

DELEGATED DECISION

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

APPROVAL RECOMMENDED: GENERAL

Select Option

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

REFUSAL RECOMMENDED: GENERAL

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

RESIDENTIAL DEVELOPMENT

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

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

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

CERTIFICATE OF LAWFULNESS

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

CERTIFICATE OF LAWFULNESS

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

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

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

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

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

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

Address LAND ADJOINING 1/3 BOTWELL CRESCENT HAYES

Development: Erection of a two storey building to create 2 x 2-bed self-contained flats with associated parking

LBH Ref Nos: **72105/APP/2018/3989**

Drawing Nos: 4875-50 Rev. C
 4875-51 Rev. C
 4875-52 Rev. C
 4875-53 Rev. C
 4875-54 Rev. C
 4875-55 Rev. C

Date Plans received : 12/11/2018

Date(s) of Amendment(s):

Date Application Valid: 12/11/2018

1. **SUMMARY**

The proposal involves erection of a two storey building to create 2 x 2 bed self-contained flats with associated parking. The site is within the developed area and close to the Hayes Village Conservation Area.

This is the fourth application seeking development of this site. The previous three applications have been refused, one of which has also been comprehensively dismissed on appeal. This is a very prominent site with three frontages and it is important that all three are carefully addressed. The strong aesthetic and building line of the existing planned layout of the area, along with the generous front gardens, is still not respected by the proposed development. Although the applicant puts forward the argument that the building line should change direction with the road, the proposed development still appears to fall forward of this projected line. Whilst the appeal inspector accepted that the presence of below standard amenity space was acceptable due to the presence of Barra Hall Park, the lack of generosity in the gardens remains an issue in urban design terms leading to a sense of crowding on the plot which is also not in character for its position in the streetscape. The other houses/flats in the area are all set back on generous plots.

The proposal is an improvement over the previous refusals. However, it is considered that the proposal will still result in over-development of the site, and be harmful to the character of the Conservation area.

In addition the Highways and Traffic Officer recommends refusal on highway safety grounds.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along Botwell Lane, would result in the total loss of an important gap characteristic to the area and would thus

result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character and appearance of the adjoining properties and the visual amenities of the street scene, the adjoining Hayes Village Conservation Area and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, 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.

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.

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
 (i) Dial-a-ride and mobility bus services
 (ii) Shopmobility schemes
 (iii) Convenient parking spaces
 (iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

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.

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
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

3 I71 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 '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.

The applicant was offered opportunities to amend the application. This resulted in some changes to the scheme which addressed some potential reasons for refusal. The Council has however been unable to secure solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and further negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the corner of Botwell Crescent. The site is overgrown open land. There is no evidence of any previous use.

To the East and North-East of the site is Barra Hall Park, and to the South West is a parade of local shops located on Judge Heath Lane. The site immediately adjoins a two-storey block of flats to the North West. To the North West is the flank elevation of 1 and 3 Botwell Crescent. The Crescent is residential in character, mainly comprising two-storey semi-detached dwellings of small blocks of flats/maisonettes. The Hayes Village Conservation Area lies to the East and North-East.

3.2 Proposed Scheme

The proposal involves erection of a two storey building to create 2 x 2 bed self-contained flats with associated parking

Following discussions the first floor layout has been altered from two number one bedroom flats to one, two bedroom flat. Three parking spaces are provided, 1.5 per two bedroom flat. Covered storage has been provided for the three cycle parking spaces, 1.5 per flat. The width of the proposed cross over has been shown on the drawings. The elevations have been revised accordingly and the external free standing balconies removed with a new balcony provided for the first floor apartment, within the area of the plan form. Amended drawings were received in order to respond to initial objections from both the Conservation and Highways Officers.

3.3 Relevant Planning History

72105/APP/2016/2910 Land Adjoining 1/3 Botwell Crescent Hayes

Erection of a three storey building to create 2 x 2-bed and 1 x 1-bed self-contained flats with associated parking.

Decision: 22-11-2016 Refused

72105/APP/2017/394 Land Adjoining 1/3 Botwell Crescent Hayes

Erection of a three storey building to create 2 x 2-bed and 1 x 1-bed self-contained flats with associated parking.

Decision: 02-06-2017 Refused

Appeal: 29-03-2018 Dismissed

72105/APP/2018/2540 Land Adjoining 1/3 Botwell Crescent Hayes

Erection of a two storey building to create 4 x 1-bed self-contained flats with associated parking

Decision: 13-09-2018 Refused

Comment on Planning History

Planning application reference number 72105/APP/2016/2910, which proposed erection of a three storey building to create 2 x 2-bed and 1 x 1-bed self-contained flats with associated parking, was refused for the following reasons:

1. The proposed development, by reason of its siting, size, scale, bulk and design would result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character and appearance of the adjoining properties, the visual amenity of the street scene and the Hayes Village Designated Conservation Area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the NPPF.

2. The proposed building by virtue of its size, scale, bulk, height and proximity, would be detrimental to the amenities of the adjoining occupiers, by reason of overdominance, overshadowing, visual intrusion, loss of light, loss of outlook and loss of privacy. Therefore the proposal would be contrary to policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions and HDAS: Residential Layouts.

3. The proposal would not provide a suitable level of private amenity space and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

Planning application reference number 72105/APP/2017/394 which proposed erection of a three storey building to create 2 x 2-bed and 1 x 1-bed self-contained flats with associated parking was refused for the following reasons:-

1. The proposed development, by reason of its siting in this open prominent position, size, scale, bulk, design and projection forward of the very strong building line along Botwell Lane, would result in the total loss of an important gap characteristic to the area and

would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character and appearance of the adjoining properties and the visual amenities of the street scene, the adjoining Hayes Village Conservation Area and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, 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. 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 proposed units would result in an over-development of the site detrimental to the residential amenity of 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.

This application was subject of an appeal which was dismissed.

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

Neighbours were notified on 15/11/2018 and a site notice was displayed also on 15/11/2018. By the end of the consultation period no objections or comments were received.

Highways Officer: The application site is located along the apex of the Botwell Crescent/Botwell Lane junction which makes use of pedestrian footway and street lighting. The proposals seek 2 x 2-bed units with associated parking provision which is to be accessed via a single access point off Botwell Crescent.

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. In this instance, it is required that 3 parking spaces are provided for within the confines of the site. It is apparent from the submitted information that the requisite provision has been accommodated.

Cycle Storage is to be located along the eastern most section of the site and appears to accommodate 4 spaces which is in compliance with the London Plan minimum standards.

Whilst the submitted plans depict the required provision being accommodated for within the site curtilage, when considering the location of the proposed access, specifically the easternmost parking bay and its proximity with the Botwell Lane/Botwell Crescent junction, concerns are raised with the site frontage not being able to afford a sufficient linear distance beyond the bellmouth's tangent point in order to host a suitable private vehicular access.

The proposals are therefore expected to result in vehicles having to reverse into and out of the site generating conflicting vehicle movements at the junction. Mindful of the above, refusal is recommended.

Conservation and Urban Design Officer. Originally commented -

This is the 4th application for a similar scheme on this site. This property sits adjacent to the Hayes Village Conservation Area, is in a prominent position at the meeting of a number highways and overlooks the park which is a major feature of the CA. The local character of the area consists largely of 2 storey homes/flats with generous gardens having a strong architectural aesthetic and sense of space.

COMMENTS: The strong aesthetic and building line of the existing planned layout of the area, along with the generous front gardens, is still not respected by this proposed development. Although the applicant puts forward the argument that the building line should change direction with the road, the proposed development still appears to fall forward of this projected line. The lack of generosity in the gardens also remains an issue, leading to a sense of crowding on the plot which is also not in character for its position in the streetscape. The other houses/flats in the area are all set back on generous plots.

Looking at the Botwell Lane elevation, the step down in apex height appears atypical and incongruous with it being a principle elevation; especially given it is viewed from the conservation area.

The Botwell Crescent elevation lacks the sense of balance that is present in the neighbouring properties' elevations, and the addition of the balcony in this position, is incongruous, fronting the Crescent.

Viewed from Judge Heath Lane, this elevation is also primary, more so than that of the neighbours' due to the more exposed position. The general proportions are more balanced on this elevation, the balcony is in keeping, but the patio doors and particularly the bin store doors are a potential weak spot here, taking pride of place in the middle facing the junction.

Again it is suggested that a more modestly sized footprint might be in better keeping with the character of the site and the local streetscene.

In response to amended drawings the Conservation and Urban Design Officer commented:

The major conservation objections raised 19th December 2018 remain unaddressed in the proposed revisions, most notably its size and position in its plot.

In addition the following areas of concern have been added:

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- The addition of yet another large opening, created for a balcony, to the South Elevation, puts it further out of step with the rhythm of openings in its neighbours' elevations..

- The East Elevation is also worse off for the change in openings particularly that created for the bike store and gates or doors used to secure the bike area would add to the impact. This space also creates a high potential for clutter on a primary elevation.

- The loss of an opening on the North Elevation leaves a blank stretch of wall.

This property effectively has three principle elevations due to the prominent position of this site, so all three have to present as such to their respective streetscapes.

CONCLUSION: Recommend Refusal, the proposed scheme is considered detrimental to the setting of the Hayes Village Conservation Area.

Trees and Landscape Officer:

This site was formerly cultivated land, currently perceived as unmanaged waste land which is being colonised with

natural regeneration and self-set trees. The plot lies immediately to the east of 1/3 Botwell Crescent and is adjacent to the west boundary of Barra Hall Park and Hayes Village Conservation Area.

COMMENT: No trees or other landscape features of merit will be affected by the proposal, although the young colonist species will need to be cleared.

The proposed layout shows the hard and soft landscape arrangement with parking areas, footpaths and soft landscaped areas. Bin and bike stores are integral to the building thereby providing secure and discrete storage which will not impact on the public realm.

There is no usable amenity space, although the site is directly opposite Barra Hall Park.

RECOMMENDATION: No objection subject to conditions RES9 (parts 1,2 and 5). Barra Hall Park will provide the immediate amenity space for these flats and a financial contribution towards the management and maintenance of the park should be made.

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.

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

(i) Dial-a-ride and mobility bus services

(ii) Shopmobility schemes

(iii) Convenient parking spaces

(iv) Design of road, footway, parking and pedestrian and street furniture schemes

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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.

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
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

In addition: The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be

reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

7. MAIN PLANNING ISSUES

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

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in a number of ways. The effect of the siting, bulk and proximity of a new building on the outlook and residential amenity of these adjoining occupiers are considered under Policy BE21, whilst potential impacts on daylight/sunlight (Policy BE20) and privacy (Policy BE24) are also assessed.

Paragraph 4.9 of the SPD, HDAS: Residential Layouts further advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing proposals. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15 m will be the minimum acceptable distance between buildings. Furthermore a minimum of 21 m overlooking distance should be maintained. Any development must also be considered against the detailed advice in the SPD HDAS: Residential Extensions which assists in determining the impact of redevelopment on neighbours amenities.

Paragraph 4.11 of the SPD gives advice on sunlight and daylight considerations, and that a 45 degree line of sight principle will be applied to new development, to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.12 of the SPD requires a minimum of 21 m distance between facing habitable room windows in new and adjacent properties to prevent overlooking and loss of privacy.

The proposed 2 storey building will be 1.2 metres from the flank elevation of flats fronting Botwell Crescent, with the closest being Flats Nos 1 and 3. The existing flats are separated from the application site by a side passage. There are a number of ground and first floor windows and a door within the existing development facing in a South Eastward direction and at right angles towards the application site. This matter was discussed with the applicant with regard to previous applications and it is confirmed that none of these serve habitable rooms. The proposal includes no first floor side facing windows and only high level windows are ground floor.

It is concluded that the development will not result in a material loss of daylight and sunlight and will not result in an over-dominant and obtrusive form of development. As such, the proposal is not considered to be harmful to the amenities that existing residents might reasonably expect to enjoy. The dwellings to the North on the opposite side of Botwell Crescent present a flank elevation and, given the distance and orientation, no harm to residential amenities is considered to result. The shopping parade to the South has residential units over the shops. However, there will be no direct overlooking and, given the distance involved, no harm to residential amenities of these properties will result.

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

requires all new development to maintain the quality of the built environment including providing high quality urban design.

Policy BE4 states that new development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. These policies mirror the relevant legal duties.

Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Paragraph 4.10 of the HDAS SPD states that the height of new buildings should be determined not only by the proportions, siting and lines of the surrounding buildings but also by the relationship between the proposed buildings and the wider public realm. As a general rule the established front and rear building lines should guide the siting of new dwellings and infill development in terrace houses will be required to observe these rules.

The site is currently vacant and overgrown. It contains no trees or natural landscape of merit, being mainly self-seeded brambles. Beyond adding to a sense of openness, it does little to contribute to the local character and it is considered that a development which both respects the architectural form of the existing development in the vicinity and also its setting on the fringe of the Conservation Area could represent an enhancement. The Trees and Landscape Officer has no objections subject to conditions.

The Conservation and Urban Design Officer comments that this site sits adjacent to the Hayes Village Conservation Area, is in a prominent position at the meeting of a number of highways and overlooks the park which is a major feature of the CA. The local character of the area consists largely of 2 storey homes with generous gardens having a strong architectural aesthetic and sense of space. This is the fourth application on this property for a similar scheme, previous applications have been refused (and one dismissed on appeal).

In dismissing the appeal against the previous proposal the Inspector commented:

"11. The modest size of the appeal site is such that there would be little space around the building to provide it with a sufficiently large immediate setting to assimilate the structure into its surroundings. Although the scheme provides for a small private garden for the ground floor flat and some limited areas of soft landscaping, there would be a considerable amount of hardsurfacing for pathways and car parking. These elements of the proposal would fail to reflect the characteristics of the relationship of buildings to front gardens and verges which make an important contribution to the character and appearance of the area.

12. Taking these factors in combination, the development would appear as a strident and discordant feature on this site, failing to relate positively to the immediately surrounding residential development.

13. At Grange Road in the north west of the conservation area there is a contemporary three storey residential development. This indicates that contemporary approaches to design have been accepted in the wider locality. However, the development at Grange Road is considerably larger than the appeal proposal and stands within a commensurately larger site. Furthermore, there is relatively modern development on the east side of Grange Road. The context of this development is therefore significantly different from that

of the appeal site and so does not create a precedent for allowing the appeal proposal.

14. The National Planning Policy Framework sets out that the significance of a heritage asset can be harmed by development within its setting. Taking into account the size of the conservation area and the relatively modest scale of the appeal site, whilst there would be some harm to the setting of the conservation area, the harm to the significance of the designated area would be very limited. There would be public benefits arising from the proposal adding to the housing stock of the area. However, the harmful impact the proposal would have on the character and the appearance of the surrounding area, which includes areas within and outside the conservation area, is sufficient to outweigh the benefits arising from the additional residential accommodation which would be provided. The positive attributes of the scheme are not sufficient to outweigh my findings with regard to the harm to the character and appearance of the area.

15. The proposal is therefore in conflict with Policy BE1 of the Hillingdon Local Plan Part 1 (LP) which requires all new development to improve and maintain the quality of the built environment including, amongst other matters, enhancing the local distinctiveness of the area and to be appropriate to the identity and context of Hillingdon's buildings and townscapes including in terms of form and scale. The proposal fails to meet the expectations of 'saved' Policy BE13 of the UDP2 which makes clear that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which it is desirable to retain or enhance. For similar reasons the proposal does not comply with 'saved' Policy BE19 or with those elements of The London Plan Policies 3.5 and 7.4 which seek to enhance the quality of local places and local character, including matters of scale, proportion and mass.

16. To the extent that the proposal would not harmonise or complement the appearance of the immediate surroundings, there would be a degree of conflict with Policy BE4 which requires new development on the fringes to conservation areas to preserve or enhance those features which contribute to their visual qualities."

This is the fourth application seeking development of this site. The previous three applications have been refused, one of which has also been comprehensively dismissed on appeal. This is a very prominent site with three frontages and it is important that all three are carefully addressed. The strong aesthetic and building line of the existing planned layout of the area, along with the generous front gardens, is still not respected by this proposed development. Although the applicant puts forward the argument that the building line should change direction with the road, the proposed development still appears to fall forward of this projected line. The lack of generosity in the gardens also remains an issue, leading to a sense of crowding on the plot which is also not in character for its position in the streetscape. The other houses/flats in the area are all set back on generous plots.

7.3 Traffic Impact/Pedestrian Safety

Following receipt of amended drawings, the Highways Officer comments -The applicant has submitted revised information seeking to overcome the Highway Authority's previous objection which related solely to the conflicting vehicle movements at the Botwell Lane/Botwell Crescent junction.

The revised drawings now show the easternmost parking space relocated approximately 1.3 metres further west of the junction in order to address the above mentioned point. Upon assessing the proposed arrangement, whilst the revised parking area does not ultimately address the Highway Authority's concerns, it is considered that this could not be sustained as a reason for refusal at an appeal scenario.

7.4 Carparking & Layout

See Highways comments above.

7.5 Urban Design, Access and Security Considerations

Urban design matters are considered above. No adverse access or security issues are raised.

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 and they have been adopted by The Mayor of London in the form of Housing Standards Minor Alterations to The London Plan (March 2016). This sets out how the existing policies relating to Housing Standards in The London Plan should be applied from March 2016. Table 3.3 sets out how the minimum space standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standard.

Table 3.3 of the Amendment specifies that the minimum internal floor space area/standard for a 2 bedroom 4 person flat is 70 square metres. The nationally described space standards defines the Gross Internal Area (GIA) or internal floor space area of a dwelling as 'the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The scheme as originally submitted had two first floor units, both of which were below minimum standards. The proposal was amended through discussion.

As amended, the ground floor 2 bedroom flat at 75.4 square metres and first floor unit at 89.1 square metres are both well above minimum space standards.

Paragraph 4.17 of the HDAS SPD requires developments to incorporate usable, attractively laid out and conveniently located shared garden space in relation to the flats they serve. The Council's minimum requirement is for 25 sq m per 2 bed flat shared amenity space.

Paragraph 4.18 of the HDAS SPD explains that garden space and patios are a preference and should be accommodated where possible, except where the physical limitations of the site prevent this and other forms of amenity space are suitable.

Paragraph 4.19 of the HDAS SPD stresses that the guidelines are intended as minimum. Exceptions to garden area requirements will only apply in special circumstances such as the provision of non-family housing, predominantly made up of 1 bedroom units in town centres or above shops.

The appeal inspector considered the issue of amenity space. It was concluded:

"The ground floor flat would have a private garden on its south side. The two bedroomed first and second floor flats would each have a south and east facing balcony. The Council's guidelines on outdoor amenity areas are set out in their supplementary planning document (SPD). The two bedroom flats in the proposal would not meet the minimum areas for outdoor shared amenity space set out in the guidelines.

The appellants suggest that the two bedroom flats are unlikely to be occupied by families, but there is nothing to guarantee this would be the case. However, the proximity of Barra Hall Park would mean that occupiers of the flats would have ready access to a large area

of high quality public open space. I am therefore satisfied that the combination of balconies and the proximity of the park would ensure that living conditions for occupiers of the flats would be adequate with regard to outdoor amenity space.

Consequently I find that in respect of amenity the proposal would not conflict with 'saved' Policy BE19. Neither would the proposal conflict with 'saved' Policy BE23 which, amongst other matters, requires new residential building to provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed building and which is usable in terms of its shape and siting."

In the current proposals the scheme involves 1 x 2-bed and 2 x 1-bed flats. Each is provided with a small balcony or private amenity space. Unit 1 (2 bed) has 37.2 square metres, well above standard. However Units 2 and 3 (1 bed) each have only 4.5 square metres, well below standard. However, given the proximity of Barra Hall Park and the previous Inspector's comments, it is considered, on balance, that this level of private amenity space is acceptable.

7.6 Other Issues

Policy 3.4 of the London Plan (2016) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity. Development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings and its impact on adjoining occupiers.

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 167.4 sq metres of additional floorspace are as follows:

Hillingdon CIL = £15,903
Mayoral CIL = £5,859
Total = £21,762

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 (2018)

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