Residents Services

APP. REF. NO: 69997/APP/2014/1673

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 then 10 dewlling units and/or a site of less than 0.5 ha	☐
11. Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT	
12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses	☐
13. Refusal of change of use from retail class A1 to any other use	☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS	
15. Certificate of Lawfulness (for proposed use or Development)	☐
16. Certificate of Lawfulness (for existing use or Development)	☐
17. Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS	
18. ADVERTISMENT CONSENT (excluding Hoardings)	☐
19. PRIOR APPROVAL APPLICATION	☐
20. OUT-OF-BOROUGH OBSERVATIONS	☐
21. CIRCULAR 18/84 APPLICATION	☐
22. CORPSEWOOD COVENANT APPLICATION	☐
23. APPROVAL OF DETAILS	☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval	☐
25. WORKS TO TREES	☐
26. OTHER (please specify)	☐

The delegation powers schedule has been checked. Director of Residents 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, Building Control, Sport & Green Spaces**

Address LAND ADJOINING 34 RODMELL CLOSE HAYES

Development: Two storey, 1-bed, detached dwelling with associated parking and amenity space involving installation of vehicular crossover to Ditchfield Road

LBH Ref Nos: **69997/APP/2014/1673**

Drawing Nos: 34 RMC P01 Rev. A
34 RMC P02
34 RMC VCO01
34 RMC FIG01

Date Plans received : 03/06/2014 **Date(s) of Amendment(s):**

Date Application Valid: 03/06/2014

1. SUMMARY

The scheme proposes to erect a 1 bedroom 2 storey dwelling to the space currently used as amenity space for 34 Rodmell Close.

The proposal would result in loss of amenity to neighbouring occupiers and would result in detriment to the character and appearance of the area due to a loss of a characteristic open gap within the planned estate.

There would be an unacceptable loss of amenity space to 34 Rodmell Close.

A s106 legal agreement for educational contributions would not be required given the number of habitable rooms proposed being less than six.

The application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, would result in the infilling of an open gap which is characteristic of the area to the detriment of the character and appearance of this planned estate and the visual amenity of the street scebne and the wider area. The development would thus be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The development, by virtue of its position, size, scale and bulk would be detrimental to the residential amenity of the occupiers of neighbouring dwellings, by reason of overdominance, loss of light, overshadowing, loss of outlook and visual intrusion. The proposal is thus contrary to Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The development would result in the loss of private amenity space associated with 34 Rodmell Close, without replacement and would therefore fail to comply with the minimum standards to the detriment of the residential amenity of current and future occupiers of 34 Rodmell Close. The development is therefore contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions and Residential Layouts.

INFORMATIVES

1 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 September 2007), 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.

2 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).

3 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.
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 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture

3. CONSIDERATIONS

3.1 Site and Locality

The application site is space to the side (north) of the existing bungalow 34 Rodmell Close. It currently appears to be private amenity space for this dwelling.

Further to the north, the northern boundary of the application site is defined partly by a single storey side extension belonging to a two storey end of terrace house, 30 Rodmell Close.

The rear elevation of 30 Rodmell Close faces Ditchfield Road, with its frontage to a hard paved area at the end of the turning head of Rodmell Close.

34 Rodmell Close has its frontage facing south, towards Rodmell Close.

The site is situated within a Developed Area as identified in the policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The proposal seeks consent for a two storey 1 bedroom dwelling in the land between the flank wall of the existing bungalow and the northern boundary of the site.

The northern flank wall of the new dwelling would abut the flank wall of the side extension to 30 Rodmell Close to the north. The southern wall of the new house would be set in around 2m from the main flank wall of 34 Rodmell Close, with the new boundary set 1m away from the existing and proposed dwellings. The frontage of the dwelling would be set back around 0.3m in relation to the main front wall of the property 30 Rodmell Close. Its rear wall at ground floor level would project around 1.5m beyond the rear of 30 Rodmell Close, its first floor being in line with 30 Rodmell's main rear wall. To the rear, there would be a private garden and off street parking for the new dwelling, via a new crossover from Ditchfield Road.

The design of the new dwelling would be to replicate the dwelling 30 Rodmell Close, with the first floor being served by conventional windows to the rear and a dormer window to the frontage.

The new dwelling would have a GIA of around 62.5m2 and would have a rear garden of 40m2.

3.3 Relevant Planning History
Comment on Planning History

No planning history.

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

Six local addresses were consulted on 05/06/2014. Several responses were received from one neighbouring occupier/owner at 30 Rodmell Close;

- The proposed development will be overlooking my garden, which will completely take away my privacy.

- I am against the proposal for a two story house in my neighbour's back garden.
1/ The proposal is to build a two story house on the boundary which is clearly not permitted under Hillingdon planning.
2/ The plans show that part of the proposed property will be in my front garden.
3/ The plans show that they propose access from my front garden which I will not allow.
4/ I have a 1st floor window to the side of my property. The proposed property will completely block out light and view.

- Be advised that part of the land the applicant intends to build on does not belong to him.

- The proposed application for a two story house would severely take away the privacy in my garden as I will completely be overlooked. This is a second submission of this comment as I have been advised
that it was not received the first time by planning department.

EPU -

We would advise including the following informatives in this planning application. The property is located within the 250 m buffer of the Willow Tree Lane landfill site and there were areas of fill located in the surrounding land as well, which are thought to have been remediated as part of the development. The park (landfill) is 75 to 80 metres from the property. Informative 1 You are advised this property forms a part of the 'Willow Tree Lane Joint Development'. Records indicate remediation works were carried out by the developer. However we would advise persons working on site to take basic precautions in case of any potential contamination at depth, and also as a precaution to ensure that any material dug up at depth is not mixed with the clean material near the surface. Please contact the Environmental Protection Unit on 01895 277018 if you require any advice. Reason: There is a possibility there may be some contaminating substances present in the ground at depth. Informative 2 INFORMATIVE ONLY (This is NOT a planning condition) Building Techniques - It is recommended that the new house is designed and constructed to prevent/minimise the possible entry of any migrating landfill gas. Please contact the Building Control Inspector and/or the Environmental Protection Unit on 01895 277018 if you require any advice. Reason: The Council is aware of the presence of land

(in the park) with the potential to exude gas within 75 to 80 metres of the site but the risk of gas migration is considered minimal due to the age and location of the fill. Please add the construction site informative as attached.

Transportation - No comments were received.

Access Officer - No comments were received.

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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LPP 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture

In addition:

7. MAIN PLANNING ISSUES

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

The Hillingdon Design and Accessibility Statement (HDAS) SPD: Residential Layouts, deals with Sunlight and Daylight, and suggests where a two or more storey building abuts a property or its boundary, adequate distance should be maintained to overcome possible domination. The SPD states that the distance provided will be dependant on the bulk and size of the building but generally, 15m will be the minimum acceptable distance. The SPD further states that as a guide, the distance between habitable room windows should not be less than 21m.

The proposed dwelling is bounded by the existing residential properties 30 and 34 Rodmell Close to the north and south.

As the front and rear walls of the proposed house would not project further forward or rearward than the front and rear walls of the neighbouring dwelling to the north 30 Rodmell Close and as there are no habitable room windows within the flank walls of either the proposed dwelling or this neighbouring property, there would be no major impact on the amenities of 30 Rodmell Close.

There would be an unacceptable impact on the amenities of the occupiers of 34 Rodmell Close. There are windows that serve habitable rooms facing the application property, which would be located at a separation distance of around 2m from these openings. Hence there would be an unacceptable impact on the daylight received by and outlook from these openings.

With regards to the dwellings to the rear/west of the site, 32 Rodmell Close would be located at a distance of around 18m from the rear of the proposed dwelling, less than the minimum 21m requirement to ensure no overlooking would occur between habitable room windows.

The proposal would fail to maintain the current outlook, privacy and levels of daylight received by the occupiers of neighbouring dwellings. It is therefore considered that the proposal would not comply with policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.2 Impact on Street Scene

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene or other features in the area.

It is considered that the infill nature of the development would not preserve the character and appearance of this planned estate and would erode an open gap characteristic of the area.

The development would be contrary to Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and guidance set out within the HDAS: Residential Layouts SPD.

7.3 Traffic Impact / Pedestrian Safety

The proposed development would not lead to a significant increase in traffic generation given the proposed use and location within a residential area. As such, from a traffic generation perspective, the proposal would comply with Policy AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The plans indicate parking for one vehicle for the proposed unit located to the rear of the site, which would be an acceptable level of provision given the 1 bedroom size of the

dwelling and the 1a PTAL level. The crossover would not be located in close proximity to the corner of the road and would provide visibility splays. The proposal would provide an acceptable level of off street parking provision, in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Parking Standards (Annex 1, Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.4 Carparking & Layout

The car parking considerations have been discussed in the section entitled Traffic Impact/Pedestrian Safety.

The proposal does not include cycle parking spaces, however, this could be secured by way of a planning condition in the event of an approval.

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. Although full compliance has not been demonstrated, it is considered that in the event of an approval, a suitable condition would ensure compliance with London Plan Policies 3.8 and 7.2 and to the adopted Supplementary Planning Document Hillingdon Design & Accessibility Statement: Accessible Hillingdon.

London Plan Policy 3.5 (Annexe 4 of the Housing SPG) requires 2 storey dwellings with 1 bedroom to have a minimum internal floorspace of 61sq.m. The dwelling would exceed this figure with 62.5sq.m.

Amenity space of at least 40 sq.m would be required to ensure compliance 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. 40sq.m has been depicted.

However, concern is raised at the loss of the only private amenity space associated with 34 Rodmell Close. Although the parent dwelling has a garden to the south, this is considered to not be private. The proposal would result in the loss of amenity space to the detriment of the occupiers of the existing dwelling 34 Rodmell Close, contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

It is considered that all the proposed habitable rooms would have an adequate outlook and source of natural light, and therefore comply with Policy 3.5 of the London Plan (2011).

7.6 Other Issues

No detals for refuse storage have been presented. In the event of any approval, a condition should be imposed requiring full details of secure and covered refuse storage arrangements.

Policy R17 of the Unitary Development Plan states that: The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, culture and entertainment activities and other community, social and education facilities through planning obligations in conjunction with other development proposals'. Presently S106 contributions for education are sought for developments when the net gain of habitable rooms exceeds six. The proposal would result in three additional habitable rooms and therefore as it is less than six habitable rooms no education contribution would be required.

8. Reference Documents

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
London Plan (2011)
NPPF (2012)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
Hillingdon Design and Accessibility Statement: Residential Layouts

Contact Officer: Jazz Ghandial **Telephone No:** 01895 250230