

## **Report of the Head of Planning & Enforcement Services**

**Address** LAND R/O 11 AND 15 MONTAGUE ROAD UXBRIDGE

**Development:** Erection of a two storey detached building to provide 4, one-bedroom flats with associated parking and amenity space and installation of vehicular crossover to side.

**LBH Ref Nos:** 67533/APP/2011/1464

**Drawing Nos:** Location Plan  
Arboricultural Survey  
Design & Access Statement  
10/3223/5 Proposed Floor Plans & Elevations  
10/3223/6 Proposed Cycle Store  
10/3223/4 B  
10/3223/5 A Proposed Floor Plans & Elevations

**Date Plans Received:** 14/06/2011      **Date(s) of Amendment(s):** 16/06/2011  
**Date Application Valid:** 23/06/2011      10/08/2011

### **Reason for Urgency**

An appeal on non-determination has been lodged on the application. Due to the timing of the appeal there is an urgent need for the Committee to determine whether or not the Planning Inspectorate be advised that the Local Planning Authority would have refused the application had a non-determination appeal not been lodged.

### **1. SUMMARY**

The proposal relates to the erection of a two storey detached building to provide 4, one-bedroom flats with associated parking and amenity space and installation of vehicular crossover to side.

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD): New Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area.

Whilst the proposal complies with relevant Council Standards relating to internal living space and external amenity space, and would not cause significant degrees of overlooking or loss of residential amenity to neighbouring properties or future occupiers, 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.

### **2. RECOMMENDATION**

The application is subject to an appeal against non-determination which will be considered by the Planning Inspectorate. It is therefore recommended that the Planning Inspectorate be advised that had a non-determination appeal not been lodged the Local Planning Authority would have refused the application for the following reason:

**1            NON2            Non Standard reason for refusal**

The proposed development, by reason of its location, scale, design and layout would result in the loss of an existing private rear garden area, and have a subsequent detrimental impact on the character and local distinctiveness of the area, contrary to Policies BE13, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.5, 7.1 and 7.4 of the London Plan (July 2011), and Planning Policy Statement 3: Housing.

**2            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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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.
PPS3	Housing
LPP 3.4	(2011) Optimising housing potential
LPP 5.3	(2011) Sustainable design and construction
LPP 7.1	(2011) Building London's neighbourhoods and communities
H12	Tandem development of backland in residential areas
LPP 3.5	(2011) Quality and design of housing developments
LPP 7.4	(2011) Local character

### 3. **CONSIDERATIONS**

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

The site forms part of the rear garden land of 11 and 15 Montague Road, and fronts Iffley Close. The site is located within a residential area on the north east side of Uxbridge Town Centre. Iffley Close is characterised by red brick 2 storey housing, at a relatively high density. The locality is on a gentle slope with the land gently rising towards the north east. The application site lies within a Developed Area as identified in the UDP (Saved Policies September 2007).

#### 3.2 **Proposed Scheme**

The application seeks planning permission to erect a block of 4 x 1 bed flats. The building is proposed to be 9.5m wide by 6.3m deep containing a double centralised projecting gable of 300mm and a rear projecting centralised gable of 3m. All roofs are proposed to be hipped. A rear communal amenity area is proposed measuring 140 square metres.

#### 3.3 **Relevant Planning History**

67533/APP/2010/2993 Land R/O 11 And 15 Montague Road Uxbridge

Erection of 2, three-bedroom semi-detached two storey dwellings with associated amenity space, parking and alterations to existing vehicular access.

**Decision:** 04-03-2011 Approved

67533/APP/2011/2554 Land R/O 11 And 15 Montague Road Uxbridge

Erection of a two storey detached building to provide 4, one-bedroom flats with associated parking and amenity space and installation of vehicular crossover to side. (Resubmission)

**Decision:**

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

Application 67533/APP/2010/2993 was granted planning permission in March 2011 for the erection of a pair of semi detached 3 bed houses with attached garages.

The applicants have submitted an appeal against non determination of this application and have also submitted a concurrent identical application reference 67533/APP/2011/2554 which is due for determination on 14.12.11.

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

Hillingdon Unitary Development Plan Saved Policies September 2007  
HDAS: New Residential Layouts: July 2006  
The London Plan 2011

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

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

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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.
PPS3	Housing
LPP 3.4	(2011) Optimising housing potential
LPP 5.3	(2011) Sustainable design and construction
LPP 7.1	(2011) Building London's neighbourhoods and communities
H12	Tandem development of backland in residential areas
LPP 3.5	(2011) Quality and design of housing developments
LPP 7.4	(2011) Local character

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

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

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

#### **6. Consultations**

##### **External Consultees**

72 neighbours were consulted by letter on 21.10.11.

1 submission was received in support of the scheme, noting the demand for additional housing and that boundary treatment and security would be enhanced.

1 submission was received from a near by occupier raising concern that the scheme would result in additional on street parking impacts, overlooking, overshadowing, excessive density, impact on the character and amenity of the area and garden grabbing.

A Petition signed by 26 persons was received raising concern that the proposal would result in unacceptable overlooking, overshadowing impacts and additionally result in traffic congestion and parking stress.

#### PLANNING OFFICER COMMENT

The matters raised are either addressed in the body of the report or the reflected in the refusal reasons.

MOD - RAF Northolt - No safeguarding objections

NATS - No safeguarding objections

Thames Water -  
Waste Comments

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

#### Internal Consultees

Waste and Recycling Officer - I would make the following comments on the above application regarding waste management;

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

The waste and recycling will be collected through the following services: -

- Weekly residual (refuse) waste - using sacks purchased by the occupier
- Weekly dry recycling collection - using specially marked sacks provided by the Council
- Fortnightly green garden waste collection - using the specially marked reusable bags provided by the Council (3 bags provided to each household)

The residents would be required to present the waste and recycling at the curtilage of the property on the allocated collection days.

Director of Education - Based on the creation of 4x flats each with 4x habitable rooms in Uxbridge North, we seek a contribution of £12,178.

Conservation and Urban Design Officer - No objection subject to an amendment to reduce the contrived front gable design.

Highways - No objection subject to the following conditions:-

1. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
2. The development hereby permitted shall not be commenced until details of the sight lines at the point of the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved sight lines have been implemented and thereafter, the sight lines shall be permanently retained and kept clear of obstructions exceeding 0.6 metres in height.
3. The roads, sight lines at road junctions and parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed prior to occupation of the development, and thereafter permanently retained and used for no other purpose.

#### Informatives

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system.
2. The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.

## **7. MAIN PLANNING ISSUES**

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

Guidance on backland development and the interpretation of related policies has recently been published and is an important material consideration in assessing the principle of backland developments such as this.

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. There is no general objection to the principle of an intensification of use on existing residential sites, however it is considered that in this instance the loss of substantial proportions of sizable rear gardens in this location would be detrimental to the local and historical context of the area, which is characterised by semi-detached properties with relatively large rear gardens. 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 and Planning Policy Statement 3: Housing.

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

The proposed density of the development is considered acceptable, being at the lower end of accepted density ranges, and consistent with the density of the development in the immediate area. Notwithstanding the acceptability of the density of the scheme, it does not overcome the issue with the principle of the development in this location.

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

The site is not located within a Conservation Area, Area of Special Local Character or Archaeological Priority Area, and there are no Listed Buildings on the site. As such, it is considered that the scheme would not impact in the heritage of the borough.

#### **7.04 Airport safeguarding**

It is considered that the proposal would not impact on the safe operation of any airport.

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

The site is not within or near to Green Belt land and as such there would be no impact in this respect.

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

This part of Montague Road, Iffley Close to the rear, and the surrounding area in general, is characterised by detached and terraced properties with long rear gardens, containing various trees and shrubs typical of a suburban area. This side of Montague Road specifically, and Iffley Close, which backs onto the site, is characterised by properties with large gardens. Officers are not aware of any other properties/plots in the vicinity of the site which have been redeveloped in the same way as the development proposed.

It is considered that the layout of the proposed development, on the large rear gardens of existing properties in this suburban area would be particularly out of keeping with the pattern of surrounding development, out of keeping with the character and appearance of neighbouring properties and detrimental to the visual amenities of the area. In addition, it is considered that the provision of a new building fronting Iffley Close would be particularly out of keeping with the character of neighbouring properties detrimental to the visual amenities of the streetscene.

The overall layout and design of the proposal, including the creation of backland development, fails to respect the local context and the distinctiveness of the surrounding area, contrary to UDP Policy BE13, London Plan policies 3.5, 7.1, and 7.4, and PPS3.

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

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. This proposal would comply with this advice with over 24m between the rear facing walls of the existing dwellings in Montague Road and the proposed flats. Furthermore, the proposed flats would use a similar front building line to the adjacent properties to the side and would also be of a similar bulk and design. The proposed block of flats has a similar footprint to the pair of semi detached dwellings previously approved. Due to the separation distances involved with any of the adjacent properties, it is considered a material loss of residential amenity would not arise by loss of light or dominance. Therefore this proposal would comply with Policies BE20 and BE21 of the Adopted Hillingdon UDP (Saved Policies, September 2007).

With regard to loss of privacy, the windows shown in the flank elevations, at first floor level, are to serve kitchen windows. In view of the distance to the boundaries it is considered that the windows would not result in an unacceptable level of overlooking. With regard to the rear facing windows, the SPD: New Residential Layouts: Section 4.12 states a distance of not less than 21m between facing habitable windows should be provided, with a further 3m added when considering patio doors. Concerns have been raised by neighbours that the difference between the approved scheme reference 67533/APP/2011/2993 and this proposal involves habitable windows in the rear elevations closer to the boundaries. However, the proposal is considered to comply with the advice set out in section 4.12 of the SPD with regard to separation distances of over 24m between the rear facing walls of the existing and proposed flats. Therefore subject to conditions the proposal is considered not to result in a material loss of privacy and as such would comply with policy BE24 of the Adopted Hillingdon UDP (Saved Policies, September 2007), and the SPD: New Residential Layouts: Section 4.12.

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

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for each of the new flats would be over 50m<sup>2</sup>. The SPD states the minimum amount of floor space required for a 1-bedroom 2 flat would be 50m<sup>2</sup> and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that shared amenity space for a 1 bedroom flat should be 20 square metres per flat. The proposal would comply with this advice showing an areas of 140m<sup>2</sup> . Therefore the proposal would comply with Policy BE23 of the Hillingdon UDP (Saved Policies,



September 2007).

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

The host dwellings, Nos. 11 and 15 Montague Road, have their off-street parking provision to the front and therefore this would not be affected by this proposal.

The application shows the provision of 4 parking spaces for the development, 1 for each flat. These would be provided to the rear of the building. Therefore, subject to a condition being attached requiring these parking areas to be made available before the occupation of the dwellings, the application is considered to comply with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

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

Section 4.27 of the SPD states careful consideration should be given to building lines, and these should relate well to the existing street pattern. It is considered the proposal would comply with this advice, as the dwellings are shown following a similar building line to the adjacent properties, known as 39/40 Iffley Close.

The applicant has stated that the requirements of "Secured by Design" are an integral part of the design. The proposal does not therefore give rise to any concerns relating to access and safety or security.

#### **7.12 Disabled access**

The Design and Access Statement submitted with the application states that the proposal would comply with Part M of the Building Regulations and Lifetime Homes standards. As such, it is considered that the proposal would be capable of satisfying Lifetime Homes Standards, in compliance with the London Plan (2011) and the Council's HDAS 'Accessible Hillingdon'.

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

There is no requirement for affordable or special needs housing in this instance.

#### **7.14 Trees, landscaping and Ecology**

Careful consideration should be given to the boundary treatment and the retention of mature and semi-mature trees, and that car parking at the front will not always be achievable, as a result of retaining and enhancing the local character of the area. The proposal involves parking to the rear of the block of flats. Low level planting is proposed to the front of the building and to the side of the parking area with a 1.8m wooden fence along the rear of the parking spaces. The Trees and Landscape Officer has been consulted and has commented that this site is not covered by a TPO, nor within a Conservation Area. The site has recently been cleared of all vegetation and there are no longer any trees on-site. It should be stressed that prior to this occurring the site was covered in trees and aerial photos clearly indicate this. The aerial photos show a number of trees that would have contributed to the character and appearance of the street scene.

There are two trees within the rear garden of 17 Montague Road (off-site), a Monterey Cypress and a Eucalyptus, however they are not high value trees and do not constrain the development in terms of Saved Policy BE38. Whilst the plans show a basic level of landscaping, a more detailed scheme should be submitted to show the final layout.

Notwithstanding the acceptability of the scheme in relation to landscaping, it does not

overcome the issue with the principle of the development in this location.

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

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway.

The waste and recycling will be collected through the following services: -

- Weekly residual (refuse) waste using sacks purchased by the occupier
- Weekly dry recycling collection using specially marked sacks provided by the Council
- Fortnightly green garden waste collection using the specially marked reusable bags provided by the Council (3 bags provided to each household)

The residents would be required to present the waste and recycling at the curtilage of the property on the allocated collection days and will be conditioned accordingly.

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

It is considered that renewable energy and sustainability could be controlled via conditions, in line with policy requirements, should permission be granted.

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

It is considered that there would be no adverse impact in relation to flooding or draining issues, subject to appropriate conditions being imposed should planning permission be granted.

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

A satisfactory standard of living accommodation can be achieved within the development and the development would not be affected or affect noise and air quality in the surrounding area.

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

The comments made by residents have been addressed in this report.

#### **7.20 Planning obligations**

The applicant's agent has written to confirm agreement of the £12,178 towards educational school place provision and this can be conditioned accordingly.

#### **7.21 Expediency of enforcement action**

No Enforcement Action is required in this instance.

#### **7.22 Other Issues**

There are no other issues to be considered in the assessment of this application.

### **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**

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 proposed would fail to comply with relevant UDP and London Plan policies and Supplementary Planning Guidance.

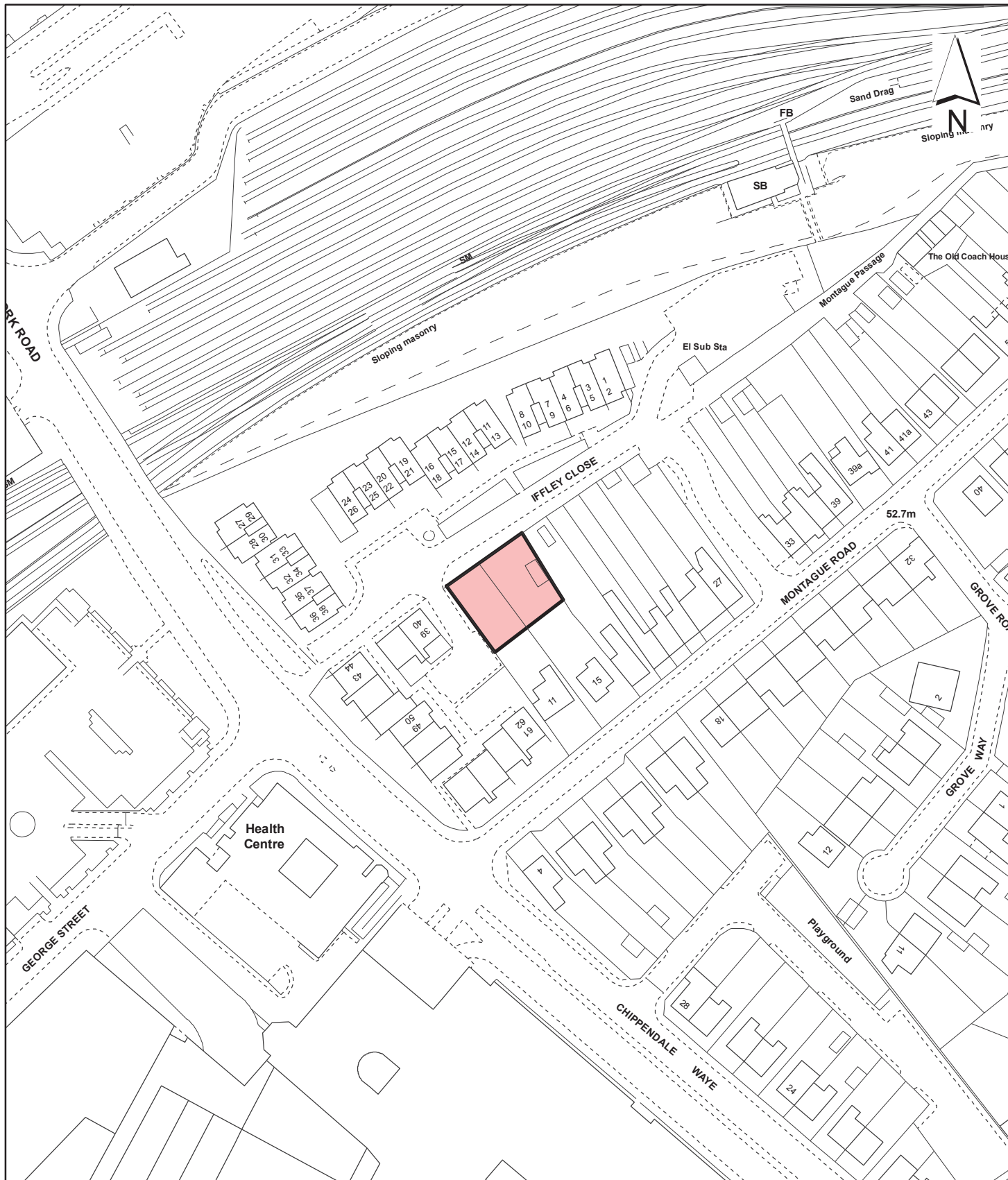
An appeal on non-determination has been lodged on the application. It is therefore recommended that the Planning Inspectorate be advised that the Local Planning Authority would have refused the application had a non-determination appeal not been lodged.

## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
HDAS: New Residential Layouts: July 2006  
The London Plan 2011

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## Notes



Site boundary

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Site Address

**Land rear of  
11 and 15 Montague Road  
Uxbridge**

Planning Application Ref:

**67533/APP/2011/1464**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**November  
2011**

**LONDON BOROUGH  
OF HILLINGDON**  
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Environment, Education  
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