

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, Building Control, Sport & Green Spaces**

Address 5 LEYBOURNE ROAD HILLINGDON

Development: Two storey, 2-bed dwelling with associated parking and amenity space and installation of a vehicular crossover to front

LBH Ref Nos: **33692/APP/2017/4098**

Drawing Nos: 17/3143/1
 17/3143/4
 17/3143/3 Rev. A
 17/3143/2 Rev. A

Date Plans received : 21/11/2017

Date(s) of Amendment(s):

Date Application Valid: 21/11/2017

1. **SUMMARY**

The application seeks planning permission for the erection of a two storey, 2-bed dwelling with associated parking and amenity space and installation of a vehicular crossover to front. The proposal, in view of its siting and design would result in an incongruous overdevelopment of the site which would be out of keeping with the established character and rhythm of development within the surrounding area. The proposed development would thus be detrimental to the character and visual amenities of the area and to this existing open area of the street scene. Furthermore, the proposal fails to provide sufficient off street parking provision which meets the councils approved parking standards to service the proposed dwelling. In addition, the proposal fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said unit and would provide a poor standard of amenity to the future occupants of the dwelling by reason of a substandard floor area.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of its siting, size and design would result in an incongruous and cramped overdevelopment of the site which would be out of keeping with the established character and rhythm of development within the surrounding area. The proposed development would thus be detrimental to the appearance, character and visual amenities of the area and to this existing open area of the street scene, in conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed development fails to provide sufficient off street parking provision for the existing and proposed dwellings and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary

Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposal provides an indoor living area of an unsatisfactory size for the occupiers of the proposed two bedroom dwelling and would give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

4 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new

	planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

3

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 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

4 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 saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The application property is located on the North side of Leybourne Road in which it forms part of a corner property neighbouring number 2 Midhurst Gardens. The property consists of a two storey semi-detached dwelling with detached double garage and lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The principal elevation faces almost due South.

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey, 2-bed dwelling with associated parking and amenity space and installation of a vehicular crossover to front.

3.3 Relevant Planning History

33692/83/1195 5 Leybourne Road Hillingdon
Section 53 certificate (P) Erection of a garage.

Decision: 25-10-1983 NFA

33692/A/83/1354 5 Leybourne Road Hillingdon
Householder dev. (small extension,garage etc) (P)

Decision: 13-10-1983 Approved

33692/APP/2016/4542 5 Leybourne Road Hillingdon

Conversion of roof space to habitable use to include a rear dormer, 3 front roof lights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 03-03-2017 Approved

Comment on Planning History

33692/APP/2016/4542 - Conversion of roof space to habitable use to include a rear dormer, 3 front roof lights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development). Approved and implemented.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

Oak Farm Residents Association and 8 neighbouring properties were consulted by letter dated 23.11.17 and a site notice was displayed to the front of the site which expired on 24.1.18. 1 letter of objection has been received from the occupants of 3 Leybourne Road stating:

We at 3 Leybourne have serious concerns about the negative repercussions on our existing property and well being. As it stands there is very little light that enters our garden as previous building work to 5 Leybourne has interrupted the light received to both us and our neighbour at 3A. This building work will no doubt negate any remaining sunlight into our garden. (And i mean literally no sun!) In addition there are no guarantees to the potential damage that could likely be caused to our property on hidden levels and surrounding groundworks not to mention the overt disruption of the construction on our family life as well.

Highways Officer:

This application is for the construction of a new 2b dwelling in Leybourne Road Hillingdon. Leybourne Road is a local road on the Council road network. The site has an existing vehicular crossover that leads to driveway parking for two cars and a double garage. The site has a PTAL value of 1a (very poor) which suggests that there will be a very strong reliance on private car trips to and from the site. There is evidence of existing parking stress in the street as not all properties have off-street car parking. The proposals involve the demolition of the existing garage and the construction of a 2b detached dwelling between the existing house and the adjacent house. There are only 2 car parking spaces provided to cater for the existing dwelling and new dwelling which does not meet the Council's car parking policies. There is bike store and bin store shown on the layout plan which are supported. On the basis that the off-street car parking is not sufficient I suggest you refuse the application on those grounds.

Access Officer:

The proposal for a single dwelling house for sure (sic) of the requirements of an M4 (2) dwelling house as required by London Plan policy 3.8 (c). The following comments should be observed: 1. The entrance level WC should be enlarged and/or reconfigured to meet the requirements of and M4 (1) cubicle. 2. Particular attention should be paid in regard to the design of the entrance lobby, internal circulation and doorways, in addition to the design and requirements within the kitchen, bedrooms and bathroom. Clear access zones, as specified within Approved Document M to the Building Regulations (2015 edition), should be shown on plan. Conclusion: plans should be amended accordingly. In any case, the following condition should be attached to any grant of planning permission: The dwelling(s) would be required to 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 REASON: To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8 c, is achieved and maintained.

Landscape Officer:

This site is occupied by a two-storey semi-detached house, with a detached garage, at the junction of Leybourne Road and Midhurst Gardens. The house and its partner are set at a 45 degree angle to the adjacent streets and have roughly triangular spacious gardens. There are no tree, or landscape planning, constraints affecting the site.

COMMENT: No trees will be removed to facilitate the development. The proposal creates the loss of a garage and driveway and the need for replacement off-street parking for house number 5 and off-street parking for the new house. The layout should ensure that neither front garden is dominated by parking and should aim to provide a minimum of 25% 'green' front garden within and bike storage discreetly placed to the rear.

RECOMMENDATION: No objection subject to conditions H10 and RES9 (parts 1, 2 and 5).

6. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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LPP 7.4	(2016) Local character
NPPF1	NPPF - Delivering sustainable development
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NPPF7	NPPF - Requiring good design

In addition:

7. MAIN PLANNING ISSUES

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

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amounts of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The Council's adopted HDAS SPD: Residential Layouts (July 2006) specifies in paragraph 4.9 that where a two or more storey building abuts a property or its garden, a minimum acceptable distance of 15 m should be maintained, so as to overcome possible over-domination, overbearing and overshadowing. Paragraph 4.11 of the HDAS SPD specifies that the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings. The principle involves drawing a line from the mid-point of an existing/new habitable room window that is potentially affected by a new dwelling at an angle of 45 degrees towards the new building. Paragraph 4.12 of the HDAS SPD specifies that new residential development should be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property. It gives advice that the distance should not be less than 21 m between facing habitable room windows.

The proposed dwelling would not project to the rear of the adjacent dwelling at 3a Leybourne Road and would not result in an unacceptable loss of light or outlook to the occupants of this property, given the orientation. The proposed dwelling would be in close proximity to the existing dwelling maintaining only a 2 m separation distance. However, as there are no windows within the flank elevation of number 5 serving habitable rooms (only a stair window), and given that the dwelling would not breach the 45 degree line from the centre point of the closest rear facing window serving a habitable room, the development is not considered to result in an unacceptable loss of outlook, loss of daylight, overshadowing or over-dominance to the occupants of the host dwelling or 3a.

7.2 Impact on Street Scene

The NPPF (2012) notes the importance of achieving design which is appropriate to its

context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. Paragraph 4.14 of the Residential Layouts HDAS SPD specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and lines of surrounding buildings.

The guidance contained within the Council's HDAS Residential Layouts requires a separation distance of 2 m between properties which the proposal complies with. However, the properties at the junctions are characterised by small triangular shaped rear gardens which are compensated for by the larger spaces to the side of the dwellings, giving a sense of spaciousness to these corners. The proposal would totally infill this characteristic open area. The proposal, in view of its siting and design would therefore result in an incongruous overdevelopment of the site which would be out of keeping with the established character and rhythm of development within the surrounding area. The proposed development would thus be detrimental to the character and visual amenities of the area and to this existing open area of the street scene, in conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.3 Traffic Impact/Pedestrian Safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers 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 AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The site has an existing vehicular crossover that leads to driveway parking for two cars and a double garage. The site has a PTAL value of 1a (very poor) which suggests that there will be a very strong reliance on private car trips to and from the site. There is evidence of existing parking stress in the street as not all properties have off-street car parking. The proposals involve the demolition of the existing garage and the construction of a 2b detached dwelling between the existing house and the adjacent house. There are only 2 car parking spaces provided to cater for the existing dwelling and new dwelling which does not meet the Council's car parking policies. As such the proposed development fails to provide sufficient off street parking provision which meets the councils approved parking standards to service the proposed dwellings. The development would therefore lead to additional on street parking to the detriment of public and highway

safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Councils adopted car parking standards.

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. A two bedroom (3 person) house is required to provide an internal floor area of 70 sq.m. At an internal floorspace of 61 square metres, the proposal would fail to provide a poor standard of residential amenity to its future occupants in conflict with policy 3.5 of the London Plan (2016).

Policy BE23 of the Hillingdon Local Plan (November 2012) recognises that new residential buildings should 'provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings'. Submitted plans demonstrate that the host dwelling would retain 56 square metres and the proposed dwelling would be provided with 60 sq.m. The retained dwelling has 4 bedrooms and is required to provide 100 square metres. The proposal therefore fails to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units. As such the proposal would provide a substandard form of accommodation for future residents of both the new and the existing dwellings contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), and the Council's HDAS (SPD): 'Residential Layouts',

7.6 Other Issues

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The established garden contains a number of trees and shrubs, with the most significant trees situated on, or close to, the rear boundary. The Council's Landscape Officer has raised no objection to the proposal subject to a condition requiring the retention of trees and hard and soft landscaping by condition.

CIL

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 £35 per sq metre

.Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 61 sq metres of additional floorspace are presently calculated as follows:

Hillingdon CIL = £7,042.03

London Mayoral CIL = £2,757.31

Total = £9,799.34

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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