

Report of the Head of Planning & Enforcement Services

Address 16 NORTH COMMON ROAD UXBRIDGE

Development: Two storey building to form 3 x 3 bed terrace dwellings with new accessway, car parking and amenity space, involving the demolition of existing outbuilding/garage at 17 North Common Road.

LBH Ref Nos: 4942/APP/2011/2045

Drawing Nos: 16/NCR/03/AB Rev A
Site Survey
Location Plan
16/NRC/01/AB (Black & White)
16/NCR/01/AB (Colour)
16/NCR/02/AB
16/NCR/04/AB
16/NCR/05/AB
16/NCR/06/AB
Phase 1 Habitat Survey & Protected Species Site Assessment
Noise Report
Planning Statement
Tree Report

Date Plans Received:	19/08/2011	Date(s) of Amendment(s):	22/08/0011
Date Application Valid:	04/10/2011		24/08/0011
			01/09/0011
			04/10/2011

1. SUMMARY

The application seeks planning permission for the redevelopment of the site to provide for the erection of 3 two storey terraced dwellings with associated parking, incorporating a new vehicular access along the side boundary of Nos.16 and 17 North Common Road, and the demolition of an existing garage situated to the side of No. 17 North Common Road.

The proposal would result in the replacement of large plots with small cramped plots which would be detrimental to the existing and historical context of the North Uxbridge Area of Special Local Character and the area in general. It would also be overdominant in appearance to the nearby neighbouring property at 170a Harefield Road.

Whilst the proposal complies with relevant Council Standards relating to highway issues, internal living space and external amenity space, waste management, concern is raised over the location of the proposed development in rear gardens, especially in light of recently published guidance. Therefore, it is considered that the proposal fails to comply with relevant UDP and London Plan policies and refusal is recommended.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, design, 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 North Uxbridge Area of Special Local Character and the residential area as a whole. The proposal is detrimental to the visual amenity and character of the surrounding and contrary to Policies BE13, BE19, BE21, BE22 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.4, 3.5, 7.1 and 7.4 of the London Plan (2011) and Planning Policy Statement 3: Housing (June 2010), and The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

2 NON2 Non Standard reason for refusal

The proposal, by reason of its size, bulk, design and proximity, with inadequate separation distances between the proposed dwellings and the existing property at 170a Harefield Road, would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE20, and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Documents HDAS Residential Layouts

3 NON2 Non Standard reason for refusal

The development is estimated to give rise to a significant number of children of school age and therefore additional provision would need to be made in the locality due to the shortfall of places in educational facilities serving the area. Given a legal agreement at this stage has not been offered or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies September 2007 and the London Plan (July 2011).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
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.
BE5	New development within areas of special local character
H10	Proposals for hostels or other accommodation for people in need of care
H4	Mix of housing units
H6	Considerations influencing appropriate density in residential development.
H8	Change of use from non-residential to residential
H12	Tandem development of backland in residential areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3.4	(2011) Optimising housing potential
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 5.17	(2011) Waste capacity
LPP 5.3	(2011) Sustainable design and construction
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
R16	Accessibility for elderly people, people with disabilities, women and children

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You are advised that due to the long length of the drive way that lighting would be required along it (so drivers of vehicles and pedestrians using the accessway at night would be able to see where they are going). The design of any lighting would need to be carefully chosen so as to achieve adequate levels of illumination, while at the same time not resulting in 'light spillage' adversely impacting upon the amenity of near by residential occupiers late at night. That is the lighting should be designed in a way which does not shine into the windows of neighbouring dwellings, but does shine onto the accessway.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 6-bedroom two-storey detached house with a large rear garden and parking to the front. The property is currently in use as a 6 person House in Multiple Occupation. The existing curtilage, which is approximately 1,624 sq.m, is roughly rectangular widening to an L-shape at the eastern (rear)end.

The application site comprises an area of approximately 0.2ha, this incorporates the rear garden of 16 North Common Road which expands to the east at the rear and part of the rear garden of 17 North Common Road to the West.

The site is bounded to the north, east and west by residential properties. North Common Road bounds the southern boundary of the site, beyond which lies Uxbridge Common. The area is predominantly residential and largely characterised by two-storey detached and semi-detached houses with sizable gardens. The site falls within the North Uxbridge Area of Special Local Character as shown on the Hillingdon Unitary Development Plan.

Uxbridge Common to the south is designated as Metropolitan Open Land and the park directly opposite the application site is also designated as a Nature Conservation Site of Metropolitan or Borough Grade I Importance.

3.2 Proposed Scheme

The application seeks planning permission for the redevelopment of the site to provide for the erection of 3 two storey terraced dwellings with associated parking, a new access road incorporating an existing vehicular access point off North Common Road.

To accomodate the proposal, it would involve reducing the size of the existing gardens at Nos. 16 and 17 North Common Road and increasing the length of the existing access road that currently serves No.17 North Common Road. This access road would cater for vehicles to both No.17 and the proposed dwellings to the rear of the host property. This extended access would run parallel with the side boundaries of No.17 and a new boundary treatment on No. 16 North Common Road. It would run a distance of approximately 50m from the flank of No.17 North Common Road until it terminates at a turning head aproximately at the halfway point of the site. At this point, an area of permeable paving (approximately 170 sq.m), would accomodate 6 individual parking spaces.

Directly north of the proposed car park, a terrace of 3 two-storey houses would be erected in the rear garden. The proposed terraced building would be orientated at an angle and detailed in an attempt to respond to the cottage at 170a Harefield Road. The proposed terrace of houses would measure 25m long by 9.8m deep and would have a part hipped part gable roof reaching a maximum height of 7.5m.

The two end terrace properties would also contain single storey elements to the side and rear. The dwelling situated in plot 3 along the northern boundary closest to 170a Harefield Road would include a single storey side and rear elements. This would measure a further 1.4m wide to the side of the building and would protrude along the northern flank wall projecting 2.3m beyond the main rear wall of the building into the rear garden. It would partially wrap around the rear of the dwelling and would be finished with a flat roof, maximum height of 2.7m.

It is also proposed to have a single storey flat roof element to the end terrace dwelling situated in plot 1. This would protrude a further 2.3 out from the main rear wall and extending half the width of the dwelling with a maximum height of 2.8m.

Each of these properties would be served by rear gardens to the east measuring between 80 and 100m² per dwelling. The properties would front the western and side boundary of No.18 North Common Road. A communal garden area is proposed along the front of these properties which would be heavily landscaped with a diverse range of tree and hedging and permeable surfaced pathway providing access to the dwellings.

Further garden area and landscaping would be situated on either side of the access road into the site, with a bin collection point situated along the access road, adjacent to the proposed new boundary of No.16 and a distance of 32m back from the main entrance to the site.

3.3 Relevant Planning History

4942/APP/2000/2374 16 North Common Road Uxbridge
ERECTION OF A TWO STOREY SIDE EXTENSION

Decision: 15-12-2000 Approved

4942/APP/2008/2093 16 North Common Road Uxbridge
ERECTION OF A TWO STOREY DETACHED BUILDING COMPRISING FOUR 2-BEDROOM DUPLEX DWELLINGS (WITH ROOFSpace ACCOMMODATION), TOGETHER WITH ASSOCIATED PARKING AND AMENITY SPACE (INVOLVING DEMOLITION OF EXISTING DWELLINGHOUSE) (OUTLINE APPLICATION).

Decision: 18-09-2008 Refused

4942/APP/2008/595 16 North Common Road Uxbridge
ERECTION OF A TWO STOREY DETACHED BUILDING CONTAINING 4 THREE-BEDROOM DUPLEX DWELLINGS (INCLUDING ROOMS IN ROOFSpace), TOGETHER WITH ASSOCIATED PARKING AND AMENITY/LANDSCAPING (INVOLVING DEMOLITION OF THE EXISTING HOUSE) (OUTLINE APPLICATION FOR APPROVAL OF LAYOUT, SCALE, EXTERNAL APPEARANCE AND MEANS OF ACCESS ONLY).

Decision: 30-04-2008 Withdrawn

4942/APP/2009/2280 16 North Common Road Uxbridge
Erection of 3 two storey three-bedroom terraced dwellings with associated parking and new access road to include alterations to vehicular crossover, involving demolition of two storey side extension to No.16 (Outline application for approval of scale, access, appearance and layout.)

Decision: 03-06-2010 Withdrawn

Comment on Relevant Planning History

The application site has an extensive planning history consisting of 4 withdrawn applications for redevelopment of the site, 3 dismissed appeals against non-determination of applications for redevelopment of the site and 1 grant of outline planning permission for redevelopment of the site with all matters reserved.

The only application approved for residential development of the site (Ref: 61320/APP/2006/2228) had all matters reserved. In particular it provided no details of the number of units nor of access arrangements. At the time it was considered there may be

options for access other than directly via North Common Road.

All subsequent, more detailed applications, have been either withdrawn following concerns raised by Council officers, refused by the Local Planning Authority or been subject to appeals against non-determination which have been dismissed for various reasons dependant on their layout.

Applications 4942/APP/2008/595 and 4942/APP/2008/2093 sought to provide for a block of flats, rather than extensive redevelopment of the entire site and are therefore significantly different to the current proposal.

The three applications (Refs: 60549/APP/2005/2259, 61320/APP/2006/2235 and 61320/APP/2006/2236) subject to non-determination appeals all sought back land redevelopment of the site for residential purposes, while the appeals were dismissed for individual reasons relating to their own merits and layouts the following two themes are prevalent in the three decisions:

1) Unacceptable impact on the North Uxbridge Area of Special Local Character - Of particular note the Inspector on Appeal APP/R5510/A/06/2030468 raised concerns at the incongruous and cramped form of development and commented that other piecemeal developments in the vicinity should not be repeated on the application site; and

2) Harm to the amenity of neighbouring occupiers.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
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.
BE5	New development within areas of special local character
H10	Proposals for hostels or other accommodation for people in need of care

H4	Mix of housing units
H6	Considerations influencing appropriate density in residential development.
H8	Change of use from non-residential to residential
H12	Tandem development of backland in residential areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3.4	(2011) Optimising housing potential
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 5.17	(2011) Waste capacity
LPP 5.3	(2011) Sustainable design and construction
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
R16	Accessibility for elderly people, people with disabilities, women and children

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

65 nearby owner/occupiers were consulted on the application and North Uxbridge Residents Association on the 14th October 2011.

34 individual letters of objection were received and have raised the concerns/issues below:

- i) Concerns regarding the repetition of applications with no real change from previously refused schemes
- ii) The new access road to the site would have a detrimental impact on the street scene
- iii) The traffic implications from the new dwellings with potentially 8 additional vehicles driving down a narrow access detrimental to the amenity of the surrounding neighbours;
- iv) Car parking arrangements inadequate for number of dwellings
- v) Garden grabbing development out of keeping with the general character of the area.

- vi) The replacement of large plots with smaller cramped plots would lead to the overdevelopment of the site and a detrimental impact on the historic context of North Uxbridge Area of Special Local Character.
- vii) The development would have an overdominant impact;
- viii) There would be a significant strain on local services from the additional houses including roads, drainage, water, sewerage and gas supply. Potential for flood implications.
- ix) The approval of the development could set a dangerous precedent
- x) The waste facilities provided would be inadequate and difficult to reach.
- xi) The proposed access road does not contain any pedestrian footpaths for pedestrians;
- xii) More traffic generated and the new access road may lead to an increase in illegal parking
- xiii) The proposal would result in increased noise and general activity detrimental to the activity of neighbouring occupiers;
- xiv) The development would be situated too close to the neighbouring boundaries
- xv) Concern that the loss of the garden would have a detrimental impact on wildlife, in particular with regard to the proximity of the nature conservation areas and ponds which attract a variety of wildlife including Heron, Newts, Foxes, Badgers and Ducks;
- xvi) The proposal would result in increased impacts on Local Schools, which are already oversubscribed;
- xvii) Impact on No.171a - the ridge height would be situated 2.5m higher than this property and would have an overbearing impact on their amenity space. There would be clear overlooking of the front and rear gardens from first floor windows. The proposal would also lead to overshadowing of this property in particular the ground floor bedroom window.
- xviii) Concern that the proposal would result in the loss of trees;
- xix) The proposal would contravene the European Convention of Human Rights article 8 - right to respect for private and family life and Article 1 of the First Protocol - protection of property;
- xxiv) The proposed access road is not wide enough for ambulances, fire engines etc; and
- xxv) Concerns regarding construction impacts.

3 petitions have also been received objecting to the proposal (each with 30, 24, and 24 signatures), however no specific reason for the objection is stated on each petition.

Internal Consultees

TREES & LANDSCAPE OFFICER

The site is occupied by the rear gardens of house numbers 15-17 North Common situated on the northern edge of Uxbridge Common, and within the North Uxbridge Area of Special Character. Close to the rear of the house there is an established and maintained garden. However, much of the garden area at the far end has become characterised by rough unmanaged grassland. The land falls gently from the south to the north and from east to west.

There are a number of trees on the site, most of which are found on the boundaries. No tree survey has been submitted.

There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

PROPOSAL:

The proposal follows a number of previous applications. This scheme seeks to demolish an existing garage / outbuilding at 17 North Common Road and build a terrace of three houses with a new access way between house numbers 16 and 17. A car park for 6 No. cars will be located at the end of the access road, beyond which a footpath through communal front gardens provides pedestrian access to the houses. Each house will have a private rear garden.

The Design & Access Statement addresses landscaping in section 10.0, where it confirms that most of the trees will be retained, including the large specimen on the north-east corner.

LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other significant landscape features will be affected by the development and the proposed installation will have little impact on the views from North Common Road which will be screened to a large extent by the existing houses and the level changes through the site.

- The proposed site plan (drawing No.16/NCR/01/AB) confirms that there is space and opportunity to provide an attractive landscape setting and appropriate screening between neighbouring properties, utilising a mix of retained and new planting, which should be conditioned. The use of very narrow strips of planting, as indicated between the car parking bays will not work and should be avoided.

- Section 10.4 of the D&AS refers to the use of geotextile membrane to provide a re-inforced grass surface for parking. While new driveways and parking areas should be SUDS compliant, the specified car park treatment will be inadequate for the purpose of providing a regular car parking space. Details of all hard materials including boundaries and surfacing should be approved, prior to commencement of work, through the landscape condition.

- External storage for bins is sited to one side of the driveway. These should be discretely sited and detailed to ensure that they do not have detrimental visual impact on the site.

- A landscape management / maintenance plan should be submitted to ensure that the areas of communal landscape are established and maintained in accordance with the design objectives and good practice.

RECOMMENDATIONS:

No objection, subject to the above considerations and conditions TL1, TL2, TL3, TL5, TL6 and TL7.

CONSERVATION OFFICER

There have been seven applications to develop the backland site to the rear of Nos. 15,16 and 17 North Common Road since 2005, and two others for the redevelopment of the frontage building into duplex properties. The access road has usually been shown on the left hand side of No. 16, but not exclusively, and the backland development has proposed various combinations of three and four new dwellings, with parking and access arrangements. All have been refused, or withdrawn, save for an outline planning application for residential, approved in January 2007, which left layout, design and access to be decided as reserved matters. One application, for three houses at the rear, was dismissed on appeal in 2007, whilst an application made in 2010 for a terrace of three, at the rear, with a similar layout and design to the current proposal, but a different access, was withdrawn.

North Common Road, bordering the Common, is characterised by large, detached houses, set in mature gardens of a generous size. Hedges are a particular feature of the area. There are long views across the Common from the Uxbridge Road, and so No. 16, and the group of which it forms a part, are very visible. There are three historic trackways in the vicinity of the application site: two predate the houses in North Common Road, whilst the third may have been earlier or created at about the same time. They are organic to the area, do not compromise, or crowd, the housing plots, and are therefore not considered a precedent for a new access, as suggested by the applicant.

The forging of a new access road, of 3.2 metres width, with passing place, turning head, bin collection area and parking places, in this location, has always been a very controversial issue, on account of the damaging impact such a road would have on this very visible and important location on the edge of the Common. In this current proposal, the proximity of the road to the existing houses, loss of front gardens and mature hedges, and the extensive hard surfacing required for parking places and a passing place, would, if anything, be even more damaging and erosive of the local character of the area than the previous proposal of 2010.

The houses proposed at the rear would comprise a terrace of three, their design loosely based on

the Victorian cottages at Nos. 12 and 13 North Common Road/No. 5 Water Tower Close. This was an approach suggested at the 2008 meeting, and there would thus be no objection in principle to this design. However the floor space of these properties has been increased since the previous proposal, while their location is closer to the northern boundary of the site. It is thus considered that the current proposal would not address the previous objections concerning excessive scale, cramped layout, minimal amenity space and large areas of hard surfacing, all out of keeping in the context of the generous sized, mature residential back gardens characteristic of the area. As observed previously, Nos. 16 and 17 would be left with a greatly diminished frontage, reduced rear gardens, compromised by a road running alongside, whilst the passing place would be cut into the front garden of No. 16, right outside the front bay window. As suggested on many occasions previously, an appropriate development might comprise a semi-detached pair of cottages, accessed from the existing road to the east of No.15 North Common Road.

It is concluded that the access from North Common Road, and proposed terrace of three units, would be detrimental to the special character and identity of the North Uxbridge Area of Special Local Character, and would not overcome the objections regarding excessive density, excessive hard landscaping, poor layout and residential amenity to which the Inspector referred in his report dismissing applications 2006/2235 and 2006/2236 in 2007. Since this time of course, the case against developing this backland site has, if anything, strengthened, as Minister Greg Clark, in 2010, changed PPS3 to remove back gardens from brownfield land, to ensure that they continue to provide the green breathing space, safe places for children to play and havens for urban wildlife which communities need.

RECOMMENDATIONS: Unacceptable

HIGHWAYS ENGINEER

The site is located in North Common Road, Uxbridge which is an unclassified road.

Submitted plan and planning statement give conflicting information regarding vehicle cross-over to the eight car parking spaces except the location of vehicle cross-over being proposed to be between number 16 and 17. The applicant should clarify whether they are proposing to use existing cross-over's or wishing to apply for new vehicle cross-over's or both.

The applicant also fails to provide lighting information for the proposed access road or indicative location of lighting in accordance to BS 5484, EN13201 given the access road of approximately 50m in length although this could be conditioned.

Although the access road layout and refuse collection arrangements are not ideal I do not raise a formal objection.

WASTE MANAGEMENT.

The plan does show that a space has been allocated for the storage of waste which is good practice. However, Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer. The current waste and recycling collection systems are:

- Weekly residual (refuse) waste using sacks / bins purchased by the occupier
- Weekly dry recycling collection using specially marked sacks provided by the Council.
- Fortnightly green garden waste collection of three specially marked reusable bags provided by the Council free of charge.

The waste and recycling should be presented near the curtilage of the property on allocated collection days. If you require any further information please contact me.

ACCESS OFFICER

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document Accessible Hillingdon" adopted January 2010.

No Design & Access Statement appears to have been submitted, however, the submitted plans

demonstrate compliance with the 16 Lifetime Home Standards, with the exception of the following:

1. Details of level access to and in through the principal entrance should be demonstrated on plan, including the specification on the level access threshold installation.

Officer Comment: this matter could be covered by condition.

ENVIRONMENTAL PROTECTION UNIT

I have reviewed the noise report undertaken for the applicant by Philip Acoustics Ltd reference 11153-003 dated September 2011. I do not wish to object to this proposal. Should the proposal be recommended for approval, please add the following condition; Condition 1 N1 Development shall not begin until a noise protection scheme has been submitted to and approved by the Local Planning Authority (LPA). The noise protection scheme shall meet acceptable noise design criteria both indoors and outdoors. The scheme shall include such combination of measures as may be approved by the LPA. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site. Reason: To safeguard the amenity of surrounding areas. Please also add the construction times informative.

Education Contribution

The calculation requests £43,049 to build 3x 7-room houses in Uxbridge North.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In relation to the principle of the development it is necessary to take into account, the history of the application site, any extant planning permissions and current adopted planning policy.

As addressed above, there was previously an extant outline planning permission (Ref: 61320/APP/2006/2228) for the site, which was capable of being implemented. Given that the principle of the sites redevelopment was established by the outline planning permission it was not open to significant re-consideration within the 6 applications for redevelopment of the site which were considered since the grant of that permission on 4th January 2007, although an Appeal Inspector also considered the principle of backland development acceptable under appeal APP/R5510/A/06/2030468/NWF.

However, condition 2 of planning permission 61320/APP/2006/2228 required that an application for approval of reserved matters (siting, design, external appearance, landscaping and means of access) be submitted for approval by the Local Planning Authority before the 4th January 2010. No reserved matters application was received prior to this date and this planning permission is no longer capable of being implemented. It is therefore necessary to consider the principle of the development in accordance with currently adopted planning guidance.

The subtext at paragraph 7.29 of the Saved Policies UDP, suggests backland development may be acceptable in principle subject to accordance with all other policies, although Policy H12 resists proposals for tandem/backland development which may cause undue disturbance or loss of privacy. However, more recent guidance on backland development has been published since the consideration of previous applications and the adoption of the Saved Policies UDP.

Key changes in the policy context since the adoption of the UDP Saved Policies, includes the adoption of the new London Plan (July 2011), and revised Planning Policy Statement (PPS) 3: Housing (July 2010).

Notably, PPS3: Housing, clearly clarifies that not all developed land is necessarily suitable for housing, nor that all of the curtilage should be developed. It also makes it clear that well thought out design and layout which integrates with and complements existing buildings and the surrounding local context is a key consideration which needs to be taken into account when assessing proposals for residential development.

The London Plan (July 2011) represents the Mayor of London's 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 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. The London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base. Such a presumption has been taken into account in setting the Plan's housing targets and reflects Government's recognition in PPS3 (amended June 2010) that the definition of previously developed land in its Annex B now excludes private residential gardens. It is considered in this context that the London Plan policies reflect the direction that the Council is heading with regard to such development.

The London Plan Interim Housing supplementary Planning Guidance provides further guidance on the interpretation of existing policies within The London Plan. Accordingly, it is considered that significant weight should be given to this guidance in determination of the current application.

The guidance requires that "In implementing London Plan housing policies, the Mayor will, and Boroughs and other partners are advised when considering development proposals which entail the loss of garden land, to take full account of the contribution of gardens to achievement of London Plan policies on:

- * local context and character including the historic and built environment;
 - * safe, secure and sustainable environments;
 - * bio diversity;
 - * trees;
 - * green corridors and networks;
 - * flood risk;
 - * climate change including the heat island effect, and
 - * enhancing the distinct character of suburban London,
- and carefully balance these policy objectives against the generally limited contribution such developments can make toward achieving housing targets."

The various issues are discussed in more detail within the relevant sections of the report.

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 proportions of 2 large back gardens in this location would be detrimental to the local and historical context of the area. There is also a long history of applications and appeals for redevelopment of the site which have been withdrawn following concerns raised by the Planning Department or refused/dismissed on grounds of unacceptable impacts on the character and appearance of the Area of Special Local Character and residential area in general, which is considered to give weight to the view that the level of intensification of use sought on this site cannot be achieved without harm to matters of material concern.

The proposed redevelopment of two large private back gardens would have a detrimental impact on the character and appearance of the North Uxbridge Area of Special Local Character and on the amenities of nearby residents. 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 backland residential development is contrary to Policies 3.5, 7.1 and 7.4 of the London Plan, Planning Policy Statement 3: Housing and guidance within The London Plan Interim Housing Supplementary Planning Guidance.

7.02 Density of the proposed development

Policy 3.4 of the London Plan seeks to ensure that new developments achieve "the maximum intensity of use compatible with local context and with public transport capacity. Boroughs should develop residential density policies in their DPDs in line with this policy and adopt the residential density ranges set out in Table 3.2 and which are compatible with sustainable residential quality."

The London Plan Interim Housing Supplementary Planning Guidance provides further guidance on density and the loss of back gardens, in particular it encourages Local Planning Authorities to "take account of the full intent of the policy and not just the associated density matrix i.e. achieve the maximum intensity of use compatible with local context, the design principles of Policy 4B.1 and with public transport capacity". Local Planning Authorities should assess the considerations which can relate to loss of garden land (identified in the Principle of Development Section) and "carefully balance these policy objectives against the generally limited contribution such developments can make towards achieving housing targets."

The site has a suburban character and a Public Transport Accessibility Level of 1 (on a scale of 1 to 6 where 6 represents the highest level of accessibility) and table 3.2 of the London Plan recommends a density of 35-55 u/ha or 150-200 hr/ha for developments containing units of the proposed size within such locations.

The proposal seeks permission for a development consisting of 3 new three bedroom dwellings and 1 retained 4+ bedroom dwelling on a 0.076 ha site, resulting in a residential density of approximately 53u/ha or 263hr/ha.

The application site is just within the guidelines of the London Plan with regard to units per hectare, but is significantly above these these guidelines when considered against the number of habitable rooms per hectare. When considered against the guidance set out in the London Plan Interim Housing Guidance it is considered that the redevelopment of the application site at the proposed density would be detrimental to the local and historical context of the area and therefore contrary to Policy 3.4 and 7.1 of the London Plan and guidance within The London Plan Interim Housing Supplementary Planning Guidance.

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

The application site does not lie within an archaeological priority area nor is it located in proximity to any Listed Buildings.

The application site does lie within the North Uxbridge Area of Special Local Character and as such Policy BE5 which requires that new development should harmonise with the materials, design features, architectural style and building heights predominant in the area. In addition the development must also accord with Policies BE13 and BE19 seek to resist developments where 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 which fail to complement or improve the residential amenity of an area.

The North Uxbridge Area of Special Local Character was extended on the 19th October

2006 and is designated in three areas with the application site lying within the northern area which is situated around the Common. The Cabinet report which informed its extension defined the character of the northern area in detail and the following extract of this cabinet report relates specifically to the existing properties on North Common Road:

The northern area is characterised by hedges, trees and vegetation. The Common is a very attractive feature at the centre of this area, and it provides a good setting for the properties surrounding it. There are some pleasant views across the Common, particularly to the large inter-war houses on the north side, set in spacious plots and bounded by tall hedges, with some older, Victorian cottages set down leafy lanes to the north.'

It is clear that one key aspect of this area of Special Local Character is the spacious plots within which the properties are located and a review of historical maps from the area indicate all but three of the houses on North Common Road retain their original plots. The exceptions being 5A - 5E North Common Road where 2 small two-storey blocks containing 5 flats and a garage block located to the rear; and nos. 6 & 7 North Common Road which had 3 properties built on small parts of their rear gardens as part of the Waterside Close development (which is now described as having its own character with the ASLC) and an additional detached house which was granted planning permission in 1996 and accessed by the existing lane. That said when considered in terms of the physical demarcation of plots these properties all maintain large plots of at least 0.08ha, which is not uncharacteristic within North Common Road.

In addition to the proposed plot sizes being significantly smaller than is characteristic for the area the proposal would involve the construction of large areas of hardstanding and a large terrace of three houses within the rear garden of nos 16 & 17 North Common Road. It is considered that the level of built form and hardstanding proposed would result in a cramped layout and this alongside the small plot sizes would be further at odds with the predominant open character of the area.

The proposed development would create a significant reduction in the plot sizes of nos. 16 and 17 North Common Road as retained, small plot sizes for the proposed properties and create a significant level of built form within the proposed plots (including ancillary structures and hard landscaping). These smaller plot sizes, which would appear cramped due to the level of built form and their layout, would be at odds with the predominant urban grain in the part of the Area of Special Local Character surrounding the Common and in particular with that of the pre-war houses located along North Common Road. It is therefore considered that the proposal would be detrimental to both the historical and existing context and character of the area and contrary to Policies BE5, BE13 and BE19 of the Saved Policies UDP and Policies 4B.1 and 4B.8 of the London Plan.

It is also apparent that the views of the inter-war houses on North Common Road across the Common and from the wider area are a key part of the character of this Area of Special Local Character, as are the small number of narrow and generally leafy lanes which run between them at sparse intervals. Of these inter-war houses 16 North Common Road and its full frontage is particularly visible and can be clearly seen from the other South Common Road on the other side of the Common.

At current there are vehicular access lanes which adjoin the north side of North Common Road located between nos. 7 & 8, 11 & 15 and 20 & 23 North Common Road. Two of these are approximately 3.2m wide and heavily bound by vegetation and hedges on either side, the third (sited between 7 & 8 North Common Road) serves the Waterside Close development and was widened to a width of approximately 4m in the 1980's in order to

accommodate the development. This road, albeit wider, is also lined by a significant amount of vegetation and hedges.

There is also a short vehicular access at 5a-5e North Common Road, which represents the only access road which was not present within the original development in the inter-war period. This access terminates a short distance into the site at the garages and as such reads visually as a cross between a drive and an access road.

The existing access roads on the site are spread sparsely along North Common Road, with between 3-5 properties separating each access lane. The small number and sparse separation of these accesses forms part of the current and historic character of North Common Road, which is a residential street with the properties located along the road frontage facing the Common.

The proposal would utilise the existing access road at No.17 North Common and although hard surfacing would extend along the side boundaries of Nos. 16 and 17, there would not be a significant visual impact to the front of North Common Road. All of the front gardens within the application site are hardstanding in the existing situation and there would be no significant loss of front garden. The hedging along the front boundary would be retained and this would screen the additional hardsurfacing to the side of No.17 North Common Road. There would also be a kink in the access road which would further break up views from North Common Road.

Additional soft landscaping would be incorporated to the frontage and along the sides of no.16 North Common Road which would reduce the views from the south east. The Landscape Officer has commented that there would be no significant loss of landscape features and the proposal would have little impact on the views from North Common Road. The Landscape Officer has also noted that there is an opportunity to provide an attractive landscape setting and appropriate screening between neighbouring properties, utilising a mix of retained and new planting. This could be conditioned if the application is recommended for approval. The inclusion of additional planting would mitigate the impact of the hardstanding area from the front of North Common Road.

Having examined the front boundary from across the common, it is considered that the increase of hard surfacing through the extended access would not be as visible due to the retention of the vegetation. As such, it is considered that the access road and additional hard surfacing would not cause a significant visual harm to North Uxbridge Area of Special Local Character to merit a refusal on this grounds.

7.04 Airport safeguarding

The application is not considered to give rise to any concerns relating to airport or aerodrome safeguarding.

7.05 Impact on the green belt

The application site is not located within or in proximity to the Metropolitan Green Belt.

7.07 Impact on the character & appearance of the area

Issues relating to the character and appearance of the area are considered in detail within the section of the report dealing with 'Areas of Special Character'. It is noted that the highways engineer states that the long access road requires a lighting scheme. Whereas lighting bollards have been used on other sites it is questionable whether such a solution is ideal in an Area of Special Local Character, whereas it would be hard to justify refusing the application. In this regard an informative is recommended to highlight that lighting of the access road could if not done very sensitively cause harm to the streetscene.

7.08 Impact on neighbours

Policy BE20 and BE21 of the Saved Policies UDP seek to resist proposals which would cause an unacceptable loss of light or would have an overbearing impact detrimental to the residential amenity of neighbouring properties. The HDAS - Residential layouts provides further guidance on the issue of dominance seeking a separation distance of 15m where a two storey building abuts a neighbouring property.

The proposed three-bedroom houses would be located a sufficient distance from Nos. 13a, 16 and 17 North Common Road and would not have a dominant impact nor cause any undue loss of light to the the occupiers of these properties.

With regard the closest property, No. 170a Harefield Road, the proposed three-bedroom houses would be orientated at an angle which would reduce their impact on this occupier. However, the two-storey elements of these properties would still be located 9m from the closest point of this building which would be contrary to the HDAS Guidance. It is also noted that the property at 170a Harefield Road has a recent planning permission (Ref: 41760/APP/2010/1516) for a front and side extension on the corner of which would have been approximately 5m from the proposed building. This approved extension (if constructed) includes a living space and first floor bedroom which would be within 5m of the two storey element. This distance would not be sufficient to prevent an overbearing impact on the neighbouring occupier's amenity. In light of the above, the proposal would be contrary to BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 4.0 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts.

Accordingly, the scheme would be contrary with Policies BE20 and BE21 of the Saved Policies UDP.

Policy BE24 of the Saved Policies UDP seeks to protect the privacy of occupiers and neighbours. The HDAS - Residential Layouts provides further guidance that within a 45 degree arc from the centre of a window there should be no facing habitable room windows within 21m in order to avoid loss of privacy to either occupier.

The 3 new houses proposed to the rear are sited and designed so that they do not have any habitable room windows which are within 21m of neighbouring habitable room windows, and the windows are considered not to overlook any sensitive parts of neighbouring gardens such as rear patios.

Accordingly, the proposal would not result in any loss of privacy for neighbouring occupiers and would comply with Policy BE24 of the Saved Policies UDP in this regard.

Issues relating to potential impacts of noise from the access road are addressed within the noise section of this report.

7.09 Living conditions for future occupiers

The HDAS - Residential Layouts specifies minimum internal floorspace standards for two-storey houses containing three or four bedrooms or 81sq.m and 92sq.m, respectively.

The proposed development is in its entirety two-storey and provides for a total of 3 three-bedroom which are all over 144sq.m in terms of internal floorspace and 1 four-bedroom house which is over 155sq.m in internal floorspace. All of the units would therefore accord with the HDAS recommendations and also those found in the London Plan 2011, and would provide a satisfactory internal living environment in terms of available space.

Policies BE20 and BE24 of the UDP require that all proposed units benefit from adequate privacy and light. The HDAS - Residential Layouts details that all residential developments and associated amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens.

Each of the habitable rooms within the development would benefit from a minimum of 1 clear glazed window, which would be positioned so as to receive adequate daylight. In addition it is considered that the proposed amenity spaces would receive adequate daylight throughout the day.

The HDAS - Residential Layouts also details recommended minimum requirements of on-site amenity space provision in accordance with policy BE23 of the Saved Policies UDP, which seeks the provision of satisfactory usable amenity space for future occupiers. It is recommended that three-bedroom houses be provided with a minimum of 60sq.m of private external amenity space and that four-bedroom units be provided with a minimum of 100sq.m of private external amenity space.

Each of the proposed three-bedroom houses would benefit from a rear garden of 60sq.m or more and the four-bedroom house would benefit from a rear garden of over 120sq.m and a substantial front garden. In addition a large landscaped communal area would be provided to the rear of the site for the benefit of the future residents. Accordingly, the proposal would provide an adequate level and quality of external amenity space for future occupiers.

Policy BE24 of the Saved Policies UDP indicates that all new residential properties should attain adequate levels of privacy for future occupiers. There would be no loss of privacy to these future occupiers by way of pedestrian use of the road. In addition each of the 3 three-bedroom houses would benefit from both front and rear gardens and would not be subject to overlooking from neighbouring properties, accordingly they would each benefit from adequate levels of privacy.

Issues relating to the impact of noise on future occupiers are addressed elsewhere in this report.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The level of development proposed would not give rise to significant additional traffic generation and is unlikely to cause additional congestion on the principle road network.

The proposed access arrangement would utilise the existing access road to No.17 North Common Road to serve 3 three-bedroom units with 6 parking spaces on the western boundary of the host property. The access road is 3.2m wide for the majority of its length. While the Highways Engineer has raised some concerns regarding the width of the access road, given that the site would have a limited level of traffic into the site, the proposed passing bay towards the front boundary would provide sufficient space to allow two vehicles to manoeuvre without traffic implications.

In addition the access road is labelled as terminating in a turning head and the manoeuvring area for vehicles within the site would appear spacious and would not impact on the proposed parking spaces. The inclusion of a passing bay towards the front addresses the concerns of the Highway's Officer as it would allow two vehicles to pass freely.

There is inadequate space for the introduction of a footpath, accordingly the application

has included a traffic calming measure in the form of a raised table which would control the speed of vehicles in and out of the site. A raised table (approx 4 inches above road level) would be provided within the site between start of the passing bay and continue for a distance of approximately 10m to the north. This would control the speed of vehicles entering and exiting the site and allow safe pedestrian access.

The car parking provided would meet the council's car parking standards and would allow vehicles to manoeuvre without concern to highway safety.

In this instance, given the limited traffic that would be entering and exiting the site at any one time and the measures that have been taken to address concerns of both highway and pedestrian safety (passing bay, turning head and raised table), the concerns from the Highways Engineer have been addressed. The proposal would be acceptable and would comply with Policies AM7 and AM14 of the UDP Saved Policies.

7.11 Urban design, access and security

The majority of the design issues are addressed within the section of this report dealing with the impact on the Area of Special Local Character.

The overall design of the dwellings would be acceptable in principal. The Conservation Officer has commented that the proposed terrace would be based on the Victorian cottages at Nos. 12 and 13 North Common Road/No. 5 Water Tower Close. This was an approach suggested to the applicant previously by the Conservation team. Although acceptable in appearance, their location is closer to the northern boundary of the site and would lead to a cramped development within two traditionally large gardens. As such it would be contrary BE5, B515 and BE19 of the UDP Saved Policies.

Issues of access are addressed within the Disabled Access section of this report.

In relation to security the application would maintain secure boundary treatments with neighbouring properties and it is not considered that there are any security concerns intrinsic to the design. Therefore, subject to a condition requiring that the development achieve 'Secured by Design' standards the proposal is considered to be acceptable in this regard.

7.12 Disabled access

Policy 3.8 of the London Plan and the HDAS - Accessible Hillingdon Require that all new residential dwellings be designed to Lifetime Homes standards and that 10% of new dwellings be capable of easy adaption for use by a wheelchair user.

The proposed development proposes 4 dwellings (3 new houses and alterations to no.16 North Common Road), as such there is no requirement for a wheelchair accessible unit (or one easily adaptable to that standard) to be provided.

The submitted plans indicates that the scheme has been designed to comply with Lifetime Homes standards. The Access Officer has commented that the scheme would need to confirm that level access can be provided through the principal entrance. The achievement of these within the development could be secured by way of a condition. Accordingly, no objection is raised to the scheme in terms of disabled access.

7.13 Provision of affordable & special needs housing

The application is below the threshold at which affordable housing should be sought under the Council's adopted Planning Obligations SPD, nor is it considered that a higher level of development could be achieved on the site. Accordingly, the proposal does not give rise to the need for affordable housing provision.

No special needs housing is proposed as part of the scheme and accordingly consideration of these matters is not necessary.

7.14 Trees, landscaping and Ecology

TREES& LANDSCAPING

Policy BE38 of the Saved Policies UDP requires developments to retain and utilise existing landscape features of merit and to provide new planting and landscaping wherever appropriate.

The Design & Access Statement makes specific reference to the existing and proposed landscape quality of the site. A tree survey has also accompanied this application and shows further details of the trees and hedges to be retained and additional planting. To the front the hedging along the front boundary of Nos.16 and 17 would be retained with additional hedging proposed to the side of the passing point. New hedging would also be planted along the sides of the new access road, providing additional screening of the new hardsurfacing. It also proposes to plant new 'semi-mature' hedges, to provide private gardens and to create an area of communal /shared external amenity space on the western boundary - to the front of the dwellings.

The Council's Trees and Landscape officer considers that the proposal would maintain adequate space to enable to provision of a high quality and deliverable landscape scheme which would satisfy the requirements of Policy BE38. No trees or other significant landscape features would be affected by the development whilst the proposal would have little impact on the views from North Common Road.

The Landscape Officer has noted that certain parts of the scheme such as the very narrow strips of planting between the car parking bays and the car parking treatment which would need to be adequate for the purpose of car parking. However in general, the landscaping of the site is considered acceptable in principle and complies with Policy BE38 of the Saved Policies UDP. Further details of the landscaping scheme both hard and soft surfacing and also details of trees to be retained can be secured by condition.

ECOLOGY

A small area of the Common fronting 16 North Common Road is designated as a Nature Conservation Area of Metropolitan Importance, however the application site itself does not lie within a designated nature conservation area, nor is it recognised to have an significant value in terms of ecology or biodiversity.

While it is generally recognised that back gardens can provide green links and habitat for wildlife, the application site does not lie in an area where such a link is of designated importance. Nor, having regard to the number of surrounding gardens, would its redevelopment create a substantive physical break between any areas of recognised ecological value.

Planning Policy Statement 9: Biodiversity and Geological Conservation recommends a cautious approach, in particular with regard to protected species, however in this case there is no substantive evidence to suggest that there is any likelihood of protected species on the site and the imposition of a pre-commencement condition requiring appropriate surveys to be undertaken and approved prior to any development commencing would represent an appropriate level of caution in this particular instance.

Subject to such a condition, it is considered that the proposal would not result in any significant harm to biodiversity or harm to the local ecology.

It is considered that there is insufficient evidence to support a reason for refusal on ecological or protected species grounds, in particular with regard to the site history. Given the application is recommended for refusal an informative is recommended, which would make the Council's view on this issue clear.

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. Further guidance on the location and siting of refuse/recycling storage and collection points is provided within the Manual for Street, which is published by the Department for Transport and complements Planning Policy Statements 1 and 3. Paragraph 6.8.10 sets out the maximum possible length of road which can be serviced without providing adequate access for a waste vehicle stating "Based on these parameters, it may not be necessary for a waste vehicle to enter a cul-de-sac less than around 55 m in length, although this will involve residents and waste collection operatives moving waste the maximum recommended distances, which is not desirable".

Each proposed dwelling would have a bin store on site with suitable landscaping allowing the stores to blend into the environment. The site layout plan also shows a proposed collection area, situated adjacent to the access road approximately 32m from the existing vehicle crossover. This would minimise the distance travelled by users, and would be heavily landscaped which would reduce its overall visual impact. This collection point is approximately mid point between the proposed dwellings and the front of the site and on balance would be considered reasonable for both future occupiers and refuse workers to utilise on collection day having regard to other site constraints. As such, there would be no need for waste vehicle to enter the access on collection day.

The refuse/recycling arrangements would not be significantly different from those approved on a site to the rear of 213 and 213 A Harefield Road (Ref: 59140/APP/2009/2561). It is accepted that the distance between the public highways and the proposed dwellings on this application also exceeded 55m, although to a lesser extent, and that the access road could not accommodate refuse vehicles.

Accordingly, given that the proposal has provided a collection point midway between the proposed dwellings and the front access, it is considered acceptable to both future occupiers and refuse workers. As such it is considered to provide adequate waste and recycling storage facilities complying with Policy 7.15 of the London Plan.

7.16 Renewable energy / Sustainability

The submitted documentation does not provide any detailed comment on the general sustainability credentials of the proposed design, however in accordance with the Council's standard practice for schemes of below 10 residential units it is considered that the imposition of a condition requiring that the development achieve at least level 4 of the Code for Sustainable Homes would result in an appropriate level of sustainable design in line with the intention of Policy 5.3 of the London Plan.

7.17 Flooding or Drainage Issues

The application site is not located in an area with an identified risk of flooding, however Policy OE8 of the Saved Policies UDP and Policies 5.12 and 5.13 of the London Plan still require that developments seek to reduce surface water run-off and reduce the risk of flooding elsewhere.

A condition could be applied requiring details of Sustainable Urban Drainage to ensure no increase in surface water run-off. Given that this consideration can be satisfactorily addressed by way of condition no objection is raised to the development in terms of

drainage or flood risk.

7.18 Noise or Air Quality Issues

Policy OE1 of the Saved Policies UDP resists the grant of planning permission for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally. Policy BE19 seeks to protect general amenity in residential areas and Policies OE3 and OE5 provide further specific guidance on noise related issues.

In addition policy H12 of the Saved Policies UDP resist proposals for tandem or backland development which would cause undue disturbance or loss of privacy to adjoining occupiers.

The proposed road and parking arrangements are the aspects of the development which have the most significant potential to impact on these issues.

The applicant has submitted a detailed PPG24 noise assessment, which addresses noises arising from the proposed access road including small vehicles (cars) passing the residential properties and the closing of car boots. The report assesses the impacts of these noises sources both within the neighbouring buildings and finds that the noise arising from these sources would not exceed the relevant World Health Organisation guidelines. It also proposes to erect an acoustic fence along both side boundaries of the access road to reduce the noise to the immediate neighbouring properties (Nos. 16 and 17 North Common Road).

The Councils Environmental Health Unit have reviewed the assessment and has no objection to the proposal subject to a condition requesting a noise protection scheme to be submitted and approved prior to construction.

Having regard to the noise assessment, and the general site layout proposed, it is considered that the level of noise or disturbance experienced by future occupiers of the development would not be unacceptable. It is considered that the layout of the proposed development, would not in an unacceptable increase in activity, noise, vibration and general disturbance and would therefore comply with Policies H12, OE1 and OE3 of the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007).

The scheme is considered not to be of a scale which would result in any significant impacts on local air quality.

7.19 Comments on Public Consultations

Issues ii, iii, iv, v, vi,vii, x,xi,,xii,xiii,xiv,xv, xvi, xvii are addressed in the body of the report.

Issue i) Concerns over the repetition of applications. Officer Comment - the current application is different in its layout from the previous schemes and must be assessed on its own merits

Issue viii) Concern that existing services, in particular drainage, would not be adequate. Officer Comment - A planning contribution would be required to address impact on local education provision as addressed in the body of the report. It is not considered that the proposed development would place undue pressure on other local facilities or services.

Issue xix) The proposal would contravene the European Convention of Human Rights

article 8 - right to respect for private and family life and Article 1 of the First Protocol - protection of property. Officer Comment - It is not considered that to grant planning permission following consideration of all material planning considerations would be contrary to these aspects of legislation, however refusal is recommended in this instance.

Issue xxv) Concerns regarding construction impacts. Officer Comment - Were the application to be recommended for approval a condition could be imposed to mitigate construction impacts.

7.20 Planning obligations

The application proposes the erection of new family dwellings and accordingly would increase demands on local educational facilities. A contribution of £43,069 would therefore be required to meet the educational needs of the development in accordance with Policy R17 and the Planning Obligations SPD.

The applicant has been made aware of the contribution required and has agreed to the contribution. However in the absence of a legal agreement to secure the planning obligation there is an objection to the scheme in this regard.

7.21 Expediency of enforcement action

N/A

7.22 Other Issues

N/A.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

The application seeks planning permission for the redevelopment of the site to provide for the erection of 3 two storey terraced dwellings with associated parking, incorporating a new vehicular access along the side boundary of Nos.16 and 17 North Common Road, and the demolition of an existing garage situated to the side of No. 17 North Common Road.

Concern is raised over the principal of the development in this location, where it is not considered that its limited contribution towards housing provision in the borough would outweigh its impact on the surrounding area, particularly in terms of the loss of existing large gardens, which contribute significantly towards the local distinctiveness of the area. Its location is considered to be out of keeping with the local context and, would be out of keeping with the character and appearance of the streetscene.

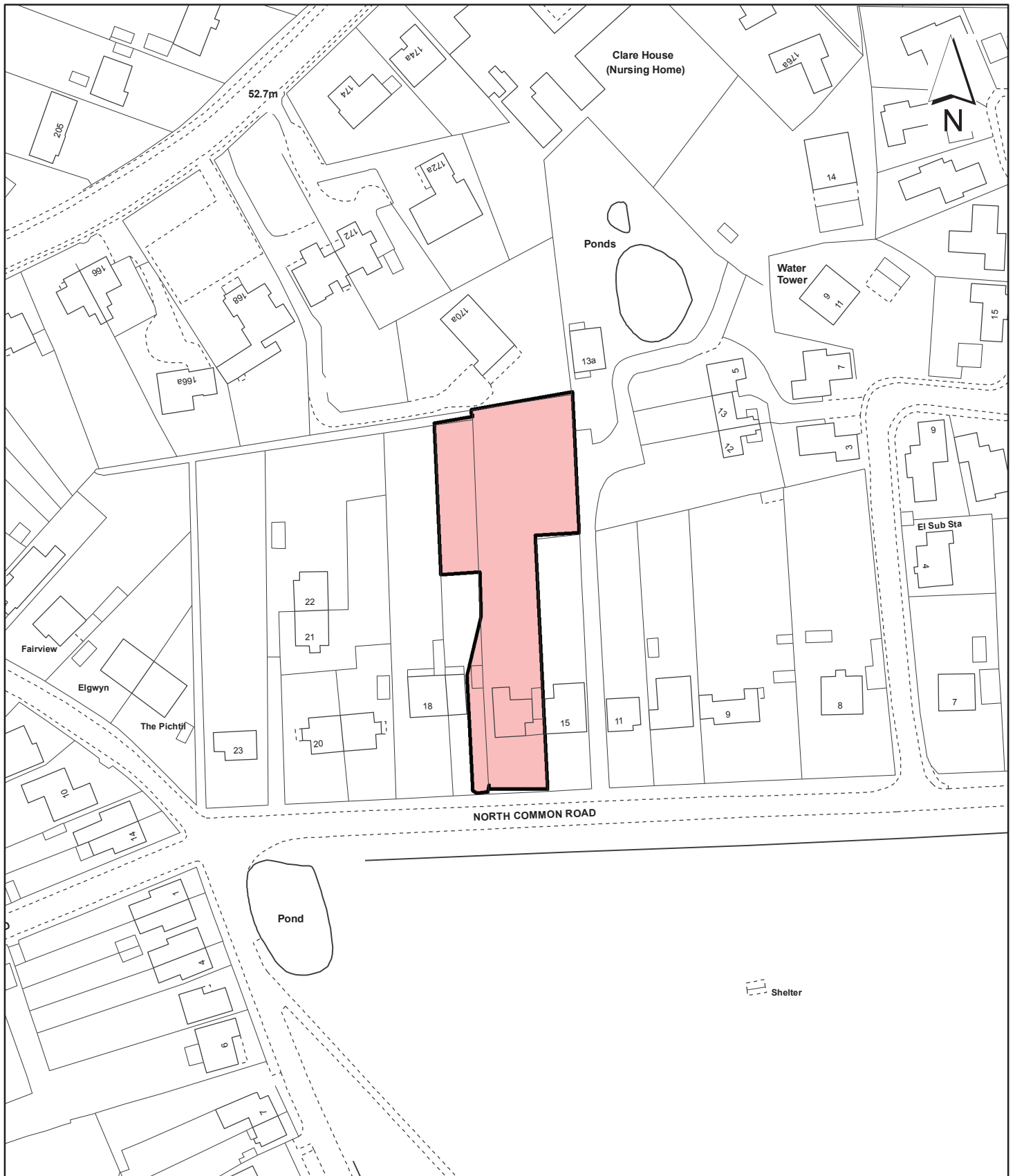
The current scheme in its location would be unacceptable due to the cramped nature of the plots in the overall context of the area. When balanced against the limited contribution the development would make toward achieving housing targets in the borough, it is considered that the scale and intensity of development proposed in this location is not appropriate. The proposal would fail to comply with relevant UDP and London Plan policies and Supplementary Planning Guidance. Accordingly, refusal is recommended.

11. Reference Documents

- a) Planning Policy Statement 1: Delivering Sustainable Development
- b) Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
- c) Planning Policy Statement 3: Housing
- d) Planning Policy Statement 9: Biodiversity and Geological Conservation
- e) Planning Policy Guidance 13: Transport
- f) Planning Policy Guidance 24: Planning and Noise
- g) Planning Policy Statement 25: Development and Flood Risk
- h) Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010
- i) The London Plan (2011)
- j) The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010.
- k) Manual for Streets

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Notes

 Site boundary

For identification purposes only.

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Site Address

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Uxbridge**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

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Planning Application Ref:

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Scale

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Planning Committee

Central and South

Date

**February
2012**



HILLINGDON
LONDON