

JAN
2023

42 FIELD HEATH ROAD HILLINGDON

APPEAL STATEMENT

Demolition of a two-storey bed and breakfast, and the erection of a three storey residential development comprising of seven flats, alterations to existing drop kerb, all associated external works and landscaping.

LOCAL PLANNING AUTHORITY REF 17611/APP/2022/993



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1.0 INTRODUCTION

- 1.1 This appeal statement relates to a planning application (ref: 17611/APP/2022/993), refused by the London Borough of Hillingdon (LPA) on 9/12/2022 for the demolition of a two-storey bed and breakfast, and the erection of a three storey residential development comprising of seven flats, alterations to existing drop kerb, all associated external works and landscaping.
- 1.2 The application was refused for the following reasons:
1. 1 Due to its depth, bulk, scale, massing, design and siting, the proposed building would form an oversized, uncharacteristic and visually incongruous form of development, which would fail to harmonise with the established character and appearance of the street scene and other backland/garden development in the vicinity. The proposal would therefore be detrimental to the visual amenities of the street scene and character of the surrounding area, all contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and the National Planning Policy Framework (2021).
 2. Due to its depth, size, siting and design, the proposed building would be overbearing and would lead to a harmful sense of enclosure and loss of outlook from the rear windows and gardens of 1 and 2 Newlyn Close, as well as significant overlooking and a harmful loss of privacy to the occupiers of 1, 2, 3 Newlyn Close, properties on Pield Heath Road and 2 Micawber Road. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local

- Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).
3. The proposed development fails to provide any three or more bedroom (family sized) units. Robust justification has not been provided to demonstrate that the provision of family sized units would be unsuitable or unviable. The proposal therefore fails to optimise the site and provide a suitable mix of housing to support sustainable, inclusive and mixed communities, contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).
 4. No legal agreement is in place to prohibit future residents of the proposed development from applying to join the Council's on street parking management scheme. In the absence of such an agreement, the Council's Parking Management Scheme is likely to be overutilised, leading to roadside parking, congestion and reduced highway safety. The proposal would therefore be contrary to Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T4 and T6 of the London Plan (2021).
 5. The proposed vehicular access would create a hazardous and dangerous environment for pedestrians crossing the site and drivers leaving the site. The proposal would therefore be contrary to Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy T4 and T6 of the London Plan (2021) and The London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022.
- 1.3 The appellant submits that the design, scale and layout of the development will introduce a built form that is appropriate to its context. It is submitted that the proposed development would harmonise with the character and appearance of

the surrounding area, the visual amenities of the street scene and protect the residential amenity of surrounding occupiers in terms of outlook, privacy and light.

1.4 The scheme has been designed to ensure that the development accords with policies relating to good design, landscaping, impact on neighbours, appropriate density, good environmental conditions for future occupiers, parking, waste and sustainability.

1.5 The proposal complies Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, and DMHB 12 , DMH 2 , DMT2, DMT6, of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 , H10, T4, T6 of the London Plan (2021) and the National Planning Policy Framework (2021).

2.0 THE SITE AND SURROUNDING URBAN CHARACTER.

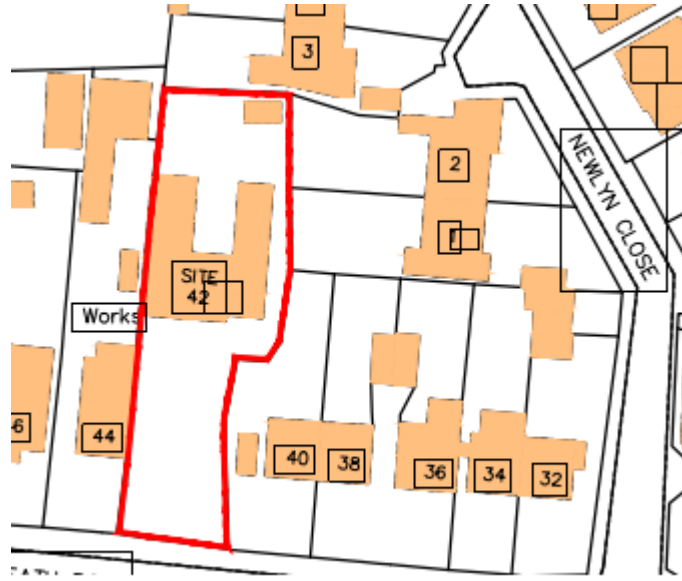
2.1 The development site is located on the north side of Pield Heath Road. The site comprises a two storey building which is currently used as bed and breakfast accommodation.

2.2 The building has been finished in brick and hung tiles. In terms of style it is low level and resembles an extended chalet bungalow. The building is well set back from the road and its frontage comprises off road parking and some soft landscaping.

2.3 To the immediate west of the site is 44 Pield Heath Road, which comprises a single storey, flat roofed, warehouse style building with rear service yard which is

occupied by "Jet Clean" (a drainage and services maintenance company). To the east of the site is 40 Pield Heath Road a two storey semi detached property. The remaining area surrounding the site is predominantly residential with the exception of a few commercial uses.

- 2.4 To the rear of the site are semi detached dwellings which make up Newlyn Close. It is worth noting that at present the building which occupies 42 Pield Heath Road is uncharacteristically set back from other buildings on the main road. It does not follow the area's prevailing building line.
- 2.5 The site lies within the Hillingdon Air Quality Management Area and a Critical Drainage Area. It has a Public Transport Accessibility Level (PTAL) of 3.
- 2.6 Land to the south west of the application site (on the opposite side of Pield Heath Road) is designated Green Belt. The application site itself is not within the Green Belt.
- 2.7 The subject property is not listed. Therefore normal development control policies apply.



THE SITE AND SURROUNDING DEVELOPMENT

3.0 THE PROPOSAL

3.1 Planning permission is sought to replace an existing two storey building serving as a bed and breakfast, with a new building comprising 7 flats. The proposed works also include alterations to the site's existing dropped kerb, associated external works and landscaping.

3.2 The new building would be approximately 8.8m high, 15.5m wide and 16.8m deep. It would be finished in bricks, clay tiles and upvc windows and would have a stepped frontage with triangular windows, rear and side dormers and a small crown roof.

4.0 POLICY CONTEXT

4.1 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)

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

- 4.2 The following national, regional and local policies and standards are considered relevant to the proposed scheme. These policies are set out below:

National Planning Policy Framework (NPPF)

- 4.3 The NPPF was most recently updated in July 2021. The NPPF sets out the Government's planning policies for England and how these should be applied.

Achieving Sustainable Development

- 4.4 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). In order to achieve sustainable development, the planning system is said to have three overarching objectives which are interdependent and need to be pursued in mutually supportive ways, these are:

- An economic objective;
- A social objective; and
- An environmental objective.

For decision making, the presumption in favour of sustainable development means that development proposals that accord with an up-to-date development plan should be approved without delay.

- 4.5 The NPPF seeks to support the Government's objective of significantly boosting the supply of homes through provision of a sufficient amount and variety of land (paragraph 60). Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while improving the environment and ensuring safe and healthy living conditions (paragraph 119).
- 4.6 Paragraph 120 encourages planning decisions to promote the development of underutilised land and buildings, especially where this would help to meet identified needs for housing where land supply is constrained. Paragraph 124 and 125 states that planning decisions should support development that makes efficient use of land, while also creating beautiful and sustainable places.
- 4.7 Section 8 contains policies which promote healthy and safe communities and identifies the important role the planning system has in facilitating social interaction and creating healthy, inclusive communities.
- 4.8 Section 8 contains policies which promote healthy and safe communities and identifies the important role the planning system has in facilitating social interaction and creating healthy, inclusive communities.
- 4.9 Paragraph 111 states the development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development are required to give priority

- first to pedestrian and cycle movements; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive; and allow for the efficient delivery of goods, and access by service and emergency vehicles (paragraph 112).
- 4.10 Good design and the creation of high quality, beautiful buildings and places is a key aspect of sustainable development (paragraph 126) and development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 130).
- 4.11 Section 14 contains policies which are designed to ensure that the planning system supports the transition to a low carbon future in a changing climate. Paragraph 154 encourages new development to: avoid increased vulnerability to the range of impacts arising from climate change; and help to reduce greenhouse gas emissions.
- 4.12 Paragraph 180 requires opportunities to improve biodiversity in and around developments to be integrated, especially where this can secure measurable net gains for biodiversity.

LONDON PLAN (2021)

- 4.13 In accordance with Policy D6, proposals must be of high quality design and meet, or exceed, the nationally described space standards, as well as the additional internal and external space standards set out under the policy. Dual aspect dwellings are also favoured, while north-facing single aspect units are to be avoided.

- 4.14 Chapter 8 relates to green infrastructure and the natural environment. Policy G1 and Policy G5 require the inclusion of green infrastructure and urban greening as an integral part of development proposals. These can be achieved through design and landscaping. Proposals should meet a target Urban Greening Factor (UGF), to be set by each Borough. Policy G6 requires a biodiversity net gain for development proposals.
- 4.15 The scheme has been designed to ensure that the development accords with the above mentioned policies in terms of good design, landscaping, impact on neighbours, appropriate density, drainage, good environmental conditions for future occupiers, parking, waste and sustainability.

LOCAL POLICY

Hillingdon Plan Part 1: Strategic Policies

- 4.16 The Hillingdon Local Plan: Part 1 - Strategic Policies document was adopted in November 2012 and provides the strategic context for the borough's policies.
- 4.17 **Policy H1** states that the Council will meet and exceed its minimum strategic dwelling requirement, against a target of 425 dwellings per year, significantly below the current London Plan target. **Policy H2** seeks that the affordable housing mix reflects housing needs in the borough on sites with capacity of 10 or more units.
- 4.17 In regards to heritage the local authority aims to '*conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic*

landscape'. This is set out within **Policy HE1** and is achieved by encouraging the re-use and regeneration of such sites with a focus on listed buildings that are vacant or noted on the English Heritage's 'Heritage at Risk' register.

- 4.18 **Policy BE1** requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.
- 4.19 **Policy EM1** relates to climate change adaptation and mitigation and sets out a series of requirements to ensure that climate change mitigation is addressed at every stage of the development process
- 4.20 Safeguarding open space, and existing tree and landscape features is prioritised under **Policy EMP4**.
- 4.21 **Policy EM2** outlines its compliance with policies relating to protection and enhancement of the Green Belt as set out in the London Plan.

Hillingdon Local Plan Part 2: Development Management Policies

- 4.22 Hillingdon Local Plan: Part 2 – Development Management Policies was formally adopted in January 2020. It provides detailed development management policies that form the basis of the Council's decisions on individual planning applications.
- 4.23 **Policy DMH 2** states that provisions should be made for a mix of housing units of different sizes in schemes of residential development, including in particular units of three bedrooms.

- 4.24 **Policy DMHB 11** states that all development will be required to be designed to the highest standards and to harmonise with the local context, responding to the scale of existing development and architectural composition amongst other things.
- 4.25 **Policy DMHB 16** provides housing standards to ensure good quality living conditions.
- 4.26 **Policy DMHB 14** looks to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- 4.27 **Policy DMHB 18** sets private outdoor amenity space standards.
- 4.28 **Policy DMEI 4** relates to development in the Green Belt and aligns with national policy set out in the NPPF.
- 4.29 Chapter 8 relates to transport with parking standards set out at Appendix C.
- 4.30 Other relevant policies include:

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMEI 2 Reducing Carbon Emissions

DMEI 10 Water Management, Efficiency and Quality

DMEI 11 Protection of Ground Water Resources

DMEI 14 Air Quality

DMH 4 Residential Conversions and Redevelopment

DMHB 12 Streets and Public Realm

DMHB 15 Planning for Safer Places

DMHB 16 Housing Standards

DMHB 17 Residential Density

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

Hillingdon Local Plan Part 2: Site Allocations & Designations

- 4.31 The application site does not lie within the Green Belt as identified in the Hillingdon Proposals Map. The site has no allocations or designations that are outlined in the Hillingdon Site Allocations and Designations policy document.

5.0 THE DETERMINING ISSUES OF THIS APPEAL

- 5.1 The Local Planning Authority accepts that the following issues have been satisfactorily addressed. The Inspector is invited to refer to the officer's report to Committee annexed at Appendix 1. Relevant extracts are provided below, where appropriate, for ease of reference.

Principle of Development

- 5.2 The existing bed and breakfast is considered to constitute a form of serviced visitor accommodation. There are no Local Plan Policies which seek to protect existing visitor accommodation. Taking into consideration that other forms of visitor accommodation exist within the Borough, in more sustainable locations where there is a wider range of services and amenity provisions for visitors, the

loss of this bed and breakfast is considered to be acceptable in principle. It is also important to give weight to the fact that the provision of new housing within the Borough is supported within both the London Plan and Local Plan, so long as the proposed development complies with all other relevant planning policies and material planning considerations. Overall it is therefore considered that the principle of replacing the existing bed and breakfast with residential accommodation is acceptable, subject to the proposal being in compliance with relevant planning policies and material planning considerations.

Density

- 5.3 Numerical density levels are considered to be more appropriate to larger sites and are not typically used in the assessment of schemes of less than 10 units. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the locality and would respect residential amenity considerations, rather than the consideration of the density of the proposal.

Green Belt

- 5.4 The site itself is not within the Green Belt, however land on the opposite side of Pield Heath Road is designated Green Belt. Given the location of the proposed development, in the context of other existing built form, it is not considered that the proposal would cause harm to the character or openness of the Green Belt.

Noise

- 5.5 The provision of 7 additional residential units, when compared with a 9-bed bed and breakfast is not considered to lead to such a significant change in the local noise environment as to warrant a refusal of planning permission on this ground.

Air Quality

- 5.6 The site is designated within an Air Quality Management Area. In the event of an approval, a condition would be secured requiring the submission of an Air Quality Management Assessment to demonstrate how the above requirements have been addressed. Also, a condition would be secured requiring the submission of a Construction Management Plan to minimise air and other emissions caused during the construction phase.

Sustainable Construction and Use of Resources

- 5.7 In the event of an approvable scheme, a condition would be included to ensure details are submitted to confirm the sustainability credentials of the proposed development, including the type of renewable technologies that would be utilised. 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. This is important, particularly in light of the objections received relating to this issue. More information would also have been requested to clarify any confusion around the provision of solar panels and or green roofs at the site

Residential Quality

- 5.8 All of the proposed homes have been designed to be of high quality in terms of internal layout and design, having regard to standards set out in the London Plan and Local Plan, and all will meet or exceed minimum internal space standards.

Flood Risk and Drainage

- 5.9 The site is situated wholly within Flood Zone 1 and is at very low risk of surface water flooding. The use of the site for residential is therefore compliant with national, regional and local planning policy relating to flood risk.

External amenity space

- 5.10 Whilst each unit would not have private amenity space, the shared communal area is of sufficient size to accommodate the external amenity space needs of future residents.

Refuse

- 5.11 If the development were otherwise acceptable, full details of the proposed refuse store to be sited near the sites entrance (including its dimensions, external finishes and design would have been secured by condition

Affordable housing

- 5.12 The proposal is for less than 10 residential units and does not meet the threshold in order to require affordable housing provision.

Landscaping

- 5.13 The proposed site layout plan suggests that the proposal would have no adverse impact on significant trees. If planning permission were to be granted, it would be recommended that full landscaping details be secured via condition.

Ecology

- 5.14 The site does not contain any ponds, open woodland or dense scrub and shrubbery. There are no protected sites of ecological interest adjacent to the site. It is therefore considered that the likelihood of protected species being present at the site is low.

Flooding

- 5.15 Had this application been recommended for approval a SuDS condition would have been recommended for inclusion on the decision notice to ensure that water was adequately and appropriately managed on site.
- 5.16 The Local Planning Authority objects to the development on the grounds of:
- Impact on the character of the area
 - Impact on surrounding residents
 - Housing Mix
 - Impact on Highway Safety
- 5.17 It is therefore considered that these should constitute the determining issues in this appeal.

6.0 IMPACT ON THE CHARACTER OF THE AREA

- 6.1 The LPA contends in reason for refusal 1 that the proposal would fail to respect the character of the area. Furthermore, the proposed crown roof form would be at odds with the pattern of development in the area to the detriment of the character and appearance of the area.
- 6.2 The scale, bulk and siting of buildings are key determinants in ensuring that the amenity and character of established residential areas are not compromised by new development. The main constraints and opportunities of the site have been identified, in particular its relationship to neighbouring residential properties. The appellant contends that the proposed development has been informed by the criteria set out in the Local Plan. The development recognises the scale,

massing and roof form of surrounding buildings and this is reflected in the design of the resultant building.

- 6.3 The basic principle is to ensure that the resultant building will blend in and complement the prevailing character of the area. Adequate front garden and parking areas have been retained. Generous amenity space is maintained for use by the residents within the site. The development is sited broadly no closer to the side boundaries than the existing dwelling.
- 6.4 The inspector is invited to note that there is no prevailing architectural style in the area. Properties are typically detached and semi detached, with narrow gaps between, with detached properties randomly disbursed. Although there are a variety of architectural styles in the area, the common feature in the streetscape is of 2 storey dwellings with traditional facades, eaves and pitched roofs. It is submitted that the proposed building will keep it in line with these common architectural features.
- 6.5 In terms of bulk, the main façade of the resultant detached building would be similar in scale to properties prevalent in the area, The appellant therefore submits that in terms of impact on the street scene, the appeal plot enjoys sufficient width to accommodate the proposal, mirroring the design width and architectural style of surrounding built form, without causing undue harm to the visual amenities and character of the area.
- 6.6 The Inspector is invited to note that the proposal is set back by 27m from back edge of the footpath and will therefore not be readily visible from the public domain. The appeal proposal will therefore have no material adverse impact on the street scene.

- 6.7 The LPA refers to the proposal as being akin to backland or garden land development. However the Inspector is invited to note that the proposed building would be sited substantially in the footprint of the existing building and is therefore neither backland or garden development.
- 6.8 In terms of appearance, the roof has been carefully designed so as not to appear as an obtrusive, bulky and visually intrusive addition to the proposed building. The design of the roof is not unduly complex, nor does it result in a conflicting roof profile that would interrupt the prevailing pattern of roof scape within the area. The flat roof element (crown roof) is minimal and would not be readily visible from the public domain or surrounding gardens.
- 6.9 In addition, space between the resultant building and adjoining properties will be maintained to provide an important visual break, maintaining the quality of the established character and pattern of development in the street. Evidence will be provided to show that extensive negotiations between the appellant and the LPA have taken place, to reach an acceptable scheme, which was to be recommended for approval, until late in the determination process.
- 6.10 In terms of scale, no undue impact and bulky mass will be perceived when viewed from the rear of houses in adjoining premises. As such, the proposal will not detract from the amenity of surrounding occupiers.
- 6.11 The distribution of windows and doors reflect the vertical or horizontal emphasis of the original building. The fenestration is well proportioned and in keeping with the established pattern of surrounding dwellings. Materials would

respect the character of the surrounding built development. The proposal incorporates traditional eaves detailing to reflect the original building.

- 6.12 In conclusion, it is submitted that the proposal has been carefully and sensitively designed to blend in with the surrounding area and enhance it with a contemporary, simple yet elegant architectural style, in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.0 IMPACT ON NEIGHBOURS

- 7.1 The LPA argues that due to its height, bulk, depth and close proximity to surrounding properties, the proposed development is considered to cause a significant loss of outlook from the rear windows and garden of those properties.
- 7.2 However, the siting of the proposed development is located on the footprint of the existing guest house and its mass is scaled down to predominately 2 storeys, with a part third storey, to reduce impact on the nearby properties. From the rear gardens of surrounding properties, it is submitted that the building would not appear as an overbearing and visually oppressive structure to the detriment of the amenities of surrounding occupiers.
- 7.3 The Inspector is invited to note that a day and sunlight impact assessment has been submitted in support of the proposal. The report demonstrates that the proposal would cause no harmful loss of light or overshadowing to neighbouring properties. The results are accepted by the Council. The proposal is therefore

considered to be in compliance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

- 7.4 The Council is concerned that the east facing side elevation dormer (serving Flat 7's living room) would provide views into the rear windows and gardens of No.1 and No.2 Newlyn Close. However, a distance of approximately 19.5m, which is unlikely to cause a significant loss of privacy to adjoining residents. It is also noted that at present, low level first floor dormers serving a single guest bedroom, look toward the garden of No.3 Newlyn Close at a distance of approximately 21m. It is not considered that the proposal would cause a harmful loss of privacy to properties in Newlyn Close, due to overlooking and privacy loss.
- 7.5 With regard to views towards Pield Heath Road, the first floor front facing windows of Flat 4 (serving bedrooms) would provide views into the rear garden and windows of No.40. However, it should be noted that the existing building provides some views toward the garden and rear windows of the mentioned property. The proposed development is therefore not considered to cause a harmful loss of privacy to the residents of that property,
- 7.6 The side dormer windows serving principal rooms at second floor would also face the rear gardens of other properties on Pield Heath Road, as well as the neighbouring site at 2 Micawber Road. In the event that the Inspector is mindful to allow the appeal, obscure glazing conditions could be imposed to reduce overlooking to overcome any perceived harm to nearby neighbours.

- 7.9 In conclusion, it is submitted that the proposal is in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

8.0 HOUSING MIX

- 8.1 The LPA refused the appeal proposal on the basis that the proposed development fails to provide any three or more bedroom (family sized) units. Robust justification has not been provided to demonstrate that the provision of family sized units would be unsuitable or unviable optimise the site and provide a suitable mix of housing to support sustainable, inclusive and mixed communities.
- 8.2 Policy DMH 2 requires the provision of a mix of housing units of different sizes to reflect the Council's latest, information on housing need. The Council's current evidence indicates a borough-wide requirement for larger units, particularly 3 bedroom properties. However, it is submitted that this requirement for larger family units is best suited for large scale developments, where site constraints are less onerous.
- 8.3 The proposed scheme proposes No. 7 two bedroomed, three person flats. This represents a net gain of 7 residential units, which will make a valuable contribution to the Borough's housing stock. The appellant contends that there is a demand for this mix as of units, to cater for younger families Furthermore, the site is located close to Hillingdon Hospital and Brunel University, where demand for this size of units is high.

- 8.4 The Inspector is invited to note that the Council is able to identify a supply of specific deliverable sites that have the capacity to deliver 7,921 net additional dwellings over the next five years. This represents 144% of the minimum five year supply target with a 5% buffer (5511.188 dwellings) or a surplus of 1,379 residential dwellings against the target. Hillingdon can therefore demonstrate a 7.2 year supply of deliverable housing sites, meeting the requirements for a five year supply in Paragraph 74 of the National Planning Policy Framework (2021).
- 8.5 In light of the above, it is submitted that the Borough has adequate capacity to meet the requirement for family homes on more suitable sites. It is not considered that the lack of 3 bedroom apartments is not a sustainable reason to refuse the appeal proposal in this case. It is therefore submitted that the scheme does no conflict with Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).

9.0 HIGHWAY ISSUES

- 9.1 The LPA objects to the appeal proposal as no legal agreement is in place to prohibit future residents of the proposed development from applying to join the Council's on street parking management scheme.
- 9.2 The Inspector is invited to note that the Borough Highway Engineer did not object to the appeal proposal on this basis. Adequate on-site parking has been proposed, in line with Local and London Plan standards. However, should the Inspector be mindful to approve the scheme, the appellant would raise no objection to entering a Unilateral Obligation, preventing future occupants from

applying to join the Council's on street parking management scheme. As such, the Council's Parking Management Scheme would not be overutilised, or lead to roadside parking, congestion and reduced highway safety. The proposal would therefore be in compliance with Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T4 and T6 of the London Plan (2021).

- 9.3 The LPA further objects to the appeal proposal on the ground that the proposed vehicular access would create a hazardous and dangerous environment for pedestrians crossing the site and drivers leaving the site.
- 9.4 Again, the Inspector is invited to note that the Highway Engineer did not object to the re- use of the existing access, but raise concerns regarding 1-metre-high planting to the east and realignment of the existing wall to a new 900mm wall. This it was considered, would be too high and would block line of sight for vehicles exiting the site, which presents safety concerns for pedestrians from exiting vehicles. The appellant would raise no objections to a condition being imposed, in the event of an approval, limiting the realigned wall and planting to a maximum height of 0.6m. The proposal would therefore be compliant with Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy T4 and T6 of the London Plan (2021) and The London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022.

10.0 CONCLUSION

- 10.1 The Local Planning Authority has failed to demonstrate that harm of acknowledged importance would be caused the character and appearance of the

surrounding area and the visual amenities of the street scene. The scheme has been designed to ensure of good design, landscaping, minimal impact on neighbours, appropriate density, drainage, good environmental conditions for future occupiers, adequate parking, waste and sustainability in compliance with relevant policy and design guidance.

- 10.2 The proposal would make the best use of previously developed land without compromising the visual and residential amenity of the surrounding area, in compliance with National Planning Policy Framework (2021),
- 10.3 Whilst arguably 2 bedroom apartments are not considered to be family sized units, there is a significant identified need for two-bedroom units in the Borough. Notably, the scheme is not over dominated by studios and one-bedroom units, whilst providing a significant number of two-bedroom units, for which there is an identified need. It is concluded that the low proportion of family sized units represents a minor conflict with part of the Development Plan policies on housing size mix. However, this needs to be viewed in line with the scheme's other housing benefits, which includes 7 new units. Therefore, it is submitted that there is no overall objection raised to the residential composition of the scheme.
- 10.4 There would be no harmful loss of privacy, outlook, light or overshadowing to neighbouring properties. The proposal is therefore considered to be in compliance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

10.5 The appeal proposal would not lead to increased roadside parking, congestion or reduced highway safety. The proposal would therefore be in compliance with Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T4 and T6 of the London Plan (2021).

10.6 Should the Inspector be mindful to allow the appeal, the following matters could be addressed by imposition of suitably worded conditions:

- Details of external materials
- Details of car parking layout
- Details of bin storage area
- Details of fencing to rear gardens
- Details of sustainable drainage
- Secure cycle storage
- Sustainability Measures
- Air Quality and Construction Management Plan
- Obscure Glazing
- Realigned wall and planting to a maximum height of 0.6m

10.7 The Inspector is therefore respectfully requested to allow the appeal.

APPENDIX 1

OFFICER'S REPORT

APPLICATION FOR: 17611/APP/2022/993

42 FIELD HEATH ROAD HILLINGDON

COMMITTEE: Minor Apps PC

DATE: 8th December 2022

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

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

Address 42 PIELD HEATH ROAD HILLINGDON

Development: Demolition of a two-storey bed and breakfast, and the erection of a three-storey residential development comprising of seven flats, alterations to existing drop kerb, all associated external works and landscaping.

LBH Ref Nos: 17611/APP/2022/993

Drawing Nos: 555/B/09
555/B/01
555/B/02
555/B/03
555/B/04
555/B/05
555/B/06
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555/B/08
555/B/08

Date Plans Recieved: 23/03/2022

Date(s) of Amendment(s):

Date Application Valid: 23/03/2022

1. **SUMMARY**

Planning permission is sought to replace an existing two storey building serving a bed and breakfast, with a new building comprising 7no. 2-bed flats. The proposed works also include alterations to the site's existing dropped kerb, associated external works and landscaping.

During the course of the application, concerns were raised regarding the design of the proposal. Revised plans were received in an attempt to overcome the concerns raised. The proposed development is considered to be an improvement in comparison with the scheme originally submitted, however it is still unacceptable as proposed.

There is no objection, in principle, to the creation of additional residential units in this location in land use terms. However, concerns are raised that all of the proposed flats would provide 2no. bedrooms and no family accommodation.

Whilst the principle of residential development may be acceptable, the building is unacceptable as proposed. Due to its scale, bulk, design and backland location, the proposal would fail to integrate with the established character and appearance of the area, subsequently resulting in an incongruous and unduly prominent form of development, which would harm the visual amenities and character of the area. The proposal would also cause harm to the amenities of the occupiers of 1, 2 and 3 Newlyn Close, properties on Pield Heath Road and as far as Micawber Road, by reason of loss of light, outlook and privacy as well as a harmful sense of enclosure.

In addition, there are concerns that in the absence of a satisfactory legal agreement to

restrict future residents from applying for a parking permit to join the Council's on street parking management scheme, the proposal would give rise to parking stress. Further, the proposed access alterations would cause harm to the free flow of traffic on the local highway network and would prejudice pedestrian safety. An objection has been received from the Council's Highways Team in this regard.

For these reasons, the proposal is considered to be contrary to the development plan and is recommended for refusal as set out in section 2 of this Committee Report.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

Due to its depth, bulk, scale, massing, design and siting, the proposed building would form an oversized, uncharacteristic and visually incongruous form of development, which would fail to harmonise with the established character and appearance of the street scene and other backland/garden development in the vicinity. The proposal would therefore be detrimental to the visual amenities of the streetscene and character of the surrounding area, all contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

2 NON2 Non Standard reason for refusal

Due to its depth, size, siting and design, the proposed building would be overbearing and would lead to a harmful sense of enclosure and loss of outlook from the rear windows and gardens of 1 and 2 Newlyn Close, as well as significant overlooking and a harmful loss of privacy to the occupiers of 1, 2, 3 Newlyn Close, properties on Pield Heath Road and 2 Micawber Road. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

3 NON2 Non Standard reason for refusal

The proposed development fails to provide any three or more bedroom (family sized) units. Robust justification has not been provided to demonstrate that the provision of family sized units would be unsuitable or unviable. The proposal therefore fails to optimise the site and provide a suitable mix of housing to support sustainable, inclusive and mixed communities, contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).

4 NON2 Non Standard reason for refusal

No legal agreement is in place to prohibit future residents of the proposed development from applying to join the Council's on street parking management scheme. In the absence of such an agreement, the Council's Parking Management Scheme is likely to be overutilised, leading to roadside parking, congestion and reduced highway safety. The proposal would therefore be contrary to Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T4 and T6 of the London Plan (2021).

5 NON2 Non Standard reason for refusal

The proposed vehicular access would create a hazardous and dangerous environment for pedestrians crossing the site and drivers leaving the site. The proposal would

therefore be contrary to Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy T4 and T6 of the London Plan (2021) and The London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022.

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.

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 14	Air Quality
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G1	(2021) Green infrastructure
LPP G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP H1	(2021) Increasing housing supply

LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment

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

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The development site is located on the north side of Pield Heath Road. The site comprises a two storey building which is currently used as bed and breakfast accommodation. The building has been finished in brick and hung tiles. In terms of style it is low level and resembles an extended chalet bungalow. The building is well set back from the road and its frontage comprises off road parking and some soft landscaping.

To the immediate west of the site is 44 Pield Heath Road, which comprises a single storey, flat roofed, warehouse style building with rear service yard which is occupied by "Jet Clean" (a drainage and services maintenance company). To the east of the site is 40 Pield Heath Road a two storey semi detached property. The remaining area surrounding the site is predominantly residential with the exception of a few commercial uses. To the rear of the site are semi detached dwellings which make up Newlyn Close.

It is worth noting that at present the building which occupies 42 Pield Heath Road is uncharacteristically set back from other buildings on the main road. It does not follow the area's prevailing building line.

The site lies within the Hillingdon Air Quality Management Area and a Critical Drainage Area. It has a Public Transport Accessibility Level (PTAL) of 3.

Land to the south west of the application site (on the opposite side of Pield Heath Road) is

designated Green Belt. The application site itself is not within the Green Belt.

3.2 Proposed Scheme

Planning permission is sought to replace an existing two storey building serving as a bed and breakfast, with a new building comprising 7 flats. The proposed works also include alterations to the site's existing dropped kerb, associated external works and landscaping.

3.3 Relevant Planning History

17611/A/86/2181 42 Pield Heath Road Hillingdon
Householder dev. - two storey side extension

Decision: 23-01-1987 Approved

17611/APP/2001/726 42 Pield Heath Road Hillingdon
CHANGE OF USE OF FIRST FLOOR AND ONE ROOM ON GROUND FLOOR TO BED AND
BREAKFAST HOTEL.

Decision: 13-03-2007 NFA

17611/APP/2021/3834 42 Pield Heath Road Hillingdon
Demolition of a two-storey building with rear dormers used as an existing bed and breakfast,
and the erection of two-storey with loft floor residential development comprising of nine flats,
alteration to the existing drop kerb and all associated external works and landscaping

Decision: 02-02-2022 Withdrawn

17611/D/89/1520 42 Pield Heath Road Hillingdon
Erection of a first floor rear extension to provide 4 additional bedrooms, single storey rear
extension and conversion of existing garage to games room and utility room

Decision: 17-11-1989 Refused

17611/E/90/0861 42 Pield Heath Road Hillingdon
Erection of a side extension for use as a games room

Decision: 04-06-1990 Approved

17611/G/92/0560 42 Pield Heath Road Hillingdon
Change of use of part of residential dwellinghouse to bed and breakfast accommodation
(retrospective application)

Decision: 19-08-1992 Approved

17611/H/98/1976 42 Pield Heath Road Hillingdon
Removal of condition 4 (personal permission) of planning permission ref.17611G/92/560 dated
19/08/92; Change of use of part of residential dwellinghouse to bed and breakfast
accommodation

Decision: 23-12-1998 Approved

Comment on Relevant Planning History

The site's planning history is set out in section 3.3 of this report (above).

Planning permission was sought for 'Demolition of a two-storey building with rear dormers

used as an existing bed and breakfast, and the erection of two-storey with loft floor residential development comprising of nine flats, alteration to the existing drop kerb and all associated external works and landscaping' in 2021 under planning application No.17611/APP/2021/3834. The application was withdrawn before a decision was made.

4. Planning Policies and Standards

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)

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
PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMCI 7 Planning Obligations and Community Infrastructure Levy
DMEI 2 Reducing Carbon Emissions
DMEI 4 Development on the Green Belt or Metropolitan Open Land
DMEI 7 Biodiversity Protection and Enhancement
DMEI 10 Water Management, Efficiency and Quality
DMEI 11 Protection of Ground Water Resources
DMEI 14 Air Quality
DMH 2 Housing Mix
DMH 4 Residential Conversions and Redevelopment
DMHB 11 Design of New Development
DMHB 12 Streets and Public Realm
DMHB 14 Trees and Landscaping
DMHB 15 Planning for Safer Places
DMHB 16 Housing Standards
DMHB 17 Residential Density

DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G1	(2021) Green infrastructure
LPP G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
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 neighbouring properties were directly notified of the proposal on 11/04/22. Following the receipt of amended plans 27 neighbouring properties were directly notified on 05/10/22. During the consultation periods 27 letters of objection were received against the proposed development (this figure includes an objection from the lead petitioner and 2 Local Councillors).

Objections raised have been summarised below.

- 1) The proposal would represent an overdevelopment of the site and would be out of keeping with the character of the area;
- 2) The proposal would have an adverse impact on the amenities of neighbours due to light loss, privacy loss, noise and intensification of the site's use;
- 3) The proposal would have an adverse impact on the local highways network and pedestrian safety;
- 4) Insufficient vehicle parking is proposed and the proposed access changes are dangerous;
- 5) The proposal would block/interrupt emergency service routes due to parking over spill on the local highway or vehicles turning in the road;
- 6) The proposal would increase greenhouse gas emissions and worsen air quality;
- 7) The development would cause surface water flooding and drainage issues;
- 8) The proposed flat roof could be used as a garden;
- 9) The development would set a precedent for future harmful development in the area;
- 10) During construction, large vehicles would block the road delaying and halting pedestrian and vehicle movements;
- 11) The same concerns and objections raised to the original scheme apply to the amended scheme;
- 12) There is no refuse storage provision;
- 13) The proposal would put a significant burden on service provisions in the area (gas, water, electricity);
- 14) The proposal does not include solar panels or a green roof as mentioned in the Design and Access statement - some misleading and incorrect information has been included; and
- 15) Concerns that all comments received during the process of the application should be taken into consideration when the application is taken to committee.

In addition to the objections, a petition with 139 signatures has been received against the proposed development.

The petition states:

Objections include (but are not limited to):

- Increased traffic, congestion and air pollution;
- Decreased safety for children, pedestrians, road users of Pield Heath Road and side roads;
- Increased noise and intensity of use;
- Inadequate parking and impact of overflow parking on existing residents;
- Loss of privacy;
- Potential blocking or interruption of an ambulance route;
- Overdevelopment - failure to protect residential nature of local area.

The desired outcome is noted as:

Refusal of planning permission.

Planning Officer Response:

Issues relating to points 1-7 are considered in the main body of this report.

In response to point 8, had the application been recommended for approval a condition could have been recommended restricting the use of the building's roof for amenity purposes.

In response to point 9, any and all future applications would be dealt with on their individual merits

at the time of submission.

In relation to point 10, it should be noted that construction works are temporary and therefore so are the associated impacts. The Environmental Protection Act (1990) and Pollution Act (1974) are in place to ensure that construction works are carried out in an appropriate and environmentally friendly manner. Notwithstanding the above, if the recommendation had otherwise been to grant planning permission, a condition requiring a construction logistics/ construction management plan to be agreed with the Council would have been recommended, in order to minimise the impacts of construction on neighbouring residents and the environment as far as practicable.

In response to point 11, the amended scheme has been assessed in the main body of the report and is recommended for refusal for the reasons set out in section 2 of this report.

In response to point 12, a refuse storage area is shown near to the entrance of the site on the proposed plans. Had the application been recommended for approval, it is likely that a condition would have been recommended, requiring full details of the bin storage facilities (dimensions and external finishes).

In response to points 7 and 13, Building Regulations are in place to ensure that the proposal has no undue adverse impact on the area's utility infrastructure. In addition, had the proposal been recommended for approval, a condition could have been included to address drainage provision.

In response to point 14, the proposed floor plans show a green roof and solar panels. However the floor plans do not match the proposed roof plan. Had the application been recommended for approval the discrepancy would have been addressed by requesting amended plans. Additionally had the application been recommended for approval, a condition would have been recommended requiring full details of the green roof and solar panels.

In response to point 15, all comments received during the process of the application have been taken into consideration in this recommendation.

Internal Consultees

ACCESS OFFICER:

This flatted development proposal comprising 7 units has been reviewed against the requirements of London Plan Policy D7 and H2. All new housing must meet the technical specifications set out in Approved Document M to the Building Regulations 2010 (2015 edition). In view of the above H2 policy dispensation for lift access to the units above ground on small sites, no further accessibility concerns are raised subject to the following conditions attached to any approval.

Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit to all ground floor units 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 housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

The development hereby approved shall ensure that all ground floor units 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.

HIGHWAYS OFFICER:

An application has been received seeking planning permission to demolish the existing two-storey bed and breakfast and erect a stepped back three-storey residential development which will comprise of 7 x 2no. bedroom dwellings with alterations to the existing drop kerb, external works, and landscaping.

The development will provide 5no. on-site parking spaces, on-site cycle storage parking and electric vehicle charging points. The proposal site has a PTAL rating of 3 indicating that its access to public transport is moderate when compared to London as a whole suggesting that there will be some reliance on the private car for trip making. Pield Heath Road contains double yellow lines on either side of the road. Residential streets in close proximity to the site contain parking management scheme. The proposal site will retain the existing vehicle crossover.

42 Pield Heath Road will utilise the existing vehicle crossover, with some changes being made to it. However, the development wishes to introduce a 1-metre-high planting to the east and realign the wall to a new 900mm wall.

This would be too high and would block line of sight for vehicles exiting the site, which presents safety concerns for pedestrians from exiting vehicles. This is in breach of the published London Borough of Hillingdon's Domestic Vehicle Footway Crossover policy June 2022 which states that 'fences, walls and shrubs should be kept to a maximum height of 0.6m' and the published London Plan Policy T4 Assessing and mitigating transport impacts which states that 'development proposals should not increase road danger'.

As mentioned above the development will be on-site cycle storage parking for the residents. However, the submitted site plan dated 10/09/2022 makes no mention of the quantity that will be provided, which makes an accurate assessment difficult to do. For a development of this type to be within policy at least 12no. would need to be provided. Therefore, this proposal contradicts the London Plan 2021 Policy T5 Cycle which requires to developments 'provide the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located and be in accordance with the minimum standards'.

There are highways objections to this proposal because it would not be in accordance with the published London Plan 2021 Policies T4 Assessing and mitigating transport impacts, T5 Cycle and the published London Borough of Hillingdon's Domestic Vehicle Footway Crossover policy June 2022.

Planning Officer Response:

The above comments are noted. All comments have been taken into consideration and included in the main body of the report where necessary. The conditions recommended by the Access Officer would have been considered in the event of a recommendation to grant permission.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

PRINCIPLE OF DEVELOPMENT:

The existing bed and breakfast is considered to constitute a form of serviced visitor

accommodation.

The London Plan (2021) defines "Visitor Accommodation" as:

'Leisure and business accommodation that provides temporary overnight accommodation on a commercial basis, including serviced accommodation such as hotels, bed and breakfast, guesthouses, hostels and campus accommodation, and non-serviced accommodation such as self-catering apart-hotels, caravans and camping.'

The London Plan (2021) defines "Serviced Accommodation" as:

'In the context of visitor accommodation this includes hotels, bed & breakfasts, guest houses, and hostels where services such as catering and cleaning are provided to guests.'

There are no Local Plan Policies which seek to protect existing visitor accommodation. However, it is noted that the Hillingdon Local Plan Part 1 recognises at paragraph 5.22 that: 'Tourism is therefore a significant contributor to the borough's economy and meeting the needs of visitors, including provision of hotels, conference facilities and cultural activities, is an important consideration for Hillingdon. Visitors include tourists, business visitors, and friends/family of people living in the area, such as university students. Hillingdon benefits from tourism through employment and training opportunities, wealth creation and support for the local economy and culture.'

London Plan Policy E10 states:

'London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of outer London well-connected by public transport, taking into account the needs of business as well as leisure visitors'.

A sufficient supply and range of serviced accommodation should therefore be maintained.

Taking into consideration that other forms of visitor accommodation exist within the Borough, in more sustainable locations where there is a wider range of services and amenity provisions for visitors, the loss of this bed and breakfast is considered to be acceptable in principle. It is also important to give weight to the fact that the provision of new housing within the Borough is supported within both the London Plan and Local Plan, so long as the proposed development complies with all other relevant planning policies and material planning considerations.

Overall it is therefore considered that the principle of replacing the existing bed and breakfast with residential accommodation is acceptable, subject to the proposal being in compliance with relevant planning policies and material planning considerations.

HOUSING MIX:

Policy H10 of the London Plan (2021) states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes local evidence of need.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. Paragraph 4.6 outlines that there is a substantial borough-wide requirement for larger affordable and private market units, particularly three-bedroom properties.

Family housing, as identified in the Council's Strategic Market Housing Assessment is the type of housing most in need in Hillingdon. Family housing is defined within the glossary of the London Plan (2021) which outlines it must generally be of a size that has three or more bedrooms.

The proposed development includes 7 x 2 bedroom properties. There is no mix of housing proposed within the block. This is of concern, particularly as no justification has been provided to demonstrate that the provision of family sized units would be unsuitable or unviable as part of the redevelopment proposal.

The proposal would therefore not provide a suitable mix of housing to support sustainable, inclusive and mixed communities, contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.02 Density of the proposed development

Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 of the London Plan (2021) which states that Boroughs should proactively support well-designed new homes on small sites below 0.25 hectares in size.

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

Numerical density levels are considered to be more appropriate to larger sites and are not typically used in the assessment of schemes of less than 10 units. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the locality and would respect residential amenity considerations, rather than the consideration of the density of the proposal.

Please refer to the other sections of this Committee Report which assess these planning considerations in further detail.

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

Not applicable to the proposed development.

7.04 Airport safeguarding

Not applicable to the proposed development.

7.05 Impact on the green belt

As noted, the site itself is not within the Green Belt, however land on the opposite side of Pield Heath Road is designated Green Belt. Given the location of the proposed development, in the context of other existing built form, it is not considered that the proposal would cause harm to the character or openness of the Green Belt. However, this

is notwithstanding the significant concerns about the impact of the development on the character and appearance of the area more generally as detailed in this report.

7.06 Environmental Impact

NOISE FROM THE PROPOSED DEVELOPMENT:

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

The provision of 7 additional residential units, when compared with a 9-bed bed and breakfast is not considered to lead to such a significant change in the local noise environment as to warrant a refusal of planning permission on this ground. This is particularly the case as the site is located in close proximity to a commercial service yard and other commercial uses. The comings and goings may well be reduced when compared to the full occupancy levels of the existing bed and breakfast.

AIR QUALITY:

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals should demonstrate appropriate reductions in emissions. It adds that, development proposals should, as a minimum:

- i) be at least "air quality neutral";
- ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
- iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The site is designated within an Air Quality Management Area. In the event of an approval, a condition would be secured requiring the submission of an Air Quality Management Assessment to demonstrate how the above requirements have been addressed. Also, a condition would be secured requiring the submission of a Construction Management Plan to minimise air and other emissions caused during the construction phase. Given the recommendation to refuse, this information has not been requested.

SUSTAINABLE CONSTRUCTION AND USE OF RESOURCES:

Policy SI 2 of the London Plan (2021) states that 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 (2016 The London Plan).

In the event of an approvable scheme, a condition would be included to ensure details are submitted to confirm the sustainability credentials of the proposed development, including the type of renewable technologies that would be utilised. 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. This is important, particularly in light of the objections received relating to this issue. More information would also have been requested to clarify any confusion around the provision of solar panels and or green roofs at the site.

Subject to the above conditions, the proposal could 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).

7.07 Impact on the character & appearance of the area

Paragraph 126 of the NPPF (2021) seeks the creation of high quality, beautiful and sustainable buildings.

Paragraph 130 of the NPPF (2021) states 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Policies D1 and D3 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.

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states: 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: '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, height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.'

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the

surrounding area and provides design criteria as to how this would be achieved.

The development site is located on the north side of Pield Heath Road. The site comprises a two storey building which is currently used as bed and breakfast accommodation. The building has been finished in brick and hung tiles. In terms of style, the building is low level and resembles an extended chalet bungalow. The bulk of the building is well articulated and broken up as existing and it is well set back from the road. This helps the building to sit comfortably in its plot and context, despite failing to respond to the building line of neighbouring properties.

To the immediate west of the site is 44 Pield Heath Road, the site comprises a single storey, flat roofed, warehouse style building with rear service yard. The building is in commercial use. To the east of the site is 40 Pield Heath Road, a two storey semi detached property. The remaining area surrounding the site is predominantly residential with the exception of a few commercial uses. To the rear of the site are the semi detached dwellings which make up Newlyn Close.

The new building would be approximately 8.8m high, 15.5m wide and 16.8m deep. It would be finished in bricks, clay tiles and upvc window and would have a stepped frontage with triangular windows, rear and side dormers and a very large crown roof. It is also worth noting that a green roof with solar panels is proposed on the submitted second floor plan, however that plan does not match the roof plan. Were the application recommended for approval, this would have been resolved or conditioned, but does not change the outcome of the assessment as a whole.

Due to its oversized footprint and associated crown roof, uncharacteristic design, siting in the plot, increased height and increased overall depth when compared with the existing building, the proposed development would be harmful and excessive in context. The building would appear as an oversized form of backland development which would harm the appearance of the street scene and wider area. As the site does not follow the area's building line, the oversized building would be visually at odds with its neighbours from multiple public and private viewpoints. Its uncharacteristic size and nature would be exacerbated by the fact that the site rises from the main road to the building, increasing the prominence of the proposed building.

The proposed building would also be out of character when viewed against other backland/garden development in the area, as it is much larger in scale and bulk. The excessive footprint fills the plot and the bulk is unrelieved given the profile and envelope proposed.

The roofscape of the area is characterised by pitched roofs and this is evident in all views on and around the site. The proposed crown roof would therefore be out of character with the established roofscape of the area, adding to the bulk, massing and design concerns.

Together, the bulky crown roof, partially obscure glazed triangular bay windows, squat dormers, stepped and blocky rear elevation are considered to result in a contrived, poorly designed building, which has no similarity to other buildings in the area, making it an uncharacteristic and unsympathetic addition to the area in terms of its design.

For these reasons, the proposal is considered to be harmful to the character and appearance of Pield Heath Road and the surrounding area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHB

12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

7.08 Impact on neighbours

Paragraph 130 (f) of the NPPF (2021) states that new development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Hillingdon Local Plan Part 2: Development Management Policies (2020) Policy DMHB 11 sets out design guidance for all new development in the borough. Part B of the policy states 'development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.'

Guidance for Policy DMHB 11 states: 'The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary.'

Guidance for Policy DMHB 11 also states: 'For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook. Single aspect dwellings should be avoided.'

Due to its height, bulk, depth and close proximity to No.1 Newlyn Close, the proposed development is considered to cause a significant loss of outlook from the rear windows and garden of that property. Furthermore, from the rear garden the building would appear as an overbearing and visually oppressive structure to the detriment of their amenities. This sense of enclosure and feeling of the building towering over the garden would also impact No.2 Newlyn Close, next door.

The impact of the building on the rear gardens of properties on the Pield Heath Road would also be marked. The building would be closer to the boundary and much higher, with no articulation to the bulk due to the square envelope the building proposes. It is noted that the main amenity areas are set further away, but the change is notable and harmful given the proximity to this boundary. This sense of enclosure would also be unneighbourly and harmful.

The service yard of Jet Clean (44 Pield Heath Road) is located to the west of the site and the development. Whilst the bulk of the building would be particularly evident from this property due to its close siting to the boundary line and excessive size, height and footprint, it would not harm any living conditions and the commercial use could continue to function adjacent to the new building.

It is noted that a day and sunlight impact assessment has been submitted in support of the proposal (Ref: OPP-091175 DLSL2). The report demonstrates that the proposal would

cause no harmful loss of light or overshadowing to neighbouring properties. The results are accepted however, do not overcome the concerns raised regarding outlook, enclosure and overbearing impact. The proposal is therefore considered to be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

Overlooking is also a key issue and forms part of the amenity reason for refusal. The east facing side elevation dormer (serving Flat 7's living room) would provide views into the rear windows and gardens of No.1 and No.2 Newlyn Close at a distance of approximately 19.5m, causing a significant loss of privacy to its residents. This entire relationship is contrived, unacceptable and harmful.

It is accepted that at present, low level first floor dormers serving a single guest bedroom look toward the garden of No.3 Newlyn close at a distance of approximately 21m. This relationship is not considered directly comparable. The proposed development would result in the habitable first floor rear windows of flats 4, 5 and 6 looking toward the garden, as well as the roof level dormer windows of flat 7 (at a shorter distance). The proposal would therefore result in a significant increase in views toward No.3 Newlyn Close, from higher vantage points causing a harmful loss of privacy to the property's garden space and its rear elevation windows. The proposal is therefore considered to be detrimental to the amenities of No.3 Newlyn close, due to overlooking and privacy loss.

Despite attempts to obscure glaze views towards No.40 Pield Heath Road, the first floor front facing windows of Flat 4 (serving bedrooms) would still provide views into the rear garden and windows of No.40 (at distances of 15-16m). It is noted that the existing building provides some views toward the garden and rear windows of the mentioned property, however the views provided from Flat 4 would be more direct due to their position and the design of the windows. The proposed development is therefore considered to cause a harmful loss of privacy to the residents of that property, which would harm their amenities. The side dormer windows serving principal rooms at second floor level would also overlook the rear gardens of other properties on Pield Heath Road, as well as the neighbouring site at 2 Micawber Road.

The impact of the side dormer windows has been carefully considered as the Local Planning Authority could impose obscure glazing conditions to reduce overlooking. However, obscure glazing these windows would not be appropriate given the rooms they serve and the limited outlook provided to the rear by the smaller rear dormers. The quality of these rooms would be compromised to an unacceptable degree if an obscure glazing condition was used to overcome the harm to near neighbours. It is therefore concluded that the siting and design of the dormers and associated flats would be unacceptable and harmful and this is a result of the cramped, overly dense and poorly designed building.

7.09 Living conditions for future occupiers

INTERNAL AMENITY SPACE PROVISION:

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating specific measures, which includes ensuring adequate defensible space is provided.

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).

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 Policy D6 of the London Plan (2021) states that:

- A one storey dwelling with 2 bedrooms, 3 person occupancy should provide a GIA of at least 61 square metres;

and

- A one storey dwelling with 2 bedroom, 4 person occupancy should provide a GIA of at least 70 square metres.

Also of importance is Policy D6 (8) of the London Plan (2021) which states: The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

With this context in mind, each of the proposed flats would meet or exceed the floorspace requirements set out in Policy D6. Furthermore each unit would have the requisite floor to ceiling height. All habitable spaces would have good access to natural light and outlook.

All ground and first floor side elevation windows could be conditioned to be obscure glazed as they are secondary windows to their respective bedroom/kitchen/living room spaces. This would ensure future residents would have adequate privacy inside these rooms. Defensible space exists to the front of each ground floor front facing habitable room window, meaning that greenery could be erected via condition in order to ensure that front facing windows provide privacy for their occupants. Had the application been recommended for approval, such a condition would have been recommended for inclusion on the decision.

However, as discussed above, the second floor dormer windows could not be obscured without compromising the quality of the flats at this level.

For the above reasons, the proposal would provide satisfactory living conditions for future residents of the block itself, compliant with the policies noted above.

EXTERNAL AMENITY SPACE PROVISION:

Policy DMHB 18: 'Private Outdoor Amenity Space' of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that applications for residential development should provide adequate levels of private, well designed and located amenity space. The policy advises that 2 bedroom flats should be provided with 25sqm of private amenity space. The proposal includes 7x 2 bed flats and therefore requires 175sqm of amenity space.

Flats 1, 2 and 3 would be provided with private rear gardens ranging from 17m² - 21m². A 178m² shared amenity space would also be provided for residents of the scheme. Whilst each unit would not have private amenity space, the shared communal area is of sufficient size to accommodate the external amenity space needs of future residents and therefore

the amenity space provisions are considered to be acceptable, on balance.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

PARKING AND TRIP GENERATION:

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.'

Policy DMT 5 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'A) 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:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.'

Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

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 take precedence over those in the Local Development Plan, except where the Local Plan specifies lower local maximum standards.

The development site has a PTAL Rating of 3 and is located in Outer London. The London Plan advises that 1-2 bedroom properties in such areas should be provided with a maximum of 0.75 parking spaces per unit. The proposal includes the provision of 7no.x 2-

bedroom flats and therefore should provide a maximum of 5 parking spaces. 5 parking spaces are proposed, as such the development would comply with the maximum parking standards in the London Plan (2021).

Notwithstanding the above, the existing controlled parking zone and the ongoing demand for spaces in this area is a material consideration. Were the development otherwise acceptable, a legal agreement would be required to mitigate any potential impact on this already saturated on-street parking area. The legal agreement would be necessary to restrict future residents from applying for parking permits. To date, no such legal agreement is in place to prohibit new residents from applying for parking permits and as such, this has been included as a recommended refusal reason. The absence of such an agreement could lead to roadside parking, congestion and reduced highway safety, as the Council's managed on street parking spaces could be in further demand by new residents where demand already exceeds the supply of on-street spaces.

Taking into consideration the above, the proposal fails to comply with Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), as well as Policy T4 and T6 of the London Plan (2021).

It should be noted that the refusal reason relating to the completion of a legal agreement could be overcome, and a completed legal agreement would be accepted in the event of an appeal and/or resubmission.

ACCESS:

At present a 4.8m wide dropped kerb exists at the site with a crossover. The dropped kerb is slightly misaligned with the site's existing 3m wide vehicular access. The applicant seeks to widen the existing access from 3m to 3.4m. Additionally, the brick walled access would be brought closer to the road to align with the existing crossover. The height of the entrance brick wall would be to match the existing (stated to be 900mm).

The proposed access would be closer to the road and would not provide adequate visibility splays due to the brick walls proposed at the front of the site (which exceed 0.6m in height) and the fact that 1m planting is proposed behind the brick walls. The proposed access would therefore not allow vehicles exiting the site to adequately see people crossing the site. The new access would therefore endanger pedestrians and members of the public crossing the site.

It is noted that the existing access and crossover does not provide adequate visibility splays for those entering and exiting the site due to the excessive height of the brick walls at the site's entrance. However, this is an existing situation, which has served the bed and breakfast for sometime without causing notable harm to the local highways network. The proposal would result in more people at the site (on a permanent basis) and more vehicle movements in and out of the site (on a permanent basis when compared with the site's existing use). It is therefore considered that together the new access and proposed development would reduce pedestrian and highway safety despite the existing access having substandard visibility splays. As a redevelopment proposal, a higher standard and degree of safety must be secured and is unacceptable as shown.

The proposed access alterations are therefore considered to cause harm to pedestrian safety and the local highways network, contrary to Policy DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), as well as

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

ELECTRIC CHARGING POINTS:

Part G) of Policy T6 and part C) of Policy T6.1 of the London Plan (2021) state that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. Accordingly, one car parking space should be provided with an active electric charging point and the remaining four car parking spaces should be provided with passive electric vehicle charging infrastructure. The submitted plans suggest that all car parking spaces would have EV charging provisions in compliance with policy guidance. If planning permission were to be granted, the provisions would have been secured by condition.

ACCESSIBLE PARKING:

In accordance with the Accessible Hillingdon SPD, 10% of car parking spaces must be for blue badge holders (disabled users) which equates to 1 car parking space. If this application had been recommended for approval, a condition would have been secured to ensure that 1 disabled space is secured.

BICYCLE PARKING:

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of cycle parking for new residential developments. The Council's Highway Officer has advised: 'For a development of this type to be within policy at least 12no. [cycle parking spaces] would need to be provided.' A sizeable cycle store is to be located at the front of the site in an accessible location. No details have been provided regarding the external finishes and dimensions of the store, however the structure appears to be large enough to accommodate the requisite amount of cycle parking. Had this application been recommended for approval, full details of the dimensions, external finish and design of the cycle store would have been secured by condition.

REFUSE/RECYCLING COLLECTION:

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.

If the development were otherwise acceptable, full details of the proposed refuse store to be sited near the sites entrance (including its dimensions, external finishes and design) would have been secured by condition.

7.11 Urban design, access and security

London Plan (2021) Policy D7 states: 'To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3)

'wheelchair user dwellings'

2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

The Borough's Access Officer has reviewed the application and raises no objection, subject to the imposition of planning conditions. If planning permission were to be granted, it would be recommended that suitable conditions be attached to ensure compliance with the above standards.

7.13 Provision of affordable & special needs housing

Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that housing provision is expected to include a range of housing to meet the needs of all types of households, and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Local Plan. For sites with a capacity of 10 or more units, the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units. This is supported by Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

The proposal is for less than 10 residential units and does not meet the threshold in order to require affordable housing provision. As such, the proposal is not contrary to Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) in this respect.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING:

Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

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.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

The proposed site layout plan suggests that the proposal would have no adverse impact on significant trees. If planning permission were to be granted, it would be recommended that full landscaping details be secured via condition.

ECOLOGY:

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and

enhancement of the site or feature of ecological value.

The site does not contain any ponds, open woodland or dense scrub and shrubbery. There are no protected sites of ecological interest adjacent to the site. It is therefore considered that the likelihood of protected species being present at the site is low.

In the event of an approval, an informative would be secured advising that should protected species be found at the site, the applicant(s) must fulfill their duties under the Wildlife and Countryside Act 1981 (as amended).

7.17 Flooding or Drainage Issues

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.

Notwithstanding the above, the site is located within a Critical Drainage Area. Had this application been recommended for approval a SuDS condition would have been recommended for inclusion on the decision notice to ensure that water was adequately and appropriately managed on site.

7.19 Comments on Public Consultations

Comments received in response to the public consultation have been summarised in section 6 (above) and addressed within the relevant sections of the report.

7.20 Planning obligations

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 charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of new dwellings and is therefore CIL liable if planning permission were to be granted.

7.21 Expediency of enforcement action

Not applicable to the proposed development.

7.22 Other Issues

Not applicable to the proposed development.

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 to the proposed development.

10. CONCLUSION

For the reasons set out in this report, it is considered that the proposed development would conflict with national, regional and local planning policies and guidance. The provision of 7 dwellings would not outweigh the identified harm. Consequently, it is recommended that the application be refused for the reasons set out in section 2 of this report.

11. 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)
National Planning Policy Framework (NPPF) (July 2021)
National Planning Practice Guidance (NPPG)
Technical Housing Standards - Nationally Described Space Standard (2015) (as amended)

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