

## 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 AT THE REAR OF 12 WHITETHORN AVENUE YIEWSLEY

**Development:**              Erection of a 1-bedroom bungalow with parking and amenity space.

**LBH Ref Nos:**                **10697/APP/2021/4279**

**Drawing Nos:**                P-12 WA-01  
                                         PF-12 WA-02  
                                         PF-12 WA-03  
                                         PF-12 WA-05  
                                         Proposed 3D views  
                                         Design and Access Statement  
                                         PF-12 WA-04

**Date Plans received :**    19/11/2021

**Date(s) of Amendment(s):**

**Date Application Valid:** 19/11/2021

## 1. SUMMARY

The application proposes the erection of a 1-bedroom bungalow with associated parking and amenity space.

It is considered, in principle, that the proposal would be an inappropriate form of development in a residential garden. The proposed development would cause unacceptable harm to the character, appearance and visual amenities of the surrounding area. Due to the height and proximity of the proposed 1.8 metre high fencing, future occupiers of the proposed dwelling would be afforded with poor outlook and an oppressive living environment. The proposed new vehicle crossover would unacceptably prejudice highway safety.

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 reason of its inappropriate siting in a rear garden, plot size, scale and design (including the uncharacteristic 1.8 metre high fencing along the site frontage), would result in an incongruous and visually obtrusive form of development which would fail respect the established pattern of development in the local area and the surrounding street scape. As such, the proposal would have a detrimental impact on the character, appearance and visual amenities of the existing street scene and the residential area as a whole. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policies D1, D3 and D4 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 its proximity, siting, size, scale, bulk and height,

would cause harm to the residential amenities of the private rear garden of number 10 Whitethorn Avenue, in terms of loss of outlook, sense of enclosure and overbearing impact. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020) and the National Planning Policy Framework (2021).

**3**            NON2            Non Standard reason for refusal

The proposed development, by virtue of the siting of the proposed 1.8 metre high fencing, bin store and cycle store in such close proximity to front habitable room windows of the proposed dwelling would result in a substandard form of residential accommodation to the detriment of future occupants, in terms of poor levels of outlook. The proposal would therefore be contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

**4**            NON2            Non Standard reason for refusal

The proposed development, by virtue of substandard pedestrian access, and a proposed new vehicle crossover being located at an acute angle, on the inside bend of Edgar Road and adjacent to proposed 1.8 metre high fencing would have a harmful impact on the safe use of the highway and impede the free flow of traffic. Also, no evidence has been submitted to demonstrate that adequate visibility splays could be achieved. The proposal would therefore be contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policies T6 and T6.1 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.

NPPF12            NPPF 2021 - Achieving well-designed places

NPPF5            NPPF 2021 - Delivering a sufficient supply of homes

LPP D14            (2021) Noise

LPP D3            (2021) Optimising site capacity through the design-led approach

LPP D5            (2021) Inclusive design

LPP D7            (2021) Accessible housing

LPP G7            (2021) Trees and woodlands

LPP H2            (2021) Small sites

LPP SI12            (2021) Flood risk management

|          |                                                   |
|----------|---------------------------------------------------|
| LPP SI13 | (2021) Sustainable drainage                       |
| LPP SI2  | (2021) Minimising greenhouse gas emissions        |
| LPP T4   | (2021) Assessing and mitigating transport impacts |
| LPP T5   | (2021) Cycling                                    |
| LPP T6   | (2021) Car parking                                |
| LPP T6.1 | (2021) Residential parking                        |
| DMHB 11  | Design of New Development                         |
| DMHB 14  | Trees and Landscaping                             |
| 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                                   |

**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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The site is located on a prominent corner plot, close to the junction between Whitethorn Avenue and Edgar Road. It comprises a two storey semi-detached property that is characterised by its hipped roof profile and brick work finish. The property has been extended by a single storey rear extension and has a detached garage within its rear garden.

The surrounding area is residential in nature and is predominately characterised by two

storey semi-detached properties. No.10 Whitethorn Avenue is the adjoining semi-detached property located to the west of the site. No. 14 Whitethorn Avenue is a semi-detached property located to the west. To the rear of the site is No. 63 Edgar Road.

The site has a Public Transport Accessibility Level of 2 (Poor) and 3 (Moderate) and lies in Flood Zone 1.

### 3.2 Proposed Scheme

The application proposes the erection of a 1-bedroom bungalow with associated parking and amenity space.

It should be noted that the proposed elevation drawings show 1.8 metre high fencing running along the entire width of the site frontage. However, the 3D models show a low level brick work on either sides of the proposed vehicle crossover with 1.8 metre high fencing spanning across the remaining site frontage. For the avoid of doubt, the following assessment will be based on the proposed elevation drawings rather than the 3D models.

### 3.3 Relevant Planning History

10697/APP/2020/2274 12 Whitethorn Avenue Yiewsley

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 2.95 metres, and for which the height of the eaves would be 2.87 metres

**Decision:** 20-08-2020 PRN

10697/APP/2020/2275 12 Whitethorn Avenue Yiewsley

Part two storey, part single storey rear extension

**Decision:** 10-09-2020 Approved

#### Comment on Planning History

The relevant planning history attached to this site is referenced 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:

11 neighbouring properties were consulted on 2nd December 2021. The consultation period expired on 23rd December 2021. No representations had been received by the end of the consultation period.

Whitethorn Residents' Association: No comments received.

#### INTERNAL CONSULTEES:

#### COUNCIL'S HIGHWAYS OFFICER:

The proposal involves the erection of a 1-bed bungalow with a car parking space and cycle storage for 2 cycles.

The Mayor of London adopted a new and revised London Plan in March 2021, consequently the car parking standards set out in the London Plan 2021 which are restricted in line with levels of existing and future public transport accessibility and connectivity, take precedence over those of the Local Development Plans of Local Authorities except where local Development Plans specify lower local maximum standards.

The maximum residential car parking standards set out in the London Plan Policy T6: Table 10.3 are predominately lower than the maximum parking standards set out in the Hillingdon Local Plan: Part 2 Development Management Policies (2020) and so the London Plan parking standards take precedent except in very low PTAL rated locations where local policy parking standards can be applied.

The maximum parking standards outlined in the London Plan Table 10.3: Outer London PTAL 2-3, 1-2 beds it is up to 0.75 space per dwelling.

Whilst achieving the London Plan 0.75 car parking space is not practically possible and under DMT6 there would have been a requirement for 2 space per dwelling with curtilage, the provision of 1 on-site car parking space is considered judicious under the site-specific conditions. The applicant is proposing 1 on-site car parking space and cycle storage in accordance with the London Plan and DMT6.

Whilst the parking provision complies with the required parking standards however the car parking layout is substandard and the site lacks improving all road users safety features for the following reasons:

The proposed car parking layout lacks any detailed information of how the layout complies with policy DMT6, from the plans submitted the dimensions of the car parking bay/space is substandard, the bay is at an acute angle with the public highway raising safety concerns compounded by the parking space located on the inside bend of the road with limited forward visibility splays, no provision of pedestrian visibility splays and no footway fronting the site.

Parking layout design guidance recommends that vehicles should egress from vehicle accesses (and parking bays) perpendicularly on to the public highway whenever possible; This also ensures that motor vehicles cannot drive along the footway in order to gain illegal access to a property. See the following Council guidance:

[https://www.hillingdon.gov.uk/media/2123/domestic-vehicle-footway-crossover-policy/pdf/VCO\\_Appendix\\_A\\_New\\_Policy\\_050419\\_4.pdf?m=1590492295747](https://www.hillingdon.gov.uk/media/2123/domestic-vehicle-footway-crossover-policy/pdf/VCO_Appendix_A_New_Policy_050419_4.pdf?m=1590492295747)

Drivers/vehicles egressing such parking arrangements due to the angles and manoeuvres involved require drivers to awkwardly and uncomfortably turn their head/neck to the extreme end in order to see in both directions for pedestrians and vehicles, drivers are likely to manoeuvre quickly, potentially without due care to avoid physical discomfort, thereby creating potentially hazardous conditions for all road users, exacerbated by the none provision of pedestrian visibility splays and the substandard forward visibility splays due to the proposed vehicle access being on the inside bend of the road.

Notwithstanding, for pedestrian safety reasons, at all new vehicle accesses it is necessary to maintain within the site areas measuring 2.4m by 2.4m, with no obstruction more than 0.6m high, either side of where the vehicle accesses meet the back edge of the footway, known as pedestrian visibility splays, within which unobstructed visibility is available for drivers to see and be seen by pedestrians on a footway to avoid a potential hazard in time. The splays must be wholly within the site's curtilage.

To improve pedestrian safety (Local and national policy requirement) and vehicle

egressing from the site, the applicant is required to provide sufficient width of the site's frontage for the extending/continuation of the Edgar Road western footway. This will require the applicant to dedicate the sites frontage to the highway authority for adoption and the applicant will be liable for the cost of the adoption process and the building of the footway.

Whilst a cycle store is shown however no information has been provided concerning the cycle parking storage facility proposed, detailed information is required to substantiate that the cycle parking facility accords in both build and dimensions with the London Cycling Design Standards Policy/DMT6.

Furthermore, Policy DMT 6 requires that the car parking space for new dwellings must have an active electric vehicle charging point.

For the reasons stated above the application has failed to demonstrate a satisfactory policy led approach to the design and layout of the car and cycle parking and electric charge points contrary with Policy DMT 6, Local Plan Part 2 Development Management Policies adopted Jan 2020, and the aims of national planning guidance contained in the National Planning Policy Framework (2012).

#### COUNCIL'S TREES AND LANDSCAPE OFFICER:

This site is occupied by a semi-detached house located at the junction of Whitethorn Avenue and Edgar Road. According to the aerial photographs, there is a prominent highway tree within the footway in front of the property, which is outside the control of the property owner and must be protected and retained. Otherwise there is no significant vegetation on the site itself and there are no TPO's or Conservation Area designations affecting the site.

A previous pre-application submission to build a chalet bungalow at the end of the garden, ref. 10697/PRC/2021/72, was considered to be unacceptable. The current application has been amended to propose a one bed bungalow on a similar footprint to the previous pre-application. No trees will be affected. A scruffy un-managed hedge along one boundary will be removed, to which there is no objection. The new plot will be dominated by grey development (the building and hard surfacing) with a very small proportion of living /green space. The single parking area is described as 'Grasscrete'. This is a concrete cellular paving product designed to be infilled with soil and grass seeded. It is only effective when parked occasionally (as an overflow space) and will not support grass if regularly parked on. An alternative permeable product should be specified. In addition to the loss of back garden space on the developed site, the remaining garden of the host property will be significantly reduced in size. If you are minded to approve this application please impose conditions RES9 (parts 1,2 and 5).

#### COUNCIL'S ACCESS OFFICER:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following Conditions should be attached to any grant of planning permission:

Prior to works commencing, details of step free access via the principal private entrance, and all other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

Reason: To ensure 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.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER;

No comments received.

## **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

Part 2 Policies:

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

LPP D14 (2021) Noise

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D5 (2021) Inclusive design

LPP D7 (2021) Accessible housing

LPP G7 (2021) Trees and woodlands

LPP H2 (2021) Small sites

LPP SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

LPP SI2 (2021) Minimising greenhouse gas emissions

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

DMHB 11 Design of New Development

DMHB 14 Trees and Landscaping

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

In addition: Development Plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the London

Borough of Hillingdon 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**

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space. 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 or onto private open spaces.

The proposed dwelling would be positioned hard up against the mutual boundary shared with No.10 Whitethorn Avenue for a distance of 10.5 metres. It is considered that the bulk and massing of the building, albeit single storey, would result in an overbearing effect for the occupiers of the rear garden at No.10. For the same reasons, it is considered that the proposed dwelling would be visually intrusive when viewed from the rear garden space at No.10. Thus, unacceptably detracting from the amenity value of this neighbour's rear garden space.

There would be a separation distance of at least 13.5 metres between the nearest flank wall of the proposed dwelling and the ground floor windows at Nos. 10 and 12 Whitethorn Avenue. There would be a separation distance of 17.5 metres from Nos.10 and 12 first floor windows (or 15 metres, if the extant permission for the part two storey, part single storey rear extension at No.12 is implemented). Given these separation distances, it is considered that the proposed development would not result in an unreasonable loss of outlook or light to the rear elevation windows at Nos. 10 and 12. This is notwithstanding the concerns raised in the preceding paragraph, in respect to the impact on the amenity of No.10's rear garden.

No.63 Edgar Road is currently being extended by a part two storey, part single storey side extension and a hip to gable roof conversion (approved under application ref: 7693/APP/2016/4529). This neighbouring property does not contain any windows fitted in its side elevation facing towards the application site. The closest ground floor front window at No.63 would serve a store room and the closest first floor window would serve a bedroom (according to the approved drawings for application ref: 7693/APP/2016/4529). The proposed development would not breach the 45-degree sight line taken from these windows at No.63. Taking these factors into account, it is considered that the proposal would not cause undue harm to the residential amenities of No.63, in terms of light, outlook or enclosure.

Had this application been recommended for approval, a condition would have been secured requiring the bathroom window to be obscure glazed and non-opening up 1.8

metres of the finished floor level. This is to prevent any issues with overlooking or loss of privacy for the occupiers at No.10 Whitethorn Avenue.

Whilst the proposed 1.8 metre high boundary treatment along the site frontage would mitigate loss of privacy for the occupiers at Nos. 66 and 68 Edgar Road, it would unacceptably compromise the quality of accommodation for the future occupiers of the proposed dwelling (as discussed in Section 7.5 of this delegated report).

Due to the separation distances, it is considered that the proposed development would not adversely impact on the living conditions of the occupiers at Nos. 11, 13 and 15 Whitethorn Avenue.

Having regard to the above, it is considered that the proposal would have a harmful effect on the living conditions of the occupiers at No.10 Whitethorn Avenue, with regards to loss of outlook and overbearing to this neighbour's private amenity space. The proposal would therefore conflict with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 f) of the NPPF (2021).

## **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. Paragraph 134 of the NPPF (2021) advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policies D1, D3 and D4 of the London Plan (2021) require 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 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 and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

The proposal seeks to erect a single storey dwelling in the rear garden of No.12 Whitethorn Avenue which would involve the sub-division of the site. As a result, the proposed dwelling would be in a plot significantly smaller than the other properties within the immediate vicinity of the site. The proposed dwelling would appear cramped in its plot as evident by its siting hard up against the mutual boundary shared with No.10 Whitethorn Avenue and its limited garden space. The proposed development would represent inappropriate back garden development, and would unacceptably erode the spacious and verdant character of this rear garden setting.

The upper part of proposed dwelling would face Edgar Road and so would be visible in the street scene (despite the proposed 1.8 metre high boundary treatment). The single

storey scale of the proposed dwelling would be completely out of keeping with the street scape on Edgar Road which is defined by two-storey properties of a uniform appearance. Moreover, the proposed dwelling would project beyond the established front building line in this section of Edgar Road. This, in turn, disrupts the urban grain and rhythm of plot frontages in this local area. The splayed site boundary would exacerbate the forward projection of the proposed dwelling, thus resulting in the proposed dwelling representing an incongruous built form when viewed from the public realm.

The site frontages of the properties on Edgar Road are generally open with some properties featuring low level boundary treatment. When viewed within this context, it is considered that the proposed 1.8 metre high fencing running along across the entire site frontage of the proposed dwelling would appear as a visually obtrusive feature within the street scene. The 1.8 metre high fencing also gives rise to issues in respect to the poor outlook for future occupiers and highway safety- as discussed in the following sections of this report.

It is noted that high-level timber fencing runs along the side (western) boundary of No. 14 Whitethorn Avenue. However, this fencing does not serve as the site frontage to No.14 and does not extend along the distance of Edgar Road to the extent that is being proposed as part of this application. As such, the timber fencing at No.14 does not set a precedent for the proposed 1.8 metre high fencing along the site frontage of the proposed dwelling.

In light of the above, it is considered that the proposal would cause unacceptable harm to the character, appearance and visual amenities of the surrounding area. This would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the NPPF (2021)

### **7.3 Traffic Impact/Pedestrian Safety**

Covered in the following section of this report.

### **7.4 Carparking & Layout**

#### **PARKING AND HIGHWAY SAFETY:**

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also, that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management

Policies (2020) states that dwellings should be provided with 2 on-site car parking spaces. Table 10.3 of the London Plan (2021) has a lesser requirement of 0.75 car parking spaces per dwelling for sites in outer London with a PTAL of 2 to 3.

The submitted site plan proposes a new vehicle crossover emerging onto Edgar Road which would provide one off-street car parking space for the proposed dwelling. However, the proposed car parking space would be an acute angle and on the inside bend of the road with limited forward visibility splays. As a result, a driver exiting the site would have limited visibility which would increase the risk of conflict with other road users. This harm to highway safety is compounded by the proposed 1.8 metre boundary treatment which would run along the entire site frontage (based on drawing no. PF-12-WA-03).

No evidence has been demonstrate that the proposed car parking space could achieve adequate visibility splays. Whilst the proposed 3D models shows low level boundary treatment adjacent to vehicle crossover, this would not mitigate the highway safety concerns raised in the preceding paragraph, especially given that an existing 1.8 metre high fence runs along the mutual boundary shared with No. 63 Edgar Road. Also, the removal of the removal of the proposed 1.8 metre high boundary treatment would give rise to an unacceptable loss of privacy and overlooking for the neighbouring occupiers at Nos. 66 and 68 Edgar Road. This is due to the limited separation distance of some 11 metres between the front windows at Nos. 66 and 68 and those fitted in the proposed dwelling.

The Council's Highways Officer has commented that the public footway on the western side of Edgar Road would need to be extended to provide future occupiers with safe access to the site. There is an existing pedestrian pavement which tapers off along the site frontage of the proposed dwelling to where the proposed entrance door would be. To ensure safe pedestrian access to the front door this footway would need to be widened. This would involve some of the application site given over to accommodate a widened footway. Given the already constrained nature of this narrow plot, this is unlikely to be achievable without raising other planning concerns with the proposal.

It is noted that a relatively new vehicular crossover has been installed to the front of No. 12 Whitethorn Avenue which emerges onto Edgar Road (although not fully shown on the submitted drawings). During the time of this assessment, it is unclear whether this is a legal crossover and this matter is currently being investigated separately by the Council's Highways Department.

In light of the above, it is considered that the proposal would result in unacceptable harm with regard to highway safety and would conflict with Policies DMT 1, DMT 2, DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T6 and T6.1 of the London Plan (2021) and paragraph 111 of the NPPF (2021).

#### BICYCLE PROVISION:

Policy DMT 5 Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including the provision of cycle parking in accordance with Appendix C, Table 1 or, in agreement with the Council.

One cycle space would need to be accommodated within the site to comply with the cycle parking standards set out in Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). The submitted plans indicates a cycle store would be provided with sufficient capacity to accommodate two cycle spaces. If this

application had been recommended for approval, a condition would have been secured requiring full details of the covered cycle store to be submitted to the Council for consideration.

#### REFUSE & RECYCLING COLLECTION:

In order to conform to the Council's accepted 'waste collection distances' from the public highway, the storage area should be positioned within 10 metres of a refuse vehicle. The submitted plans indicate a bin store would be located to the front of the property. Had this application been recommended for approval, a condition would have been secured required full details of the bin store screening to be submitted to the Council for consideration.

## **7.5 Urban Design, Access and Security Considerations**

#### INTERNAL AMENITY SPACE PROVISION:

Policy D6 of the London Plan (2021) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for future occupants. Table 3.1 of the London Plan (2021) requires a single storey dwelling containing a one-bedroom, 2-person unit to have a gross internal area of at least 50 square metres.

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 space standards set out in Table 5.1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) are the same as those found in Table 3.1 of the London Plan (2021).

The DCLG's Technical housing standards - nationally described space standard (2015) requires double bedrooms to have a floor area of at least 11.5 square metres.

The proposed single storey dwelling containing a one-bedroom, 2 person occupancy unit would have a gross internal area of 50 square metres, in compliance with the space standards set out in Table 5.3 of the London Plan (2021). The proposed double bedroom would meet the floor area and width requirements set out in the Technical housing standards- nationally described space standard (2015). However, meeting the minimum space standard requirement is not the sole consideration when assessing the quality of internal accommodation.

The submitted elevation drawing shows that a 1.8 metre high fence is being proposed along the front and side boundaries of the site. At the closest point, the 1.8 metre high fence would only be separated from the front elevation window serving the open plan kitchen/living/dining room by some 2 metres. It is also noted that this would face directly onto the proposed bin and cycle stores. The windows and open glazed bi-folding doors fitted in the side elevation and serving the open plan kitchen/living/dining room would be positioned only 4.7 metres from the proposed 1.8 metre high fencing along the boundary of No. 12 Whitethorn Avenue. As a result, the future occupiers of the proposed dwelling would be provided with a poor level of outlook and would experience an oppressive and unwelcoming sense of confinement to the detriment of their living conditions.

The proposal would fail to provide an adequate standard of living conditions for future occupiers, in respect to outlook. It would therefore conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan and paragraph 130 f) of the NPPF (2021).

## 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 one-bedroom houses should have a minimum of 40 square metres of private amenity space. Three-bedroom houses should have a minimum 60 square metres of private amenity space.

The existing two-storey dwelling at No.12 Whitethorn Avenue has been granted planning permission for a part two storey, part single storey rear extension which contains three-bedrooms (ref: 10697/APP/2020/2275). This extant permission could be implemented and should be taking into account as material consideration.

The submitted site plan indicates that 100 square metres of private amenity space would be retained for the existing dwelling at No.12. However, when actually calculated, the useable amount of private amenity space that would be retained measures 80 square metres. The passageway running along the flank wall of the host dwelling and single storey rear extension has not been included as this area is not considered to constitute as private amenity space due to its narrow width and lack of functionality. Notwithstanding this, the amount of useable private amenity space retained for the existing occupiers at No.12 would still be above the minimum 60 square metre requirement set out in Table 5.3 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020).

The submitted site plan indicates that 53 square metres of private amenity space would be provided to the proposed dwelling. However, this figure appears to include the footpath directly in front of the living/dining room window facing towards Edgar Road- which does not constitute as useable private amenity space. When actually calculated, the useable private amenity space measures 46 square metres. This measurement includes the highlighted grass section and only the permeable paving running along the side wall labelled as right side elevation on the submitted drawings. Despite this discrepancy, the useable private amenity space provision afforded to future occupiers would comply with the minimum 40 square metre requirement set out in Table 5.3 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020).

Whilst the proposal would provide a satisfactory provision of external amenity space for existing and future occupiers at the site, this does not outweigh the cramped nature of the proposed development and the detrimental impact it would have to the character and appearance of the area.

## INCLUSIVE DESIGN AND ACCESS:

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 dwellings meeting Category M4(2) 'accessible and adaptable dwellings'.

If planning permission were to be granted, a condition would have been secured to ensure that the proposed dwelling complies with Building Regulation M4(2). Also, a condition would have been secured requiring the submission of plans to demonstrate step-free access via all points of entry and exit. Subject to such conditions, the proposed

development would comply with Policies D5 and D7 of the London Plan (2021).

## **7.6 Other Issues**

### **PRINCIPLE OF DEVELOPMENT:**

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) states that the Council will support development proposals that would not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.

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.

The supporting text set out in paragraph 4.16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that this restrictive approach reflects the direct and indirect value of gardens which contribute to local character, provide safe and secure amenity and play space, support biodiversity, help to reduce flood risk and mitigate the effects of climate change, including the 'heat island' effect.

The site is located in a predominately residential area mainly consisting of two storey houses forming consistent building lines, and continuous built frontages. The prevailing pattern of development within the immediate vicinity of the site remains intact. The properties in this section of Whitethorn Avenue and Edgar Road benefit from rear gardens that are generally unbuilt and open (except for single storey ancillary garages and outbuildings). The relatively open nature of these rear gardens make a positive contribution to the suburban character and appearance of the area.

The siting of the proposed dwelling within the existing rear garden of No. 12 Whitethorn Avenue would disrupt the rhythm and spacing of development within the surrounding area. The proposed development would occupy a significantly smaller plot than the other dwellings within the immediate vicinity of the site. Consequently, it would have considerably less space around it and have a small garden, meaning that the proposal would appear unacceptably cramped and at odds with its immediate locality.

It is considered, in principle, that the proposal would be an inappropriate form of development in a residential garden, by virtue of its location, plot size, size, scale and design. Consequently, there would be an adverse degradation in the character and appearance of the area, in terms of built form and landscape setting. The proposal would therefore conflict with Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and Section 12 of the NPPF (2021).

It should be 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. In any event, the proposed one-bedroom dwelling would not make any meaningful contribution to the Council's Housing Supply where the Strategic Housing Market Assessment 2106 identifies a need for family sized dwellings (i.e., 3 bedroom or more units- as defined by the London Plan (2021)).

#### FLOOD RISK AND DRAINAGE:

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DEMI 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 DEMI 10 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020) states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused.

The application site lies within Flood Zone 1 of the Environment Agency's Flood Risk Map. This means the site is classified as being at low risk and defined as having a less than 1 in 1,000 annual probability of fluvial and tidal flooding. As such, there are not restrictions on development, including more vulnerable uses such as Use Class C3 (dwellinghouses), in this location, in terms of fluvial and tidal flood risk.

If this application had been recommended for approval, a condition would have been secured requiring a sustainable water management scheme, that incorporates sustainable urban drainage systems (SuDS), to be submitted to the Council for consideration. Subject to such a condition, it is considered that the proposed development would not increase the risk of surface water flooding on the site or elsewhere in accordance with Policies SI 12 and SI 13 of the London Plan (2021) and Policies DEMI 9 and DEMI 10 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020).

#### SUSTAINABILITY:

Policy SI 2 of the London Plan (2021) states that residential development should achieve at least a 10% improvement beyond Building Regulations 2013.

Policy DEMI 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 the London Plan targets.

If this application had been recommended for approval, a condition would have been secured requiring the proposed dwelling to achieve an energy efficiency standard of 10% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Also, a condition would have been 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 (CIL):

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. 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 would involve the erection of a new dwelling and is therefore CIL liable.

### **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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