

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 7 WOODLANDS AVENUE RUISLIP

Development: Two storey, 3-bed, detached dwelling with associated parking and amenity space

LBH Ref Nos: 69927/APP/2014/4283

Drawing Nos: 7 A 004 Rev 2
7 Planning Side Rev 1
07 A 001 Rev 3
OS MAP Rev 2
Site
7 Planning Side
Design & Access Statement

Date Plans Received: 04/12/2014 **Date(s) of Amendment(s):** 04/12/0014

Date Application Valid: 22/01/2015

1. SUMMARY

The application is a resubmission seeking planning permission for a two storey, 3 bed detached dwelling. No.7 is located at the junction of Woodlands Avenue with Newnham Avenue. The proposed house would front onto Newnham Avenue although its rear elevation would be sited abutting the boundary fence with No.5 Woodlands Avenue.

Whilst the site is located within the developed area as defined in the Hillingdon Local Plan: Part Two - UDP Saved Policies, the construction of one dwelling on this site would effectively represent "garden grabbing" with a significant area of the existing garden to No. 7 Woodlands Avenue, which currently provides an undeveloped open/green space behind the rear of the adjoining dwellings in Woodlands Avenue and Newnham Avenue, being redeveloped.

In addition, the proposed house would appear cramped and out of keeping with the established pattern of development. Therefore, it is considered that the proposed dwelling would be harmful to the character of the area.

Due to the siting and design of the proposed house it would cause significant loss of light, loss of outlook, sense of dominance and unacceptable overlooking of the neighbouring occupiers. Therefore, the proposal would have an acceptable impact on the residential amenity of the neighbouring occupiers

Insufficient evidence has been provided in relation to parking, access, drainage and private garden area. On the basis of the information available the proposed development would likely be harmful to the interests of highway safety and fail to provide an appropriate residential living environment.

Finally, whilst the house provides adequate living space for a 3 bedroom house the proposal does not include an adequate size downstairs wc and would not meet lifetime homes requirements.

There are no issues of concerns in relation to trees and landscaping and if the scheme

was otherwise acceptable a suitable condition could be imposed to control these matters.

However, in light of the above issues of concern the proposed development would be contrary to policies in the Hillingdon Local Plan Part One and Part Two, London Plan 2011 and the NPPF. Therefore, the proposed development is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by virtue of the inappropriate development of garden land would erode the character, appearance and local distinctiveness of the site and surrounding neighbourhood. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (March 2015) and the National Planning Policy Framework

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its size, scale, bulk and position, would be detrimental to the amenities of adjoining occupiers at 5 and 7 Woodlands Avenue by reason of overdominance, overlooking and loss of outlook. The proposal is therefore contrary to Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposed development, by reason of its location, size, scale, bulk and design, would result in a cramped, visually intrusive, unduly prominent and undesirable form of development, that would be out of keeping with the character and appearance of the street scene and the area in general, contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (March 2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Non Standard reason for refusal

Insufficient off street car parking has been provided. As such the proposed development would lead to demand for on street parking to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

5 NON2 Non Standard reason for refusal

Insufficient evidence has been provided to show that the proposed development will provide private amenity space of sufficient size and quality commensurate to the size of the proposed and existing dwellings, to the detriment of the amenity of current and future occupiers. The proposal is therefore contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

6 NON2 Non Standard reason for refusal

The proposed development by reason of its position and the provision of a kitchen window abutting the boundary fence would result in inadequate levels of natural light and lack of

outlook from this room, to the detriment of the amenity of future occupiers. The proposal is therefore contrary to Policy BE21 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7 NON2 Non Standard reason for refusal

The proposed development fails to meet the requirements of lifetime homes and is therefore contrary to Policy 3.8 of the London Plan (March 2015) and the adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (March 2015) and national guidance.

OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
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.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

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 saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), 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

The application property comprises a two storey semi detached property on the north west side of Woodlands Avenue. The house is located at the junction of Woodlands Avenue with Newnham Avenue.

The application property has a garage and a single storey side extension and a reasonable sized rear garden. To the front, the property has a hardstanding area used for vehicle parking.

The wider area comprises similar sized properties on slightly smaller plots, the corner plots being larger. The corner plot has the long rear garden of the property on Woodlands Avenue running towards the side elevations of properties on Newnham Avenue, this is similar to the other junctions with Woodlands Avenue and is a part of the character of the area.

The site is located within the developed area as identified in the Hillingdon Local Plan Part Two - UDP Saved Policies (November 2012).

3.2 Proposed Scheme

The proposed scheme comprises a two storey, 3-bed, detached dwelling with associated amenity space and parking. The proposed dwelling measures 8.9m deep, 7.1m wide and 9m high to ridge level and would provide a maximum of 120sq. m of shared garden space for the proposed dwelling and existing dwelling. The proposed dwelling will front onto Newnham Avenue and provide one off-street parking space to the front of the property.

The application differs from the previous application by removing the basement, providing one parking space, and a downstairs w.c.

3.3 Relevant Planning History

69927/APP/2014/1402 Land Forming Part Of 7 Woodlands Avenue Ruislip

Two storey, 3-bed, detached dwelling with habitable basement with associated amenity space

Decision: 17-07-2014 Refused

Comment on Relevant Planning History

69927/APP/2014/1402 - Two storey, 3-bed, detached dwelling with habitable basement with associated amenity space. Refused for the following reasons:

1. The proposed development by virtue of the inappropriate development of garden land would erode the character, appearance and local distinctiveness of the site and surrounding neighbourhood. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (July 2011) and the National Planning Policy Framework
2. The proposed development, by virtue of its size, scale, bulk and position, would be detrimental to the amenities of adjoining occupiers at 5 and 7 Woodlands Avenue by reason of overdominance, overlooking and loss of outlook. The proposal is therefore contrary to Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
3. The proposed development, by reason of its location, size, scale, bulk and design, would result in a cramped, visually intrusive, unduly prominent and undesirable form of development, that would be out of keeping with the character and appearance of the street scene and the area in general, contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2011) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
4. Insufficient evidence has been provided to show that the proposed development can provide the required level of off street car parking. As such the proposed development would lead to demand for on street parking to the detriment of highway and pedestrian safety. The proposal is therefore contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
5. Insufficient evidence has been provided to show that the proposed development will provide private amenity space of sufficient size and quality commensurate to the size of the proposed and existing dwellings, to the detriment of the amenity of current and future occupiers. The proposal is therefore contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
6. The proposed development by reason of its position and the provision of a kitchen window abutting the boundary fence resulting in inadequate levels of natural light and lack of outlook from this room to the detriment of the amenity of future occupiers. The proposal is therefore contrary to Policy BE21 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
7. The proposed development does not provide a downstairs WC/cloakroom. As such the proposed development fails to meet the requirements of lifetime homes and is contrary to Policy 3.8 of the London Plan (July 2011) and the adopted and the adopted Supplementary Planning Document HDAS: Accessible Hillingdon.
8. The proposed development includes a habitable basement however the application has not been accompanied by any evidence to adequately show that the proposed scheme will not give rise to flooding or drainage issues. As such it is considered that due to insufficient evidence it is possible that the proposed development would lead to drainage and flooding issues and is therefore contrary to Policy OE8 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

PT1.H1 (2012) Housing Growth

Part 2 Policies:

OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

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.

BE15 Alterations and extensions to existing buildings

BE18 Design considerations - pedestrian security and safety

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

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

NPPF National Planning Policy Framework

NPPF1 NPPF - Delivering sustainable development

NPPF6 NPPF - Delivering a wide choice of high quality homes

NPPF7 NPPF - Requiring good design

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

17 letters were sent to local residents and the Residents Association on 26 January 2015 and the site notice was posted on 1st February 2015. The application is called into committee by a Councillor.

8 letters of objection and one petition, with 38 signatures, have been received objecting on the following grounds:

1. Loss of residential amenity
2. Possible flooding
4. Loss of fir tree
5. Lack of parking
6. Increase congestion and on street parking
7. Detached house out of keeping
8. Highway danger
9. Quiet area
10. Set a precedent.
11. Garden grabbing.
12. Failed to demonstrate the land was in B1 use.

EASTCOTE RESIDENTS ASSOCIATION:

We ask that this application be refused.

Application 69927/APP/2014/1402 for a 3 bedroom detached dwelling in the rear garden of this property has already been refused - it was recommended for refusal by the case officer, and this was upheld by the North Planning Committee.

We submit that the reasons for refusal equally apply to this current application. In sum these are:-

- This application again constitutes 'garden grab, and therefore, if for no other reason, is unacceptable.
- In addition, the proposed building would take away the open aspect that currently exists and is enjoyed by adjacent residents.
- The size and bulk of the property would alter the street scene substantially and detrimentally. It would take away light from neighbours.

The detailed reasons given in the original decision notice continue to apply to the current application and amply the points above. For example the position of the kitchen window remains the same, abutting the boundary fence and resulting in a lack of natural light and outlook. The amenity and car parking spaces remain the same, so once again do not appear to meet required levels in either case.

A downstairs WC/Cloakroom is now provided in the current plan. However, it is too small to meet the requirements of lifetime homes, as there is not sufficient space to allow for the turning circle of a wheelchair.

The Applicant suggests that in the 1960's the land was used by Eastern Electricity - apart from hatching on a drawing showing what they suggest to be the area involved, no actual evidence of this B1 use has been provided. Given that the houses and their associated gardens in this area have anyway been in existence for decades, we cannot see what bearing this has on the current application.

We presume you will ignore the family reasons given for requiring the new house, as these are not planning issues and thus cannot play any part in the determination of the application.

Whilst also not a planning issue, we note that the Applicant states that neighbours have been consulted and are supportive. Neighbours have let me know that they have not been approached by the owners of No 7 or anyone representing them. I understand that neighbours are intending to file a petition and submit individual letters of objection.

EASTCOTE VILLAGE CONSERVATION PANEL:

The first application 69927/APP/2014/1402 for a detached three bedroom dwelling to be built in the

rear garden of 7 Woodlands Avenue, was refused at the North Planning Committee
This current application has not addressed those reasons for refusal, BE 13, BE 19, BE 21, BE 24, AM14.

1. The applicant is now claiming that in 1969 the land was B1 use by Eastern Electricity. However there is no documentary evidence shown with the application to prove this. Apart from A shaded area on a drawing without any verification. This land has been a garden for almost 50 years, so, the label 'Garden Grab' still applies.
2. With the removal of the basement, the overall floor area of the house has been reduced to 91 sqm. This is below the guideline of 96 sqm for a three bedroom 5 person dwelling.
3. The parking provision is still inadequate, there being only one off road parking space provided.
4. Within the street scene the size and design of the house has not changed. Therefore the Officer's comments for the 1st application still apply. 'A cramped and out of keeping development within the established pattern of development.
5. The kitchen door one assumes with a window, just looks out onto a wall, as the previous application.
6. The window bedroom 2 will still overlook the neighbouring properties.
7. Although a downstairs toilet has now been incorporated, it does not appear to be large enough to contain a wheelchair turning circle. The claim that 10% of the dwelling is to Lifetime Home standards is not acceptable.

It must also be noted that the submitted D&AS states that neighbours have been consulted and are supportive of the application. This is not correct, neighbours have not been consulted by the applicant and are definitely not in favour of this application. Their letters of objection and petition against will make this clear.

The applicant gives personal reasons for wanting this dwelling in the garden of number 7 Woodlands Avenue, these are not planning reasons and should be ignored.
We ask that this application be refused.

Officer Comment: The issues raised are addressed in the main body of the report.

Internal Consultees

EPU:

No objection to the planning application.

Please note the highlighted comments below as informative

(1) INF 20 Control of environmental nuisance from construction work

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

(i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;

(ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;

(iii) Measures should be taken to eliminate the release of dust, odors and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and

(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155)

TREES AND LANDSCAPE COMMENTS:

LANDSCAPE CHARACTER / CONTEXT:

Site description:

- The site is occupied by the rear garden of 7 Woodlands Avenue, a two-storey semi-detached house at the junction of Newnham Avenue.
- The side boundary of the rear garden extends along Newnham Avenue. The end of the garden has vehicle access and a dropped kerb.
- There are no trees or landscape features of particular merit within the garden.
- However, there are two street trees nearby, one, a mature 'Cappadocicum maple' to the north-west of the dropped kerb and the other, a young (recently planted) cherry to the south-east.

Landscape Planning designations:

- There are no Tree Preservation Orders and no Conservation Area designations affecting the site.

PROPOSAL:

The proposal is to build a two-storey, 3-bed, detached dwelling with associated parking and amenity space.

LANDSCAPE CONSIDERATIONS:

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

- No trees or other landscape features of merit will be affected by the proposal.
- The new dwelling is to be situated at the far end of the garden, utilising the existing vehicular access and dropped kerb. The off-site (street) trees should be unaffected by the proposal.
- If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

RECOMMENDATIONS:

No objection, subject to the above observations and RES9 (parts 1,2,5, and 6).

HIGHWAY COMMENTS:

It is recommended that provision for 2 car park spaces be provided for the proposed detached dwelling.

ACCESS OBSERVATIONS

The proposal is to erect a two storey 3 bedroom detached house within the land of 7 Woodlands Avenue. The Design & Access Statement refers to the proposal having been designed to meet all Council policy, but no reference has been made to the Lifetime Home Standards.

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted May 2013. Compliance with all 16 Lifetime Home standards (as relevant) should be shown

on plan.

The following access observations are provided:

1. Level access should be achieved. Entry to the proposed dwelling appears to be stepped, which would be contrary to the above policy requirement. Details of level access to and into the proposed dwelling should be submitted. A fall of 1:60 in the areas local to the principal entrance and rear entrance should be incorporated to prevent rain and surface water ingress. In addition to a levels plan showing internal and external levels, a section drawing of the level access threshold substructure, and water bar to be installed, including any necessary drainage, should be submitted.
2. The scheme does not include provision of a downstairs WC compliant with the Lifetime Home requirements. To this end, a minimum of 700 mm should be provided to one side of the toilet pan, with 1100 mm in front to any obstruction opposite.
3. A minimum of one bathroom on the first floor should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.
4. To allow the entrance level WC and first floor bathroom to be used as a wet room in future, plans should indicate floor gulley drainage.
5. The plans should indicate the location of a future 'through the ceiling' wheelchair lift.

Conclusion: unacceptable. Revised plans should be requested as a prerequisite to any planning approval. In any case, an additional Condition, as set out below, should be attached to any planning permission:

ADDITIONAL CONDITION

Level access shall be provided to and into the dwelling houses, designed in accordance with technical measurements and tolerances specified by Part M to the Building Regulations 2010 (2004 edition, incorporating 2010/13 amendments), and shall be retained in perpetuity.

REASON: to ensure adequate access for all, in accordance with London Plan policy 3.8, is achieved and maintained, and to ensure an appropriate standard of accessibility in accordance with the Building Regulations.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 53 of the National Planning Policy Framework advises that '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.'

The London Plan (March 2015) aims to provide more homes within a range of tenures across the capital meeting a range of needs, of high design quality and supported by essential social infrastructure.

In terms of new housing supply, the Borough of Hillingdon has been allocated a minimum target of 4,250 in the period from 2011-2021. The form of such housing should provide a mix of dwelling types in different locations with those at higher densities providing for smaller households focused on areas with good public transport accessibility.

London Plan Policy 3.5 (Quality and design of housing developments) states that "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 the 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 comments (in Paragraph 3.34) that "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base..."

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that "new development 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 area".

The construction of one dwelling on this site would effectively represent "garden grabbing" with a significant area of the existing garden to No. 7 Woodlands Avenue taken and which currently provides an undeveloped open/green space behind the rear of the adjoining dwellings in Woodlands Avenue and Newnham Avenue. As this land is not otherwise previously developed, the proposal should be considered as an inappropriate form of development in this locality and is thus contrary to the objectives of the NPPF, London Plan Policy 3.5 and Hillingdon Local Plan Policy BE1.

7.02 Density of the proposed development

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

The application site comprises the side and rear garden area between the semi-detached properties on Woodlands Avenue and Newnham Avenue and occupies a prominent and attractive corner plot. The properties in the area comprise simply designed two storey properties in render beneath a tile roof, all with modest front gardens and parking areas.

The area comprises a mixture of designs although in the main hipped roof semi-detached properties dominate. The proposed detached house would be two storeys high and would have a gable end roof design. 7 Woodlands Avenue and the properties that surround it are semi-detached house with hipped roofs. The houses opposite the application site are semi-detached and comprise hipped roofs. Although these micro design level issues such

as the window designs and materials etc have been addressed, the overall shape and size of the proposed development provides the impression that it has been squeezed onto the site and its comparatively narrow plan form and significantly shorter depth would result in a much smaller scale that would contrast the larger form of surrounding buildings. This would create an anomaly in the street scene and a cramped appearance, given the close proximity of the building to the site boundaries and resulting small gardens compared with the neighbours. Therefore, the development would conflict with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) which requires the layout and appearance of new development to harmonise with the street scene and compliment or improve the character of the area, Policies 3.5 and 7.4 of the London Plan (March 2015) which have similar objectives underlined by a requirement for high quality design as well as design guidance contained within the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Residential Layouts.

7.08 Impact on neighbours

The proposed two storey house would be built to the north west of the host dwelling adjacent to No. 52 Newnham Avenue. The proposed dwelling does not extend beyond the rear of No. 52 and is adjacent to the side extension of that property. As such it is not considered harmful to the amenity of the occupiers of this property. The proposed house would be sited only 10m from the existing rear elevation of No. 7 Woodlands and 12m from No. 5. There would be no windows at first floor level in the proposed side elevation but glazed doors and windows at ground level serving the dining room, this could be screened by suitable boundary treatment.

The Hillingdon Design & Access Statement (HDAS): Residential Layouts requires a minimum separation distance of 15m between buildings where there are no facing habitable room windows. The proposal does not comply with this requirement, resulting in an overdominant development which would have a detrimental impact on the amenities of existing residential properties. Given the short distance to the two existing properties No. 5 and No. 7 from the proposed dwelling, it is considered that the proposed development would lead to a loss of outlook and overbearing impact on the two existing houses.

Furthermore, as the the proposed house would be built on the boundary of the garden of No. 5 with a bedroom window at first floor this will also lead to an unsatisfactory level of overlooking of the neighbouring property.

Therefore, the proposed two storey property would cause significant loss of outlook, sense of dominance and unacceptable overlooking of neighbouring occupiers.

Therefore, the proposal would have an acceptable impact on the residential amenity of the neighbouring occupier and the development is considered to comply with Policies BE20, BE21 & BE24 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

7.09 Living conditions for future occupiers

Amenity Space

Policy BE23 of the Hillingdon Local Plan Part 2 Saved Policies states that new residential buildings should provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting.

The Hillingdon Design and Accessibility Statement (HDAS) 'Residential Layouts' require residential developments to provide a minimum of 60 sq metres of amenity space for a three bedroom house. The proposed development does not show the proposed garden

area for the existing house and the proposed house. However, the total area available for both house would be 120sq. m but it is still considered that insufficient evidence has been provided to show an adequate private garden can be achieved for both properties. In addition the proposed garden for the new property would be to the side of the house and could lead to issues of privacy and usability. The proposed scheme thus is not considered to provide a satisfactory amount of amenity space for a three bedroom house and would not be acceptable.

Internal Floor Space

Hillingdon Design and Accessibility Statement (HDAS) 'Residential Layouts' requires all new residential units to be built to lifetime home standards. Furthermore all units must comply with the minimum floor space standards as set out in the London Plan (March 2015).

For 2 storey houses these are set out below:

3 bed 4 person house = 87 sq m

3 bed 5 person house = 96 sq m

The proposed house would have a floor area of approximately 96 sq metres (including approximately 65 sq.m in the basement) which meets the standards of the London Plan.

Outlook

In terms of outlook for future residents, Policy BE21 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012) seeks to ensure that new development would not have a significant loss of residential amenity, by reason of the siting, bulk and proximity of new buildings.

Whilst the majority of rooms provide an adequate outlook it is noted that the kitchen window is abuts the boundary fence and provides no outlook from this room. In this regard, it is considered that the proposed house layout would not afford the future occupiers with a sufficient level of outlook.

As such the proposed scheme would not comply with policy BE21 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012) and HDAS: Residential Extensions.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal shows one parking space for the proposed dwelling and a minimum two parking spaces for the existing house. As such insufficient parking for 2 vehicles has been provided for the proposed dwelling. Therefore, the proposed development could give rise to the need for on street parking which would not be in the interest of highway safety and is therefore contrary to policies AM7 and AM14 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

7.11 Urban design, access and security

See Section 7.07.

7.12 Disabled access

London Plan Policy 3.8 requires all new housing to be built to 'Lifetime Homes' standards. The Council's HDAS 'Accessible Hillingdon' also requires all new housing to be built to 'Lifetime Homes' standards.

It is noted that the proposed development does not have a downstairs WC/cloakroom. As such the proposed development fails to meet the requirements of lifetime homes and is contrary to the London Plan Policy 3.8 and guidance in HDAS Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not Applicable to this application.

7.14 Trees, Landscaping and Ecology

The proposal does not involve the loss of trees. No details of landscaping or boundary treatment have been provided however, if other wise acceptable this could be controlled by a planning condition. As such the proposal would comply with policy BE38 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

7.15 Sustainable waste management

Not Applicable to this application.

7.16 Renewable energy / Sustainability

The application has not identified specific means of ensuring sustainability of the development. However, it is felt that the imposition of a suitable condition to require the scheme meets code level 4 of the Code for Sustainable Homes would address this matter.

7.17 Flooding or Drainage Issues

As with the previous application, the proposed development has not been accompanied by any evidence in relation to Flooding or Drainage as required by National, regional and local policy. In the absence of a groundwater site investigation, it is not possible to judge the drainage and flooding issues associated with the new dwelling. However, contrary to the previously refused scheme, the current application does not seek the provision of a habitable basement. In the circumstances, and had the application been considered acceptable in every other respect, a condition requiring the submission of the Flooding and Drainage details would have been recommended.

7.18 Noise or Air Quality Issues

Not Applicable to this application.

7.19 Comments on Public Consultations

The matters raised have been covered in the main body of the report.

7.20 Planning Obligations

Community Infrastructure Levy:

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 £35 per sq metre.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 153 sq metres of additional floorspace are as follows:

Hillingdon CIL = £9,690.00

Mayoral CIL = £3,794.13

Total = £13,484.13

7.21 Expediency of enforcement action

Not Applicable to this application.

7.22 Other Issues

None.

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 Probity 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

It is considered that the proposed development would lead to a cramped form of development that also amounts to a form of "garden grabbing" and is therefore harmful to the character and appearance of the area. Due to the siting and design of the proposed house the proposal will constitute an unneighbourly form of development due to potential overlooking and loss of outlook to the occupiers of the neighbouring properties. The proposed house would also provide an unsatisfactory living environment for future occupier due to the lack of outlook from windows abutting the boundary fence and its failure to meet lifetime homes requirements.

Furthermore the proposal does not provide sufficient parking and is considered harmful to interests of highway Safety. Similarly no evidence is provided to show an adequate garden area can be provide for the proposed and existing house. Similarly there is no evidence to confirm the proposed development will not lead to flooding issues. In addition, the proposed house would not respect the character of the wider area and be harmful to the amenity of adjoining occupiers. Therefore, for these reasons the scheme is considered unacceptable.

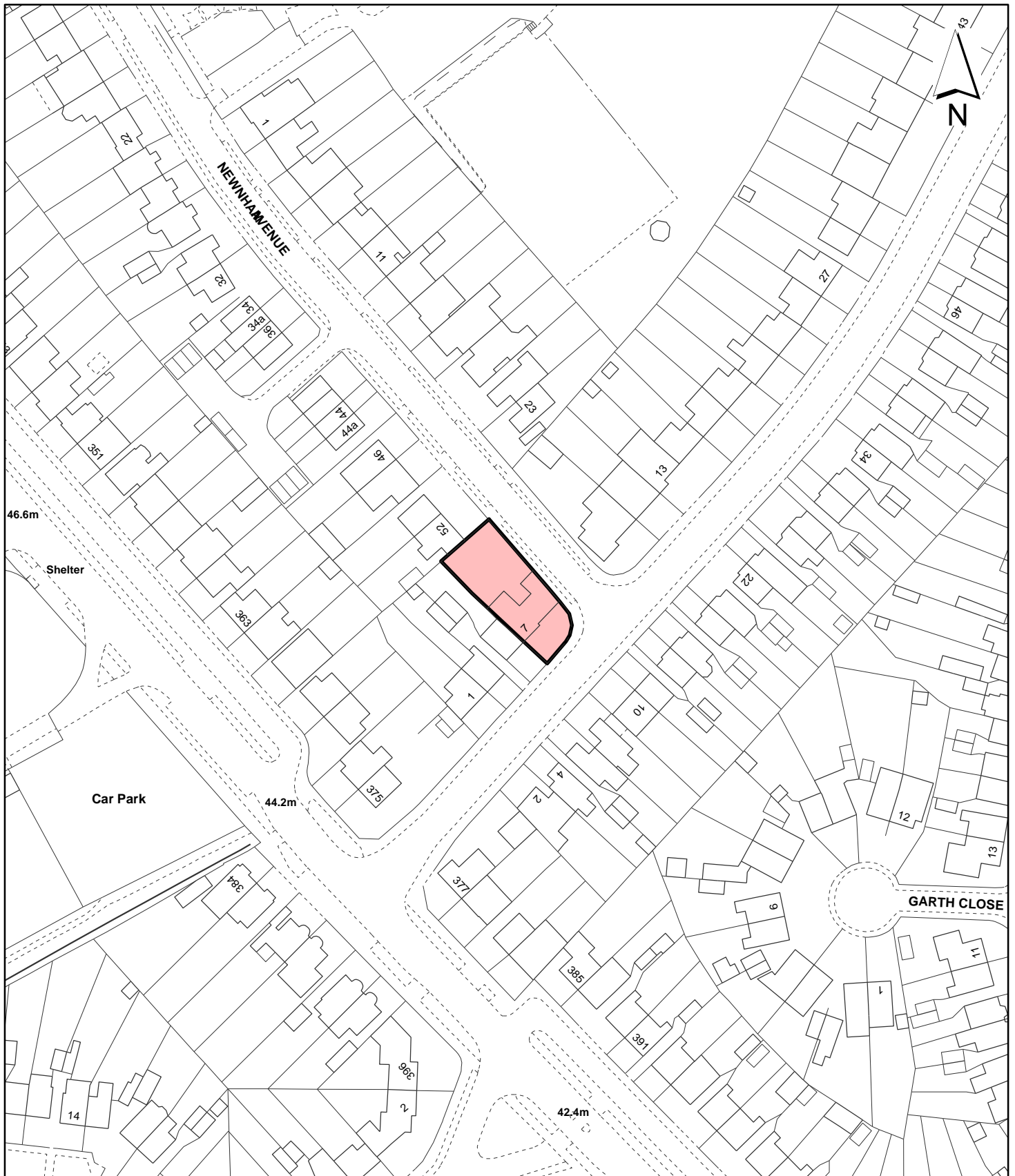
Accordingly the application is recommended for refusal.



11. Reference Documents

National Planning Policy Framework.
London Plan (March 2015).
Hillingdon Local Plan Part 1 2012.
Hillingdon Local Plan Part 2 Saved Policies (November 2012).
HDAS: Residential Layouts

Contact Officer: Mandeep Chaggar

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2015 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Land forming part of 7 Woodlands Avenue Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>	
	<p>Planning Application Ref:</p> <p>69927/APP/2014/4283</p>	<p>Scale</p> <p>1:1,250</p>		
	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>April 2015</p>		