

## Report of the Head of Planning, Transportation and Regeneration

**Address:** 2 DE SALIS ROAD HILLINGDON

**Development:** Erection of a two storey, 2-bed end-of-terraced dwelling involving partial demolition of existing garage

**LBH Ref Nos:** 38071/APP/2020/3639

**Drawing Nos:**

- 20-1383-01A
- 20-1383-02B
- Location Plan (1:1250)
- Planning and Design Statement
- Arboricultural Impact Assessment

**Date Plans Received:** 06/11/2020

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

**Date Application Valid:** 30/11/2020

### 1. SUMMARY

The application proposes the erection of a two storey, 2-bed end-of-terraced dwelling involving partial demolition of an existing garage.

Overall the development would constitute an over development of the site which would fail to provide an adequate level of off-street parking. Furthermore the forward position of the development coupled with its width and detailed design would be harmful to the character and appearance of the site, the street scene and its wider setting. The development would also have a negative impact upon protected trees.

Refusal of the application is therefore recommended.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, size, scale, bulk, width and appearance, would result in a poor, incongruous and overly dominant form of development that would be detrimental to the character, appearance and visual amenities of the existing property, the terrace to which it would relate, the street scene and the wider area as well as the open and verdant character of Knights Gardens to the south of the site. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies D4 and D6 of the London Plan (2021) and the NPPF (2019).

#### 2 NON2 Non Standard reason for refusal

The proposed development, by reason of its proximity to existing trees bounding the site, resulting in tree canopies oversailing the building, has not demonstrated that the existing trees will not be compromised by the construction of the proposal or that it will not result in ongoing pressure to remove the trees which are a valuable landscape feature. Thus, it is considered that the development will result in the unacceptable loss of existing mature trees of high amenity value harmful to the character and appearance of the site, the street

scene and the wider area. The development is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMB 14 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), the London Plan (2021) and the NPPF (2019).

**3            NON2            Non Standard reason for refusal**

The proposal has not demonstrated that sufficient off street parking/manoeuvring arrangements would be provided, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2021).

**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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP H1	(2021) Increasing housing supply
LPP H9	(2021) Ensuring the best use of stock
LPP H10	(2021) Housing size mix
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

3 I59

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

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The host property at No.2 De Salis Road is a two storey, end of terrace house. The house is circa 1970s and has a gable end roof. It has a single storey side addition and front canopy. The property is of brick construction and finished in white wooden cladding at first floor level and forms part of a terrace of houses with a staggered footprint. To the front is a large garden and a narrow concrete driveway.

There are also a number of mature trees to the front and side of the property which are on Council land and form part of a large open space (Knights Gardens) located directly to the south of the site. To the rear, the property has a small garden which backs onto the rear garden of No. 29 Hewens Road.

The surrounding area is predominantly residential in character comprising dwellings of identical character and appearance to the application site.

### **3.2 Proposed Scheme**

The application proposes the erection of a two storey, 2-bed end of terraced dwelling involving partial demolition of existing garage.

It is proposed that the house would be attached to the host property at No. 2 De Salis Road. It would sit considerably forward of the front elevation of the host property.

### **3.3 Relevant Planning History**

38071/C/88/1646                    2 De Salis Road Hillingdon  
Erection of a single-storey side extension

**Decision:** 08-09-1988    Approved

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

None relevant to this particular application.

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

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

#### Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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

The following Local Plan Policies are considered relevant to the application:-

##### Part 1 Policies:

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

##### Part 2 Policies:

DMHB 11 Design of New Development  
DMHB 12 Streets and Public Realm  
DMHB 14 Trees and Landscaping  
DMHB 15 Planning for Safer Places  
DMHB 16 Housing Standards  
DMHB 17 Residential Density  
DMHB 18 Private Outdoor Amenity Space  
DMT 2 Highways Impacts  
DMT 5 Pedestrians and Cyclists  
DMT 6 Vehicle Parking  
LPP D4 (2021) Delivering good design  
LPP D5 (2021) Inclusive design  
LPP D6 (2021) Housing quality and standards  
LPP D7 (2021) Accessible housing  
LPP D8 (2021) Public realm  
LPP GG1 (2021) Building strong and inclusive communities  
LPP GG2 (2021) Making the best use of land  
LPP H1 (2021) Increasing housing supply  
LPP H9 (2021) Ensuring the best use of stock

LPP H10	(2021) Housing size mix
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

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

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

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

## **6. Consultations**

### **External Consultees**

A total of 3 adjoining and nearby neighbouring properties were consulted via letter dated 1/12/20 giving 21 days for comments. Two objections and a petition with 29 signatures received objecting on the following grounds:

- The development would be out of character with the street scene.
- The development would lead to parking and congestion issues in the local area.
- The house could potentially be converted into a House of Multiple Occupation (HMO).
- The development would constitute an over development of the site.

Ward Councillor: requests that this application be determined at committee level due to concerns relating to over-development, impact on car parking in the area, impact upon the character and appearance of the area and potential for the development to be used as a HMO.

Officer Comment: It is proposed that the house would be used as a two bedroom self-contained house separate from the host dwelling. As such the potential impact of a HMO would not be relevant in this case as the plans do not indicate this to form part of the proposal.

### **Internal Consultees**

HIGHWAYS OFFICER:

#### **Site Characteristics & Background**

The site is within a residential catchment located off a slip road adjacent to the Uxbridge Road. The proposal is for the construction of a 2-bedroom end of terrace to the side of No.2 De Salis Road which at present consists of a side extension and existing garage. 1 new parking space is to be provided on the frontage and 2 spaces for No.2 would be retained as would the existing carriageway crossings (cc's) for both No.2 and the new unit.

The surrounding roadways are devoid of parking controls and neighbouring properties exhibit some degree of on-plot parking provisions. The site exhibits a Public Transport Accessibility Level (PTAL) of 2 which is considered as poor and therefore heightens dependency on the ownership and use of private motor transport.

#### **Parking Provision**

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation

from the standard would not result in a deleterious impact on the surrounding road network. The maximum parking requirement for the 2-bedroom house equates to 2 on-plot spaces in order to fully comply with Hillingdon's adopted parking standard. 1 space is proposed hence there is a deficit in provision.

As the applicant has not provided any detail or evidence with regard to the level of present on-street parking demand and whether any spare capacity exists which could satisfactorily accommodate potential parking displacement generated by the proposal, the default position is a refusal on insufficient on-plot parking grounds as private car dependency generated by the proposal is likely to be high due to the poor PTAL rating which can potentially result in undue loss of on-street parking provision and injudicious parking displacement onto the unrestricted public highway. Understandably the Council has a duty of care to prevent such eventualities wherever possible.

#### Cycle Parking Provision

In terms of cycle parking, there would be a requirement to provide at least 1 secure and accessible space for the 2-bedroom unit in order to meet the Council's adopted cycle parking standard. 2 cycle spaces are shown located to the rear of the plot which is considered appropriate and therefore acceptable.

#### Vehicular Trip Generation

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

As a consequence of the scale of development, any vehicular trip generation uplift is predicted to be negligible and therefore does not raise any specific highway concerns.

#### Operational Refuse Requirements

In order to conform to the Council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste is positioned at a collection point within this set distance. The proposed positioning of the bin storage area on the frontage therefore indicates conformity. There are no further observations.

#### Conclusion

Refusal on insufficient on-plot parking grounds is recommended as follows:

"The proposed development fails to provide sufficient on-plot parking resulting in substandard car parking provisions, potentially leading to undue on-street parking demand to the detriment of on-street parking capacity and public/highway safety contrary to Local Plan: Part 2 Development Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and the London Plan (2021)."

#### TREE AND LANDSCAPE OFFICER:

This site is occupied by a two-storey end of (staggered) terrace, with a garage to the side, located on the east side of Se Salis Road. The site is adjacent to a public open space, Knights Gardens, which backs onto the side (southern) boundary. There is a row of mature trees along the northern edge of the Council land which oversail the site. The trees are prominent in the landscape and make a valuable contribution to the character and appearance of the area.

COMMENT: No trees are indicated on plan and there is no tree survey, without which it is not possible to assess the impact of the trees on the development, or vice versa. There are two fundamental concerns regarding the proximity of the trees to the proposed development:

1. Below ground the RPA (root protection area) area of the trees is required to assess whether any root damage (severance or compaction) may occur.
2. Above ground the canopy spread of the trees is unknown. Will this effect the construction of the building, the overshadowing of the proposed house and garden or the comfort of future residents? The trees are a material consideration to this application (policies DMH 6, DMHB 11 and DMHB 14).

Aerial photographs and Google Streetview indicate that there may be a conflict between the safeguarding of the trees and the construction/viability of the new dwelling. A tree report is required (to BS5837:2012) to clarify the situation and ensure that the trees will not be compromised by the construction of the building and that there will not be pressure from future residents to remove the trees.

**RECOMMENDATION:** In the absence of a tree report the applicant has failed to safeguard the off-site trees and it would be unsafe to approve this application. The application should be refused unless this information is forthcoming'.

Following the receipt of a Tree Report the Council's Tree Officer commented as follows:

The tree report by AT Coombes, dated February 2021 has highlighted the proximity of five third party (Council -owned) trees along the southern boundary, three of which are 'B' grade trees and two of which are 'C' grade. T1-3 will be very close to the southern elevation of the proposed new building. The report concludes that it may be possible to demolish the existing garage/driveway building and construct the new building subject to a detailed construction method statement, involving 'no dig' techniques. Drainage and underground service runs will also require no dig/no trenching techniques. The demolition and construction work will require close arboricultural supervision. The effects of nuisance due to overshading have been considered in as much that there will be no (or few?) windows of habitable rooms on the southern elevation, however, the nuisance caused by the tree canopies oversailing the building remains a concern and is unlikely to be acceptable to future occupiers. In conclusion, while it may be technically possible to erect a building without harming the trees, the juxtaposition of the proposed building with the existing trees is, in my view, unsustainable. Future occupiers will rightly be concerned about the oversailing canopy of the trees and the proximity of the tree trunks. This is likely to lead to ongoing pressure on the Council to remove the trees which are a valuable landscape feature on Uxbridge Road. The application should be refused.

**ACCESS OFFICER:**

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following Conditions should be attached to any grant of planning permission

Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

**REASON:** To ensure that an appropriate standard of housing stock, in accordance with the London Plan policy D7, is achieved and maintained.

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

**REASON:** To ensure that an appropriate standard of housing stock, in accordance with the London Plan policy D7, is achieved and maintained.

## **7. MAIN PLANNING ISSUES**

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

The use of previously development land for housing and in particular family housing is supported by the Council's Local Plan. Furthermore increasing the housing supply is also supported by the London Plan and the National Planning Policy Framework. As such there are no in principle objections to the creation of an additional residential unit in this location

in land use terms, subject to compliance with all other relevant Local Plan and London Plan policies as well as the NPPF.

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

Not applicable to this application.

**7.04 Airport safeguarding**

Not applicable to this application.

**7.05 Impact on the green belt**

Not applicable to this application.

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

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should also not adversary impact on the amenity, daylight and sunlight of adjacent properties and open space. The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties or onto private opens spaces. A minimum of 21m separation distance between windows of habitable rooms will be required to maintain privacy. The Council will also expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore the policy resists any development which would fail to harmonise with the existing street scene and seek to ensure any new development complements the amenity of the area.

There are many similarities between the existing and proposed buildings. For example the overall height of the proposed building would almost be the same as existing host property. In terms of detailed design and appearance the proposal would have a similar roof form and the overall finish of the materials would be similar.

However the house would be narrower than the host property and the terrace as a whole which would appear incongruous within the streetscene given the uniform nature of the houses on the subject terrace. As discussed above the existing terrace has a staggered arrangement and the host property at No. 2 and the house at the other end of the terrace act as 'book-ends' to the terrace given that they sit slightly forward of the other houses in the terrace which step gently backwards from one another.

In an attempt to replicate this staggered arrangement and make use of the small amount of available space to the side of the host property the proposed house would be set substantially forward of the front elevation of the host property. This would be at complete odds with the staggered arrangement as discussed above. It would create an end of terrace feature that would not replicate the slight forward projection of the house at the other end of the terrace resulting in the terrace appearing unbalanced within the street scene.

Furthermore at present the position of the host house means that there are clear and uninterrupted views of Knights Gardens and its mature trees located at the end of the street. The proposed house would completely block those views and would detract from the open and verdant character of the street. This would be further exacerbated by the fact

that the house would be situated on a large area of front and side lawn which currently make a positive contribution to the character and appearance of the area.

The Council's Tree Officer has objected to the proposal on the grounds that the close proximity of the development upon existing mature trees will lead to pressure for the Council to remove them. Felling of these trees would also have a negative impact upon the character and appearance of the existing site, the street scene and the wider area.

Overall it is considered that the development in terms of its forward position, its width and its close proximity to existing trees would be harmful to the character and appearance of the existing site, the streetscene and the wider area, contrary to policies DMHB 11 and DMHB 12 of the Local Plan.

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two states that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded. Furthermore the policy stresses the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

Given that the house would be located adjacent to a large open space to the south, the only nearby neighbours that could be affected by the house in terms of impact upon residential amenity are the host property at No. 2 and No. 29 Hewdens Road to the rear of the site.

No. 29 Hewdens Road would be approximately 46 metres away from the rear of the proposed house and the orientation of the rear garden and those adjoining means that the house would not likely give rise to any direct overlooking or loss of privacy to either habitable room windows are rear gardens.

The proposed house would project a substantial distance forward of the front elevation of the house property. In order to establish whether a proposed development will result in a significant loss of light and outlook a 45 degree angle is taken from the mid-point of the closest habitable room windows to the end of the development. If the development impedes the 45 degree angle then it is considered that the development will result in significant loss of light and outlook to that neighbouring property. When applying the 45 degree rule it is evident that the development would not significantly impede upon the level of light and outlook enjoyed by the host property. Furthermore it is noted that there is more than one glazed opening at ground floor level serving an open plan living space and at first floor level the closest window to the proposed development serves a bathroom with the bedroom window located some distance away.

Overall it is considered that the development would not result in harm to the amenity of nearby residents.

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

In terms of floor area, the proposed house at 85sq.m would provide an adequate level of internal amenity in compliance with the Council's Local Plan standard of 79.sq.m for a two bedroom house and all of the habitable rooms in the proposed house would be afforded an adequate level of light and outlook.

Policy DMHB 18 of the Council's adopted Local Plan states that new residential developments should provide an adequate level of private amenity space for occupiers that is good quality and usable. The rear garden would be 71sq.m, above the Council's

minimum standard for a two bedroom house and would reflect the size of gardens in the local area.

The Council's Access Officer has also raised no objection to the proposed house subject to safeguarding conditions.

Overall it is considered that the development would provide an adequate level of amenity for future residents and occupants.

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

Policy DMT1 of the Hillingdon Local Plan: Part 2 considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy DMT 6 of the Hillingdon Local Plan seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The off-street parking requirement for a house within its own curtilage is two spaces. Only one space would be provided for this development as such there would be a shortfall in parking provision for this development. The site has a Public Transport Accessibility Level (PTAL) of 2 (poor) as such in this case the Council would expect two spaces to be provided.

As per the Highways Officers comments the applicant has not provided any detail or evidence with regard to the level of present on-street parking demand and whether any spare capacity exists which could satisfactorily accommodate potential parking displacement generated by the proposal, the default position is a refusal on insufficient on-plot parking grounds as private car dependency generated by the proposal is likely to be high due to the poor PTAL rating which can potentially result in undue loss of on-street parking provision and injudicious parking displacement onto the unrestricted public highway.

With respect to cycle parking and electric vehicle charging points planning conditions would have been recommended with respect to these matters in the event of an approvable scheme.

Overall it is considered that there would be a lack of on site parking for the development which would lead to conditions prejudicial to pedestrian and highway safety, contrary to Policies DMT 1, DMT 2 and DMT 6 of the Local Plan.

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

Refer to 'Impact on the character and appearance of the area' for a full assessment.

#### **7.12 Disabled access**

Refer to 'Living conditions for future occupants'.

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

As per the sections above the Council's Tree Officer has objected to the proposed development due to its close proximity to protected Trees.

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

Not applicable to this application.

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

Not applicable to this application.

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

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

CIL

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre.

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

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

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

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

**Planning Conditions**

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

**Planning Obligations**

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

**Equalities and Human Rights**

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

pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

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

Not applicable to this application.

## **10. CONCLUSION**

Overall the development would constitute an overdevelopment of the site which would fail to provide an adequate level of off-street parking. Furthermore the forward position of the development coupled with its narrow width would be harmful to the character and appearance of the site, the street scene and its wider setting. The development would also result in harm to nearby protected trees.

As such the development would be contrary to Local Plan policies DMHB 11, DMHB 12, DMHB 14, DMT 1, DMT 2, DMT 6, the London Plan and the NPPF.

Refusal of the application is therefore recommended.

## **11. Reference Documents**

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

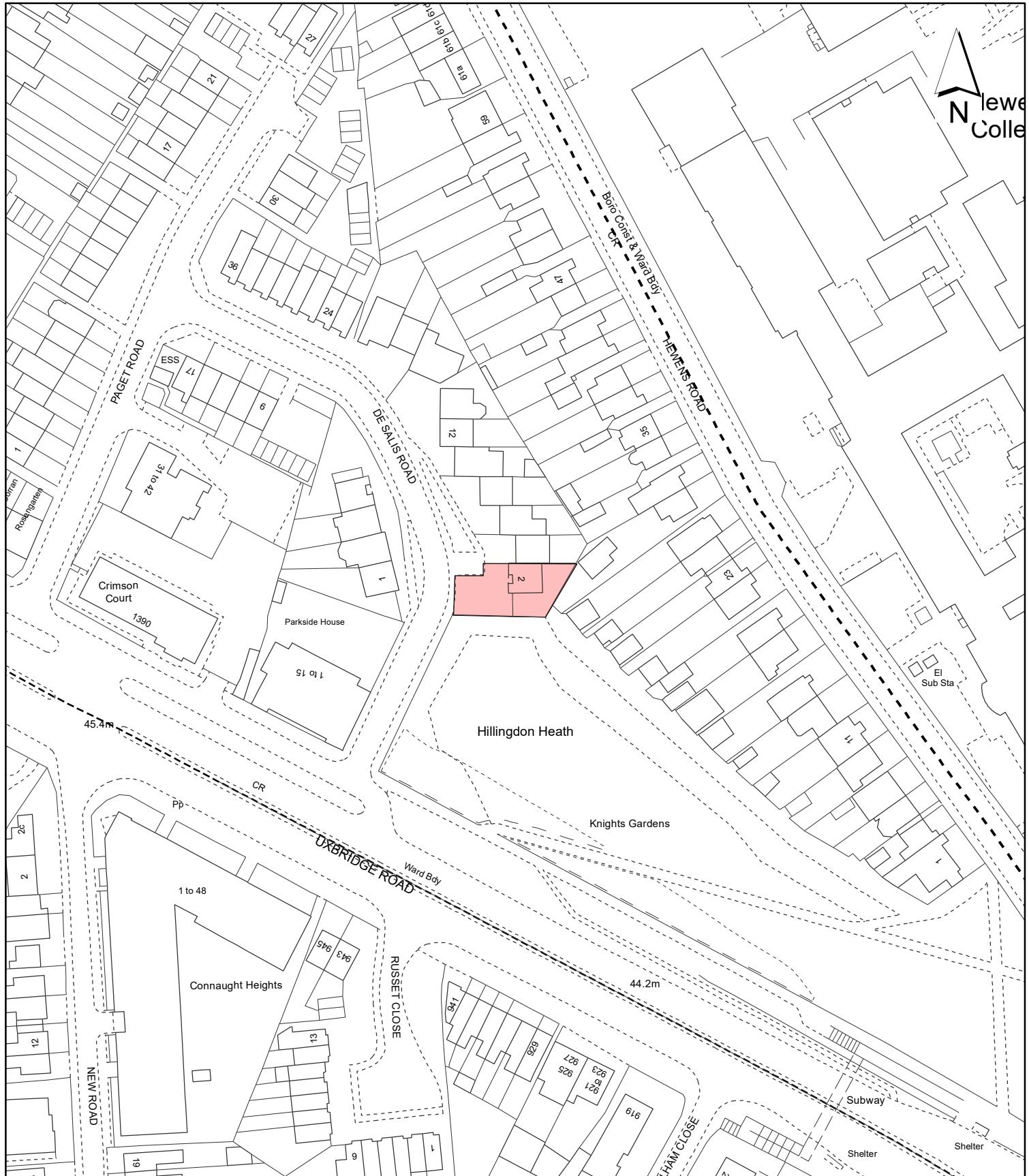
Hillingdon Local Plan: Part Two - Development Management policies (January 2020)

The London Plan (2021)

National Planning Policy Framework (2019)

**Contact Officer:** Kelly Sweeney

**Telephone No:** 01895 250230



**Notes:**



Site boundary

For identification purposes only.

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Site Address:

**2 De Salis Road**

**LONDON BOROUGH  
OF HILLINGDON**  
Residents Services  
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: 01895 250111

Planning Application Ref:

**38071/APP/2020/3639**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**May 2021**



**HILLINGDON**  
LONDON