



# Planning Statement

## 6 Firs Walk

March 2024



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## 1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by hgh Consulting on behalf of Gavacan Homes (the ‘Applicant’). It comprises a Full Planning Application for residential development at no. 6 Firs Walk, Northwood, HA6 2BZ.
- 1.2 The development proposals comprise:
- ‘Demolition of existing dwellinghouse and replacement with 2 dwellinghouses with associated parking and landscaping’*
- 1.3 The application follows a previously consented scheme to the south at no. 5 Firs Walk for three family sized houses. The three-unit scheme was granted approval for reserved matters in May 2022 (ref. 30837/APP/2021/2577) following outline planning permission allowed on appeal in February 2021 (ref. 30837/APP/2019/3096 & Appeal Ref. APP/R5510/W/20/3253781). The development is currently under construction.
- 1.4 The proposal has been informed by the consented scheme to the south as well as subsequent pre-application engagement and officer feedback from London Borough of Hillingdon.
- 1.5 This statement sets out how the proposal is consistent with local and national planning policy. In particular, it demonstrates that the proposal fully respects the character and appearance of the surrounding area and would not result in harm to the living conditions of future or existing occupants.

### Submission Documents

- 1.6 This planning application will be accompanied by the following submission documents:
- (a) Plans and Drawings prepared by Ascot Design;
  - (b) Planning Statement, Application & CIL Forms prepared by hgh Consulting;
  - (c) Design & Access Statement prepared by Ascot Design;
  - (d) Transport Advisory Note prepared by Jon Pearson Ltd;
  - (e) Daylight & Sunlight Assessment prepared by Ecolytik;
  - (f) Surface Water Drainage Assessment prepared by Markides Associates;
  - (g) Arboricultural Assessment prepared by Arbol Euro Consulting.

### Structure of Planning Statement

- (a) Section 2 describes the site and the surrounding area;
- (b) Section 3 outlines the sites relevant planning history;
- (c) Section 4 provides a summary of the pre-application feedback received;
- (d) Section 5 describes the proposed development;
- (e) Section 6 identifies the Development Plan policies and other material planning considerations;

- (f) Section 7 contains a planning assessment against the relevant adopted planning policy and other material planning considerations; and
- (g) Section 8 provides a summary of the assessment and concludes on the appropriateness of the proposal.



## 2.0 SITE AND SURROUNDINGS

### The Site

- 2.1 The site comprises No. 6 Firs Walk which is a large, two-storey detached dwelling. It is situated on a spacious plot of land that includes mature trees and shrubs (Figure 1).

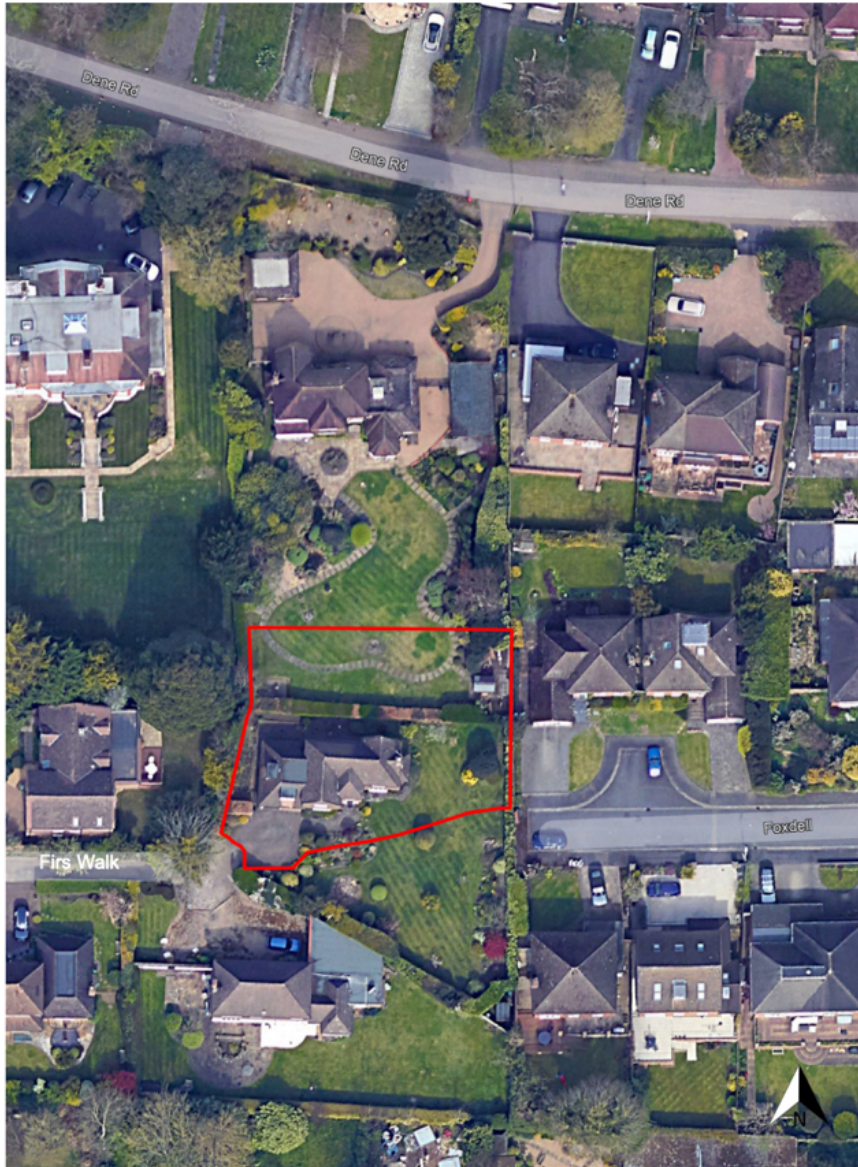


Figure 1: Aerial photograph of site

- 2.2 The site is currently accessed from Firs Walk to the west of the site. Firs Walk is a private cul-de-sac that slopes down from Dene Road before turning sharply to provide access to no. 6 Firs Walk. The property occupies a large plot, including a large garden which is comparatively larger in size compared to some of the other neighbouring plots.

#### Surrounding Area

- 2.3 The surrounding area is characterised by detached residential dwellings of varying plot size. Towards the west, the properties in Firs Walk are generally larger and situated on generously sized plots. On the eastern side, the dwellings are accessed from Foxdell, which is also a cul-de-sac, and consists of more recently constructed houses. The plots in this area are more regularly arranged and smaller, with closer spatial relationships. Consequently, the two cul-de-sacs, both accessed from Dene Road, form distinct residential enclaves within specific sub-character areas.
- 2.4 The site is designated as 'white land' on the Hillingdon Planning Policies Map (2020) (Figure 2), which is defined as having no planning designations. The site is within a defined Urban Area and falls just outside of the Dene Road Area of Special Local Character (which is located to the north). As shown in Figure 2 below, it is reasonable to conclude that the boundary of the site is delineated by the garden boundary and not the thick line bridging plots to the north and south.



Figure 2: Extract from LBH's planning policies map

- 2.5 The site has a PTAL rating of 2 (with 6b being 'best') and is located in Flood Zone 1 (low probability of flooding).

### 3.0 PLANNING HISTORY

3.1 The site has an extensive planning history, as well as the site to the south at no. 5 Firs Walk. The relevant planning history is summarised below.

- (a) 5-6 Firs Walk (ref. 73874/APP/2018/2107 & Appeal ref. APP/R5510/W/19/3222609) - Refused and dismissed at appeal in July 2019
- (b) 5-6 Firs Walk (ref. 30837/APP/2020/1723 & Appeal ref. APP/R5510/W/20/325929) - Refused and allowed at appeal in April 2021
- (c) 5-6 Firs Walk (ref. 30837/APP/2019/3096 & Appeal ref. APP/R5510/W/20/3253781) - Refused and allowed at appeal in February 2021
- (d) 5-6 Firs Walk (ref. 30837/APP/2021/2577) - Approved in May 2022

**(a) 5-6 Firs Walk (ref. 73874/APP/2018/2107 & Appeal ref. APP/R5510/W/19/3222609)**

3.2 The application and subsequent appeal sought:

*‘Demolition of 5 & 6 Firs Walk, 6 No. new dwellinghouses with associated car parking, new access arrangements from Foxdell and removal of existing access from Firs Walk at No’s 5 & 6 Firs Walk and land to the rear of No. 25 Dene Road (Outline application with some matters reserved).’*

3.3 The outline planning application (Figure 3) with all matters reserved except for access and layout was appealed under non-determination, and the appeal was dismissed on 22 July 2019. The proposal was for the redevelopment of nos. 5 and 6 to provide six new dwellings. A single point of access was proposed via Foxdell.

3.4 The Inspector dismissed the appeal on two grounds:

- 1. Impact on the character and appearance of the area; and
- 2. The effect of the proposal on the quality of life of future occupants

3.5 On ground 1, the Inspector found that the *‘proposed new houses would be more cramped on their plots than their neighbours, especially in terms of their appearance in the street scene. That factor would be reinforced by the regularity and uniform spacing of the plot frontages as proposed, especially along the southern frontage of the new road’* (Paragraph 12).

3.6 In relation to ground 2, the Inspector’s concerns related to the relationship between the proposed new road and turning head to habitable windows in one of the new houses (plot 1). They concluded:

*‘The cramped and overly developed nature of the scheme in its setting also generates an unsatisfactory relationship between the proposed new road and future residents. The access road and turning head that are shown to be required to serve a development of the size proposed would be of a significant scale. In consequence, the new turning head would be close to windows of habitable rooms in one of the new houses (Plot 1), causing undue disturbance to the occupants’*



Figure 3: Refused 2019 appeal scheme at 5-6 Firs Walk

3.7 Importantly, the Inspector accepted the principle of the site’s redevelopment for housing, whilst they did not interpret the proposal to be either back land or residential garden development.

**(b) 5-6 Firs Walk (ref. 30837/APP/2020/1723 & Appeal ref. APP/R5510/W/20/325929)**

3.8 A revised application was submitted in June 2020 for the erection of three dwellings and a single access point from Foxdell at 5 Firs Walk (Figure 4).

3.9 The application with all matters reserved except access was refused by the Council. The reasons for refusal were the same as those outlined for the second application and appeal (outlined below). The appeal was appealed and allowed for the same reasons as outlined below.





Figure 4: Proposed site plan for allowed appeal (April 2021)

**(c) 5-6 Firs Walk (ref. 30837/APP/2019/3096 & Appeal ref: APP/R5510/W/20/3253781)**

- 3.10 Following the dismissal of the 2019 appeal and the first allowed appeal for three dwellings (ref. 30837/APP/2020/1723), a further application was submitted at 5 Firs Walk for the demolition of the existing dwelling and erection of three dwellings with associated parking and amenity space (Figure 5). Notably, the application involved the installation of a vehicular crossover which involved the redevelopment of part of the garden at 6 Firs Walk to extend Foxdell to provide access to the two eastern units, whilst maintaining the existing access to the west from Firs Walk to provide access to the western unit.



Figure 5: Proposed site plan for allowed appeal (February 2021)

3.11 The outline planning application with all matters reserved except for access was submitted in October 2019 and was refused by the Council on the following grounds:

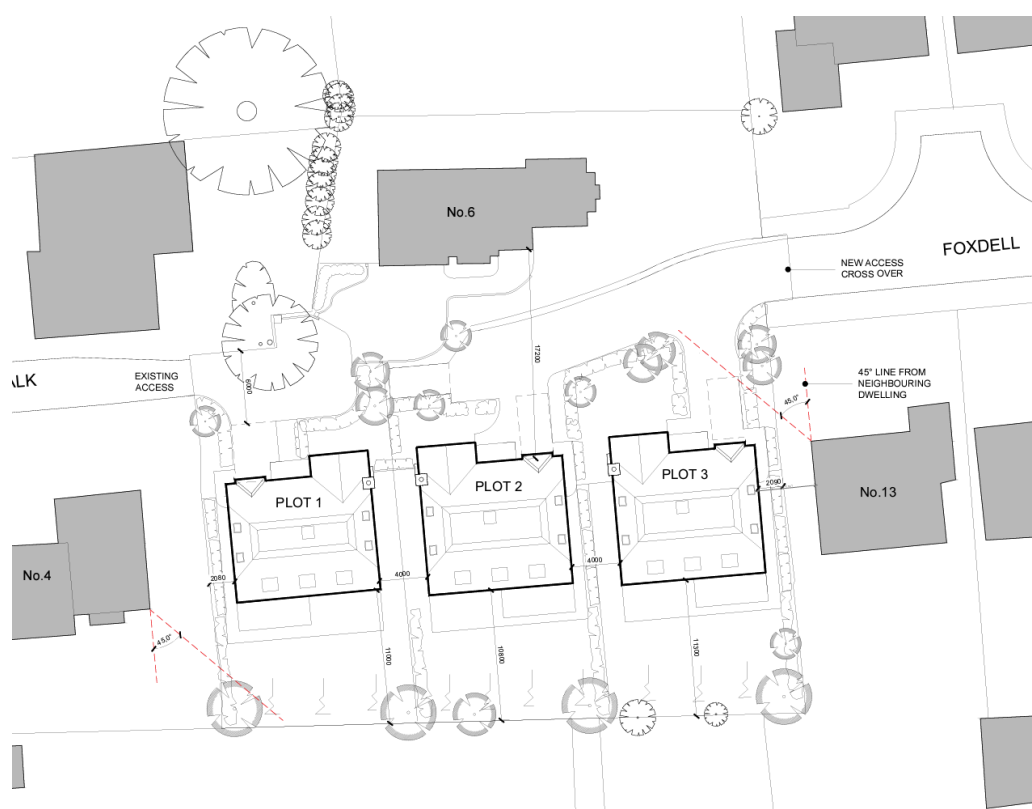
- (a) *The development in relation to its siting and significant loss of existing gardens, would appear at odds with the prevailing character of the surrounding area and would have a detrimental impact on the visual amenity and character and appearance of the area; and*
- (b) *Fails to provide contributions towards the improvement of services and facilities as. Consequence of demands created by the proposed development, with regards to highways works and Project Management and Monitoring.*

3.12 The application was appealed and subsequently allowed. The Inspector reported:

- (a) The development of three, high-quality dwellings would not harm the character and appearance of the area and would reflect the local context by taking into account the surroundings, plot coverage and established street patterns, building lines and setbacks; and
- (b) The proposed access is acceptable under planning land use terms as Foxdell is seen to be an adopted public highway.

**(d) 5-6 Firs Walk Reserved Matters Application (ref. 30837/APP/2021/2577)**

3.13 Following the allowed appeal, an application for reserved matters (ref. 30837/APP/2021/2577) was approved at Planning Committee in May 2022, and is currently under construction as per the proposed site plan below (Figure 6). The reserved matters application sought to reduce the scale and bulk of the proposed units to improve the density of the scheme to reflect the wider character of the area, and included additional landscaping to soften the appearance of the buildings.



*Figure 6: Proposed site plan for approved reserved matters application (May 2022)*

#### 4.0 PRE-APPLICATION ENGAGEMENT

- 4.1 The applicant has undertaken pre-application discussions with LBH. The proposed development scheme has positively evolved as a result of the advice from officers. A summary of the feedback and amendments made to the scheme are set out below.

##### Pre-application meeting - August 2023

- 4.2 A pre-application meeting was held on 10 August 2023 with LBH, and formal written advice was provided on 11 September 2023 relating to the scheme proposed in Figure 7. The officer was supportive of the principle of residential development in the proposed location, subject to amendments to the overall design of the scheme. This included the reduction in the bulk and scale of the plots as they were considered to be too large and cause harm to the character and appearance of the surrounding area. A summary of further comments is provided below.
- (a) It was recommended that a reduction in size, scale, bulk and massing was made to both dwellings. The Council noted that the easiest way to achieve this would be to replicate the design and appearance of the approved reserved matters scheme at 5 Firs Walk, including the materials palette. Overall, the Council stated that any scheme should emphasise the symmetry between the two dwellings, which should mirror each other and the approved scheme.
  - (b) It was noted that Plot 1 specifically was excessive and paid little regard to the sizes and proportion of the houses approved at 5 Firs Walk. It was recommended that Plot 2 should also be reduced slightly in width.
  - (c) It was recommended that the hardstanding on Plot 1 should be reduced, and additional soft landscaping introduced to avoid having a large, paved area to the front of the property.

PLOT 1:



PLOT 2:



Figure 7: Pre-application scheme



## Amendments made following the pre-application

- 4.3 As a result of the pre-application feedback from the Council, the following fundamental amendments were made to address the comments.
- 4.4 The two properties, although significant amendments were made to Plot 1, were reduced in size to reflect the dimensions (width and depth) of the consented scheme at no. 5 Firs Walk. The amended plots now have a reduced visual impact by way of bulk and scale, and now reflect the neighbouring plot sizes, as well as the plots at 5 Firs Walk. This is shown in Figure 8 which illustrates the original outline of the pre-app scheme through the blue line on the plan.
- 4.5 The reduction in scale was also achieved by the complete removal of the side extension and garage at Plot 1 which has been replaced with a pergola, with a similar materials palette to the roof of the house. The design of the pergola seeks to complement the design of the principal house, whilst retaining a complementary and lightweight appearance in the street scene.

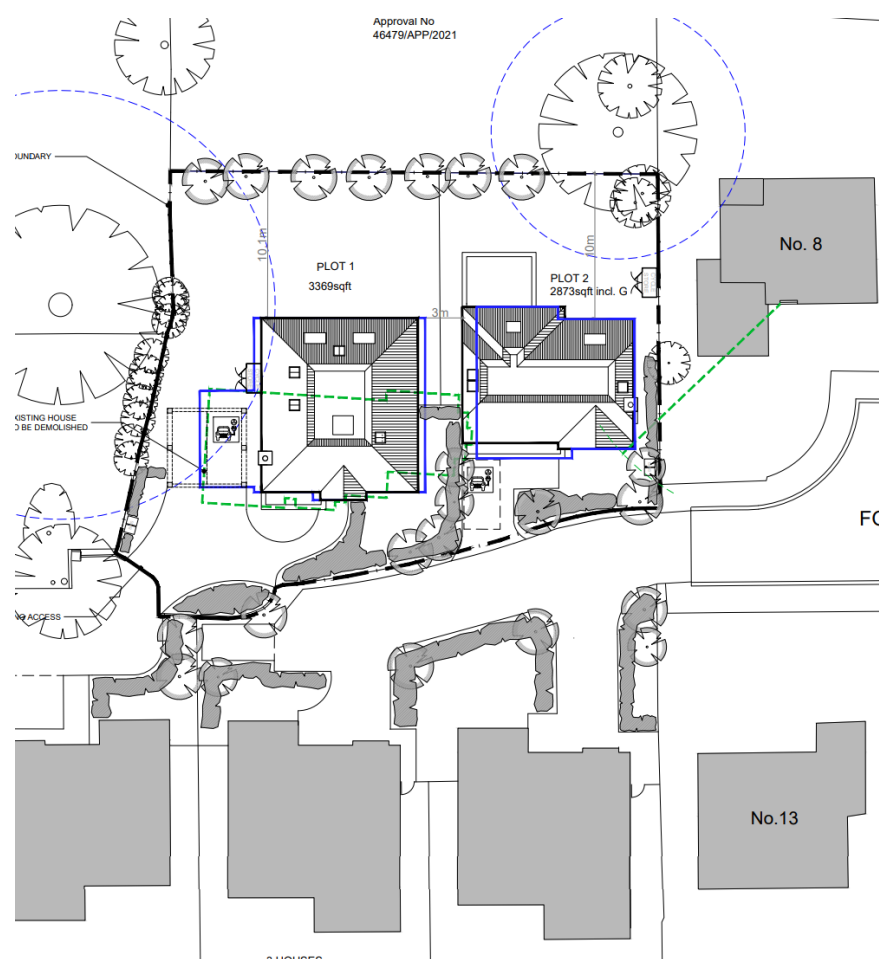


Figure 8: Proposed site plan including blue line which illustrates previous pre-application scheme

- 4.6 Further amendments to the scheme included the removal of the projecting hanging bay window at the first floor of Plot 2 (Figure 9).



*Figure 9: Pre-app scheme front elevations*

- 4.7 The amount of hardstanding to Plot 1 has been reduced to include additional planting and grassed areas, without compromising the proposed parking arrangements.
- 4.8 The bin store has been relocated to the front of the property to provide sufficient distance for refuse vehicles to collect the waste.

## 5.0 THE PROPOSALS

5.1 This Full Planning Application is for:

*'Demolition of existing dwellinghouse and replacement with 2 dwellinghouses with associated parking and landscaping'*



Figure 10: Proposed site plan

5.2 A summary of the proposed development is provided below.

### Proposed Development

- Redevelopment of the existing single dwelling to provide two family sized dwellings to provide 1 x 5-bedroom house and 1 x 4-bedroom house; and
- Both units will be M4(2) compliant.

### Design and Appearance

- 2.5 storeys in height; and
- Design and materials to reflect the surrounding context and appearance of the consented scheme opposite the application site at 5 Firs Walk.

### Amenity

- Both units will exceed minimum floorspace requirements (Plot 1 comprises 290 sqm and Plot 2 comprises 267 sqm), and provide private amenity space in the form of large rear gardens in accordance with the Local Plan requirements (total of 405 sqm); and
- Both units will be dual aspect.

### Access, Parking and Servicing

- Retention of the single vehicular access point to the west from Firs Walk to provide access for Plot 1, and use of the access point to the east (which is currently under construction from Foxdell via the consented scheme at 5 Firs Walk) to provide access for Plot 2 (Figure 10);
- Provision of four car parking spaces, including Electric Vehicle Charging Points (EVCP's);
- Provision of two bikes per unit, and a total of four bicycle parking spaces; and
- Provision of waste storage to the front of the plots.

## 6.0 PLANNING POLICY CONTEXT

6.1 The statutory Development Plan for the LBH comprises:

- 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); and
- The London Plan (2021).

6.2 For the purposes of this statement, the Hillingdon Local Plan Parts 1 and 2 are collectively known as the 'Local Plan' unless otherwise stated.

### Material Planning Considerations

6.3 Other material considerations include:

- The Mayor's Housing Design Standards LPG (2023);
- National Planning Policy Framework (2023) (NPPF); and
- National Planning Practice Guidance (2019) (NPPG).

6.4 The policies relevant to this application are summarised below:

- Policy DMH 2 (Housing Mix);
- Policy DMH 6 (Garden and Backland Development);
- Policy DMHB 5 (Areas of Special Local Character);
- Policy DMHB 11 (Design of New Development);
- Policy DMHB 14 (Trees and Landscaping);
- Policy DMHB 16 (Housing Standards);
- Policy DMHB 17 (Residential Density);
- Policy DMHB 18 (Private Outdoor Amenity Space);
- Policy DMT 2 (Highways Impacts);
- Policy DMT5 (Pedestrians and Cyclists);
- Policy DMT6 (Vehicle Parking);

- London Plan Policy GG2 (Making the best use of land);
- London Plan Policy GG4 (Delivering the homes Londoners need);
- London Plan Policy D4 (Delivering good design);
- London Plan Policy D6 (Housing quality and standards);
- London Plan Policy G7 (Trees and landscaping);
- London Plan Policy SI 13 (Sustainable drainage);
- London Plan Policy T5 (Cycling);
- London Plan Policy T6 (Car Parking);
- London Plan Policy H1 (Increasing housing supply); and
- London Plan Policy H2 (Small sites).

## 7.0 PLANNING JUSTIFICATION

7.1 This section considers the extent to which the proposed development accords with the relevant development plan policies and other material considerations. The key matters for assessment are:

1. The Principle of Development;
2. Design and Layout;
3. Amenity of Future Occupiers;
4. Neighbouring Amenity;
5. Highways, Access and Parking;
6. Trees and Landscaping; and
7. Drainage.

### The Principle of Development

- 7.2 The principle of residential redevelopment on this site is well established. The NPPF, London Plan and LBH's Local Plan support the redevelopment of brownfield land for residential use in appropriate locations.
- 7.3 Section 5 of the NPPF sets out that the Government is committed to increase the overall level of supply and mix of housing in order to meet local needs. Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Furthermore, Chapter 11 promotes effective use of the land whilst improving the environment. Planning decisions should give substantial weight to the value of using suitable brownfield land (paragraph 124 c).
- 7.4 London Plan policy H1 states that developments should optimise the potential for housing delivery on all suitable and available brownfield sites. Hillingdon's '5 Year Supply of Deliverable Housing Sites' Report (March 2023) states that the 10-year housing target for Hillingdon is to provide 10,830 dwellings in a ten-year period (2019/20-2028/29), totalling 1,083 dwellings per year.
- 7.5 The area of land which is the subject of the proposed development is approximately 0.09 ha. It is considered a 'small site' in London Plan policy terms meaning policy H2 applies. The London Plan outlines that 295 homes per annum are required for delivery on small sites in LBH. Policy H2 also seeks LBH to proactively support well designed new homes.

- 7.6 The provision of one 4-bed and one 5-bed family sized units would make a positive contribution towards meeting local housing targets for family sized dwellings and would be appropriate in this predominantly residential location. Additionally, the development will not result in the loss of family housing as this will be replaced by two appropriately sized family units, in accordance with Policy DMH2 of the Local Plan, which indicates a high need for larger, family sized units based on the Council's latest information on housing need. This is also reinforced at Hillingdon's latest Strategic Housing Market Assessment (SHMA) (2018) which identified a significant need for larger 3+ bed dwellings.

#### 'Loss' of garden land

- 7.7 Local plan policy DMH6 states that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity.
- 7.8 Notably, in consideration of the appeal for the development at Nos 5-6 Firs Walk (ref. 30837/APP/2019/3096 & Appeal ref: APP/R5510/W/20/3253781) (Appendix 1), the Inspector considered that there would be no conflict with the policies that require development to maintain local character, amenity space and biodiversity. Therefore, the Inspector considered that the loss of garden land would be acceptable and the proposal's compliance with the remainder of the local plan policies would outweigh any conflict with Policy DMH6.
- 7.9 In accordance with the former appeal, which is a material consideration in the determination of this application, the proposed development would maintain local character, provide sufficient amenity space in accordance with the policy requirements and provide additional trees and planting to improve biodiversity. Further information is provided in the Design and Layout section.
- 7.10 Additionally, the pre-application response confirmed that the principle of redevelopment of the application site would be acceptable, noting the allowed appeal decision and the Borough's need for family sized housing which outweighs and addresses the requirements of Policy DMH6 on the loss of garden land. It is considered that the development would therefore be in accordance with Local Plan policy DMH2, DMH6 and London Plan policies H1 and H2.

#### **Design and Layout**

- 7.11 The NPPF notes that good design is a key component of sustainable development and should contribute to making places better for people. It particularly establishes that the Government gives great importance to the design of the built environment and recognises that it is a key aspect of sustainable development and is indivisible from good planning. Paragraph 135 of the NPPF states that developments should function well and add to the overall quality of an area over the lifetime of a development, be visually attractive as a result of good architecture, layout and effective landscaping and are sympathetic to local character.
- 7.12 These principles are reflected in London Plan policies D4 and D6 and Local Plan policy BE1 and DMHB 11. Collectively, they seek high quality design in development and require new development to enhance the built environment of local places by considering their physical context, local character, density, tenure, and land mix. Developments should make a positive contribution to streetscape and should incorporate high quality materials and landscaping appropriate to its context.



- 7.13 The proposal is for the erection of two detached dwellings which have been carefully designed to harmonise with the character and appearance of the surrounding area and the development opposite at 5 Firs Walk (3 houses under construction) and consequently will complement and respond sympathetically to the local design and residential context. The proposed dwellings will be of a high-quality design whilst responding to the positive features of this specific location.
- 7.14 It should be noted that in the July 2019 appeal (ref. 73874/APP/2018/2107) the scheme was dismissed for the redevelopment of Nos 5-6 Firs Walk, which included four dwellings to the south of the site (No. 5) and two to the north (No. 6). The appeal was dismissed due the perceived harm to the character and appearance of the street scene and surroundings, being tightly packed plots compared with the neighbouring properties, particularly on the southern part of the site (4 houses). The current proposals are located on the northern side (No 6), where previously two houses were proposed and the perceived ‘cramping’ was not considered to be such an issue, albeit the two dwellings were considered too large for the plots. In response to the Inspector’s comments, whilst the principle of two plots was accepted and has been taken forward in this application scheme, the proposals have responded by reducing the overall scale and footprint of the houses, amending the positioning and siting of the units to maintain an appropriate plot size in response to the surrounding context, noting the large plot sizes in this part of Northwood.
- 7.15 The 2019 appeal scheme for six dwellings was also dismissed as it was considered that the single proposed access road and turning head would be a significantly imposing feature thus, generating an unsatisfactory relationship between the proposed new road and the future residents. This was subsequently addressed within the consented scheme for three dwellings at Nos 5-6 Firs Walk (ref. 30837/APP/2021/25775), which proposed a new termini to the Firs Walk and Foxdell street scenes. This included the extension of Foxdell to the east, creating separate accesses and plots for the dwellings to reflect the street scene and ensure the houses sit comfortably within them. The proposed development maintains this access arrangement and ensures that only Plot 2 is accessed via Foxdell, with Plot 1 accessed off Firs Walk, which supports the continuance of a harmonious street scene for each property.
- 7.16 In response to the pre-application feedback, the proposal has been further amended to reflect the accepted characteristics of the consented scheme to the south of the site in respect of plot width and depth, roofscape, form and materials, including red brick walls and white timber windows.
- 7.17 A summary of the changes made to the scheme as a result of the pre-application feedback is provided below:
- (a) The size of the two plots have been reduced to reflect the plot widths and depths of the scheme under construction at No. 5 Firs Walk. Plot 1 has a width of 10.8m (16.2 m including garage port) and a depth of 12m, while Plot 2 has a width of 11.8m and depth of 8.9 m. This is maintained in Plots 1-3 at no. 5 Firs Walk, where the widths are 11.89m (Figure 5). These parameters are also reflected in the neighbouring properties at 8 Foxdell (width of c. 14 m), 7 Firs Walk (width of c. 17 m) and 8 Firs Walk (width of c. 19 m).

The reduction in size of Plot 1 has been achieved via the removal of the garage and introduction of a pergola for cars to park, which provides an opportunity for trees and other vegetation to be viewed from the street scene, creating a softer landscaped approach. The reduction in overall scale and bulk of the dwellings and re-alignment of the plot widths to complement those approved at No 5 Firs Walk and the neighbouring properties now reflects and complements the character, appearance and density of development in the surrounding area, which include houses on good sized plots.



*Figure 11: Proposed development and the relationship to No. 5 Firs Walk*

- (b) The site is located immediately south of the Area of Special Local Character as confirmed in Figure 2 (proposals map extract). The proposed development, whilst not within the ASLC has been designed to complement and be sympathetic to the ASLC and respond to the positive design features of the locale, including retaining large plot sizes and large gardens. Additional planting has also been proposed to reflect the verdant nature of the area. However, because the site is outside of the designation, the proposal is not required to comply with relevant ASLC policies.

- (c) The height of the houses complements the houses to the east on Foxdell, as well as Plots 1-3 of 5 Firs Walk.
- (d) The pre-application feedback advised that Plot 1 should be set back in line with Plot 2. The proposed development has not amended the front build line because any changes to the siting of Plot 1 would encroach further into the Root Protection Area (RPA) of tree T2 to the northwest of the site. The siting of the plot follows the existing building line of the existing dwelling, which is appropriate in the wider street scene, noting the positioning and staggered transition to No. 7 Firs Walk to the west. The houses are also appropriately spaced from each other, with a gap of 3m, which is broadly reflective of the neighbouring property at 8 Foxdell.
- (e) The two plots have adopted the material palette and design features of the scheme at No. 5 Firs Walk, with reference to the red brick walls, stone detailing, front doors and window style/proportions and associated landscaping. The proposed development therefore complements the consented scheme opposite (No 5 Firs Walk) which is currently under construction.

7.18 Overall, it is considered that the proposed development positively responds to the commentary on the previously dismissed appeal and the officers' pre-application feedback. The principal design comment within the pre-application advice letter was for the design of the proposed scheme to comprehensively reflect the consented scheme at 5 Firs Walk. It is considered that in all aspects of design including size, scale, bulk, character, fenestration and materials, that the schemes are now wholly responsive and complementary of one another.

#### Sustainable Design

7.19 The proposed building will also be constructed to reflect a sustainable design approach. To minimise heat loss from the proposed dwelling and to maximise the efficiency, the proposal will incorporate the following:

- (a) Insulated roofs, walls and floors;
- (b) Double glazed windows;
- (c) Ventilation incorporated onto the design to avoid condensation;
- (d) Energy efficient lighting; and
- (e) Good natural daylight to habitable rooms.

#### **Amenity of Future Occupiers**

##### Internal layout

7.20 The proposed development has been designed to be of a high quality and the layout has been well designed to ensure an attractive living environment for new residents.

- 7.21 The development seeks to provide a total of c. 577 sqm of floorspace across the two houses. Plot 1 comprises a GIA of 290 sqm, while Plot 2 comprises 267 sqm. The proposed units are therefore all in excess of the national minimum internal space standards for a 5-bed 6-person unit (116 sqm) and 4-bed 5-person unit (103 sqm).
- 7.22 Both units contain well-proportioned habitable rooms, providing excellent living accommodation. All units are proposed to be dual aspect, which will have a positive effect on passive ventilation and the daylight and sunlight levels. Both units will be M4(2) compliant.

#### External amenity

- 7.23 Policy DHMB18 states that for houses of 4+ bedrooms, the minimum private amenity space provision is 200 sqm for the development as a whole. The plots provide a total of 405 sqm (provision of 239 sqm for Plot 1 and 146 sqm for Plot 2) of high-quality amenity space in the form of private gardens and therefore massively exceeds the policy requirements.

#### Daylight and Sunlight

- 7.24 The pre-application response stated that there was a requirement for the internal levels of daylight and sunlight to be assessed for the benefit of future occupiers. Consequently, a Daylight & Sunlight Assessment has been prepared by Ecolytik.
- 7.25 The assessment confirms that all habitable rooms within the proposed development exceed the BRE Guidelines in terms of daylight and all habitable rooms with windows or rooflights within 90 degrees due south meet the sunlight BRE guidelines. Therefore, future residents will receive good levels of daylight and sunlight in their homes.
- 7.26 Additionally, the assessment confirms that 66% and 40% of the area of the gardens of Plots 1 and 2 will receive 2 hours of sunlight on 21 March respectively. Plot 2 falls slightly short of the BRE target of 50% which is mainly due to the northern orientation of the garden, the presence of the building at 8 Firs Walk and the boundary fence to the east.
- 7.27 The assessment has also been carried out for 21 June. In the summer months, the assessment confirms that both gardens will receive good sunlight levels, which is when the future occupants are more likely to utilise the gardens. It is therefore considered that the future occupiers will benefit from good daylight and sunlight levels.

#### **Neighbouring Amenity**

- 7.28 The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan Policy DMHB 11 stipulates that development proposals should not have an adverse effect on the amenity, daylight, and sunlight of adjacent properties.

### Daylight and Sunlight

- 7.29 A Daylight and Sunlight Assessment has also been prepared by Ecolytik to assess the impact of the proposed development on the daylight and sunlight levels of neighbouring properties at 5 Firs Walk (development under construction) and the property at 8 Firs Walk, as well as the gardens at 25 Dene Road and nos. 7 & 8 Firs Walk.
- 7.30 A summary of the results of the assessment are provided below:
- (a) 5 Firs Walk - The results show that all ground floor windows and rooms facing the proposed development will meet BRE's daylight targets. The first-floor windows will meet the 25-degree plane test and do not need to be assessed in detail.
  - (b) 8 Firs Walk - The daylight assessment results show that all windows and rooms will meet the Vertical Sky Components (VSCs) and Daylight Distribution (DD) targets set out by the BRE guidelines. The Annual and Winter Probable Sunlight Hours (APSH and WPSH) to the assessed windows and rooms will also meet BRE guidelines.
  - (c) Sunlight assessments show that all assessed amenity spaces at 25 Dene Road and nos. 7 & 8 Firs Walk will meet the BRE criteria with over 50% of their respective areas receiving over 2 hours of sunlight on 21 March.
- 7.31 The Daylight and Sunlight Assessment results show that the proposed development at 6 Firs Walk has been designed in a way that it will result in no significant and noticeable impact on daylight and sunlight access to neighbouring properties, in accordance with Local plan policy DMHB11.

### Outlook and overlooking

- 7.32 Plot 1 is situated on broadly the same plot as the existing house. Plot 1 is no closer to the adjacent neighbour at No. 7 than the existing situation. It would also not compromise the 45-degree line of sight thereby avoiding any unacceptable overbearingness, overlooking, loss of privacy or overshadowing.
- 7.33 Plot 2 would be located to the east of the site, adjacent to No. 8 Foxdell. It would be approximately 8 m away from No. 8 and face an existing garage. Notwithstanding this, design measures are proposed to address any residential amenity concerns with all windows on the flank elevation to only serve bathrooms. Additionally, No. 8 Foxdell has several side facing windows on the west elevation. It is understood that the first-floor window serves a bathroom, and the ground floor windows are secondary kitchen windows. Therefore, there would be no significant impact on loss of privacy of the existing neighbouring residents.
- 7.34 Plot 2 would also not breach the 45-degree line of sight from the nearest habitable rooms of the neighbouring properties.
- 7.35 Combining design, siting and fenestration aspects, the proposed development will not adversely impact neighbouring amenity in accordance with Local Plan policy DMHB 11.

## Highways, Access and Parking

### Access

- 7.36 Local Plan policy DMT 2 states that development proposals must ensure safe and efficient vehicular access to the highways network.
- 7.37 Plot 1 is proposed to be accessed via the existing access from Firs Walk to the west of the site.
- 7.38 Plot 2 will utilise the access from Foxdell, which is currently being built out to facilitate the consented scheme at 5 Firs Walk, which was considered acceptable by the Council. The access point from Plot 2 of the proposed development has been positioned to ensure that safe access can be maintained to the south, while facilitating the proposed development. This arrangement was considered acceptable by officers as set out within the pre-application response.
- 7.39 In terms of vehicle trip generation, the proposed development provides a net gain of 1 family sized dwelling. As a result, it is not anticipated that any parking stress or traffic congestion will arise as a result of the proposed development, particularly as there will be no increase in dwellings accessing Firs Walk (as it remains the existing access for the current house). There will be a net increase of 1 dwelling accessing Foxdell. However, it is not considered that this additional trip generation will cause any significant parking stress, particularly as the current road is not a thoroughfare nor in a controlled parking area.
- 7.40 This is further supported by the appeal decision for Nos 5-6 Firs Walk, which stated that the three dwellings to the south would not result in an unacceptable impact on highways safety of road users, and the residual cumulative impact would not be severe.
- 7.41 Finally, the proposed development is located close to bus stops on Green Lane (c. 500 m) and Rickmansworth Road (c. 700 m), and the Northwood tube station is approximately 685 m away. There is also a wide range of facilities such as shops, schools, and other local amenities within the area of Northwood and Green Lane, with further information provided within the Transport Statement. It is therefore considered that the scheme is sustainably located to encourage active and sustainable modes of transport, with less reliance on the private car in accordance with Policies XX and XX. The development will not give rise to any unacceptable impacts on highway safety and as such should be supported in accordance with the provisions of paragraph 115 of the Framework.

### Servicing

- 7.42 Refuse collection will occur via Firs Walk and Foxdell. The storage area for the bins is located to the front of each plot so that waste can easily be collected via a refuse vehicle.
- 7.43 It is proposed that small-medium sized delivery vehicles could enter the site in forward gear, turn around via the turning head and exit the site in forward gear, which is the recommended practice on highway safety grounds.

### Car Parking

- 7.44 The relevant car parking standards are those set out in Local Plan policy DMT 6. As per the policy, proposals are to comply with the parking standards set out in Appendix C, Table 1.
- 7.45 The car parking standards require two parking spaces per 3+ family sized dwelling which both dwellings provide. Plot 1 contains a pergola and an area of hard standing to accommodate the two parking spaces while Plot 2 contains an internal garage and hardstanding.
- 7.46 In accordance with the London Plan, the proposed development provides two EV charging points per unit.

### Cycle Parking

- 7.47 The Local Plan requires 2 cycle parking spaces per dwelling. The London Plan states that 2 long term cycle spaces should be provided per 2B2P+ dwellings.
- 7.48 In accordance with the local plan and London plan, the scheme provides two cycle parking spaces per unit in the form of a secure cycle store to the rear of the house, which is a total of four cycle parking spaces.
- 7.49 Overall, the development provides the appropriate amount of car and cycle parking spaces in accordance with the relevant standards, as well as providing suitable access arrangements for the proposed development without impacting the current highway in accordance with Local Plan policy DMT2.

### Trees and Landscaping

- 7.50 Local plan policy DMHB 14 requires all development to retain or enhance existing landscaping, trees, biodiversity and other natural features of merit.
- 7.51 London Plan policy G7 states that development proposals should retain existing trees of value where possible. The policy further states that the planting of additional trees should generally be included within new developments, including large-canopied species.
- 7.52 An Arboricultural Impact Assessment and Method Statement has been prepared by Arbol Euro Consulting. The report confirms that Plot 1 has a slight incursion into the Root Protection Area (RPA) of Tree T2. However, it is considered that the loss of a small percentage of the tree's feeder roots is acceptable in terms of maintaining the tree's health and stability. The statement provides further information as to how the construction of the development will be undertaken to protect the tree's RPA.
- 7.53 Fundamentally, the proposed development will not result in the loss of any trees in accordance with Local Plan policy DMHB 14 and London Plan policy G7.

### Landscaping

- 7.54 A high-quality landscaping scheme is proposed to enhance the front and rear gardens of the properties to soften the appearance, provide visual amenity and improved outlook for the future occupiers and neighbouring properties. Some additional planting is also proposed between the two plots to enhance the gap between the properties, which is reflective of the site boundaries at no. 7 Firs Walk and 8 Foxdell.



- 7.55 As per the pre-application response, the hardstanding element at Plot 1 has been reduced to provide additional grassland and planting to avoid having a large, paved area in between the access and the dwelling. A comparison of the changes to the landscaping is illustrated in Figures 12 and 13.

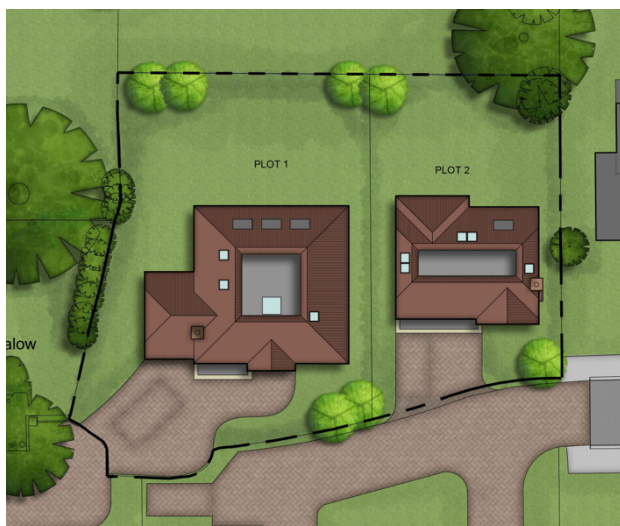


Figure 12: Pre-app scheme landscaping proposals



Figure 13: Proposed development landscaping proposals

- 7.56 A portion of the rear garden at 25 Dene Road will be utilised to create sufficient garden space for the proposed development. The small portion of the garden will be located within the ASLC; therefore, the gardens will be landscaped with native planting, including multiple trees to delineate the site boundary and reflect the verdant nature of the ASLC. It is considered that further landscaping details will be secured via a condition.

## Drainage

- 7.57 London Plan policy SI 13 states that development proposals should aim to achieve greenfield run-off and ensure that surface water run-off is managed as close to its source as possible.
- 7.58 Local Plan policy DMEI 10 requires all applications for new build development to include a drainage assessment demonstrating that Sustainable Drainage Systems (SuDS) have been incorporated into the scheme.
- 7.59 A Surface Water Drainage Report has been prepared by Markides Associates which outlines the drainage strategy for the proposed development. The proposals will connect into the new surface water drainage system under construction by the Applicant at 25 Dene Road and 5 Firs Walk which discharges the surface water into the existing public surface water sewer on Foxdell, via a new pumping station.
- 7.60 It is understood that the proposed pumping station was designed using the brownfield run-off rates for the development site and therefore has capacity for surface water discharge from the proposed development at a reduced rate.



- 7.61 The surface water drainage strategy proposes to collect surface water run-off from impermeable areas through a combination of permeable paving and piped drainage. Source control will be provided by permeable paving and water butts. Treatment for pollution mitigation will be provided by permeable paving and proprietary treatment systems. Surface water will be attenuated within below ground attenuation under the driveways and stored on site for all rainfall events (see Appendix J of Drainage Strategy).
- 7.62 The proposed drainage strategy meets the relevant design criteria set out in the SuDS Manual and will successfully ensure surface water is managed via the implementation of SuDS in accordance with London Plan policies SI 13 and DEMI 10.

## 8.0 CONCLUSION

- 8.1 This Planning Statement has been prepared by hgh Consulting to support and set out the planning justification for the proposed development which comprises the demolition of an existing property and to redevelop the site to provide two, high quality family sized dwellings in Northwood.
- 8.2 The proposed development follows the approval of three dwellings to the south of the site at no. 5 Firs Walk which supported the principle of redevelopment of the proposed application site. The two houses, which were previously proposed and supported in principle by the Appeal Inspector, albeit now re-sited and smaller in scale and appearance would make a positive contribution towards the Borough's need for family sized housing.
- 8.3 The proposals relate positively to the consented scheme at No. 5 Firs Walk, principally by adopting design principles, fenestration and the palette of materials as used in the consented scheme opposite the site and now under construction. The houses are sited to complement the scale, form and plot widths of existing and the proposed dwellings within the surrounding area, which contains large houses on generously sized plots and attractive landscaping.
- 8.4 The proposed development has been designed to complement the surrounding locale. The many benefits of the proposed development can be summarised as:
- (a) It optimises and makes effective use of a small, brownfield site that is sustainably located in close proximity to Green Lane District Centre;
  - (b) It provides two, family sized residential dwellings which contribute towards the Borough's housing targets;
  - (c) It has no adverse impact on neighbouring amenity in terms of daylight, sunlight and outlook;
  - (d) It provides a high-quality standard of accommodation, which are all dual aspect, in excess of minimum space standards and outdoor amenity space, including gardens and attractive landscaping which reflects the verdant area;
  - (e) The new houses will be of a higher design quality in terms of sustainable credentials, which includes an increased energy efficient design compared to the existing; and
  - (f) The access arrangement is established and raises no unacceptable impact on highway safety with the net additional trips of one dwelling.
- 8.5 The proposal fully accords with the development plan when read as a whole and represents sustainable development on a brownfield site. Accordingly, planning permission should be granted for the proposed development without delay.

APPENDIX 1: APPEAL DECISION RELATING TO 5-6 FIRS WALK (APEAL REF. APP/R5510/W/20/3253781)



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## Appeal Decision

Site visit made on 1 December 2020

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> February 2021**

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**Appeal Ref: APP/R5510/W/20/3253781**

**5-6 Firs Walk, Northwood HA6 2BZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr J Gavacan (Gavacan Homes) against the Council of the London Borough of Hillingdon.
  - The application Ref 30837/APP/2019/3096, is dated 18 September 2019.
  - The development proposed is the demolition of a property at 5 Firs Walk and amendments to the plot boundary of 6 Firs Walk. The erection of 3 detached 4 bedroom dwellings with parking and associated external works/landscaping. 2 houses to be accessed off Foxdell. 1 house to be accessed off Firs Walk.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of a property at 5 Firs Walk and amendments to the plot boundary of 6 Firs Walk. The erection of 3 detached 4 bedroom dwellings with parking and associated external works/landscaping. 2 houses to be accessed off Foxdell. 1 house to be accessed off Firs Walk at 5-6 Firs Walk, Northwood HA6 2BZ in accordance with the terms of the application, Reference 30837/APP/2019/3096, dated 18 September 2019, subject to the following conditions in the attached Schedule A.

### Procedural Matters

2. The application is in outline form with access to be determined at this stage, and all other matters reserved for future consideration. There is a site layout plan showing access for 2 dwellings off Foxdell and 1 dwelling off Firs Walk. A plan with details and measurements of a cross-over into Foxdell has also been submitted for consideration.
3. Additionally, the site layout plan shows the siting of the 3 dwellings, their footprints and roof forms, and landscaping. During the consideration of the planning application, the forward projecting integral garage on plot 1 on this plan was deleted and is considered under this appeal. Nevertheless, these details have been treated as indicative of how development could be laid out, designed and landscaped given the outline nature of the application.
4. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council would have refused the planning application for the following reasons:-

- 1) The proposed development, by reason of its siting and the significant loss of existing gardens would appear at odds with the prevailing character of the surrounding area and would be a cramped form of development which would have a detrimental impact on the visual amenity and character and appearance of the area. The harm would be further exacerbated by the loss of mature soft landscaping and proposed layout of the built footprint. The development would be contrary to Policies DMH 6, DMHB 11, DMHB 12 and DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020), Policies 3.5, 7.1 and 7.4 of the London Plan and the NPPF (2019).
  - 2) The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of highways works and Project Management and Monitoring). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part Two Development Management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy DF1 of the London Plan Intend to Publish Version (2019), Policy 8.2 of the London Plan (2016) and paras 54-57 of the NPPF 2019.
5. A Unilateral Undertaking (UU) dated 4 December 2020 is concerned with the owners/developer entering into a highway agreement and the carrying out of highways works to enable access of Foxdell. It also details a monitoring fee to be paid to the Council. Parties refer to 'Foxdell' and 'Foxdell Close'. In this decision, "Foxdell" has been used but both terms relate to the same road.

## **Main Issues**

6. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the safety of pedestrians, cyclists and drivers using the proposed accesses adjacent to Foxdell and Firs Walk.

## **Reasons**

### *Character and appearance*

7. The appeal site comprises a dwelling at 5 Firs Walk and much of the frontage, including garden, of the dwelling at 6 Firs Walk. Both dwellings are of substantial size set in spacious and landscaped plots. They are located at the end of Firs Walk and adjacent to the end of a residential street at Foxdell. To the north, there are the rear gardens of properties on Dene Road.
8. Dwellings along Firs Walk and Foxdell are substantial in size and set in generous sized plots. However, the degree of plot spaciousness varies with those in Firs Walk generally greater than those within Foxdell. Dwellings in Foxdell are generally smaller and more closely sited to one another in a more regimented pattern. The dwellings within Firs Walk also have more varied individualistic designs. The appeal site lies on Firs Walk but it also relates to the residential development at Foxdell by reason of its adjacent location.
9. Policy DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (DMP) 2020 indicates a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. The proposal would result in the loss of gardens.

10. The indicative site layout plan shows 3 substantial sized dwellings, with accommodation with the roof. Prominent single storey projections are shown on 2 of the dwellings which would be well set forward of the existing building lines along Firs Walk and Foxdell. Together with hard surfacing for vehicle parking and manoeuvring, this would leave little opportunity for any meaningful frontage landscaping. As a result, such a development, as indicated, would be excessively dominant within the street and would not harmonise with the context of the area.
11. However, the dwellings and hard surfacing are indicative only because layout is not a matter to be considered under the application. Matters of layout, appearance, landscaping and scale are reserved for further consideration under any subsequent reserved matters planning application(s). The indicated layout represents only one possible way of developing the site. Means of access is the only matter fixed in terms of developing this site under the proposal.
12. Given this, the principle of development for 3 four-bedroomed dwellings, with accesses as proposed, on the site has to be considered. In this regard, the site could be developed with 3 similar sized plots matching the pattern of development in Foxdell. Such plot sizes would not be significantly smaller than those adjacent in Foxdell and plot widths would be approximately 16m, which would be well within the range that prevail in Foxdell based on what I saw on my site visit. The appellant indicates a range of approximately 14-18m which has not been disputed.
13. Significantly, there would be scope for smaller four-bedroom dwellings with greater space about them on the plots. In this regard, the indicated dwelling footprints and details show substantial sized dwellings. Therefore, a scheme could be devised for 3 smaller sized dwellings on the site within generous sized and landscaped plots which would be in keeping with the character and appearance of the area, taking into account the more spacious nature of Firs Walk compared to Foxdell.
14. Dene Road Area of Special Local Character is situated to the north of the site and is characterised by substantial dwellings set in greater sized and landscaped plots than dwellings and plots outside of it, including the appeal plots. Nevertheless, the siting of the development would not directly relate to this area by reason of its separation and siting beyond the retained dwelling at 6 Firs Walk. Unlike the previous dismissed appeal proposal on the site, no part of a neighbouring property at Dene Road is included within the proposals.
15. The dismissed appeal concerned the demolition of the dwellings at 5 and 6 Firs Walk with six dwellings where the Inspector found the development to be cramped, an adverse effect reinforced by the regularity and uniform spacing of the plot frontages. However, this appeal scheme considered 4 rather than 3 dwellings in the area around the demolished dwelling at No 5. Furthermore, the previous Inspector considered the position and footprint of the 4 dwellings because layout was a matter considered under the outline proposal. In contrast, layout is not considered under the current outline proposal. Therefore, there are material differences between the two appeal schemes which distinguish one from the other. In any case, every proposal has to be considered on its particular planning merits as has been undertaken here.
16. In summary, a development of 3 dwellings would not harm the character and appearance of the area as it could be designed to the highest standards for all

the above reasons. Similarly, it could harmonise with the local context by taking into account the surroundings, plot coverage and established street patterns, building lines and setbacks, streetscape rhythm and be well integrated with the surrounding area, having regard to landscaping treatment. Accordingly, the proposal would comply with DMP Policies DMHB 11, DMHB 12 and DMHB 14.

17. Similarly, it would comply with Policies 3.5, 7.1 and 7.4 of the London Plan (LP) (2016), which collectively and amongst other matters, requires housing design to enhance the quality of local places, taking into account physical context, local character and density, to be of highest quality in relation to their context and the wider environment, and new buildings to reinforce or enhance character.
18. In conclusion, the proposal would conflict with the presumption against the loss of gardens under DMP Policy DMH 6 but would comply with above referenced DMP and LP policies. However, the explanatory text to the DMP Policy DMH 6 states in general, that development will not be permitted on garden land which indicates an exception can be made in some circumstances under the plan. There would be no conflict with DMP Policy DMH 6's need for development to maintain local character, amenity space and biodiversity. For all these reasons, the loss of garden land would be acceptable and accordingly, the proposal's compliance with the identified DMP DMHB and LP Policies would outweigh any conflict with DMP Policy DMH 6.

#### Access

19. DMP Policy DMT 2 requires proposals to ensure safe and efficient access to the highway network and that there are suitable mitigation measures to address any traffic impacts in terms of capacity and function of existing roads. Under DMP Policy DMCI 7 and LP Intend to Publish Version (IPV) (2019) Policy DF1, it must be demonstrated that there will be sufficient infrastructure to support development and that development should address strategic as well as local priorities in planning obligations respectively.
20. The UU indicates that a highway agreement should be entered into with the Council which would ensure the carrying out of the highway works for access of Foxdell, prior to the commencement of development. These works would be carried out at as cost in accordance with the provisions of the highway agreement. A monitoring fee is also required to be paid prior to the commencement of development. In respect of the monitoring fee, this would be justified given the Council's monitoring requirements as set out in its Planning Obligation Supplementary Planning Document July 2014. With the obligation, acceptable access into Foxdell would be provided in accordance with DMP Policies DMT 2 and DMCI 7, LP Policy 8.2 and LIPV Policy DF1.
21. Accordingly, the obligation would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly, the proposal would comply with the tests of paragraph 57 of the National Planning Policy Framework (the Framework) and the statutory tests within the Community Infrastructure Levy Regulations (CIL) 2010 (as amended).
22. The Council has confirmed Foxdell to be an adopted public highway but this is disputed by third parties. However, this would not be a reason to withhold

planning permission as this is a separate legal matter between parties. In planning land use terms, the access is acceptable on highway grounds and the obligation requires the developer/landowners to enter into a highway agreement with the Council to secure access as part of the permission.

*Other matters*

23. With a net increase of two dwellings, the additional traffic generation along Foxdell would be small. For Firs Walk, there would be a negligible increase in traffic generation because there would be no increase in dwellings accessing this Road. Parking provision would be detailed under subsequent reserved matters and there is no reason why it could not be provided given the size of the site. There is no evidence that increased traffic movements would have an unacceptable impact on highway safety.
24. The Highway Authority has raised no objection on traffic congestion, parking stress and highway safety grounds to the proposal. There would be no requirement for significant vehicle turning facilities because the roads concerned are not significant traffic thoroughfares and nor has the Highway Authority highlighted any need. For all these reasons, the development would not result in an unacceptable impact on highway safety of road users and the residual cumulative impact would not be severe.
25. Matters of appearance, scale and layout are reserved for future consideration where the effect on the development on the living conditions of neighbours, having regard to light and privacy would be fully considered. At this outline stage, there are no fundamental living condition issues affecting the acceptability of development. The indicative plan shows that three dwellings could be sited a significant distance from neighbouring properties and there would be scope to obscure glaze any windows above the ground floor, flanking neighbouring properties, to prevent overlooking.
26. For the neighbouring dwelling at Foxdell, the indicative siting would result in overshadowing during the early evening, but this property would receive light, including sunlight, at other times of the day. Therefore, the living conditions of these neighbouring occupiers would not be significantly affected and the principle of development of this site would be acceptable, taking into account the residents' living conditions. Nevertheless, such a matter requires further Human Rights assessment, a matter raised by third parties.
27. There is no policy requirement for affordable housing or community provision on this site. Residents of the development would use local services, such as doctors' surgeries and schools, but there is no evidence from providers that this proposed development would significantly hinder service provision for local people. Similarly, statutory undertakers have not objected in respect of sewage disposal.
28. The remaining part of the property at No 6 could come forward for redevelopment. However, any such proposal must be determined on its individual planning merits, having regard to site circumstances, planning policy and material considerations. Therefore, such a concern of precedent does not justify withholding permission in this instance.
29. For the reasons indicated, the development would create high quality buildings and places which is fundamental to what the planning and development



process should achieve under the Framework. In this regard, the site is large enough to ensure any development could be visually attractive as a result of good architecture, layout, appropriate and effective landscaping, and sympathetic to local character.

#### *Development Plan balance and Human Rights*

30. There would be no harm to the character and appearance of the area and the development would not result in an unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be severe. The proposal would comply with the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan.
31. Under the Convention of Human Rights, there would be interference with a residents' home and family life for the neighbouring Foxdell property under Article 8 and the peaceful enjoyment of their possessions under Article 1 of the First Protocol. These are qualified rights whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Legitimate and well-founded planning policy requires the planning system to provide living accommodation for future generations and for all the previous reasons, the impact on living conditions of the residents would not be significant. In the circumstances, the interference is therefore necessary and proportionate, and there would not be a violation of the residents' human rights. For all these reasons, planning permission should be granted for the development.

#### *Conditions*

32. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and shortened in the interests of clarity and precision taking into account the guidance. Instead of the suggested full permission commencement condition, conditions setting out requirements for reserved matters and commencement of development following the approval of the last reserved matters are set out.
33. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings in respect of means of access. In the interests of highway safety, a condition is necessary setting out pedestrian visibility splays for the accesses. LP Policy 3.8 requires accessible and adaptable, and wheelchair user dwellings. However, the policy also requires Councils to identify the needs for these requirements. In the absence of any need justification, the condition is not necessary. Conditions relating to materials, refuse storage screening, cycle storage, boundary treatments, landscaping and levels are not necessary at this stage. They relate to matters of appearance, landscaping, layout and scale which are reserved for subsequent consideration.

#### **Conclusion**

34. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

*Jonathon Parsons*

INSPECTOR

## **Schedule A**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-2752-LP01 Rev A, 19-2752-03 Rev A and 19-2752-100 Rev B (only in respect of means of access to the surrounding highways).
- 5) The Firs Walk and Foxdell accesses shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.



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