

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 an 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 the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

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

Case Officer:

Signature:

Date:

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

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No.	Report of the Head of Development Management and Building Control	
Address:	32 KINGSEND RUISLIP	
Development:	Demolition of existing house and garage and construction of a block of five purpose-built apartments	
LBH Ref Nos:	9894/APP/2023/3569	
Drawing Nos:	Heritage Note, dated 15-05-24, Mola (revised and received 17-05-24) 32K PL01 V2 A101 A102 A103 A105 Basement Impact Assessment Desktop Study - Report Reference: R0727/22/REV1 by Earth Environmental & Geotechnical (Southern) Ltd, May 2022 Basement Impact Assessment Addendum, Full Bat Survey, September 2022, Ecoline Badger Survey, Report Number: ASW/BGA/146/26/2023 March 2023, ASW Ecology Ltd Heritage Statement, 06-12-2022, Mola Tree Protection Plan, Rev C Dec 2022, GHA Trees Planning, Design and Access Statement (PDAS) Planning, Design and Access Statement (PDAS) Addendum, November 2023	
Date Plans received:	08-12-23	Date(s) of Amendments(s):
Date Application valid	08-12-23	

1. SUMMARY

The application site consists of a large plot within the Ruislip Village Conservation Area, about 250m west of the Ruislip Town Centre. The surrounding area is predominantly of detached dwelling houses though there are some flat buildings and backland cul-de-sac developments.

The proposal involves the demolition of the existing two storey dwelling and its replacement with a 2.5 storey flatted development with basement comprising two x 3-bed flats, two x 2-bed flats and one x 1-bed flat. The proposal includes storage for the proposed flats within an excavated basement and one unit in the roof space.

There are no objections from the Council's Highways Officer or Conservation and Design officer. There have been 19 resident objections received and an objection from the residents association.

The primary issues relate to the establishment of a residential flat building in this location (principle of development), built form, height, design and excavation to accommodate a habitable basement (character of the area), dominance and overlooking, perceived or not (neighbour amenity), internal and external amenity afforded to future occupiers and wider landscape implications.

The net increase of residential accommodation is noted and whilst the resubmission addresses several of the previous reasons for refusal under application ref: 9894/APP/2022/3871, the application is recommended for refusal on the following grounds:

- 1) Principle of development
- 2) Lack of private amenity space provision

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Principle of development

The proposal will result in more than 10% of properties on Kingsend consisting of flatted developments with adverse implications for the character of the streetscene and neighbour impacts, contrary to Policy DMH 4 of the Hillingdon Local Plan (Part 2) 2020.

2. NON2 Private amenity space

The proposed development, by virtue of its failure to provide an adequate provision of private external amenity space, would have a harmful effect on the living conditions of future occupants. The development would therefore be contrary to Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).

INFORMATIVES

1. I52 Compulsory Informative (1)

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

2. I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the

3. 171 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a large plot measuring 1250m² in area and 55m deep on the northern side of Kingsend. On the site is a large, two-storey detached house of faux Georgian design with hipped ends and a garage extension on its eastern side. The frontage comprises a heavily landscaped front boundary which provides screening from the road but with lawn and paving beyond and a mature, TPO protected Oak just beyond the western boundary providing substantial canopy cover. The rear garden includes numerous mature trees including a TPO protected Chestnut in the centre and boundary planting.

Kingsend is characterised by a mixture of two-storey dwellings of a similar design and plots, and some residential flat developments. There are also some backland cul-de-sac developments to the east. Several buildings are of significant building width and with crown roofs. The site falls within the Ruislip Village Conservation Area and lies approximately 250m west of Ruislip Town Centre which is identified as a primary shopping area.

Site Constraints

- Tree Preservation Order 507 (Oak to frontage)
- Tree Preservation Order 779 (Chestnut in rear garden)
- Ruislip Village Conservation Area
- Critical Drainage Area
- Flood Zone 1
- PTAL Rating 3

3.2 Proposed Scheme

The proposal involves the following works:

- Demolition of the existing dwelling house
- Erection of a 2.5 storey flat building with excavated basement with five flats (two x 3 bed, two x 2-bed and one x 1-bed)
- Stopping up of the existing access and creation of a new central access leading to car park in the front garden with parking for seven cars
- Associated site works including removal of the Horse Chestnut tree at the rear, soft landscaping, bin storage and cycle storage

3.3 Relevant Planning History

9894/APP/2022/3871 32 KINGSEND RUISLIP

Demolition of existing house and garage and construction of a block of seven purpose-built apartments

Decision: 12-04-2023 Refusal

Comment on Planning History

9894/APP/2022/3871 Demolition of existing house and garage and construction of a block of seven purpose-built apartments. Refused for the following reasons:

1 The proposal will result in more than 10% of properties on Kingsend consisting of flatted developments with adverse implications for the character of the streetscene and neighbour impacts, contrary to Policy DMH 4 of the Hillingdon Local Plan (Part 2) 2020.

2 In the absence of a robust, thorough and well supported Heritage Assessment advocating for the demolition of the existing dwelling, it has not been adequately demonstrated that the demolition of the existing dwelling would not result in harm to the Ruislip Village Conservation Area; the streetscene; and historic character of Kingsend. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework 2021, Policy HC1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMHB 4 of the Hillingdon Local Plan (Part 2) 2020.

3 By virtue of its excessive scale, form, footprint, building width (including roof ridge) and crown roof, incompatible design, net loss of mature trees and landscaping, and alteration to the natural landform at the rear of the proposed building, the proposed dwelling would result in a development that does not harmonise with the built form and significantly detracts from the character of the area, failing to preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Sections 12 and 16 of the National Planning Policy Framework 2021, Policies BE1, DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan 2020, and Policy D3 of the London Plan 2021.

4 By virtue of the number, location and siting of side facing windows and rear facing balconies and because of the subterranean nature of the patio areas of the basement, the development will pose unacceptable privacy implications for residents at neighbouring properties to the east and west and within the development. The extension of the building well beyond the rear building line of 34A Kingsend to the west also poses an unacceptable level of dominance to its neighbour. Therefore, the proposal is contrary to Policies BE1 and EM8 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMH 4, DMHB 1 and DMHB 11 of the Hillingdon Local Plan (Part 2) 2020.

5 By virtue of their subterranean location with little to no outlook, access to sunlight or natural ventilation, large number of windowless rooms, no connectivity to the rear garden and significant internal room and unit depth, the level of amenity afforded to the future occupants of the two basement units is very poor and is contrary to Section 12 of the National Planning Policy Framework 2021, Policies D6 and D10 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMH 2 of the Hillingdon Local Plan (Part 2) 2012.

6 The siting of the cycle storage shed is ill-considered on account of the significant distances required for residents to move between the shed and the front entrance of the building, the lack of natural surveillance, and the unnecessary removal of Tree 9. This is likely to make cycle usage by residents inconvenient, thus deterring use of cycles and resulting in a less sustainable development, increased potential of theft of bicycles and avoidable and unacceptable landscape and ecological impacts for the site. This is contrary to Sections 9, 12 and 15 of the National Planning Policy Framework 2021, Policies D11, G6, G7 and T5 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMH 4, DMHB 14, DMHB 15, DMT 5 and DMEI 7 of the Hillingdon Local Plan (Part 2) 2020.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: 13th January 2024

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

PUBLIC CONSULTATION

73 neighbours, Ruislip Village Conservation Panel and Ruislip Residents Association were consulted by letter dated 14-12-23. 17 letters of objection were received with the following concerns raised:

- Loss of existing property, lack of justification
- Impact on conservation area, Inappropriate size, scale, Basement
- Number of Flatted developments on Kingsend
- Parking, traffic and highway safety, poorly located cycle storage
- Impact on residential amenity, Noise and air quality, overlooking
- Fire risks from storage of electric bikes
- Inaccessible communal garden
- Loss of trees, impact on ecology

A Letter of comments from Friends of the Earth was also received requesting energy efficiency, sustainability measures and ecological enhancements to be designed into the scheme.

Ruislip Residents Association (Objection):

On behalf of RRA the interesting newspaper excerpts submitted by the applicant in section 2.4 of Heritage Note have been cross referenced with various records at LBH planning archives. Many thanks to Richard Buxton for providing access to the records. Each dwelling in Kingsend designed by A. S. Soutar granted planning approval in each excerpt have been identified: 2.4.2 - 14 Jan 1921 Three plans submitted by Mr A. S. Soutar were approved on 10/01/1921: 1. Plan No: 998 for one house on plots 62 / 63 for the property named Little Foster now known as No 32 Kingsend for Edward Dawson Bewley. 2. Plan No: 993 for two houses on plots 4 and 7 now known as No 5 and No 11 Kingsend for Mr Myhill. 3. Plan No:1002 for one house on plot 34 now known as No 55 Kingsend for Mr Sheppard. It is concluded this excerpt relates to no 32 Kingsend & three other properties. 2.4.3 - 17 Jan 1921 Plan No. 1019 submitted by Mr A. S. Soutar for Mrs Lang at plot number 35 / 36 on 13/06/1921 for the property now known as 57 Kingsend. 2.4.4 - 23 Feb 1923 Plan No. 1227 submitted by Mr A. S. Soutar for Mr A G Gabriel at plot number 16 and parts of 15

and 17 on 12/02/1923 for the property now known as 29 Kingsend. 2.4.5 - 25 Jul 1924 Given that no 29 Kingsend was built on part of plot 17, it seemed logical that No 31 Kingsend was built on part of plot 17 and 18 as stated in excerpt "plots 17 and 18, Kingsend-avenue, Ruislip, for Mr. B. Holgate, by Mr. A. S. Soutar". The microfiche for the original plans at No. 31 were not available in LBH archives. Other archive summary records for Kingsend and Land Registry Title Register confirm Mr Benjamin Holgate was the first owner of No 31 Kingsend built in 1924. 2.4.6 Research carried out so far indicates that Mr A.S. Soutar was commissioned for designing 13 specific properties in Kingsend. The properties not included above are shown below with the dates when planning was approved: No 24 on 25/11/1912, No 7 and 9 on 20/09/1920, No 67 on 11/07/1921, No 37 on 15/01/1923, and No 35 on 14/01/1924. The Ruislip Village Conservation Area Appraisal document dated July 2010 says "Kingsend includes a mixture of house designs and sizes, although most are medium to large detached houses. The south side of the road retains more original properties, whilst the northern side includes some small scale infill developments from the 1960s through to the very recent blocks of flats. Overall, the original properties to the east tend to be of simple, classically inspired designs, while to the north and west the houses are mainly Arts and Crafts in Appearance interspersed with Moderne and Art Deco designs- " It should be noted that a number of the original houses in Kingsend no longer exist with No 2 (removed for Princess Lane & shops), 10 & 12 (for Regency Drive), 26 (2 newer houses), 38 (rebuilt), 7 (rebuilt recently to 7 & 7A), 9 (removed for carpark / Waitrose access), and 28, 28A, 30, 36, 41 and 45 demolished for flats, (nos 8 , 16 and 18 were converted to flats). As stated above in the CA appraisal the north side of Kingsend has been more affected. If no 32 is demolished, then it will drastically impact upon the character of the central section of Kingsend. The A. S. Soutar designed houses identified are of different simple designs. Most have no bay windows. Some have one ground floor bay window. They are not Arts & Crafts! The design of No 32 looked very similar to the houses still existing at nos 24 and 37. The design proposed for a larger, bulkier building than the existing (much larger than the original house) will not be sympathetic to the original 1921 house or character of the road. Please take these findings and comments into consideration when you consider this planning application.

The Ruislip Residents' Association consider these proposals should be refused for similar reasons to Ref:9894/APP/2022/3871 refused in April 2023: 1. Policy DMH4 - Planning history consistently indicates Nos. 8, 16, 18, 28, 28A, 30, 36, 41 & 45 Kingsend fall under the interpretation of redevelopment to flats out of 67 properties. The proposals at no 32 Kingsend would increase the dwellings redeveloped to flats in Kingsend from 13.4% to 14.9%, which would be detrimental to the character, appearance, and amenities of the surrounding area. 2. Loss of Established Family home in RVCA - It has not been demonstrated that the demolition of the existing large family dwelling would not result in harm to the Ruislip Village Conservation Area, the streetscene, and historic character of Kingsend. No surveys have been submitted to justify why the existing building cannot be renovated to restore the original features of this Archibald Soutar designed building that would be a positive contribution to the CA. (Original architects' drawings dated January 1921 on plots 62 /63 Kingsend Avenue obtained from LBH planning archives were emailed to you on 15/12/23). Land registry confirms the house was built by October 1921. 3. Size and Bulk - The original house built in 1921 was approx. 9.6 wide with a ridge width of less than 2.5 metres. It had no garage and was positioned on the east side of the plot. It was substantially extended in 1960s to the west and north. The design of the proposed building will not harmonise with the street scene and will significantly detract from the character of the area due to its excessive scale, form, and footprint. The two subordinate wings are at least 2m wide and so the overall appearance will still be a ridge width more than 11m wide. The retainment of prominent end chimneys will again create the impression of less space between neighbouring properties & give a top-heavy effect. The "asymmetric geometric form" would be an incongruous development with too many features - different sized dormers, an oriel bay, other bays, gables, and soffits at different levels totally out of character and proportion to

the original 1921 house that had a simpler, more streamlined design with large gaps either side of the house. It fails to either preserve or enhance the character or appearance of the surrounding RVCA 4. Trees - The tree report is dated May 2020, almost 4 years old and older than the report submitted for Ref: 9894/APP/2022/3871 dated July 2020. With the footprint of the development moving south and no terracing in the rear, it is concerning that the Horse Chestnut TPO 779 is proposed to be removed with no justification. Planning reports show the HC had been well managed for years and in good health when granted TPO in 2020. Permission for pruning back to previous cutting points was granted in summer 2020. No up to date report or photos of the tree during summers 2021 to 2023 have been submitted to report its existing condition. Should permission be granted to fell the HC tree no scheme is submitted for a replacement tree. There is no root protection scheme for TPO 507 Oak where the car park is proposed to be located. 5. Bike Store - locating in a basement is ill considered. It will require significant logistical manoeuvres by residents to move cycles from the basement stores into and out of the lift into front communal lobby / entrance area and out of the front entrance. Families with children will find it very cumbersome. Returning with dirty cycle tyres into the internal entrance area and lift will not be neighbourly. These factors will deter the use of cycles, resulting in a less sustainable development and increased noise and nuisance to neighbouring residents living in the ground floor flats.

OFFICER COMMENTS:

The representations received are noted and the content has been fully considered as part of the planning process. The relevant material considerations are discussed in the appropriate sections of this report.

CONSULTEE RESPONSES:

Access Officer (No objection):

This proposal, which seeks to demolish the existing house and garage to make way for a block of 5 purpose-built flats, has been assessed against the requirements of London Plan Policy D7 and H2. The subject site is circa 1176m² and is therefore considered a small site within the definition of policy H2.

In view of this, only the ground floor units are required to meet the requirements of policy D7, with the following conditions attached to any approval:

Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON

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

The ground floor dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan.

Conservation And Urban Design (No objection):

1.Summary

A similar proposal was refused planning permission (9894/APP/2022/3871). It is considered that the current proposal has sufficiently addressed the design issues identified as reasons for refusal and the proposal is now considered appropriate in terms of design and conservation.

2.Heritage

The proposal is located within the Ruislip Village Conservation Area. The existing property to be demolished makes a positive contribution to the character of the Conservation Area and the street. While the history of the existing building would be lost, the architectural quality of the proposed building is considered appropriate and the proposed building in Arts and Crafts style would fit in well with the existing local character.

The impact of the proposal on the Conservation Area would be very limited. Any perceived harm would be less than substantial, on the lower end of the scale, which could be outweighed by the public benefits of the proposals.

3.Height, Scale and Massing

Other similarly large properties exist within the street. The design, massing and siting within the plot are considered acceptable.

The reduced height and setback facades of the sides of the building breaks down the mass of the building and gives the appearance of a main building with 2 subservient side wings.

4.Layout

The location of cycle storage within the basements is considered acceptable. The location of the building, without balconies and side windows, does not appear to create a negative impact on residential amenity.

The internal layout is acceptable and the proposed flats are dual-aspect.

5.Landscape

The retention of most of the existing trees is welcomed, which would screen the development and retain more of the existing landscape character of the site and streetscape. Additional trees are proposed which would provide a net gain. The 3 trees to be removed are considered to have little arboricultural value and are identified as category C.

The landscape proposals indicate sufficient level of soft landscaping within the front garden, providing visual and ecological benefits.

I would add that the proposed Arts and Craft building's design intent requires high quality natural materials, including red bricks and clay roof tiles. Therefore, can a material Condition be added to the decision if you are minded to approve the scheme.

Highways (No objection):

I refer to the above planning application ref 9894/APP/2023/3569 which was received on 08 December 2023 and previous application 9894/APP/2022/3871 for this site which was refused although no on highway grounds.

Site Description

The site is located on Kingsend, a classified road with a 30mph speed limit, adjacent to Public Right of Way ID R165 with waiting restrictions Mon-Sat 8am-6.30pm and waiting restrictions for goods vehicles and coaches Midnight-8am and 6.30pm - Midnight.

The application site is located in an area with a PTAL ranking of 3 indicating that the proposal would be located in an area with moderate access to public transport which would require residents of the proposed development to make some trips to and from the application site in a private motor car which would concur with the Mayor's Transport Strategy which aims to encourage people to walk, cycle and use public transport and NPPF 9: Promoting Sustainability.

Access and Parking

The application proposes to demolish the existing dwelling and replace with 2no. three-bedroom flats, 2no. two-bedroom flats and 1no. one-bedroom flat.

Access to the site will be gained over a proposed new site access which will be acceptable.

Pedestrian visibility splays of 2.4m x 2.4m to concur with London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy Paragraph 4.7.1 Pedestrian Visibility: Fig: 8 - Pedestrian Visibility Splay which are within the control of the applicant and in which there are no obstructions over 0.6m will be required. Any redundant crossover should be returned to footway.

The published London Plan 2021 Table 10.3 - Maximum Residential Parking Standards allows one and two bed dwellings in an area with a PTAL ranking of 3 to have up to 0.75 parking spaces and three-bedroom dwellings to have up to 1no. parking space, a maximum total of 4.25no. spaces. The application proposes to provide a total of 4no. car parking spaces, including 1no. accessible space which will be acceptable.

Electric Vehicle Charging Points (EVCPs)

The published London Plan (2021) requires that an EVCP is provided for the proposed parking spaces. 1no. active ECVP has been provided for each space which will be acceptable.

Cycle Parking

The published London Plan 2021 Table 10.2 - Minimum Cycle Parking Standards requires that 1.5no. cycle parking spaces should be provided for the one-bedroom dwelling and 2no. cycle parking spaces for the two- and three-bedroom flats. Cycle storage has been provided in the basement for each dwelling which will be acceptable.

Recommendation

There are no highway objections to this proposal, however, the Highway Authority would require the following condition to be applied to any approval:.

Construction Logistics Plan (CLP)

Due to the location of the site on a classified road demolition and construction works would be likely to impact on the local highway network and therefore, should the application be approved, a condition should be attached requiring the submission of a CLP which must include, but is not restricted to, the following:

- Site hours
- Drawings detailing contractor parking and off-street parking facilities for all vehicles linked to the site
- Drawings showing contractor compound including office, welfare facilities, waste management and materials storage.
- Wheel wash facilities and road sweep
- Dust suppression
- HGV routes to and from the site
- HGV routes within the site
- HGV delivery hours avoiding peak hours and school hours

6. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.HE1	(2012) Heritage

Part 2 Policies:

NPPF2 -23	NPPF2 2023 - Achieving sustainable development
NPPF5 -23	NPPF5 23 - Delivering a sufficient supply of homes
NPPF9 -23	NPPF9 23 - Promoting sustainable transport
NPPF11 -23	NPPF11 23 - Making effective use of land
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF14 -23	NPPF14 23 - Meeting the challenge of climate change, flooding and coastal change
NPPF15 -23	NPPF15 23 - Conserving and enhancing the natural environment
NPPF16 -23	NPPF16 23 - Conserving and enhancing the historic environment
LPP D10	(2021) Basement development
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 G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG4	(2021) Delivering the homes Londoners needs
LPP GG6	(2021) Increasing efficiency and resilience
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP SI1	(2021) Improving air quality
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
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 4	Conservation Areas
DMHD 2	Outbuildings
DMHD 3	Basement Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

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 consists of:

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) (2023) 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

AMENITY

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

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

An 11 unit flat building (Elthone Court) adjoins to the east though it is separated by an access path linking Kingsend and Ickenham Road. A single detached two storey dwelling (34A Kingsend) adjoins to the west. To the rear is 27 Ickenham Road though there is 25m separation distance to the common boundary and no residential amenity issues are evident to that property.

The proposal includes generously and consistently proportioned windows and doors to the front and rear elevations. To the front, the outlook will be over the front parking area and the street such that no objection is raised. To the rear elevation, the outlook from the windows will be over the rear garden with ample distance to the rear boundary.

Whilst diagonal sightlines are possible, they are not uncommon in a residential setting and even with the increased density, not unreasonable. Drawing 3.1.4b of the Planning, Design and Access Statement (PDAS) Addendum depict that the 45 degree splay line would not be infringed upon. Therefore the development would not result in an un-neighbourly form of development, in terms of loss of light and loss of outlook.

Looking to the west, the boundary treatment along the common boundary with 34A Kingsend is of landscaping and a chain link fence, and there is openness that would allow for some mutual overlooking between the two properties. The proposed building will extend significantly beyond the

rear building line of the neighbouring property. There are no windows in the side elevations to avoid inter-visibility between the development and the neighbours. In the event of an approval, a condition would have been recommended to restrict any further window openings in the side elevations to preserve neighbouring amenity.

To the east, the proposed development would be set back behind the rear building line of Elthorne Court and there are no habitable windows in the corresponding elevation of its neighbour. The boundary is separated by the public footpath, allowing for separation distance and some screening.

Broadly, the neighbouring property was designed with sufficient internal amenity without compromising neighbour amenity. The resubmission scheme omits the inappropriately sited side facing habitable windows, and thereby overcome the concerns of overlooking to both adjoining properties.

The omission of the balconies also overcomes the mutual overlooking of occupants within the development itself.

Whilst the building will extend beyond the rear elevation of 34A Kingsend, the indented nature of the building at the rear and the adequate separation distance to the boundary is such that there is insufficient justification to oppose the development on the grounds of loss of light. A 45 degree line plan has been provided and compliance is achieved.

The depth into the plot has been reduced and on balance is not considered to be extensive and result in a harmful sense of enclosure and overbearing impact to their main rear garden and amenity spaces. To the east, there is suitable separation distance because of the public footpath separating both properties. There is also consistency in the building lines such that there are no issues of loss of light or dominance. There is easy compliance with the 45 degree line.

The density of the development is not excessive and relative to its plot, appropriate in the residential context. Accordingly, the creation of seven units is unlikely to lead to an unreasonable level of noise disturbance across the property boundaries.

The omission of the basement units and associated rear patios addresses the previous concerns regarding noise and the potential to create an echoing effect through use of the patio or from the units when the rear doors are opened, which would have potentially impacted the amenity of the other occupants of the development and to a lesser extent, on neighbouring properties.

In this regard, therefore, the resubmission scheme is considered to overcome Reason for Refusal 4 of app ref: 9894/APP/2022/3871.

7.2 Impact on Street Scene

CHARACTER AND APPEARANCE INCLUDING HERITAGE IMPACT

The site is within the Ruislip Village Conservation Area and the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, including its setting (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Section 16 of the NPPF requires consideration of the harm to the significance of the Conservation Area.

Policy D3 of the London Plan (2021) requires that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through

their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy D4 of the London Plan (2021) states 'Development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establish an enhanced character for the future function of the area.'

Policy HC1 of the London Plan (2021) seeks to conserve significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy BE1 of the Hillingdon Local Plan Part 1 (2012) seeks a quality of design that enhances and contributes to the area in terms of form, scale and materials, is appropriate to the identity and context of the townscape and would improve the quality of the public realm and respect local character.

Policy DMHB 4 of the Local Plan Part 2 (2020) seeks to ensure that development within a Conservation Area preserves or enhances the character or appearance of the area, including through high quality design and resisting the loss of buildings and features.

Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design, including harmony in consideration of the height of surrounding structures.

Policy DMHB 12 of the same plan requires integration with the surrounding area and Policy DMHD 1 states that large crown roofs on detached houses will not be supported. It relates to alterations and extensions to residential dwellings though offers relevance for replacement buildings.

The plot relates to the original layout of the area when it was first developed for housing. The property is located in the residential character area of the Conservation Area which predominantly comprises of early to mid-20th century houses. The development of the area as 'Metroland' was influenced by the expansion of London and the railway. Predominantly, properties have an overarching Arts and Crafts style and the area was designed as a typical garden suburb. Individual dwellings were set on individual plots with ample space around the building, including a notable set back from the road. The verdant appearance of the street scene has matured over the 20th century contributing to the area's garden suburb character.

The dwelling at 32 Kingsend Road is a simply detailed detached dwelling constructed of red brick with a substantial hipped roof finished in plain clay tiles. There are a number of alterations and additions, including rather crude modern windows, a flat porch canopy held up by columns and a large flat roof two storey rear addition. These alterations were carried out prior to the designation of this part of the Ruislip Village Conservation Area.

The resubmission scheme is considered to be of a suitable design, massing and siting and it is noted that other similarly large properties exist within the street. The reduction in height coupled with the design of the scheme, breaks down the mass of the building and provides a balanced facade with a clearly defined frontage flanked by subservient side wings. As noted by the conservation officer, the impact of the proposal on the Conservation Area would be very limited. Any perceived harm would be less than substantial, on the lower end of the scale. The design is considered to be acceptable in the context of the conservation area and the proposal results in a net gain of residential units, which can be viewed as a public benefit.

In the event of an approval, as suggested by the conservation officer, a condition would be attached to secure details of the exterior materials to be used in the construction of the building. This would ensure a finish that is consistent with the character and appearance of the streetscene on Kingsend.

The application is accompanied by a Heritage Note (Mola, May 2024) which states that 'The present building provides a neutral contribution to the surrounding area'. It is noted that the Conservation officer considers the design of the proposed development would be compatible within the context of the conservation area and on this basis does not object to the demolition of the existing building. Therefore, the resubmission scheme is considered to overcome Reasons for Refusal 2 and 3 of app ref: 9894/APP/2022/3871.

TREES AND LANDSCAPE

Policy G5 of the London Plan (2021) seeks to integrate green infrastructure to contribute to urban greening and Policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) requires the retention and enhancement of existing landscaping, trees, biodiversity or other natural features, landscaping that supports and enhances biodiversity and amenity and replanting of new trees.

Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states: A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure. C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible. D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The site lies within the Ruislip Village Conservation Area, a designation which protects trees. There are also two TPOs affecting specific trees on the site. An oak in the front garden (on the boundary of 34A) is T3 on the schedule of TPO 507. A Horse chestnut in the back garden is covered by TPO 779.

The proposal includes the relocation of the access drive from the eastern corner to the centre of the plot. This will require the removal of some hedgerow and T1 (Laburnum) to the front boundary. Even if the existing access drive were used instead, some vegetation removal would have been inevitable for visibility reasons given the increased use.

It is also apparent that the subject property probably exhibits the most established landscape character on both sides of Kingsend, aided in part by the canopy of the TPO protected Oak. On that basis and when noting the surrounding context, the loss of some landscaping at the front of the site would not be opposed, though it would need to be well considered and subject to suitable replacement planting.

The TPO protected Oak at the front will be retained but the TPO protected Horse Chestnut at the rear is proposed for removal. It is noted that the Tree Officer was not opposed to its removal on arboricultural grounds. However, the tree is still a visible feature in the landscape (including from

the public footpath to the side) and because of its siting within the Conservation Area the landscape character would be adversely affected, particularly where replacement planting would take several years to provide similar cover. It is noted that the case officer had previously considered that this factor would not constitute a reason for refusal on its own and as Reason for Refusal 3 has been suitably addressed, a reason for refusal based on landscaping would not be warranted.

It is noted that there is a reduction in the number of trees proposed to be removed and that landscaping would be supplemented by additional tree planting. There appears to be some discrepancy between the trees listed for removal/retention in the Planning, Design and Access Statement (PDAS) Addendum (Paragraph 3.1.8) and those listed in Appendix B of the Arboricultural and Planning Integration Report. As such, in the event of planning permission being granted, it would be necessary to secure a full landscaping scheme and updated tree protection plan and arboricultural method statement by way of a condition.

A parking area with four parking bays is proposed at the front of the site, with encroachments into the root protection area of the TPO protected tree. A bin store is to be sited in the south eastern corner adjacent to a new pedestrian entrance. Given the predominance of properties with large parking areas forward of the building in the street and it has been demonstrated that the Oak can be protected, the marginal increase in hardstanding and the provision of the bin store are acceptable, subject to details of the latter to be included in the landscape condition.

7.3 Traffic Impact/Pedestrian Safety

PARKING AND HIGHWAY SAFETY

Policy T2 Part A of the London Plan (2021) states - Development proposals and Development Plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.

Policy T4 Parts E and F of the London Plan (2021) states - E) The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated; and, F) Development proposals should not increase road danger.

Policy T5 Part A of the London Plan (2021) states - Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle.

Policy T6 Part D of the London Plan (2021) states - The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 5 Part A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states - Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network.

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

seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1 unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The highway authority have not raised any objection regards highway/pedestrian safety and consider the parking, electric vehicle charging points and cycle storage provision to be acceptable. These details would be secured by condition as part of the landscape condition in the event of an approval.

As recommended by the Highway Authority, a detailed Construction Management Plan would also be secured by condition in the event of approval, given the scale of the development with reference to construction related routing, frequency and construction related parking arrangements, wheel washing, thereby avoiding/minimising potential detriment to the surrounding public realm during the build programme.

7.4 Carparking & Layout

See 'Traffic Impact/Pedestrian Safety' section.

7.5 Urban Design, Access and Security Considerations

ACCESS:

Policy D5 of the London Plan (2021) sets out that proposals should achieve the highest standards of accessible and inclusive design.

Policy D7 of the London Plan (2021) requires all new housing, as a minimum standard, to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015 edition).

The Council's access officer has reviewed the application and subject to conditions, does not raise an objection. If planning permission were recommended, the suggested conditions would have been attached. Subject to the above conditions, the development would therefore accord with Policies D5 and D7 of the London Plan (2021).

SECURE BY DESIGN

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

The proposal exhibits relatively positive design outcomes. Window openings provide relatively good surveillance of the street, the parking area and towards the rear of the site. Cycle storage has been moved into the basement and this addresses Reason for Refusal 6 of app ref: 9894/APP/2022/3871.

Any grant of planning permission would be subject to a secure by design condition to achieve appropriate accreditation.

BASEMENT IMPACT

Policy D10 of the London Plan (2021) and Policy DMHD 3 of the Hillingdon Local Plan Part 2 (2020) refer to the specific considerations of basements, including consideration of flooding or ground instability (as well as trees and landscaping, archaeological remains).

Policy DMHD 3 of the Hillingdon Local Plan Part 2 (2020) state that basements may be acceptable, subject to consideration of any impact upon the built and natural environment, amongst other factors. They are not permitted in Conservation Areas where their introduction would harm the special architectural or historic character of the area.

The basement would be used for ancillary storage, plant and building services. The basement would be formed directly beneath the above ground building and would be contained within the main building footprint. From the street, the basement would not be readily apparent or visible. As such, there would not be any impact on the heritage asset.

The application is supported by a Basement Impact Assessment Addendum and a Basement Impact Assessment (Earth Environmental and Geotechnical, dated March 2022). It includes a Geotechnical Risk Assessment, Contamination Risk Assessment and Flooding Considerations.

The Basement Impact Assessment and flooding implications have previously been reviewed by the Council's Flooding Officer and no objection was raised. There is a gentle slope from east to west across the site and despite the depth and length of the basement, there is no reason for the Council to conclude that subsurface flows would be unduly affected. A 2m setback from the property boundaries, even when accounting for piling and foundations is adequate to ensure protection of neighbouring properties during the construction phase, though this would be subject to full construction details prior to commencement. The remaining issues raised are incidental and inconsequential to the overall conclusion that the basement can be accommodated from a technical perspective.

LIVING CONDITIONS:

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

Policy D6 of the London Plan aims for dual aspect dwellings with a design that provides sufficient daylight and sunlight that is appropriate for its context.

Table 3.1 of the London Plan (2021) requires flats to have a minimum gross internal floor area as follows:

- 1 bedroom, 2 person flat: requires a minimum GIA of 50sq.m.
- 2 bedroom, 3 person flat: requires a minimum GIA of 61sq.m
- 2 bedroom, 4 person flat: requires a minimum GIA of 70sq.m.
- 3 bedroom, 4 person flat: requires a minimum GIA of 74sq.m.
- 3 bedroom, 5 person flat: requires a minimum GIA of 86sq.m.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

Ground floor left - 95.3sq.m (3bed 4p -1no double and 2no singles as two bedrooms less than 11.5sqm)

Ground floor right - 71.2sq.m (2bed 3p)

First floor left - 102.5sq.m (3bed 5p)

First floor right - 70sq.m (2bed 3p)

Roof- 119sq.m (1bed 2p) - excessive

All of the units meet the minimum standards. There is also compliance with bedroom sizes (single and double) and bedroom widths. There is provision for storage and utility rooms within the flats which is acceptable. There is adequate living space and the common access areas are generously sized.

All of the units have the habitable rooms served by front or rear facing aspects with good access to sunlight, light, ventilation and outlook. The basement has been reconfigured as storage for use by future occupants and to accommodate a plant room and building services. The omission of the basement flats addresses Reason for Refusal 5 of app ref: 9894/APP/2022/3871.

PRIVATE AMENITY SPACE

Paragraph 3.6.9 of the London Plan (2021) states - Private outside space should be practical in terms of its shape and utility, and care should be taken to ensure the space offers good amenity. All dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony. The use of roof areas, including podiums, and courtyards for additional private or shared outside space is encouraged.

Policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020) requires a minimum outdoor amenity space of 20-30m² for the proposed flats (1bed - 20sq.m; 2bed - 25sq.m; 3bed - 30sq.m).

There is no site plan demonstrating a communal rear garden area. Whilst a rear garden area could be provided within the site for use by future occupants as shown in Drawing 4.4c of the Design and access statement, the floor plans indicates no direct access to the rear garden. Whilst the quantum of the rear garden would be sufficient, the space would likely be poorly utilised and does not represent a high quality solution.

Unlike the previously refused scheme under app ref: 9894/APP/2022/3871, none of the flats are provided with private amenity areas. The lack of private amenity spaces provided would result in a substandard form of development that would fail to meet the needs of future occupants. This would be acutely experienced by occupants of the family sized units.

As a result, it is considered that the proposal would result in poor living conditions for the occupants residing at the site. In light of the above, it is considered that the proposal would have a harmful effect on the living conditions of the occupants of the host property, in terms of the provision of private external amenity space.

The proposal therefore fails to comply with Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135f) of the NPPF, in this regard. This is considered to warrant a new reason for refusal (2).

ECOLOGY

Section 15 of the NPPF and Policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020) aim for the retention of existing features of biodiversity or geological value within the site and enhancement and net gain of biodiversity within a proposed development.

Policy DMEI 7 requires appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects.

The application was supported by a Bat Survey (Ecoline, September 2022), guided by a building survey and a follow up emergence survey. The external inspection of the building revealed a network of cracks within the brickwork and missing roof tiles. The building is regarded as having low suitability to support bats and that if bats were to occur, they are likely to be solitary individuals roosting in an opportunistic fashion. The evening emergence survey recorded foraging bats but no bats emerged from the building and none were recorded in close proximity to the building.

The surrounding habitat includes connected gardens, dense shrub planting and mature trees which are likely to attract foraging bats if present within the area. However, this habitat is generally quite isolated with no connectivity to the wider landscape. The suitability is noted as low to moderate.

The report concludes that demolition of the building would be acceptable from an ecology perspective and this conclusion is not opposed. The report also states that it is possible that tree losses would reduce the amount of foraging habitat present within the area but if the area is only supporting a small number of bats, it is unlikely that such losses would have a dramatic impact on foraging opportunities overall. Removal of trees would need to be outside of season.

In terms of biodiversity net gain (BNG), the bat report suggests that to achieve a 10% BNG, ten bat boxes should be installed in suitable locations within woodland habitat. There is no actual net gain metric in support of this statement and it appears that the statement is intended for off site delivery. Nonetheless, the general premise is accepted. The scope of the application and the possibility for biodiversity enhancements (such as woodpiles, wildlife friendly fencing and bird and bat boxes) within the site are such that the proposal would result in a satisfactory ecological outcome.

The applicant has submitted a badger survey. Not unexpectedly for a suburban setting where the replacement building will be built mostly within the existing footprint, there were no identifiable setts and no issue is raised. Given the site location and scope of the proposal, other protected species are unlikely to be affected.

BIODIVERSITY NET GAIN

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of

the onsite habitat.

Applications for 'small sites' (1-9 dwellings) are exempt if they were validated prior to 2nd April 2024. The application was received on 08-12-23. Therefore the development is exempt from BNG. It is however noted that enhancements are proposed and these would have been conditioned in the event of an approval.

REFUSE

Policy DMHB 11 of the Hillingdon Local Plan: Part Two (2020) states at Part D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Refuse collection will continue via the roadway on Kingsend. The bin storage positioning should allow for conformity with the accepted distance collection standards of 10m from the point of collection on the public highway and 30m from each flat. Given streetscape implications, final design details would be subject to condition in the event of an approval.

RENEWABLE ENERGY

Policies BE1 and DMEI 2 of the Local Plan (Part 1 and Part 2 respectively) seek to achieve reductions in carbon dioxide emissions through energy efficient design and effective use of low and zero carbon technologies, including the use of SUDS, water efficiency, lifetime homes and sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill.

Section 5.3 of the Design and Access Statement outlines the sustainability credentials of the scheme. This includes insulation to Code 5, centralised heating and underfloor heating, EV charging within all parking spaces, PV solar panels, rainwater storage, SuDS measures and recycling of building materials. Whilst much of the measures are standard, they appear sufficient to meet the required standards. Delivery of such measures would be conditioned in the event of an approval.

FLOOD RISK / DRAINAGE

Policy SI12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.

Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) states that developments are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated.

The property is in Flood Zone 1 and there is no change to the classification of the use such that there is no flood risk within the site or impacts elsewhere. The proposal is therefore acceptable.

The site is in a Critical Drainage Area but not shown to be at risk from surface flooding though there

is a relatively significant increase in impermeable surfacing.

The Design and Access Statement indicates that soakaways are not practical given the clayey nature of the soil and instead gives details of two attenuation tanks in the rear garden, with controlled discharge to the public sewer. There is no in-principle objection to this arrangement alongside other measures such as permeable paving and rainwater harvesting. Full details would be required by condition in the event of approval.

AIR QUALITY

Policy DMEI 14 of the Hillingdon Local Plan Part 2 (2020) states that development should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

The scope of the application and the location of the site outside of the Air Quality Management Area are such that there are no reasonable objections on air quality grounds.

COMMUNITY INFRASTRUCTURE LEVY

Policy DMCI 7 of the Hillingdon Local Plan Part 2 (2020) refers to the delivery of sufficient infrastructure alongside development whether by planning obligations or the Community Infrastructure Levy (CIL). The CIL charge for residential developments is £95/m², in addition to the Mayoral CIL charge of £60/m².

With a net increase in dwellings and floorspace, the proposal would be CIL liable. An informative would be attached to the decision notice pointing to these obligations.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT

Paragraph 70 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement and are often built out relatively quickly. Paragraph 119 seeks effective use of land in meeting the need for homes.

Policy NPPF1 of the Hillingdon Local Plan Part 1 - Strategic Policies (2012) requires a proactive approach to sustainable development. Planning applications that accord with the policies in the Hillingdon Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy H1 of the Hillingdon Local Plan Part 1 (2012) addresses annual housing growth of 425 dwellings per year, where this can be achieved, in accordance with other Local Plan policies.

The proposal involves the demolition of a four bedroom or family sized dwelling and its replacement with seven flats or a total of 13 bedrooms. This is a net increase in bedrooms or residential accommodation which is supported in principle. However, the Council is currently able to demonstrate a five-year supply of deliverable housing sites and the 'tilted balance' as set out in paragraph 11(d) of the NPPF (2023) is not engaged and the assessment requires a consideration of the benefits against harm as part of the wider planning balance.

However, this is subject to a consideration against Policy DMH 4 of the Hillingdon Local Plan Part 2 (2020), which permits the redevelopment of dwellings into flats where no more than 10% of the

street has been redeveloped into flats.

The applicant has asserted that the subject application would result in six of 71 properties as flat buildings, or 8.45%. Kingsend is 600m in length between the intersections with Ickenham Road in the west and High Street in the east. Excluding corner buildings not having a primary frontage to Kingsend, there are 30 properties on the northern side and 38 properties on the southern side or a total of 68 properties.

The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings. This equates to eight properties or 12%. When accounting for the subject application, this increases to 13%. Paragraph 4.11 of the Local Plan specifies that flatted development "must seek to enhance the local character of the area. In recent years, large concentrations of flats have resulted in a range of problems, including increased on-street parking and resultant congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation."

There is a departure with Policy DMH 4 of the Local Plan and to varying degrees, the proposed development brings about some of the above impacts (neighbour and streetscape impacts), as outlined below. Accordingly, the principle of the development fails on this basis and this forms Reason for Refusal 1.

SAFEGUARDING EXISTING HOUSING/ HOUSING MIX

Strategic Objective 7 (SO7) of the Hillingdon Local Plan Part 1 (2012) aims to address housing needs in Hillingdon. The type of dwellings should reflect housing needs identified in the borough, particularly the need to provide more family homes with adequate garden space.

The proposal involves the loss of a family sized dwelling which is broadly contrary to SO7. However, it must be weighed against Policy H10 of the London Plan (2021) and Policy DMH 2 of the Hillingdon Local Plan Part 2 (2020), which requires a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current need indicates a substantial boroughwide requirement for larger affordable and private market units, particularly three bedroom properties.

The proposal involves two x 3-bed flats, two x 2 bed flats and one x 1 bed flat. With only one dwelling considered as a family sized dwelling, the loss of the existing family unit is compensated for, and the proposal does contribute to increasing the stock of family sized dwellings in the Borough, by way of an additional 3bed unit.

Notwithstanding, Policy H10 seeks a higher proportion of one and two bed units closer to a town centre or station or with higher public transport access and connectivity, as well as optimising housing potential on sites and delivering mixed and inclusive neighbourhoods.

The site exhibits a public transport accessibility level (PTAL) of 3 which is considered as moderate. There is good access to local facilities and services on Ruislip High Street and the site is 450m walking distance from Ruislip Underground Station.

Accordingly, there is justification for redevelopment of the site and for a higher proportion of smaller dwellings. Further, a higher proportion of smaller 1 and 2 bed units have been approved at other flat buildings on Kingsend such as 16-18 Kingsend (at appeal APP/R5510/A/08/2078969). That application was not refused on unit mix grounds and the appeal did not focus on this issue.

The absence of a higher proportion of larger dwellings is unfortunate but given the modest scale of the development and the site location, it is not unacceptable. The predominant character of the area is of larger detached dwellings and this development would provide further diversity to the mix of development in the area. On this basis, no objection is raised in respect of housing mix.

DENSITY

Policies D1, D3 and GG2 of the London Plan aim to make the best use of land and proactively intensify the use of land to support additional homes through a design-led approach that optimises the capacity of sites. Higher density developments should generally be in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

This should be interpreted in the context of Policy H2 of the London Plan (2021) which supports well-designed new homes on small sites below 0.25 hectares in size. Policy DMHB 17 of the Hillingdon Local Plan: Part 2 (2020) specifies a density of 50-110 units or 150-330 rooms per hectare.

The proposed density is 41.6 units per hectare. Taking account of the site constraints, including protected trees and a need to accord with the pattern of development, the proposal falls below the lower end of the range however is broadly within the scope of Policy DMHB 17. However, numerical densities are more appropriate to larger sites and what is of greater significance is local context. The key consideration is whether the development would integrate with the character of the area, and respect residential amenity considerations. These matters are discussed in the sections above.

PLANNING BALANCE

Planning Legislation requires decisions to be made in accordance with the Development Plan unless material considerations dictate otherwise. This means that the decision taker must take as a starting point the Development Plan and balance it and all other material considerations to arrive at a decision on whether or not to grant planning permission. If the harms outweigh the benefits, planning permission will usually be refused.

Paragraph 11 of the NPPF, under the 'presumption in favour of sustainable development', sets out circumstances where this balancing exercise should be weighted towards granting permission. This is the case where there are no relevant policies in the Development Plan or the relevant policies are 'out of date'. These circumstances become a material consideration, which 'tilts' the balancing exercise from a neutral balance to one where there must be compelling reasons for permission to be withheld.

Whilst it is clear that the revised application is a laudable attempt at addressing the shortfalls in compliance with the development which previously formed reasons for refusal, the applicant has failed to address all of the concerns. As set out above the revised proposal results in a shortfall in good quality, well located and private amenity space resulting in the provision of inadequate levels of living accommodation to serve future occupants.

Moreover the proposal would result in an overconcentration of flatted developments within Kingsend according to the Council's own review of the planning history. This is direct conflict with the development plan.

Having considered the Council's evidence to support the delivery of a 5 year housing land supply the redevelopment of the site to provide a contribution towards local housing stock carried limited, if any, weight in the assessment of the application. No other benefits have been put before

Officers which could weigh in favour of the proposal. As such the applicant has failed to demonstrate that the harm identified and policy conflict can be outweighed by public benefits therefore the application fails to comply with Chapter 11 of the NPPF (2023).

8. Reference Documents

National Planning Policy Framework (2023)

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)

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

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