

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 TO THE REAR OF 45 SEATON GARDENS RUISLIP
Development:	Erection of a two storey dwelling with associated access, parking and amenity space
LBH Ref Nos:	70507/APP/2021/1208
Drawing Nos:	2853-2-05 Rev. A (Land beside 1 Kingswear Road, Proposed Layout) 3248-01 3248-02 3248-SS-01 3248-03 3248-SS-02 Planning Statement dated February 2021 3248-SK1 2853-2-04 Rev. A (Land beside 1 Kingswear Road, Proposed Site Layout Street Scene) Flood Risk Assessment (dated July 2021) Joint Appeal Decisions at Land to the rear of 39 and 39a Hatherleigh Road (refs: APP/R5510/W/15/3016551 & APP/R5510/W/15/3016555)

Date Plans received : 25/03/2021

Date(s) of Amendment(s):

Date Application Valid: 25/03/2021

1. SUMMARY

Planning permission is sought for erection of a two-storey dwelling with associated access, parking and amenity space.

It is considered that the proposed development, by reason of its proximity, scale, size and height, would cause significant harm to the living conditions of numbers 45 and 47 Seaton Gardens and their associated private amenity space. The proposal would therefore be contrary to paragraph 185 of the NPPF (2021) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

It is acknowledged that there is a policy presumption against the development of residential gardens as set out in Policy DMH 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). However, a similar scheme for the erection of a two-storey dwelling at the end of the rear gardens of numbers 39 and 39a Hatherleigh Road has been allowed at Appeal (Appeal ref: APP/R5510/W/15/3016555). It is therefore considered that refusing the application on the ground of its principle or impact on the character and appearance of the area would be difficult to sustain, in the event of appeal.

The proposal, subject to a condition relating to the shed/cycle store, would provide a satisfactory provision of internal and external amenity space for future occupiers. The Highways Authority is satisfied that the proposal would not present a risk to road safety, hinder the free flow of traffic or lead to parking stress.

The Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the "titled balance" as set out in paragraph 11(d) of the NPPF (2021) is not engaged. Notwithstanding this, the public benefits of providing a single private market

dwelling would not outweigh the harm caused to the residential amenities of number 47 Seaton Gardens. It is therefore commended that planning permission be refused.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its proximity, size, scale, bulk, height and massing, would be detrimental to the amenities of the adjoining occupiers at 45 and 47 Seaton Gardens and their associated private amenity space, by reason of sense of enclosure, overdominance, visual intrusion and loss of outlook. The proposal would therefore be contrary to paragraph 185 of the National Planning Policy Framework (July 2021) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

INFORMATIVES

1 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 (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises part of the rear garden of number 45 Seaton Gardens. The site has an area of approximately 174 square metres and is partly occupied by a double garage. Vehicular access to the garage is available from Kingswear Road.

The street scene on Kingswear Road is mainly characterised by two storey terraced dwellings set underneath hipped roof profiles. There is a strong degree of uniformity between the properties on Kingswear Road, in terms of their plot size, scale and architectural style. An appeal was allowed for the erection of a dwelling at the end of the rear garden of numbers 39 and 39a Hatherleigh Road (Appeal ref: APP/R5510/W/15/3016555). This dwelling has since been constructed and is known as 1a Kingswear Road, which is located on opposite end of the road to the application site.

The application site does not contain any Listed Buildings, nor does it lie within a designated Conservation Area or an Area of Special Local Character. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land.

Based on the Transport for London's WebCAT planning tool, the application site has a Public Transport Accessibility Level (PTAL) rating of 2 (Poor).

The site is within Flood Zone 1 and is designated within a Critical Drainage Area (according to the Council's GIS Map).

3.2 Proposed Scheme

Planning permission is sought for erection of a two-storey dwelling with associated access, parking and amenity space.

3.3 Relevant Planning History

Comment on Planning History

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

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

EXTERNAL CONSULTEES:

Eight neighbouring properties were consulted on 24th May 2021. The consultation period expired on 15th June 2021. 13 objections from separate addresses were received and their comments are summarised as follows:

- Loss of the off-street car parking for the existing property
- Loss of existing street parking spaces on Kingswear Road
- The existing property is likely to be converted into flats
- Loss of the private amenity space for the existing property
- Significant increase in density
- Negative effect on neighbouring occupiers
- Loss of light and overshadowing
- Loss of privacy and overlooking
- Concerns about flooding
- Pressure on the existing drainage system
- Disruption during the construction process
- The proposal degrades the area rather than enhancing it
- The size of the development is oppressive and over dominating
- It is unclear whether the existing dropped kerb needs to be extended
- Parking is already an issue on the surrounding streets
- This proposal should be classified as a garden grab and is therefore not in line with planning policy
- The proposed dwelling is not in keeping with the rest of the houses along Kingswear Road
- The submitted application implies that this build is similar to Number 1A Kingswear Road which it is not. Number 1A Kingswear was built on the side of Number 1 Kingswear Road, and next to the pedestrian alleyway access
- This proposed build will be next to the main alleyway gate that is the entrance and exit for residents to drive to their garages/back of houses.

Ruislip Residents Association: No comments received.

A Ward Councillor, with two other Councillors in support, has requested for this application to be presented at the Minors Planning Committee, if recommended for approval, due to the following grounds: "This application is a fundamental change to the layout of gardens with existing properties in the Manor, in that: A) it is an additional unnecessary frontage across the public grass verges in Kingswear Rd; B) it is out of character with Manor corner houses; C) its massing and impact on 47 & 49 Seaton Gardens is inappropriate; D) it has similar features to the application at 229 Victoria Rd, (junction with Bessingby Rd) which was refused and upheld on Appeal (2019) ; E) it is a garden grab!! and is therefore failing to comply with aspects of our Local Planning policy. F) The Boroughs overall housing targets are not weakened by a refusal."

Officer's Response: Based on the submitted drawings, the proposal would involve the installation of a new vehicular crossover on Kingswear Road. The existing crossover on Kingswear Road would be reinstated to a raised dropped kerb at the applicant's expense, if planning permission were to be granted. It is acknowledged that the construction of any new development would bring a degree of noise and disturbance. However, the construction process is a temporary period and working hours are governed by the Control of Pollution Act 1974. A Construction Logistic Plan would be secured by condition, in the event of an approval. The points raised in regard to impact on the character and appearance of the area, neighbouring residential amenity, parking, highway safety and flood risk will be covered in the following sections of the report. Officers are aware of and have considered the dismissed Appeal Decision at 'Land to the rear garden of 229 and 229a Victoria Road' (Appeal ref: APP/R5510/W/20/3244714).

INTERNAL CONSULTEES:

Council's Highways Officer: Please refer to the section of the report titled 'Carparking & Layout' for the Highways Officer's comments.

Council's Access Officer: Any grant of planning permission should include the following conditions:

The development hereby approved shall ensure that step free access via the principal private entrance, and all other points of entry and exit, is achieved and maintained for the life of the building.

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D7 is achieved and maintained.

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

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan policy D7 is achieved and maintained.

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.H1 (2012) Housing Growth

Part 2 Policies:

DMH 2 Housing Mix

DMH 6 Garden and Backland Development

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 17 Residential Density

DMHB 18 Private Outdoor Amenity Space

DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LLP D1	(2021) London's form character and capacity for growth
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP D11	(2021) Safety, security and resilience to emergency
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
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: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

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

Paragraph 185 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of

living conditions.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that: B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. 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."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight.

Number 47 Seaton Gardens is located to the east of the application site. Unlike neighbouring properties, numbers 45 and 47 Seaton Gardens do not contain a garage or outbuilding at the end of their proposed and existing rear gardens. The rear wall of the proposed dwelling would run along the mutual boundary shared with number 47 Seaton Gardens for a distance of 7.7 metres. Furthermore, the proposed dwelling, with a two storey height, would only be sited some 7m from the boundary of the rear garden of No.45. Due to this relationship, coupled with the scale, size and height of the proposed dwelling, it is considered that the development would have a significant enclosing effect and thus be dominant and overbearing when viewed by the users of the private amenity space at numbers 45 and 47 Seaton Gardens.

It is noted that there is an existing garage at the application site which runs along the mutual boundary shared with number 47 Seaton Gardens. However, this garage is single storey in scale and has a flat roof profile. It is therefore considered that this structure is not comparable to the scale, size and height of the proposed two-storey dwelling. As such, it is considered that the existing garage would not justify the harm identified in the previous paragraph.

There would be a separation distance of 16.4 metres between the flank wall of the proposed dwelling and the rear building line of number 45 Seaton Gardens. This separation distance would exceed the 15-metre separation distance requirement referred to by the Inspector in the Appeal decision for 'Land to the rear of 39 and 39a Hatherleigh Road (ref: APP/R5510/W/15/3016555). Taking this separation distance into account, coupled with the orientation of property at number 45 Seaton Gardens, it is considered that the proposal would not unduly impact on the living conditions of the neighbouring

occupiers in terms of loss of light or overshadowing.

Number 41 Kingswear Road is the adjacent property located to the north of the application site. There is an existing private access track between this neighbouring property and the application site. The proposed dwelling would not project beyond the front and rear building lines of the property at number 41 Kingswear Road. It is therefore considered that the proposal would not adversely impact on the residential amenities enjoyed by the occupiers at number 41 Kingswear Road.

The proposed dwelling would not contain any windows fitted in its rear and side (south) elevation. The ground and first floor windows fitted in the side (north) elevation would serve non-habitable rooms and would be conditioned to be obscure glazed and non-opening up to 1.8 metres. It is therefore considered that the proposal would not give rise to a material loss of privacy or overlooking for neighbouring occupiers.

It is considered that the proposed development would cause significant harm to the living conditions of numbers 45 and 47 Seaton Gardens and their associated private amenity space. The proposal would therefore be contrary to paragraph 185 of the NPPF (2021) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.2 Impact on Street Scene

Paragraph 126 of the NPPF (2021) seeks the creation of high quality, beautiful and sustainable buildings. Parts b) and c) of paragraph 130 of the NPPF (2021) states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment.

Policies D1, D3 and D4 of the London Plan (2021) requires development proposals to be of high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

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

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

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states, amongst other things, that:

A) Development should be well integrated with the surrounding area and accessible. It should:

- i) improve legibility and promote routes and wayfinding between the development and local amenities; and
- ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area;

As previously mentioned, an application for the erection of a dwelling at the end of the rear gardens of numbers 39 and 39a Hatherleigh Road was allowed at Appeal (ref: APP/R5510/W/15/3016555). The Inspector of the allowed Appeal Decision states the following, in regard to the impact on the character and appearance of the area:

"7. The site is located within a residential area and it is 'L' shaped and currently forms part of the rear gardens Nos 39 and 39a which are two terraced properties sited on the corner of Hatherleigh Road and Kingswear Road. The site contains a few outbuildings on it and is partly hard surfaced and is enclosed by a high close boarded fence. Between the site and No 1 Kingswear Road there is a narrow alleyway that provides access to garages located to the rear of properties on Hatherleigh Road.

8. The predominant form of housing in the area comprises blocks of 4, 2 storey terraced dwellings. However, many of the properties, particularly the end of terrace dwellings, have been altered with extensions which in some instances link adjacent terraces together. No 1 Kingswear Road has a two storey, flat roofed side extension and No 39a has a rear ground floor extension which is visible from the road. Consequently, whilst the terraced form of housing remains a feature of the area the appearance of the original dwellings and the streetscene have been altered considerably.

9. Both proposed developments would comprise a two storey detached house located in line with the existing row of dwellings on Kingswear Road. The developments would therefore appear as a continuation of the existing line of development. The proposed dwellings would have a hipped roof form with a smaller front facing gable over a double height bay window and would use brick and render for the external elevations. The proposed scale, height and design of the proposed dwellings would therefore reflect the appearance of existing residential properties in the area.

10. The proposals would provide a detached dwelling that, due to its position and scale would sit comfortably at the end of a row of existing. Although the site is visible from the surrounding area I do not consider the subdivision of the gardens would result in developments that would appear cramped when viewed from the road or represent undesirable garden grabbing. Consequently I do not consider the fact the developments would be detached would be visually obtrusive or harmful to the character or appearance of the streetscene.

11. The dwellings would be built on land that currently provides a visual break between the line of housing on Hatherleigh Road and Kingswear Road. As the gardens are enclosed by high fencing, whilst they do provide separation and contribute to the more open feel at this end of Kingswear Road I do not consider this is a feature that contributes significantly to the character or appearance of the area. In my view the triangular open area opposite the site at the junction of the roads is a more important feature of the streetscene and area and I do not consider the proposals would detract from it."

The above Appeal Decision is considered to be of material consideration and carries a significant degree of weight due to it being comparable to the current application, in terms of geographic location and the design and appearance of the development. Moreover, the

dwelling that was allowed at Appeal has been constructed and forms part of the street scene on Kingswear Road.

Turning back to the subject scheme, the application site is currently occupied by a detached double garage with a vehicular crossover from Kingswear Road. It is also contains an area that has been sectioned off from the rest of the rear garden space by timber fencing measuring approximately 1.8 metres high. It is therefore considered that the application site makes a modest contribution to the visual amenity of the area, in terms of preserving the openness of rear gardens.

The proposed dwelling would have a L-shaped footprint and measure between 5.3 to 7.7 metres wide, 7.1 metres deep and 7.6 metres high. Its dimensions and layout, noting in particular its L-shaped footprint, would be similar to the scheme that was allowed at Appeal at 'Land to the rear of 39 and 39a Hatherleigh Road'. The proposed dwelling would be set-back from the public footway on Kingswear Road by approximately 4.3 metres, to align with the front building line of number 41 Kingswear Road. This, in turn would help to ensure that the development respects the pattern of development in this section of Kingswear Road.

It is acknowledged that the proposed dwelling would have a smaller garden area than that typically found at the neighbouring properties within the area. However, the proposed dwelling would be set-away from the mutual boundary shared with the existing dwelling at number 45 Seaton Garden by approximately 6.7 metres. A private track runs between the northern site boundary and the neighbouring property at number 41 Kingswear Road, which helps serves as a visual break. The proposed dwelling would have a sufficiently sized garden area that is policy compliant. It is therefore considered that the proposal would not appear as a cramped form of development.

In terms of design, the proposed dwelling would have a hipped roof profile, front bay windows at ground and first floor level and a front gable face feature. Due consideration has been given to the architectural style of the dwelling to ensure that it resembles the appearance of the existing properties on Kingswear Road. It is worth highlighting that this same design approach was adopted for the appeal scheme at 'Land to the rear of 39 and 39a Hatherleigh Road' where the Inspector refers to the development reflecting the appearance of the existing houses within in the area.

It is noted that the application site sits adjacent to a private track which serves the garages of the properties fronting Kingswear Road and Salcombe Way. The width of this private track is approximately 3 metres. However, this would not be dissimilar to the 2.6 metre separation gap between the flank wall of the dwelling at number 1a Kingswear Road (i.e., the development allowed at Appeal) and the neighbouring property at number 1 Kingswear Road (albeit the access track between these two properties serves pedestrians rather than vehicles). Again, this adds further weight to the argument that the application site is comparable to the allowed Appeal Decision at 'Land to the rear of 39 and 39a Hatherleigh Road'.

It has been drawn to Officers attention that an Appeal was dismissed for the erection of a dwelling at 'Land to the rear garden of 229 and 229a Victoria Road' (Appeal ref: APP/R5510/W/20/3244714). The Inspector for this dismissed Appeal was of the view that the proposed dwelling "...would be sited in isolation from the existing built form, approximately equidistant from the rear elevations of Victoria Road and the side elevation of 1 Bessingby Road. Consequently, the detached form of the proposal would be obvious and appear incongruous to the rows of terraced homes." In this appeal case, there would have been a separation gap in excess of 5 metres between the flank wall of the proposed

dwelling and the nearest adjacent property at number 1 Bessingby Road. As such, it is considered that this dismissed Appeal Decision differs to the subject application. Furthermore, the Inspector for the dismissed Appeal at 229 and 229 Victoria Road makes a point in mentioning that the development at 1a Kingswear Road is "located some distance". It is therefore considered that less weight should be afforded to this dismissed Appeal Decision.

Having regard to the above, and in particular the allowed Appeal Decision at 'Land to the rear of 39 and 39a Hatherleigh Road', it is considered that the proposal would not diminish the character and appearance of the street scene or area. The proposal would therefore accord with Policies D1, D3 and D4 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.3 Traffic Impact/Pedestrian Safety

Please refer to the following section of the report.

7.4 Carparking & Layout

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

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The Council's Highways Officer was consulted on the application and has provided the following comments:

The proposal would require an on-plot provision of up to 2 parking spaces to fully comply with Hillingdon's adopted parking standard. Two spaces are proposed which meets the standard but up to 4 spaces serving the existing address would be lost due to the new footprint. However, it is noted that the double garage does not appear to be used for its intended purpose due to the less than favourable condition of the 'up and over' garage doors which infer lack of use. Hence in practice it is likely that only the two spaces fronting the said garage are used for parking purposes.

As the surrounding properties exhibit frontages with relatively generous on-plot parking facilities, local on-street parking demand is inherently lessened which therefore diminishes any measurable concerns related to displaced parking resulting from the existing dwelling.

Consequently, in parking terms, it is unlikely there would be a measurable impact on the local highway network resulting from the overall proposal which therefore renders the scheme acceptable.

Electric Vehicle Charging Points (EVCP's):

In line with the London Plan (2021), within the final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, it is recommended that 1 'active' and 1 'passive' space is provided for the new unit in order to future proof for anticipated demand. The applicant has indicated the provision of a single 'passive' space however there is no reference to an 'active' provision. This omission should be remedied via planning condition.

Cycle Parking Provision:

In terms of cycle parking, there would be a requirement to provide 1 secure and accessible space for the 2-bedroom unit in order to meet the Council's adopted cycle parking standard. Satisfactory and acceptable detail on this aspect has been presented. [Planning Officer Note: Whilst there is no objection to the siting of the shed/ cycle store, its size would need to be reduced to ensure that the minimum requirement of 60 square metres of usable private amenity space is achieved. Please refer to the section of the report titled 'Urban Design/Access & Security' for further details.]

Vehicular Trip Generation:

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - 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.

The proposal would clearly increase traffic generation from the site as compared to the existing single tenure address. However peak period traffic movements into and out of the site would not be expected to rise beyond 1-2 vehicle movements during the most crucial peak morning and evening hours. Hence this uplift is considered marginal in generation terms, and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Vehicular Access and Internal Arrangements:

In highway impact terms there is no objection in principle to the provision of a new access and extinguishment of existing on Kingswear Road. The new crossing should conform to the Council's 'Domestic Vehicle Footway Crossover' Policy with finalised detail arranged post permission. It should be noted that the new crossing would need to be constructed to this Council standard executed under S184 of the Highways Act 1980 (or suitable alternative arrangement) at the applicant's/developer's expense.

Operational Refuse Requirements:

Refuse collection will be conducted via Kingswear Road. A main bin storage location should be located in proximity of the public highway in order to conform to the Council's 'waste collection' maximum distance parameter of 10m i.e., distance from a refuse vehicle to the point of collection. Suitable positioning is shown on the property frontage which therefore conforms to the standard.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 and DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

7.5 Urban Design, Access and Security Considerations

INTERNAL AMENITY SPACE PROVISION:

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

Policy D6 of the London Plan (2021) sets out the requirements for the gross internal floor

area of new dwellings at a defined level of occupancy. Table 3.1 of the London Plan (2021) states that a two-bedroom, 4-person, 2 storey dwelling must have a minimum gross internal floor area of 79 square metres.

The proposed dwelling would have a gross internal area of 79.2 square metres and would therefore comply with Table 3.1 of the London Plan (2021). Both of the proposed double bedrooms would exceed the minimum 11.5 square metre floor area requirement set out in the Technical housing standards - nationally described space standard (2015). The habitable rooms within the proposed dwelling would be served by windows fitted the front elevation, thereby providing an adequate level of outlook and light for future occupiers.

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

EXTERNAL AMENITY SPACE PROVISION:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space. Table 5.3 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) states that two-bedroom houses should have a minimum of 60 square metres of private usable amenity space. Four-bedroom houses should have a minimum of 100 square metres of private usable amenity space.

It was confirmed by the agent in an email dated 9th August 2021 that the existing dwelling at number 45 Seaton Gardens contains four bedrooms. The submitted proposed site layout plan shows that the existing dwelling at number 45 Seaton Gardens would retain 110 square metres of private amenity space. It is therefore considered that a sufficient amount of private amenity space would be provided for the existing occupiers at number 45 Seaton Gardens.

The submitted site layout plan indicates that the proposed dwelling would be provided with 63 square metres. However, the footprint covered by the shed/ cycle store should not be taken into account as this area would not constitute as usable private amenity space. When the shed/ cycle store space is discounted, the actual usable private amenity space would measure 59.25 square metres which would fall below the minimum requirement. If planning permission were to be granted, a condition would be secured requiring for shed/cycle store to be reduced to ensure that the minimum 60 square metres of usable private amenity space is achieved.

INCLUSIVE DESIGN AND ACCESS:

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

If planning permission were to be granted, the conditions recommended by the Council's Access Officer would be attached to the permission (i.e., the submission of details relating to step free access and compliance with Approved Document M to the Building Regulations (2010) 2015). Subject to such conditions, the proposal would accord with Policy D7 of the London Plan (2021).

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

Paragraph 119 of the NPPF (2021) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policy GG4 of the London Plan (2021) seeks to ensure that more homes are delivered. This is reinforced by Policy H1 of the Local Plan: Part 1 - Strategic Policies (2012) which gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved in accordance with other Local Plan policies.

Policy DMH 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- i) Neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- ii) Vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- iii) Development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- iv) Features such as trees, shrubs and wildlife habitat must be retained or re-provided.

Policy DMHB 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) does not define what constitutes an 'exception case' where a limited scale of backland development may be acceptable, nor does the supporting text contain a definition of this term. However, the supporting text to Policy DMH 6 explains that the Council's restrictive approach has been informed by the 2016 London Plan and reflects the direct and indirect value of gardens which includes the contribution to local character. Based on the wording of Policy DMHB 6, it is considered that the policy presumption against development upon residential garden, is in the interest of maintaining local character, amenity space and biodiversity.

It is worth highlighting that a similar scheme for a single dwelling at the end of the rear gardens of numbers 39 and 39a Hatherleigh Road was allowed at Appeal (ref: APP/R5510/W/15/3016555). The allowed scheme has since been built and is now known as number 1a Kingswear Road, which is located on the opposite end of the road to the subject application site. It is considered that this Appeal Decision carries substantial weight, due to its proximity to the application site and the similarity of the size, scale and design of the allowed development.

With regards to the maintenance of amenity space, the application site currently comprises a double detached garage and an area that has been sectioned off from the main private amenity space of number 45 Seaton Gardens. It is therefore considered that the application site provides modest value in terms of amenity space. Furthermore, the application site's characteristics are comparable to that of the above allowed Appeal

Decision which means that refusing the application on the grounds of loss of visual openness would be unsustainable. The biodiversity value of the application site is relatively low.

It is acknowledged that the proposal would be contrary to the policy presumption against development of residential gardens. However, given the factors set out in the preceding paragraphs and the referenced allowed Appeal Decision, it is considered that it could be argued that the proposed development would pass the test of exceptionality. Bearing in mind that a single two-storey dwelling is being proposed to the rear of number 45 Seaton Gardens, it is considered that the proposal would constitute a limited scale of backland development. It is therefore considered that a refusal to the principle of backland development, in this instance, would be difficult to sustain in the event of an Appeal.

Notwithstanding this, it is noted that the Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the "titled balance" as set out in paragraph 11(d) of the NPPF (2021) is not engaged.

DENSITY:

The density matrix found in the 2016 London Plan does not form part of the new London Plan (2021). Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites.

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2, which recommends a density range of

Numerical density levels are considered to be more appropriate to larger sites and are not typically used in the assessment of schemes of less than 10 units. The key consideration is therefore whether the development sits comfortably within its environment, rather than a consideration of the density of the proposal. Please refer to the section of the report titled 'Impact to Street Scene' for this assessment.

TREES AND LANDSCAPING:

The application form states that there are no trees on the application site, and this was confirmed during the Officer site visit. In the event of an approval, a condition would be secured requiring landscaping details to be submitted to the Council for consideration. Subject to this condition, it is considered that the proposal would comply with Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

FLOODING AND DRAINAGE:

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that applications for all new build developments (not conversions, change of use, or refurbishment) are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.

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

According to the Council's GIS Map, the site is located within a Critical Drainage Area. The applicant has submitted a Flood Risk Assessment (dated July 2021) which states that the following:

"The EA 'Flood Risk from Surface Water' map (Appendix D) indicates that the majority of the site is at very low risk of surface water flooding, meaning it has a less than 0.1% annual probability of flooding. The northern and southern boundaries of the site are shown to be at low risk of surface water flooding, with between a 1% and 0.1% annual probability of flooding. There is also a small area in the south-eastern extent of the site shown to be at medium risk of surface water flooding, with between a 3.3% and 1% annual probability of flooding."

A sustainable water management scheme would be secured by way of a condition, in the event of approval. Subject to this condition, it is considered that the proposal is unlikely to significantly exacerbate surface water flooding at the site. The proposal would therefore accord with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

SUSTAINABILITY:

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

If planning permission were to be granted, a condition would be secured requiring the proposed dwelling to achieve an energy efficiency standard of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Also, a condition would be secured requiring the proposed dwelling to achieve as a minimum, a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day, in accordance with the option requirement defined within Approved Document G of the Building Regulations).

Subject to the above conditions, the proposal would be compliant with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

COMMUNITY INFRASTRUCTURE LEVY:

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (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 £60 per square

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

8. Reference Documents

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

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

The London Plan (March 2021)

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

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

National Planning Policy Framework (July 2021)

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