

## Report of the Head of Planning, Sport and Green Spaces

**Address** LAND FORMING PART OF 30 BARNHILL EASTCOTE

**Development:** 3-bedroom, detached dwelling (Outline planning application with all matters reserved).

**LBH Ref Nos:** 68960/APP/2013/33

**Drawing Nos:** Design and Access Statement  
Location Plan to Scale 1:1250  
3147/01

**Date Plans Received:** 08/01/2013                      **Date(s) of Amendment(s):**

**Date Application Valid:** 18/01/2013

### 1. SUMMARY

This outline proposal seeks to sub-divide an existing residential garden plot and erect a three bedroom dwelling. It has therefore been assessed on the details submitted with the application in terms of its likely impact on the character and appearance of the area as a whole, on the amenities of neighbouring and future occupiers of the development and on parking/highways issues. There have been a number of objections received as a result of the public consultation and the representations made are summarised in the report.

In summary, when the proposal is considered against the relevant Local Plan policies for such development it would be likely to have a detrimental impact on the layout and character of the locality and thus to the built character and appearance of the residential area as a whole. Accordingly, the application is recommended for refusal primarily on this basis.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policies 3.5, 7.1 and 7.4 of the London Plan (2011).

#### 2 NON2 Non Standard reason for refusal

The development is estimated to give rise to a significant number of children of school age, additional provision for whom would need to be made in the schools serving the local area. Given that a legal agreement at this stage has not been secured, the proposal is thus considered to be contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

### 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 (2012) 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.   |
| AM13     | AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -<br>(i) Dial-a-ride and mobility bus services<br>(ii) Shopmobility schemes<br>(iii) Convenient parking spaces<br>(iv) Design of road, footway, parking and pedestrian and street furniture schemes |
| 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.  |
| H12      | Tandem development of backland in residential areas  |
| R17      | Use of planning obligations to supplement the provision of recreation, leisure and community facilities  |
| HDAS-LAY | Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  |
| CACPS    | Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)  |
| LDF-AH   | Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010   |
| LPP 3.4  | (2011) Optimising housing potential  |
| LPP 3.5  | (2011) Quality and design of housing developments  |
| LPP 3.8  | (2011) Housing Choice  |
| LPP 5.13 | (2011) Sustainable drainage  |
| LPP 5.3  | (2011) Sustainable design and construction   |
| LPP 7.4  | (2011) Local character   |

### 3 159 Councils Local Plan : Part 1 - Strategic Policies

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

## 3. CONSIDERATIONS

### 3.1 Site and Locality

30 Barnhill is a two storey dwelling occupying the corner plot on the south side of Chiltern Road. The front of this property faces Barnhill whilst the heavily planted rear garden with many trees is fenced on its side boundary along the return frontage in Chiltern Road.

The application site is located in the north part of Eastcote within a residential area primarily consisting of two storey detached dwellings set back from the road on a similar building line and with long rear gardens. The immediately surrounding area, whilst not designated for any special built protection, is nonetheless similar in form, layout and character to that of the nearby Eastcote Village Conservation Area.

### 3.2 Proposed Scheme

The proposal is to erect a two storey three bedroom detached dwelling with ancillary parking to the front served by a new vehicular crossover in Chiltern Road. The application is submitted in outline with all matters relating to its design, including materials, landscaping and site layout etc. reserved for detailed approval at a later stage.

The proposal is to subdivide the existing garden plot with a 1.8 metre high close boarded fence retaining approximately 390 square metres of rear amenity space for No. 30. The new dwelling would be positioned to align with the front of the first house in Chiltern Road (No. 18) with a rear garden of over 100 square metres and approximately 10.2 metres in depth.

The majority of the existing planting would be retained with adequate protection measures for those features in sufficient proximity to the development. New mature tree planting would be carried out along the dividing fence in the first planting season following construction.

In front of the dwelling, two car parking spaces would be provided and a new vehicle access created on to Chiltern Road.

### 3.3 Relevant Planning History

59384/APP/2004/823 30 Barnhill Eastcote

ERECTION OF TWO STOREY SIDE, SINGLE STOREY REAR AND TWO STOREY FRONT EXTENSIONS

**Decision:** 13-07-2004    Approved

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

None relevant to consideration of the current proposal.

#### **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.BE1        (2012) Built Environment

Part 2 Policies:

AM7            Consideration of traffic generated by proposed developments.

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.

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.

H12          Tandem development of backland in residential areas

R17          Use of planning obligations to supplement the provision of recreation, leisure and community facilities

HDAS-LAY    Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

CACPS        Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

LDF-AH       Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.3 (2011) Sustainable design and construction
- 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**

3 adjoining residential occupiers have been consulted (22.1.2013) and in addition a site notice was displayed. A total of 7 responses and a petition have been received with the following objections:

#### Type of Development

- Garden grab (back garden) development out of character with the area, contrary to London Plan and Hillingdon planning policy;
- precedent set for similar developments which would destroy the character of the suburb.

#### Character/Amenities of Surrounding Area

- out of keeping with area/will spoil character;
- out of character with road/existing properties in the area which are detached dwellings on significant plots;
- loss of privacy in rear garden (properties in area have substantial gardens offering large degree of privacy);
- proposal infringes all characteristics of the area;
- not in harmony with surrounding properties and detrimental to symmetry;
- fails to improve amenities of the area.

#### Access, Highway Safety & Parking

- site entrance is 80 x 40 metres leading to road only 5 metres wide;
- road is too narrow therefore would be constant danger to both pedestrians and road users;
- position in rear garden/narrow width and curve (blind bend) of road/high fences would give vehicles exiting a lack of vision (restricted line of sight) from the driveway of proposed dwelling;
- significant danger to both oncoming vehicles and pedestrians alike;
- potential parking in Chiltern Road

#### Amenities of adjoining residents

- added noise at night close to rear bedrooms in adjoining properties;
- quality of life affected by visual intrusion, loss of privacy (overlooking).

#### Other Issues

- gap of 1.5 metres between new side wall and No. 18 Chiltern Road too near (should be 2 or more metres); Safety hazard particularly fire related due to proximity;
- possibility of heave (to No. 18 Chiltern Road) due to removal of trees.

Eastcote Residents Association: No response.

Eastcote Village Conservation Panel:

This application being outline only, lacks some important details. This land is currently an established rear garden, before any decision can be made the number of mature trees to be lost should be requested. The sub-division of this plot is unacceptable, as it is 'garden grab'. This area traditionally has large rear gardens which are one of the important characteristics of the area. The proposal would give the new dwelling a very small garden compared to the area. The disposal of surface water is by way of a soakaway. This area near to the River Pinn flood plain, does not drain well, and in wet weather the land is water logged. Surface water will not drain away satisfactorily, causing more water to lie in the surrounding area, being detrimental to existing residents. We ask that this outline application be refused.

### **Internal Consultees**

Principal Access Officer:

Reference is made to the London Plan (July 2011), Policy 3.8 (Housing Choice) and the Council's SPD, Accessible Hillingdon (adopted January 2010). Any subsequent full planning application would need to ensure that the scheme had been designed in compliance with all 16 Lifetime Home standards.

Highways Officer (Transport/Traffic):

Vehicular crossover for the dwelling adjoining the proposed house is not shown on the submitted drawing. There is no objection subject to the new access being 2.4m-3m wide, 1.2m (min.) kerb up-stand between the existing and proposed crossovers, and at least 2 off car parking spaces for the proposed house with adequate turning space.

## **7. MAIN PLANNING ISSUES**

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

National policy is contained within the National Planning Policy Framework (NPPF), which at Paragraph 48 and 53 respectively states:

"48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

At regional level, policy is contained within the London Plan (2011) and Policy 3.5 of this document states in part the following:

"Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic Policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified."

The London Plan is supported by the London Plan Housing Supplementary Planning Guidance, adopted in November 2012, 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 taken into account when considering the principle of such developments. The guidance states:

"Private garden land is the enclosed area within a dwelling curtilage from which the public is excluded. The loss of private garden land, especially of back gardens, to infill residential development, highlights the need for a more coordinated and consistent support at the strategic level for the protection of garden land where the existence of a threat can be evidenced locally. There is evidence from a number of studies of the local impact of such development and LP Policy 3.5 A states that 'Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified'.

It further states:

" Gardens can play a number of important roles:

- defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,
- providing safe, secure and sustainable environments and play spaces,
- supporting biodiversity, protecting London's trees, green corridors and networks, abating flood risk and mitigating the effects of climate change including the heat island effect, and
- enhancing the distinct character of suburban London.

These are strategic concerns of the LP and Policy 3.5 accordingly enables and supports boroughs in establishing presumptions against development on private garden land where locally justified

Private garden land is an important component of what the LP terms physical context and local character (Policy 3.5). This policy is reinforced by the qualitative concerns of Policy 3.4 (Optimising housing potential) and by links to other urban design and environmental policies (see links between Policies 2.4 and 7.1-7.8, 5.3).

Policy 7.4 requires development to have regard to the form, function and structure of areas, places or streets. Gardens can clearly be very much part of the form, function and structure which warrants respect and protection.

Similarly, in coming to a view on proposals which entail the loss of gardens, account should be taken of the degree to which the latter contribute to communities sense of place and quality of life (Policy 3.5), especially in outer London where they are a key component of its distinct attractions (Policy 2.6 and 2.7).

Boroughs and developers are advised to consider proposals for development in gardens in the light of local circumstances, particularly the value they have in addressing the strategic objectives set out above, and to strike an appropriate balance between these and other objectives when seeking to optimise housing provision on a particular site. Within the context of statutory permitted development rights (which normally only affect residential extensions), these wider objectives are generally likely to outweigh those flowing from the small increment to overall housing provision which usually results from garden development."

At the local level Policy is contained within the Hillingdon Local Plan: Parts 1 and 2. Policy

BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) makes it clear that new developments should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas. The policy also requires new development to enhance the local distinctiveness of the area, be appropriate to the identity and context of Hillingdon's townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials.

Policy BE13 of the Hillingdon Local Plan: Part 2 - UDP Saved Policies (November 2012) 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 complements or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings. The site is located within the developed area and it is considered that the scheme complies with policy H4 which encourages the provision of a mix of housing unit sizes. In addition, the subtext at paragraph 7.29 of the UDP Saved Policies, suggests backland development may be acceptable in principle subject to accordance with all other policies and Policy H12 suggests that proposals for tandem/backland development may be acceptable where no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers.

Whilst 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 a substantial proportion of the sizable rear garden in this location, with the resulting built development and the necessary creation of additional areas of hardstanding with associated pedestrian and vehicular access to the site, would result in a cramped and out of character development which would be detrimental to the local and historical context of the area, which is characterised by detached properties with large rear gardens. Furthermore, the site is located on rising ground, in a prominent position and the setting and spacing of the buildings in relation to the road are important to the character of the area. The layout and undeveloped gaps between the houses gives the area an open and spacious character. The undeveloped gaps allow long distance views through to outlying areas, allowing trees and shrubs to be glimpsed in the rear gardens of surrounding properties. The new house and its associated parking provision would add to the built up appearance of this part of Barnhill. The new building would result in a built form in an existing gap and would affect views across the site, which would be detrimental to the open character of this part of Barnhill.

The new house would also be likely to threaten existing trees, shrubs and other greenery. It is therefore considered that the scheme would be detrimental to the contribution that the rear garden and the adjoining trees make in terms of the local context and character of the area.

When balanced against the limited contribution the development would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development would be contrary to Policies BE13, BE19, BE38 and H12 of the Hillingdon Local Plan: Part 2 - UDP Saved Policies (November 2012), Policies 3.4, 7.1 and 7.4 of the London Plan (2011), guidance within The London Plan: Housing Supplementary Planning Guidance (November 2012), the NPPF and the Council's

adopted Supplementary Planning Document HDAS: Residential Layouts.

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

The proposal, which is in outline, would result in two dwellings with at least seven bedrooms in total on the application site and an estimated 11no. habitable rooms (hr) in total on a site of 875 square metres (0.0875 hectare or ha). This would give a density in the range of 92 hr/ha which would fall below the London Plan density standard of 150-200 hr/ha (or 30-50 units per hectare) adopted by the Council for new detached housing in suburban locations such as this.

However, since this figure generally relates to schemes for more than one dwelling, the proposal would be acceptable in terms of density.

#### **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.

#### **7.06 Environmental Impact**

Not applicable to this application.

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

Under the Hillingdon Local Plan: Part One Strategic Policies (November 2012) Policy BE1, all new development is required to improve and maintain the quality of the built environment, achieve a high quality of design and make a positive contribution to the area in terms of layout, form, scale and materials. In particular, these should not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.

The site is not within any designated area for built protection, however the Hillingdon Local Plan: Part Two - Saved UDP Policies BE13 and BE19 seek respectively to ensure that new development will harmonise with the existing street scene and otherwise complement and improve the character and amenity of the residential area in which it is located.

The immediately surrounding area contains a variety of residential development, in the form of detached and semi-detached properties including two storey dwellings and bungalows in Barnhill and adjoining roads. These dwellings nonetheless present a uniform pattern of layout, spacing and set back from the road within similar sized, shaped plots, mostly providing rear gardens of between 20 and 50 metres in depth.

In the proposal, whilst the width of frontage, approximately 9.3 metres, and set back of the new dwelling from the road would be comparable with those in the vicinity there would be a significantly reduced depth of private rear garden available to its occupants which would not be much more than half that of the shortest existing in this area.

The untypical layout and smaller size of residential plot created by the proposal would therefore have a detrimental impact on the character of the area as a result and the proposal is considered contrary to Local Plan Part One Policy BE1 and Part Two Policy BE19.

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

Policy H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies states that proposals for tandem development of backland in residential areas will only be permitted if

no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers.

The amenities of neighbouring and future occupiers are sought to be safeguarded under Hillingdon Local Plan: Part Two - Saved UDP Policies BE20 (in terms of their outlook), BE21 (daylight/sunlight) and BE24 (privacy).

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) contains design guidance for new dwellings.

The building lines and height of the new dwelling should generally be determined by those of the surrounding buildings. Adequate sunlight and daylight should be available to all habitable rooms and kitchens and to the adjoining outdoor amenity space of both new and existing dwellings with a minimum separation distance between (facing) dwellings of 15 metres. The existing level in terms of the quality of daylight received to the windows of adjoining properties should also be protected, as measured by reference to assumed 45 (horizontal) and 25 (vertical) degree lines taken from the centre of such windows on plan.

Similarly, new residential development should be designed so as to ensure adequate privacy for its occupants and that of adjoining properties. Thus a minimum distance of 21 metres should be maintained to any area between facing habitable room windows from which overlooking may occur. Where this is not achievable, careful internal room layout, screening or the use of obscure glazing to non-habitable rooms is appropriate.

There are no details in this outline application of the proposed dwelling height or position and type of windows on which to fully assess the impact of the proposal on the neighbouring properties.

However, it is noted that there is a fence and some natural screening along the western boundary of the site with No. 18 Chiltern Road, a two storey dwelling with attached garage. Furthermore there are no significant habitable room windows in the flank wall elevation though one roof light. The proposed dwelling would not be sited any further forward or behind this existing house and thus its occupants should not experience any loss of light or outlook.

A separation distance of approximately 18.45 metres on the indicative site layout from No. 30 Barnhill is also sufficient to ensure that this neighbour's amenities would not be reduced in terms of outlook or natural light/sunlight.

Similarly, the position and type of any windows in the east flank elevation which is a Reserved Matter, could be so designed in the floor layout as to avoid the possibility of any direct overlooking between habitable rooms and the private garden space of the new/existing dwellings.

The impact of the proposal on the amenities of neighbouring occupiers is generally therefore acceptable, subject to later detailed design, and accords with Policies BE20, BE21 and BE24 in this regard.

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

Section 4.7 of the Supplementary Planning Document, the Hillingdon Design & Accessibility Statement - Residential Layouts (July 2006), states that careful consideration should be given in the design of the internal layout and that satisfactory indoor living space and amenities should be provided.

Whilst the proposal has been submitted in outline and thus the net internal floorspace is not known it can nonetheless be estimated by the suggested footprint of the dwelling (approximately 7.3 x 8.4 metres). On the assumption therefore that this would provide for living accommodation on two floors, including any habitable roof space to a bungalow, it is likely that there would more than sufficient floorspace available, well above the minimum of 81 square metres for a three bedroom dwelling set down in the Council's SPD.

With regard to the size of the private garden, Section 4.15 of the SPD states that a minimum of 60 square metres be available to future occupants. The site layout indicates that an area of over 100 sq.m. would be created at the rear of the new dwelling with almost 400 sq.m. retained for No.

30 Barnhill. As such the proposal would also comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies in this respect.

The proposed floor layout of the dwelling would be subject to approval but provided that all habitable rooms and kitchens in the proposed dwelling have adequate outlook, privacy and natural daylighting including sunlight this would afford a suitable standard of residential amenity for future occupants.

The proposal therefore accords in these respects with Policies BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

The additional traffic likely to be generated by a proposal and its impact on the safety of vehicle flows and pedestrian movements in the vicinity of the site generally are considered by Hillingdon Local Plan: Part Two - Saved UDP Policy AM7.

Under Local Plan Policy AM14, all proposals should demonstrate that there is sufficient off-street parking capacity and satisfactory arrangements within the site to meet the Council's adopted car parking standards.

Whilst the amount of traffic generated by the proposal would be easily accommodated within the local highway network without any significant implications for traffic flows, the Highways Officer has raised no objection to the proposal for a new vehicular access at this point in Chiltern Road. This would be subject to the standard crossover dimensions, separation (from that serving No. 18 Chiltern Road) and visibility splays to ensure safety for vehicles and pedestrians

Similarly, in terms of the off-street parking provision, there is capacity for up to two vehicles with adequate turning space within the site, likely to be subject to a revised layout as part of the Reserved Matters application.

With the above considerations and given that the application is in outline, the proposal would comply with the Hillingdon Local Plan Part Two Policies AM7 and AM14 and adopted car parking standards in these respects.

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

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) contains guidance on such for new dwellings, and such matters would need to be considered as part of an Reserved Matters application.

#### **7.12 Disabled access**

The Council's adopted Supplementary Planning Document - Accessible Hillingdon

(January 2010) sets out the standard of accessibility required for wheelchair users and other disabled future occupiers of new dwellings and Policy 3.8 (Housing Choice) the London Plan (July 2011) also refers. Compliance with all 16 Lifetime Home standards as relevant is therefore sought.

However, the proposal is in outline and it must therefore be assumed that such features as level internal/external accesses and door thresholds (with appropriate falls and bars to prevent rain and surface water ingress), bathroom dimensions and features are capable of being incorporated in the final layout design.

Accordingly, such details can be made the subject of a appropriate condition on any approval and assessed as part of the Reserved Matters submissions.

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

Not applicable to this application.

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

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies seeks the retention of existing trees and other significant landscape features providing valuable amenity within or adjoining an application site or their replacement with similar appropriate species. Where such features are identified for retention but may be threatened by the construction works for the development, suitable measures for their protection may be necessary.

The siting and layout of the proposed dwelling would result in the loss of substantial levels of existing trees, shrubs and general garden space and would thus result in a negative impact on the visual character of the area.

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

Section 4.40-4.41 of the SPD: Residential Layouts (July 2006) considers waste management and specifies that bin stores should be provided for and bins should not be sited further than 9 metres from the edge of the highway.

There is sufficient space within the indicative site layout as part of this outline application to meet this requirement and such matter can be adequately controlled as part of the Reserved Matters submissions.

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

In the event that this outline application be approved, it would be considered appropriate to impose a condition that the new dwelling should meet Level 3 of the government's Code for Sustainable New Homes (2008)

This would require that all of the relevant standards and targets set out in respect of reduced carbon emissions, materials, waste management and surface water run-off, accessibility etc. which may also be subject to other controls and/or further detailed submissions are achieved in the final building design and layout.

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

If the application is approved, it is recommended that a condition be imposed which would require that the new areas of hard surfacing to be constructed within the site utilise porous materials.

The use of suitable paving materials combined with the provision of sufficient areas of planting and soft landscaping to serve as both visual and drainage features can be controlled by the imposition of a full hard and soft landscaping condition that should ensure that potential surface water run-off on to the highway is prevented.

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

Not applicable to this application.

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

The comments received with regard to the form of back garden development or garden grabbing are noted elsewhere in this report which considers the potential implications for density, character and amenity of the surrounding area if replicated elsewhere.

There is a variety of dwelling type and plot size in the vicinity of the application site, though layout, spacing and building lines are fairly uniform. The generally spacious character of the surrounding residential area is also defined by the separation distances between dwellings derived from the length of their private rear gardens.

The proposed dwelling would be positioned on a return frontage in Chiltern Road and thus would be much closer to the dwelling it backs on to (No. 30 Barnhill Road) and have only half the depth of rear garden of those in the original estate layout.

This perceived change in the layout, appearance and thus character of the surrounding area is covered in the main report. All other comments received with regard to access, highways, parking and the amenities of adjoining residents have also been addressed elsewhere in this report.

#### **7.20 Planning Obligations**

The requirement under Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies for the applicant to make a financial contribution in respect of the future educational requirements of occupants of the new dwelling can not be fully assessed at this outline stage.

In the event that there is a net addition of six or more habitable rooms including kitchens on the site and the proposal thus qualifies, this requirement has technically not been met by the current proposal and should be refused as contrary to the policy for this reason.

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

Not applicable to this application.

#### **7.22 Other Issues**

None.

### **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**

Not applicable to this application.

**10. CONCLUSION**

The proposal is considered to have a detrimental impact on the layout and character of the locality and thus to the built character and appearance of the residential area as a whole. Accordingly, the application is recommended for refusal primarily on this basis.

The proposal is also deficient in the provision of an education facilities contribution, which may be required dependent on the size of the dwelling proposed. As such, it is contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

**11. Reference Documents**

Hillingdon Local Plan: Part One (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
HDAS: Residential Layouts  
London Plan (July 2011)  
London Plan Housing Supplementary Planning Guidance (November 2012)  
Hillingdon Supplementary Planning Document: Planning Obligations  
National Planning Policy Framework (March 2012)  
Hillingdon Planning Obligations Supplementary Planning Document updated chapter 4 Education (August 2010)  
Letters making representations

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|  | <p>Planning Application Ref:</p> <p style="text-align: center;"><b>68960/APP/2013/33</b></p>                    | <p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>                        |  |
|  | <p>Planning Committee</p> <p style="text-align: center;"><b>North</b></p>                                       | <p>Date</p> <p style="text-align: center;"><b>May<br/>2013</b></p>                    |  |
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