021) London's Green Belt
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

5 I15 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.

6 147 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 or 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.

7 12 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.

8 15 Party Walls

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, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

9 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.

10 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 comprises a two storey detached property situated on the western side of Tile Kiln Lane. The property is set beneath a gabled roof and is characterised by a two storey gabled front projection on the southern side of the front elevation. The property is set in a generously sized plot with an area of landscaping and a carriage driveway to the front and a reasonably sized rear garden.

The area is rural in character and appearance, with the dwelling forming one of a small number of properties along Tile Kiln Lane. The application site lies within the Green Belt as identified in the Hillingdon Local Plan: Part One - Strategic Policies (2012).

3.2 Proposed Scheme

The application proposes a 'Minor Material Amendment' to vary Condition 2 attached to application 75438/APP/2021/1439 for the erection of a detached 5 bed dwelling with associated parking and amenity space including demolition of existing dwelling.

The following main amendments are being proposed:

- Re-positioning the approved dwelling 1 metre closer to the site front boundary.
- Reducing the approved dwelling width by 300mm.
- Increasing the garage ridge height by approximately 361mm.
- Increasing the width of the garage by approximately 300mm.
- Existing garden walls to be re-built in the approved brick to the same height.

During the course of the application an email was received by the agent confirming that the applicant no longer sought to vary the wording of Condition 10, which relates to obscure glazed/non-opening windows.

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

51817/97/0484 Silver Birches Court Drive Hillingdon

Retention of existing garage, amendment to planning permission ref. 45298F/96/294 dated 07/04/95; Erection of a detached house (involving demolition and relocation of garage)

Decision: 29-10-1997 Approved

51817/A/99/1126 Silver Birches Court Drive Hillingdon

Conversion of existing garage to habitable room and erection of a detached garage (involving demolition of shed)

Decision: 27-07-1999 Refused

51817/APP/1999/2249 Silver Birches Court Drive Hillingdon
CONVERSION OF GARAGE INTO A HABITABLE ROOM AND ERECTION OF A NEW
DETACHED GARAGE

Decision: 17-01-2000 Approved

51817/APP/2009/1542 Silver Birches Court Drive Hillingdon
Conservatory to rear and single storey detached outbuilding to rear for use as summerhouse,
involving demolition of existing conservatory.

Decision: 15-09-2009 Approved

51817/APP/2009/2172 Silver Birches Court Drive Hillingdon
Details in compliance with conditions 4 (tree protection) of planning permission
51817/APP/2009/1542- dated 15/09/2009 (Conservatory to rear and single storey detached
outbuilding to rear for use as summerhouse, involving demolition of existing conservatory)

Decision: 13-10-2009 Approved

51817/APP/2009/2178 Silver Birches Court Drive Hillingdon
Details in compliance with condition 6 (Replacement Conifer Tree) of planning permission ref:
51817/APP/2009/1542 dated 15/09/2009 (Conservatory to rear and single storey detached
outbuilding to rear for use as summerhouse, involving demolition of existing conservatory).

Decision: 13-10-2009 Approved

51817/TRE/2008/109 Silver Birches Court Drive Hillingdon
TPO NO. 7
TO CARRY OUT TREE SURGERY TO TWO BIRCH TREES IN GROUP G19

Decision: 16-03-2009 SD

51817/TRE/2009/24 Silver Birches Court Drive Hillingdon
To fell one conifer in the group G19 on TPO 7

Decision: 26-06-2009 Approved

51817/TRE/2011/33 Silver Birches Court Drive Hillingdon
To fell four Lawson Cypressess in the group G19 on TPO 7.

Decision: 21-12-2011 Refused

75438/APP/2020/727 Silver Birches Tile Kiln Lane Harefield
Part two storey, part single storey side extension, single storey rear extension and conversion of
roof space to habitable use to include 2 x front and 6 x rear roof lights involving demolition of
existing garage

Decision: 23-04-2020 Refused **Appeal:** 09-10-2020 Allowed

75438/APP/2021/1439 Silver Birches Tile Kiln Lane Harefield
Erection of a detached 5 bed dwelling with associated parking and amenity space including
demolition of existing dwelling

Decision: 06-08-2021 Approved

75438/APP/2021/3909 Silver Birches Tile Kiln Lane Harefield

Details Pursuant to conditions 3 (Materials), 4 (Tree Protection Measures), 5 (Construction Management Plan), 7 (Landscaping) and 12 (Step Free Access) of planning permission 75438/APP/2021/1439 dated 6th August 2021 (Erection of a detached 5 bed dwelling with associated parking and amenity space including demolition of existing dwelling)

Decision: 08-03-2022 Approved

Comment on Planning History

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

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consultation

14 neighbouring properties were consulted on 25th October 2021. The consultation period expired on 15th November 2021. Two representations were received from the same objector, and their comments are summarised as follows:

- Harm to the Green Belt, with no very special circumstances case presented
- The proposal will appear visually prominent within the street scene and surrounding area
- The proposal will be detrimental to the overall character and appearance of the Lane.
- Harm to the neighbouring occupiers living conditions
- The proposal will have a more overbearing nature than the previous approved plans
- There will be a loss of outlook, the layout and density of the building changes
- Lack of separation from the boundary resulting in loss of privacy
- No details have been submitted to justify how the mature hedge adjacent to the boundary will be protected.
- Discrepancies between the submitted drawings
- Dispute about boundary treatment ownership

RESPONSE: It is noted that there was a minor discrepancy between the set-back distance of the garage shown on the proposed site plan and proposed floor plans. However, this matter has now been resolved by the applicant, and the proposed site plan has now been updated so that the garage is set-back the same distance as that shown on the proposed plans. Material considerations will be covered in the following sections of this report. The dispute about boundary treatment ownership is not a planning consideration.

Ruislip Residents' Association:

I write in support of local residents in Tile Kiln Lane who have concerns regarding this application stated to be for:

"Variation of Condition 2 (Approved Plans) and 10 (Windows) of planning permission ref. 75438/APP/2021/1439 dated 6th August 2021 (Erection of a detached 5 bed dwelling with associated parking and amenity space including demolition of existing dwelling)."

CONDITIONS 2 and 10 for Ref: 75438/APP/2021/1439 are:

Condition 2 - The development hereby permitted shall not be carried out except in

complete accordance with the details shown on the submitted plans, numbers 1332/P2/5, 1334/P2/1, 1334/P2/2 Rev. A, 1334/P2/3, 1334/P2/6, 1334/P2/4, 1334/P2/7, 1334/P2/8, 1334/P2/9, 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).

Condition 10 - The first floor windows serving the rooms labelled as 'walk-in', 'en-suite' and 'shower' as detailed on approved drawing number 1334/P2/2 Rev. A 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 policies DMHB 11 and DMHD 1-2 of the Hillingdon Local Plan Part 2 (2020).

What are the proposals for Ref: 75438/APP/2021/3910?

No Design and Access Statement has been submitted for this planning application. The only description I can find that summarises the applicant's intended objective from this application is on the application form as follows:

The proposed changes consist of the following -

- 1.Reduction in building width by 300mm
- 2.Widening of garage by 300mm.
- 3.Garage ridge height increased by 361mm
- 4.Building position pulled forward 1m.
- 5.Existing garden walls to be re-built in the approved brick to the same height in clients ownership.
- 6.Rear facing first floor windows to be clear glazed, not obscured.

Objectives 1 - 5 in the list above relate to Condition 2, and Objective 6 relates to Condition 10 of Plan Ref:75438/APP/2021/1439 respectively. However, all these specified changes to condition 2 are not minor changes, they are significant changes to the original plan Ref:75438/APP/2021/1439 approved on 06/08/21 in terms of width, height and location of the building upon the site, demolishing a large wall and there should be requirement to provide protection to the neighbour's hedging.

A new planning application should have been submitted along with all necessary documentation equivalent to the documents submitted for Ref: 75438/APP/2021/1439 below:

Documentation Submitted for Plan Ref:75438/APP/2021/1439

The documents submitted for Ref: 75438/APP/2021/3910 as shown below are inadequate:

To fully understand the proposals and their full impact upon the neighbourhood and the Green Belt the following information is required:

- 1 Complete plans to compare original house and site plans as it is now against those approved on 06/08/21, and to compare them against the latest proposals in detail.
- 2 Arboricultural impact assessment and proposed tree protection plans, to include details of adequate tree and root protection for the mature hedge adjacent to the boundary. Any potential damage to the hedge would be detrimental to the enjoyment of the private amenity space at Merry Acre, and impact upon the views towards the proposed new dwelling house.
3. Security and privacy protection plans. There appears to be no protection around the construction site adjoining Merry Acre when the wall is to be demolished. Security and

privacy is paramount.

4. Design and Access Statement.

The location:

The application property is located within the Green Belt on the western side of Tile Kiln Lane on the section facing a meadow known as Old Priory. The single track lane within this unique rural setting contains well-spaced apart two storey detached houses characterised with red brick ground floor, white render to first floor and black mock timber framework.

The map below illustrates that Tile Kiln Lane has two Grade II Listed Buildings, Woodbine Cottage to the west and Old Clack Farm on the east. The Silver Birches plot is outlined in purple.

There are two Locally Listed buildings, Lantern House, 293 and The Paddocks, 053.

Lantern House to the SE was built circa 1930, by Mr Crowther, appears to be one of the original hamlet houses. Two storeys, ground floor in brick and first floor in render and mock timber framing. Picturesque front elevation with two high level jettied gables and a balcony.

The Paddocks to the west of Lantern House was built circa 1970 with similar characteristics that contribute to local character of the hamlet.

Whilst RRA are not opposed in principle to extending or rebuilding 'Silver Birches'. The scale, design and appearance must sympathetically respect the existing character and appearance of this unique hamlet setting within LBH. We are also mindful that paragraph 143 of NPPF advises inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'.

PLANNING HISTORY

The application site has been subject to two recent planning applications as summarised below:

Ref: 75438/APP/2021/1439

Description: Erection of a detached 5 bed dwelling with associated parking and amenity space including demolition of existing dwelling

Date: 06/08/21

Decision: Approved

Ref: 75438/APP/2020/727

Description: Part two storey, part single storey side extension, single storey rear extension and conversion of roof space to habitable use to include 2 x front and 6 x rear roof lights involving demolition of existing garage

Date: 23/04/21

Decision: Refusal Appeal Allowed 09/10/20

I understand that the existing dwelling 'Silver Birches' was built on land originally owned by the neighbouring property 'Merry Acre'. See existing plans below:

EXISTING PLANS - From Drawing 1334/P/1 from Plan Ref: 75438/APP/2020/727

They are the same as Drawing 1334/P2/4 from Plan Ref: 75438/APP/2021/1439. I cannot

find any 'existing plans' on the documents submitted for this undecided Plan Ref:75438/APP/2021/3910, but as far as I know they are unchanged from above.

Comments on the proposed changes:

Referring to the objectives on the application form:

1. Reduction in building width by 300mm - this is compensated by 2 below.
2. Widening of Garage by 300mm - see 1 above.
3. Garage ridge height increased by 361mm - no proposed Street Scene plan has been submitted to clearly reflect the proposed changes to the increased ridge height of the garage roof.

The elevations shown on the left above are for those approved from Drawing 1334/P2/3 Plan Ref: 75438/APP/2021/1439, and those on the right the proposed elevations from Drawing 1334/P2/VOC/3 Plan Ref:75438/APP/2021/3910, but the proposed elevations are not compared to the existing elevations as shown from drawing 1334/P/1 from Plan Ref: 75438/APP/2020/727.

4 Building position pulled forward 1m - the combined impact of increased garage ridge height in 3 above as well as the building position being pulled forward by one metre, as well as the larger dormer windows will result in the proposed new dwelling being significantly further forward from the original building line that was already forward from Beaufort. The flank wall of the proposed house will project along the boundary for a considerable distance and will increase the volume of the proposed building against the side facing Merry Acre.

So these proposals will:

- appear more overbearing than the previously approved plans.
- appear visually prominent within the street scene.
- be detrimental to the overall character and appearance of the area.
- be detrimental to the amenity of the neighbouring rear garden at Merry Acre.

5. Existing garden walls to be re-built in the approved brick to the same height in clients ownership - I believe the boundary wall located along the boundary with the rear of Merry Acre is in the ownership of Merry Acre. The ownership of the boundary intended to be re-built is not recorded on the planning submission in or the location plans. If the boundary is not in the applicant's ownership then notice should be served on the landowner..

6. Rear facing first floor windows to be clear glazed, not obscured - relates to Condition 10 of Plan Ref:75438/APP/2021/1439 as quoted at the start of this letter. The changes in this planning application indicate that all rear facing windows are proposed to be non-habitable and so should remain to be obscurely glazed. REASON To prevent overlooking to adjoining properties in accordance with policies DMHB 11 and DMHD 1-2 of the Hillingdon Local Plan Part 2 (2020).

Conclusion:

The proposed changes to Condition 2 that form most of this planning application should be respectfully refused because the development by reason of its size, bulk, height and design would result in an obtrusive, incongruous over development of the site which would be harmful to the character and openness of the Green Belt.

The proposed changes to condition 10 should be refused to prevent overlooking to adjoining properties in accordance with policies DMHB 11 and DMHD 1-2 of the Hillingdon Local Plan Part 2 (2020).

RESPONSE: Officers are satisfied that the adequate details have been submitted as part of this S.73 application to allow for its determination. The Covering Letter accompanied with the S.73 application outlines the proposed amendments. As stated in Section 3.2 of this report, the applicant decided during the course of this application not to vary the wording of Condition 10. Material considerations raised in respect to impact on the openness of the green belt, character and appearance and residential amenities will be covered in the following sections of this delegated report.

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 4	Development on the Green Belt or Metropolitan Open Land
DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP G2	(2021) London's Green Belt
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF4	NPPF 2021 - Decision-Making
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

Merry Acre is located to the north of the application site. The proposed dwelling has been devised so that a one and half storey element would run along the mutual boundary shared with Merry Acre. Notwithstanding the proposed increase in height of the garage by some 361mm and re-siting of the dwelling 1 metre farther forward, there would still continue to be a separation distance of approximately 15 metres between this proposed one and half storey element and the rear elevation windows at Merry Acre. The proposed main two and half storey building block would be set away from the rear windows at Merry Acre by approximately 20 metres. Given these separation distances, and noting the orientation of the property at Merry Acre, it is considered that the proposal would not unduly impact on the living conditions of the occupiers at Merry Acre, in terms of loss of light, outlook and overbearing impact.

Beaufort is located to the south of the application site. There would be a separation distance of approximately 11.2 metres between the proposed dwelling and Beaufort. It is acknowledged that the proposed dwelling would be re-positioned 1 metre further forward than the originally approved scheme. However, the S.73 proposal would not breach the 45-degree rule taken from the nearest habitable windows fitted in the front elevation of Beaufort. The rear building line of the proposed dwelling would be set behind that of Beaufort. Taking these factors into account, it is considered that the proposal would not adversely impact on the residential amenities enjoyed by the occupiers at Beaufort, in terms of loss of light, outlook and overbearing impact.

It is noted that windows are being proposed in both side elevations of the proposed dwelling. The ground floor windows would face towards the boundary treatment running along the respective boundaries shared with Merry Acre and Beaufort. As such, it is considered that these windows would not result in a loss of privacy or overlooking. The proposed first floor side window facing Beaufort would be conditioned to be obscure glazed and non-opening up to 1.8 metres of the finished floor level. Given that this window serves a walk-in wardrobe, this condition would not prejudice the quality of internal accommodation for future occupiers.

The proposal would include a swimming pool and patio area as per the scheme originally approved under application 75438/APP/2021/1439. In the event of an approval, a compliance condition would be secured requiring the patio to be carried out in accordance with the details approved under details to pursuant application 75438/APP/2021/3909.

Anneville is located to the rear of the site. There would be a separation distance of approximately 27 metres between this neighbouring property and the proposed dwelling. Bearing this in mind, coupled with the position and orientation of Anneville, it is considered that the proposal would not unduly impact on the living conditions of the occupiers residing at this neighbouring property. There is outbuilding at Anneville which is sited adjacent to the mutual boundary shared with the application site. However, this outbuilding appears to serve as a double garage based on the Council's planning records.

It is therefore considered that the proposed amendments would not adversely impact on the living conditions of neighbouring residential occupiers, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

7.2 Impact on Street Scene

IMPACT ON THE CHARACTER AND APPEARANCE:

The application site is in the Metropolitan Green Belt. Please refer to the section of the report titled 'Principle of Development' for the Green Belt assessment.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

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

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and undesignated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green Infrastructure.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all 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 2 - Development Management Policies (2020) advises that development should be well integrated with the surrounding area.

The surrounding streetscape on Tile Kiln Lane is characterised by detached dwellings on substantial plots. Whilst the properties on Tile Kiln Lane vary in age, the majority of the properties have an element of mock Tudor architecture. It is observed that several of the properties on Tile Kiln Lane contain double gabled features on their front elevation.

The proposed amendments would involve re-siting the approved dwelling approximately 1 metre closer to the site's front boundary. Due to the loose urban grain, the front building line of the properties on Tile Kiln Lane varies with no consistent linear relationship between buildings. This evidenced by the existing dwelling at the application site already projecting beyond that of the adjacent neighbouring property Beaufort. Having regard to this context, it is considered that the proposed re-siting of the approved dwelling would not detract from the street scene, nor disrupt the rhythm and spacing between buildings.

The proposal also seeks to reduce the approved dwelling width by approximately 300mm and increase the garage height by approximately 361mm and its width by 300mm. When compared to the size, scale and height of the dwelling approved under the original permission, it is considered that these particular amendments are minor in nature would continue to allow the approved dwelling to sit comfortably within its plot.

The overall design of the approved dwelling would be similar to that approved under the original application (ref: 75438/APP/2021/1439). In the event of an approval, a compliance condition would be secured requiring the development to be carried out in accordance with the external materials and finishes approved under details to pursuant application ref: 75438/APP/2021/3909.

It is considered that the proposed amendments would not unduly impact on the character and appearance of the street scene or the visual amenities of the wider area and surrounding Green Belt. The proposal therefore accords with the NPPF (2021), Policies D1, D3 and D4 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

IMPACT ON TREES AND LANDSCAPING PROVISION:

Whilst this S.73 application seeks to re-position the approved dwelling, its new location would continue to be situated outside the assessed root protection areas of all the trees referred to within the Arboricultural and Planning Integration Report, Tree Constraints Plan, Arboricultural Impact Assessment and Landscaping Plan (submitted as part of the original application 75438/APP/2021/1439).

Condition 4 attached to application 75438/APP/2021/1439 required the submission of a method statement outlining the sequence of development and detailed drawings showing the position and type of fencing to protect the root protection area of trees, hedges and other vegetation. Condition 7 required the submission of a landscape scheme. Both of these conditions were discharged under details to pursuant application 75438/APP/2021/3909.

If planning permission were to be granted for this S.73 application, compliance conditions would be secured requiring the development to be carried out in accordance with the tree protection measures and landscape scheme approved under details to pursuant application 75438/APP/2021/3909 .

Subject to the above conditions, it is considered that the proposal would not cause harm to the health of the trees at and adjoining the site. It is also considered that the hard and

soft landscaping would help to assimilate the proposed dwelling within its surrounding context. The proposal would therefore accord with Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.3 Traffic Impact / Pedestrian Safety

Covered in the following section of this report.

7.4 Carparking & Layout

PARKING PROVISION AND HIGHWAY SAFETY:

The submitted drawings indicate an on-site parking space provision of four plus spaces (including a double garage) which is achievable owing to the generous frontage area. It is acknowledged that the proposed on-site parking provision would exceed the Council's parking standards. However, the Council's Highways Officer commented under the original application (ref: 75438/APP/2021/1439) that this provision is acceptable, in this particular instance, as it reduces the potential for untoward on-street parking displacement resulting from the higher dependency on the private motor car due to the zero PTAL rating.

The site benefits from two separate carriageway crossings emerging onto Tile Kiln Lane which serve the existing dwelling. These are to remain and are considered by the Council's Highways Officer as being fit for purpose. The proposed amendments would not involve any changes to the existing site access arrangements which were considered to be acceptable under permission 75438/APP/2021/1439. This is notwithstanding the proposed re-siting of the approved dwelling 1 metre closer to the front site boundary.

Compliance conditions would be secured to the decision notice for the S.73 requiring the development to be carried out strictly in accordance with the Construction Management Plan and electric parking details approved under details to pursuant application 75438/APP/2021/3909.

Subject to the above conditions, it is considered that the proposal would not exacerbate the demand for street parking or prejudice highway safety, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies. (2020) and Policies T4, T5, T6 and T6.1 of the London Plan (2021).

BICYCLE PROVISION:

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires development proposals to provide a provision of cycle parking in accordance with the standards set out in Appendix C, Table 1.

In this case, two cycle spaces would need to be accommodated within the site to comply with the cycle parking standards set out in Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

In the event of an approval, a compliance condition would be secured to ensure that the development is carried out in accordance with cycle provision details approved under details to pursuant application 75438/APP/2021/3909.

REFUSE & RECYCLING COLLECTION:

Under the original application (ref: 75438/APP/2021/1439), the Council's Highways Officer

has commented that in order to conform to accepted 'waste collection distances' from the public highway, the storage area should be positioned within 10 metres of a refuse vehicle. The alternative option would be for future occupiers to move their bins to the kerbside on Tile Kiln Lane on collection days.

In the event of an approval, a compliance condition would be secured to ensure that the development is carried out in accordance with the bin store details approved under details to pursuant application 75438/APP/2021/3909.

7.5 Urban Design, Access and Security Considerations

INTERNAL AMENITY SPACE:

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - 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.

Policy D6 of the London Plan (2021) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy. Table 3.1 of the London Plan (2021) set outs the same gross internal area space standards set out in the Technical housing standards - nationally described space standard (2015).

Policy D6 of the London Plan (2021) does not stipulate the minimum requirement for a 5 bedroom 10-person dwelling, which is the occupancy level of the replacement dwelling being proposed under this application.

The proposal would not involve any changes to the number of bedrooms contained within the approved replacement dwelling. With a gross internal floor area of approximately 541 square metres (inclusive of the garage garage), the overall internal size of the proposed dwelling is considered to be acceptable. It is also noted that gross internal floor area of the proposed dwelling would far exceed the largest occupancy level rate referred to in Table 3.1 of the London Plan (2021), i.e., 123 square metres for a 6 bedroom 7-person two storey unit.

All the proposed bedrooms would exceed the minimum floor area standards set out in the Technical housing standards - nationally described space standard (2015). The proposed dwelling would be dual aspect with all the habitable rooms being served by windows in the front or rear elevations of the building, thus providing future occupiers with a reasonable level of natural light and outlook.

As previously mentioned, the applicant has agreed not to vary the wording Condition 10 attached to permission 75438/APP/2021/1439. This means that the first-floor windows serving the walk-in wardrobe, en-suites, and shower rooms would continue to be obscure glazed and non-opening up to 1.8 metres of the finished floor level. Thus, providing the future occupiers of en-suites and shower rooms with an appropriate level of privacy and dignity. This condition also prevents the first-floor side window serving the walk-in wardrobe creating any privacy issues for the neighbouring occupiers at Beaufort.

On the above basis, it is considered that the proposed dwelling would provide satisfactory internal living conditions for future occupants, in accordance with Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

EXTERNAL AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies

(2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.

Table 5.3 states that houses with four bedrooms (or more) should provide a minimum of 100 square metres of private usable amenity space.

The proposed re-siting of the approved dwelling 1 metre closer to the front site boundary would subsequently increase the footprint of the rear garden area. More than a sufficient amount of rear garden space would be retained at the site to comply with the minimum 100 square metre requirement set out in Table 5.3. It is therefore considered that the proposal would provide future occupiers with an adequate provision of external amenity space, in accordance with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

INCLUSIVE DESIGN AND ACCESS:

Policy D7 of the London Plan (2021) states that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) must meet Building Regulation requirement M4(3) 'wheelchair user dwellings'.

In the event of an approval, a compliance condition would be secured to ensure that the development is carried out in accordance with the step-free access details approved under details to pursuant application 75438/APP/2021/3909. Condition 12, which requires the dwelling to meet Building Regulation M4(2), would also be re-attached, if planning permission were to be granted for this S.73 application.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

WHETHER THE PROPOSAL WOULD BE INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT/THE EFFECT OF THE PROPOSAL ON THE OPENNESS OF THE GREEN BELT?

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. Exceptions set out in the NPPF (2021); includes paragraph 149 d) of the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

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.

There is no definition in the NPPF (2021) of 'materially' larger. However, Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) list various criteria, as referenced above.

The principle of a replacement dwelling has already been established through the granting of application 75438/APP/2021/1439. The volume and footprint of the new dwelling would be marginally increased when compared the dwelling originally approved under planning permission 75438/APP/2021/1439. In terms of calculations, the approved dwelling has a gross internal floor area (GIA) of 530 sqm. The proposed dwelling being considered under this S.73 application would have a GIA of 541 sqm. The form, bulk and general design of the approved dwelling would not be significantly affected by the proposed changes, despite siting the building being re-positioned 1 metre closer to the front site boundary. It is therefore considered that the effect on openness would not be materially greater than the fall-back scheme granted through planning permission 75438/APP/2021/1439.

As with planning permission 75438/APP/2021/1439, 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. This is due to the effect any further extensions, additions and buildings at the site could have on the openness of the Green Belt.

The proposal, subject to the condition removing permitted development rights, would not result in a materially greater loss of openness of the Green Belt than the fall-back scheme (i.e. planning permission 75438/APP/2021/1439). Given that it is considered that the proposed development would not be inappropriate development in the Green Belt, there is no need to assess whether very special circumstances exist in order to justify the development. The proposal therefore complies with the NPPF (2021), Policy G2 of the London Plan (2020) and Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

FLOODING AND DRAINAGE:

The application site is in Flood Zone 1 where the risk of flooding from rivers or seas is low. As such, all forms of development, including 'more vulnerable' uses, are acceptable in terms of fluvial and tidal flood risk in this location.

In the event of an approval, the condition requiring the submission of sustainable drainage system strategy (Condition 6) would be re-attached, if planning permission were to be granted for this S.73 application. On this basis, the proposal would comply with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

SUSTAINABILITY:

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets.

The conditions relating to CO2 emission reductions (Condition 14) and water efficiency standards (Condition 5) will be re-attached, if planning permission were to be granted for this S.73 planning application. Subject to such conditions, the proposal would be compliant with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

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. CIL rates are index linked. The proposal involves the erection of a new dwelling and would therefore be liable to pay CIL.

8. **Reference Documents**

National Planning Policy Framework (2021)
The London Plan (2021)
Hillingdon Local Plan: Part One - Strategic Policies (2012)
Hillingdon Local Plan: Part Two - Development Management Policies (2020)
Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (2017)
Technical Housing Standards - Nationally Described Space Standard (2015)

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