

DELEGATED DECISION

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

APPROVAL RECOMMENDED: GENERAL

Select Option

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

REFUSAL RECOMMENDED: GENERAL

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

RESIDENTIAL DEVELOPMENT

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

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

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

CERTIFICATE OF LAWFULNESS

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

CERTIFICATE OF LAWFULNESS

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

The delegation powers schedule has been checked. Corporate Director of Planning, Environment and Community Services can determine this application.

Case Officer

Signature:

Date:

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

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning & Enforcement Services**

Address LAND AT REAR OF 101 AND 103 RALEIGH AVENUE HAYES

Development: Two storey 3-bed detached dwelling with associated parking and amenity space, involving installation of new vehicular crossover.

LBH Ref Nos: **68694/APP/2012/2442**

Drawing Nos: Flood Risk Assessment (Report No: 2012-057/01)
 Block Plan to Scale 1:100
 Location Plan to Scale 1:1250
 KOM/374-1
 Design and Access statement

Date Plans received : 10/10/2012

Date(s) of Amendment(s):

Date Application Valid: 10/10/2012

1. **SUMMARY**

Planning permission is sought for the erection of a three bedroom detached house. The proposed dwelling would not be out of keeping with the character and appearance of the street scene, nor would it impact significantly detrimentally on neighbouring occupier's amenities. However, it would fail to provide sufficient parking for the proposed development and the one under construction, would not provide an acceptable standard of residential amenity for its occupiers and Lifetime Homes compliance would not be achieved.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by reason of the size of the internal floor space would give rise to a substandard form of living accommodation to the detriment of the residential amenity of future occupiers contrary to Policies BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 and Table 3.3 of the London Plan (2011) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed development results in the loss of the parking for the new dwelling being constructed attached to 103 Raleigh Avenue, without replacement, and also fails to provide sufficient off street parking provision which meets the council's approved parking standards to service the proposed and existing dwellings. The development would therefore lead to additional on street parking, in an area where such parking is at a premium, to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Council's adopted car parking standards and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The scheme fails to meet the requirements of Lifetime Homes to the detriment of the amenities of future occupiers and contrary to Policies 3.1, 3.8 and 7.2 of the London Plan

(2011) and to the adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice

LPP 5.12	(2011) Flood risk management
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms the rear part of the garden of No.101 and 103 Raleigh Avenue, a pair of semi-detached houses located with their frontages on the north east side of Raleigh Avenue. The rear gardens of both sites run parallel with Lothian Avenue, with the rear and side garden of No. 103 adjoining the footway at Lothian Avenue. The application site itself has its frontage to Lothian Avenue, having a width and depth of approximately 10.5m and 21m respectively.

The existing dwelling No.103 Raleigh Avenue is set away from the boundary with Lothian Avenue by around 6m.

No.101 and 103 Raleigh Avenue both have of street parking to their front gardens, accessed via existing crossovers. Both dwellings have single storey rear extensions.

The street scene comprises generally two storey semi-detached houses and the application site lies within the developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application proposal relates to a three bedroom detached house arranged over two storeys.

The property would occupy a footprint of around 49sq.m, with the overall floorspace provided over the two floors being a total of 82sq.m.

The main portion of the property would form a rectangular shape with the roof form being a four sided hip end type. There would be fenestration to both front and rear elevations, with the flank elevations being unpierced.

The main front wall of the proposed dwelling would be located around 5.2m from the boundary with Lothian Avenue, this area would be used as the landscaped front garden adjacent to the one off street parking space proposed (via a new crossover from Lothian Avenue) and bin stores. The flank walls would be set 1m in from either side boundaries. Rear amenity space of 88sq.m would be provided to the proposed new dwelling.

The existing dwellings would retain off street parking to their frontages and rear private amenity spaces of at least 80sq.m each.

The ground floor of the proposed new dwelling would provide an open plan living/dining space, kitchen and WC whilst the first floor would provide three bedrooms and a bathroom.

3.3 Relevant Planning History

61910/APP/2006/1591 Land Forming Part Of 103 Raleigh Avenue Hayes

ERECTION OF A TWO STOREY THREE-BEDROOM ATTACHED HOUSE WITH PROJECTING REAR GROUND FLOOR TOGETHER WITH ASSOCIATED PARKING INVOLVING THE INSTALLATION OF A NEW VEHICULAR ACCESS FROM LOTHIAN AVENUE.

Decision: 27-07-2006 Refused

61910/APP/2006/3409 Land Forming Part Of 103 Raleigh Avenue Hayes

ERECTION OF A TWO STOREY TWO-BEDROOM ATTACHED HOUSE WITH PROJECTING REAR GROUND FLOOR TOGETHER WITH ASSOCIATED PARKING INVOLVING INSTALLATION OF A NEW VEHICULAR ACCESS FROM LOTHIAN AVENUE.

Decision: 29-01-2007 Refused

Appeal: 31-10-2007 Allowed

68694/APP/2012/1872 Land At Rear Of 101 And 103 Raleigh Avenue Hayes

ERECTION OF A NEW THREE BEDROOM HOUSE AT THE REAR OF 101 & 103 RALEIGH AVENUE.

Decision: 17-09-2012 NFA

Comment on Planning History

It is to be noted that an application for an attached dwelling to the side of 103 Raleigh Avenue was refused during 2006 and subsequently allowed on appeal. The application reference number is 61910/APP/2006/3409. It is noted that at the time of the Officer's site visit footings were being dug to the side of No. 103 Raleigh Avenue. No mention of any such scheme has been made as part of the current application. The off street parking for the attached dwelling, allowed on appeal, is depicted to be in the area where the new dwelling is proposed as part of the current application.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consultation

EXTERNAL: A site notice was erected 17/10/2012. Eleven adjoining owner/occupiers were consulted on 12/10/2012. One objection was received from the owner/occupier of 1 Lothian Avenue with the following summarised comments:

- Previous application made for extension refused due to trees on site. Trees suddenly removed, commercial vehicles parked on land. Parking stopped by Council.
- Removal of trees by unknown persons now makes land eligible for new planning application. Delivery of building materials to site recently made.
- What will Council do to stop noise and pollution if development allowed to go ahead?

Environment Agency: Lower risk development - Use FRSA.

INTERNAL:

Highways Officer:

Further to undertaking a site inspection and assessment in relation to the above, I would comment as follows.

The development proposals are for the construction of a 3 bedroom dwelling at the site with the provision of 1 car parking space. As part of the proposals vehicle access will be provided over a crossover, which will be constructed along Lothian Avenue.

When undertaking assessment of the development it is noted that there is an extant planning consent at the site (Ref: 61910/APP/2006/3409) for the construction of a dwelling that will form a terrace with 103 Raleigh Avenue, which is currently being implemented. As a result, the proposals under the current planning application will remove 3 No. parking spaces that are required as part of the extant planning consent.

Additionally, when considering the current development proposals it is noted that the PTAL index within the area is 1b, which is classified as very poor. As a result, the maximum parking provision of 2 No. car parking spaces would be required to be provided within the boundary of the site.

Therefore, an objection is raised as the development is considered contrary to Policy AM14 of the adopted Hillingdon Local Plan, 2012 Part 2.

Access Officer:

The proposal is unacceptable, not complying with Lifetime Homes standards in several respects.

(In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document Accessible Hillingdon adopted January 2010. Compliance with all 16 Lifetime Home standards should be shown on plan. The following access observations are provided:

1. Level access should be achieved. Entry to the proposed dwelling appears to be stepped, which would be contrary to the above policy requirement. Should it not be possible, due to topographical constraints, to achieve level access, the pathway leading to the ground floor entrance door should be sloped (maximum gradient 1:21).
 2. The scheme does not include provision of a downstairs WC that is compliant with the Lifetime Home requirements. To this end, a minimum of 700mm should be provided to one side of the toilet pan, with 1100mm in front to any obstruction opposite.
 3. A minimum of one bathrooms/ensuite facility should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100mm provided between the front edge of the toilet pan and a door or wall opposite.
 4. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gulley drainage.
 5. The plans should indicate the location of a future through the ceiling wheelchair lift.
- Conclusion: revised plans should be requested as a prerequisite to any planning approval. In any case, an additional Condition, as set out below, should be attached to any planning approval:

ADDITIONAL CONDITION

Level or ramped access shall be provided to and into the dwelling houses, designed in

accordance with technical measurements and tolerances specified by Part M to the Building Regulations 2000 (2004 edition), and shall be retained in perpetuity. REASON: to ensure adequate access for all, in accordance with London Plan policy 3.8, is achieved and maintained, and to ensure an appropriate standard of accessibility in accordance with the Building Regulations.)

6. **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

LPP 3.1 (2011) Ensuring equal life chances for all

LPP 3.3 (2011) Increasing housing supply

LPP 3.4 (2011) Optimising housing potential

LPP 3.5 (2011) Quality and design of housing developments

LPP 3.8 (2011) Housing Choice

LPP 5.12 (2011) Flood risk management

LPP 5.3 (2011) Sustainable design and construction

LPP 7.2 (2011) An inclusive environment

LPP 7.3 (2011) Designing out crime

In addition: London Plan (2011)
NPPF (2012)

7. MAIN PLANNING ISSUES

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

Paragraph 4.9 of the HDAS: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore, and a minimum of 21m overlooking distance should be maintained.

The proposed detached house would be located some 14.5m from the main rear wall of the nearest neighbouring dwelling No.103 Raleigh Avenue. The flank wall of the proposed dwelling would not be located directly to the rear of No.103 Raleigh Avenue, it would be marginally forward in relation to Lothian Avenue. As such, given the separation distance approaching 15m, the proposal would not harm the residential amenities of the occupiers of that house through overdominance and visual intrusion. In addition, there would be no flank windows to the proposed dwelling and therefore no direct overlooking would likely result. The rear first floor bedroom windows would overlook the rear of the rear gardens of dwellings on Raleigh Avenue. As this overlooking would be to the rear portion of the lengthy rear gardens, no major concerns are raised.

As such, it is considered that the proposal would not significantly harm the residential amenities of nearby occupiers, in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraphs 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts. The new windows serving the proposed dwelling would provide an adequate natural light to the rooms they would serve, in accordance with London Plan Policy 3.5 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.2 Impact on Street Scene

The street scene comprises generally simply designed semi-detached dwellings with the consistencies being their two-storey nature and four sided hip ended roofs. The proposed detached house would be two storeys high and would have a four sided hip ended roof. The street scene elevation provided as part of the documentation submitted demonstrates the matching eaves and ridge heights with the existing dwellings in the vicinity. The set back of the frontage of the property has been noted and is considered acceptable - it would generally be along an imaginary line drawn from the flank walls of the dwellings 103 Raleigh Avenue and 112 Shakespeare Avenue. It is to be noted the application (61910/APP/2006/3409) for an end of terrace dwelling to No.103 Raleigh Avenue was allowed on Appeal, this new property coming in close proximity of the boundary of the site with Raleigh Avenue. It is considered that the proposal would generally be complementary to the existing immediate street scene. Overall, the proposal is considered to harmonise with the character and appearance of the street scene, in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.3 Traffic Impact / Pedestrian Safety

The proposed house would not lead to a significant increase in traffic generation given its proposed use and location within a residential area. As such, the proposal would comply with Policy AM2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.4 Carparking & Layout

When undertaking assessment of the development it should be noted that there is

an extant planning consent at the site (Ref: 61910/APP/2006/3409) for the construction of a dwelling that will form a terrace with 103 Raleigh Avenue, which appears to be currently under construction. As a result, the proposals under the current planning application will remove 3 parking spaces that are shown on the approved drawings for this development and are required as part of the extant planning consent. These spaces are not shown as being replaced in a satisfactory manner.

Additionally, when considering the current development proposals it is noted that the PTAL index within the area is 1b, which is classified as very poor. As a result, the maximum parking provision of 2 car parking spaces would be required to be provided within the boundary of the site, particularly given the level of on-street parking in the area. In total the development should provide 5 parking spaces, including those required to be replaced as a result of the siting of the dwelling. One space is proposed which is considered to be a significant shortfall and would result in unacceptable on street parking to the detriment of highway and public safety.

The proposal is therefore contrary to Policy AM14 of the adopted Hillingdon Local Plan, 2012 Part 2.

7.5 Urban Design, Access and Security Considerations

The London Plan Policy 3.8 requires all new housing to be built to 'Lifetime Homes' standards. The Council's HDAS 'Accessible Hillingdon' also requires all new housing to be built to 'Lifetime Homes' standards. Comments from the Council's Access Officer advise that the proposal would fail to meet this standard. The scheme fails to meet the requirements of Lifetime Homes and is thus contrary to London Plan (2011) Policies 3.8 and 7.2 and to the adopted Supplementary Planning Document Hillingdon Design & Accessibility Statement: Accessible Hillingdon.

7.6 Other Issues

With an overall area of 0.02Ha and 5 habitable rooms, the proposed scheme would have a density of approximately 250 habitable rooms per hectare. This would slightly exceed the London Plan density range of 150-200 habitable rooms per hectare based on the site's Public Transport Accessibility Level (PTAL) score of 1. This is considered to be excessive and is reflected in the reasons for refusing the scheme.

The internal floorspace of the proposed house would be approximately 82sq.m which would not meet the requirements of the London Plan 2011, which requires 96sq.m for a dwelling with three bedroom, five person occupancy. As such, the proposal would not provide an acceptable standard of residential amenity for its future occupiers.

With regard to amenity space, the proposed new dwelling and the two parent dwellings would have at least 80sq.m proposed. This would be in accordance with that as recommended at paragraph 4.15 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts which advises a minimum of 60sq.m for three bedroom houses. It is therefore considered that the proposal would provide amenity space commensurate with the type of property being proposed, which would be suitable for the future occupiers of the dwelling and which would be in keeping with the character of the area, in accordance with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

The proposed refuse storage facility is considered acceptable, in accordance with Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraph 4.40 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

The proposed house would not result in a net increase of 6 habitable rooms and therefore would not fall within the threshold for seeking a contribution towards school places.

The application site lies within a Flood Zone 2. The application has been supported by a flood risk assessment. The Environment Agency has raised no major objections subject to the Flood Risk Standing Advice, which as per the Flood Risk Statement advises mitigation measures being built into the design of the scheme and confirmation of finished floor levels. As this issue could be dealt with by planning condition should permission be granted, no objection is raised to the scheme in relation to flood risk.

8. Reference Documents

London Plan (2011)

NPPF (2012)

Hillingdon Design and Accessibility Statement: Accessible Hillingdon

Hillingdon Design and Accessibility Statement: Residential Layouts

Contact Officer: Jazz Ghandial

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