

## Appeal Decision

Site visit made on 29 November 2016

**by David Walker MA MRTPI**

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

**Decision date: 21<sup>st</sup> December 2016**

---

**Appeal Ref: APP/R5510/W/16/3158073**

**2 St Margaret's Avenue, Uxbridge, Hillingdon UB8 3HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr G Sokhi against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 69131/APP/2016/17, dated 4 January 2016, was refused by notice dated 7 March 2016.
  - The development proposed is the erection of a detached bungalow (one bedroom) with off street parking and private amenity space involving proposed crossover and minor alterations to existing dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow (one bedroom) with off street parking and private amenity space involving proposed crossover and minor alterations to existing dwelling at 2 St Margaret's Avenue, Uxbridge, Hillingdon UB8 3HH in accordance with the terms of the application, Ref 69131/APP/2016/17, dated 4 January 2016, subject to the conditions in the attached Schedule.

### Main Issues

2. The main issues in the appeal are:
  - i) the effect of the proposal on the character and appearance of the area;
  - ii) the effect of the proposal on the living conditions of the occupants of No 2 St Margaret's Avenue in relation to its scale and proximity and having regard to the availability of light and outlook; and
  - iii) the effect of the parking provision proposed on the safety of pedestrians, cyclists and drivers using Micawber Avenue.

### Reasons

#### *Character and appearance*

3. Although the address of the appeal site is given as St Margaret's Avenue it is located with a frontage onto Micawber Avenue. The proposed bungalow would fill an undeveloped gap between the existing dwellings at No 2 and No 38b and would not amount to a backland form of development. It was also apparent at my site inspection that large gaps between properties are not a characteristic of the area, with many properties maintaining only a narrow gap.
-

4. The loss of a tree and formation of a new vehicular access in the existing hedge would diminish the green and leafy character at this part of Micawber Ave, but not unduly so. New hedge planting in place of two existing entrances to be closed off would go some way to restoring the green character of the prominent corner boundary.
5. The Council has indicated that it has no objection to the design of the bungalow. I have no reason to disagree. There is a wide range of house designs in the vicinity and the design of the bungalow would be complimentary to the character of the existing dwellings of the area. With the depth of the frontage proposed and adequate spaces between properties I am satisfied that the proposal would result in a development that would respect the visual qualities of the area.
6. My attention has been brought to a recent planning permission at 1 St Margaret's Avenue. However, that development involves the demolition of the existing dwelling and I do not find parallels with the scheme before me. I have accordingly determined the appeal on its merits.
7. On this basis I find the proposal would not have a harmful effect on the character and appearance of the area. As a result it would accord with the requirements to achieve a high quality design having regard to the characteristics of context and street scene set out at Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 (the SP), saved Policies BE13, BE19 and H12 of the Hillingdon UDP 1998 (the UDP), and Policies 3.5, 7.1 and 7.4 of the London Plan 2015 (the LP) and associated guidance<sup>1</sup>.

#### *Living conditions*

8. The proposal would be in close proximity to No 2 and the Council makes reference to the separation distances set out within the Hillingdon Design and Accessibility Statement 2006 (HDAS) supplementary planning document. However, the guidance relates to avoiding a harmful loss of light and outlook from two or more storey buildings.
9. No 2 is a dormer bungalow and the proposal only a single storey in height, and a gap of 5.5 m would be maintained between the two properties. I have no technical evidence before me of any harmful loss of light. Moreover, No 2 would maintain an unobstructed outlook to the west and north as a result of principal windows along these elevations. With the low overall height of the bungalow and hipped roof design I am satisfied that a harmful loss of light and an overbearing development would not result.
10. In the circumstances I do not find the application of the separation distances set out within the HDAS to be appropriate. While the appellant has offered to provide obscure glazing in the ground floor windows of No 2 facing the proposal, I do not find this to be necessary. With an obscure bathroom window in the proposed elevation facing No 2 and a 1.8 m close board fence I am satisfied that the privacy interests of the occupants of both dwellings would be satisfied at ground floor level.
11. However, obscure glazing would be necessary in the upper floor window of No 2 to ensure that opportunities for overlooking of the new dwelling and its

---

<sup>1</sup> Housing Supplementary Planning Guidance, Mayor of London 2012

private garden could not arise. Such a restriction would be reasonable with the reconfiguration of the existing internal space proposed.

12. On this issue, therefore, I find the proposal to have a satisfactory effect on the living conditions of the occupants of No 2. On this basis it would accord with saved Policies BE19, BE20 and BE21 of the UDP that seek to ensure that the amenities of residents are not harmed by development. It would also achieve a satisfactory design in accordance with Policy 3.5 of the LP.

#### *Highway safety*

13. The Council and interested parties have pointed to the potential for parking stress along Micawber Avenue. In response, the appellant has indicated the potential for a second parking space within the frontage of the proposed bungalow, whilst maintaining satisfactory levels of landscaping.
14. Such measures, as could be secured by a condition, would bring the proposal into accord with the Council's parking standards set out at saved Policy AM14 of the UDP and associated supplementary guidance. Additionally, the closing off of two of the existing entrances at No 2 would help to offset the loss of on-street parking from the formation of a new footway crossover.
15. Overall on this issue, I am satisfied that the proposed parking arrangements would not harm the safety of pedestrians, cyclists and drivers using Micawber Avenue. Accordingly, the proposal would comply with the highway safety considerations set down at saved Policy AM7 of the UDP, and associated guidance within the HDAS.

#### **Other Matters**

16. Interested parties have raised additional concerns in relation to access to existing properties, tree loss, overlooking, and disruption during development. I have nothing before me to contradict the position of no objection to the proposal from the local highways authority to indicate that access to other properties would be problematical. I note the Council has not raised any objection to tree loss and I have no reason to disagree with this position.
17. As the proposal would maintain the existing levels of separation between opposing properties I am satisfied that any harmful increase in overlooking is unlikely to arise. I acknowledge that some disruption is a risk of many building operations and in the event that this becomes harmful it is controlled by other forms of legislation.

#### **Conditions**

18. The appeal being allowed I have given consideration to the suggested conditions provided by the Council. Standard conditions identifying the implementation period and approved plans are required in the interests of certainty. To safeguard the visual interests of the area I find it necessary for the specification of external materials and finishes to be agreed prior to any development above base course level.
19. Given the contribution of the boundaries of the appeal site to the street scene I agree that further details of enclosures and a scheme for landscaping are necessary. It is reasonable to require such details to be approved and installed before first occupation of the new dwelling. To this I add the requirement for

details of car parking to be agreed in order to achieve satisfactory levels of provision. Such parking provision as agreed should be kept available at all times. I also acknowledge the appellant's proposal to obscure glaze the existing upper floor window of No 2 and agree that this is necessary to avoid harmful overlooking from arising.

### **Conclusion**

20. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

*David Walker*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250); 12/02/SMH/101; 16/02/SMH/102; 15/02/SMH/103 Rev. A; 12/02/SMH/104; 15/02/SMH/105 Rev. A; 12/02/SMH/106; 16/02/SMH/107/A; and 16/02/SMH/108.
- 3) No development shall take place above base course level until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No occupation of the dwelling hereby approved shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 5) No occupation of the dwelling hereby approved shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  1. Details of Soft Landscaping
    - 1.a Planting plans (at not less than a scale of 1:100),
    - 1.b Written specification of planting and cultivation works to be undertaken,
    - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  2. Details of Hard Landscaping
    - 2.a Refuse Storage (inc. elevations if appropriate)
    - 2.b Cycle Storage (inc. elevations if appropriate)
    - 2.c Means of enclosure/boundary treatments (inc. elevations if appropriate)
    - 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
    - 2.e Hard Surfacing Materials
    - 2.f External Lighting
    - 2.g Other structures (such as play equipment and furniture)
  3. Living Walls and Roofs
    - 3.a Details of the inclusion of living walls and roofs
    - 3.b Justification as to why no part of the development can include living walls and roofs
  4. Details of Landscape Maintenance
    - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
    - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the

opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

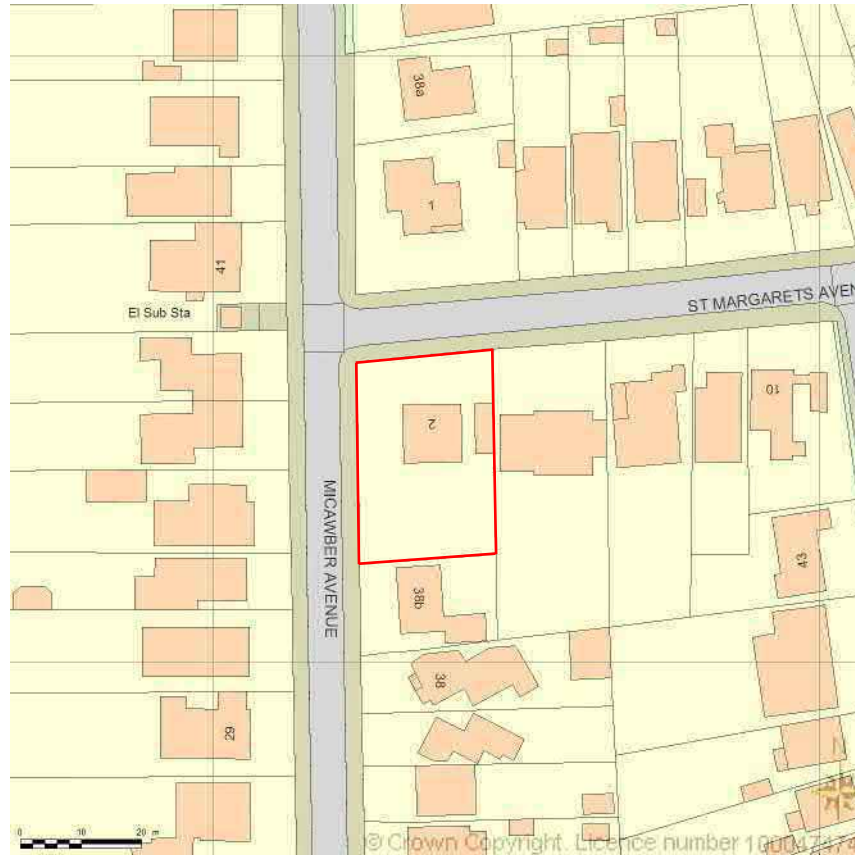
6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

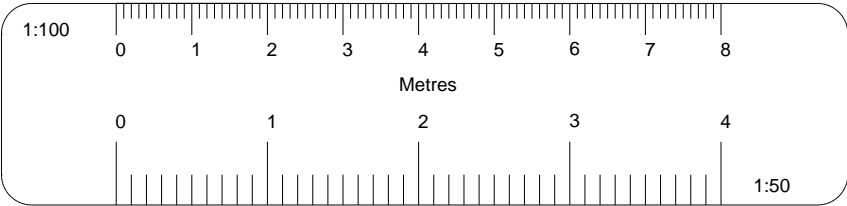
- 6) No occupation of the dwelling hereby approved shall take place until the rear window at the upper floor of No 2 St Margaret's Avenue has been obscure glazed and fixed closed below a height of 1.8 m measured internally. The obscure and fixed closed glazing shall be retained for the lifetime of the dwelling hereby approved.
- 7) No occupation of the dwelling hereby approved shall take place until parking has been laid out within the curtilage of the dwelling in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The car parking spaces to be provided shall be kept available for the parking of a car at all times.
- 8) The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

End of schedule.

SITE LOCATION PLAN  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 507237 , 182138



Supplied by Streetwise Maps Ltd  
[www.streetwise.net](http://www.streetwise.net)  
Licence No: 100047474



All dimensions verified on site.  
All work to comply with British Standards, Code of practice.  
All internal works to be in accordance with client instructions.

All external surfaces to match existing.  
All work to be to the satisfaction of the local authority-building surveyor.

Builder to serve building notice and comply fully in all respects.  
Owner responsible for compliance with 1.Party Wall etc Act 1996. 2. Thames water Build Over Agreement.

Builder to ensure all work in compliance with Build Over agreement as approved by Thames Water

All proprietary materials to manufacturers recommendations

Works to boiler/Gas to be carried out by Gas Safe registered installer and to Gas Safe recommendations

All wiring and electrical work will be designed, installed, inspected and tested in accordance with the requirements of BS 7671:2001 (2004), the 17th edition Wiring Guidance and Building Regulation Part P (Electrical Safety) by a competent person registered with an electrical self-certification scheme, (BRE, BSI, ELECSA, NAPIT, or NICEIC), authorised by the Secretary of State

The competent person is to send a self-certification certificate to the Local Authority Building Control Department within 30 days of completion of the electrical works. The client must receive both a copy of the self-certification certificate and a BS 7671:2001 (2004) Electrical Installation Test Certificate and forward copies to the Local Authority Building Control Dept.

	DATE	REVISION

COPYRIGHT:

JOB TITLE:  
2 St. MARGARETS,  
HILLINGDON.

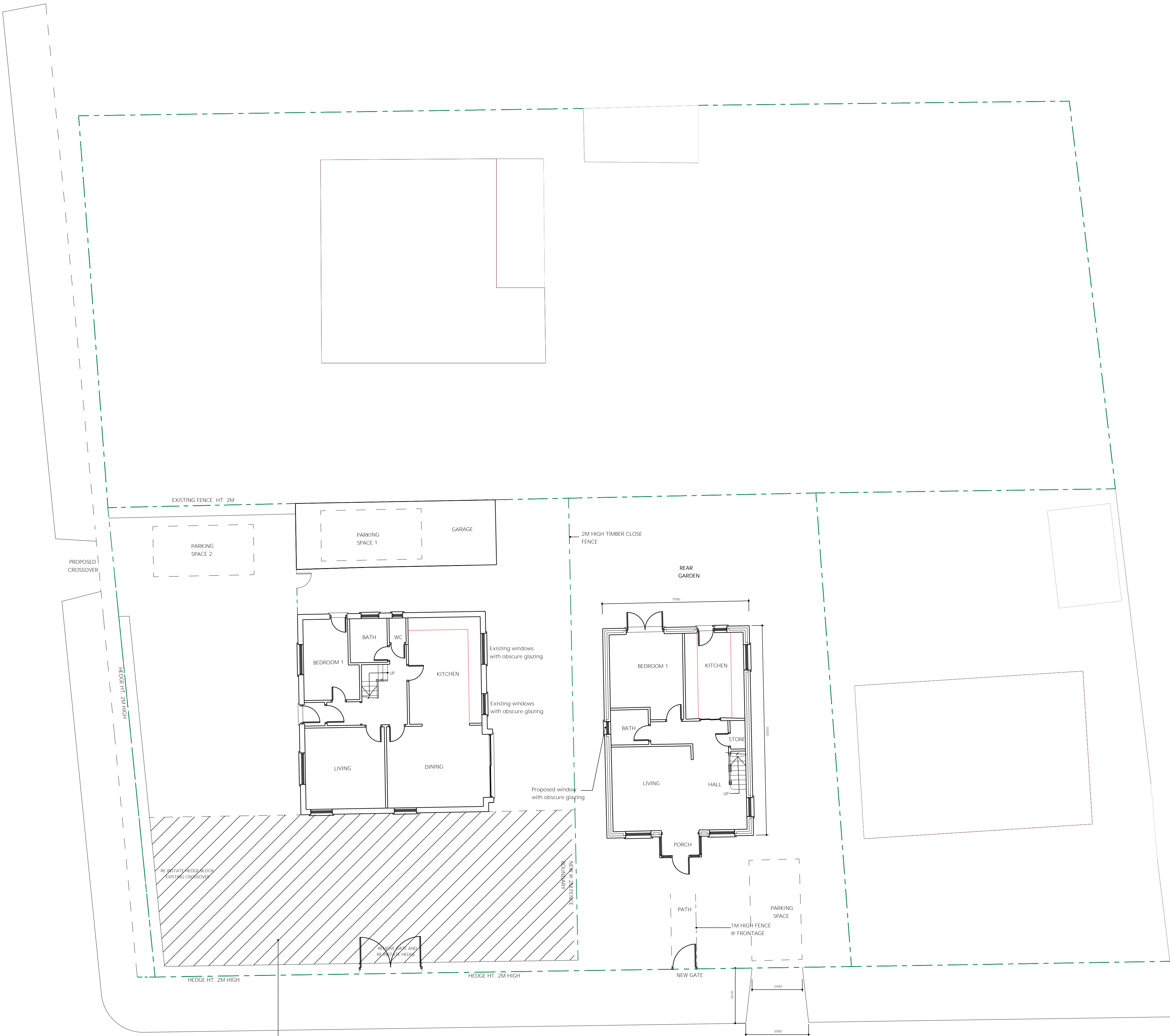
DRAWING TITLE:  
PROPOSED PLAN

SCALE : 1:100

DATE: JAN '2016

DRAWN BY:

DRG. NO. 16/02/SMH/107/A	REV.
-----------------------------	------



PRIVATE AMENITY SPACE FOR  
NO 2 ST. MARGARETS AVENUE(120 SQ M.)

2 St. MARGARETS,  
HILLINGDON.

PROPOSED GROUND FLOOR PLAN

1:100



**Item No.**                      **Report of the Head of Planning, Building Control, Sport & Green Spaces**

**Address**                      LAND FORMING PART OF 2 ST MARGARETS AVENUE AND 2 ST MARGARETS AVENUE HILLINGDON

**Development:**              Single storey, 1-bed, detached bungalow with associated amenity space and parking and installation of 2 vehicular crossover to front and side involving alterations to rear elevation of existing bungalow

**LBH Ref Nos:**                **69131/APP/2016/17**

**Drawing Nos:**              Location Plan (1:1250)  
    12/02/SMH/101  
    16/02/SMH/102  
    15/02/SMH/103 Rev. A  
    12/02/SMH/104  
    15/02/SMH/105 Rev. A  
    12/02/SMH/106  
    16/02/SMH/108  
    16/02/SMH/107/A

**Date Plans received :**    13/01/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 13/01/2016

## 1. **SUMMARY**

The proposal is for a single storey 1 bed detached bungalow with associated amenity space and parking and installation of 2 vehicular crossover, involving alterations to rear elevation of existing bungalow (resubmission).

## 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

### 1                      NON2                      Non Standard reason for refusal

The proposed development, by reason of its siting (in a rear garden), layout, and site coverage, would result in a cramped development of the site, which is visually incongruous and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character, appearance and local distinctiveness of the residential area as a whole. The proposal is therefore detrimental to the visual amenity and character of the street scene and the surroundings and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, The Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012) and the NPPF (March 2012).

### 2                      NON2                      Non Standard reason for refusal

The proposed development, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupier at No.2 St Margarets Avenue, by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of

the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**3**            NON2            Non Standard reason for refusal

The proposal would result in an unsatisfactory source of outlook for the current occupiers of No.2 St Margarets Avenue. The proposal would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of current and future occupiers. The proposal is thus contrary to Policy 3.5 of the London Plan (2015), and Policies BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**4**            NON2            Non Standard reason for refusal

The proposed development fails to demonstrate that sufficient off street parking provision which meets the Council's approved parking standards to service the proposed dwelling would be provided and would result in the loss of space currently available for on-street parking. The development would therefore lead to additional on street parking, in an area where such parking is at a premium, to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), the Council's adopted car parking standards and the adopted Supplementary Planning Document HDAS: Residential Layouts.

## **INFORMATIVES**

**1**

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. The Council encourages pre-application discussions before submissions, and therefore we have been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

**2**            I52            Compulsory Informative (1)

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

**3**            I53            Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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 (2015) and national guidance.

BE13            New development must harmonise with the existing street scene.

BE15            Alterations and extensions to existing buildings

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

BE20            Daylight and sunlight considerations.

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

BE23            Requires the provision of adequate amenity space.

BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
NPPF	National Planning Policy Framework

#### **4 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### **5**

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises of a large chalet bungalow situated on the a prominent corner plot junction of St Margarets Avenue and Micawber Avenue. The property is characterised by a half hipped roof with rear dormer and benefits from a spacious rear garden situated to the south side of the main dwelling, with an existing crossover fronting Margarets Avenue.

The property falls within an existing residential area of Hillingdon and comprises predominantly by detached bungalows which are set back from the main road and benefit from spacious rear gardens.

### 3.2 Proposed Scheme

Full Planning Permission is sought for the construction of a single storey 1 bed detached bungalow with associated amenity space and parking and installation of 2 vehicular crossovers involving alterations to rear elevation of existing bungalow.

The scheme would involve the removal of an existing crossover fronting Margarets Avenue, and screening with a large hedge, and installation of a new crossover in the existing place to serve the existing dwelling. The second new crossover would be installed along Micawber Avenue to serve the new bungalow.

The proposed bungalow would be situated within the rear garden of the application site, and would be set back from the adjacent highway to front Micawber Avenue. The proposed new bungalow 10m in depth, 7m in width and would be characterised by a hipped roof measuring a maximum of 5.1m in height and the eaves set at 3m high. The proposed new dwelling would be constructed of materials to match the existing dwelling.

The proposed new bungalow would comprise of 1 bedroom with associated amenity space to the rear and off road parking for one vehicle to the front.

The alterations to the rear of the original dwelling involve installing obscure glazed windows to all the rear facing windows at both levels.

### 3.3 Relevant Planning History

69131/APP/2015/878      Land Forming Part Of 2 St Margarets Avenue And 2 St Margarets Ave  
2 x single storey, 2-bed, semi detached dwellings with habitable roof space with associated parking and amenity space and installation of 3 vehicular crossovers to front and side involving internal alterations to existing bungalow

**Decision:** 02-11-2015      Refused

#### **Comment on Planning History**

69131/APP/2015/878FUL - 2 x single storey, 2-bed, semi detached dwellings with habitable roof space with associated parking and amenity space and installation of 3 vehicular crossovers to front and side involving internal alterations to existing bungalow - Refused.

The applicant has resubmitted a revised scheme involving the construction of a single dwelling with its associated amenity area and parking. The proposal has attempted to overcome a number of the previous reasons for refusal including scale and bulk of proposed dwelling, number of parking spaces, and loss of amenities to the occupiers of the existing dwelling, however the proposed extension still fails to overcome a number of issues in relation to adequate outlook for the existing occupiers and sufficient amenity area and therefore a recommendation for refusal is proposed.

### 4. Advertisement and Site Notice

**4.1**      Advertisement Expiry Date:-      Not applicable

**4.2**      Site Notice Expiry Date:-      Not applicable

### 5. Comments on Public Consult

A total of 6 neighbouring properties were consulted via letter dated 14.01.16.

2 objections and 1 comment were received from adjoining and nearby properties.

## Objections

35 Micawber Avenue: Received 25.01.16

- i. existing bungalow in rear garden No. 38b
- ii. construction would cause nightmares to the road
- iii. the property is not in keeping with the road

Response: The proposed development will be assessed on grounds of impact upon character of street scene and surrounding area and will be discussed within the main body of the report. Issues regarding noise and delivery trucks would not be a material planning consideration and would be reviewed by the relevant authorities.

37 Micawber Avenue: Received 17.01.16

- i. existing bungalow in rear garden No.38b
- ii. works would cause disruption to neighbours
- iii. will involve the removal of trees

Response: Issues in regards to impact upon exiting character of the area will be discussed within the main body of the report. In regards to delivery trucks and construction works, this would be a not be a material planning considerations and would be reviewed by the relevant authorities at the time. The application site is not within a conservation area, neither are the trees protected by a tree protection order.

## Comments

38B Micawber Avenue: Received 03.02.16

- i. Can we be assured the arboriculturalist report will be adhered to,
- ii. existing bungalow in rear garden, additional dwelling be too much?

Response: The arboriculturalist report would be approved with the approved plans and would therefore require adhering to prevent breach of the decision notice. The impact of the proposed development would be discussed within the main body of the report.

## 6. UDP / LDF Designation and London Plan

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

### Part 1 Policies:

PT1.BE1 (2012) Built Environment

### Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement,

	Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
NPPF	National Planning Policy Framework

In addition: None.

## **7. MAIN PLANNING ISSUES**

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

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

The new bungalow would be situated on the north side of 38b Micawber Avenue and positioned approximately 5m apart. As a result of the side to side relationship the proposed development would not impede a 45 degree line of sight taken from any level of the rear facing windows.

The proposed development would be sited within the rear garden of No.2 St Margarets Avenue, and would also be sited approximately 5m apart with a rear to side relationship. The proposed bungalow would measure a maximum of 5.1m in height and to overcome the reason for appearing overdominant and oppressive when viewed from the rear outlooks of the existing dwelling at No.2, it is proposed to obscure all rear facing outlooks. This would be considered unacceptable and contrary to the Paragraph 3.5 of the London Plan as it would fail to provide a satisfactory level of outlook to the existing kitchen and dining room. The first floor room is proposed to be converted into a bathroom, with the rear facing window to be obscure glazed, which would be acceptable.

By proposing to obscure all the rear facing windows of the neighbouring occupier at No.2 St Margarets Avenue would be an unacceptable method of overcoming the 15m distance between buildings and would have a detrimental impact upon the residential amenities of No.2 St Margarets Avenue and therefore considered contrary to Policies BE20, BE21 & BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and paragraphs 4.9 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts.

### **7.2 Impact on Street Scene**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any

development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Paragraph 53 of the National Planning Policy Framework advises that 'Local planning authorities 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' whereas the London Plan comments (in Paragraph 3.34) that "Directly and indirectly that back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that "new development should 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 area".

This part of St Margarets Avenue is predominantly characterised by detached bungalows with reasonable size rear gardens. The proposed dwellings would be characterised by a bungalow of a similar design and following the uniform appearance of being set back from the adjacent highway.

The new bungalow would be situated within the rear garden of No. 2 St Margarets with No. 38b being an existing addition to the bottom of the garden. An additional dwelling in this area would result in the total loss of this open area and usable amenity area for the occupiers of No.2 St Margarets Avenue on a prominent corner plot and would be considered a form of cramped development which would be out of keeping with the surrounding area.

The overall height and bulk of the proposed bungalow is considered appropriate however the closing up of this established open area on a prominent corner plot, would represent 'garden grabbing' with the majority of the rear garden taken and therefore appearing visually intrusive and an unacceptable addition within the street scene. The proposal would therefore be contrary to Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and the NPPF.

### **7.3 Traffic Impact/Pedestrian Safety**

The application proposes to close an existing crossover and install a new crossover in the existing area to serve the existing dwelling No. 2 Margarets Avenue.

The new crossover to serve the new bungalow would be installed along Micawber Avenue and would meet the minimum standards in terms of recommended dimensions, and is considered not to significantly compromise highway and pedestrian safety.

### **7.4 Carparking & Layout**

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 of the Local Plan Part Two specifies that new development will only be permitted where it is in accordance with the Councils adopted Car Parking Standards. These require a maximum provision of two off-street parking spaces for each of the proposed dwellings.

Parking standards for a one bedroom dwellinghouse is a maximum of 2 spaces as

contained in the London Plan. This is an area which has a very low PTAL score of 1a and is heavily parked. On this basis, off-street parking should approach the maximum of 2 spaces and the 1 proposed is considered to be inadequate. This would give rise to additional on street demand that would be prejudicial to highway and pedestrian safety, contrary to Policy 6.13 of the London Plan (March 2015) and the Mayor's adopted car parking standards and Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

## **7.5 Urban Design, Access and Security Considerations**

As of October 2015, The Housing Standards Policy Transition Statement came into force. The Mayor intends to adopt the new national technical standard by a minor alteration to the London Plan. Policy 3.5 of the London Plan would be substituted by Table 1 of the nationally described space standard.

In regards to the changes to the internal gross floor area, Section 4.1.1. of Table 1 shows no changes to the minimum space standards for a 1 bed 1 storey dwelling for 2 persons would require a minimum of 50sq m gross internal floor area.

The proposed new dwelling would measure a maximum of 70sq.m and would therefore be well in excess of the minimum requirement of 50sq.m.

Where a distance of 21m between neighbouring properties cannot be achieved, in certain circumstances this can be protected by careful layout and screening, including the use of obscure glazing. Obscure windows are only acceptable to non habitable rooms such as kitchens and bathrooms. As the rear facing windows are the primary source of outlook to this room, and more importantly the only windows to serve this room, would be considered contrary to Policy 3.5 of The London Plan which seeks an adequate layout and source of outlook for all rooms.

The proposed dining room benefits from windows to the rear in addition to a single window to the flank. As the windows which provide the primary source of outlook to this room also obscure glazed, would fail to provide an adequate form of outlook and would therefore be contrary to London Plan Policy 3.5 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

## **7.6 Other Issues**

Principle of Development:

In order to establish the acceptability of the principle of developing this site for residential purposes, it is necessary to take into account currently adopted planning policy and to a lesser extent, emerging policy.

Paragraph 7.29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) suggests that backland development may be acceptable in principle subject to being in accordance with all other policies, although Policy H12 does resist proposals for tandem/backland development which may cause undue disturbance or loss of privacy.

The London Plan (2015) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is 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, November 2012 also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.23 advises that when considering proposals which involve the loss of gardens, regard should be taken of the degree to which gardens contribute to a communities' sense of place and quality of life (Policy 3.5), especially in outer London where gardens are often a key component of an area's character (Policies 2.6 and 2.7). The contribution gardens make towards biodiversity also needs to be considered (Policies 7.18 and 7.19) as does their role in mitigating flood risk (Policies 5.12 and 5.13). Gardens can also address the effects of climate change (Policies 5.9 - 5.11).

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.'

The Council has 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 erode the character and biodiversity of suburban areas and increase flood risk.

Thus whilst taking into account site circumstances, there has been a general strengthening of the presumption against residential development within rear gardens at national, strategic and local level.

While there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of substantial proportion of the back garden in this location would be detrimental to the local and historical context of the area. The proposed redevelopment of the private back garden would have a detrimental impact on the character and appearance of the general area, particularly in this location, which is characterised by detached and pairs of semi-detached properties with long rear gardens giving a sense of spaciousness to their setting. The proposal would give the impression of having been squeezed into a limited space and has little or no sense of space about them, given the proximity of the proposed houses to the boundaries of the site. Thus, when balanced against the limited contribution the developments would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, guidance within The London Plan Housing Supplementary Planning Guidance (November 2012) and the NPPF (March 2012).

The SPD HDAS: Residential Layouts requires one bedroom dwellings to provide a minimum of 40sq.m The new dwelling would benefit from a rear amenity area of approximately 72sq.m and the application site No.2 St Margarets Avenue which would be converted into a 2 bedroom dwelling, would benefit from 45sq.m and would thus be in accordance with the guidelines set out in the HDAS Supplementary Guidance and Policy BE23 of the Hillingdon Local Plan: Part Two Saved UDP Policies.

The application is liable for the Community Infrastructure Levy which equates to

10,236.65.

## **8. Reference Documents**

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

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

The London Plan (2015)

Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012)

Hillingdon Design and Accessibility Statement: Residential Layouts

Hillingdon Design and Accessibility Statement: Accessible Hillingdon

National Planning Policy Framework

The London Plan Housing Policy Transition Statement (May 2015)

**Contact Officer:** Naim Poptani

**Telephone No:** 01895 250230

**Item No.                      Report of the Head of Planning, Transportation and Regeneration****Address**                      LAND REAR OF 40 DUCKS HILL ROAD NORTHWOOD**Development:**              Erection of 4-bed single storey dwelling with habitable basement with associated parking and amenity space and installation of crossover to Cygnet Close**LBH Ref Nos:**              73183/APP/2019/868**Drawing Nos:**              1274/P3/1 E  
1274/P3/2 E  
1274/P3/4  
Design & Access Statement  
Arboricultural Report**Date Plans Recieved:**      12/03/2019                      **Date(s) of Amendment(s):**      12/03/2019**Date Application Valid:**      18/03/2019**1.                      SUMMARY**

The application is seeking planning permission for the erection of a single storey, detached dwelling house with habitable roofspace within the rear garden of No.40 Ducks Hill Road.

It is considered that the proposal would be a good quality development which would not have a detrimental impact on the street scene and surrounding area and would not result in the loss of residential amenity to any neighbouring properties. It is considered that sufficient parking would be provided and it is not considered to be an overdevelopment of the site.

Subsequently, the application is recommended for conditional approval.

**2.                      RECOMMENDATION**

**APPROVAL subject to the following:**

**1                      RES3                      Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

**2                      RES4                      Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1274/P3/1E and 1274/P3/2E and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan:

Part Two Saved UDP Policies (November 2012), Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and the London Plan (2016).

### **3 RES7 Materials (Submission)**

No development above ground level shall take place until details of all materials and external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### **REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

### **4 RES6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

#### **REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

### **5 RES8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.

#### **REASON**

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (2012) and Policy DMHB14 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

### **6 RES9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
  - 2.a Means of enclosure/boundary treatments
  - 2.b Car Parking Layouts
  - 2.c Hard Surfacing Materials
3. Schedule for Implementation
4. Other
  - 4.a Existing and proposed functional services above and below ground
  - 4.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMHB11, DMHB14 and DMT6 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and Policies 5.17 (refuse storage) and 5.11 (living walls and roofs) of the London Plan (March 2016).

#### **7 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs.'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policy DMHB14 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **8 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls of the proposal.

#### REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

#### **9 RES13 Obscure Glazing**

The windows on the side elevation facing Muscovy Place, shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

#### **10 RPD4 Prevention of Balconies/Roof Gardens**

The living roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

#### REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

#### **11 RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

#### REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with Policies BE13, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

## **12 NONSC Non Standard Condition**

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

### **Reason**

To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8c, is achieved and maintained.

## **13 NONSC Non Standard Condition**

Prior to the commencement of development (excluding site clearance and demolition), a Basement Impact Assessment shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall include:

- i) the results of an appropriate site investigation that has identified the nature of the underlying geology and confirmed the depth of any groundwater beneath the site (taking into account the seasonal variability of groundwater);
- ii) an assessment to identify any mitigation measures that need to be put in place to maintain the passage of groundwater around the building without impacting local groundwater levels; and
- iii) shallow infiltration rates to inform the utilisation of Sustainable Drainage Systems (SuDS) on the site.

The development shall only be undertaken in accordance with those approved details, and the approved scheme shall be implemented prior to the first use of the development hereby permitted and retained for the duration of the development.

### **REASON:**

The proposal could increase groundwater flood risk contrary to Policy EM6 Flood Risk Management of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), Policy DMHD 3: Basement Development of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019), Policy 5.12 Flood Risk Management of the London Plan (March 2016), the National Planning Policy Framework (February 2019) and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

## **14 NONSC Non Standard Condition**

Prior to commencement, (excluding demolition and site clearance) a plan for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. As a minimum, the plan shall show the following details:

- i. Identify proposed areas of hardstanding as part of the development, state the material to be used for each area and show the proposed direction of slope.  
All hardstanding areas shall be formed of permeable surfaces, or slope to a permeable area or soakaway. Any work to front gardens not part of the planning application must be permeable or be collected and directed to a permeable area or soakaway, otherwise it would need an additional permission in line with the restrictions set out in the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- ii. Identify proposed downpipes from the development and show where these will

discharge to.

Collected surface water from roof areas will be directed away from the public sewer network as a preference by using SuDS such as rain gardens, soakaways or other infiltration techniques in line with Building Regulations Approved Document H (2015). Any necessary connection to a watercourse or surface water sewer should discharge at pre-development greenfield runoff rates.

iii. Provide details of the proposed green roof, including extent, construction depth, outfall details and planting mix.

iv. List the proposed activities that will be undertaken to maintain the surface water drainage network.

The drainage system should be maintained (such as gutter clearance, permeable paving jet washing and debris clearance from linear drainage channels) to ensure that it will continue to function over the lifetime of the development and will not increase the risk of surface water flooding.

v. Identify the water reuse methods to be implemented (i.e. water butts). The development should also use methods to minimise the use of potable water through the use of rainwater harvesting measures (such as water butts) to capture excess rainwater.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

## REASON

To ensure that surface water run off is controlled and to ensure the development does not increase the risk of flooding contrary to Policy EM6 (Flood Risk Management) of the Hillingdon Local Plan: Part 1- Strategic Policies (November 2012), Policy OE8 of the Hillingdon Local Plan Part Two - Saved UDP Policies (November 2012), Policy DMEI 10 (Water Management, Efficiency and Quality) of the Hillingdon Local Plan Part Two Development Management Policies with Modifications (March 2019), Policies 5.12 (Flood Risk Management) and 5.13 (Sustainable Drainage) of the London Plan (March 2016), Policy 5.15 (Water use and supplies) of the London Plan (March 2016), National Planning Policy Framework (February 2019) and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

## INFORMATIVES

### 1 I52 **Compulsory Informative (1)**

The decision to GRANT 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 GRANT 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.

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

AM7 Consideration of traffic generated by proposed developments.



AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H12	Tandem development of backland in residential areas
BE39	Protection of trees and woodland - tree preservation orders
DMEI 10	Water Management, Efficiency and Quality
DMHD 3	Basement Development
DMHB 11	Design of New Development
DMT 6	Vehicle Parking
EM6	(2012) Flood Risk Management
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.15	(2016) Water use and supplies
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

### **3 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

### **4 I47 Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs,

including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

## **5            I5            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **6            I6            Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **7            I15            Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section

61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **8            I21            Street Naming and Numbering**

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

## **9            I23            Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

## **10**

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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

# **3.        CONSIDERATIONS**

## **3.1       Site and Locality**

The application relates to an area of land forming part of No.40 Ducks Hill Road. The land parcel also shares a common boundary with Cygnet Close. Ducks Hill Road consists of predominantly detached dwellings which vary in design and character. However, Cygnet Close is characterised by mock Georgian terraced houses and subsequently has a strong sense of place.

The parcel of land forms part of the rear garden of No.40 Ducks Hill Road. To the South lies the rear gardens of Nos.5-8 Muscovy Place and to the North lies No.10 Cygnet Close.

The area is residential in character and appearance and the site lies within the Developed Area as identified within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

## **3.2       Proposed Scheme**

The application is seeking planning permission for the erection of a single storey, 4-bed, detached dwelling house with habitable basement space within the rear garden area of the host dwelling.

The dwelling would be located centrally within the large plot of no.40 ducks Hill Road and would be located over 40 metres from the host dwelling. The principle elevation would be facing West towards Cygnet Close. The dwelling would have an 'L-Shaped' footprint with

a maximum width of 11.6 meters and a maximum depth of 14.8 metres. It would be characterised by a living flat roof with a maximum height above ground level of 3.5 metres.

A new crossover would be installed in the North West corner providing vehicular access from Cygnet Close and a private terraced garden area would be provided to the rear of the dwelling.

During the determination process, the size and location of the dwelling, the design of the fenestration and the landscaping has been amended. Further details of the materials have also been submitted.

### **3.3 Relevant Planning History**

73183/APP/2017/3355 Land Rear Of 40 Ducks Hill Road Northwood

Two storey, 4-bed, detached dwelling with habitable roof space and detached double garage with associated parking and amenity space and installation of vehicular crossover from Cygnet Close.

**Decision:** 19-09-2018 Not Determined **Appeal:** 19-09-2018 Dismissed

73183/APP/2018/4222 Land Rear Of 40 Ducks Hill Road Northwood

Two storey, 3-bed, detached dwelling with associated parking and amenity space and installation of vehicular crossover from Cygnet Close.

**Decision:** 13-03-2019 Withdrawn

#### **Comment on Relevant Planning History**

This application is the third proposal for a new dwelling on this parcel of land.

The first application (Ref: 73183/APP/2017/3355) was dismissed at appeal following non-determination by the Council. The Planning Inspector considered that the two storey dwelling house would have resulted in the erosion of the amenity value of the existing mature trees diminishing the street scene; that the dwelling would have been an incongruous addition to the established street scene of Cygnet Close; that it would appear over dominant to No.7 Muscovy Place and would have an impact on the sunlight of No.10 Cygnet Close.

The second application (Ref: 73183/APP/2018/4222) for a two storey detached dwelling was withdrawn during the determination process.

Officer Comment:

It should be noted that the current proposals are very different from the two storey dwelling considered at Appeal.

### **4. Planning Policies and Standards**

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18th May 2018. This comprises of a Development Management Policies document, a Site Allocations and Designations document and associated policies maps. This will replace the current Local Plan: Part 2 - Saved UDP Policies (2012) once adopted.

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPM) which outline the proposed changes to submission version (2015)

that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the Examination in Public (EiP). The public examination hearings concluded on the 9th August 2018. The Inspector submitted a Post Hearing Advice Note outlining the need to undertake a final consultation on the updated SOPM (2019) only. The Council undertook this consultation between 27th March 2019 and 8th May 2019. All consultation responses have been provided to the Inspector for review, before the Inspector's Final Report is published to conclude the EiP process.

Paragraph 48 of the NPPF (2019) outlines that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

On the basis that the public hearings have concluded and the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight may be attached to each policy is therefore based on the extent to which there is an unresolved objection being determined through the EiP process and the degree of consistency to the relevant policies in the NPPF (2019).

### **UDP / LDF Designation and London Plan**

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

#### **Part 1 Policies:**

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

#### **Part 2 Policies:**

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H12	Tandem development of backland in residential areas
BE39	Protection of trees and woodland - tree preservation orders
DMEI 10	Water Management, Efficiency and Quality
DMHD 3	Basement Development
DMHB 11	Design of New Development
DMT 6	Vehicle Parking
EM6	(2012) Flood Risk Management
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.15	(2016) Water use and supplies
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- **18th April 2019**

## **6. Consultations**

### **External Consultees**

Nineteen neighbouring properties were notified of the proposal on 21/03/2019. A site notice was also displayed which expired on 18/04/2019.

Five objections and a petition were received. The independent objections are summarised as follows:

- The proximity and height of the dwelling would dominate the rear habitable rooms of No.7 Muscovy Place and would be 180% higher than the current fence;
- Incongruous addition to the Cygnet Close street scene as out of keeping with the Neo-Georgian

design of all properties within the street;

- The design has resulted in a dwelling totally out of character with anything remotely appropriate;
- New road access and concreting of back garden would damage the verdant and cause a break within the street scene;
- Inappropriate basement without appropriate survey;
- Lack of Flooding/Surface water management report;
- The basement would interfere with the water table and will disrupt the natural drainage around the existing houses;
- Drainage would need to pass through the row of protected trees and it would be unacceptable to disrupt the TPO'd trees root system to reach the drains positioned in the street;
- Need to be an assessment of the excavation of neighbouring properties which has not been completed;
- The impact on the trees from the soil removal has not be considered by the Arboricultural Impact Assessment;
- The light well are in close proximity to neighbours and would result in light spill;
- Site does not meet definition of Previously Developed Land under NPPF 2018 and so there should not be presumption in favour of development and there is no meaningful benefit from a single new house on the site;
- Would be considered as backland development
- Inaccuracies in the drawings as the distance between No. 7 Muscovy Places kitchen/dining room is metres to the boundary compared to a distance of metres in the plans;
- States that the Laurel hedging would provide screening but these have been destroyed and so there is now no protective screening;
- On the drawing there is an annotation that the parking space could be extended;
- The Design and Access Statement is dated March 2018 but contains the plans for this application;
- Bring forward the previous objections;

A petition against the proposal signed by 32 local residents was submitted. This was attached to a document outlining the concerns that the signatories have which are summarised as:

- Enclosure and over dominance of 7 Muscovy Place;
- Incongruous addition to the Cygnet Close street scene;
- Inappropriate basement proposal without essential ground survey;
- The site does not meet the criteria of Previously Developed Land under the NPPF;
- Inaccurate drawings.

As petition was received the application will be determined by the Planning Committee.

Officer comments:

The impact of the proposal on the residential amenity of the neighbouring properties and the street scene and surrounding area will be discussed in the report below. Since the original submission, a Flood Risk Assessment regarding the basement has been submitted which the Flooding and Water Management Officer has reviewed. The impact on the protected trees has been considered by the Tree Officer which is summarised below. The light wells have been removed from the proposal. The proposal will be considered against all relevant National and Local Policies.

Thames Water:

Waste Comment:

The applicant should incorporate protection to the property by installing a positive pumped device to avoid risk of back flow at a later date, on the assumption that the sewer network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network this would require a Ground Water Risk Management Permit from Thames Water. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquires

should be directed to Thames Water's Risk Management Team.

There maybe public sewers crossing or close to the development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to rear our guide working near or diverting our pipes.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approval to the disposal of surface water we would have no objection. Where the developer proposes to discharge a public sewer, prior approval from Thames Water will be required.

No objection to the planning application.

Water Comment:

This area is covered by Affinity Water Company.

### **Internal Consultees**

Access Officer:

Any grant of planning permission should include the following condition: The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building. REASON: To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8 c, is achieved and maintained.

Highways Officer:

To serve the new build, vehicular and pedestrian access would be facilitated via a new access point from Cygnet Close which is a cul-de-sac off Ducks Hill Road. Although Ducks Hill Road does not exhibit parking controls, Cygnet Close (which would provide direct access to the site) is contained within a controlled parking zone (CPZ) operating for one hour of the day during the working week. The surrounding residential units in both roads have ample on-plot parking provisions which inherently reduce parking demand and pressures on-street. The site is relatively remote from public transport connections and hence exhibits a borderline PTAL of 2 which is considered as low and encourages a heightened dependency on the private motor vehicle.

It is proposed to provide a 4 bedroom detached residential unit. In order to comply with the maximum parking standard there is a requirement for 2 on-plot spaces to be provided. This quantum has been achieved within a surface level arrangement. The proposed internal parking and road layout arrangement broadly conforms to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is a highway safety benefit derived from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave in a forward gear which is the recommended practice on highway safety grounds.

Access to the new roadway and the said parking spaces would be gained via a newly created aperture in Cygnet Close. This is considered acceptable in principle as the positioning would not cause any predicted detriment to the public highway in terms of safety or the free flow of vehicular traffic. However in order to facilitate unimpeded access into and out of the site, it would be necessary to physically adjust/remove a 'residents parking bay' located directly opposite the new access point. Such an amendment also requires a formal legal process to be undertaken in the form of altering the relevant 'Traffic Management Order' in order to legitimise the necessary changes. The applicant is alerted to this aspect and necessary processes would need to commence post-permission at the applicant's expense.



In terms of cycle parking there should be a provision of at least 2 secure and accessible spaces for the new dwelling in order to conform to the adopted minimum borough cycle parking standard. A secure compound has been indicated containing 4 spaces within a new garden store to the rear of the property which is compliant to the standard.

The proposal would clearly increase traffic generation from what is currently a dormant site. However peak period traffic movement into and out of the site would not be expected to exceed 1-2 additional vehicle movements during the peak morning and evening hours. Such potential uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Refuse would be collected from Cygnet Close via the proposed new access. No indicative refuse bin store or collection point has been depicted on plan in vicinity of this opening. It should be ensured that waste collection distances do not exceed 10m from the point of collection in order to conform to good practice. The bin store should therefore be positioned accordingly and this aspect will need to be secured via planning condition.

No.40 Ducks Hill Road is subject to an extant planning permission (71798/APP/2017/2381) permitting the build of 4 new detached houses which has not been implemented. As a consequence, it is proposed for construction access to be taken directly from No.40 Ducks Hill Road's site envelope which is within the ownership of the same applicant. This would avoid construction related usage of Cygnet Close. As this option of construction access is available, it is considered preferable in comparison to utilising Cygnet Close which is highly constrained in scale and far more likely to impose additional harm to the surrounding amenity of residents. A full and detailed CLP will be a requirement given the constraints and sensitivities of Ducks Hill Road and the surrounding local residential road network in order to avoid/minimise potential detriment to the public realm. It will need to be secured under a suitable planning condition.

Conclusion: the proposal would not exacerbate congestion or parking stress and would not raise any highway safety concerns.

#### Trees/Landscaping Officer:

Trees lining the boundary with Cygnet Close are protected by TPO 742. COMMENT Recent submissions, application ref. 2017/803 and 2017/3355 have been refused at appeal due, in part, to the conflict with the protected trees along Cygnet Close. Application ref. 2018/4222 was withdrawn in March 2019. The current application seeks to address the tree issue in accordance with pre-application discussion with the LPA's Landscape Architect. This includes creating a narrow access point at the south-west extremity of the site, as indicated on DDA dwg. No. 1274/P3/1, which will not be used by construction traffic. The key amendment, indicated on dwg. No. 1274/P3/4 'Site Works Plan' shows that the construction of the development will be approached from the Ducks Hill Road site, to the east, obviating the need to take construction traffic close to the protected trees. A tree report, by Tree Sense, has been amended (10 March 2019) to take into account the new layout and construction management proposals. The report provides identification and assessment of seven trees, all of which are part of the protected group of trees assessed as category C2. The report provides a Tree Constraints Assessment and Arb Method Statement designed to safeguard the trees from any adverse impacts. A schedule of general management recommendations (GMR) has been prepared, however, as noted this work will need to be applied for separately under the TPO legislation. - Any approval given in this response does not imply approval of the GMR. The report provides a Tree Protection Plan, with notes, ground protection specification, an arb implications assessment and arb. method statement. At 10.2, the report notes the need for on site monitoring / supervision. This detail should be conditioned.

No objection subject to conditions RES8 (parts 3), RES9 (parts 1,2,5 and 6) and RES10.

Flood and Water Management Officer:

Comments received 28/05/2019:

The development includes a basement that forms the entire width of the property with only a small buffer at either side from the site boundary. Whilst the Design and Access Statement includes a description of how the proposals are meeting the emerging Hillingdon Local Plan Policy DMHD 3 there is insufficient information to justify the conclusions.

Following this comment the applicant has submitted a more detailed Flood Risk Assessment which has been reviewed by the Flood and Water Management Officer who have updated their comments to state:

I am able to remove my objection following receipt of the preliminary geotechnical information for the site.

Conditions should be placed on the permission to secure additional details regarding the potential impact of the basement on the groundwater regime and to obtain details of the proposed surface water management scheme.

The applicant has now submitted the Ground Investigation undertaken by GS Surveys in 2016. It is noted that the location of the three boreholes are within the adjacent site surrounding the previous properties at 38 and 40 Ducks Hill Road. The report states that while groundwater was not encountered during the site investigation, "The absence of a shallow groundwater table should however be confirmed through the longer term monitoring of installed standpipe". The results of this monitoring have not been provided to support the application and it is not clear that monitoring was carried out.

It is also noted that the site investigation was carried out in August 2016, which is not the time of year where groundwater levels are likely to be highest. In light of this, it is recommended that conditions be placed on the permission to secure details of any shallow groundwater, as well as details of the proposed surface water drainage system.

Conservation Officer (updated comments on Plans submitted 30/10/2019):

It should be noted that these plans merely clarify the proposals & do not change the proposed development.

It is duly noted that the scale of the development has been kept to a minimum by the provision of basement accommodation. The design would be starkly different to the character and appearance of the surrounding area. There are still concerns that this would not wholly address the comments stated by the Appeal's Inspector. It is inevitable pocket views of the site would be visible at certain times of the year as vegetation cannot guarantee screening of the site permanently.

The proposed materiality would further emphasize the structure's presence within the street scene, however the horizontal cladding appears to have been amended to vertical cladding. The images of what the development would aim to achieve in terms of appearance comprises of a series of timber slats with small gaps between each slat. The cladding is broken up by contrasting concrete sections and recessed window openings set within minimalistic reveals. The precedent examples show a mix of colours and textures. If this can be achieved it could result in a good quality development with an interesting appearance. It would need to be noted that the proposed development does not include recessed windows, however it is strongly encouraged such as detail is designed into the scheme.

Within the rear garden terrace, it is duly noted that a lawn area has been included to the middle terrace which would soften the appearance of the rear garden. However, this would need to be secured via a robust landscaping condition.

It is recognised that the quality of the development would be improved by a strong material palette of high quality and appearance, provided that the Inspectors comments have been satisfied.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

In order to establish the acceptability of the principle of developing this site for residential purposes, it is necessary to taken into account currently adopted planning policy and to a lesser extent, emerging policy.

Paragraph 70 of the National Planning Policy Framework (June 2018) states that Local Planning Authorities should considered the case for setting out policies to resist inappropriate development of residential gardens where development would cause harm to the local area.

The London Plan (2016) provides guidance on how applications for development on garden land should be treated within the London Region. Paragraph 3.34 states that the London Plan supports development plan-led presumptions against development on back-gardens as back gardens play an importance role and are a cherished part of the townscape. In addition the Emerging Policy DMH 6 also states that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable subject to neighbouring residential amenity being maintained, the vehicular access and car parking would not have an adverse impact; must be more intimate in mass and scale and trees, shrubs and wildlife habitat must be retained or re-provided.

In addition to this paragraph 1.2.44 of the Mayor's Housing Supplementary Planning Guidance (November 2016) advises that when considering proposals which involve the loss of gardens, regards should be taken of the degree to which gardens contribute to a community's sense of place and Quality of life (Policy 3.5) especially in outer London (Policies 2.6 and 2.7). The contribution gardens make towards biodiversity also needs to be considered (Policies 7.18 and 7.19) as does their role in mitigating flood risk (Policies 5.12 and 5.13). Gardens can also address the effects of climate change (Policies 5.9 - 5.11).

Paragraph 7.29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that long rear gardens can be usefully developed for housing purposes provided that they conform to the policies of the plan. Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) advises that new development 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, it would seek to protect the amenity of surrounding land and buildings, particularly residential properties. The policy advises that development should not result in the inappropriate development of gardens that erode the character and biodiversity of suburban areas and increase flood risk.

This development is located on garden land of No.40 Ducks Hill Road. This garden is extremely large in size and following subdivision of the plot would still allow for two very large plots. Although it is located within a rear garden area it is noted that the Planning Inspector on the previous application clearly stated that given the proposed dwelling would have its frontage onto Cygnet Close and take vehicular access from it is difficult to see how the proposed development could be described as 'backland development'. The additional dwelling would comply with the key objective to deliver more housing units.

Subsequently, it is considered that the redevelopment of this parcel of land is acceptable in principal as long as the proposal complies with all other material planning considerations which will be discussed in more detail below.

#### **7.02 Density of the proposed development**

The density ranges set out in the London Plan are not used in the assessment of schemes of less than 10 units.

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The site does not lie within a Conservation Area or Area of Special Local Character and it would not have an impact on the setting of a Listed Building or an area of archaeological importance.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

Not applicable to this application.

#### **7.07 Impact on the character & appearance of the area**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. In addition, Policies BE13 and BE19 states that new development should complement or improves the character and amenity of the area whilst safeguarding the design of existing and adjoining sites.

The surrounding area is mixed in character. Ducks Hill Road consists predominantly of detached dwellings of varying designs, some of which have been redeveloped with contemporary residential dwellings. In addition, many of the original large plots along Ducks Hill Road have reduced in size to allow for additional housing within the area. It is considered that due to the rear garden location and the single storey design it would not be visible from Ducks Hill Road.

Cygnets Close, on the other hand, is characterised by a consistent design and form of the mock Georgian terraced housing and it is considered that the contemporary single storey proposed dwelling would not be in keeping with the existing character of the area. However, it is noted that the site is screen from Cygnets Close by mature trees which bound the site. These trees make a strong contribution to the established street scene and are protected by a Tree Preservation Order. It is noted that the Planning Inspector on the previous application raised concerns regarding the loss of a tree to create the vehicular access and the impact it would have on the visual value of the row of trees. However, the new proposal shows the new vehicular access would be located in the North West corner and would not include the loss of any protected trees and would not result in a gap within the screening. The dwelling would be considerably set back from Cygnets Close and it is considered that due to the existing screening and the location of dwelling it would be only slightly visible, if at all, when looking down the main part of Cygnets Close. Although the vegetation would not provide full screening all year round, it is recognised that the proposed development would result in good quality development with an interesting appearance. As such, it is considered that although the proposed dwelling is contrary to the sense of space of Cygnets Close, it would not be dominant within the street scene and would not result in an incongruous addition within the surrounding area. Therefore, the proposal would comply with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.08 Impact on neighbours**

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP

Policies (November 2012) and Policy DMHB 11 B of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019 seeks to safeguard the amenities of neighbouring residents in terms of loss of light, loss of outlook, sense of dominance and loss of privacy.

Paragraph 4.9 of the Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It adds that where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over domination and generally a minimum acceptable distance would be 15 metres. Paragraph 4.12 refers to privacy and states that new residential development should be designed so as to ensure adequate privacy for its occupants and neighbouring residential properties. Adequate distance should be maintained to any area from which overlooking may occur and as a guide, the distance should not be less than 21 metres between facing habitable room windows.

The proposed dwelling would be located over 30 metres from the existing host dwelling, and the new dwellings which have been approved. As such, it is considered the proposal would not have a detrimental impact on the host dwelling. The proposed dwelling would be located 1.5 metres from the shared boundary line with No.10 Cygnet Close. The rear elevation of No.10 faces towards to the proposed site, however, due to the location of the proposal within the plot, it is considered that it would not result in loss of residential amenity to the neighbouring dwelling, and it is considered that the distance to the shared boundary and the limited height that it would not appear over dominant to the users of the side garden of No.10.

The dwelling house would be located 1.5 metres from the rear boundaries of Nos.6 and 7 Muscovy Place. The plans show that the corner of No.7 closest to the boundary would be located 6 metres from the property. There is a concern raised by the neighbour stating that it is only 5.5 metres from the boundary, however, it is noted on the GIS there is a small strip of land between the properties and when measured to the boundary line, the GIS shows the distance would be 6 metres and so this distance will be used. As such, the distance between the closest part of No.7 and the proposed dwelling would be 7.5 metres. The proposed dwelling would not intersect the 25 degree vertical line from this closet section. In addition, there is a 2 metre boundary fence separating the properties and the dwelling would only project above this by 1.5 metres and would be located 1.5 metres from the fence. Although it would be visible from No.7 Muscovy Close, it is considered that the distance between the properties and the limited height would not result in the feeling of over dominance and would not result from a loss of outlook from the ground floor windows. It would not impact the first floor windows which are set even further back from the shared boundary. The proposed dwelling would be located to the North of No.7 and so it is considered it would not have a detrimental impact on the sunlight of this property.

There would be side windows facing both No.10 Cygnet Close and No.7 Muscovy Place. The two windows facing No.7 serve bathrooms and so is likely that these would be obscurely glazed and a condition can be added to ensure this. The plans demonstrate that the two windows facing no.10 do not project higher than the existing boundary treatment and as such, it is considered that they would not result in the loss of privacy. The roof of the dwelling would be a 'living' roof, however a condition can be added to ensure that this is not used as a garden to avoid any unacceptable overlooking.

Subsequently, it is considered that the proposal would have an acceptable level of impact on the neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

#### **7.09 Living conditions for future occupiers**

On 25th March 2015 the Government introduced new technical housing standards in England which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as 'the new national technical standards'). These new standards came into effect on 1st October 2015. The Mayor of London has adopted the new technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants.

In terms of the internal floorspace, two storey, 4-bed, 8-person dwelling should provide a minimum of 124 square metres of internal space. The proposed dwelling would allow for a floorspace of 240 square metres in compliance with the Housing Standards (Minor Alterations to the London Plan) March 2016.

Chapter 4.15 of HDAS - Residential Layouts states that adequate garden space should be provided for new houses. It states that 4-bed properties should have a private garden area of a minimum of 100sqm. Following development the proposed dwelling would benefit from over 100 square metres of private amenity space in addition to a large front garden area. In addition, following the subdivision of the plot the host dwelling would retain adequate amenity space. Subsequently, the proposal would comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Adequate outlook for the occupiers of the property is required to ensure a suitable living condition for future occupiers. Outlook should be provided from all habitable rooms. The living, dining and kitchen would be located within the basement area. However, the garden which has been designed as a terrace would be accessed directly from this basement level and a distance of 15 metres would be provided between the dwelling house and the end of the terraced garden. It is considered that this would be suitable to provide adequate sunlight and daylight. The rooms to the front of the basement which do not benefit from windows would not act as habitable rooms. Subsequently, it is considered that the proposal would comply with Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (2016).

In regards to access, the London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015) edition. The Council's Access Officer has confirmed that the requisite standards could not be incorporated within the footprint of the proposed dwelling house.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway

or pedestrian safety. Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The site is relatively remote from public transport connections and hence exhibits a borderline PTAL of 2 which is considered as low and encourages a heightened dependency on the private motor vehicle. Although Ducks Hill Road does not exhibit parking controls, Cygnet Close is contained within a controlled parking zone operating for one hour of the day during the working week.

In order to comply with the maximum parking standards there is a requirement for 2 parking spaces and at least 2 secure and accessible cycle spaces. Both requirements have been met.

The internal parking and road layout broadly conforms to the DfT Manual for Streets best practice and there is sufficient space to allow vehicles to enter and leave the site in a forward gear. The new access point is acceptable in principle as it would not cause any predicted detriment to the public highway in terms of safety or free flow of traffic. However, the applicant is advised that this would result in the adjustment/ removal of a residents parking bay which would require a formal legal process.

The proposal would increase traffic generation, however it would not be expected to exceed 1-2 additional vehicle movements. Such uplift is considered marginal and can be absorbed within the local road network without any detriment to traffic congestion and road safety.

In regards to the Construction Access it has been confirmed that this would be access from Ducks Hill Road during the construction of the extant planning permission for 2=4 new houses at Nos.38 and 40 Ducks Hill Road. This is in order to protect the protected trees along Cygnet Close. This access is considered preferable in comparison to utilising Cygnet Close which is highly constrained in scale. A suitable planning condition requesting a full and detailed construction Logistics Plans will be required.

It is considered that the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns in accordance with Policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMT 6 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)

#### **7.11 Urban design, access and security**

The relevant issues are addressed in the sections above.

#### **7.12 Disabled access**

In regards to access, the London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015) edition. This can be secured by way of a condition.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 14 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and

landscaping wherever it is appropriate

The trees along Cygnet Close are protected by TPO 742. The applicant had pre-application discussions with the Council's Landscape Architect. The proposed vehicular access which has been confirmed would not be used for construction traffic. In addition the construction traffic would be access via Ducks Hill Road using land under the applicant's ownership. As such, it is considered this would reduce the risk to the protected trees. A tree report, by Tree Sense, has been amended (10 March 2019) to take into account the new layout and construction management proposals. The report provides identification and assessment of seven trees, all of which are part of the protected group of trees assessed as category C2. The report provides a Tree Constraints Assessment and Arboricultural Method Statement designed to safeguard the trees from any adverse impacts. A schedule of general management recommendations (GMR) has been prepared, however, as noted this work will need to be applied for separately under the TPO legislation. The report provides a Tree Protection Plan, with notes, ground protection specification, and states that this would require on site monitoring/ supervision. This detail should be conditioned. Following the addition of relevant conditions, it is considered the proposal would comply with BE38 of the Hillingdon Local Plan: part Two - Saved UDP Policies (November 2012) and Policy DMHB 14 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

#### **7.15 Sustainable waste management**

Policy 5.17 of the London Plan requires that all new development provide adequate facilities for the storage of waste and recycling. This matter could be the subject of a condition.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application.

#### **7.17 Flooding or Drainage Issues**

The proposal involves the installation of a basement level built into the ground. Emerging policy DMHD 3 of the Hillingdon Local Plan; Part Two states that the Council requires an assessment of the schemes impact on drainage, flooding, ground water conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the build and natural environment and local amenity.

The applicant has submitted a Ground Investigation which has confirmed that groundwater was not encountered during the site investigation. However, adding that the absence of shallow groundwater table should be confirmed through the longer term monitoring. The Council's Flood and Water Management Officer has confirmed that this information is sufficient, but conditions are required to ensure that longer term monitoring is to take place.

Subsequently, it is considered that the proposal would comply with Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMHD 3 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application.

#### **7.19 Comments on Public Consultations**

The impact of the proposal on neighbouring properties, the street scene and flooding have been discussed in the report. The proposal has been determined using both National and



Local Policy.

## **7.20 Planning Obligations**

## **7.21 Expediency of enforcement action**

## **7.22 Other Issues**

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014 and the charge for residential developments is £95 per square metres of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre as of 01/04/2019. The proposed development would create an additional amount of 248 square metres.

## **8. Observations of the Borough Solicitor**

### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### **Equalities and Human Rights**

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable

#### **10. CONCLUSION**

Planning permission is sought for the erection of a single storey detached dwelling house with habitable basement space within the rear garden of No.40 Ducks Hill Road.

It has been considered that the proposal would not be considered as back land development and taking into account all other material planning considerations it would not have a detrimental impact on the street scene and surrounding area, would have an acceptable level of impact on neighbouring properties and would provide satisfactory residential amenity to future occupiers.

Subsequently, the application is recommended for approval.

#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)  
The London Plan (2016)  
The Housing Standards Minor Alterations to The London Plan (March 2016)  
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)  
Technical Housing Standards - Nationally Described Space Standard  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Charlotte Spencer

**Telephone No:** 01895 250230



- |  |   |
|--|---|
| <p>1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the construction manager before construction.</p> <p>2. All work is to comply with current Building Regulations and allied legislation.</p> <p>3. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and details before the commencement of work on site.</p> <p>4. All materials are to be used and installed in strict compliance with the relevant manufacturers instructions and recommendations.</p> | <p>5. All work on site, managed and implemented as the result of the designs indicated on this drawing, are to be given full consideration for compliance with the health and safety, CDM Regulations in respect of the construction of the building and the work to be undertaken. It is considered that compliance with the Building Regulations cannot be achieved.</p> <p>6. All dimensions shown in millimetres.</p> <p>7. Footprint of buildings shown at the above ground level.</p> |
|--|---|

Betula Pendula - Silver Birch

Prunus Laurocerasus - Laurel Hedge

Planted in double rows at 600mm c/c  
and staggered, height 500-750mm

Please note ALL new planting is to be implemented between the months of November to March in the first planting season following the completion of works

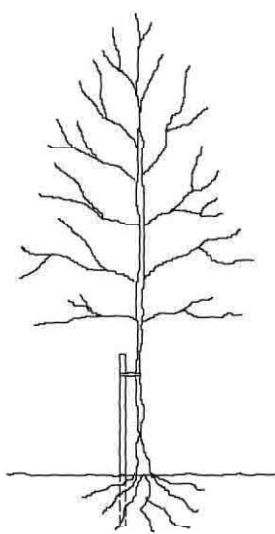
- \* TOTAL AREA OF FRONTAGE EQUATES TO 530 SQ.M
- \* TOTAL AREA OF FRONTAGE TO BE SOFT LANDSCAPING EQUATES TO 386 SQ.M
- \* POLICY STATES MIN. 25% (132.5 SQ.M) OF THE FRONTAGE HAS TO BE SOFT LANDSCAPING. & IN THIS CASE WE EXCEED THIS REQUIREMENT

For heavy standard trees o/a height 3.0-3.5m. Support using stakes extending to 1.0-1.2m above ground and 0.6-0.75m below ground level (depending on ground conditions).

Supported by single non reinforced tie 75mm from top of stake.

Remove stake on onset of or during the second growing season after planting.

Remove stake on onset of or during the second growing season after planting.



TREE STAKING  
DETAIL

Landscaping generally to be carried out in accordance with BS.4428. All new trees to be supplied as selected standards unless otherwise noted.

Overall height 3.0-3.5m and 1.8-2.1m, straight stem to BS.3936 Part 1 1992. Trees supplied with bare roots with polythene wrapping or as noted otherwise, and planted in a min of 3.0 litres peat. Planting beds to be excavated and lined with screened topsoil enriched with peat free compost/fertiliser or similar manure 50mm deep, top dressed with 75mm deep forest bark mulch.

Site to be cleared of all builders rubble and rotavated levelled and filled before planting commences. Front gardens to be turfed and rear gardens seeded.

All turfing to BS.3936 1990.

Pernicious weeds are to be treated with translocated herbicide during growing season (spot treated).

Tree and shrub planting to BS.3936 Part 1 1992.

Sub-soil areas below planting to be de-compacted before planting commences.

Tree protection to be carried out in accordance with B.S.5837 2012.

## proposed single storey dwelling

existing trees & planting to remain

proposed trees & hedging

root protection areas of existing trees

proposed structural ground  
floor slab level

proposed external ground levels

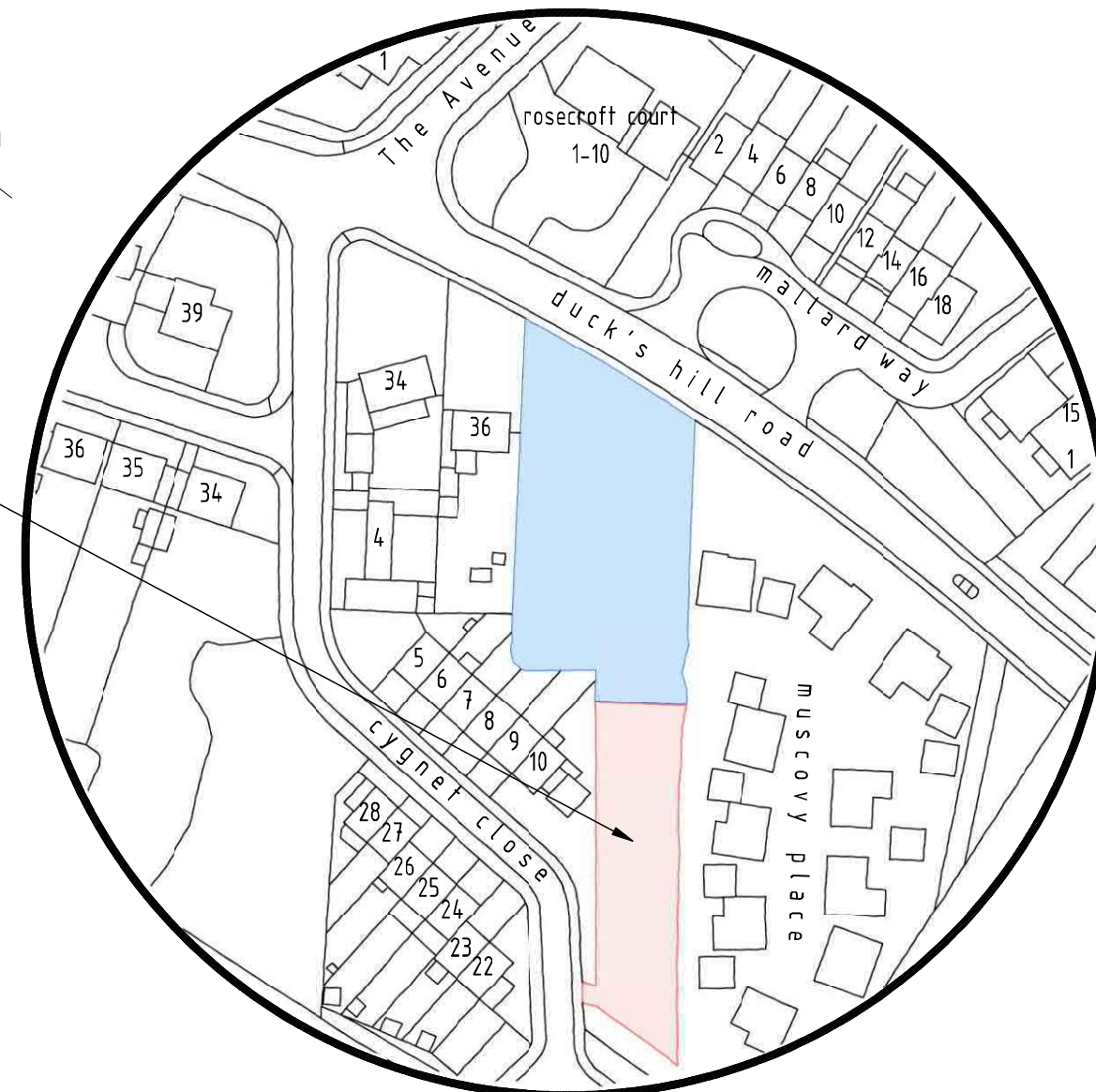
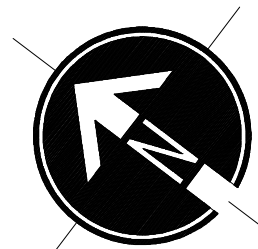
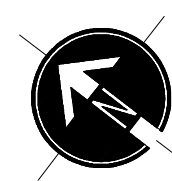
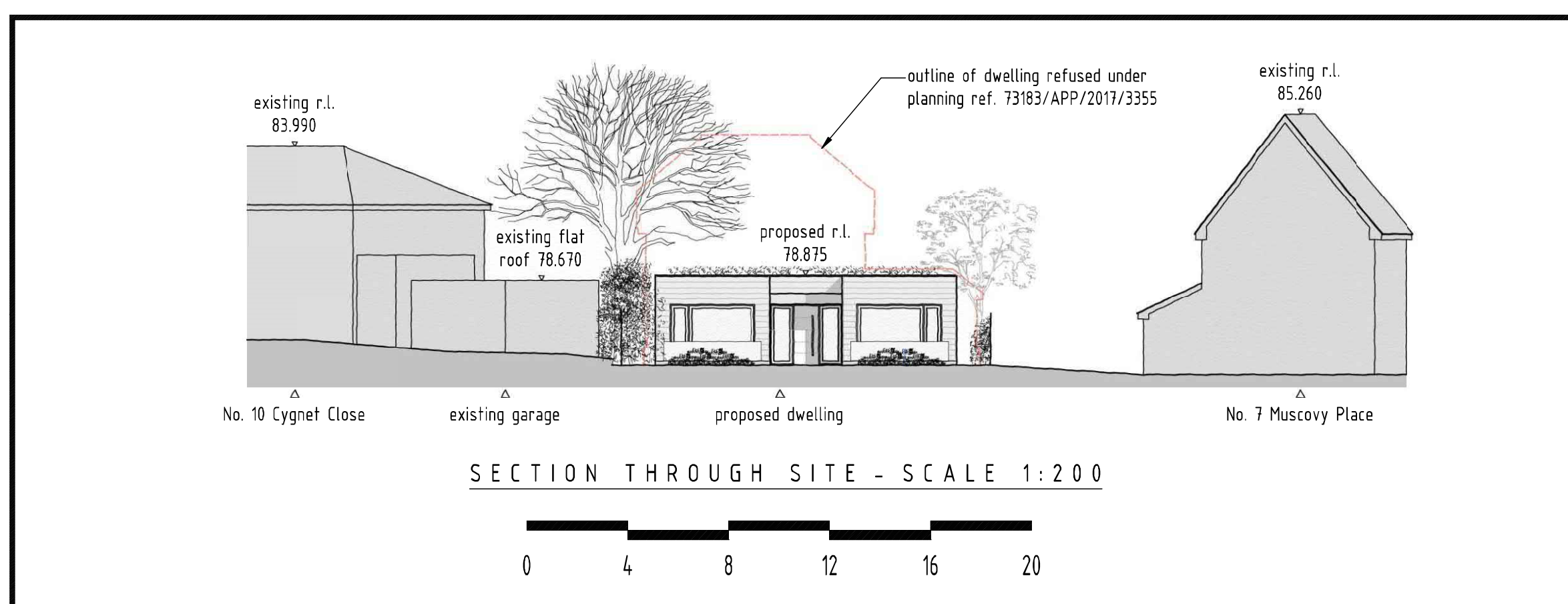
existing ground levels

surface water soakaway

refuse and recycling storage  
and collection points

Note: for details of tree protection refer to the submitted  
'Tree Sense Arboricultural Report' dated March 2019 and  
Site Works Plan, drawing no. 1274/P3/4

SITE LAYOUT PLAN  
SCALE 1:250



LOCATION PLAN  
SCALE 1:1250



rev:	date:	description:	
scale:	1 : 250	A1	date: 11 / 03 / 2019
drawing no:	1274 / P3 / 1		drawn: TF
drawing:	PLANNING PROPOSAL SITE LAYOUT PLAN & LOCATION PLAN		
project:	LAND TO REAR OF 40 DUCKS HILL ROAD, NORTHWOOD, MIDDLESEX, HA6 2SN		
client:	Ms SHEETAL SHAH		



DUSEK DESIGN ASSOCIATES LTD  
ARCHITECTURE + PLANNING

01895 831 103  
info@dusek.co.uk  
www.dusek.co.uk

print history: Tuesday, 12 March, 2019 10:12:32



2. All work is to comply with current Building Regulations and allied legislation.

3. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and details before the commencement of work on site.

4. All materials are to be used and installed in strict compliance with the relevant manufacturers instructions and recommendations.

5. All works on site, managed and implemented as a result of the designs indicated on this drawing, are to be given full consideration for compliance with the Health and Safety CDM Regulations in respect of design and implementation on site and no works are to be undertaken if it is considered that compliance with the Building Regulations cannot be achieved.

6. All dimensions shown in millimetres

7. Footprint of buildings shown at 10m above ground level.



best grade western red cedar cladding  
(full length, narrow width, vertical cladding).

exposed concrete plinth, basement courtyard  
and selected feature walls.

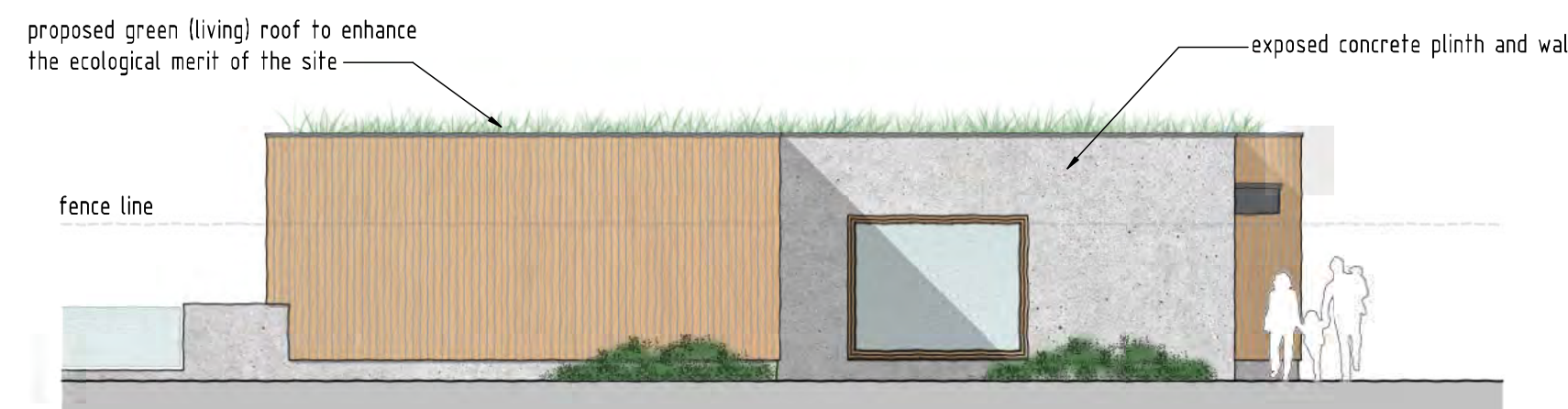
timber frame windows and detailing.



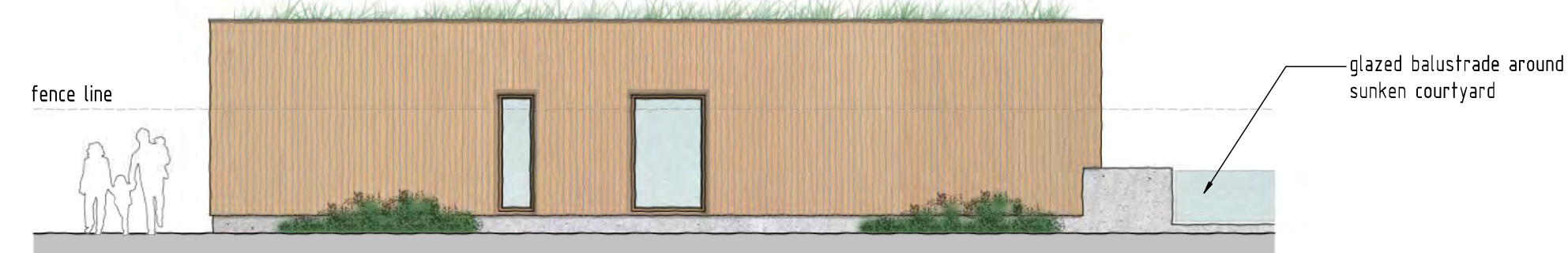
REAR ELEVATION  
SCALE 1:100



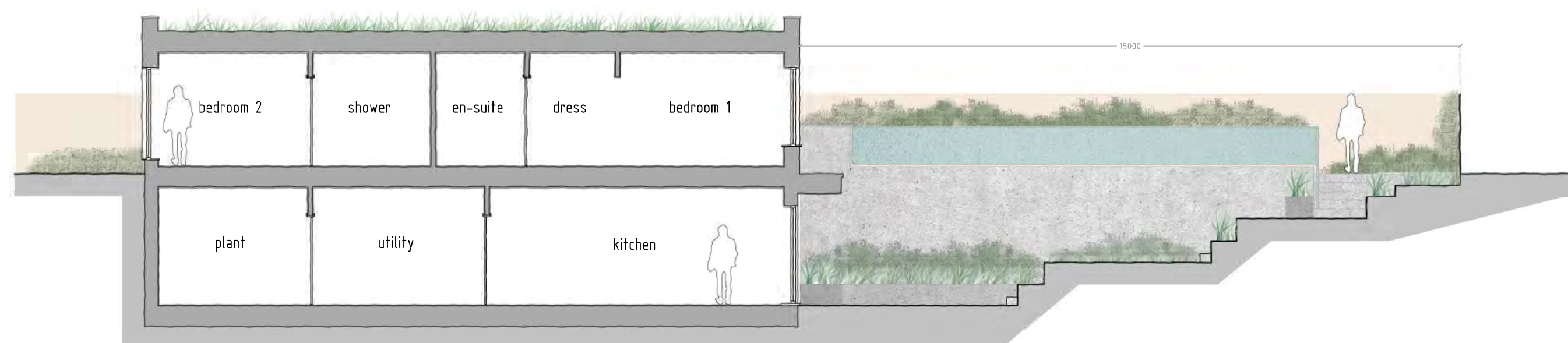
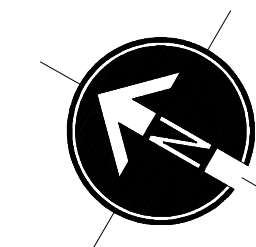
FRONT ELEVATION  
SCALE 1:100



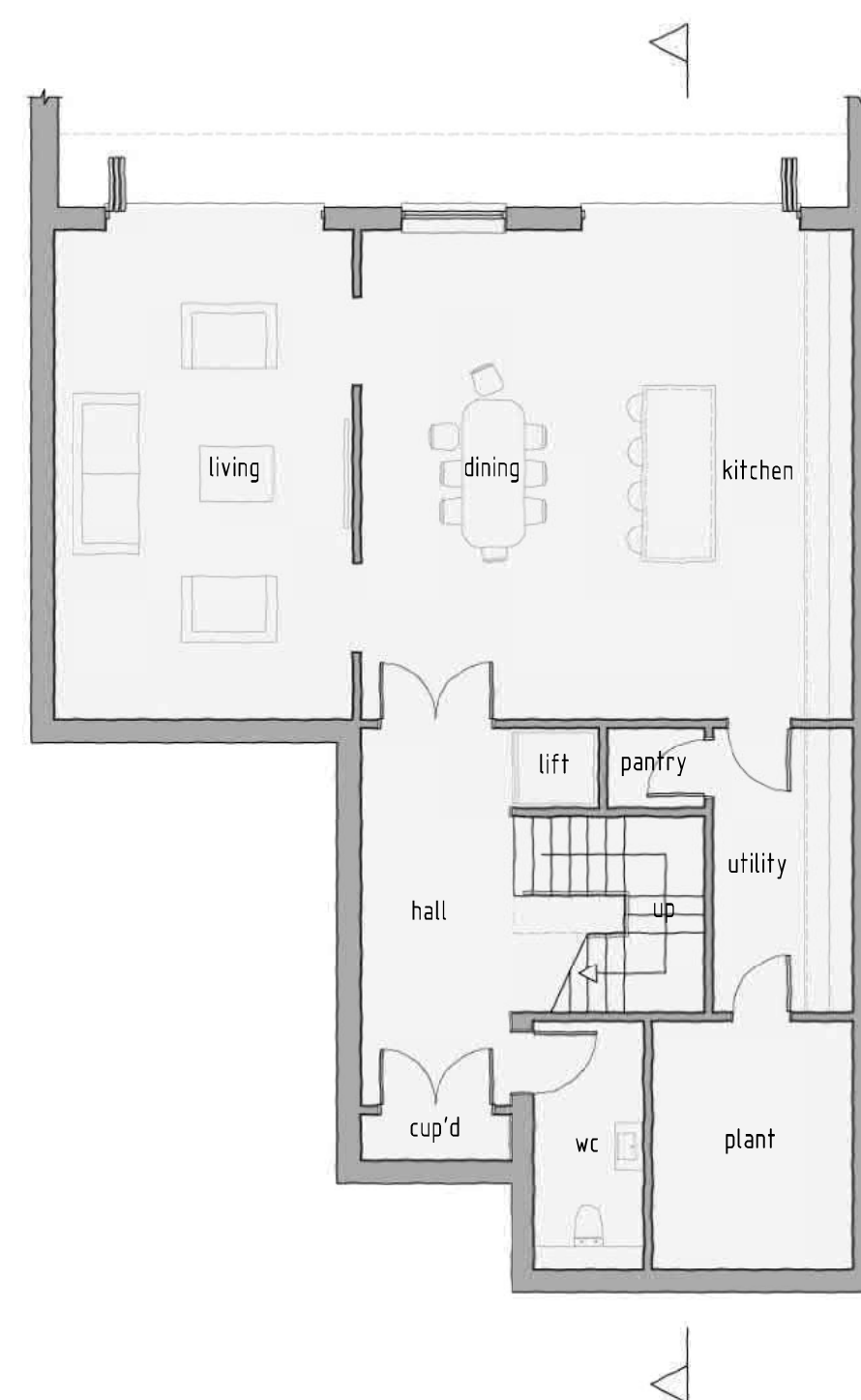
SIDE ELEVATION  
SCALE 1:100



SIDE ELEVATION  
 SCALE 1:100



SECTION  
SCALE 1:100



BASEMENT PLAN  
SCALE 1:100



GROUND FLOOR PLAN  
SCALE 1:100

rev:	date:	description:	
scale:	1 : 100	A1	date: 11 / 03 / 2019
drawing no:	1274 / P3 / 2 <sup>E</sup>		drawn: TF

project: LAND TO REAR OF 40 DUCKS HILL  
ROAD, NORTHWOOD, MIDDLESEX, HA6 2SB

client: Ms SHEETAL SHAH



01895 831 103  
info@dusek.co.uk  
www.dusek.co.uk

print history: Tuesday, 29 October, 2019 15:50:32

S:\HOUSE\216\1051-1500\1274 LAND REAR OF 48 DUCKS HILL ROAD\1274-P3-8 IP1ST MEETING\dw





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

**Address**                      LAND REAR OF 35 DAWLEY ROAD HAYES

**Development:**              Two storey, 4-bed, detached dwelling with associated parking and amenity space

**LBH Ref Nos:**              **68572/APP/2012/1245**

**Drawing Nos:**              Design and Access Statement  
Location Plan  
Tree Survey  
01S D  
P2 F

**Date Plans received :**    07/06/2012                      **Date(s) of Amendment(s):**    23/05/2012

**Date Application Valid:** 07/06/2012

## 1. **SUMMARY**

The application seeks planning permission for the erection of a two storey, 4-bed detached dwelling with associated parking and amenity space at land to the rear of 35 Dawley Road, Hayes.

The proposal is considered not to result in any loss of amenity to adjoining occupiers. The proposed dwelling would meet all relevant Council standards in terms of car parking, unit size and amenity space provision and would, as such, afford future occupiers with adequate levels of amenity.

## 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

### 1              RES3              Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990

### 2              RES4              Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 01S Rev D and P2 Rev F and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

### 3              RES7              Materials (Submission)

No development shall take place until details of all materials and external surfaces, including details of balconies, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance

with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **4 RES6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

#### REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **5 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing north or south.

#### REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **6 RES13 Obscure Glazing**

The first floor windows facing east and west shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7 RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no roof alteration to the dwellinghouse or additional hardstanding or fencing within the site frontage shall be erected/constructed without the grant of further specific permission from the Local Planning Authority.

#### REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with Policies BE13, BE21, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **8 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the

provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 5.12.

#### **9** RES16 Code for Sustainable Homes

The dwelling shall achieve Level 3 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

#### REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

#### **10** RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

#### REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

#### **11** RES8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

2.a There shall be no changes in ground levels;

2.b No materials or plant shall be stored;

2.c No buildings or temporary buildings shall be erected or stationed.

2.d No materials or waste shall be burnt; and.

2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

## REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **12 RES9 Landscaping (including refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

### 2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

2.g Other structures (such as play equipment and furniture)

### 3. Schedule for Implementation

### 4. Other

4.a Existing and proposed functional services above and below ground

4.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

## REASON



To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan.

**13 NONSC Non Standard Condition**

Notwithstanding the plans hereby approved, no development shall commence until details of the vehicular crossover and sight lines at the site access have been submitted to, and approved in writing by, the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas and sight lines must be permanently retained and used for no other purpose at any time.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

**14 NONSC Non Standard Condition**

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how improvements to Education facilities in the vicinity of the site arising from the needs of the proposed development will be provided. The approved means and timescale of providing the proposed improvements shall then be implemented in accordance with the agreed scheme.

**REASON**

To ensure the development provides an appropriate contribution to the improvement of Education facilities within the surrounding area, arising from the proposed development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan and the Council's Planning Obligations Supplementary Planning Guidance.

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
H9	Provision for people with disabilities in new residential developments
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
R7	Provision of facilities which support arts, cultural and entertainment activities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.3	(2011) Sustainable design and construction

### 3

You are advised that this permission relates solely to the development sought by the application and contained within the red application site as shown on the Location Plan and drawing 01S D. The permission in no way indicates the Local Planning Authorities views on development outside of the red line such, such as the additional parking spaces and a second dwelling, which would need to be the subject to a separate planning application.

### 4

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £4,585 on commencement of this development. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

Should you require further information please refer to the Council's Website (<http://www.hillingdon.gov.uk/index.jsp?articleid=24738>).

## 5

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site measures approximately .04ha, is located on land to the rear of 35 Dawley Road and forms part of the long rear garden serving this property. The rear garden of 35 Dawley Road extends to Clifford Gardens to the west. The site is not located within a Conservation Area nor is it located within an Area of Special Local Character.

The surrounding buildings are predominantly residential with two storey semi detached and terraced houses with private gardens. The site within the developed area as identified in the Hillingdon Unitary Development Plan saved policies (September 2008).

#### 3.2 Proposed Scheme

The application seeks planning permission for a detached two storey, four bedroom house to be located to the west of 35 Dawley Road. The main ridge of the proposed dwelling would measure 8.49m in height with the the forward and rear projecting gables measuring 7.88m in height. The width of the proposed dwelling would be 7.3m. The house is proposed to be set back approximately 24m from Clifford Gardens with vehicular access leading to a parking area at the front of the site. Pedestrian access only is then proposed to the main house. The floor area of the dwelling is approximately 128m<sup>2</sup> and a private rear garden area of 114m<sup>2</sup> is proposed. A secure cycle store is proposed within the private rear garden. A back to back separation distance of 23m would be achieved between the proposed dwelling and No.35 Dawley Road. The host dwelling would retain a private garden area measuring between 10.5 and 13.24m in depth.

#### 3.3 Relevant Planning History

62089/APP/2011/1604      Land Rear Of 33 And 35 Dawley Road Hayes

Erection of 2, two storey, four-bedroom detached dwellings with associated amenity space and parking.

**Decision:** 29-02-2012      WD

##### **Comment on Planning History**

Application 62089/APP/2011/1604 - was withdrawn earlier this year for the erection of two detached houses with associated vehicular accesses and amenity space. The application site was larger, but included the current application site. The application was withdrawn following non agreement to entering into a Section 106 contributions towards education.

### 4. Advertisement and Site Notice

**4.1**      Advertisement Expiry Date:-      Not applicable

**4.2** Site Notice Expiry Date:- Not applicable

## **5. Comments on Public Consultation**

There has been some local objection to the scheme from a number of residents in Clifford Gardens. Some concerns relate to the right of access which is a civil issue. The remaining concerns relating to parking and loss of privacy have been addressed within the report.

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

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

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
H9	Provision for people with disabilities in new residential developments
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
R7	Provision of facilities which support arts, cultural and entertainment activities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.3	(2011) Sustainable design and construction

In addition: N/A

## **7. MAIN PLANNING ISSUES**

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

The application site is bounded by the residential garden of 33 Dawley Road to the south and a public footpath to the north which links Dawley Road to Wentworth Crescent. The western boundary abuts the road with Clifford Gardens. The Hillingdon Design and Accessibility Statement (HDAS) SPD: Residential Layouts, provides guidance in relation to sunlight and daylight, and suggests that where a two or more storey building abuts a property or its boundary, adequate distance should be maintained to overcome possible domination. The SPD states that the distance provided will be dependant on the bulk and size of the building but generally, 15m will be the minimum acceptable distance. The SPD further states that as a guide, the distance between habitable room windows should not be less than 21m. The proposal would be set back 12.6m from the rear boundary and the distance to the nearest property to the east (No.35 Daley Road) would be 23m. Given the scale of the proposal and the boundary treatment this is considered acceptable in this instance.

The proposal includes windows in both of the side elevations. These windows serve a cloakroom, stairway and bathroom window in the western elevation and an en-suite bathroom window in the eastern elevation. The layout plans indicate that a separate application will be submitted for a second dwelling on the plot to the east of the application site. However the site is currently used as private residential garden to 33 Dawley Road. To ensure that there would be no direct overlooking from first floor windows inserted in the side elevations it is recommended that a condition be imposed to secure obscure glazing to these windows. It is therefore considered that the proposal would comply with Policies BE20, BE21 and BE24 of the UDP (Saved Policies September 2007) and the advice in sections 4.9 to 4.12 of the HDAS Residential Layouts.

The Council's HDAS SPD states that a 2 storey, 4 bedroom house should have a minimum floor area of 103sq metres. London Plan Policy 3.6 requires dwellings with 4 bedrooms and 6 person occupancy to have a minimum internal floorspace of 107sq metres. The proposal is for a dwelling with a floor area of approximately 128sq metres, which is in excess of the Council and London Plan minimum standard and is as such considered acceptable.

The minimum requirement for private amenity space, as set out in the HDAS SPD, for a 4 bedroom house is 100sq metres. The proposed individual private amenity space provision for the dwelling would be over 114 sq metres.

It is considered that all the proposed habitable rooms would have an adequate outlook and source of natural light, and that they would therefore comply with HDAS Residential Layouts Section 4.9 and Policy 5.3 of the London Plan (2011).

### **7.2 Impact on Street Scene**

The surrounding area is largely characterised by a mix of semi-detached and terraced two storey properties. The houses in Clifford Gardens are detached modern 3 bed houses. The proposed dwelling is of a domestic height and massing fitting in with the character and scale of the surrounding buildings in Clifford Gardens and the area in general.

Section 4.27 of the SPD states careful consideration should be given to building lines, and these should relate well to the existing street pattern. The proposed dwelling would sit comfortably with the detached dwellings on the eastern side of Clifford Gardens. It is considered that the proposed development would be in keeping with the character and appearance of the surrounding area and that its visual impact would be acceptable, and in

accordance with Policies BE13 and BE19 of the UDP saved policies September 2007.

### **7.3 Traffic Impact / Pedestrian Safety**

The proposal includes the provision of access onto Clifford Gardens, detailed drawings of the crossover are not contained within the submission, however these could be secured by condition. Sufficient visibility can be achieved to ensure that the proposal would not detract from highway safety in accordance with Policy AM7 of the Hillingdon UDP. It should be noted that whilst the Council's highways officer has not made any comments in respect of this current application, no objection was raised in connection with the same access in relation to the previously withdrawn scheme.

### **7.4 Carparking & Layout**

Policy AM14 of the UDP (Saved Policies September 2007) states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards as set out in Annex 1 which states that houses with curtilages should provide 2 spaces per dwelling.

The proposed scheme makes provision for a total of 2 on site car parking spaces. This would meet the Council's parking standard for new build dwellings in an area with a Public Transport Accessibility Level of 2.

Secure cycle storage is shown within the private rear garden of the proposed dwelling and this is considered acceptable in this respect.

The proposal would therefore comply with Policy AM14 of the UDP (Saved Policies September 2007).

### **7.5 Urban Design, Access and Security Considerations**

This has been largely discussed elsewhere in this report. The size, siting scale and mass of the building is considered to be acceptable in this location and the design, including the roof, materials and fenestration, would be in keeping with the character and appearance of the area. As such, the scheme is considered to be acceptable on design grounds.

The applicant has stated that the scheme will be designed and built to Lifetime Homes standards. Full compliance could be secured by an appropriate Lifetime Homes condition.

### **7.6 Other Issues**

The site has a Public Transport Accessibility Level (PTAL) of 2. The London Plan (2011) range for sites with a PTAL of 2-3 in a suburban area is 150-250 habitable rooms per hectare and 35-65 units per hectare. As the size of the proposed open plan living/dining room would be over 20m<sup>2</sup>, it would count as the equivalent of two habitable rooms as defined within the Council's Supplementary Planning document on Residential Layouts. As such, based on a total site area of 0.04ha the site would have a density of 25 units per hectare and 150 habitable rooms per hectare.

However, the density matrix has limited weight when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the scheme harmonises with its surroundings and its impact on adjoining occupiers. The proposal is satisfactory in this respect.

There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a Conservation Area. While no specific landscape design details have been specified, the layout plan indicates that there is sufficient space and opportunity to provide attractive and functional external amenity space. The proposal is considered acceptable in this respect, subject to conditions to ensure that an appropriate landscape scheme is submitted.

Whilst the Design and Access statement confirms that the proposed dwelling would be built to a high standard in terms of energy efficiencies, no details have been submitted to indicate that the proposal would achieve a minimum of Level 4 of the Code for Sustainable Homes. A condition is therefore proposed to require details to be submitted and ensure that a minimum of Level 4 would be achieved.

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. Refuse and recycling storage is shown to be located adjacent to the parking area within the front garden and is considered acceptable.

Policy R17 of the Unitary Development Plan states that: The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, culture and entertainment activities and other community, social and education facilities through planning obligations in conjunction with other development proposals'.

The Council's Section 106 Officer has advised that the proposed development would necessitate an Education contribution in the sum of £9,193 in line with the Council's Supplementary Planning document for Planning Obligations.

The applicant has agreed to the principle of this planning obligation. Subject to a condition attached to any approval the scheme would therefore accord with Policy R17 of the UDP.

The development would also be liable for payments towards the Mayoral Community Infrastructure Levy.

## **8. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
London Plan (July 2011)  
National Planning Policy Framework  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
Supplementary Planning Document - Planning Obligations

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230



Produced 20 Jul 2006 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 2006.

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS symbol and Superplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.

This Superplan product does not contain all recorded map information.



33/35 DAWLEY ROAD  
HAYES  
MIDDLESEX

National Grid sheet reference at centre of this Superplan: TQ0978NW

The representation of a road, track or path is no evidence of a right of way.

Scale 1:1250

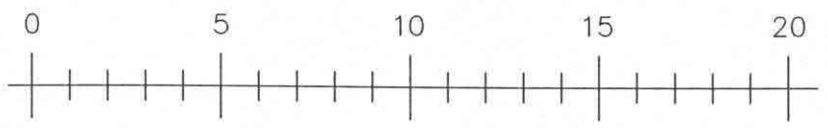
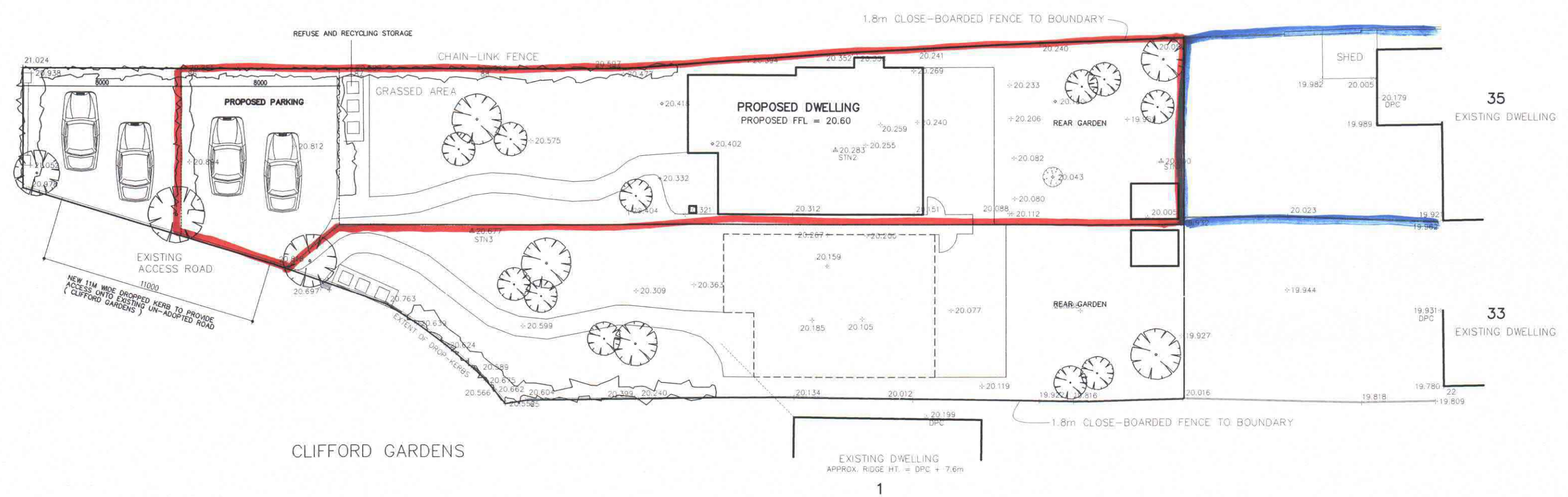
Centre Coordinates: 509061 178945  
Supplied by: National Map Centre  
Serial Number: 06122600



THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ANY OTHER RELEVANT DRAWINGS AND THE CONSTRUCTION MANUAL. THE BUILDER SHOULD CHECK ALL LEVELS AND SITE DIMENSIONS BEFORE WORK STARTS AND NOTIFY SCANDIA OF ANY DISCREPANCY IF IN DOUBT PLEASE ASK

© COPYRIGHT IN THIS DRAWING AND WORK EXECUTED IS AND REMAINS THE PROPERTY OF SCANDIA-HUS LIMITED AND OR ITS SUBSIDIARIES IN ACCORDANCE WITH THE PROVISIONS OF THE COPYRIGHT ACT. PERMISSION TO PRODUCE COPIES OR MODIFIED DRAWINGS IN WHOLE OR IN PART FOR ANY PURPOSE SHOULD BE OBTAINED FROM SCANDIA-HUS LIMITED & ANY SUCH REPRODUCTIONS SHOULD INCLUDE THIS & THE FOREGOING STATEMENT

REV	DESCRIPTION	DATE	DRN	CHK
A	REVISION TO FRONT PARKING AREA	20/9/10	JW	
B	UPDATED FOR PLANNING	27/6/11	JW	
C	DROPPED KERB + NOTES	18/7/11	JW	
D	SITE DWG. SPLIT FOR APPLICATIONS	18/5/12	JW	



ALL LEVELS TO TEMPORARY LOCAL DATUM

LOU BORD OF HILLINGDON  
RECEIVED  
23 MAY 2012  
PLANNING & TRANSPORTATION  
GROUP

scandiahus

COURTFIELD, CRANSTON ROAD, EAST GRINSTEAD,  
WEST SUSSEX. RH19 3YU. TEL: (01342) 327977

FOR  
MR & MRS. PRIEST  
SITE  
LAND r/o 35 DAWLEY RD  
HAYES  
MIDDLESEX  
TITLE  
  
PROPOSED  
SITE PLAN

C/No.  
112341  
JOB TECHNICIAN

O/No.  
  
SCALE  
1:200 @ A2 SCALE  
DRAWING NUMBER  
01S  
REV D



[illegible]

LEVEL ACCESS REQUIRED TO MAIN ENTRANCE DOOR  
- PATHWAY LEADING TO DOOR TO HAVE A GENTLE SLOPE OF (1:21 MAX)



AMENDED  
PLAN

27 JUL 2012  
HILLINGDON  
RECEIVED  
PLANNING & COMMUNITY  
SERVICES

scandia  hus

FOR  
MR + MRS. PRIEST

SITE @  
35 DAWLEY ROAD  
HAYES, MIDDLESEX

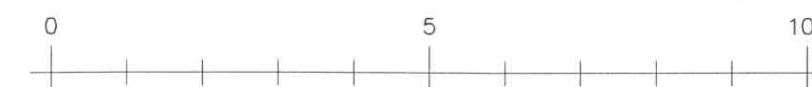
TITLE

PLOT 2  
FLOOR PLANS  
+ ELEVATIONS  
incl. ROOF PLAN

C/No. 112341	O/No.	SCALE 1:100 © A2 SCALE
-----------------	-------	---------------------------

JOB TECHNICIAN			DRAWING NUMBER	
DESIGN	DRAWN	CHKD	DATE	P2
	JW		8/09	
			REV F	

LEVEL ACCESS REQUIRED TO MAIN ENTRANCE DOOR  
- PATHWAY LEADING TO DOOR TO HAVE A GENTLE SLOPE OF (1:21 MAX)



---

## Appeal Decisions

Site visit made on 2 October 2018

**by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA**

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

**Decision date: 12<sup>th</sup> October 2018**

---

### **Appeal A Ref: APP/R5510/W/18/3198386**

#### **2 Arlington Drive, Ruislip, HA4 7RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Kanagasabapathy Kumanan and Mr Kanthan Thevarajah against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 71084/APP/2017/3603 dated 5 October 2017, was refused by notice dated 12 December 2017.
  - The development proposed is erection of two new semi-detached houses (4 and 6 Arlington Drive) and two new vehicular access and crossovers, part demolition of front boundary wall and site landscaping.
- 

### **Appeal B Ref: APP/R5510/Y/18/3198389**

#### **2 Arlington Drive, Ruislip, HA4 7RL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Kanagasabapathy Kumanan and Mr Kanthan Thevarajah against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 71084/APP/2017/3604 dated 5 October 2017, was refused by notice dated 12 December 2017.
  - The works proposed are two new semi-detached houses (4 and 6 Arlington Drive) and two new vehicular access and crossovers, part demolition of front boundary wall and site landscaping.
- 

### **Appeal C Ref: APP/R5510/W/18/3196615**

#### **2 Arlington Drive, Ruislip, HA4 7RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Kanagasabapathy Kumanan and Mr Kanthan Thevarajah against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 71084/APP/2017/2246 dated 20 June 2017, was refused by notice dated 25 August 2017.
  - The development proposed is erection of two new detached two-storey houses (4 and 6 Arlington Drive) and two new vehicular crossovers and site landscaping.
- 

### **Appeal D Ref: APP/R5510/Y/18/3196617**

#### **2 Arlington Drive, Ruislip, HA4 7RL**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Kanagasabapathy Kumanan and Mr Kanthan Thevarajah against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 71084/APP/2017/2247 dated 20 June 2017, was refused by notice dated 25 August 2017.
  - The works proposed are two new detached two-storey houses (4 and 6 Arlington Drive) and two new vehicular crossovers and site landscaping.
-

## **Decisions**

1. Appeals A and B are dismissed.
2. Appeals C and D are dismissed.

## **Preliminary Matters**

3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and is a material consideration in the determination of this appeal which needs to be taken into account from the day of its publication. However, the starting point for decision making remains the development plan, and the Framework is clear at paragraph 213 that existing development plan policies should not be considered out-of-date simply because they were adopted or made prior to this date.
4. The views of the parties on the bearing the new Framework will have on this case have been sought, and I have had regard to those submitted and to the revised Framework in reaching a decision.

## **Main Issues**

5. The main issues in relation to Appeals A and C are:
  - the effect of the development on the character and appearance of the area; and
  - the effect of the development on the living conditions of neighbouring occupiers with respect to daylight/sunlight and outlook.
6. In addition, in relation to all the Appeals, there is a further main issue which is whether the proposal would preserve the special architectural and historic interest of the listed building No. 2 Arlington Drive, and the effect on its significance.

## **Reasons**

### *Character and Appearance*

7. The appeal site is an area of garden currently attached to 2 Arlington Drive, which is a Grade II Listed Building also known as Little Manor House. It is located in a suburban area characterised by detached and semi-detached houses with front gardens and substantial gardens to the rear. The markedly green and open character of the area is emphasised by the broad grassed verges, presence of street trees, and presence of mature trees and other vegetation in front gardens and glimpsed between houses.
8. The appeal site, while unusual in its large frontage onto Arlington Drive, due to its spacious nature and the mature trees and shrubs it contains, positively reinforces the visual character of the area and serves, along with the obvious vernacular construction of No. 2, as a reminder of its rural origins.
9. Appeal A relates to the proposed subdivision of the plot to create two semi-detached houses with gardens adjacent to No. 2, leaving an area of garden to its south west and to the rear, including a large irregularly shaped plot at the far southern end of the site. Appeal C relates to a development to create two new detached houses which would take up a larger amount of the original garden, and would leave a smaller plot to the south-west and rear of No. 2.



10. Although the insertion of two houses, either detached or semi-detached, would not be uncharacteristic of the pattern of development elsewhere along the street, they would in both cases significantly reduce the openness of the appeal site and the area around No. 2, which would be harmful to the character and appearance of the wider area. No. 2 would be left with a small garden space around it as a result of the Appeal C development, which would in itself be an anomalous element in the area, visible from the public realm, and so additionally harmful to the character and appearance.
11. The Appeal A development would entail the removal of a number of trees on the street frontage of the site and its boundary with No. 8. The affected trees are largely conifers, with some self-sown native species. While not in themselves meriting individual protection, as a group they make a positive contribution to the open and green character and appearance of the area. Their loss and replacement with open areas of hardstanding for parking or with built form would exacerbate the harm I have identified above.
12. The developments would both, therefore, fail to comply with policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 (the HLP1), which seek to avoid the inappropriate development of gardens where it would erode the character of suburban areas. Policy BE13 of the Hillingdon Local Plan: Part Two – Saved UDP Policies 2012 (the HLP2) seeks to resist development if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance, while Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Both developments would be in conflict with these policies.
13. Policy H12 of the HLP2 seeks to resist backland development in residential areas unless there would be no undue disturbance or loss of privacy to adjoining occupiers. Although the houses in the appeal developments would be in what is effectively the rear garden to No. 2, they would have their own access directly onto Arlington Drive. I thus conclude that the developments would not constitute tandem development of a backland area, and that this policy would not be applicable to them.
14. London Plan 2016 (the LP) policy 3.5 seeks housing development which enhances the quality of local places, taking into account their physical context, and the developments would not be in accord with this. LP policy 7.1 seeks new buildings which in their design and the spaces they create help reinforce the character of the neighbourhood, while policy 7.4 of the LP seeks development which has regard to the form, function and structure of an area, place or street, and has regard to the pattern and grain of the existing spaces and streets. The developments would be in conflict with these policies, and with the advice contained in the London Plan Housing Supplementary Planning Guidance 2016 in respect of design which responds to its physical context, including the character and legibility of the area and the local pattern of building.
15. Policy BE38 of the HLP2 requires development proposals to retain and utilise topographical and landscape features, including trees, which are of merit, and in the removal of a number of trees the development would fail to comply with this.

### *Living Conditions*

16. No. 2 is orientated flank-on to the highway, with its long front elevation facing north-east, and rear elevation facing south-west towards the appeal site. There are a number of windows to habitable rooms in the rear elevation and facing onto the garden area. The development relating to Appeal A would set a long, flank elevation of two storeys in height, with a hipped roof above, on the north west boundary of the development, around 8 m from this elevation. The Appeal C development would, similarly, create a long flank elevation facing the habitable rooms in No. 2, but around 1 m closer.
17. Although no technical information regarding sunlight and daylight is before me, the closeness of the new dwellings in either development to No. 2 and their siting and orientation would mean that there would be strong likelihood of a loss of sunlight and daylight to habitable rooms and to the garden of No. 2. The proximity of a large built structure to the rear windows and garden area of No. 2 would also form an overly dominant element in views from those areas, which would have a harmful effect on the outlook of occupiers. On both counts, therefore, the living conditions of occupiers of No. 2 would be significantly harmed.
18. The developments would therefore conflict with policy BE19 of the HLP2, which seeks development within residential areas which complements or improves the amenity of the area. They would also conflict with the requirements of policy BE20 of the HLP2, in respect of daylight and sunlight to existing houses, and those of policy BE21 of the HLP2 in respect of avoiding a significant loss of residential amenity.
19. Policy 3.5 of the LP seeks to protect London's residential environment and attractiveness as a place to live, and the developments would not be in compliance with this. They would also fail to comply with the advice contained in the London Plan Housing Supplementary Planning Guidance 2016 in respect of ensuring that new housing development contributes to and enhances the quality of local places.
20. The Council's adopted Supplementary Planning Document HDAS: Residential Layouts advises design in new residential development which minimises the negative impacts of overbearing and overshadowing, and the developments would not be in accord with this.

### *Listed Building*

21. No. 2 Arlington Drive is a timber framed house said to be of the sixteenth or seventeenth century, with a central range and gabled cross-wings, although this plan form may indicate earlier origins as a hall house. It has been largely refaced in brick, with some exposed timber framing visible on the south-west elevation. It was formerly a farm house. Its special architectural and historic interest and its significance therefore lie in its survival as an early rural building of traditional design and construction, including the use of vernacular materials.

22. The Glossary to the National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. It also states that the extent of setting is not fixed, and may change as the asset and its surroundings evolve. In this case, while the suburban development around the listed building has reduced the extent of open land about it, nonetheless the large garden area survives as a relict of its former open, rural setting in a farmyard with farmlands beyond. Part of the special interest and significance also therefore resides in this garden setting.
23. The appeal proposals would, by infilling a significant part of the garden, diminish this open setting and harm the ability to appreciate the historic rural origins and function of the building. They would thereby fail to preserve the special interest of the building and would harm its significance.
24. Although a greater area of open space would be retained by appeal proposals A and B, it would be an awkwardly spaced leftover to the rear of the site, and would therefore have no particularly strong spatial or visual relationship with the listed building. It would not therefore be sufficient to overcome this harm.
25. There is a surviving well on site, marked by a modern surround. This would be filled in as a result of the proposals relating to appeal C and D. It is located close to the rear entrance to the former farmhouse, and is likely to be a feature of some antiquity and relating to its special interest and significance as an early dwelling. Harm to special interest and significance would therefore arise from its loss as a visible and readable feature of the site which adds to the understanding of the listed building.
26. At the time of my visit the appeal site had been divided from the area around of No. 2 by a temporary fence of plastic netting, but there was no evidence that it had previously been separated from it. In any event, national Planning Practice Guidance is clear that as setting is the surroundings in which a heritage asset is experienced, it may therefore be more extensive than its curtilage<sup>1</sup>. It may also include land which has a historic relationship with the listed building, which is so in this case. Therefore, the harm caused to the special interest and significance of the listed building by virtue of the harm to its setting cannot be set aside due to the status of the appeal site as a separately owned unit.
27. The proposals would therefore conflict with the requirement of policy BE1 of the HLP1 to improve and maintain the quality of the built environment, and the requirement of policy HE1 of the HLP1 to conserve and enhance designated heritage assets. Policy BE10 of the HLP2 seeks to avoid granting planning permission for proposals which are considered detrimental to the setting of a listed building, and the proposals would not accord with this. They would not accord, either, with Policy BE13 of the HLP2 which seeks to avoid development which fails to harmonise with features of the area which the local planning authority considers it desirable to retain or enhance.
28. Policy 7.8 of the LP seeks development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form and scale. The proposals would not comply with this.

---

<sup>1</sup> Paragraph: 013 Reference ID: 18a-013-20140306

29. Policies BE8 and BE9 of the HLP2 relate to changes which would affect historic structures. Although the appeal proposals would remove part of the boundary wall of the site, the section affected is constructed of blockwork faced in factory-made bricks laid in a stretcher bond, and which consequently appears to me to be of limited historic interest. I conclude as a result that these policies are not applicable to the proposals.
30. The Council's adopted Supplementary Planning Document HDAS: Residential Layouts identifies features such as listed buildings as being elements of local distinctiveness to which new residential developments should have regard. The developments would not be in accord with this advice.

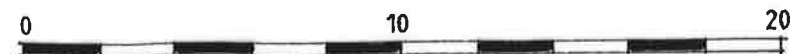
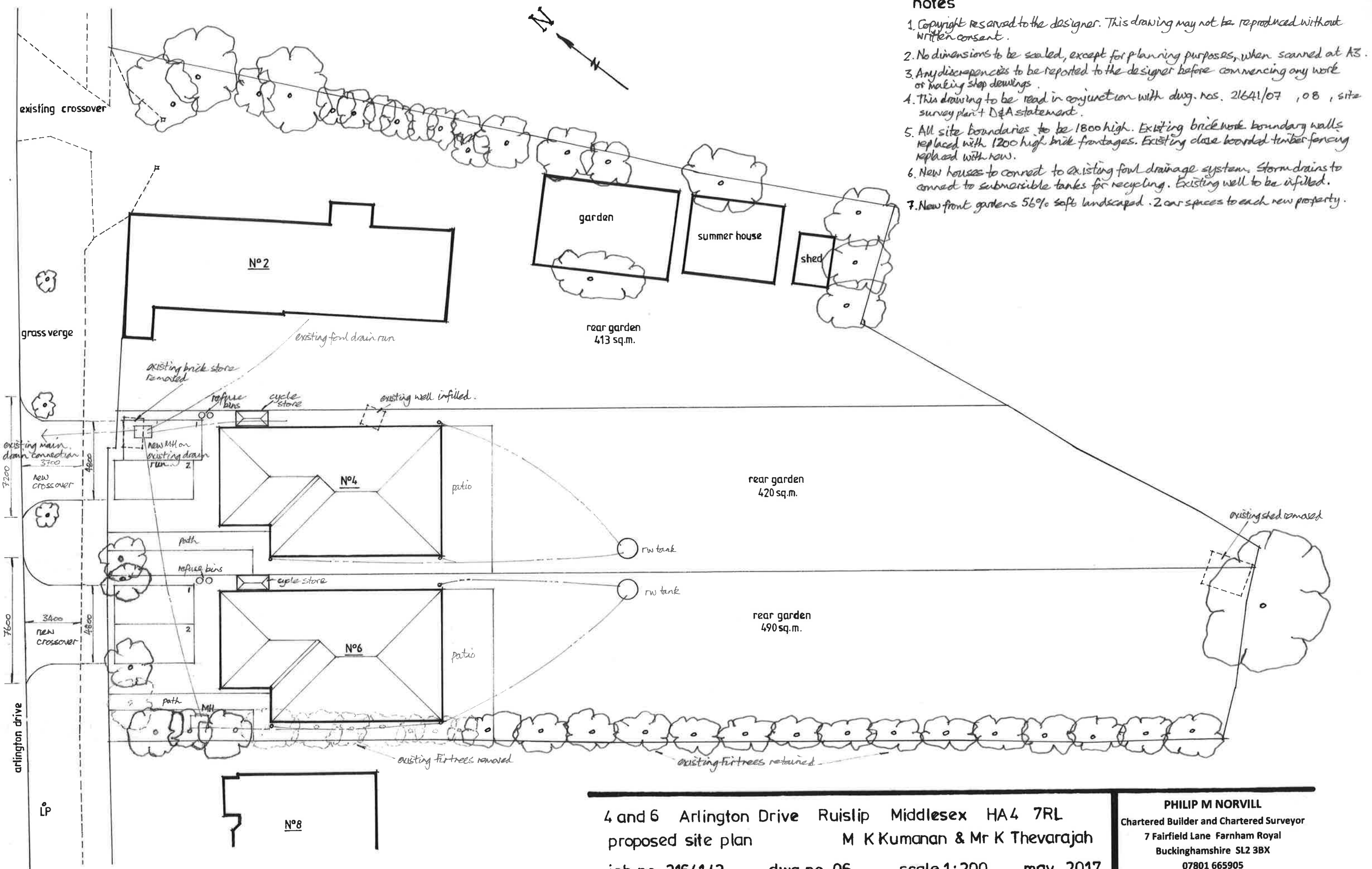
### **Planning Balance and Conclusion**

31. Paragraph 193 of the National Planning Policy Framework (the Framework) is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to total loss or substantial or less than substantial harm to its significance. I conclude that for the purposes of this the appeal proposals would amount to less than substantial harm.
32. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
33. The need for more housing is acknowledged as a pressing one in national planning policy, with an important role to be played by small and windfall sites in meeting this need. However, the contribution to the supply of housing to be made by the appeal developments would be a very minor one, and would be a benefit to which I accord limited weight. The glossary to the National Planning Policy Framework is clear that residential gardens in built-up areas are excluded from the definition of previously developed land, and I do not therefore accord any benefit to the proposals as making use of brownfield land.
34. There would not, therefore, arise any public benefits sufficient to overcome the harm to the special interest and significance of the designated heritage asset, and they would not as a result provide a convincing justification for the harm arising from the proposals.
35. On the basis of that harm, and the other harms I have identified above, I conclude that all the appeals should be dismissed.

*S J Buckingham*

INSPECTOR





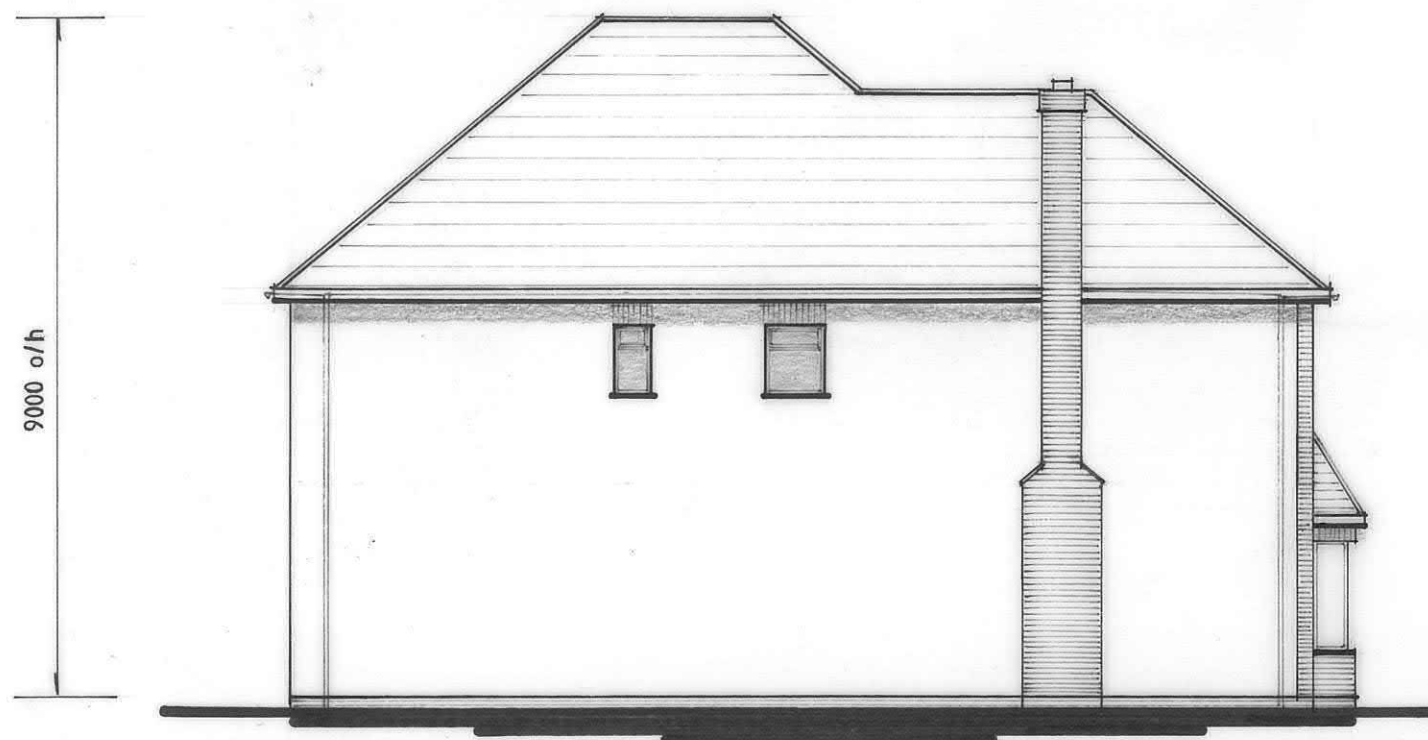




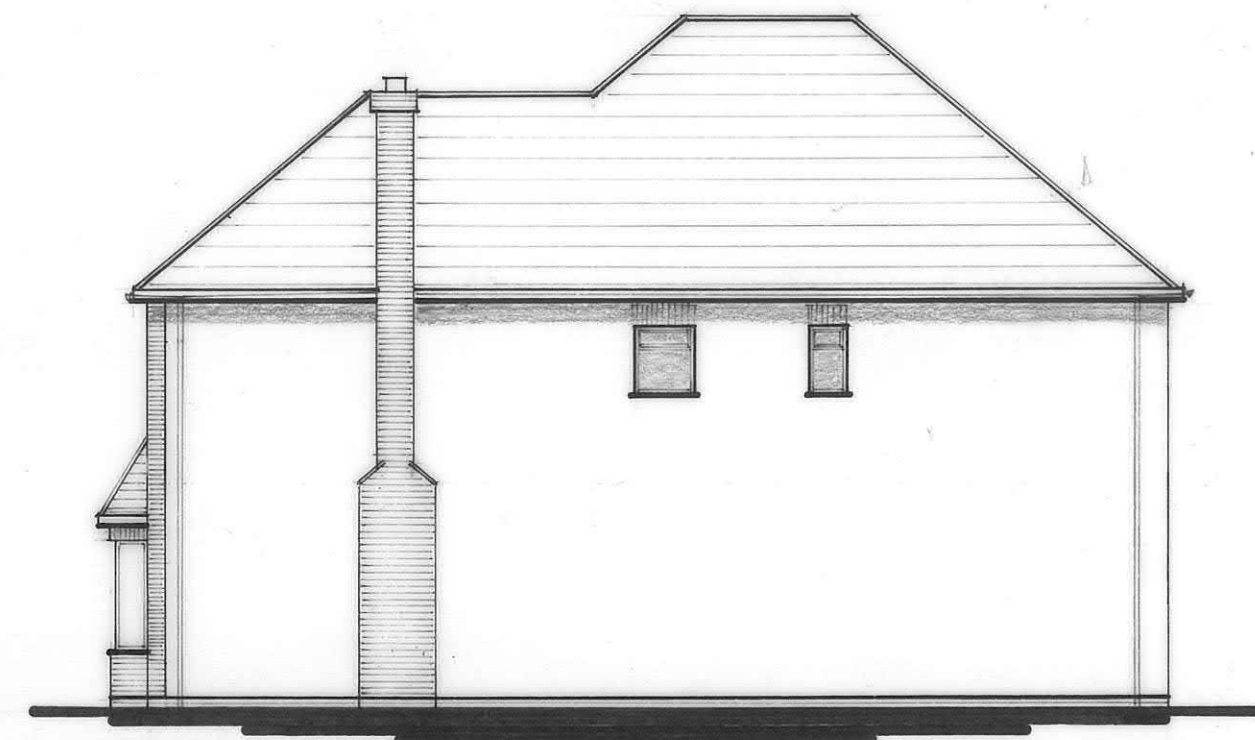
front



rear



east side



west side

# notes

1. Copyright reserved to the designer. This drawing may not be reproduced without written consent.
2. No dimensions to be scaled, except for planning purposes, when scanned at A3.
3. Any discrepancies to be reported to the designer, before commencing any work or making shop drawings.
4. Elevations red rustic facing brickwork to front elevation. Remaining elevations to be rendering with brick detailing above openings.
5. Plain clay roof tiles with half round ridge + hip tiles, similar colour to adjoining properties.
6. Triple glazed white plastic windows in similar style to adjoining properties.
7. Plank wall first floor windows obscure glazed and opening vent 1700 above FFL.
8. This drawing to be read in conjunction with dwg. nos. 10 and 11.

4 and 6 Arlington Drive Ruislip Middlesex HA4 7RL

elevations

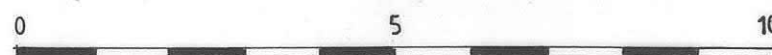
Mr K Kumanan & Mr K Thevarajah

job no. 21641/3

dwg. no. 12

scale 1:100 september 2017

aA3



PHILIP M NORVILL

Chartered Builder and Chartered Surveyor

7 Fairfield Lane Farnham Royal

Buckinghamshire SL2 3BX

07801 665905

philipnorvill@hotmail.co.uk