

Item No. **Report of the Interim Director of Planning, Regeneration & Public Realm**

Address 4 ROFANT ROAD NORTHWOOD

Development: Erection of a new single dwelling house with associated landscaping

LBH Ref Nos: 6923/APP/2022/1490

Drawing Nos: S203C
 P101
 S202
 S201C
 Arboricultural Impact Assessment Method Statement & Tree Protection Plan,
 Trevor Heaps Arboricultural Consultancy Ltd, Ref. TH 3299, received 22-08-
 22

Date Plans Recieved: 09/05/2022 **Date(s) of Amendment(s):**

Date Application Valid: 09/05/2022

1. SUMMARY

The application proposes the erection of a dwelling in the garden area of No.4 Rofant Road alongside the host dwelling. The development proposal would subdivide the existing curtilage to provide a separate plot for the new dwelling.

Whilst the host dwelling and the proposed new dwelling would be provided with adequate living accommodation and private amenity spaces, the proposed dwelling due to its size, scale, bulk, height, depth, width, materials, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling is considered to represent an incongruous, visually dominant form of development that would be detrimental to the visual amenities of the street scene and the character and appearance of the area.

In addition, the site is located adjacent to a Tree Preservation Area to the south which is covered by Tree Preservation Order (TPO) 130. The application includes the formation of a new vehicle crossover to serve the new dwelling that would require the removal of two healthy London Borough of Hillingdon trees on adopted highway and within the boundaries of the TPO area. This is not supported by the Council. In the absence of an acceptable tree survey, arboricultural method statement and tree protection plan, the application does not make adequate provision for the protection and long-term retention of valuable trees adjacent to the site, which are likely to be subject to development pressure and would result in the loss of trees that contribute positively to the local landscape character of the area.

The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed dwelling by reason of its size, scale, bulk, height, depth, width, materials, siting and design, in this prominent position, would fail to harmonise with the local

context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area. The proposed development is unacceptable in principle and conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

2 NON2 Non Standard reason for refusal

The proposed development would result in the loss of two healthy Council owned trees on adopted highway within a tree preservation area that contribute positively to the local landscape character of the area. In addition inadequate provision is made to safeguard the existing trees within the site and adjacent tree preservation area that would be affected. The development proposal therefore conflicts with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies G1 and G7 of the London Plan (2021) and Chapter 12 of 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 (2021) and national guidance.

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 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMH 6	Garden and Backland Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMCI 7	Planning Obligations and Community Infrastructure Levy
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards

LPP D7	(2021) Accessible housing
LPP D11	(2021) Safety, security and resilience to emergency
LPP G1	(2021) Green infrastructure
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP H1	(2021) Increasing housing supply
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP GG4	(2021) Delivering the homes Londoners needs
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment

3 174 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

4 171 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.

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

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the west side of Rofant Road, next to its junction with Ashbourne Square. It is occupied by a semi-detached, two storey dwelling with a hipped roof and a large, detached garage to the south of the site. The dwelling is constructed in brick and pebbledash render with a tiled roof. The area is characterised by a variety of dwelling

types including detached, semi-detached and terraced development.

The site is located in Flood Zone 1 and according to the Council's GIS records is at risk of surface water flooding. The site has a Public Transport Accessibility Level (PTAL) of 2 and is adjacent to TPO 130 which protects a large number of different species of trees. The rear of the site is adjacent to railway tracks.

3.2 Proposed Scheme

Planning permission is sought for the erection of a new two-storey detached dwelling house with associated landscaping. This includes the installation of a dropped kerb from Ashbourne Square.

3.3 Relevant Planning History

6923/APP/2021/1436 4 Rofant Road Northwood

Single storey rear extension (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 28-05-2021 Approved

6923/APP/2021/1912 4 Rofant Road Northwood

Part two storey, part single storey rear extension

Decision: 06-10-2021 Approved

6923/B/93/0490 4 Rofant Road Northwood

Erection of detached garage/store (retrospective application)

Decision: 13-05-1993 Approved

Comment on Relevant Planning History

There is no relevant planning history relating to the erection of a new dwelling at the site.

4. Planning Policies and Standards

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.

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:

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 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMH 6	Garden and Backland Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
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LPP D7	(2021) Accessible housing
LPP D11	(2021) Safety, security and resilience to emergency
LPP G1	(2021) Green infrastructure
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP H1	(2021) Increasing housing supply
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP GG4	(2021) Delivering the homes Londoners needs
NPPF2	NPPF 2021 - Achieving sustainable development

NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

5 neighbours and Northwood Residents Association were consulted by letter dated 27-05-22.

NEIGHBOURING RESIDENTS' RESPONSE

Objections were received from 13 neighbouring residents from 9 addresses. The concerns raised are summarised as follows:

- i. Impacts on Neighbouring Residential Amenity: loss of privacy, overlooking, loss of sunlight amenity.
- ii. Design, Scale, Layout, Appearance and Density: bulk, massing and roof form obtrusive, poor materials, modern build/ design not in keeping with area, unsympathetic with adjacent properties, higher density living, overdevelopment, proximity of building to the road, insufficient separation distances between dwellings, detract from the rural feel of the road.
- iii. Highway Impacts: inadequate parking provided, increased highway and parking congestion and pressures including during school drop-off and pick up times, would leave no room for emergency vehicles to access the homes in Ashbourne Square, risk to highway and pedestrian safety.
- iv. Lack of cycle storage and bin storage.
- v. Impacts on Green Infrastructure: removal of protected trees, loss of greenspace, landscape amenity, lack of tree survey, loss of gardens, loss of habitat that supports wildlife and biodiversity, urbanisation replacing green space with buildings and hardstanding.
- vi. Inadequate consultation - site notices have not been displayed or letters circulated to homes in Ashbourne Square.
- vii. Incorrectly answered application form.
- viii. Construction Impacts: noise and dust, disruption from construction delivery vehicles and parking congestion, restrictions on traffic movement, broken paving slabs on public footway.
- ix. No information on foul sewage provisions.
- x. Property devaluation.
- xi. Right of Way: The proposal would impact on public right of way requiring access across Council land onto Ashbourne Square. The applicant does not hold the title of the land it needs to cross to access Ashbourne Square which forms the title basis of the development of Ashbourne Square.

PLANNING OFFICER RESPONSE

The material considerations relating to the following matters are discussed in the relevant sections of this report as follows:

- i. Impacts on neighbouring residential amenity (Section 7.08 of this report).
- ii. Impact on character and appearance of the area (Section 7.07 of this report).
- iii. Highway impacts (Section 7.10 of this report). However it is noted that there are no changes

proposed to Ashbourne Square. Therefore emergency vehicle access would remain unchanged.

iv. Cycle parking (Section 7.10 of this report) and refuse storage (Section 7.15 of this report).

v. Impacts on trees and ecology (Section 7.14 of this report) and landscaping design (Section 7.07 of this report).

vi. Public consultation (Section 6 of this report). Public consultation was carried out in full accordance with statutory requirements. It is not a requirement to display a site notice for this application.

The other matters raised in the consultation responses are addressed as follows:

vii. It is noted that there are discrepancies between the information in the application form and the submitted drawings. This has been taken into account when assessing this application which is principally based on the submitted plans.

viii. Whilst some construction noise and disruption are expected as part of the development process, this would be temporary. In the event of an approval, informatives would be included to remind the developer of their legal obligations under the relevant environmental legislation to control nuisance from construction work.

ix. Foul sewage arrangements are not a material planning consideration for determining this application. These technical construction details are considered under Building Regulations.

x. Property values are not a material planning consideration for determining this application.

xi. Rights of way and land ownership issues are not a material planning consideration for determining this application. In the event of an approval, the grant of planning permission does not supersede any land ownership matters.

NORTHWOOD RESIDENTS ASSOCIATION

In addition representations in objection to the proposal were received from the Northwood Residents Association. The matters raised are as follows:

"Policy DMH 6: Garden and Backland Development - this is garden development that under DMH 6 is not supported by LBH except in exceptional circumstances. Exceptional means closer to one in a hundred cases rather than ninety-nine in a hundred cases. This proposed development is not exceptional in a good way and has an adverse impact on the streetscene and on the neighbouring residential properties in Ashbourne Square. The applicant has not stated how this is exceptional in the application documents."

PLANNING OFFICER RESPONSE

An assessment of the proposal against policy DMH 6 is contained and addressed in section 7.01 'The principle of the development' of this report.

PETITION

A petition has also been received in objection to the proposal with 22 signatories. The reasons for objecting to the application are summarised as follows:

i. Backland development contrary to policy.

ii. Loss of visual amenity along Ashbourne Square.

iii. Loss of privacy/overlooking to 2b Rofant Road and 1 & 2 Ashbourne Square.

iv. No local need for 2bedroom dwellings.

v. Layout and density of building: would be sandwiched into existing garden with just 1m set-back from street frontage, larger footprint than existing house at 4 Rofant Road, siting closer to the railway, loss of green space as site would be occupied by house and hardstanding, height should not exceed that of the existing house.

vi. Proposed dropped kerb: would cross existing verge and requires removal of 2no TPO trees, driveway noise and disturbance, risk to pedestrian safety.

vii. Inadequate parking/turning: small off-street parking space, risk to visibility, highway congestion and highway safety.

PLANNING OFFICER RESPONSE

These matters are addressed within the relevant sections of the report as detailed above.

NETWORK RAIL

Confirmed they have no comments to make on the application.

LONDON UNDERGROUND

Confirmed they have no comments to make on the application.

Internal Consultees

ACCESS OFFICER

This proposed development of a new, 2 bedroom plus office, dwelling should comply with the requirements of London Plan policy D7. Any grant of planning permission should include the following conditions:

Prior to works commencing, details of step free access via the principal private entrance, and all the 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 accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan.

Planning Officer's Response - Noted. In the event that the application was approved these conditions would be included in the decision.

HIGHWAYS OFFICER

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 Policy T4 and T6 of the London Plan (2021).

Planning Officer's Response - Noted. A full discussion of highway impacts is contained in Section 7.10 of this report.

TREES & LANDSCAPE OFFICER

First consultation response:

There appears to be very limited tree information however the proposed plan shows the removal of

two trees. These trees although within the boundary of TPO 130 are not within the area of protected trees, they do however appear to be situated on LBH adopted highway. We do not allow the removal of healthy LBH trees to facilitate vehicle cross overs.

The plan also shows a number of trees to the rear of the site being retained however without a tree survey, arb method statement or tree protection plan it does not make adequate provision for the protection and long-term retention of valuable trees and therefore this should be used as grounds for refusal.

Second consultation response following the submission of an arboricultural report on 22-08-22:

There does appear to be inconsistencies as to whether they plan to remove T4 and T5, the Arb report does not seem to mention the need to create a new dropped kerb.

I have concerns about how they plan to construct the new property without affecting the trees as there is very limited space for machinery and delivery/storing materials.

Planning Officer's Response - Noted. The impact on trees forms a recommended reason for refusal. Trees T4 and T5 are proposed to be removed to facilitate the installation of a dropped kerb.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is located in the developed area of the borough where new development is acceptable in principle subject to compliance with relevant development plan policies. The application form erroneously states the proposal is not on garden land.

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.

As discussed in Section 7.07 'Impact on the character & appearance of the area' and Section 7.14 'Trees, landscaping and ecology' of this report, the proposal would be detrimental to the local character and would not retain protected trees. As such, the principle of development does not accord with Policy DMH 6. Furthermore, the proposal does not accord with the detailed criteria of this policy (as quoted above). These issues are discussed in the relevant sections of the report. Consequently, the proposed dwelling is not considered to comply with the requirements of Policy DMH 6 and therefore is considered to be unacceptable in principle.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Chapter 12 of the National Planning Policy Framework (2021) seeks the creation of high quality, beautiful and sustainable buildings and places through good design. This section of the NPPF states that planning decisions should ensure that developments are, inter alia, visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character. Furthermore paragraph 134 states that development that is not well designed should be refused.

Policy D3 of the London Plan (2021) requires that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy GG4 of the London Plan (March 2021) seeks to ensure that more homes are delivered. Policy H1 of The London Plan (2021) promotes the optimisation of the potential for housing delivery on all suitable and available brownfield sites.

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

The proposal would require removal of the existing detached garage and a single storey side extension on the south elevation. The existing residential curtilage would be subdivided and a new kite shaped plot with a site area of 240sq.metres is proposed for the new dwelling. The host dwelling would retain a similar sized site area in a more rectangular shaped curtilage.

The design of the proposed detached, two-storey dwelling is different to the local context. The footprint has an inverted 'L' shape, located approximately 2m to the south of the existing house, with a 1m gap each side of the proposed boundary. It would be set back approximately 5.8m behind the host dwelling's principal elevation. It would be approximately 4.7m wide at the front with a maximum width of approximately 7.1m at the rear.

The proposed dwelling would have a maximum depth of approximately 12.1m including a 5m deep single storey rear element and features a stepped-in first floor rear element to accommodate a 45 degree line of sight from the centre of a window in a recently approved first floor rear extension to the existing house.

It is noted the proposed dwelling would be sited on lower ground levels relative to the host dwelling. The proposed dwelling would have a pitched roof with a 8.4m high ridge and front and rear gable end projections. The projecting first floor front gable would be supported by two posts and sited 1.5m in front of the ground floor element which is set back. The eaves height would be 5.9m.

Whilst the ridge height of the proposed dwelling appears similar to the existing house, the eaves of the proposed dwelling would be 60cm higher than the eaves height of the existing dwelling and the forward gable would project 4.4metres, resulting in a disproportionate and visually dominant building design and appearance in a prominent corner plot. This visual dominance is further exacerbated by two large front gable-ends in a street scene characterised by hipped roofs with smaller gable features.

The proposed exterior materials consist of white render, timber cladding, a tiled roof, fiberglass flat roof for the single storey rear element and double glazed windows and doors. The choice of materials would be considered uncharacteristic of the materials found on properties within the street scene, which is for the most part characterised by facing brick. In addition, the disproportionately large windows further exacerbate the detrimental visual impact of the development proposal.

In addition, the proposed dwelling would be set back 7m beyond the rear extended building line of the host dwelling and the rear building line of the adjacent neighbour No.2B. The siting of the proposed dwelling in a set back position would fail to harmonise with the prevailing pattern of development and therefore would result in harm to the visual amenities of the street scene.

The proposed boundary treatments consist of wooden fencing along the side and rear boundaries, a low level brick wall and black painted metal railings adjacent to the new access, and soft landscaping and planting within the site. A single car parking space is shown on the site frontage in front of the dwelling and within close proximity to the new proposed boundary with the host dwelling.

The dwelling would be positioned in close proximity to the site boundary in places and would appear cramped in its plot, visually prominent and reducing and harming the open character of this corner location. The visual prominence of the dwelling and the reduced openness of the site would be further exacerbated by the proposed close boarded fencing along part of the side boundary, with the low wall and black painted railings across the new vehicular crossover needing to be reduced in height to 0.6m to provide visibility splays.

The existing side boundary treatment comprises of dense hedging and trees that contribute to a verdant character along this section of Ashbourne Square. The hedging is not shown in the plans but would be replaced with the new boundary treatment. The proposal would also impact on trees which is discussed further in Section 7.14 'Trees, landscaping and Ecology' of this report.

The development proposal would relate poorly to the street scene, not only in terms of its incompatible design and unsympathetic materials, but also by virtue of its siting and juxtaposition which does not harmonise with the local context or respect the building

uniformity and established building line.

The proposed dwelling would be an incongruous addition in the street scene and would result in the closing of an important gap characteristic to the area and result in harm to the character, appearance and visual amenities of the surrounding area. As such the proposed development conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

7.08 Impact on neighbours

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.

IMPACT ON RESIDENCES ON ASHBOURNE SQUARE

It is noted there are no proposed first floor windows in the south side elevation of the proposed dwelling facing Ashbourne Square. Therefore there would not be any overlooking of houses located on Ashbourne Square. The nearest residence on Ashbourne Square would be No.1 Ashbourne Square whereby the rear elevation of this dwelling would be located approximately 25 metres away. The rear elevation of No. 2 Ashbourne Square would be sited approximately 28 metres away at an even more oblique angle. Further south, the proposed dwelling would be at a distance of over 55 metres from No.12 Ashbourne Square.

The proposed dwelling would be approximately 13 metres at its closest point to the corner of the rear garden of No. 1 Ashbourne Square across the other side of the road. However, as noted above there are no first floor windows on the side elevation facing Ashbourne Square that would enable overlooking. The proposed first floor window at the rear of the dwelling would be angled away from Ashbourne Square to overlook the garden of the proposed dwelling.

Due to the separation distances to these properties and with no windows facing directly onto neighbouring properties, it is considered there would not be any unacceptable loss of outlook or loss of privacy to adjacent properties to the east and south.

In terms of outlook from the gardens on Ashbourne Square, given the separation distance and the existing retained vegetation adjacent to the site and within neighbouring gardens, good outlook would be retained from these neighbouring properties.

For these reasons, the development proposal would not result in any undue impact on neighbouring amenity of the dwellings in Ashbourne Square in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

IMPACT ON NO. 2B ROFANT ROAD

The east facing front elevation windows would overlook primarily onto the road and would not provide views into the rear windows of No.2B Rofant Road. As stated above, there are no first floor windows proposed for the side elevation facing Ashbourne Square that would facilitate overlooking onto No. 2B Rofant Road.

In terms of outlook from the garden of No. 2B Rofant Road the proposed dwelling would be located across the road and the layout would be splayed away from this neighbouring

property with lower ground levels. Given this separation distance, site layout and ground levels, good outlook would be retained from this neighbouring property.

For these reasons the development proposal would not result in any undue impact on neighbouring amenity of this adjacent dwelling.

IMPACT ON NO. 4 ROFANT ROAD

The submitted plans indicate that the proposed dwelling would project approximately 6 metres beyond the existing single storey extension at the host dwelling No. 4 Rofant Road. The two storey element at the rear of the proposed dwelling would be set back from the rear elevation of the single storey element and stepped in twice from the north side elevation by 1.9metres and 3.6metres.

This stepping in of the building line would accommodate a 45 degree line of sight from the centre of a window in a recently approved first floor rear extension to the existing house at No. 4 Rofant Road. Given compliance with the 45 degree line of sight the proposed dwelling would not unacceptably impact on the outlook, daylight or sunlight amenity to any of the first floor rear elevation windows at No. 4 Rofant Road. With respect to the single storey rear extension there would be a set-back of 1m on each side of the shared boundary between flank walls. Due to this separation distance it is not considered that there would be undue loss of outlook from or light to the ground floor rear elevation windows at No. 4 Rofant Road or to the residents' garden.

There is one first floor window proposed in the north side elevation of the proposed dwelling that would face the existing dwelling at No. 4. However, as this window would serve an ensuite, in the event of an approval, this window could be conditioned to be obscure glazed in the interests of privacy.

The proposed site plan depicts a patio to the rear of the dwelling. This is not shown on the proposed elevations where there appears to be no proposed change in ground levels. If this proposal had otherwise been considered acceptable, further details would have been sought concerning the height of the proposed patio relative to the ground level at No. 4 Rofant Road to ensure that there was no harmful overlooking. Nevertheless, in the event of an approval, a condition could be included requiring the patio to be no higher than 300mm above natural ground level to comply with permitted development regulations.

Whilst the on-site car parking space would be in proximity to the proposed new shared boundary with the host dwelling, the adjacent ground floor area is a hallway and bathroom, and as these are non-habitable rooms. It is therefore considered unlikely that the occupiers of the host dwelling at No. 4 Rofant Road would experience unacceptable noise, disturbance, loss of privacy and overlooking issues in relation to the proposed parking arrangement.

OTHER AFFECTED NEIGHBOURS

Given the separation distances there are no other neighbouring residences that are considered potentially affected.

SUMMARY

For the reasons discussed above, overall the development proposal would not result in any undue impact on neighbouring amenity in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.09 Living conditions for future occupiers

INTERNAL LIVING ACCOMMODATION

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

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms. To achieve this all residential development or conversions should: meet or exceed the most up to date internal space standards, as set out in Table 5.1 of the Local Plan - Part 2 (2020). Table 3.1 requires a minimum gross internal floor area of 79 square metres for a two storey 2bed/4-person dwelling, and 102 square metres for a two storey, 3bed/6-person if the ground floor study was to be considered a third double bedroom.

The proposed new dwelling would be provided with a Gross Internal Area (GIA) of 106 square metres. This would exceed the requirement of the London Plan and Local Plan irrespective of if the dwelling is considered to have 2 double bedrooms and a study or 3 double bedrooms. All of the habitable rooms within the proposed dwelling would maintain good outlook and a source of natural light.

It is noted that the submitted plans depict the 45degree line of sight of one of the front bedroom windows being breached by the host dwelling. However as there are two windows in the front elevation serving the front bedroom, the impact on the outlook from or light provision to this room as a whole would be acceptable.

The proposed new dwelling would provide good quality living accommodation for future occupants compliant with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D6 of the London Plan (2021).

PRIVATE OUTDOOR AMENITY SPACE

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3 of the Local Plan - Part 2 (2020). In accordance with Table 5.3, 60square metres of private outdoor amenity space is required for a 2-3 bedroom dwelling; and 100sq.metres is required for a 4+ bedroom dwelling.

The proposal site would have approximately 102 square metres of private amenity space. The host dwelling would retain approximately 85 square metres of private amenity space. The new dwelling would be provided with sufficient private amenity space provision. It is noted the host dwelling is a 3-4 bedroom property and whilst the retained garden area would be substandard for a 4 bedroom property, it is noted the fourth bedroom on the ground floor could easily qualify as a living room. Therefore a median level of amenity space would be retained which on balance is considered adequate for the host dwelling. Both dwellings would be provided with sufficient private garden areas in accordance with the aims of Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated

by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1 unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

SITE CONTEXT

The site is located within a residential catchment in Northwood. The new dwelling would require the provision of a single new separate vehicle crossover on the Ashbourne Square frontage in order to serve 1 on-plot space whilst the established crossover serving No.4 Rofant Road would be retained for the existing dwelling (but with modification) to facilitate 2 on-plot spaces on that frontage.

The area is extensively covered by parking controls including a controlled parking zone (CPZ) operating from 1pm to 2pm - Monday to Friday together with double yellow lines wrapping around Rofant Road and its junction with Ashbourne Square. Some neighbouring properties exhibit a degree of on-plot parking provisions which lessen on-street parking demand. The site exhibits a Public Transport Accessibility Level (PTAL) of 2 (poor), which heightens dependency on the ownership and use of private motor transport.

VEHICULAR ACCESS PROVISION

The application form erroneously states that there is no new vehicular access proposed to or from the public highway. Regarding rights of access, the Highway Authority have confirmed that the strip of verge in question is adopted highway land.

A single new vehicular crossover is proposed from the Ashbourne Square frontage to access the on-plot parking space for the new dwelling. The crossing should conform to the Council's 'Domestic Vehicle Footway Crossover' (DVFC) 2019 Policy. This would require a maximum width of 3.6m at the back of footway and 4.8m at the edge of kerb. The proposed new crossing would also need to be constructed to the appropriate Council standards executed under S184 of the Highways Act 1980 (or suitable alternative arrangement) at the applicant's/developer's expense. The same parameters would also apply to the existing crossover for No.4 on Rofant Road that would need to be relocated and modified, albeit this is not shown on the proposed drawings. As this would also necessitate the removal and relocation of an established street-lamp column, all associated costs would need to be borne by the applicant/developer.

In safety terms there should be conformity to the relevant mutual inter-visibility sight-line requirements between vehicles leaving the site and extraneous vehicles/pedestrians on the neighbouring roadways. It is therefore recommended that the height of walling/shrubbery on either side of the new and relocated opening for No.4 should not exceed 0.6m in height to achieve the aim of satisfactory visibility.

While there are no objections in principle on highways grounds for the proposed crossover works and boundary treatment, no relevant detail has been submitted to support the proposal. In the event of an approval, these details could be secured by planning conditions.

PARKING PROVISION

Hillingdon 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.

London Plan (2021): Policy T6.1 (Residential Parking) requires that new residential development should not exceed the maximum parking standards as set out in table 10.3.

The maximum parking requirement for the new 2-bedroom residential unit would be in the order of 2 on-plot spaces which should be provided on-site in order to comply with the adopted Hillingdon parking standard. As depicted, this standard is not met with one space proposed on the frontage. However, in contrast, for a PTAL rating of 2, the London Plan (2021) would require a maximum of 0.75 spaces per 2 bedroom dwelling. Taking this into account, the proposed provision of one parking space for the new dwelling and two parking spaces for the host dwelling is considered acceptable.

CYCLE PARKING

In terms of cycle parking, there should be a provision of 1 secure and accessible space for the new residential unit to conform to the adopted borough cycle parking standard. No details of cycle parking provision have been submitted with the application. However, there is space on site for such provision, particularly to the rear of the new dwelling where sheltered and secured cycle parking could be provided. In the event of an approval, details of cycle parking could be secured by a planning condition.

ELECTRIC VEHICLE CHARGING POINTS (EVCP)

In line with the London Plan (2021), within the final parking quantum there is a requirement for a minimum of 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, the new single space should be designated as 'active' in order to future proof for anticipated demand. In the event of an approval, this could be secured by a planning condition.

HIGHWAYS IMPACTS SUMMARY

The proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns. Subject to planning conditions in the event of an approval, the proposed development would accord with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2, DMT 6 and Policy T4 and T6 of the London Plan (2021).

7.11 Urban design, access and security

DESIGNING OUT CRIME

Policy D11 of the London Plan (2021) states that development should include measures to design out crime in proportion to the risk.

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles.

The proposed dwelling would be visible within Rofant Road and Ashbourne Square enabling the dwelling to be passively surveilled by other residents and mutually the residents of the proposed dwelling would be able to passively surveil the street. Access to

the rear of the new dwelling would be gated, deterring unauthorised entry and the front entrance to the dwelling which provides the public/private interface is clearly demarcated on the front street-facing elevation. Consequently the design and layout of the proposed dwelling is considered appropriate to deter opportunities for crime in accordance with Policy D11 of the London Plan (2021) and Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

In the event of an approval, the conditions recommended by the Council's Access Officer (see Section 6 of this report) would be included in the decision. These two conditions require details of step free access via the principal private entrance to the dwelling; and a requirement that the new dwelling be certified as compliant with the technical specifications for an M4(2) dwelling. Subject to compliance with these conditions the proposal is considered compliant with Policies D5 and D7 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

IMPACT ON TREES

Paragraph 131 of the National Planning Policy Framework (2021) in Chapter 12 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Policy G1 of the London Plan (2021) states - London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. The green infrastructure approach recognises that the network of green and blue spaces, street trees, green roofs and other major assets such as natural or semi-natural drainage features must be planned, designed and managed in an integrated way.

Policy G7 of the London Plan (2021) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments - particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that landscaping and tree planting should enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that - A) All developments will be expected to retain or enhance existing

landscaping, trees, biodiversity or other natural features of merit. In addition the policy states that - D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The application form erroneously states there are no trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character.

The London Plan Policy G1 emphasises the importance of protecting and enhancing existing street trees to improve landscaping and increase green cover. The policy clearly recognises the value of street trees as being a key component in the city's green infrastructure. This supports Paragraph 131 of the NPPF and is supported by policies DMHB 11 and 14 in Hillingdon's Local Plan.

This site is occupied by a two-storey semi-detached house located on the west side of Rofant Road. The property is on a corner plot, at the junction with Ashbourne Square. The site is adjacent to Tree Preservation Order 130 which protects a large number of different species of trees.

The proposed site/block plan shows several trees along the southern boundary and the removal of 2no trees within the TPO area on adopted highway to facilitate the formation of a new vehicle crossover. An arboricultural report has been submitted in support of this application. However, this report does not acknowledge the removal of these two street trees. In the absence of any supporting information to justify and mitigate the removal of 2no Council trees (which are also outside the application site), the proposed development would result in the removal of healthy Council trees that contribute positively to the local landscape character of the street scene.

The plan also shows the retention of a number of trees to the rear of the site. Given the constraints of the site with very limited space for machinery, and the delivery and storage of materials, there are significant concerns with how the dwelling could be constructed without harmfully affecting the trees. The submitted arboricultural report does not address these concerns and therefore does not make adequate provision for the protection and long-term retention of valuable trees.

The development proposal would result in the loss of trees that contribute positively to the local landscape character of the area and inadequate provision is made to safeguard the existing trees within the site and adjacent tree preservation area that would be affected. The development proposal therefore conflicts with Chapter 12 of the National Planning Policy Framework (2021), Policies G1 and G7 of the London Plan (2021) and Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

ECOLOGY

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development

Management Policies (2020).

It is noted that the application site is not located within or adjacent to a nature reserve or a protected nature conservation site. Nevertheless, in the event of an approval, a condition would be secured requiring an ecological enhancement plan to be submitted to the Council for consideration. Subject to this condition, the proposal is considered to accord with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy G6 of the London Plan (2021) and the NPPF (2021).

7.15 Sustainable 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.

Refuse collection for the existing dwelling would continue from Rofant Road with collection from the new dwelling via Ashbourne Square. No details have been provided of where the refuse would be stored and collected from, however there is space on the site for acceptable arrangements. In the event of an approval, a planning condition would be included.

7.16 Renewable energy / Sustainability

RENEWABLE ENERGY

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

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

In the event of an approval, a condition would be secured requiring a sustainability energy statement is submitted to demonstrate that the proposal would achieve at least a 10% improvement beyond Building Regulations 2013. Also, a condition would be secured requiring the proposed dwellings to achieve as a minimum, a water efficiency standard of no more than 105 litres per person per day maximum water consumption.

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).

7.17 Flooding or Drainage Issues

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

Policy DMEI 10 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 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 probability of fluvial and tidal flooding. 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.

It is noted that part of the site is shown to be at risk of surface water flooding, primarily the area south of the host dwelling in proximity to the proposed parking area. A drainage statement has not been submitted by the applicants to demonstrate how surface water and groundwater runoff would be managed. In the event of an approval, a condition would be secured requiring the submission of a sustainable water management scheme, that incorporates sustainable urban drainage systems (SuDs), to be submitted to the Council for consideration. Also, the landscaping condition would have been worded in such a manner to ensure that permeable hard surfacing is used for the front forecourt and parking area.

Subject to such conditions, it is considered that the proposed development would not increase the risk of flooding on the site or elsewhere in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

Policy D13 of the London Plan (2021) concerns the Agent of Change principle. 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) concerns measures for residential and other non-aviation development to reduce, manage and mitigate noise to improve health and quality of life.

Railway tracks are located at the rear of the application site. This is an existing major noise source. However, residential development in this location is not a new sensitive use. The proposed dwelling would be located in a residential location amongst other dwellings. Therefore the siting of the dwelling is acceptable, both in terms of not compromising the railway use (the Agent of Change principle) and providing an appropriate acoustic environment for prospective residents. In the event of an approval, consideration may be given to ensuring enhanced sound insulation of the dwelling to mitigate potential noise nuisance from railway sources.

7.19 Comments on Public Consultations

Please refer to Section 6 of this report.

7.20 Planning obligations

COMMUNITY INFRASTRUCTURE LEVIES (CIL)

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

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014.

The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL (MCIL) charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of a new dwelling and is therefore CIL liable if planning permission were to be granted.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues are identified.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application.

Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

The proposed dwelling by reason of its size, scale, bulk, height, depth, width, materials, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area.

The site is located adjacent to a Tree Preservation Area to the south which is covered by Tree Preservation Order (TPO) 130. The development proposal includes the removal of two London Borough of Hillingdon trees on the adopted highway and within the TPO area which is not supported by the Council. Whilst an arboricultural report has been submitted, this is inadequate. It does not acknowledge the two trees proposed for removal and given the constrained nature of the site, it does not address how the development could be constructed without harming the adjacent trees. Therefore the application does not make adequate provision for the protection and long-term retention of valuable trees and results in the loss of trees that contribute positively to the local landscape character of the area.

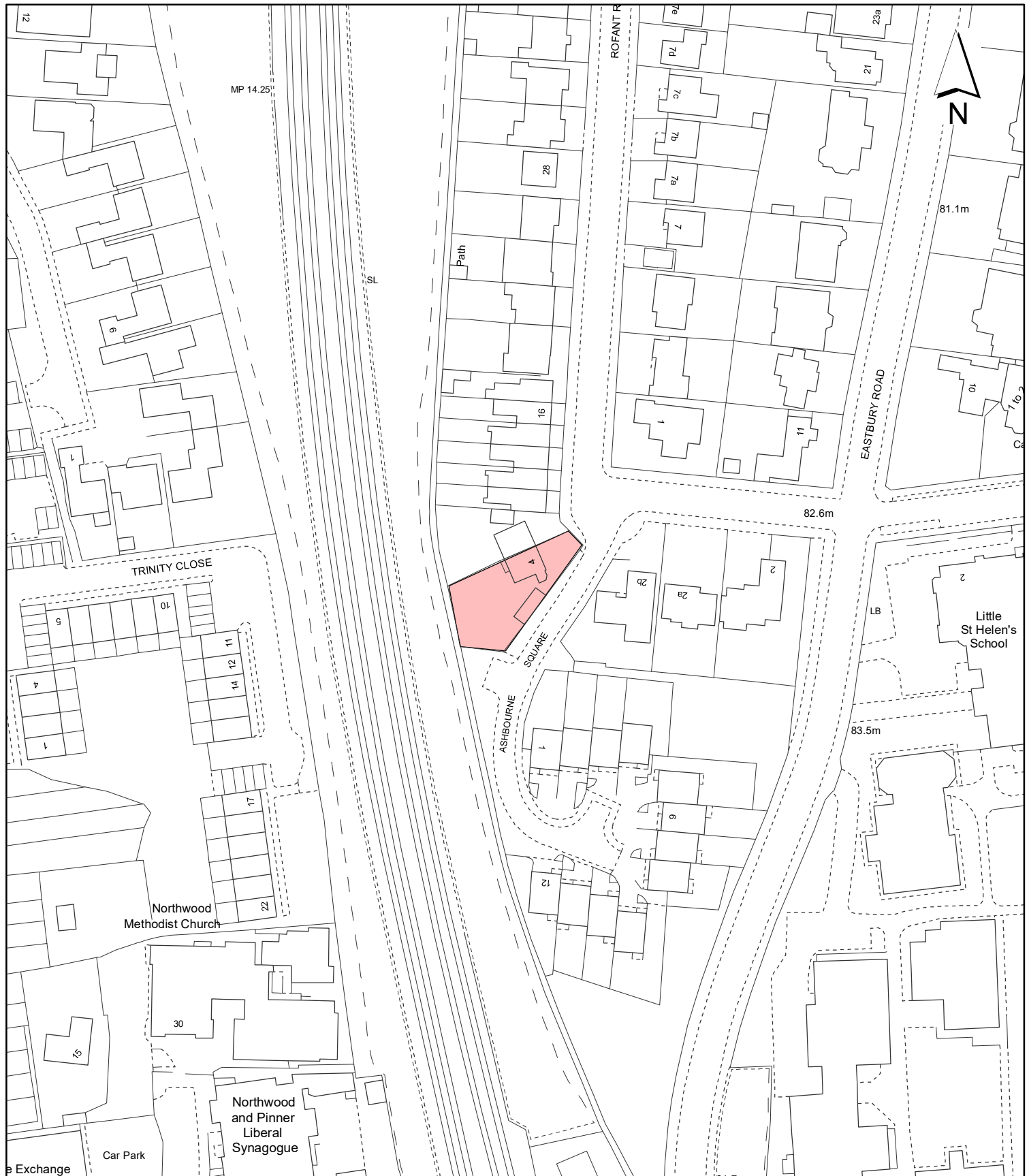
For the reasons set out in the above report, the application is recommended for refusal.

11. Reference Documents

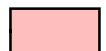
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (2020)
London Plan (2021)
National Planning Policy Framework (2021)

Contact Officer: Christos Chrysanthou

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Notes:



Site boundary

For identification purposes only.

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Site Address:

4 Rofant Road

Planning Application Ref:

6923/APP/2022/1490

Scale:

1:1,250

Planning Committee:

Borough

Date:

September 2022

**LONDON BOROUGH
OF HILLINGDON**
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