

Report of the Head of Planning & Enforcement

Address 16 NORTH COMMON ROAD UXBRIDGE

Development: 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.)

LBH Ref Nos: 4942/APP/2009/2280

Drawing Nos: Crossover Doc Rev 1
15/16/17NCR/04 Rev A
15/16/17NCR/03
15/16/17NCR/08
15/16/17NCR/02
15/16/17NCR/01
Un-numbered
15/16/17NCR/06
DFH10.dwg 1 of 2
15/16/17NCR/07
15/16/17NCR/05
DFH10.dwg 2 of 2
Un-numbered 1:1250

Date Plans Received: 20/10/2009 **Date(s) of Amendment(s):** 20/10/2009
Date Application Valid: 27/01/2010

1. SUMMARY

The application seeks outline 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 a new vehicular access, and the demolition of an existing two storey side extension to no. 16 North Common Road.

The application site is highly visible within long views across the Common and as such has a significant impact on the character and appearance of the North Uxbridge Area of Special Local Character.

The proposal, in particular the replacement of large plots with small cramped plots and the proposed access road inserted through an existing plot in proximity to another access would be detrimental to the existing and historical context of the North Uxbridge Area of Special Local Character and the area in general.

The proposed access arrangements would be detrimental to the free flow of traffic on the public highway and to general conditions of highways and pedestrian safety.

The development fails to provide satisfactory arrangements for waste and recycling storage/collection, nor is the proposed layout capable of providing appropriate provision.

The development would increase demands on local educational facilities and the development has not secured sufficient contributions by way of planning obligations to mitigate this impact.

The development would give rise to an unacceptable level of general disturbance detrimental to the amenity of the occupier of no.15 North Common Road.

For the reasons identified above the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Principle & Density

In the absence of a scheme which would both appropriately harmonise with the existing and historic context of the North Uxbridge Area of Special Local Character and provide no detrimental impact on the amenity of neighbouring occupiers the principle of intensifying the residential use of the site to the level proposed through the loss of two private gardens is considered unacceptable and contrary to Policies BE5, BE14, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3 and 4B.1 of the London Plan and guidance within The London Plan Interim Housing Supplementary Planning Guidance.

2 NON2 Impact on ASLC and residential area

The proposed development by reason of its density, access, siting, layout and scale; in particular the proposed access road and provision of small cramped plots; would be incongruous with and detrimental to the existing and historic context of the North Uxbridge Area of Special Local Character and the residential area as a whole. The proposal is therefore contrary to Policies BE5, BE13 and BE19 of the Saved Policies UDP and Policies 3A.3, 4B.1 and 4B.8 of the London Plan.

3 NON2 Inadequate waste & recycling storage

The proposed development by reason of the proposed access arrangements would fail to provide waste or refuse collection/storage facilities which are adequate and convenient for both the future occupiers and those undertaking refuse collection. The application is therefore contrary to Policy 4A.22 of the London Plan and guidance within the Manual for Streets.

4 NON2 Highways Issues

The proposed access by reason of inadequate width at the entrance, lack of a pedestrian footpath and the provision of inadequate space for the manouvring of larger vehicles, including refuse vehicles, would result in vehicular movements detrimental to the free flow of traffic on North Common Road and prejudicial to general conditions of highway and pedestrian safety. The application is therefore contrary to Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 NON2 Lack of education contribution

The applicant has failed to provide a contribution towards the improvement of services and facilities as a consequence of demands created by the proposed development in respect of education contributions. The proposal therefore conflicts with Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007 and the London Borough of Hillingdon Planning Obligations SPD.

6 NON2 Impact on Amenity of No.15 North Common Road

The layout of the proposed development, in particular the introduction of a new access road on the western boundary of no.15 North Common Road (which already has an access on its eastern boundary), would result in a cumulative impact through noise and general disturbance which would be detrimental to the amenity of the occupier of 15 North Common Road. The proposal is therefore contrary to Policies H12, OE1 and OE3

of the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan.

INFORMATIVES

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You are advised that comments have been received pointing to the possibility of protected species in the vicinity of the site. While in this instance the Council does not consider the evidence sufficient to justify an individual reason for refusal had it been minded to grant planning permission a condition would have been imposed to require submission and approval of ecological surveys for bats and badgers prior to commencement of the development. It is considered that the imposition of such a condition would have been necessary to meet the cautious approach to matters of biodiversity as outline in Planning Policy Statement 9: Planning Policy Statement 9: Biodiversity and Geological Conservation and would have met all other tests set out within Circular 11/95.

2 I52 Compulsory Informative (1)

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

3 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

EC2	Nature conservation considerations and ecological assessments
EC3	Potential effects of development on sites of nature conservation importance
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
H3	Loss and replacement of residential accommodation
H4	Mix of housing units

H5	Dwellings suitable for large families
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons

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 though 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 part 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 outline 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 a new vehicular access point off North Common Road, and the demolition of an existing two storey side extension to no. 16 North Common Road.

The application seeks approval of matters relating to scale, access, appearance and

layout. Matters relating to Landscaping are reserved for subsequent consideration.

As part of the scheme the existing two-storey extension to number 16 North Common Road would be demolished and the original roof reinstated, the eastern elevation of the 16 North Common Road would contain no windows and the resultant flank walls would be 4.8m from the side boundary with no. 15 North Common Road. As a result of the reduction in size of No. 16 the internal layout would be altered and the number of bedrooms within the property would be reduced from 5 to 4. A garden would be retained to the rear of 16 North Common Road.

A terrace of 3 two-storey houses would be erected in the rear garden and 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 is 22m long by 9.2m deep and a single storey garage and extension would be attached to the dwelling closest to 170a Harefield Road. Each of these properties would be served by rear gardens to the west.

The existing vehicular access would be removed and replaced with a 3.2m wide access road close on the boundary of no.15 North Common Road which would run for almost the entire depth of the application site and terminate at a turning head. 6 individual parking spaces would be provided off of the access road and plot 3 would be serviced by a garage and parking space both accessed via the same road.

A communal amenity space, including a pond and seating area is also proposed to the rear of the site at the end of the access road and a further area of open space, with an undefined purpose would be provided adjacent to the proposed boundary with no.17 North Common Road.

3.3 Relevant Planning History

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

60549/APP/2005/1136 Land Forming Part Of 16-18 North Common Road Uxbridge

ERECTION OF 2 FOUR-BEDROOM DETACHED HOUSES WITH INTEGRAL GARAGES, 2 FOUR-BEDROOM DETACHED HOUSES WITH SINGLE STOREY DETACHED GARAGES, REAR CONSERVATORY TO EXISTING (NO.16) DWELLING HOUSE AND PARTIAL DEMOLITION OF EXISTING (NO.16) DWELLING HOUSE TO PROVIDE NEW ACCESS ROAD

Decision: 08-08-2005 Withdrawn

60549/APP/2005/2259 Land Forming Part Of 16-18 North Common Road Uxbridge

ERECTION OF TWO FOUR BEDROOM DETACHED HOUSES WITH INTEGRAL GARAGES, ONE FOUR BEDROOM DETACHED HOUSE, ONE THREE BEDROOM CHALET BUNGALOW, THREE DETACHED GARAGES WITH ASSOCIATED LANDSCAPING AND NEW VEHICULAR ACCESS TOGETHER WITH CONSERVATORY TO 16 NORTH COMMON ROAD (INVOLVING PARTIAL DEMOLITION OF 16 NORTH COMMON ROAD)

Decision: 29-03-2006 Not Determined **Appeal:** 29-03-2006 Withdrawn

61320/APP/2005/3183 Land At The Rear Of 15, 16 And 17 North Common Road Uxbridge

ERECTION OF 2 FOUR-BEDROOM DETACHED HOUSES WITH INTEGRAL GARAGES AND 1 FOUR-BEDROOM DETACHED HOUSE, AND 2 SINGLE STOREY DETACHED GARAGES WITH ASSOCIATED LANDSCAPING AND NEW VEHICULAR ACCESS AND ERECTION OF A REAR CONSERVATORY TO NO.16 NORTH COMMON ROAD (INVOLVING PARTIAL DEMOLITION OF NO.16).

Decision: 21-09-2007 Withdrawn

61320/APP/2006/2228 Land Forming Part Of 16-18 North Common Road, Uxbridge

RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION).

Decision: 04-01-2007 Approved

61320/APP/2006/2235 Land At Rear Of 15, 16 & 17, And 16 North Common Road Uxbridge

ERECTION OF 4 SEMI-DETACHED CHALET BUNGALOWS AND 2, TWO-STOREY SEMI-DETACHED HOUSES, WITH ASSOCIATED PARKING, LANDSCAPING AND NEW VEHICULAR ACCESS (INVOLVING DEMOLITION OF NO. 16 NORTH COMMON ROAD) (OUTLINE APPLICATION)

Decision: 30-03-2007 Not Determined **Appeal:** 30-03-2007 Dismissed

61320/APP/2006/2236 Land At Rear Of 15, 16 & 17, And 16 North Common Road Uxbridge

ERECTION OF 3, TWO-STOREY DETACHED HOUSES (TWO WITH INTEGRAL GARAGES) AND 2, TWO-STOREY SEMI-DETACHED HOUSES AND SINGLE STOREY DETACHED GARAGE WITH ASSOCIATED PARKING, LANDSCAPING AND NEW VEHICULAR ACCESS (INVOLVING DEMOLITION OF NO.16 NORTH COMMON ROAD) (OUTLINE APPLICATION)

Decision: 30-03-2007 Not Determined **Appeal:** 30-03-2007 Dismissed

61320/APP/2006/36 Land At Rear Of 15, 16 & 17, And 16 North Common Road Uxbridge

ERECTION OF THREE DETACHED DWELLINGHOUSES WITH GARAGING, ACCESS AND ASSOCIATED PARKING TOGETHER WITH REAR CONSERVATORY TO NO.16 NORTH COMMON ROAD (INVOLVING PARTIAL DEMOLITION OF NO.16 NORTH COMMON ROAD) (OUTLINE APPLICATION).

Decision: 21-09-2007 Withdrawn

Comment on Relevant Planning History

The application site has an extensive planning history consisting of 3 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.

It should also be noted that none of the historical applications have sought permission for a long access road in the location proposed under the current application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- EC2 Nature conservation considerations and ecological assessments
- EC3 Potential effects of development on sites of nature conservation importance
- BE5 New development within areas of special local character
- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE5 Siting of noise-sensitive developments
- H3 Loss and replacement of residential accommodation
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- H12 Tandem development of backland in residential areas
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
 (i) Dial-a-ride and mobility bus services
 (ii) Shopmobility schemes
 (iii) Convenient parking spaces
 (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

55 nearby owner/occupiers were consulted on the application.

47 individual letters of objection (a number of objections appear to arise from two pro-formas signed and submitted by various occupiers - sets of 27 and 2 objections) have been received raising the concerns/issues below:

- i) Concerns with regard to accuracy of comparisons on access roads nearby within the Design and Access Statement;
- ii) Concern that the plans indicate a un-utilised area of land which may serve as a future access for further development;
- iii) The proposed access road would result in up to 18 vehicles driving down either side of 15 North Common Road being detrimental to the amenity of this occupier;
- iv) The development would be out of character with the area;
- v) The development would have an overdominant impact;
- vi) Concerns that shared amenity space to the frontage and rear would have a detrimental impact on the amenity of neighbouring occupiers;
- vii) The proposal is an overdevelopment of the site;
- viii) The proposal would generate traffic and create parking problems;
- ix) The proposed plot sizes, in particular to 16 North Common Road, are cramped and out of character with the area;
- x) The proposal would result in increased noise and general activity detrimental to the activity of neighbouring occupiers;
- xi) Concern that existing services, in particular drainage, would not be adequate;
- xii) 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;
- xiii) Concern that Bats and Badgers have been recently seen in the surrounding area and speculation that the loss of the garden may impact on these species;
- xiv) Concern that the proposal would result in the loss of trees;
- xv) The proposal would result in increased impacts on Local Schools, which are already oversubscribed;
- xvi) Express a view that 'garden grabbing' should be stopped as encouraged by the Planning Minister John Healey;
- xvii) Harm to the area from historical piecemeal developments should not be repeated in the area;
- xviii) The proposed access would have a detrimental impact on the street scene and would introduce an unacceptable number of access roads;
- xix) The proposed access road does not contain any pedestrian footpaths;
- xx) The proposed access road would create an 'island' of number 15 North Common Road, which would be surround by roads on three sides;
- xxi) The new housing is too close to the site boundaries and would result in intrusion and loss of privacy to adjoining occupiers;
- xxii) Existing contours would be spoiled by the development;
- xxiii) 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.

5 petitions have also been received objecting to the proposal, however no specific reason for the objection is stated on each petition.

1 letter of support has been received raising the following positive aspects of the scheme:

- a) The character of North Uxbridge lies in its piecemeal development and the proposed houses are in character with this;
- b) There will be no overlooking or privacy issues;
- c) The existing back gardens for numbers 16 and 17 North Common Road are excessively large and unmanageable; and
- d) There is a need to provide additional housing to meet housing demand.

Internal Consultees

TREES & LANDSCAPE OFFICER

I refer to the above application, ACB's Design & Access Statement, Chiltern Survey drawing No. 15, ACB drawing Nos. 15/16/17/NCR/01, 02, 03, 04 Rev A, 05, 06, 07, 08 and a recent site visit (viewed from the front) and previous site visits (with access to the back garden):

THE SITE

The site is a backland site, to the rear of 15, 16 and 17 North Common Road, which lies to the north of the Common. The site is accessed to the east of house number 16. The plot of land is approximately 'T'-shaped with the frontage measuring approximately 14 metres. The land falls slightly to the west and widens to approximately 33 metres. The site lies within the North Uxbridge area of Special Character.

There are a number of trees on, and close to the site. However these are not protected by Tree Preservation Order or Conservation Area designation. Contrary to instructions on the application form, no tree survey (or arboricultural implications assessment) has been submitted - although some trees have been plotted (and identified) on the topographical survey and the proposed layout plan.

THE PROPOSAL

This application follows a number of previous proposals. The current application is an outline application for the demolition of a two-storey side extension to house number 16, the construction of a new access road and the erection of 3No. two-storey, three-bedroom houses with parking and amenity space. Approval of scale, access, appearance and layout is sought - with landscaping a reserved matter.

The Design & Access Statement makes specific reference to the existing and proposed landscape quality of the site. It sets out landscape design objectives including the retention of existing mature garden hedges on the front boundary which contribute to the quality of the local landscape. 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 northern boundary - beyond the car park.

The site layout, with indicative landscaping is clearly shown on drawing No. 01. This drawing shows existing/retained trees and hedges and proposed areas of new planting. A bin store/compound has been discretely sited

KEY LANDSCAPE ISSUES

Saved policy BE38 seeks the retention of topographical and landscape features of merit and the provision of landscape enhancement in association with the new development.

If landscape is to be dealt with as a reserved matter, the siting, layout and access should only be approved if the layout safeguards space and opportunity for a high quality, and 'deliverable' landscape scheme - which this layout satisfies.

Much of the landscaped area will be on private land. However, there are also areas of shared / communal space which will need to be managed and maintained. Details are required to ensure that appropriate provision is made to establish and maintain these areas in accordance with the design intentions.

RECOMMENDATION

No objection subject to conditions TL1, TL2, TL3, TL4, TL6, TL7

CONSERVATION OFFICER

There have been numerous applications to develop the backland site to the rear of Nos. 15, 16 and 17 North Common Road, including a pre-application proposal in June 2008, for the same development as that currently under consideration. There was an outline planning permission granted for residential development on this site (Jan 2007) with all details reserved, but all subsequent application containing more detail have been refused, including one for three houses at the rear which was dismissed on appeal in 2007.

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 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 therefore organic to the area and do not compromise, or crowd, the housing plots.

The access road in this proposal, at 3.2 metres in width, with bins, parking spaces and turning head, would constitute a damaging incursion in to this very visible and important frontage on the edge of the Common. Moreover, at the meeting on 12th October 2007, officers confirmed that an access in this location would not be acceptable due to noise and loss of amenity likely to be experienced by the occupiers of No.15 North Common Road.

The houses proposed at the rear would comprise a terrace of three, with a garage, and associated parking. Whilst the design of the individual properties would be acceptable, and their diagonal orientation on the site would be less visible and more organic than in previous schemes, it is considered that the development would be excessive in its scale, leading to a cramped layout, with 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. Also, No. 16 would be left with a greatly diminished frontage and very reduced rear garden, significantly detracting from its setting, whilst No. 15 would become an island site, with a road to either side.

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 objection regarding excessive density, hard landscaping, poor layout and residential amenity which the Inspector referred to in his report dismissing applications 2006/2235 and 2006/2236.

HIGHWAYS ENGINEER

Objects to the proposal for the following reasons:

- 1) The turning head shown on the drawing is incomplete and relies on one of the proposed properties parking spaces, which is unacceptable.
- 2) The proposed refuse collection facilities are unacceptable as the collection area is greater than the acceptable walk distance from the houses.

3) The proposal does not demonstrate the provision of a pedestrian footpath, which would be necessary given the length of the road and its limited width.

4) The carriageway width for a distance of 10 metres from the site boundary should be 4.8 to provide 2 way access so that vehicles do not have to wait on the public highway.

EDUCATION

This scheme will require an education S106 contribution of £32,509 and the assessment is attached. Funds are sought to provide local school places for the additional primary, secondary, and post-16 school children that will be generated by this scheme.

Note that in making this assessment, the Council has used the latest available information on local births, population, & pupil forecasts, and therefore the amount of S106 contribution required may differ from previous applications.

ENVIRONMENTAL PROTECTION UNIT

The noise report TR1334/1 dated 14/9/07 relating to the impact of noise from use of the proposed access road and parking area to rear of 16 North Common Road has been assessed.

The report contains predictions of LAeq,1h noise levels for daytime and night-time, and LMax noise levels for night-time. The noise predictions relate to noise from vehicles driving along the proposed new access road between Nos. 15 and 16 North Common Road, and noise from car doors and boots slamming in the parking areas at the proposed new dwellings. The report contains an assessment of the predicted noise levels using criteria in British Standard BS8233:1999 'Sound insulation and noise reduction for buildings'. The assessment is claimed to show that the LAeq,1h noise levels generated by vehicle movements on the access road would be significantly lower than the levels recommended in BS8233 by day and night when considered inside nearby dwellings (including Nos. 15 and 16). The assessment also claims to show that LMax noise levels at night inside nearby dwellings (including Nos. 15 and 16) would be lower than the level recommended by BS8233 for both vehicle pass-bys on the access road and for car doors and boots slamming. Also, noise levels outdoors during the day in gardens of Nos. 15 and 16 would be significantly less than those recommended in BS8233.

The noise predictions indoors at Nos. 15 and 16 assume a worst case of open windows in side and rear facades. The building at No. 15 has a garage at the side adjacent to the proposed new access road, although there is a living area situated behind the garage. No. 15 has no habitable room window in the first floor side facade facing the access road. As part of the proposal, the side extension of No. 16 would be demolished. The resulting modified building of No. 16 would have no windows in the side facade facing the new access road. This means that the layout of Nos. 15 and 16 tends to mitigate the effects of noise from vehicles travelling along the access road, even though the access road is only 3.2m wide.

It seems to be intended that refuse from the three proposed new dwellings would be brought forward to a collection point near North Common Road. This means that the refuse collection vehicle would not normally travel down the access road. The access road would generally only be used by cars and other light vehicles. Possible vibration from passing vehicles is a concern raised in the letter submitted by the resident at 15 North Common Road. It is noted that the noise report contains no mention of vibration, and this may be an indication that the author did not consider vibration to be an issue. Nevertheless, the failure to mention or consider vibration effects of passing vehicles is a deficiency of the report.

Taking the above matters into account, it is not considered that refusal of the present application on noise and vibration grounds alone could be justified. However, careful consideration should be given to the desirability of the resulting layout with No. 15 on an "island" having an access road on

both sides and North Common Road on the third side. The noise report acknowledges that noise from vehicles using the new access road would be audible to residents of No.15. The proposed layout means that occupants of No. 15 would have vehicles passing back and forth on three sides with possible noise disturbance. In addition to noise, there may be other issues which are relevant to this situation, such as loss of privacy, visual impact, highways issues, and security. It may therefore be that the cumulative effects on amenity of No. 15 of having roads closely adjacent on three sides are unacceptable.

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 the principle of the development was established and not open to significant consideration within the 6 applications for redevelopment of the site which were considered since the grant of that permission on 04th 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, which suggests backland development may be acceptable in principle subject to accordance with all other policies, and Policy H12, which resists proposals for tandem/backland development which may cause undue disturbance or loss of privacy, remain part of the adopted policy framework. However, additional guidance on the backland development and the interpretation of related policies has been published since the consideration of previous applications

Key changes in the policy context include the adoption of The London Plan (consolidated with alterations since 2004), the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, and The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010.

In relation to National Policy the Letter to Chief Planning Officers clarifies that "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed" and commits to move this clarification to a more prominent position within the PPS. It further clarifies that "the main focus of the Government's position therefore is that local authorities are best placed to develop policies and take decisions on the most suitable locations for housing and they can, if appropriate, resist development on existing gardens". This guidance was published prior to submission of the application and should be given appropriate weight in the assessment of the application. However until the existing Planning Policy Statements are updated or new regional or UDP policy guidance was published officers were of the view that only limited weight could be given to the letter as a policy consideration.

The London Plan Interim Housing Supplementary Planning Guidance was published following the national advice above (published April 2010) and 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 taking into account when considering the principle of such developments.

While the London Plan Interim Housing supplementary Planning Guidance was published following submission of the application it represents part of the adopted policy framework at the time of determination, in addition it does not introduce additional policy but instead 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 and especially Policy 3A.2, 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 and the necessary creation of an additional access point 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 3A.3 and 4B.1 of the London Plan and guidance within The London Plan Interim Housing Supplementary Planning Guidance.

7.02 Density of the proposed development

Policy 3A.2 of the London Plan seeks to ensure that new developments achieve "the maximum intensity of use compatible with local context, the design principles in Policy

4B.1 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 3A.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 3A.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 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 Policies 3A.3 and 4B.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 area 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 introduce an additional 3.2m access road to the east of no. 16 North Common Road, this would be located immediately adjacent to the vehicular access to no.15 North Common Road (significantly closer than the existing vehicular access serving no. 16) and would be uncharacteristically close to the access lane between nos. 14 & 15 North Common Road.

The proposed access would therefore visually separate no.15 North Common Road onto an 'island' between access points which would read as an individual property rather than as part of the building line fronting the Common, further it would result in a proliferation of hard standing and access points, which would significantly alter the character of the area. This impact would be worsened by the high visibility of the frontage of North Common Road from the Common and South Common Road, over 300m away.

Even when considered in isolation, the proposed access road would result in the removal of attractive vegetation from the eastern boundary of 16 North Common Road and its replacement with a hard surfaced access road which would stretch to almost the full depth of the site. Unlike the other accesses along North Common Road, there is limited landscaping on the Common to the front of no. 16 and accordingly an uncharacteristic level of hard landscaping would be clearly visible in the important views from the Common. While it is proposed that replacement planting be provided elsewhere on the frontage it is not considered that this would mitigate or offset the impact of the highly visible areas of hardstanding.

The proposed access road by reason of its location, width, depth and proximity to other accesses would therefore read as an incoherent feature out of character with the current and historic character of the North Common Area of Special Local Character and the area in general contrary to Policies BE5, BE13 and BE19 of the Saved Policies UDP and Policies 4B.1 and 4B.8 of the London Plan.

No particular objection is raised to the demolition of the side extension to the eastern side of no.16 North Common Road or to the design of the proposed new dwellings, which have taken design cues from a nearby terrace, however this does not override the other harm to the North Uxbridge Area of Special Local Character or area in general identified above.

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'.

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 alterations to no.16 North Common Road to reduce its size do not create any additional built form and would therefore not result in additional impacts on neighbouring properties in this respect.

The proposed three-bedroom houses are orientated at an angle to the closest property at 170a Harefield Road which would reduce their impact on this occupier and the two-storey elements of these properties would be located 18m from the closest point of this building in accordance with HDAS Guidance. It is noted that the property at 170a Harefield Road previously had planning permission (Ref: 41760/APP/2006/2106) for a single storey extension, the corner of which would have been approximately 14m from the proposed building, however this permission has not been implemented and expired on the 29th December 2009, as such does not impact on this application.

The proposed three-bedroom houses would also be located over 26m from no.17 North Common Road and as such would not have a dominant impact on the occupier of this property.

The proposed buildings are also sited so that they would not cause any undue loss of light to neighbouring properties.

Accordingly, the scheme would comply 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 proposed alterations to no. 16 North Common Road do not introduce any additional habitable room windows to the side elevations and as such would not give rise to any loss of privacy to the occupiers of either no.15 or no.17 North Common Road. In addition 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 not considered 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 117sq.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 for 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 received adequate daylight. In addition it is considered that the proposed amenity spaces would received 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 th 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. The amendments to No. 16 Clayton Road do not propose any windows within the side elevation, adjacent to the access road, and accordingly 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 addition traffic generation and is unlikely to cause additional congestion on the principle road network.

The proposed access arrangement include the provision of a new access road to serve 3 three-bedroom and 1 four-bedroom houses with 8 parking spaces on the eastern boundary of the property. The access road is 3.2m wide for the majority of its length, however a passing bay is provided 19m into the site and the parking area to the rear of the site is 6m wide.

In addition the access road is labelled as terminating in a turning head, but the plans demonstrate that the turning circle would rely on the use of one of the private car parking spaces which would need to be vacant should a larger vehicle need to turn around.

While it is considered acceptable that the majority of the access road be 3.2m wide, the

Council's Highways Engineer has raised objection to the width of the road at the access point, which would not allow for two-way access, the lack of a pedestrian footpath and the lack of an acceptable turning head. These aspects of the layout would result in the need for larger vehicles to reverse the full length of the access road (up to 80m) and manoeuvre in reverse gear onto North Common Road, pedestrians and cyclist having to utilise the main carriageway, and the need for vehicles to wait on North Common Road should another vehicle be exiting the site. These manoeuvres would prejudice the free flow of traffic on North Common Road and be detrimental to conditions of highway and pedestrian safety contrary to Policy AM7 of the Saved Policies UDP.

7.11 Urban design, access and security

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

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 3A.5 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 Design and Access Statement indicates that the scheme has been designed to comply with Lifetime Homes standards and 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 Policy 3A.10 of the London Plan and 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 application seeks outline planning permission with details relating to landscaping reserved, as such any landscaping details shown on the submitted plans are indicative only. However, it is necessary to consider whether the proposed scheme would enable

the retention of landscape feature of merit and provide adequate scope for appropriate landscaping.

The Design & Access Statement makes specific reference to the existing and proposed landscape quality of the site. It sets out landscape design objectives including the retention of existing mature garden hedges on the front boundary which contribute to the local landscape quality. 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 northern boundary - beyond the car park.

It is noted that the Design and Access statement indicates that the level of hardstanding on the site frontage would be reduced from the existing situation (42.1% hardstanding proposed, 63.8% hardstanding existing). While this statement is correct in terms of the area of hardstanding in the frontage of the site, the actual length of the site frontage which would be soft landscaped would be slightly reduced by the proposal, which would also relocate the access closer to that of neighbouring no.15 North Common Road, and the actual amount of hard surfacing within the application site would be significantly increased.

The submitted site layout clearly shows existing/retained trees and hedges and proposed areas of new planting, including the indicative provision of new semi-hedges. 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. However, it is not considered that the ability to provide appropriate landscaping within the site in any way overcomes the inappropriateness of the scheme overall, in particular its layout, within the North Uxbridge Area of Special Local Character.

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.

It is noted that two letters have been received from neighbouring occupiers raising concerns that protected species may use the site. Specifically these letters state: "Bats are observed frequently in the vicinity and the application has not carried out a survey. Badgers have currently been seen in the area in Gravel Hill. It is possible that badgers use tracks through the back gardens of the properties and there is the possibility of at least outlying setts in the vicinity if not in the proposed development site."

In considering this issue it should be noted that neither letter identified knowledge of a bat roost or badger sett actually on the application site. It is also worth noting that while other objections raise concerns relating to ecology in general, the large majority of objectors do not mention the presence of any protected species in the vicinity.

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 not considered that the proposal would result in any significant harm to biodiversity or harm to the local ecology.

It is not considered that there is sufficient 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 4A.22 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 with 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".

While waste and recycling storage/collection points are proposed within the developments, these do not comply with the guidance in manual for street. In addition the width of the access road and lack of an appropriate turning head mean a refuse vehicle would be unable to access the site, given that the distance between North Common Road and the door to the closest of the proposed new houses is 64m it would be impossible to provide satisfactory waste or recycling storage/collection points within the layout of the proposed development.

The applicant has put forward a case that the refuse/recycling arrangements are not 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. However, the current application must be considered on its own merits and this determination is not considered to set a precedent which overrides the need for appropriate facilities in future developments.

Accordingly, the application is considered to provide inadequate waste and recycling storage facilities contrary to Policy 4A.22 of the London Plan and guidance within the Manual for Streets.

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 3 of the

Code for Sustainable Homes would result in an appropriate level of sustainable design in line with the intention of Policies 4A.1, 4A.3, 4A.7 and 4A.16 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 Policy 4A.14 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 within the Garden of No.15 North Common Road and finds that the noise arising from these sources would not exceed the relevant World Health Organisation guidelines. The noise report does however acknowledge that noise from vehicles using the new access road would be audible to residents of No.15 North Common Road.

The Councils Environmental Health Unit have reviewed the assessment and consider that it is robust in terms of the noises it assesses and the impact of the proposed access road, however have suggested that the lack of vibration assessment is a deficiency in the report.

Having regard to the internal layout of no.16 North Common Road, as proposed, and the contents of this report it is not considered that the level of noise or disturbance experienced by future occupiers of the development would be unacceptable.

However, the report does not take account of the cumulative impact of introducing the proposed access road, given that no. 15 North Common Road is already abutted by an access Road which serves 5 properties (although 3 of these appear to have a choice of access routes) and North Common Road itself. The proposal would therefore result in this property being surrounded by audible noise sources on three sides.

The proposal would increase the number of properties which would be accessed via roads immediately adjacent to 15 North Common Road to 9 (each having up to two vehicles)

and the majority of these vehicles would have to travel the full depth of number 15 and its garden, in addition noise from North Common Road to the south would remain audible to this occupier. While these noise events may not be loud enough to be harmful on an individual basis it is considered that the proposal would increase the frequency of audible events arising cumulatively to the extent that it would result in a general disturbance to the occupier at no. 15.

In addition the noise report does not take account of noise arising from pedestrian use of the proposed access road, which would likely be a regular occurrence given the family housing proposed and proximity of the Common, or noise arising from larger vehicles (such as for deliveries) which would have to reverse out of the site given the lack of an appropriate turning head. These events would also add to the general level of noise and disturbance which would be experienced by the occupier of no. 15 North Common Road.

Overall, it is considered that the layout of the proposed development, in particular the introduction of a new access road on the boundary of no.15 North Common Road, would result in an increase in activity, noise, vibration and general disturbance which alongside existing sources would result in general noise and disturbance detrimental to the amenity of the occupier of 15 North Common Road and contrary to Policies H12, OE1 and OE3 of the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan.

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

7.19 Comments on Public Consultations

Issues i, iii, iv, v, vii, viii, ix, x, xii, xiii, xiv, xv, xvi, xviii, xix, xx, xxi, xxiv, b and d are addressed in the body of the report.

Issue ii) Concern that the plans indicate a un-utilised area of land which may serve as a future access for further development. Officer Comment - Each application must be determined on its own merit and it is not appropriate to speculate with regard to potential future applications, which would in turn have to be determined on their own merit.

Issue vi) Concerns that shared amenity space to the frontage and rear would have a detrimental impact on the amenity of neighbouring occupiers. Officer Comment - The amenity space to the frontage is not indicated to be shared and would serve No.16 North Common Road. Subject to an appropriate condition adequate maintenance arrangements could be put in place to ensure the communal space was maintained to an appropriate standard and the type of space indicated is considered unlikely to be detrimental to the amenity of neighbouring occupiers by way of noise.

Issue xi) 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 xvii) Harm to the area from historical piecemeal developments should not be repeated in the area. Officer Comment - Each planned application must be considered on its own merit and these are discussed within the body of the report.

Issue xxii) Existing contours would be spoiled by the development. Officer Comment - Topographical features have been considered in respect of Policy BE38 of the Saved

Policies UDP and it is not considered that the loss of existing contours would be detrimental in this instance.

Issue xxiii) 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.

Issue a) The character of North Uxbridge lies in its piecemeal development and the proposed houses are in character with this. Officer Comment - The character of the North Uxbridge Area of Special Local Character and the attributes which contribute to this are discussed in detail within the relevant section of the report and it is not considered that the proposal would harmonise or contribute to this character.

Issue c) The existing back gardens for numbers 16 and 17 North Common Road are excessively large and unmanageable. Officer Comment - It is not considered that the back gardens of 16 North Common Road are overly sized or that it would not be possible for occupiers to maintain the gardens in an appropriate manner, in particular having regard to the dimensions of other gardens within the area and the UK as a whole.

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 £32,509 would therefore be required to meet the educational needs of the development in accordance with Policy R17 and the Planning Obligations SPD.

The provision of an education toward education provision has not been secured by way of a legal agreement and the development should be refused for this reason.

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 outline 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 a new vehicular access, and the demolition of a two storey side extension to no. 16 North Common Road.

The application site is highly visible within long views across the Common and as such has a significant impact on the character and appearance of the North Uxbridge Area of Special Local Character.

The proposal, in particular the replacement of large plots with small cramped plots and the proposed access road inserted through an existing plot in proximity to another access would be detrimental to the existing and historical context of the North Uxbridge Area of Special Local Character and the area in general.

The proposed access arrangements would be detrimental to the free flow of traffic on the public highway and to general conditions of highways and pedestrian safety.

The development fails to provide satisfactory arrangements for waste and recycling storage/collection, nor is the proposed layout capable of providing appropriate provision.

The development would increase demands on local educational facilities and the development has not secured sufficient contributions by way of planning obligations to mitigate this impact.

The development would give rise to an unacceptable level of general disturbance detrimental to the amenity of the occupier of no.15 North Common Road.

For the reasons identified above the application is recommended for refusal.

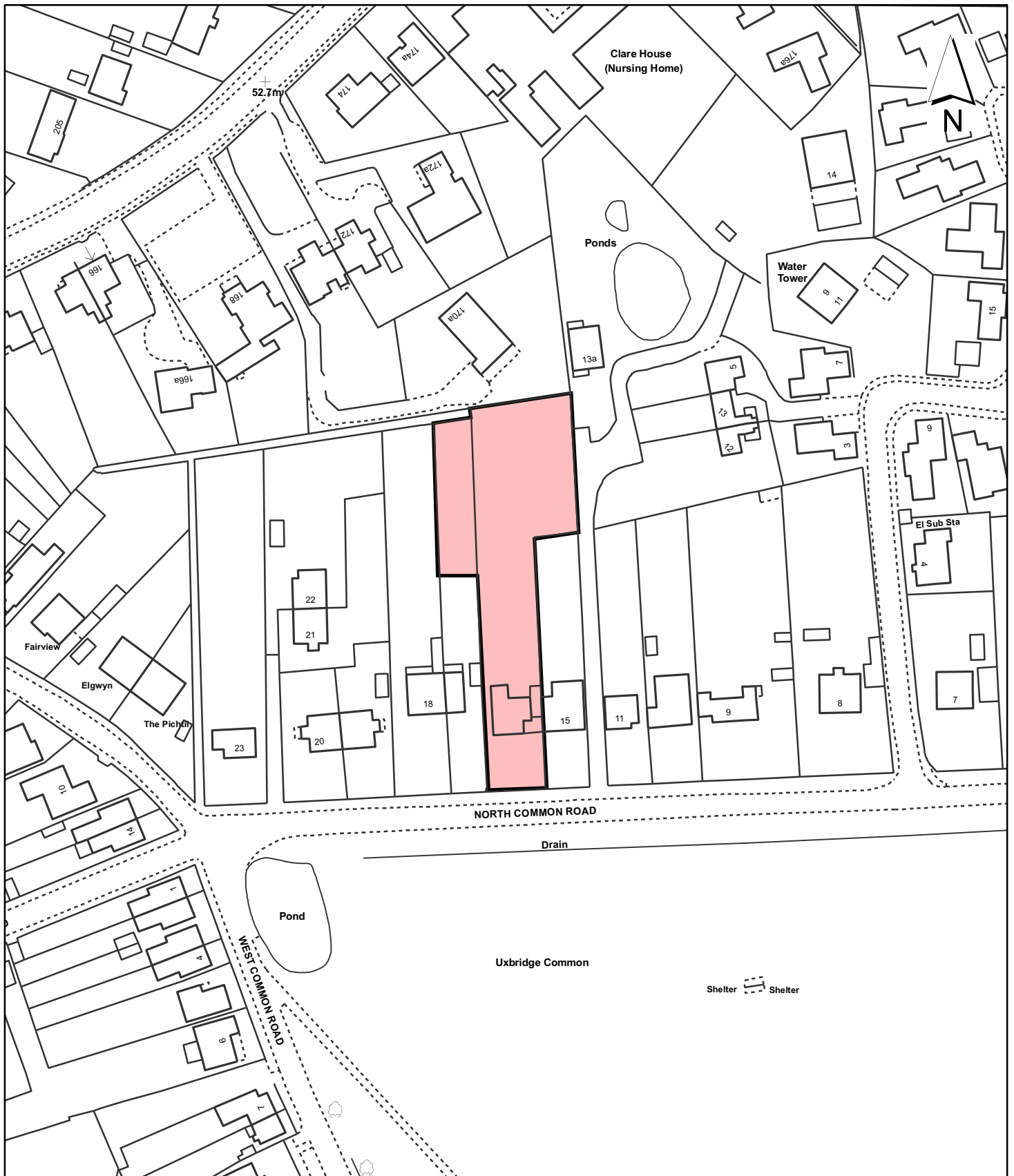
11. Reference Documents

- 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
- 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	
16 North Common Road Uxbridge	
Planning Application Ref:	Scale
4942/APP/2009/2280	1:1,250
Planning Committee	Date
Central and South	May 2010

LONDON BOROUGH OF HILLINGDON

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