

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No.	Report of the Interim Director of Planning, Regeneration & Public Realm	
Address:	LAND ADJACENT TO 1A NICHOLLS AVENUE HILLINGDON	
Development:	Erection of a single building encompassing three self-contained, independent dwellings over two levels (two 1-bedroom ground floor units and a second floor two-bedroom unit) plus associated access, parking and landscaping.	
LBH Ref Nos:	54817/APP/2022/2568	
Drawing Nos:	Design and Access Statement NA03-01 Location Plan NA04-01 Proposed Site Layout Plan NA04-01 Existing Site Layout Plan NA05-04 Carport Elevations and Plan Covering Letter NA05-01 Proposed elevations NA07-01 Ground floor layout NA07-01 First floor layout NA08-01 Longitudinal section NA05-03 Building Shadow	
Date Plans received:	15-08-22	Date(s) of Amendments(s):
Date Application valid	15-08-22	

1. SUMMARY

This application seeks planning permission for the erection of a single building encompassing three self-contained, independent dwellings over two levels; including two 1-bedroom ground floor units and a second floor two-bedroom unit, plus associated access, parking and landscaping.

The proposal follows two previous refusals for similar development at the site. The most recent application was refused planning permission and dismissed at appeal on the grounds that the development would cause harm to the character and appearance of the area, the local highways network and pedestrian safety. The development was also considered to cause harm to the amenities of future residents due to its provision of inaccessible and poorly designed ground floor bathrooms, however the inspector considered that this reason could be overcome (APP/R5510/W/19/3232504).

This scheme differs from the previous refusal (appeal scheme) in that:

- The building has been redesigned, the proposed 2 and half storey entrance bay has been replaced with a 1 and half storey entrance bay. The crown roof has been replaced with a

valleyed/butterfly roof. Externally the building would be finished in brick and render instead of just brick

- The rear garage has been replaced with parking bays
- The building has been reduced by approximately 1m in height
- Internally the building has been reconfigured however it still contains 3 flats
- The parking space at the front of the site has been removed and the space has been used to widen the access road

Overall it is considered that whilst this scheme is an improvement on the previous scheme, due to its design and size the proposed development would form a harmful addition to the character and appearance of the area. Furthermore the proposal would have a detrimental impact on the amenities of neighbouring properties. It would also provide an excessive amount of parking and an unacceptable housing mix which includes no family sized dwellings. For these reasons the development is considered to be contrary to planning guidance in the Local Plan, London Plan and NPPF.

A detailed assessment of the applications acceptability has been carried out below.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

Due to its design, depth, bulk and scale, the resulting building, including its roof, would form an oversized, uncharacteristic and visually incongruous form of development which would fail to harmonise with the established character of the area and appearance of the street scene and locality. The proposal would therefore be detrimental to the visual amenities of the streetscene and the character and appearance of the surrounding area, all contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and paragraphs 130 (a) and (c) of the NPPF (2021).

2. NON2 Non Standard reason for refusal

The proposed first floor side elevation bedroom window facing No.1a at Nicholls Avenue would lead to an unacceptable loss of privacy to users of the space, adversely impacting on the amenities of the occupiers of the property. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and paragraph 130 (f) of the NPPF (2021).

3. NON2 Non Standard reason for refusal

The proposal includes no provision of family sized residential units (3 bedrooms or more) nor justification as to why such units cannot be included in the proposed development. The proposal therefore consists of a unsuitable housing mix contrary to Policies DMH 2 of the Hillingdon Local Plan: Part Two - 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

The proposed development includes an over provision of vehicle parking and therefore fails to

promote sustainable forms of transportation. The proposed additional vehicle crossover would endanger pedestrians crossing the site as well as vehicle users entering and exiting the site. Insufficient electrical vehicle charging points would be provided for the proposed development. For these reasons, the proposal would be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy T4 and T6 of the London Plan (2021).

INFORMATIVES

1. I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2. 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

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.

DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space

DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
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
DMEI 12	Development of Land Affected by Contamination
DMEI 10	Water Management, Efficiency and Quality
LPP SI13	(2021) Sustainable drainage
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

3. CONSIDERATIONS

3.1 Site and Locality

The proposed development site is located on the north side of Nicholls Avenue, Hillingdon. The site comprises an empty parcel of land with vegetation. The surrounding area is residential comprising bungalows and a few two storey dwellings. Buildings are finished in brick, render or mixtures of both. The majority of properties are set back from the street and they small front gardens and off street parking. Property frontages vary between hedging and low brick walls.

The development site is located within an area with critical drainage issues. It has a PTAL rating of

2 and is also located upon potentially contaminated land.

3.2 Proposed Scheme

Planning permission is sought for the erection of a single building encompassing three self-contained, independent dwellings over two levels; two 1-bedroom ground floor units and a second floor two-bedroom unit, plus associated access, parking and landscaping.

3.3 Relevant Planning History

54817/APP/2018/4476 LAND ADJACENT TO 1A NICHOLLS AVENUE HILLINGDON

Two storey building comprising of 2 x 1-bed and 1 x 2-bed self-contained flats with associated parking and amenity space and detached double garage to rear.

Decision: 15-02-2019 Refusal **Appeal:** 21-10-19 Dismissed

73146/APP/2017/3154 1 NICHOLLS AVENUE HILLINGDON

Two storey, detached dwelling with habitable roof space, single storey building to rear for use as a multi car garage and a store with associated access and amenity space

Decision: 09-03-2018 Refusal

54817/APP/2005/2100 LAND ADJACENT TO 1A NICHOLLS AVENUE HILLINGDON

DETAILS OF MATERIALS; IN COMPLIANCE WITH CONDITION 2 OF PLANNING PERMISSION REF:54817/APP/2000/433, DATED 25/07/2000 (ERECTION OF A FOUR-BEDROOM DETACHED HOUSE)

Decision: 22-04-2009 No Further Action(P)

54817/APP/2000/433 LAND ADJACENT TO 1A NICHOLLS AVENUE HILLINGDON

ERECTION OF A FOUR-BEDROOM DETACHED HOUSE

Decision: 25-07-2000 Approval

Comment on Planning History

The sites planning history is set out in section 3.3 of this report.

Proposals for other residential schemes comprising a single building have been refused at the site (73146/APP/2017/3154, 54817/APP/2018/4476). The latter sought permission for flats 'Two storey building comprising of 2 x 1-bed and 1 x 2-bed self-contained flats with associated parking and amenity space and detached double garage to rear' and it was dismissed at appeal for the following reasons:

5.The size and design of the proposed building would be at odds with this predominant character and would also fail to respond to the adjacent two-storey property in terms of size, design and layout.

6. The two-storey projection to the front, with its squat roof, and the crown roof to the main building, are not characteristic of the adjacent development or surrounding area. They result in the building having a substantial, bulky and imposing appearance. Considering this and the proximity of the building to the front boundary it would be a dominant and incongruous addition within the streetscene.

7. It is acknowledged that the adjacent properties to the west have gable ends closer to the road. However, those properties are bungalows and they are significantly lower in height and therefore less imposing than the proposed development.

8. Whilst the provision of parking to the site frontage would not be out of keeping with the surrounding area, due to the limited set-back of the building and provision of bin and bike storage, the site frontage would appear cluttered and lack the openness that is characteristic of properties in the vicinity of the site.

9. The landscaping areas to the frontage are limited and would provide little visual relief. The appellant considers the Council's minimum standards in relation to landscaping could be achieved and bin/cycle stores relocated, and that these matters could be addressed by condition.

10. However, even when considering the indicative sketch provided by the appellant as to how this could be achieved, due to the limited depth of the frontage, and extent of hard surfacing required for parking and access, I consider the landscaping would still appear limited and fragmented. This could not be dealt with by a condition as it would require significant amendments to the proposal and may impact on-site parking provision.

11. The site is large, and the proposed dwellings would achieve minimum internal space standards and garden sizes. However, this would do little to mitigate the visual harm caused by the overall scale and design of the proposed development.

12. Therefore for the reasons stated the development would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, (LP) which requires all new development to achieve high quality design and make a positive contribution to the local area and, Policies BE13, BE19 and BE38 of the Hillingdon Local Plan: Part Two- Unitary Development Plan 1998 saved Policies, 2012,(UDP) which seek to ensure developments harmonise with the streetscene, complement or improve the character of the area and provide new planting and landscaping, as supported by the Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential Layouts 2006 (SPD)....

18. The provision of adequate visibility splays at the site has not been demonstrated. The boundary treatment and positioning of the building, with parking and other obstructions to the frontage, would restrict forward visibility both into and out of the site. Whilst there may be sufficient space for vehicles to turn within the rear of the site, the access proposed is long and it would be of insufficient width to allow two vehicles to pass one another.

19. In addition, it is not clear if sufficient space would be available for pedestrians who will also need to utilise the access. The main entrance to Flat 1 is directly off the vehicular access and it would also provide the only link between Flat 3 and its associated parking and garden area.

20. Due to the restricted visibility it is likely that users would not become aware of each other until either at, or close to, the point of conflict. Even if users were aware of each other the lack of ability to pass on the access would result in an increased need for vehicles to reverse out onto the highway. This would affect the free flow of traffic along Nicholls Avenue and prejudice pedestrian

safety.

21. The proposal would also require the creation of a new vehicular access over the existing footpath. I saw on my site visit that there are many examples of dropped kerbs in the vicinity of the site which are of double width or wider.

22. There is an existing crossover at No 1A Nicholls Avenue, and the appeal scheme would introduce a new crossover directly adjacent to this. These crossovers would only serve one dwelling each, and considering the low level of vehicular movements, and that pedestrian refuge would still be available to the site frontage, I do not consider this aspect of the appeal scheme would result in harm to pedestrian or vehicular safety. I note the Highways Officer has also raised no concerns in this regard.

23. Whilst I have not found harm in relation to the proposed crossover, I have found that due to the proposed level of use of the existing access, its restricted width and visibility onto / from the main highway, the proposal would result in harm to pedestrian and vehicular safety. I am not convinced that these matters could be addressed without significant alteration to the proposal and therefore they could not be addressed by condition.

24. The development is therefore contrary to Policy AM7 of the UDP, which seeks to ensure that developments do not prejudice the free flow of traffic and highway or pedestrian safety.'

The proposed development also comprises a two storey building for flats and it is considered to be harmful to the character and appearance of the area for the reasons set out below (alongside other reasons). The dismissed appeal is therefore a material consideration as part of this application and weighs in favour of this refusal.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

15 neighbouring properties were directly notified of the proposed development on 07/09/2022. The consultation period expired on 28/09/22. During the process of the application concerns were raised regarding the accuracy of the site address. After agreement from the applicant, the site address has been changed from 1 Nicholls Avenue to Land Adjacent to 1A Nicholls Avenue. Following the minor address change neighbours were re-notified of the proposal on 21/10/22 and given 14 days to respond. 1 letter of objection was received in response to consultation on the application and that letter has been summarised below.

1)The rear fence/boundary of 97 Harlington Road and 91 Harlington Road are installed in the correct location as detailed on the Land Registry General Map TQ0782 1965 and the registered boundary in the title deeds of 97 Harlington Road Title No. MX92017 11/80. The claim on the submitted layout drawings that the boundary is positioned in a different location is FALSE. The rear fence is correctly located as per the property title deeds. It should also be noted that the fence is not new (as indicated) the concrete posts were installed approx. 25-30 years ago. We strongly dispute the false boundary claim on the submitted drawings/application. With regards to the development, we have no objection to the building on the empty land with the fence/boundary correctly located,

unchange from its current position.

Officer Response: Issues regarding the developments impact on parking provision, highway safety, neighbouring amenities, the amenities of future occupiers, family housing provision and the visual amenities of the area have been addressed below. The mentioned boundaries are located to the east of the site. The proposed development appears to be within the confines of the development site (red line plan), planning history for the development site also mirrors the site confines shown on the submitted plans. Notwithstanding this point, had the application been recommended for approval further clarity would have been sought regarding the extent of neighbouring boundary confines and treatments. Furthermore had the application been recommended for approval the suggested conditions from consultees would have been added to the decision notice.

CONSULTEE COMMENTS

Highways Officer: Objection subject to conditions. Their full comments have been outlined in section 7.3 of this report.

Access Officer: No Objection subject to conditions. Their full comments have been outlined in section 7.5 of this report.

6. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.H1	(2012) Housing Growth

Part 2 Policies:

DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
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LPP T6.1	(2021) Residential parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

In addition: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

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

The National Planning Policy Framework (NPPF) (2021) and the London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022 are material considerations in the determination of this application.

7. MAIN PLANNING ISSUES

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

Local Plan 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'.

Paragraph 5.65 of the Local Plan (2020) states that 'A habitable room is defined as a room within a dwelling, the primary use of which is for living, sleeping or dining. This definition includes living rooms, dining rooms, bedrooms, studies and conservatories but excludes halls, corridors, bathrooms and lavatories. For the purpose of this policy, kitchens which provide space for dining and have windows, will be considered habitable rooms and should be fully considered as part of the assessment of amenity impacts.'

At present two storey properties within the area provide views into neighbouring gardens and at the front they provide long distance views toward properties on the other side of the road. Due to its design and location the front and rear windows of the building would provide similar views to the neighbouring dwellings, as such there would be no adverse increase in overlooking or privacy loss caused by those windows.

The proposed building is two storeys in height and it has been carefully located so that it does not dissect a line drawn at 45 degrees from the habitable room windows of any neighbouring property. It is therefore unlikely to lead to any harmful loss of light or outlook to neighbouring properties. It is noted that No.1a Nicholls Avenue has a first floor side window which would look toward the proposed building. The window is obscure glazed and therefore the proposal would lead to no harmful loss of outlook from the window. A shadow plan has been submitted in support of the application suggesting that it would have no significant adverse impact on neighbouring property and for most of the year it would cast shadows on the flank wall of No.1a (containing the obscure glazed window). The development is therefore considered to cause no harmful overshadowing or loss of light to the habitable spaces of its neighbours.

The proposed garage would be sited some distance from the rear walls and windows of the neighbouring property, due to its 3m height and separation distance (12m plus), it is unlikely to cause any harmful loss of light or outlook from the neighbouring property (1a) or any other neighbouring property. Other properties in the area, including the nearest neighbour (1a) have side accesses which lead to rear garages, as such the proposal is not considered to give rise to any unusual movements which would cause significant noise or disturbance .

The proposed rooftop garden has a screened perimeter to ensure that no overlooking is achieved toward its nearest neighbours.

Notwithstanding the above, the proposed dwelling includes a first floor side elevation window serving a bedroom. This was not part of the previously refused/dismissed proposal. The window would provide views (albeit relatively oblique) into the first floor bedroom window of No.1a Nicholls Avenue, causing a harmful loss of privacy to users of the room which would harm their amenities. The proposal is therefore considered to cause harm to the amenities of No.1a Nicholls Avenue.

Overall It is considered that the proposal would cause harm to the living conditions of the occupier's of No.1a Nicholls Avenue. Consequently, it would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 -

Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic policies states that a high quality design should be achieved in all new buildings, alterations and extensions, and states that schemes should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas.

Local Plan Policy DMHB 11 states:

'A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities'.

Table 3.2 of the London plan sets out design guidance for new housing development in the City. It states 'The layout of the scheme (including spaces between and around buildings) should form a coherent, legible and navigable pattern of streets and blocks'.

Paragraph 124 of the NPPF (2021) states:

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places."

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'.

The site comprises an empty parcel of land with vegetation. The surrounding area is residential comprising bungalows and a few two storey dwellings. Buildings are finished in brick, render, pebble dash, hung tiles or mixtures of the mentioned materials. The majority of properties are set back from the street and they front gardens and off street parking. Property frontages vary between hedging and low brick walls, railings and gates are also not uncommon. The building line for the area is consistent and the ridge line rises and falls between one and two storeys. The simple pitched roof designs of all properties are visible from the street.

Planning permission was refused at the site in 2019 for a similar development. The scheme was also dismissed at appeal by the planning inspectorate on character and appearance grounds (54817/APP/2018/4476).

In terms of design, this scheme differs from the previous refusal in that:

- The building has been redesigned, the proposed 2 and half storey entrance bay has been replaced with a 1 and half storey entrance bay. The crown roof has been replaced with a valleyed/butterfly roof. Externally the building would be finished in brick and render instead of just brick
- The rear garage has been replaced with parking bays
- The building has been reduced by approximately 1m in height
- The parking space at the front of the site has been removed and the space has been used to widen the access road

Whilst improving the scheme in terms of height, the proposed changes have resulted in other design issues which would be detrimental to the character and appearance of the area and which were not of relevance in the previous dismissed appeal.

The proposed valley style roof is overcomplicated and contrasts with the simple designs of other roofs in the area. Due to its depth, location and height, the unusual design of the roof would be clearly visible when travelling from east to west on Nicholls Avenue causing adverse harm to the streetscene. Due to its small eaves to ridgeline (when viewed from the front) it would also appear as undersized, making the property appear bottom heavy and unbalanced. The property would be further visually unbalanced by the oversized projecting front gable on its front elevation. The front gable seeks to mirror other gables on the road, however due to its large roof, depth, excessive width, height and siting on the front of a two storey property, it is considered to result in a property that is contrived and architecturally confused between being a bungalow and two storey dwelling. The proposed first floor roof garden would add a uncharacteristic feature to the area.

At the rear, due to its 3m height, 70sqm footprint and siting in the middle of the development site (which would appear to be split for two uses), the rear garage would fail to follow the established pattern of garden development in the area, which is made up of smaller buildings sited to the most rear of their sites, well away from the sites main building.

Broadly, in attempting to resolve issues as raised by in the Inspector in terms of the previous proposal being "at odds with this predominant character" and failing "to respond to the adjacent

two-storey property in terms of size, design and layout" and issues associated with the "two-storey projection to the front, with its squat roof, and the crown roof to the main building" leading to "a substantial, bulky and imposing appearance". the current scheme has not resolved or introduced other design and character issues.

For the reasons mentioned above the resulting building is considered to be of poor design and the development would be significantly harmful to the character and appearance of the area and contrary to Policies DMHB 11 and DMHB 12 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020), Polies D1, D3, D6 and D8 of the London Plan (2021), as well as paragraphs 124 and 130 of the NPPF (2021).

7.3 Traffic Impact/Pedestrian Safety

Paragraph 109 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 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 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

The previous scheme at the site was refused and dismissed at appeal on highways grounds (see section 4 of this report). In terms of its highways impacts this scheme differs from the previous scheme in that:

- The rear garage has been replaced with parking bays
- The parking space at the front of the site has been removed and the space has been used to widen the proposed access road
- a new cross over is still proposed to provide 1 parking space at the front of the site
- 5 parking spaces are now proposed instead of 4

Car parking

The Boroughs Highways and Traffic Officer has been consulted on the proposed development and has raised objection,

The development will make provision for 5no. parking spaces, 4 x cycle sheds and 4 x passive electric vehicle charging points. The proposal site has a PTAL rating of 2 indicating that its access to public transport is poor when compared to London as a whole suggesting that there will be a strong reliance on the private car for trip making. Parking along Nicholls Avenue does not contain any parking restrictions. Furthermore, parking is heavily limited due to the presence vehicle crossovers and dropped kerbs. One side of the road contains double yellows along it.

The published London Plan 2021 Policy T6.1 Residential Parking requires that development proposals must comply with the relevant parking standards. For a development of this type, a 2 x 1no. bedroom and a 1 x 2no. bedroom dwellings with a PTAL ranking of 2 the maximum number of car parking spaces permitted would be 2.25no. therefore the 5no. proposed are not in accordance with this policy.

The proposal will be providing 4 x passive electric vehicle charging points, though, to be within policy active points would have to be provided. This contradicts the published London Plan 2021 Policy T6.1 Residential Parking which requires that '20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces'.

Taking into consideration the submitted plans and above comments it is considered that the proposal would result in a significant oversupply of parking. Thus it would fail to promote sustainable forms of transportation and it would encourage vehicle use and this forms a reason for refusal.

Cycle parking

The development will be providing 4 x cycle sheds for the 3no. dwellings. However, the amount of onsite cycle parking cannot be found as no details have been provided. Furthermore, there is a departure from the minimum standard as 2no. cycle spaces per dwelling would need to be provided to be within policy. Therefore, it is difficult to determine how this proposal would be in accordance with the London Plan 2021 Policy T5 which requires 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'.

Notwithstanding, sufficient cycle parking could be provided on site via further details secured via condition and as such, no objection is raised.

Access

The London Borough of Hillingdon Domestic Vehicle Footway Crossover Guidance is a material planning consideration. The guidance for a second crossovers states:

"To limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one crossover will be permitted per property and requests for additional crossovers will generally be refused. This is on the basis that reasonable access already exists as a result of the construction of the first crossover and the common law right of access has been met.

However, a second crossover may be permitted where all relevant planning, highway safety and amenity criteria have been satisfied and:

- Where a second crossover would allow vehicles to enter and exit in a forward gear.
- The property frontage abutting the highway is at least 12m wide.
- There is no practical loss of on-street parking or amenity from a second access, and it is possible

to park a vehicle between the two points of access min distance of 5m.

Subject to 4.3 below, where applicants are applying for two adjoining crossovers (e.g., for 2 adjoining properties), or where a new crossover will join an existing one (e.g., a neighbour's crossover), a maximum of 5m flat section will be allowed for each new crossover (refer to Fig 5). This requirement will also apply where the occupiers of two adjoining properties share a driveway and wish to build a double width crossing to serve the two sites or if one owner only requires an extension."

The second crossover to facilitate a fifth parking space is unnecessary as an existing functioning crossover exists and significant oversupply of parking is proposed. Furthermore the crossover includes no off road turning space and is tight to the footpath and main road, meaning that it would not allow for a car to enter and exit the site in a forward gear. It includes the extension of No.1a's crossover resulting in a crossover which exceeds 5m contrary to guidance mentioned above. Pedestrians would have no safe island or place of refuge when walking across the oversized crossover (which would serve the new flats and no.1a) reducing their safety and increasing the chances of collisions.

Conclusion

For the reasons mentioned above the proposal is considered to be contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy T4 and T6 of the London Plan (2021).

7.4 Carparking & Layout

See section 7.3 of this report.

7.5 Urban Design, Access and Security Considerations

ACCESSIBILITY

The Borough's Access Officer was consulted on the application and provided the following comments:

'This proposed residential development is subject to compliance with London Plan policy D7 and H2. All new housing should be designed and built to be accessible and adaptable, subject to the requirements of these policies. Any grant of planning permission should include the following conditions: Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building. REASON To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021). The ground floor dwellings hereby approved must be constructed to meet the standards for a Category 2, M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015. REASON: To ensure that an appropriate standard of housing stock, in accordance with London Plan policy D7 and H2, is achieved and maintained.'

It is agreed that subject to the mentioned conditions the proposed building would be appropriately accessible for existing and future residents. Had the application been recommended for approval the mentioned conditions would have been added to the decision notice.

INTERNAL LIVING ACCOMMODATION

London Plan Policy D6 (F) states: Housing developments are required to meet the minimum floor space standards below which apply to all tenures and all residential accommodation that is self-

contained. The internal floor space and size of the proposed flats are set out below.

2 x ground floor flats - 1bed, 2person, 55sqm of internal floor space proposed.

1x first floor flat - 2bed, 4 person, 96sqm of internal floor space proposed.

Each of the proposed flats would meet the internal floorspace standards set out in Policy D6 of the London Plan (2021).

EXTERNAL LIVING ACCOMMODATION

Furthermore, the Council's Local Plan (2020) Policy DMHB 18 states that new residential developments should provide an adequate level of private amenity space for occupiers that is of good quality and usable. The policy advises that 1 bed flats should provide 20sqm of amenity space and 2 bed flats should provide 25sqm.

Paragraph 5.70 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states:

"Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building. Houses and ground floor flats should have private gardens. The Council is keen to improve the quality of housing in the Borough and therefore communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits."

2 x 1 bedroom flats are proposed requiring 20sqm of amenity space each, 1 x 2 bed flat is proposed requiring 25sqm. A total of 65sqm of private amenity space is therefore required for the proposed development split accordingly.

Each property would have private amenity space, alongside access to a 103sqm semi private communal garden. Had the application been recommended for approval a condition would have been added requiring landscaping details to ensure that the private gardens were private. Ultimately the proposal is considered to provide sufficient and acceptable external amenity space for its future residents.

Taking into consideration the above, the proposal would be contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 (f) of the NPPF (2021).

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

The NPPF and Local Plan support making better use of land and increasing the Borough and countries housing supply. The principle of developing this redundant parcel of land for residential purposes is therefore considered to be acceptable in principle.

HOUSING MIX:

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

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 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 is defined within the glossary of the London Plan (2021) and outlines it must generally be of a size that has three or more bedrooms.

The proposed development includes no family sized units (defined above), nor is there any justification as to why a 3 bedroom family sized dwelling cannot be provided. The housing mix is therefore inappropriate and unacceptable.

It is noted that this refusal reason was not on the previous application which was also dismissed at appeal, however since that refusal the London Plan 2021 and the Local Plan 2020 Development Management Policies have been adopted. Within the Local Plan there is an identified need for more family sized housing in the borough (3 bedrooms or more). This currently vacant site, where 3 small flats are proposed provides an opportunity to help in addressing this need. No justification has been made as to why a family sized unit cannot be provided within the block of flats and therefore the addition of this refusal reason is considered to be just and reasonable.

DRAINAGE:

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

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

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

The application site is located within flood zone 1 and an area with critical drainage issues, thus the risk of flooding to the site is low but drainage issues are prevalent. As such, all forms of development, including 'more vulnerable' uses such as the erection of new dwellings, are acceptable in terms of fluvial and tidal flood risk in this location.

If planning permission were to be granted, a condition would be secured requiring a sustainable water management scheme, that incorporates sustainable urban drainage systems (SuDs), to be submitted to the Council for consideration.

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

13 of the London Plan (2021).

CIL

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre. The proposed development is CIL liable.

8. Reference Documents

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

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

The London Plan (2021)

National Planning Policy Framework (2021)

London Borough of Hillingdon - DOMESTIC VEHICLE FOOTWAY CROSSOVER POLICY 2022

Contact Officer:	Haydon Richardson	Telephone No:	01895 250230
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