



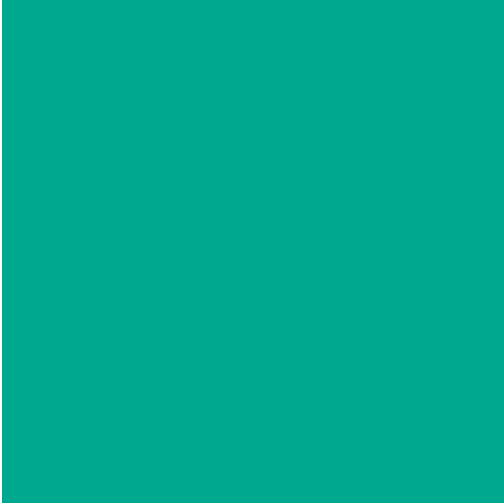
PLANNING STATEMENT

Site: 1 Brookdene Drive/
20 Watford Road, Northwood,
London HA6 3NS/T

For: Clearview Homes Limited

Project Ref: SJB/17042_PS

October 2018



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1.0 **INTRODUCTION**

- 1.1 Planning is an iterative process and the proposal, the subject of this detailed application follows a pre-app, the consequent submission of a part outline application, its refusal and a subsequent appeal (unlike the application, this firm handled the appeal on behalf of the appellants), which was dismissed. Collectively, these have established some useful parameters against which the current proposal has been devised and should be assessed.
- 1.2 The appeal decision in which events culminated was issued in January 2018. It is a significant material consideration and unless either; the proposal, the situation at the site and surroundings or relevant national and local policy and guidance has changed significantly or materially, then it carries considerable weight.
- 1.3 In short, the appeal failed on one particular point, which had been raised by the planning authority and which, with qualification, was upheld by the appointed Inspector. This concerned policies for affordable provision and the manner in which it could be secured.
- 1.4 Briefly, the Inspector concluded that prevailing national policy should apply, whereby affordable provision should be sought on schemes of eleven dwellings or more (the Council argued ten) or greater than 1,000m² and it should be secured by a S106. The appellants acknowledged that at the reserved matters stage, it was feasible that the number of dwellings or their cumulative size could increase and a S106 Agreement (Unilateral Undertaking) was prepared to cover this contingency.
- 1.5 The appeal failed because the Inspector confirmed that the Agreement was necessary, but as drafted, she shared concerns expressed by the Council

and concluded that its wording was flawed. That being the case, the appeal should fail on that single point.

- 1.6 At the time that the appeal was being considered, neither the then adopted London Plan nor the adopted LBH plan was consistent with national policy (PPG Planning Obligation – May 2016 Revision) and the Inspector saw no reason for the latter not to prevail.
- 1.7 During the appeal submissions, we drew attention to the fact that the then version of the replacement draft London Plan was revised to reflect the PPG. The latest version of the draft, published following the publication of the revised NPPF of July 2018 reverts to an affordable threshold of ten or more, as does LBH Local Plan Part 2, presently awaiting an Inspector's Report following an EiP.
- 1.8 This notwithstanding, the PPG has not been revoked and there is considerable confusion. Rather than await case law, observations of Examination Inspectors, ministerial statements or whatever developments may unfold, the current scheme, to avoid any ambiguity or confusion is minor development being a fully detailed planning application for nine flats with a cumulative gross internal floor area of less than 1,000m². Consequently, much of the debate surrounding the previous scheme, now falls away.
- 1.9 The previous application and its consideration by both officers (the decision was delegated) and the Inspector, did address matters other than affordable provision and Legal Agreements. Insofar as they, as decision takers, dealt with the principle of flatted development and the effect of a two to three storey building on both the character of the area, the immediate street scene, the near neighbours and the conditions afforded to

the would be occupants, the assessment and conclusions have been paid regard in the formulation of the now detailed proposal.

1.10 With the foregoing in mind, this statement is set out as per page 1.

2.0 **RECENT PLANNING HISTORY**

2.1 The previous application referred to above, was submitted in September 2016. It was in outline, but proposed ten flats and had indicative floor plans and elevations. The access, layout and landscaping were unreserved with scale and appearance being the reserved matters. Copies of the proposed drawings are attached as **Appendix 1** and the delegated report as **Appendices 2 and 3** respectively.

2.2 As can be seen, with the exception of the proposed amenity space and its 'quality', as opposed to quantity, officers were content with the standard of accommodation that was to be provided. Further, whilst they could not assess the appearance of the building or the openings within it (the floor plans being indicative), they were content that it need not prejudice the amenity or privacy of the near neighbours. They also had no concerns about the likely effect on the street scene of a two to three storey flatted building.

2.3 What they did have concerns with was; the perceived over concentration of flatted development in this part of Watford Road if the scheme was approved (Reason 1), the loss of existing rear gardens and their replacement with hard surfaces and consequent impact on the character and appearance of the area (Reason 2), the quality of the proposed open space as referred to above (Reason 3), the lack of a detailed energy assessment detailing measures to reduce carbon dioxide emissions (Reason 4) and the failure to secure obligations in respect of affordable housing,

highway works, construction training, project management and monitoring (Reason 5).

2.4 These matters were all addressed by both parties during the appeal process. Inspector Moore's decision is attached as **Appendix 4**. She did not uphold the Council's concerns in respect of the first, second, third or fourth reasons for refusal. The fourth overlapped with the fifth in respect of energy and with regard to the fifth, the Inspector concluded that only mindful of the need to safeguard matters of affordable provision at the reserved matters stage did affordable housing need to be catered for in an adequately worded Legal Agreement. As explained, neither the Inspector nor the Council were satisfied with the tabled Unilateral Undertaking.

2.5 Having reflected on the application and appeal process, this revised application has been prepared in the knowledge of those matters not disputed by the local planning authority with the previous scheme, those matters disputed, but not endorsed by the Inspector and the sole matter in respect of which she dismissed the appeal.

3.0 **DESCRIPTION OF THE SITE AND SURROUNDINGS**

3.1 A detailed site description accompanied the appeal Statement of Case. As it addressed the previous reasons for refusal and helped to inform the Inspector's assessment, it is largely reproduced below as a reminder in considering the current and now detailed proposal.

The Site

3.2 The application site comprises two modern houses on typical suburban plots, which are neither large and nor do they offer infill potential. They would appear to have been built when Brookdene Drive was laid out in the

1960s or 70s by the amalgamation of older properties in whole, or part, along Watford Road and the creation of a small estate of approximately 40 houses.

3.3 1 Brookdene Drive has its main garden to the front and side, being a corner plot, with its rear garden given over to a garage and driveway, a patio and a small enclosed area.



20 Watford Road has a front garden largely given over to hardstanding for the parking and manoeuvring of vehicles (see above) and to the rear, a patio and garden, commensurate with most of its neighbours. Neither house occupies a large plot such as those which previously may have existed here, typified by lower density housing with long and verdant rear gardens.

3.4 Brookdene Drive forms a staggered intersection with Carew Road to Watford Road. The opposing corner is redeveloped with Saxon Court. 14 flats in a two/three storey building, which replaced 36 Brookdene Drive and 16 Watford Road and was approved in 2006.

3.5 On the opposing corner is a much larger flatted development (Chestnut Court) comprising three distinct blocks, one on Watford Road, one wrapping around the corner into Carew Road and the third in Carew Road. Two further schemes may be found at 2 Watford Road and 37 Watford Road, pretty much equidistant from the application site to the south and north respectively. Flatted developments are, therefore, a part of the

character of the immediate locale and further afield as set out in the appeal evidence thus:

East Side Travelling North

3.6 At the junction of 2 Watford Road and Green Lane is a two storey/three floor block of flats. It is shown in the image right and the flats have amenity space along the road frontage and parking adjacent to



4 Watford Road. It is a traditionally styled building, standing on a corner plot.

3.7 4 to 14 Manor Road comprise detached 20th century houses which probably donated parts of their rear gardens to facilitate the creation of the Brookdene Drive cul-de-sac. No.16, along with 36 Brookdene Drive form the



corner site opposite the application site, redeveloped as Saxon Court a decade ago. It is shown right with a glimpse of 1 Brookdene Drive to the left of the image.

3.8 The two images over show the corner frontage of the application site. There is a highway tree on the corner and the vegetation around the site would remain, as may be verified from the application drawings.



- 3.9 22 and 24 Watford Road resemble No.20 and the other Brookdene Drive houses. Nos.26 and 28 (below), however, are in this part of Watford Road, somewhat rare examples of larger early 20th century detached houses on slightly deeper plots.



- 3.10 Travelling north is Elgood Drive beyond and around which there is no frontage development rather houses back on to Watford Road and present rear gardens and boundary fences as can be seen.



- 3.11 At this point, the road crosses the administrative boundary between Hillingdon and Three Rivers. It continues as Watford Road, but the character changes to much larger houses set in large grounds and, even

where the backland has been developed, it is at a much lower density. Representative images are shown below concluding with 1 Watford Road.



West Side Travelling South

- 3.12 The character within Three Rivers is similar to the opposite side of the road. Although in institutional use as a BUPA care home, the first property (see below) is either built around or is newly built to resemble a large early 20th century property complete with spacious, landscaped grounds and a gated entrance and again, the character of the road changes on entering Hillingdon – see below.



- 3.13 Immediately across the border is Mountview, a 1970s estate road closely followed by Frithwood Avenue, which seems to date from the same era. Between them is 37 Watford Road redeveloped as Monmouth Court, a two storey/three floor block of flats shown below.



- 3.14 Located off Frithwood Avenue and not having vehicular access from Watford Road is Chesham Court. This is a typical 1960s inward facing, two storey flat roofed enclave of town houses, with garage courts which mostly look away from Watford Road as the images below confirm.



- 3.15 Beyond this is Foxfield, another small cul-de-sac of modest houses, and then the back/side gardens of houses on the north side of Carew Road, which is opposite the appeal site. The opposing corner is occupied by the abovementioned Chestnut Court, the corner tower of which can be seen in the image over. The right hand image shows the view from the pedestrian

gate on Watford Road, with a glimpse through the mature hedge of a large building on a relatively large plot.



3.16 Beyond Chestnut Court, the remainder of the west side of the road is occupied solely by flatted buildings, which appear to date from the 1970s or possibly 60s, with Wild Oaks Close being in a neo-Georgian style and Daintry Lodge, slightly more avant garde and having a mansard roof. They are shown on the four images below and Daintry Lodge stands on the opposing Watford Road/Green Lane corner to 2 Watford Road where this review began.



3.17 As this review demonstrates, the character of Watford Road is eclectic. Possibly at one time comprising larger houses with direct frontage, whilst these remain at the northern end, across the administrative border, to the south there has been newer infill, backland and piecemeal development. This includes roads created on backland, roads with houses backing, or end, on to Watford Road, older flatted blocks and newer blocks from the late 20th century and early 21st century, which if anything do resemble larger, traditional houses set on bigger plots.

3.18 The Inspector acknowledged these observations and confirmed that:

".....Watford Road has a mix of development types and its character has evolved from a traditional residential area comprising large detached dwellings. The flats and other forms of development contribute to the character of the area and are compatible in form and layout".

(paragraph 32 – **Appendix 4**)

and

"The development proposed would result in the loss of two relatively modern houses, but these are not remarkable or worthy of retention in their own right. Moreover, the Council acknowledges that the impact of the development on the street scene would be acceptable. Although the development would add to the number of flatted developments along the road, the overall appearance of the area would remain that of a mixed residential area with detached houses being the more common form of development. Consequently, I conclude on this issue that the proposal would not result in an over-concentration of flatted development on this part of Watford Road to the detriment of the established character of the area."

(paragraph 34 – **Appendix 4**)

4.0 **REVIEW OF RELEVANT POLICY**

4.1 A number of policies featured in the previous refusal, the appeal statement of case and the Inspector's consideration and in particular, those concerning affordable provision and developer contributions. Matters are simplified with the current proposal being minor development for nine dwellings and insofar as policies relating to character, appearance and detailed layout were concerned, the previous proposal was not found wanting. Consequently, with the revised resubmission the review of relevant policy will be kept proportionate and updated as necessary.

The Development Plan

4.2 As at the time the previous application was decided by both the Council and the Inspectorate, the Development Plan comprises: **The London Plan – Spatial Development Strategy consolidated with alterations since 2011-March 2016, the Hillingdon Local Plan: Part 1 Strategic Policies (adopted November 2012) and the Hillingdon Local Plan: Part 2 – UDP (adopted 1998) policies as saved in 2007 and 2012.**

4.3 Both the London Plan and the Local Plan Part 2 policies were under review and emerging when the appeal was being processed. On behalf of the appellants we referred to some of the emerging Part 2 Policies with the appeal submission and the then current draft London Plan by way of an update at the seven week stage of the appeal; the latter referenced by the Inspector (in respect of affordable thresholds). Presently neither of these emerging plans is adopted but they are referred to below where considered relevant under "*Emerging Policy*",

The London Plan

4.4 **Policy 2.6** sets the vision and strategy for Outer London.

- 4.5 **Policy 3.5** is concerned with the quality and design of new housing and the subtext allows *“plan-led presumptions against development on back gardens where locally justified by a sound local evidence base”*.
- 4.6 **Policy 3.13** sets out Affordable Housing Thresholds. This was redrafted and reconfirmed in March 2016 and specifies that *“Boroughs should normally require affordable housing provision on a site which has a capacity to provide 10 or more houses.....”*
- 4.7 **Policy 5.2** is concerned with minimising carbon dioxide emissions and includes, inter alia, a requirement for energy assessments for every major (10 or more for dwellings) development proposal.
- 4.8 **Policy 7.4** deals with Local Character. This is a general London-wide policy and again is couched in broad terms. Clauses B and C have regard to decision making and plan making, thus:

“Planning decisions

- B Buildings, streets and open spaces should provide a high quality design response that:*
- a has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass*
 - b contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area*
 - c is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*

- d allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area*
- e is informed by the surrounding historic environment.*

LDF preparation

C Boroughs should consider the different characters of their areas to identify landscapes, buildings and places, including on the Blue Ribbon Network, where that character should be sustained, protected and enhanced through managed change. Characterisation studies can help in this process."

4.9 **Policy 8.2** is concerned with Planning Obligations and sets out general provisions for why and how they are necessary and achieved.

4.10 When the London Plan was last republished, its companion SPD was also updated. The decision refers to paragraph 1.2.44 of the March 2016 SPD, which is one of two paragraphs concerned with Private Garden Land Development. They are reproduced in full below:

"1.2.44 London Plan Policy 3.5A states that 'Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.' This locally sensitive approach reflects paragraph 53 of the NPPF. Where planning permission is required, boroughs are advised to consider proposals for development in gardens in the light of local circumstances, taking into account the value gardens have in addressing the range of strategic policy objectives, particularly in terms of:

- *defining local context and character including local social, physical, cultural (Policy 7.4, 3.5);*
- *providing safe, secure and sustainable environments and play spaces for children (Policy 3.6);*
- *supporting biodiversity, protecting London's trees, 'green corridors and networks' (Policies 7.19, 7.21);*
- *flood risk management and sustainable drainage (Policies 5.12 and 5.13)*
- *mitigating the effects of climate change including the 'heat island' effect and urban greening (Policies 5.1, 5.9, 5.10); and*
- *enhancing the distinct character of suburban London (Policy 2.6).*

1.2.45 *Boroughs should seek to strike an appropriate balance between these and other London Plan policies, in particular the strategic objective to provide a wide choice of homes Londoners can afford, including family sized units, taking account of the specific needs of large families (Policy 3.8). Alongside new build provision and turnover within the existing housing stock, extensions to existing homes and the sensitive renewal and intensification of existing residential areas is likely to play an important role in meeting demand for larger properties in the capital, helping to address overcrowding and affordability issues in certain areas."*

Hillingdon Local Plan: Pt1 Strategic Policies

Relevant policies are:

4.11 **Policy H2** of this 2012 policy document seeks to maximise the delivery of affordable housing on all sites and on sites with a capacity of 10 or more units will expect the affordable mix to reflect the needs of the borough.

4.12 **Policy BE1** is a borough-wide policy aimed at ensuring that new development improves and maintains the quality of the built environment. To this end, it has an eleven point checklist wherein the following are the most relevant in this instance:

- "1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;*
- 2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;*
- 9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas;*
- 10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero carbon technologies."*

Saved UDP Policies

- 4.13 On the interactive policies map, which is based on the adopted policies reviewed above, neither the site nor any of its immediate surroundings along and off Watford Road enjoys any specific designation or allocation; being what used to be called “white land”. The non-specific policies of relevance are as follows:
- 4.14 **BE13** – one of a suite of Design policies which seeks to ensure that development harmonises with *“the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance”*.
- 4.15 **BE19** - one of a suite of Residential Amenity policies, the aim of which is to *“seek to ensure that development within residential areas complements or improves the amenity and character of the area”*.
- 4.16 **BE23** – as above and providing that new residential buildings should *“provide external amenity space, which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings, and which is usable in terms of its shape and siting”*.

The Emerging Policies

Local Plan Part 2

- 4.17 At the time of the appeal, we referred to the by then finalised, but not yet submitted to Examination, Part 2 policies insofar as they dealt with affordable provision (DMH7 - not now relevant) and an interpretation of the concentration of flats policy set out in guidance (DMH4). There was also a policy which complemented the London Plan in respect of garden land (DMH6).

4.18 This Plan was submitted in May 2018, has been examined and the Inspector's report is awaited. The policies therein are, therefore, not adopted, but this notwithstanding affordable policies are not, in this case, relevant and the subject matter and aims of DMH4, DMH6 and DMHB18: Private Outdoor Amenity Space were set out in related policies and guidance and importantly considered by the previous appeal Inspector.

London Plan

4.19 This plan has moved on and the latest draft version was published in August 2018. It has yet to be submitted for examination but unlike Hillingdon's Part 2 Plan, it has had regard to the 2018 NPPF and the guidance therein.

4.20 It is indicative of the Mayor's current direction of travel and matters of relevance include:

- Increased housing figures (annualised figure for Hillingdon proposed to be increased from 559 to 765 or 37%).
- Emphasis on small housing developments.
- Revised (NPPF compliant) affordable thresholds.
- Deletion of garden land policies.

Supplementary Planning Documents

Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document – Residential Layouts (July 2006)

4.21 The HDAS SPD was referred to previously in respect of the principle of flatted development and the provision of external amenity space for the proposed residents respectively. On the matter of the principle (now

reiterated in the emerging Part 2 policy (see 4.17-4.18 above) this was considered in the recent appeal.

4.22 On the matter of amenity space for flatted developments, it states that:

"4.17 Developments should incorporate usable, attractively laid out and conveniently located garden space in relation to the flats they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area. Where houses have been converted into flats, adequate garden space should be provided according to the number of units created.

In considering whether adequate garden space has been provided for new flats including the conversion of houses, the Council will apply the following guidelines:

Shared amenity space for flats & maisonettes:

Studio & 1 bed

bedroom flat 20m² per flat

2 bed bedroom flat 25m² per flat

3+ bedroom flat 30m² per flat

4.18 Balconies should be provided wherever possible for upper floor flats, along with private patio or garden areas for ground floor units. Where usable balconies or private garden space has been provided for individual units, the floorspace can be deducted from the calculation of outdoor amenity space. Garden space and patios are a preference and should be accommodated where possible, except where the physical limitations of the site prevent this and other forms of amenity space are suitable. However, communal

amenity space should be used solely by the residents of the flats they serve and secured against unauthorised access.”



National Policy and Guidance

The National Planning Policy Framework 2018

4.23 As with its predecessor, the NPPF is to be read as a whole, but some of the more relevant paragraphs to a consideration of this proposal are as follows:

2-3, 7-12, 38, 47-48, 59, 63, 67-72, 117-124, 127.

4.24 It's position on garden land (70) is similar to the 2012 version, but it does place renewed emphasis on the importance of small sites, making effective use of land and building at appropriate densities (paragraphs 67-72 and 117-123).

5.0 **ASSESSMENT**

5.1 Mindful of the foregoing, the established Design and Access Statement format is probably the most useful framework to assess this revised proposal.

Use

5.2 That a residential use or indeed reuse of the site is acceptable is not disputed. The supply of housing in all parts of London has, and will continue to, come overwhelmingly from recycled sites, just as the two application properties replaced earlier housing and grounds.

5.3 On the matter of flatted residential development and its likely effect upon the character and appearance of the area this, and the relevant policies,

were tested recently at the appeal. The conclusion was that a ten flat two to three storey proposal would not adversely alter the character of this part of Watford Road.

5.4 Since then, there have been no material changes in the character of the site and surroundings to warrant a different conclusion. In terms of policy and guidance, the flat concentration policy is now embodied in the new Part 2 Plan. This repeats the guidance upon which the Council relied previously and it was seen and considered by the appeal Inspector.

5.5 Notwithstanding the fact that the Local Plan Inspector has yet to report on the Examination and the policy is not adopted, the impact of the development of this site with ten flats has been considered. Similarly, the garden land guidance found in the current NPPF mirrors that in the 2012 NPPF but, the latest iteration of the emerging London Plan no longer proposes to include such a policy and in other respects, not least the promotion of small sites, reflects the NPPF.

5.6 There can, therefore, be no doubt that the redevelopment of this small site to realise a net increase of seven dwellings remains policy compliant in land use respects.

Amount

5.7 This is, in part, dealt with under the use heading and the consideration of flatted as opposed to detached dwellings. The Inspector considered the provision of ten flats with layout unreserved and indicative drawings of a two to three storey flatted block. She concluded that this amount of accommodation was acceptable.

- 5.8 The current proposal, being a detailed refinement, has three floors of accommodation and a three flat per floor layout. It appears as a two to two and a half storey structure with the top floor flats either wholly or partly within the roof. The previous appeal scheme was actually two to two and a half stories with no top floor accommodation in the two storey module (**Appendix 1**), but as can be seen from the current application drawing 314-300-00, the two storey element is barely taller and the two and a half storey element less tall than the previous scheme (shown in outline). There is, therefore, no discernible difference in the overall volume of the building and its distribution across the site.

Layout

- 5.9 In view of the comments above, it is no surprise that the layout reflects that of the appeal scheme. The parking is proposed to the rear of the site with access from Brookdene Drive, the existing access (to No.20) from Watford Road would be closed off and the front and side gardens of the existing houses, including the expansive driveway to No.20, would become amenity space.
- 5.10 Criticisms were raised in respect of both the extent of the hardstanding and the 'quality' of the green space, lying as it was between the building and the road. Each matter was considered by the Inspector. She also had the benefit of viewing other similar flatted schemes and their parking and amenity space arrangements and concluded that in these respects, the layout provided a satisfactory amenity to both the future residents and the general public.
- 5.11 The detailed proposals also include; parking for twelve cars (including a dedicated disabled space), a bike store for twenty bikes and a bin store within the building envelope and accessed externally and convenient for

both residents and operatives alike. The amount of amenity space, provided either communally or as private balconies or patios also exceeds guidance. As such, it mirrors closely the appeal scheme and in respect of which there was no criticism. The access arrangements from, and crossover with, Brookdene Drive are identical to previously and again was deemed to be acceptable.

Scale

- 5.12 This has been considered in terms of use and amount above. The application drawings show the proposal in the street scene and compare it to the appeal scheme. The proposal is smaller scale than either Saxon Court or Chestnut Court on opposing corners of Watford Road. They, in turn, are larger scale than the modern housing, but comparable with some of the earlier Edwardian villas which, if anything, are a close match. As such, the proposal, like the appeal scheme, is perfectly in scale.

Appearance

- 5.13 Most of the more recent flatted buildings err toward a traditional, conservative 20th century aesthetic. The project architects have maintained facing brickwork under a tiled roof, but have consciously avoided the render, bay windows and faux Victorian/Edwardian detailing and related more to the mid-century aesthetic, also found in Watford Road and indeed Brookdene Drive as originally designed and built. They and the applicants consider this to be a refreshing change, but welcome input and discussions on the precise detailing and materials.

Landscaping

- 5.14 Many of the existing trees are shown to be retained including those which stand in the existing front and side gardens and are conspicuous in the

street scene. There remains ample scope to supplement this retained planting, not least in the area forward of No.20 which is primarily paved at present, with appropriate species. Details of new landscaping are not included, but the applicants welcome the imposition of a suitably worded condition to deal with this matter.

Access/Parking

- 5.15 This has been addressed above, while considering the layout. It reflects what was shown indicatively on the previous proposal and endorsed by consultees, the case officer and the Inspector.

Other Matters

- 5.16 The technical reports, which accompanied the previous application, have (other than that for energy) been recommissioned and updated to reflect the revised, albeit similar, drawings. They are all attached and itemised on the form.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 It has been shown that the recent appeal decision established that concerns expressed about additional flattened development and its effect upon either the character and appearance of the area, the site or the quality of accommodation to be provided were unfounded.
- 6.2 Much of the deliberation arose from the outline nature of the previous application and thresholds for developer contributions, affordable provision and the need for an energy statement. The current detailed application is for nine dwellings so these matters no longer arise.

- 6.3 Having had regard to the relevant policies, including the changed NPPF and the emerging London and Hillingdon policies (some of which did feature in consideration of the appeal proposal), it is clear that there remains nothing which would militate against a three floor flatted building on the application site.
- 6.4 Having regard to the details of the proposal, the design and appearance of the building would be a fitting addition to the street scene and the character of the area. Subject to the consideration of appropriately worded conditions it is commended for approval.

APPENDIX 1

Drawings:

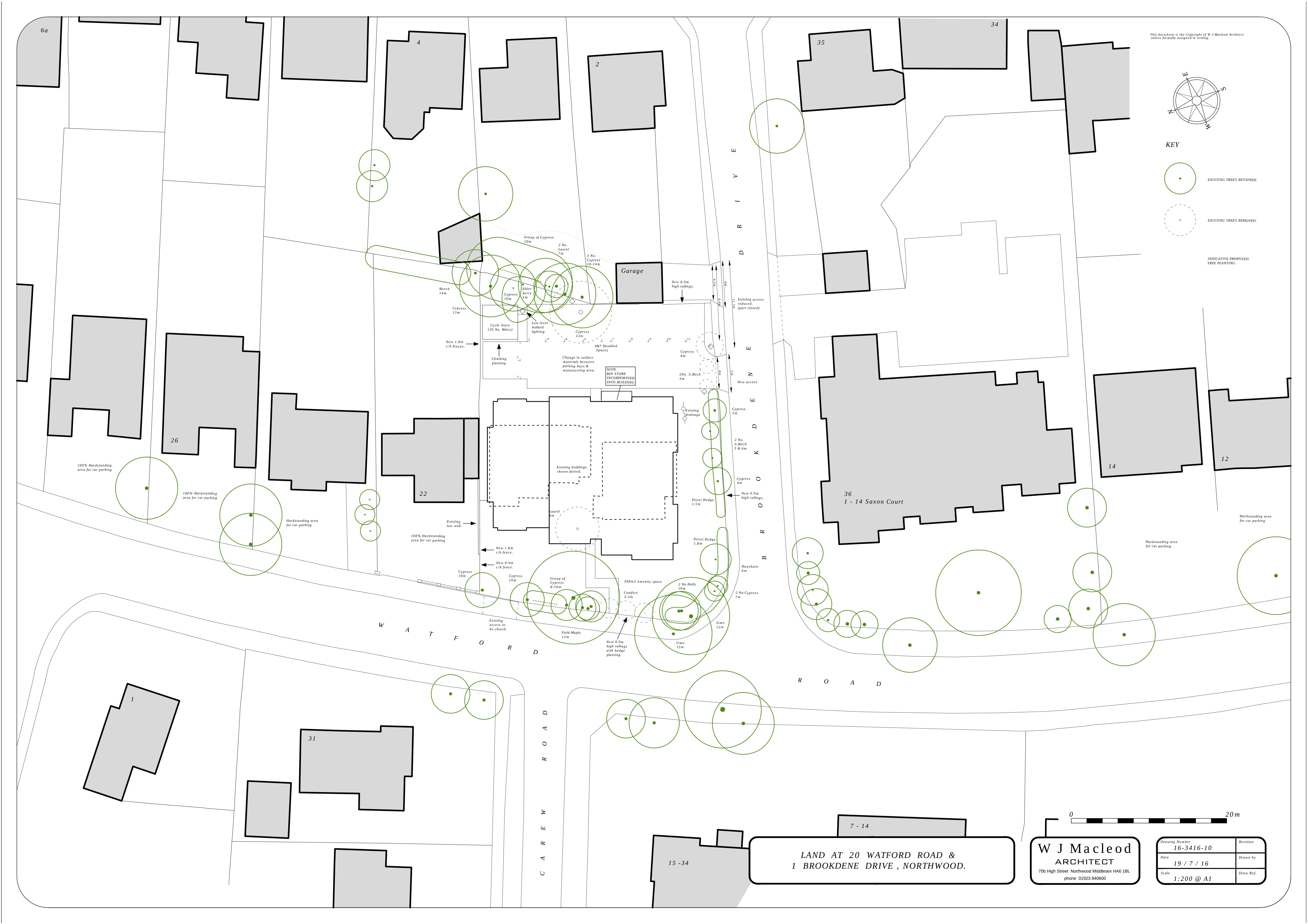
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EXISTING TREES RETAINED

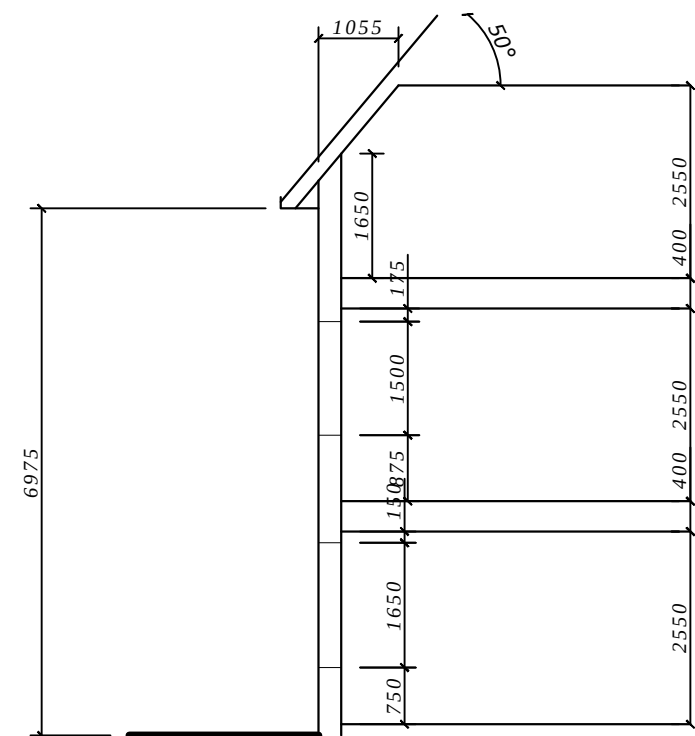
EXISTING TREES REMOVED

IMCATIVE PROPOSED
E PLANTING.

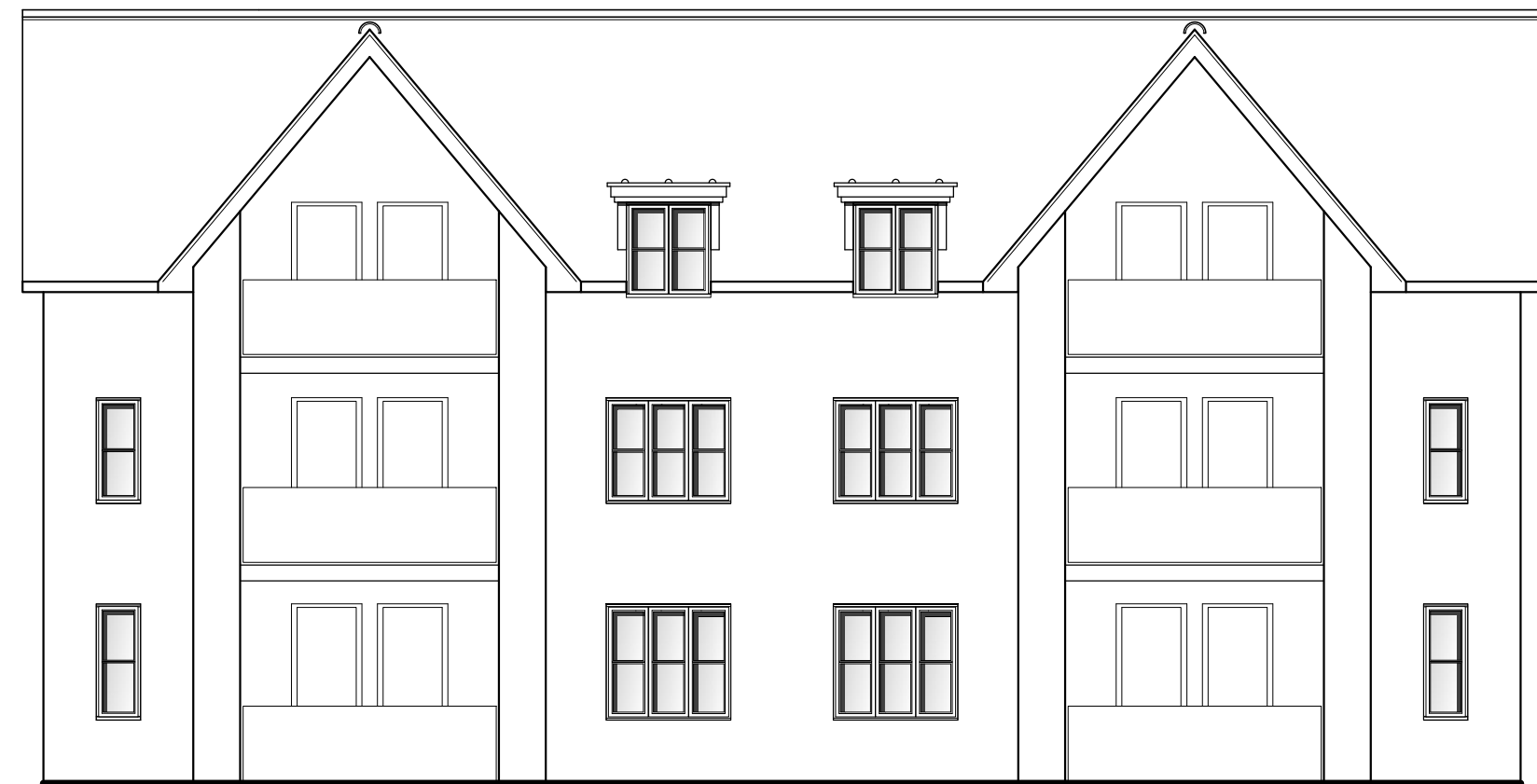


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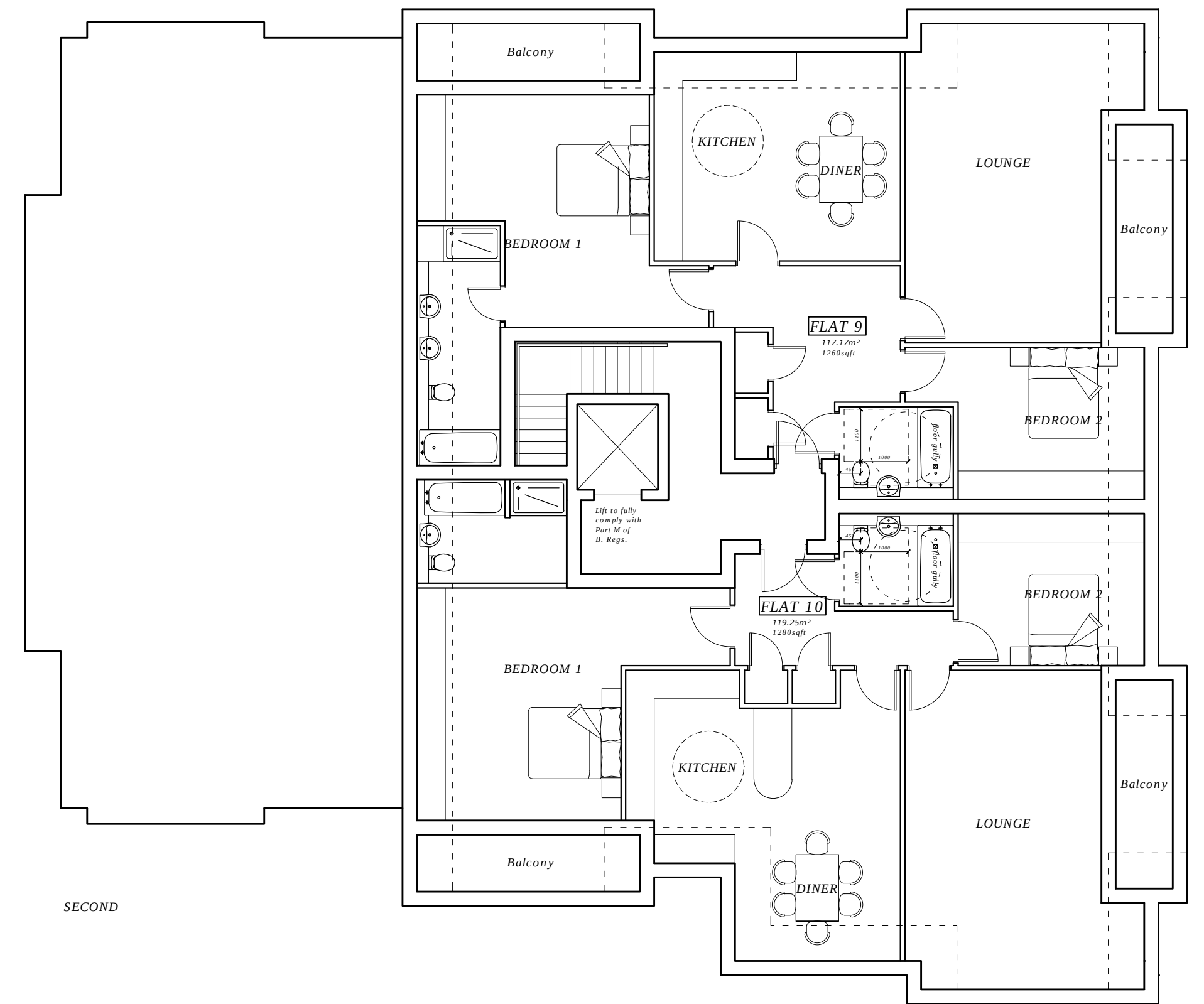
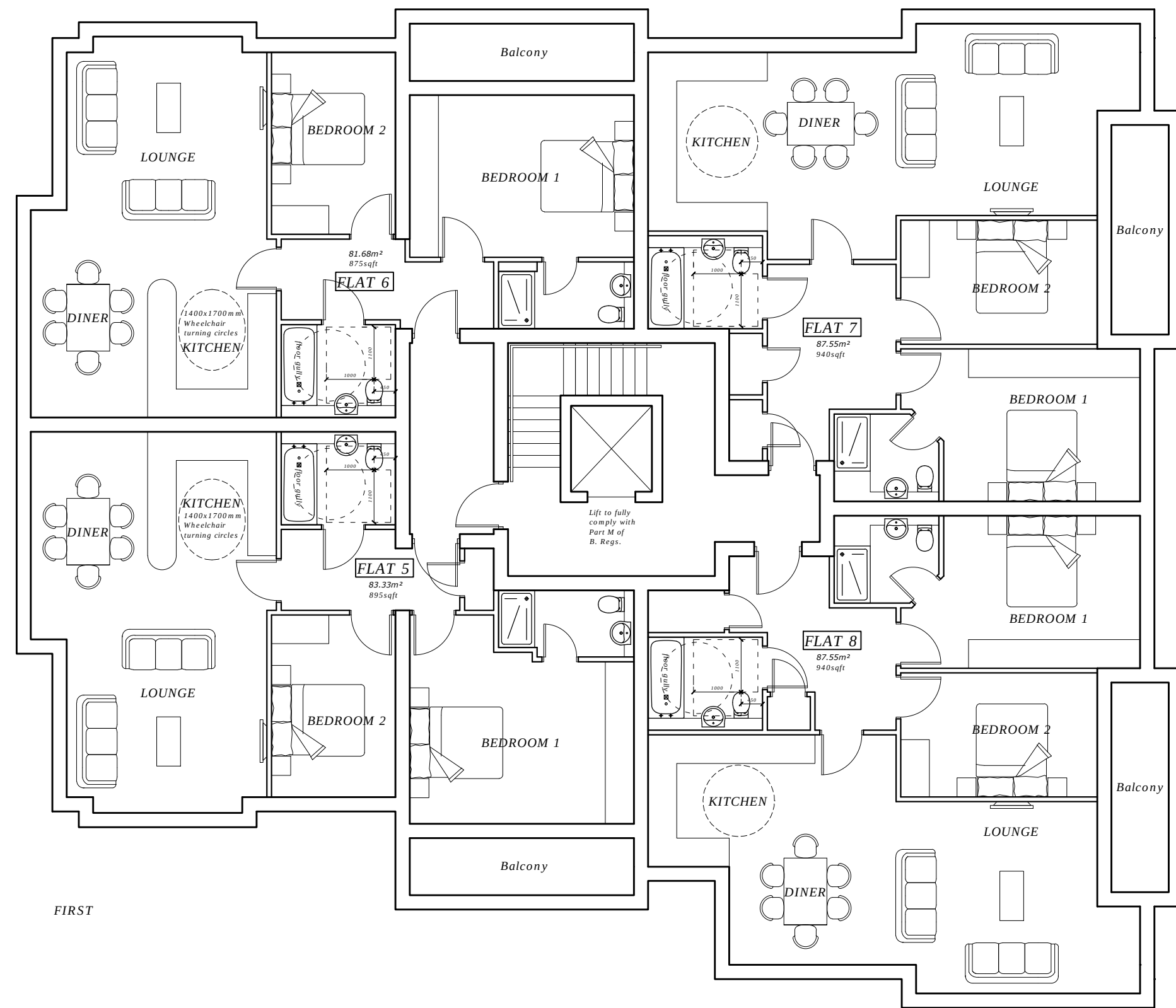
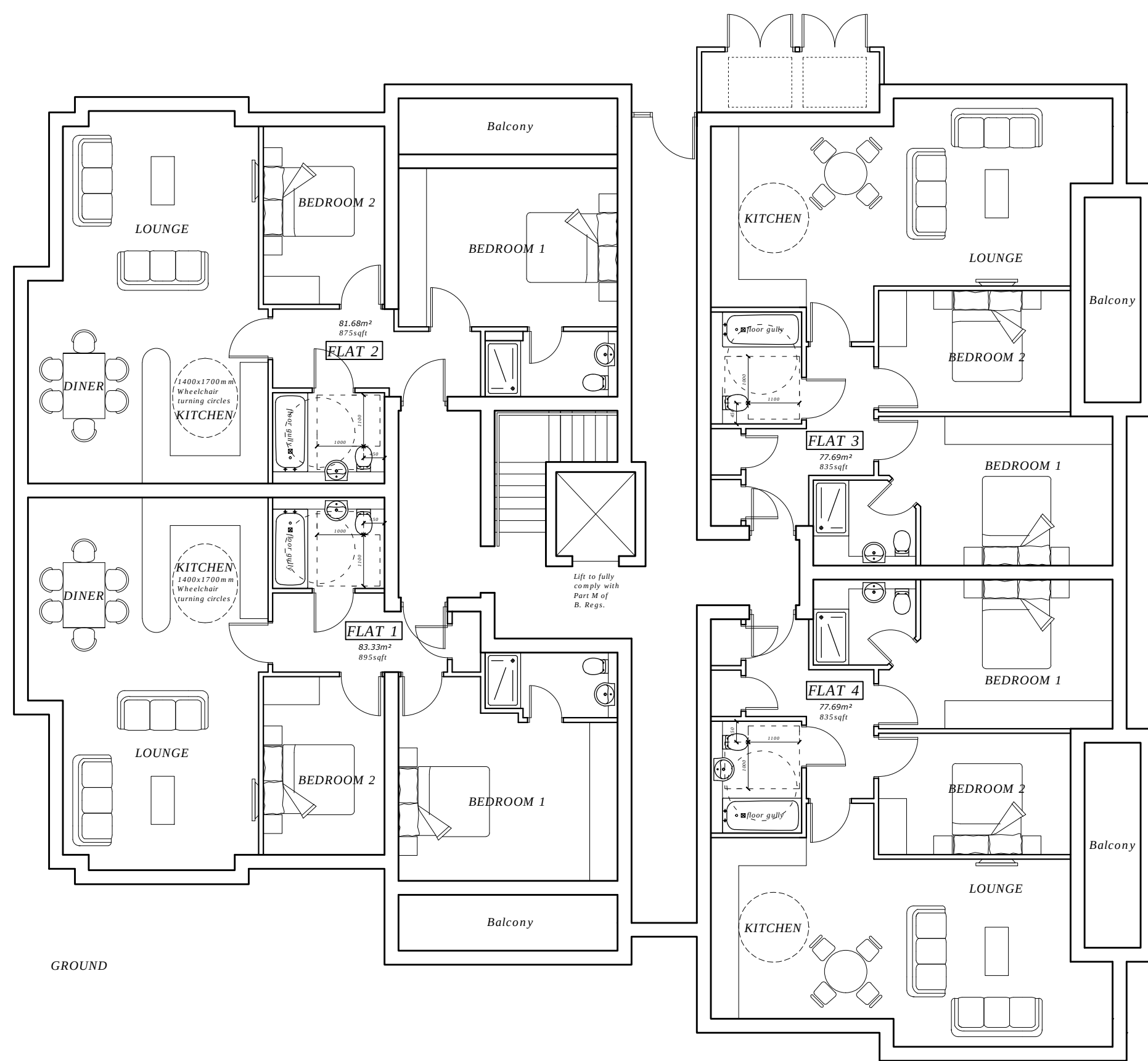
Drawing Number 16-3416-10	Revision
Date 19 / 7 / 16	Drawn by
Scale 1:200 @ A1	Draw Ref.



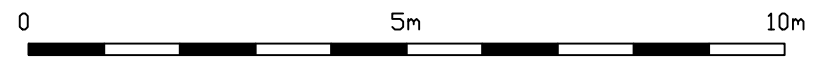
WATFORD ROAD



BROOKDENE DRIVE



Indicative Floor Plans
For Illustrative Purposes Only



LAND AT 20 WATFORD ROAD &
1 BROOKDENE DRIVE , NORTHWOOD.

W J Macleod
ARCHITECT
70b High Street Northwood Middlesex HA6 1BL
phone 01923 840600

Drawing Number	Revision
16-3416-11	
Date	
19 / 7 / 16	
Scale	
1:100@A1	



*Indicative Street Scene
For Illustrative Purposes Only*



LAND AT 20 WATFORD ROAD &
1 BROOKDENE DRIVE, NORTHWOOD.

W J Macleod
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Drawing Number 16-3416-12	Revision
Date 19 / 7 / 16	Drawn by
Scale 1:200 @ A1	Draw Ref.

APPENDIX 2

**Delegated Report
71665/APP/2016/3363**

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. 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 20 WATFORD ROAD AND 1 BROOKDENE DRIVE NORTHWOOD

Development: Demolition of existing houses and erection of a residential building, comprising 10 flats with access from Brookdene Drive (Outline Application to include access, layout, landscaping with scale and appearance reserved).

LBH Ref Nos: **71665/APP/2016/3363**

Drawing Nos: 16/3403/6
 16/3403/7
 16/3403/8
 16-3416-12
 16-3416-10
 16-3416-11
 1:1250 Location Plan
 Tree Protection Plan, March 2016
 Planning, Design and Access Statement
 Arboricultural and Planning Integration Report
 SUDS Drainage Statement, dated 7/9/16
 Sustainability and Energy Statement, September 2016
 Transport Statement, dated 7/9/16

Date Plans received : 12/09/2016

Date(s) of Amendment(s):

Date Application Valid: 12/09/2016

1. SUMMARY

This is an outline application for the flatted re-development of 2 houses on the corner of Watford Road and Brookdene Drive, comprising 10 x two-bedroom flats with access from Brookdene Drive, where access, layout and landscaping have been included for approval with scale and appearance being reserved matters (involving the demolition of the existing houses and part of a rear garage).

The scheme is considered to breach the Council's 10% guidance in terms of the number of plots along Watford Road that have already been re-developed as flats and therefore the proposal would further erode the traditional residential character of the road that remains. The scheme also involves extensive hardstanding of the rear garden which would remove greenery and harm the residential character of the area whilst use of the front garden area as private amenity space would not create a suitable standard for amenity space so as to be useable. Furthermore, the scheme has not provided a detailed energy assessment and at this stage, a S106 Agreement has not been finalized that would deal with a commensurate package of benefits expected from the scheme, including a possible contribution towards affordable housing.

It is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development would result in the further over-concentration of flatted

development on this part of Watford Road and the intensification of the residential use would be detrimental to the traditional character associated with family housing that remains on this section of Watford Road. The proposal is therefore contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Paragraph 3.3 of the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposal would result in the loss of existing rear garden areas, which would be replaced by an area of extensive hard surfacing. As such, the proposal would be harmful to the character and appearance of the surrounding residential area, contrary to the NPPF (March 2012), Policies 2.6, 3.5 and 7.4 of the London Plan, Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraph 1.2.44 of the Mayor's Housing Supplementary Planning Guidance (March 2016).

3 NON2 Non Standard reason for refusal

The proposed external amenity space, by reason of its location at the front of the proposed block, would fail to afford an appropriate standard of residential amenity for its users due to a lack of privacy and exposure to noise and general disturbance. As such, the scheme fails to comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: "Residential Layouts".

4 NON2 Non Standard reason for refusal

The proposal fails to provide a detailed energy assessment which identifies an appropriate strategy for reducing carbon dioxide emissions, in accordance with Policy 5.2 of the London Plan (March 2016).

5 NON2 Non Standard reason for refusal

The proposal fails to secure appropriate obligations relating to the development in connection with affordable housing, highway works (including parking restrictions along Brookdene Drive), construction training, and project management and monitoring. Accordingly, the proposal is contrary to the NPPF, Policies 3.13 and 8.2 of the London Plan (March 2016), Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies R17 and AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), the Council's Planning Obligations SPD.

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding costal
NPPF11	NPPF - Conserving & enhancing the natural environment
LPP 2.6	(2016) Outer London: vision and strategy
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 6.13	(2016) Parking
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
BE13	New development must harmonise with the existing street scene.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
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
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

3

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is contrary to our statutory policies/guidance and negotiation could not overcome all the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The 0.122ha application site forms a prominent, roughly rectangular corner plot located on the east side of the A4125 Watford Road, to the north of its junction with Brookdene Drive. It comprises 2 x two-storey detached houses, the corner property, No. 1 Brookdene

Drive and No. 20 Watford Road. No. 1 Brookdene Road is a modern two storey property which is turned through 90 degrees from Watford Road and fronts the side road and has its vehicular access at the end of its rear garden on Brookdene Drive, which serves a pair of semi-detached garages shared with No. 2 Brookdene Drive. No. 20 fronts and is accessed from Watford Road. There are various trees, hedging and shrubs along both road boundaries of the site.

Watford Road forms part of an established residential area, predominantly characterized by its spacious and sylvan character, with reasonably sized residential plots which contain good sized houses. A number of the plots have been re-developed for flats, including Saxon Court on the opposite corner plot to the south of Brookdene Drive and on the opposite side of Watford Road. Watford Road climbs from the south to the north, and the ground level also drops away to the east along Brookdene Drive.

The site has a Public Transport Accessibility Level of 2, (where 6 represents the most accessible site and 1 the least). The site is also covered by TPO 16 and includes a large Box Elder (T40) on the front boundary of No. 20 (or T1 on the Tree Survey, where it is listed as a Manna Ash) and G17, a group of Lawson Cypress on the Brookdene Drive boundary (G11 on the Tree Survey).

3.2 Proposed Scheme

This is an outline application for the erection of a residential building, comprising 10 x two-bedroom flats with access from Brookdene Drive, where access, layout and landscaping have been included for approval with scale and appearance being reserved matters (involving the demolition of the existing houses and part of rear garage).

The proposed building would have a maximum width of some 24.5m and depth of 21.0m, maintaining a 1m set back from the side boundary with No. 22 Watford Road. The building would have a staggered front elevation which at its nearest point, close to the road junction, would be set back some 7.6m from Watford Road and on the Brookdene Drive frontage, the building would maintain a minimum set back of 5.5m.

Parking for 11 cars, included 2 accessibility spaces, would be provided at the rear of the building, accessed from Brookdene Drive, together with a cycle store in the north eastern corner of the site for 20 bicycles. A bin store would also be provided on the rear elevation of the building. The existing access on Watford Road would be closed and the footpath re-instated along with a new access configured on Brookdene Drive using part of the existing access. Amenity space would be provided at the front and side of the block.

Although detailed floor plans and elevations have been submitted, as this scheme only seeks approval of access, layout and landscaping at this stage, with scale and appearance reserved for subsequent approval, the internal floor plans and elevations can only be considered to be indicative at this stage.

The application is supported by the following documents:-

Planning, Design and Access Statement:

This provides an introduction to the statement, describes the site and the characteristics of the area. Planning designations are assessed, together with national, regional and local planning policy. Relevant planning history is assessed, with a particular emphasis on the Council's application of the flatted development guidance contained in Paragraph 3.1 of the HDAS 'Residential Layouts' on other sites. The statement then goes on to consider design and appearance, layout and siting, affordable housing, unit size, density, residential amenity, external amenity area, access and parking, flood risk, trees and landscaping and CIL.

Transport Statement:

This provides an assessment of the highway impacts of the development. It considers car and cycle parking standards, refuse collection arrangements and trip generation. It concludes that car and cycle parking and refuse collection arrangements are acceptable and the trip assessment is robust and with only 1 likely additional vehicle movement during the peak hour as compared to the existing use, the scheme is appropriate in transport terms.

SuDS Drainage Statement:

This advises that the site is within Flood Zone 1 and is under 1ha in size and as such, a FRA is not required but the statement has been submitted to collate relevant information. It goes on to advise that as the site is underlain by a bedrock of London Clay Formation, infiltration methods are unlikely to be viable to manage surface water run-off and therefore a cellular crate storage system such as Stormbloc or similar would be used to attenuate surface water run-off before outfall into the surface water sewer within Brookdene Drive. Surface water discharge shall be restricted to 5l/s and 23.4m³ attenuation volume would be required.

Sustainability and Energy Statement:

This document briefly describes the measures that would be employed to deal with a variety of issues, including water quality and water resources and energy.

Arboricultural and Planning Integration Report:

This provides an assessment of the existing trees within and adjacent to the site, advises of the impact of the development upon them and makes recommendations for remediation/ replacement planting and soft/ hard landscaping and tree protection measures during construction works.

3.3 Relevant Planning History

Comment on Planning History

There is no relevant planning history on this site other than a pre-application enquiry for the residential flatted re-development of the site (71665/PRC/2016/37) and an earlier pre-application enquiry which also included Nos. 22 and 24 Watford Road for re-development as a 27 unit care home (70946/PRC/2015/82).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 2nd November 2016

4.2 Site Notice Expiry Date:- Not applicable

6. UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.E7	(2012) Raising Skills
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise

PT1.CI1 (2012) Community Infrastructure Provision

Part 2 Policies:

NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding costal
NPPF11	NPPF - Conserving & enhancing the natural environment
LPP 2.6	(2016) Outer London: vision and strategy
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
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LPP 5.7	(2016) Renewable energy
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 6.13	(2016) Parking
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2016) Trees and woodlands
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BE13	New development must harmonise with the existing street scene.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

In addition: - Flatted Re-development

Paragraph 3.1 of the Council's Supplementary Planning Document (SPD) HDAS: Residential Layouts advises that: "In considering all applications, the Council will have regard to the need to balance any increase in residential density against the possible impact on the capacity, character and amenity of the area as a whole." Paragraph 3.3 goes on to advise that the traditional residential character of an area can be compromised where there is an over-concentration of flatted development. The guidance goes on to advise that to avoid this, the cumulative impact of residential conversions are unlikely to be acceptable where more than 10% of the houses in a street have been converted or redeveloped to provide flats or other forms of housing. On residential streets longer than 1km, the guidance advises that the application site should be taken as the midpoint on a 1km stretch of road to be assessed.

Using this assessment, Nos. 1, 2, 3, 5, 7, 16 and 37 Watford Road have been re-developed, together with No. 36 Brookdene Road which as a result of its re-development, now has flatted re-development facing Watford Road. As such, this stretch of Watford Road has flatted redevelopment fronting the road which accounts for 24% of the original number of residential plots. With the proposed re-development, this would increase to 30%. As such, the road currently significantly exceeds the 10% figure and additional flatted re-development on Watford Road that would further erode its traditional residential character, contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Paragraph 3.3 of the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

- Garden Land Development

Since planning permission was granted for the re-development of the adjoining corner site, there has been a significant change in planning policy relating to garden land.

The NPPF (March 2012) at paragraph 53 advises that LPAs 'should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

Although this scheme would involve a new, albeit larger block occupying a similar siting to the existing houses, it would involve extensive hardstanding of much of their rear gardens.

The London Plan (March 2016) notes that back gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

The Mayor's Housing Supplementary Planning Guidance, March 2016 also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.44 advises that when considering proposals which involve the loss of gardens, proposals should be considered in the light of local circumstances, taking into account the value gardens have in addressing a range of strategic policy objectives, particularly:-

- defining local context and character including local social, physical, cultural (Policy 7.4, 3.5)
- providing safe, secure and sustainable environments and play spaces for children (Policy 3.6)
- supporting biodiversity, protecting London's trees, 'green corridors and networks' (Policies 7.19, 7.21)
- flood risk management and sustainable drainage (Policies 5.12 and 5.13),
- mitigating the effects of climate change including the 'heat island' effect and urban greening (Policies 5.1, 5.9, 5.10; and
- enhancing the distinct character of suburban London (Policy 2.6).

The Council has also adopted the Hillingdon Local Plan: Part 1 - Strategic

Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erodes the character and biodiversity of suburban areas and increase flood risk.

It is therefore considered that there is a strong policy presumption against inappropriate development within rear gardens at national, strategic and local level. The proposal would result in a significant loss of garden land to be replaced by an extensive car parking area with limited scope for replacement planting. This would erode the quality and character of the character and biodiversity of the area, contrary to the NPPF (March 2012), Policies 2.6, 3.5 and 7.4 of the London Plan, Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraph 1.2.44 of the Mayor's Housing Supplementary Planning Guidance (March 2016).

7. MAIN PLANNING ISSUES

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

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to protect the amenities of surrounding residential properties from new development in relation to loss of sunlight, dominance and loss of privacy respectively. The Council's Supplementary Planning Document HDAS: Residential Layouts provides further clarification in that it advises that buildings of two or more storeys should maintain at least a 15m separation distance from adjoining properties to avoid appearing overdominant and a 21m distance between facing habitable room windows and private amenity space such as balconies and patio areas (considered to be a 3m deep area adjoining the rear elevation of a property) should be maintained to safeguard privacy. The design guidance also advises that a 45 degree line of sight will be taken from habitable room windows to ensure that the outlook from windows is not unduly obstructed.

This scheme only seeks approval of matters relating to access, layout and landscaping, with scale and appearance being reserved for subsequent approval. Therefore the scale of the building and its height can not be considered, nor can its internal layout, including the siting of any openings.

Taking the site layout, the proposal would be likely to introduce some additional overshadowing to the flank of No. 22 and from its rear garden from late the morning onwards. No. 22 does have first floor window in its flank elevation, but as the scale of the building is not being determined at this stage, the proposal could be designed so as not to have any greater impact upon this window and the indicative elevations do show the building to be two storey on this side. Any additional loss of sunlight to the rear garden is also unlikely to be significant, given the existing overshadowing that results from the existing neighbouring house at No. 20 and No. 22 itself.

The proposed building would project beyond the rear elevation of the adjoining property on Watford Road (No. 22) by approximately 2.9m. Adjoining the boundary on No. 22 is a lean-to structure which has no windows at the rear. Given the projection and the separation distance and relationship with the adjoining property, it is considered that the proposal would not appear unduly dominant from this neighbour.

In terms of Saxon Court, this contains numerous windows along its Brookdene Drive frontage and at its nearest point, the proposal would maintain a minimum separation distance of some 18.5m. Although this is slightly below the minimum 21m distance, this is an across the street relationship where the privacy of windows is already compromised so that it is considered that a 18.5m distance would afford a reasonable amount of privacy given the location.

As regards the nearest properties facing the site at the rear (Nos. 2 and 3 Brookdene Drive), their rear elevations would maintain a minimum separation distance from the rear elevation of the proposed block of approximately 34m which is considered to provide an appropriate separation distance, taking into account the likely increased bulk and height of the proposed building and its elevated siting as compared to these neighbouring properties.

As such, it is considered that given the extent of works being considered, the scheme would not result in an unacceptable loss of residential amenity for neighbouring properties, in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.2 Impact on Street Scene

The proposed flatted block would have a building footprint which is comparable to the size of surrounding buildings, notably Saxon Court and the flatted scheme opposite and it has a staggered front elevation which would help break up the building's frontage and maintains the staggered relationship and siting of adjoining houses on Watford Road. Similarly, there is no clearly defined rear building line and the proposed block would not project significantly at the rear so as to appear as a prominent feature.

The flatted block would provide a separation gap of 1m to the side boundary with No. 22 Watford Road. Although this should ideally be increased, given the size of building, the gap maintains the existing siting of the house and the separation gap between the buildings would be similar to neighbouring properties. As such, it is considered that the relationship would not justify an additional reason for refusal.

7.3 Traffic Impact/Pedestrian Safe

The Council's Highway Engineer advises that the site has a PTAL value of 2 (poor) which suggests there will be a strong reliance on private cars for trip making and there is parking stress in Brookdene Drive which appears to be created by the existing block of flats opposite the site.

The Engineer goes on to advise that the proposals include parking for 11 cars on site (10 spaces for residents and 1 visitor) which satisfies the relevant Council parking standards. The parking area is also some distance from adjoining houses which would assist in terms of disturbance and 2 of the spaces are disabled spaces and their dimensions should meet national standards. The Engineer also advises that there is a covered secure cycle store for 20 cycles which is supported along with a refuse/recycling bin store.

However, 20% of the spaces should be served by active EV charging points and 20% should be passively served. This could have been secured by condition, had the application not of been recommended for refusal.

Also, in order to limit congestion in Brookdene Drive, the Highway Engineer recommends that the applicant supports extension to the parking restrictions that exist on the corner of the junction of Watford Road and Brookdene Drive to prevent on-street parking in certain locations on Brookdene Drive. Had the application not of been recommended for refusal,

this could have formed part of any S106 Agreement.

Subject to the above, the Highway Engineer raises no significant highway concerns over the application.

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

- Building bulk and scale

See impact on Street Scene Section.

- Impact on existing trees

Policy BE38 of the of the Hillingdon Local Plan: Saved UDP Policies (November 2012) states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate.

The site lies within the area covered by TPO 16. The Council's Landscape/ Tree Officer advises that 12No. trees, or groups of trees, have been surveyed by GHA Trees, in March 2016 and that there are no 'A' grade trees and the only 'B' grade tree is a Lime - a local authority-owned street tree, which will not be affected by the development. All the other trees, except for T1, are 'C' grade trees. Previous advice recommended that these trees collectively contribute to the character and appearance of the area - albeit selective removal would be acceptable. T1 a Manna ash (on the schedule of TPO 16 as T40, a Box elder) is a 'U' graded tree to the front of the property and needs to be removed although it is shown to be retained on the layout plan.

The officer advises that the scheme is acceptable, subject to conditions RES2, RES6, RES8, RES9 (parts 1,2,4,5 and 6) and RES10. Had the application not of been recommended for refusal, these conditions would have been added.

- Private amenity space

Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new residential development has sufficient external amenity space, which is usable in terms of its shape and siting. The Council's communal amenity space standards for flats with shared amenity space requires a minimum total of 250sqm of amenity space (10 x 25sqm for the two bed units). This scheme would provide modest balcony areas for the units, with the main communal area at the front and side of the block. The total area to the front and side of the building would measure approximately 380sqm so as to satisfy the quantity of space. However, as advised by the Council's HDAS "Residential Layouts" in paragraph 4.16, " Privacy - Whilst front gardens are encouraged, areas that are closely overlooked from roads, footpaths or windows to habitable rooms of adjoining properties will not be included in calculations of private useable garden space". The siting of the building would provide areas to the front and side with typical widths of 8m and 6m respectively. Given the need to provide good boundary planting to afford a level of privacy and adequate defensible space adjoining ground floor windows, the remaining space would be very narrow and not particularly useable, particularly as they would be subject to vehicular noise from Watford Road. As such, it is considered that the scheme would not provide adequate useable amenity space for its occupiers, contrary to Policy BE23 of the Hillingdon Local Plan and HDAS Design guidance.

- Amenities created for future occupiers

Although somewhat indicative, the floor plans show that the flats would range from 78sqm. to 119sqm. which satisfies the Mayor's minimum floor space standard of 70sqm. for a two bed, four person flat. However, a number of the bedrooms are undersized (below 11.5sqm.) in terms of accommodating a double bed.

- Mix of units

The scheme is for 10 two-bedroom units. No objections are raised to the mix of units given the modest scheme.

- Ecology

The site does not possess any significant ecological value.

7.6 Other Issues

- Density

Policy 3.4 of the London Plan seeks to ensure that new developments achieve the maximum intensity of use compatible with the local context and with public transport capacity. This site has a Public Transport Accessibility Level (PTAL) of 2 (where 6 represents the highest level of public transport accessibility and 1 the lowest).

As the internal floor plans are indicative, a definitive assessment against the Mayor's guidance is not possible but with a unit density of 82 u/ha, this scheme would be within the range of 50 - 95 u/ha for a scheme with a typical unit size of 2.7 - 3.0 habitable rooms and slightly exceed the 40-80 units per hectare (u/ha) range for a scheme with a typical unit size of 3.1 - 3.7 habitable rooms.

- Landscaping

See impact on trees above.

- Refuse/cycle Storage

The proposed site plan includes a refuse store adjacent to the block and a cycle store for 20 bicycles at the rear of the parking area to which the Highway Engineer raises no objection.

- Access

The application has been assessed by the Access Officer who advises that the internal floor layout would need amending, in particular to provide a wheelchair accessible unit which is required on the ground floor. The officer also advises that revised plans should include the design of the accessible parking bays.

Had the application not of been recommended for refusal, the officer's recommended condition to ensure that 10% of the residential units would be constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling would have been attached.

- Other

Flood Risk

The site is within Flood Zone 1 and is under a hectare so that a FRA is not required. However, the management of surface water is a material planning consideration for all major developments such as this one and a SuDS Drainage Statement has been submitted.

The Council's Flood and Water Management Officer advises that the Drainage Statement provided by EAS is not sufficient in addressing the issue of surface water management. It does not demonstrate that the most sustainable options have been assessed and will be provided on site, such as above ground options such as rain gardens and swales etc and then permeable paving which improves the treatment of water. Further information will need to be provided to justify the final solution utilised on site, together with a plan for the management and maintenance of the SuDS infrastructure. The reuse and recycling of grey and rain water needs to be included as part of this application and calculations should be provided and the actual greenfield run off rate provided rather than a generic assumed rate.

However, the officer does advise that these matters can be dealt with by a recommended condition which would have been attached had the application not of been recommended for refusal.

Energy

The Council's Sustainability Officer advises that no energy assessment has been received, only a few bullet points on energy in the Sustainability and Energy Statement which does not constitute an energy assessment as required by the London Plan. There is no strategy on which to base conditions and therefore it is not possible to say that this development in this location will achieve the 35% reduction in carbon emissions as required by the London Plan.

A condition is only acceptable if a suitable strategy has been presented.

The scheme these fails to comply with Policy 5.2 of the London Plan (March 2016).

Affordable Housing

In line with the Council's Supplementary Planning Document, 35% of residential schemes need to be delivered as affordable housing. This is an outline application where the definitive layout of the units is not known at this stage. The submitted Planning, Design and Access Statement advises that an FVA would be submitted at the reserved matters stage. However, as a S106 Agreement has not been secured at this stage, no mechanism is in place to ensure that the proposal would provide an appropriate level of affordable housing as guided by a FVA. Therefore, the scheme is contrary to Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

- Conclusion

The scheme is considered to breach the Council's 10% guidance in terms of the number of plots along Watford Road that have already been re-developed as flats and therefore the proposal would further erode the traditional residential character of the road that remains. The scheme also involves extensive hardstanding of the rear garden which would remove greenery and harm the residential character of the area whilst use of the front garden area as private amenity space would not create a suitable standard for

amenity space so as to be useable. Furthermore, the scheme has not provided a detailed energy assessment and at this stage, a S106 Agreement has not been finalized that would deal with a commensurate package of benefits expected from the scheme, including a possible contribution towards affordable housing. It is therefore recommended for refusal.

8. Reference Documents

NPPF (March 2012)

London Plan (March 2016)

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

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

Supplementary Planning Document HDAS: Residential Layouts (July 2006)

Supplementary Planning Document HDAS 'Accessible Hillingdon' Supplementary Planning Document (May 2013).

Contact Officer: Richard Phillips

Telephone No: 01895 250230

APPENDIX 3

**Decision Notice
71665/APP/2016/3363**



Richard Henley
H & G Planning Development Services
45 Welbeck Street
London
W1G 8DZ

Application Ref:
71665/APP/2016/3363

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Demolition of existing houses and erection of a residential building, comprising 10 flats with access from Brookdene Drive (Outline Application to include access, layout, landscaping with scale and appearance reserved).

Location of development: 20 Watford Road And 1 Brookdene Drive Northwood

Date of application: 12 September 2016

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning and Enforcement

Date: 24 April 2017

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.

(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 71665/APP/2016/3363

SCHEDULE OF REASONS

- 1 · The proposed development would result in the further over-concentration of flatted development on this part of Watford Road and the intensification of the residential use would be detrimental to the traditional character associated with family housing that remains on this section of Watford Road. The proposal is therefore contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Paragraph 3.3 of the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.
- 2 · The proposal would result in the loss of existing rear garden areas, which would be replaced by an area of extensive hard surfacing. As such, the proposal would be harmful to the character and appearance of the surrounding residential area, contrary to the NPPF (March 2012), Policies 2.6, 3.5 and 7.4 of the London Plan, Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraph 1.2.44 of the Mayor's Housing Supplementary Planning Guidance (March 2016).
- 3 · The proposed external amenity space, by reason of its location at the front of the proposed block, would fail to afford an appropriate standard of residential amenity for its users due to a lack of privacy and exposure to noise and general disturbance. As such, the scheme fails to comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: "Residential Layouts".
- 4 · The proposal fails to provide a detailed energy assessment which identifies an appropriate strategy for reducing carbon dioxide emissions, in accordance with Policy 5.2 of the London Plan (March 2016).
- 5 · The proposal fails to secure appropriate obligations relating to the development in connection with affordable housing, highway works (including parking restrictions along Brookdene Drive), construction training, and project management and monitoring. Accordingly, the proposal is contrary to the NPPF, Policies 3.13 and 8.2 of the London Plan (March 2016), Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies R17 and AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), the Council's Planning Obligations SPD.

INFORMATIVES:

- 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).

SCHEDULE OF REASONS

- 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies:

PT1.E7	(2012) Raising Skills
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.CI1	(2012) Community Infrastructure Provision

Part 2 Policies

NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding costal
NPPF11	NPPF - Conserving & enhancing the natural environment
LPP 2.6	(2016) Outer London: vision and strategy
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 6.13	(2016) Parking
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	

SCHEDULE OF REASONS

	(2016) Architecture
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
BE13	New development must harmonise with the existing street scene.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
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
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004

SCHEDULE OF REASONS

SPD-PO Planning Obligations Supplementary Planning Document, adopted
July 2008

- 3 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is contrary to our statutory policies/guidance and negotiation could not overcome all the reasons for refusal.

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 71665/APP/2016/3363

SCHEDULE OF PLANS

16/3403/6 - received 07 Sep 2016

16/3403/7 - received 07 Sep 2016

16/3403/8 - received 07 Sep 2016

16-3416-12 - received 07 Sep 2016

16-3416-10 - received 07 Sep 2016

16-3416-11 - received 07 Sep 2016

1:1250 Location Plan - received 07 Sep 2016

Tree Protection Plan, March 2016 - received 07 Sep 2016

Planning, Design and Access Statement - received 07 Sep 2016

Arboricultural and Planning Integration Report - received 07 Sep 2016

SUDS Drainage Statement, dated 7/9/16 - received 07 Sep 2016

Sustainability and Energy Statement, September 2016 - received 07 Sep 2016

Transport Statement, dated 7/9/16 - received 07 Sep 2016

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://.Planning-inspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

APPENDIX 4

**Appeal Decision Notice
APP/R5510/W/17/3181349**



Appeal Decision

Site visit made on 18 December 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 January 2018

Appeal Ref: APP/R5510/W/17/3181349

1 Brookdene Drive/20 Watford Road, Northwood, London HA6 3NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Greenaway of Clearview Homes Limited against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71665/APP/2016/3363, dated 6 September 2016, was refused by notice dated 24 April 2017.
 - The development proposed is described as “demolition of existing dwellings on site and erection of a residential building that will provide 10 flats with access from Brookdene Drive (outline application to include access, layout, landscaping with scale and appearance reserved)”.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with matters of scale and appearance reserved for subsequent approval. I have dealt with the appeal on this basis, treating the following plans as indicative only: Floor Plans (Ref 16-3416-11) and Street Scene (16-3416-12).
3. I have taken the site address from the appeal form as this is more accurate than that given on the application form.
4. The Council has confirmed that the Energy Statement¹ submitted by the appellant is acceptable and, as a consequence, the fourth reason for refusal has been addressed. However, the Council requests a financial contribution to its carbon offset fund, which would be secured through a planning obligation.
5. The appellant has submitted a signed and executed planning obligation by way of a Unilateral Undertaking, pursuant to Section 106 of the Town and Country Planning Act 1990. As the planning obligation was provided as part of the appellant’s final comments, I have taken it into account, and consulted the Council accordingly. The obligations relate to a construction training scheme, a carbon offset contribution and affordable housing. The planning obligation does not provide for highway works or the project management and monitoring fee, which formed part of the Council’s fifth reason for refusal.

¹ Energy Statement Stroma Tech, 27 July 2017

6. The planning obligation must give details of each person's title to the land, which should be checked by the local planning authority. In cases where the local planning authority is unable to give its assurance, as in this case, the appellant will need to provide evidence of title to the Inspector.² This information has not been submitted although I note that the planning obligation identifies the owners of the land as having a freehold interest, and title numbers are provided.
7. In respect of the construction training scheme, schedule 1, the Council has proposed draft alternative wording to that provided. Also, the Council indicates that the affordable housing review mechanism, schedule 4, should be 18 months following the reserved matters application, as opposed to the grant of planning permission. It is at that time that the affordable housing obligation, schedule 3, would be triggered.
8. Finally, the Council refers to the need for numerous changes to the definitions section and other amendments. It is noted that the number formatting of the document does not flow in sequence, and there is a gap between clause 7 and clause 9.
9. Overall, I have some concerns about the planning obligation, its execution and thus whether the Council could rely on it to secure the contributions / obligations. Consequently, I afford the planning obligation little weight.

Main Issues

10. From all that I have seen and read, I conclude that the main issues are:
 - (i) whether a planning obligation is required in respect of affordable housing provision, carbon offsetting, highway works, construction training, and project management and monitoring;
 - (ii) the effect of the development on the character and appearance of the area, in particular, whether the development would result in an over-concentration of flatted development on this part of Watford Road, and the effect of the proposed area of hard surfacing;
 - (iii) whether the development would provide a suitable standard of outdoor amenity space.

Reasons

Planning Obligation: Affordable housing

11. Although the planning application was made in outline, it is clear that the development proposed would provide 10 homes, and possibly more. As such, the Council is seeking affordable housing provision, which it considers would be required to make the development policy compliant. The London Plan (March 2016) highlights the provision of new affordable homes to meet London's very pressing need as a particular priority. Accordingly, Policy 3.13 states that boroughs should normally require affordable housing on sites which have capacity to provide 10 or more homes. Policy H2 of the Hillingdon Local Plan: Part 1 – Strategic Policies (November 2012) seeks to secure affordable housing on all sites. It continues that, for sites with a capacity of 10 or more units, the Council will seek to ensure that the affordable housing mix reflects local needs.

² Procedural Guide: Planning Appeals – England, Annex N

12. The appellant acknowledges a Court of Appeal judgement,³ the result of which is that the policies in the Secretary of State's Written Ministerial Statement of 28 November 2014 (WMS), and subsequent alterations to the Planning Practice Guidance (PPG), should once again be considered as national planning policy. This defines the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build developments. The WMS seeks to relieve the disproportionate financial burden from small scale developers. For sites of 10-units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres, affordable housing and tariff style contributions should not be sought. The appellant suggests that the WMS appears to be reflected in the draft New London Plan, policy H2, which refers to the threshold of ten units or fewer, although it is recognised that this emerging policy carries limited weight at the present time.
13. The statutory position is that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development for 10 flats, as described, would be in conflict with development plan policy. However, the WMS is a material consideration to which I attach significant weight as Government policy, to be read alongside the National Planning Policy Framework (the Framework). The Council has submitted only very limited evidence to demonstrate that specific local circumstances are such that the conflict with the relevant development plan policies would outweigh the WMS in this instance, and therefore I find that national policy would prevail.
14. However, as the application was made in outline, the number of units is not certain. It may be that, at the reserved matters stage, the proposal is for eleven flats or more, which would trigger a consideration of affordable housing provision in line with the WMS. On this basis, I am satisfied that the obligation sought in respect of affordable housing would meet the tests of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 namely: (i) it is necessary to make the development acceptable in planning terms; (ii) is directly related to the development and; (iii) fairly and reasonably related in scale and kind to the development. Consequently, I conclude on this matter that a planning obligation in respect of affordable housing would be justified and necessary.
15. As set out above, a planning obligation has been submitted, worded such that if, at reserved matters stage, the proposal is for eleven flats or more or the gross floor space exceeds 1,000 square metres then provision for affordable housing would be required. However, I am not satisfied that the obligations, as drafted, could be relied upon to secure what is intended.
16. The appellant suggests that these matters could be addressed at reserved matters stage. However, the outline permission would be the planning permission, thus the planning obligation would need to be secured at this stage. I appreciate that a viability assessment may be submitted, but this is not before me.
17. Overall, I find that the appeal must fail for this reason, as set out in the paragraphs above.

³ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441

Planning Obligation: Carbon Offsetting

18. Policy 5.2 of the London Plan requires housing development schemes of 10 units or more to achieve zero carbon emissions for regulated energy demands. Major development proposals should include a detailed energy assessment to demonstrate how the emissions reduction would be achieved. The carbon reduction targets should be met on site but, where this is not possible, any shortfall may be provided off-site or through a financial contribution to secure delivery of carbon dioxide savings elsewhere.
19. The Council states that the appellant's Energy Statement demonstrates a 35 percent reduction in carbon dioxide and the development meets the minimum requirements on site. However, to achieve zero carbon, the shortfall would need to be accommodated elsewhere and a contribution to the Council's carbon fund would be required in order for the development to become policy compliant. The amount of contribution has been calculated using the predicted annual emissions and using the carbon off-set price of £60 per tonne, which the Council states, is in accordance with relevant guidance.⁴ However, no detailed information has been provided to show how and where the contributions would be spent. Accordingly, I cannot be certain that the contributions sought would be necessary to make the development acceptable or that they would be directly related to the development and fairly and reasonably related in scale and kind. Consequently, and notwithstanding the aims of the development plan policy, I am unable to conclude that a planning obligation seeking to provide these contributions would comply with Regulation 122 of the CIL Regulations, and the Framework.
20. The appellant has indicated that this obligation would not meet the requirements of the pooling restriction under Regulation 123(3) of the CIL Regulations. When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.
21. The evidence in respect of the pooling contribution is not conclusive. The Council states that the obligation would appear to meet Regulation 123 and argues that the fund would not be used to deliver infrastructure projects. However, the PPG advises that the levy can be used to fund a wide range of infrastructure, including district heating schemes. The Council's examples of projects that come forward from its carbon fund are varied and include improved lighting. I am not persuaded that such projects are not types of infrastructure capable of being funded by the Levy. It is unclear how many projects have been entered into since 6 April 2010. Consequently, I am not satisfied that the obligation can be lawfully taken into account.
22. I have already concluded above that the planning obligation, as submitted, carries limited weight. Given that I am not satisfied that the contribution sought would comply with the CIL Regulations, the absence of a planning obligation does not weigh against the development.

⁴ GLA's Guidance on Preparing Energy Assessments

Planning Obligation: Construction Training

23. The Council's Supplementary Planning Document: Planning Obligations (July 2014) states that housing developments on sites capable of accommodating 10 or more units would create the potential for a construction training scheme. I appreciate that the Council will seek to secure employment strategies with developers in kind, rather than as a financial contribution. However, the wording of the obligation as suggested by the Council would allow for a contribution to be paid in lieu.
24. No detailed information has been provided to show how and where the contributions would be spent. Accordingly, I cannot be certain that the contributions sought would be necessary to make the development acceptable or that they would be directly related to the development and fairly and reasonably related in scale and kind. Consequently, I am unable to conclude that a planning obligation seeking to provide these contributions would comply with Regulation 122 of the CIL Regulations. Therefore, although I have afforded the submitted planning obligation little weight, this does not weigh against the development.

Planning Obligation: Highway works and Project Management and Monitoring

25. The Council refers to the need for an obligation under Section 106 of the Planning Act to secure highways works, and project management and monitoring. No planning obligation is before me in respect of these matters. The decision notice refers to Policies R17 and AM7 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan Policies (November 2012), but there is limited explanation in the Council's evidence as to why these policies are relevant.
26. I have not been provided with sufficient evidence to show that the obligations sought in respect of these matters are necessary, having regard to development plan policy, the statutory tests in Regulation 122 of the CIL Regulations and the tests of the Framework. Therefore, it has not been demonstrated that a contribution towards highways works, or project management and monitoring is necessary.

Planning Obligation: Conclusion

27. To conclude on this issue, I find that the development should make provision for affordable housing. In the absence of such provision, the development would be contrary to Policies 3.13 and 8.2 of the London Plan, Policy H2 of the Local Plan: Part 1, and national policy as set out in the WMS, and the Council's Supplementary Planning Document: Planning Obligations (July 2014) which, amongst other things, require the provision of affordable housing to meet local needs.
28. I have considered whether the unacceptable impacts of the development could be addressed through planning conditions. However, I do not consider that such conditions would meet the tests set out in paragraph 206 of the Framework.

Character and Appearance

29. The appeal site is located on Watford Road (A4125), at the junction with Brookdene Drive. It comprises two detached houses and their associated gardens. Watford Road is residential in character, the houses tend to be detached and set back from the road, with front gardens containing trees, shrubs and hedges. The development layout has evolved over time and the area is interspersed with newer infill and piecemeal development of various styles and age. Several plots have been re-developed and there are flat developments in the immediate vicinity of the site, Saxon Court and Chestnut Court. There are also flats further south on Watford Road and a similar development to the north.
30. The proposed development would provide a residential building containing flats. It would be sited within the centre of the plot with car parking at the rear, accessed via Brookdene Drive.
31. I am referred to the Council's Supplementary Planning Document (SPD): Residential Layouts,⁵ which seeks to avoid an over-concentration of flatted development in order to protect the character of traditional residential areas. The guidance advises that the redevelopment of large numbers of sites in close proximity to each other is unlikely to be acceptable, including large numbers of redevelopment on any one street. Further, the SPD states that redevelopment of more than 10 percent of properties on a residential street is unlikely to be acceptable. The Council calculates that the redevelopment along Watford Road already exceeds this and considers that further such development would erode the character of the area, contrary to the SPD.
32. The overall aim of the SPD and related development plan policy is to protect the character and appearance of existing residential areas. As explained above, Watford Road has a mix of development types and its character has evolved from a traditional residential area comprising large, detached dwellings. The flats and other forms of development contribute to the character of the area and are compatible in form and layout.
33. The development proposed would result in the loss of two relatively modern houses, but these are not remarkable or worthy of retention in their own right. Moreover, the Council acknowledges that the impact of the development on the street scene would be acceptable. Although the development would add to the number of flatted developments along the road, the overall appearance of the area would remain that of a mixed residential area with detached houses being the more common form of development. Consequently, I conclude on this issue that the proposal would not result in an over-concentration of flatted development on this part of Watford Road to the detriment of the established character of the area.
34. The Council is also concerned about the loss of the rear garden area and the extent of hardstanding proposed. The appeal site contains a number of trees, hedges and shrubs located on the site boundaries. These make a positive contribution to the streetscape and the majority of the existing landscaping would be retained. The rear gardens would be replaced by the car park, but the retained landscaping would soften the appearance of the hardstanding.

⁵ Hillingdon Design and Accessibility Statement (HDAS): Supplementary Planning Document – Residential Layouts (July 2006)

35. The gardens themselves are not visible in the wider area and their loss would have minimal impact on the character and appearance of the locality. Consequently, the development would meet the aims of Paragraph 1.2.44 of the Mayor's Housing Supplementary Planning Guidance (March 2016), which is concerned with retaining greenspace that makes a positive contribution to the area.
36. To conclude on this issue, I find that the development would not have an adverse effect on the character and appearance of the area. Consequently, it would accord with Policy BE1 of the Local Plan: Part 1 – Strategic Policies, Policies BE13 and BE19 of the Local Plan: Part 2 and Policies 2.6, 3.5 and 7.4 of the London Plan. The policies seek, amongst other things, to enhance local distinctiveness through high quality design that complements the area and harmonises with the street scene.

Amenity Space

37. The development would incorporate communal amenity space to the front and side of the building, in a similar arrangement to that provided at Saxon Court opposite. The amenity space would be adjacent to the roads and it would be likely to be overlooked by windows to habitable rooms within the development.
38. I appreciate that the open space would be relatively narrow, and there is likely to be noise and overlooking that would affect the use of the space. However, the amenity space would be for communal use and, therefore, it would not be 'private' even if it were to be located away from the windows and the street. Consequently, I do not consider it unreasonable to locate communal open space where it would be visible from within the development. The space would be subject to some noise from vehicles, especially those on Watford Road. There is no evidence that the road is especially busy and noise levels are likely to be consistent with a residential area. Furthermore, I saw that other flatted developments in the vicinity had a similar layout with open space fronting the roads, and the proposal would be consistent with this pattern of provision.
39. I conclude that the development would provide a suitable standard of outdoor amenity space for future occupiers. Consequently, it would accord with Policy BE23 of the Local Plan: Part 2 and the Council's SPD: Residential Layouts, which seek to ensure the provision of adequate garden space.

Conclusion

40. I conclude that the development should make provision for affordable housing. However, I am not satisfied that the planning obligation could be relied upon. In the absence of such provision, the development would be contrary to Policies 3.13 and 8.2 of the London Plan, Policy H2 of the Local Plan: Part 1, national policy as set out in the WMS, and the Council's Supplementary Planning Document on Planning Obligations (July 2014) which, amongst other things, require the provision of affordable housing to meet local needs.
41. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector