

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 128D & 130D MANOR WAY RUISLIP

Development: Raising of roof to add 2 x studio flats, ground floor infill extension, single storey front extension and conversion of 2 x 1-bedroom flats into 2 x studio flats

LBH Ref Nos: **73728/APP/2021/3884**

Drawing Nos: Tenancy Agreement 128D Manor Way dated from August 2013
 Tenancy Agreement 130D, Many Way dated 29th July 2015
 4612/01
 4612/02
 4612/03
 4612/04
 Site Location Plan
 Design and Access Statement (dated October 2021)

Date Plans received : 18/10/2021

Date(s) of Amendment(s):

Date Application Valid: 18/10/2021

1. **SUMMARY**

The application proposes the raising of the roof to add 2 x studio flats, a ground floor infill extension, a single storey front extension and conversion of 2 x one-bedroom flats into 2 x studio flats

Having regard to application references 73728/APP/2018/1327 and 73728/APP/2018/2718, it is considered that the proposed development would not unduly impact on the character and appearance of the area or upon the living conditions of neighbouring residential occupiers. However, the proposal fails to sufficiently address the issues raised by the Inspector in the dismissed Appeal Decision for 73728/APP/2018/2718 in regard to the poor outlook and overbearing impact in respect to Flats 2 and 4. Furthermore, the proposed removal of the boundary wall, coupled with the position of the proposed oriel bay windows, cycle/bin stores and existing service road, would result in a loss of outlook and privacy for the ground floor Flats 1 and 2. It would also result in the ground floor flats being more susceptible to noise and disturbance associated with the existing service road.

It is therefore recommended that the application be refused for the reasons set out in this delegated report.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by virtue of the position of the front habitable windows and Juliet balcony of Flats 2 and 4 and their close proximity to the blank facade side wall at number 42 Windmill Hill, would result in poor outlook, overbearing impact and an oppressive living environment for the future occupants of these flats. The proposal would therefore result in substandard forms of residential accommodation to the detriment of the amenity of future occupants of the proposed development, contrary to Policy DMHB

16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

2 **NON2** Non Standard reason for refusal

The proposed development, by virtue of the position of the front habitable windows serving Flats 1 and 2 in relation to the existing service road and proposed cycle/refuse stores together with the proposed demolition of the existing boundary wall, would result in poor outlook, a loss of privacy and unacceptable noise and disturbance for the future occupants of these flats. The proposal would therefore result in substandard forms of residential accommodation to the detriment of the amenity of future occupants of the proposed development, contrary to Policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMTC 3 Maintaining the Viability of Local Centres and Local Parades

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMEI 10 Water Management, Efficiency and Quality

DMEI 2 Reducing Carbon Emissions

DMEI 9 Management of Flood Risk

DMH 1 Safeguarding Existing Housing

DMH 2 Housing Mix

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 15 Planning for Safer Places

DMHB 16 Housing Standards

DMHB 17 Residential Density

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

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

4 I74 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to two x one-bedroom ground floor flats located in two separate extensions to the rear of Nos. 128 and 130 Manor Way. The main building is a two and a half storey property with habitable roof space that operates as two commercial units at ground floor and two flats above. To the rear are two ground floor flat roofed extensions serving the commercial units and beyond this are two further extensions forming the one-bedroom flats, with access to the service yard and road leading to Windmill Hill.

The street scene is characterised by commercial premises at ground level with residential above. The site lies in a Critical Drainage Area, and has a Public Transport Accessibility Level rating of 3 (Moderate).

3.2 Proposed Scheme

The application proposes the raising of the roof to add 2 x studio flats, a ground floor infill extension, a single storey front extension and conversion of 2 x one-bedroom flats into 2 x studio flats.

This application is a resubmission following the refusal of application references 73728/APP/2018/1327 and 73728/APP/2018/2718 (refer to the planning history section below).

There does not appear to be any planning consent for the existing two one-bedroom flats contained within the single storey rear extensions to the rear of Nos. 128 and 130 Manor Way. Records show that Council Tax has been paid for the ground floor flats at Nos. 128d & 130d Manor Way since 2013. This date would be consistent with the Tenancy Agreements that were submitted by the applicant, following the request of Officers. It is therefore considered, on the balance of probabilities, that these flats have been in existence and in continuous use for more than four years. As such, they would likely be immune from enforcement action through the passage of time.

3.3 Relevant Planning History

20988/APP/2010/1765 130 Manor Way Ruislip

Single storey rear extension for use as storage (Retrospective application.)

Decision: 27-09-2010 Approved

20988/APP/2011/2829 130 Manor Way Ruislip

Conversion of roof space to habitable use to include a rear dormer and 3 front rooflights

Decision: 18-01-2012 Approved

20988/C/79/0282 130 Manor Way Ruislip

Extension/Alterations to Office premises (P) of 17 sq.m.

Decision: 17-08-1979 Approved

25543/78/1305 128 Manor Way Ruislip

Householder dev. (small extension, garage etc) (P)

Decision: 22-09-1978 Approved

25543/APP/2003/2566 128 Manor Way Ruislip

CONVERSION OF ROOFSpace TO HABITABLE ROOM INCORPORATING INSTALLATION OF A REAR DORMER WINDOW

Decision: 18-12-2003 Approved

25543/APP/2005/453 128 Manor Way Ruislip

RETENTION OF CHANGE OF USE OF FIRST AND SECOND FLOORS FOR USE AS ONE, TWO-BEDROOM AND ONE, ONE-BEDROOM FLATS (RETROSPECTIVE APPLICATION)

Decision: 17-02-2012 NFA

25543/B/81/1663 128 Manor Way Ruislip

Alterations to elevation (P)

Decision: 04-11-1981 Approved

25543/E/99/0342 128 Manor Way Ruislip

Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services)

Decision: 19-04-1999 Approved

25543/F/99/1180 128 Manor Way Ruislip

Erection of a single storey rear extension, installation of new shopfront and self-containment of first floor flat, including new access to flat

Decision: 08-09-1999 Approved

73728/APP/2018/1327 128d & 130d Manor Way Ruislip

Raising of roof to add 2 x studio flats, ground floor infill extension, single storey front extension and conversion of 2 x 1 bed flats to 2 x studio flats

Decision: 14-06-2018 Refused

73728/APP/2018/2718 128d & 130d Manor Way Ruislip

Raising of roof to add 2 x studio flats, ground floor infill extension, single storey front extension and conversion of 2 x 1 bed flats to 2 x studio flats

Decision: 25-10-2018 Refused

Appeal: 29-05-2019 Dismissed

Comment on Planning History

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

Planning application reference 73728/APP/2018/1327 proposed the raising of roof to add 2 x studio flats, a ground floor infill extension, single storey front extension and conversion of 2 x 1 bed flats to 2 x studio flats. This application was refused on 14th June 2016 for the following reasons:

1. The proposed development, by virtue of its size, scale, increased height and close proximity, would be detrimental to the amenities of the adjoining occupiers at 128 and 130 Manor Way by reason of overdominance, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposal would provide an indoor living area of an unsatisfactory size for the future

occupiers of the proposed studio flats 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 Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016), the Technical Housing Standards - Nationally Described Space Standard (March 2015) and Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012),.

3. The proposed first floor extension, by reason of its siting in this open prominent position, overall height, size, scale, siting and design would be an incongruous addition, which would be unduly prominent, overly dominant and detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

Planning application reference 73728/APP/2018/2718 proposed the raising of roof to add 2 x studio flats, a ground floor infill extension, single storey front extension and conversion of 2 x 1 bed flats to 2 x studio flats. This application was refused on 25th October 2018 for the following reasons:

1. The proposal would result in the provision of habitable accommodation with their only window in close proximity to the blank flank wall of the neighbouring property at 42 Windmill Hill and would thus result in a substandard form of living accommodation with an overbearing aspect, a lack of outlook and natural light/sunlight resulting in an oppressive environment, to the detriment of the residential amenity of future occupiers. The proposal is thus contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies, Policies 3.5 and 5.3 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

An Appeal was lodged against the refusal of application reference 73728/APP/2018/2718 which was subsequently dismissed. (Appeal ref: APP/R5510/W/19/3221140).

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:

37 neighbouring properties were consulted on 26th October 2021. The consultation period expired on 22nd December 2021. Two representations were received, and their comments are summarised as follows:

- i. Dispute about the ownership of the access road and use of land outside of the applicant's possession
- ii. Concerns that the removal of the boundary wall will inevitably lead to residents using the hardstanding area for parking
- iii. There are significant issues with nuisance parking on the service road

- iv. The use of the service road during the build phase is likely to cause significant disruption
- v. The Church's fire escape from children's and youth hall opens directly onto the service yard
- vi. The proposed scheme will have an overbearing presence in the location and reduce the amount of light to Ruislip Baptist Church
- vii. The plans do not show the Church building accurately or its proximity to the proposed scheme
- viii. The new application has not sufficient addressed the key reasons for refusal of the previous application in respect to the level of residential amenity required by planning policy
- ix. Is this in place of the ongoing works at the back of the Motorbike shop where more flats are being designed and built currently?
- x. How likely is this to affect Windmill court as we have light coming into the garden from this area?

Ruislip Residents Association: No comments received.

Planning Officer Response: The dispute about land ownership is not a planning consideration. The assessment of this planning application must be based on the submitted drawings which shows a car-free development. The adjoining Church is not in residential use which means that the proposal would not unduly impact on the amenity of the occupiers of this building. In the event of an approval, a construction management plan would be secured by condition. This application has no relationship with the flats currently being built at the back of the Motorbike shop. Please refer to the main body of the report for further details in respect to parking, impact on neighbouring residential amenity and the quality of accommodation for future occupants.

INTERNAL CONSULTEES:

Council's Access Officer: This proposal has been reviewed against the requirements of the 2021 London Plan policy D7 which should not be applied to the extension and conversion of this existing dwelling. Conclusion: no objections raised from an accessibility perspective.

Council's Trees and Landscape Officer: his site is occupied by Nos 128D and 130D both of which are single-storey, flat-roofed residential units to the rear of the main part of the host buildings, which are two-storey, with accommodation in the roof space, and which have their frontages on Manor Way. The properties are accessed from a service driveway to the rear running off Windmill Hill. There are no TPO's or Conservation Area designations affecting the site.

Previous applications ref. 73728/APP/2018/1327 and 2718 were refused. The 2018/2718 refusal was upheld at appeal. The current proposal has a very small unattractive or usable external communal space to the rear, which will be dominated by bin and bike stores. In my view the external layout fails to satisfy policies DMHB11, DMHB14 and DMHB18 - and should be refused. (If you are minded to approve the application please add conditions RES9 (pars 1,2,4 and 5).

Planning Officer response: At present, there is hardstanding to the front of the existing ground floor flats. However, this area does not serve as communal space, nor does this application propose to convert this space to external amenity space. No concerns were raised by Officers under the previous applications in respect to the external site layout (refs: 73728/APP/2018/1327 and 73728/APP/2018/2718). It is therefore considered that it be unjustified to refuse this current application on the grounds suggested by the Council's Trees and Landscape Officer.

Council's Flood Risk Officer: The site not shown to be at risk- apply standard advice.

Council's Highways Officer:

Site Characteristics:

The application site is located on the 'edge' of Ruislip district town centre in proximity of Ruislip Manor LU station and exhibits a public transport accessibility level (PTAL) rating of 3 which is considered as moderate but is not fully reflective of the 'real world' exemplary public transport provision which is exemplified by the plethora of bus service availability and the positioning of the nearby LU station.

It is proposed to provide a roof extension to accommodate a 2 studio residential flats on a 'car-free' basis. The existing 2x1 bedroom units would also be reduced in scale to 2 studios.

Two previous applications for comparable 'car-free' schemes (73728/APP/2018/1327 & 2718) were refused in 2018 but not on highway related grounds.

Parking Provision:

Local Plan: Part 2 Policy DMT 6 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.

There are no on-plot parking provisions for the existing flats or proposed studio units. In accord with the Council's parking standard the proposal for additional studio units would demand 1 space however the 'downgrade' in scale from the existing 2x1 bedroom dwellings to 2 studios would result in a net reduction from a 2-3 space requirement to a single space. Hence when factoring in the latter, the need for any additional on-plot parking provision to accommodate the new studios is effectively nullified.

To further supplement this point, the determination of the suitability or non-suitability of a 'car free' proposal is reliant on a number of extraneous factors to the site itself. The local characteristics of the surrounding network is one of the main factors that needs to be taken into consideration as this can significantly influence the need (or otherwise) for new residential occupiers owning private motor transport.

With this particular site, it is apparent that the vast majority of the surrounding road network acts as a natural deterrent to an alternative parking facility for 'would be residents' of the development. This deterrent is realised by virtue of the extensive local parking restrictions that surround the location which inherently assist in discouraging the likelihood of untoward parking displacement onto the public domain by a new 'car-free' development.

This relative lack of freely available on-street parking therefore acts as a deterrent to multiple or even single car ownership by a prospective occupier of a new residential unit within the proposal site. This is especially true when potential occupiers first view a property prior to purchase or rental and observe non-existent on-plot parking provisions and relatively non-existent freely available on-street parking in proximity of the address. This is a factor that is very likely to be high on the list of considerations prior to occupation which allows for an informed decision to be made on whether the address suits the life demands of the potential occupier.

The other significant factor which is commensurate with the above and influences the

need (or otherwise) for private car ownership (PCO) is the sustainability of the location in terms of 'real world' public transport accessibility which in this case is considered as good thereby significantly reducing or eliminating PCO by new occupiers.

In summary, it is considered that given the extensive parking controls within the surrounding area coupled with healthy town centre transport links support a lower or 'car-free' quantum of on-plot parking provision by deterring car ownership/use related to the proposal. Hence there is no issue raised regarding the absence of new parking provisions.

The only parking requirement in this case is related to providing a minimum of 1 secure and accessible cycle space per unit to conform to the Council's adopted cycle parking standard. The applicant confirms this level of provision suitably located for each flat which is therefore considered acceptable.

Vehicular Trip Generation:

Local Plan: Part 2 Policies DMT 1 and DMT 2 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.

As a consequence of the relatively small-scale increase in unit number and the 'car-free' nature of the proposal, any vehicular trip generation uplift is predicted to be negligible and therefore does not raise any specific highway concerns.

Operational Refuse Requirements:

Refuse collection would be undertaken from the neighbouring highway.

In order to conform to the Council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste is positioned at a collection point within this set distance. No firm detail on this aspect has been presented hence this should be secured by way of planning condition. There are no further observations.

Conclusion:

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 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

6. Local Plan Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

DMTC 3	Maintaining the Viability of Local Centres and Local Parades
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 2	Reducing Carbon Emissions
DMEI 9	Management of Flood Risk
DMH 1	Safeguarding Existing Housing

DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

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 130 f) of the NPPF (2021) states that planning policies and decisions should create places with a high standard of amenity for existing and future users.

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

The delegated report for application reference 73728/APP/2018/2718 states the following, in respect to the impact on neighbouring residential amenities.

"The extension would be constructed between 7.75m and 8.35m from the rear of the original two and a half storey properties, the distance increasing where the mansard roof slopes away and would raise the roof of the existing extension by 2.5 m, giving a total height of 5.7 m (2 m higher than the intervening flat roof). This proposal has significantly increased the space between the extension and the neighbouring properties rear windows and is now at a similar distance to that approved on appeal elsewhere in the area. Therefore given the distance between the properties and that the height would offer some outlook over the roof it is that the proposed extension would allow adequate outlook from the neighbouring properties and would be acceptable."

Under this current proposal, the proposed mansard roof extension would be separated between 6.5 metres and 8.35 metres from the original two and a half storey host properties. This separation distance would be identical to the scheme considered under application reference 73728/APP/2018/2718, despite the delegated report referring to a 7.75 metre separation distance. The maximum height of the proposed extension at 5.7 metres high would also be the same as that previously proposed under application reference 73728/APP/2018/2718.

It is recognised that the proposed development would have a degree of impact on the living conditions of the first floor flats contained within the original two and a half storey host properties at Nos. 128 and 130. However, given the aforementioned separation distances, and noting the mansard roof design and height of the proposed extension, it is considered that the impact would not be so significant to justify a refusal, in terms of loss of light and outlook. For the same reasons, it is considered that the proposal would not adversely impact on the living conditions for the first floor flat at No.132 Manor Way.

An allowed Appeal Decision has granted planning permission for the erection of a five storey building to create Use Class B8 floor space at ground and first floor level and two studio flats with associated amenity space to the rear of Nos. 42-48 Windmill Hill (application reference 74574/APP/2019/431). The windows and balconies serving the approved studio flats would face towards the rear of No.126. As such, it is considered that the future occupiers of this allowed scheme would not be adversely impact by the proposal, in terms of loss of light, outlook or privacy.

Concerns have been raised about the impact on the adjoining Ruislip Baptist Church and its associated building at No.126. However, the church and its associated building is not in residential use which means that there would be no impact on neighbouring residential

amenity, in this respect. Please refer to section 7.6 of this report for the Agent of Change assessment.

In light of the above, it is considered that the proposal would not unduly impact on the living conditions of neighbouring residential occupiers. The proposal would therefore accord with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.2 Impact on Street Scene

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of a 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 One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires development to be well integrated with the surrounding area.

The delegated report for application reference 73728/APP/2018/2718 states the following, in respect to the effect on the character and appearance of the area.

"The site is separated from the main frontage along Manor Way by the two and a half storey terrace and therefore the impact of the scheme will predominantly be on the rear service road and the views from Windmill Hill. The introduction of the mansard roof results in the appearance of a parapet roof over the existing single storey extension. The mansard roof would disguise the flat roof above to a large extension and would be lower than the eaves of the main building. The design is more sympathetic and less bulky in appearance and having regard to other larger three/four storey flat roofed terraces fronting Windmill Hill, it is considered acceptable."

The current proposal is of a similar design to the scheme previously considered under application reference 73728/APP/2018/2718, in respect to its size and mansard roof design. It is noted that under this current application the first floor windows and Juliet balconies are being supported by stilts and that oriel bay windows are being proposed for the ground floor flats. Whilst the design of the proposed development is less than ideal, no concerns were previously raised in respect to the mansard roof design, massing or bulk of the development. It is therefore considered that it would be unjustifiable to refuse this current application based on its impact on the character and appearance of the area, given its similarities to application reference 73728/APP/2018/2718.

Having regard to the above, it is considered, on balance, that the proposal would not cause unreasonable harm to the character and appearance of the area. The proposal would therefore accord with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies D1, D3 and D4 of the London Plan (2021), in this respect.

7.3 Traffic Impact/Pedestrian Safety

Covered in the following section of this report.

7.4 Carparking & Layout

PARKING AND HIGHWAY SAFETY:

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) states that development proposals must comply with the parking standards outlined in Appendix C, Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires studio flats to have 1 off-street car parking space per 2 units. In this case, the proposal would be a car-free development. Given that the existing two ground floor flats do not have any off-street car parking provision, there would be a shortfall of 1 car parking space.

The site has a PTAL rating of 3 (Moderate) and is located within walking distance of Ruislip Manor and Ruislip London Underground Stations. There are also bus routes on Windmill Hill which provide frequent services to Ruislip Station and Eastcote Station. It is therefore considered that the site has reasonable access to public transport. In addition to this, the site is within walking distance from Ruislip Manor Town Centre which includes fresh grocers, butchers, a pharmacy and a hair dresser. Given the site's proximity to such services, and being within walking and cycling distances to underground stations or bus stops, it would not be necessary for occupants of the proposed dwelling to use a car to access day to day services.

The Council's Highways Officer has commented that the extensive local parking restrictions that surrounds the site would act as a natural deterrent to car ownership by future occupants of the proposed flats. Whilst this is agreed, given that the proposal seeks convert the existing ground floor flats to studio flats and only provide two additional studio flats at first floor level, it is considered that any additional street parking pressure generated by the development is likely to be small and would not have a material impact on highway safety. It is therefore considered that refusing this application on the grounds of street parking stress and highway safety, would be difficult to defend in the event of an Appeal. It is also worth noting that no grounds for refusal were raised in respect to parking or highway safety under application references 73728/APP/2018/1327 and 73728/APP/2018/2718.

In the event of an approval, a pre-commencement condition would be secured requiring a construction management plan to be submitted to the Council for consideration. This to minimise noise, disturbance and highway safety impacts from demolition/construction.

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

CYCLE PARKING PROVISION:

Policy T5 of the London Plan (2021) requires cycle parking to be fit for purpose, secure and well located.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to provide a provision of cycle parking in accordance with Appendix C, Table 1, or in agreement with the Council.

To comply with Appendix C, Table 1 each flat would need to be provided with a cycle space which equates to four in total. The submitted plan shows that a cycle store would be located to the front of the ground floor flats. In the event of an approval, a condition would be secured requiring full details of a covered cycle store (including the dimensions, design and material) to be submitted to the Council for consideration. Subject to such a condition, the proposal would be compliant with Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy T5 of the London Plan (2021).

WASTE MANAGEMENT:

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The submitted plan shows that a refuse store would be located to the front of the ground floor flats. If planning permission were to be granted, a condition would have been secured requiring full details of the bin store to be submitted (including the dimensions, design and material). Also, a condition would have been secured requiring the submission of a refuse management plan detailing that it will be the responsibility of future occupiers to move their waste to the kerbside on Windmill Hill on collection day.

7.5 Urban Design, Access and Security Considerations

INTERNAL AMENITY SPACE:

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) requires studio flats to have a gross internal area of at least 39 square metres (37 square metres where a shower room is being provided instead of a bathroom).

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.

The footprint of the existing ground floor flats would be increased to 42.5 square metres, and converted into studio units. The proposed first floor studio flats would measure 39.75 square metres. Although the residential units would meet the minimum space standard requirement set out in Policy D6 of the London Plan, this is not the sole consideration when assessing the quality of internal accommodation. It is also necessary to assess level of light and outlook that would be afforded to future occupiers.

The Inspector for the dismissed Appeal Decision for application reference 73728/APP/2018/2718 states the following in respect to the living conditions for future occupiers, with regard to outlook and natural light. (Appeal ref:

"4. The depth of the existing flats would be increased by around two metres as a result of their conversion to studio flats. This would bring the front elevations closer to the properties' boundary and to the side wall of No 42 Windmill Hill, a large building, which is positioned directly behind Nos 128 and 130 on the other side of the driveway.

5. At present the two flats each have a window facing No 42 serving a bedroom and a window to the side elevation serving the kitchen and living room. In the proposed development, each of the four studio flats would have only one window in what would be the front elevation, facing No 42. I accept that due to the orientation of the properties and the provision of a skylight for the ground floor flats, the available natural light would be sufficient for acceptable living conditions.

6. However, the only available outlook from each of the flats, beyond limited views of the sky through the skylight, would be from the single window. For the ground floor Flat 2, the view from the window would be of the boundary wall of the appeal property and beyond this at close proximity the unrelieved, extensive side wall of No 42 Windmill Hill. The proximity and extent of views of the wall would result in it being a dominant and overbearing feature, which would materially harm the quality of the outlook from the rear window. The upper floor Flat 4 would benefit to a degree from the articulation to the upper rear of No 42, but the views from this flat would also largely be of the side elevation. For Flats 1 and 3, the view would be somewhat more open due to the position of the windows facing beyond the rear building line of No 42.

7. I accept that the appellants are seeking to increase the size of the existing properties, that this proposal seeks to respond to reasons for refusal of an earlier proposal and that two additional units would be provided. However, these matters do not outweigh the harm that has been found.

8. Therefore, for the above reasons, I conclude that the proposed development would not provide adequate living conditions for future occupiers of Flats 2 and 4, with regard to outlook. Consequently, it is contrary to Policy BE21 of the Council's Local Plan Part Two, which requires development not to result in a significant loss of residential amenity. The proposal would, however, provide adequate living conditions with regard to natural light and there is no conflict with development plan policies in this regard."

Since the above Appeal Decision, the scheme has been revised to include oriel bay windows at ground floor level and angled Juliet balconies and windows at first floor level. Also, this current proposal seeks to remove the existing boundary wall. However, it is considered that these design changes do not sufficiently overcome the concern raised by Inspector in respect the poor outlook afforded to future occupiers.

As with the Appeal scheme, this current application seeks to increase the depth of the existing ground flats by approximately 2 metres. The proposed oriel bay windows would serve as the primary source of outlook from the internal living space of the ground floor studio flats (beyond the skylights). This would bring the front elevations closer to the side wall of No.42 Windmill Hill, which has been identified by the Inspector as a large building, positioned directly behind Nos. 128 and 130.

Notwithstanding the introduction of the proposed oriel bay windows, the primary views for the ground floor Flat 2, would be of the unrelieved and extensive side wall of No. 42 Windmill Hill. The proposed oriel bay window design of Flat 2 would not mitigate its close

proximity to No.42. This constrained and poor relationship would result in the flank wall of No. 42 being a dominant and overbearing feature, which would materially harm the quality of the outlook for the occupiers of the ground floor Flat 2. For the same reasons, the future occupiers of the upper floor Flat 4 would be afforded with an unacceptably poor level of outlook. This is despite of the proposed angled Juliet balcony and articulation to the upper rear of No. 42 (as identified by the Inspector of the above Appeal Decision).

The proposed removal of the boundary wall means that there would be no defensible space between the oriel bay windows of the ground floor flats and the adjoining service road, positioned only 3.8 metres away. Consequently, users of the private service road would be able to directly look into the ground floor Flats 1 and 2, which would result in a loss of privacy. Furthermore, the oriel bay windows serving Flats 1 and 2 would face directly towards the bin and cycle store, which further compromises the level of outlook afforded to future occupiers. The ground floor flats would be more susceptible to noise and disturbance associated with the private service road due to the proposed increase in depth, the position of the oriel bay window and the removal of the boundary wall.

It is therefore considered that the proposal would fail to provide an adequate standard of internal living conditions for the future occupants of Flats 1,2 and 4, in respect to outlook, overbearing impact, privacy, noise and disturbance. The proposal therefore conflicts with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and paragraph 130 of the NPPF (2021).

EXTERNAL AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Table 5.3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires studio flats to have a minimum of 20 square metres of private outdoor amenity space.

The existing ground floor flats do not benefit from any private amenity space. This arrangement would remain unchanged as part of this current proposal.

The proposed first floor studio flats would not be afforded with any private amenity space. However, this would be no different to the previous applications where Officers gave weight to the housing type being proposed (i.e. small non-family sized flats) and the site's proximity to public open spaces (refer to the delegated reports for application references 73728/APP/2018/1327 and 73728/APP/2018/2718). Given that no objections were previously raised in respect the absence of private amenity space provision, it is considered that it would not be reasonable or appropriate to introduce this planning consideration as a new ground for refusal.

INCLUSIVE DESIGN:

Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires for at least 10% of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings', with all other dwelling meeting Category M4(2) 'accessible and adaptable dwellings'.

The above policies are only applicable for new dwellings. As such, there is no requirement for the existing ground floor flats to meet Building Regulation M4(2) or M4(3).

The proposed first floor studio flats would be accessed via an internal staircase, and would therefore not be able to meet Building Regulation requirement M4(2) which requires step-free access. However, paragraph 3.7.7 of the London Plan (2021) does allow for flexibility to be applied in exceptional circumstances. The exceptions includes specific small-scale infill developments and flats above existing shops and garages.

In this case, the proposed first floor flats would be stacked above the existing ground floor flats. This arrangement, coupled with the constrained nature of the site, is likely to pose significant difficulties in terms of being able to feasibly install a lift. Also, given that the proposal would only provide two new studio flats, it is considered that it would not be viable to require a lift to be installed.

Whilst the proposal fails to fully comply with Policy D7 of the London Plan (2021), given the above circumstances, it is considered that it would not be practical or viable for a lift to be installed. It is therefore considered that the proposed development is acceptable in relation to inclusive access considerations.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

The proposal would not affect the existing commercial premises at ground floor level. As such, there would be no conflict with Policy DMTC 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), which seeks to protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve.

There is no objection, in principle, to the introduction of additional residential units at the site. However, this is subject to compliance with the relevant Development Plan policies and planning guidance. The planning considerations that are applicable to this application are considered in the other sections of this report. The dismissed Appeal Decision relating to application reference 73728/APP/2018/2718 is of material consideration and is considered to carry substantial weight (Appeal ref: APP/R5510/W/19/3221140).

It should be noted that the Council is currently able to demonstrate a five-year housing supply. As such, the "titled balance" set out in paragraph 11(d) of the NPPF (2021) should not be engaged.

HOUSING MIX:

Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states the Council will require the provision of a mix of housing of units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The supporting policy text states that the Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account.

In this case, the proposal would provide two new studio flats at first floor level and would increase the floor area of the existing 2 x one-bedroom flats at ground floor level and convert them into studio flats. It is acknowledged that there is an identified need within the Borough for more family sized units (i.e. units with three bedrooms or more). However, given the rear service yard access arrangements, it is considered that the proposed first

floor flats are unlikely to be attractive to those with children. On this basis, a refusal on the ground of the absence of family sized units could not be substantiated, in the event of an Appeal.

NOISE/AGENT OF CHANGE:

Policy D13 of the London Plan (2021) states that the Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential development proposals should manage noise by reflecting the Agent of Change principle set out in Policy D13.

The original host building comprises commercial units (Use Class E) at ground floor level and forms part of a wider parade of other commercial/community uses at ground floor level (including an adjoining Baptist Church building). Having regard to the agent of change principle, it is considered that noise mitigation measures would need to be provided to achieve a satisfactory living environment for future occupants, and help to mitigate the risk of a statutory nuisance being found. No details have been provided with the application to demonstrate that adequate sound insulation would be provided. However, this could be dealt with by way of a condition, if planning permission were to be granted.

FLOOD RISK AND DRAINAGE:

Policy DME1 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states 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 DME1 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states proposals that would fail to make adequate provision for control and reduction of surface water run-off rates will be refused.

The site lies in Flood Zone 1 of the Environment Agency's Flood Risk Map. As such, there are no restrictions on development, including more vulnerable uses such as Use Class C3 (dwellinghouses), in this location, in terms of fluvial and tidal flood risk.

The site lies within a Critical Drainage Area (according to the Council's GIS). Given the limited increase to the ground floor footprint of the developments at the site, it is considered that the proposal would not significantly exacerbate the risk of surface water flooding at the site over and beyond the existing situation. The proposal therefore accords with Policies DME1 9 and DME1 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

SUSTAINABILITY:

Policy DME1 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.

Given that the proposal would involve the erection of extensions to an existing building, rather than the erection of a new building, it is considered that it would not be appropriate or reasonable to secure a condition requiring the proposal to achieve energy efficiency standards.

COMMUNITY INFRASTRUCTURE LEVY:

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014, and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of two new dwellings. It 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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