

Report of the Head of Planning, Sport and Green Spaces

Address LAND TO THE REAR OF 2 HILLIARD ROAD NORTHWOOD

Development: Single storey, 1-bed, detached dwelling with associated amenity space (Part Retrospective)

LBH Ref Nos: 34684/APP/2015/2907

Drawing Nos: Supporting Photo
H2-2
Location Plan
H2-3
H2-1 Rev A

Date Plans Received: 03/08/2015 **Date(s) of Amendment(s):**

Date Application Valid: 13/08/2015

1. SUMMARY

The application seeks planning permission for a single storey, 1-bed, detached dwelling with associated amenity space.

It is considered that the development would have an adverse impact that on the established pattern of residential development and the historical character of the existing locality and would be out of keeping and therefore detrimental to the character of the area. Furthermore, the proposal fails to provide satisfactory indoor living space and amenities for future occupiers; and sufficient parking provision, which will result in the increased demand for on street parking.

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 through the 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 Policies BE5, BE13, BE19 and H12 of the Hillingdon Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (2015) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposal would result in the provision of a habitable room with no direct window and would thus result in a habitable room with a lack of outlook and restricted ventilation resulting in an oppressive environment, to the detriment of the residential amenity of future occupiers. The proposal is thus contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies, Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential

Extensions.

3 NON2 Non Standard reason for refusal

The proposal fails to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards and to demonstrate that the proposed development would not give rise to vehicular and pedestrian conflict. As such, the proposal is likely to give rise to additional on-street parking on a heavily parked road and be prejudicial to highway and pedestrian safety, contrary to policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (November 2012).

INFORMATIVES

1 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 (2015). 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 site is located in a section of the garden area to the rear of 2 Hilliard Road, which is accessed by a pathway that runs along side the original dwelling and the rest of the garden for that property. It comprises a single storey building that is set back at the bottom of the garden with a small courtyard in front. The main part of the building comprising the lounge, bedroom and bathroom is finished in render and the front projection with the entrance into the kitchen is wooden clad. There is also a wooden shed in the courtyard in front of the bathroom.

Hilliard Road is residential in character and appearance comprising a mixture of terraced and semi-detached period properties. To the south is a terrace of properties facing Pinner Road with a mixture of commercial and residential, and to the rear of the application site, is a funeral directors.

The site is located within the Old Northwood Area of Special Local Character and the developed area as identified in the Hillingdon Local Plan Part Two - UDP Saved Policies (November 2012).

3.2 Proposed Scheme

The proposed development seeks retrospective consent for the creation of a single storey 1 bed detached dwelling with associated amenity space. It measures 7.65m at the deepest point, with a total width of 6.1m, the height of the pitched roof over the main building is 4.2m dropping to 2.7m at the eaves correlating to the flat roof over the kitchen to the front. It has a floor area of approximately 46sqm and provides 36sqm of amenity space.

3.3 Relevant Planning History

34684/APP/2010/2013 2 Hilliard Road Northwood

Part two storey, part single storey rear/side extension, conversion of roofspace to habitable use with rear dormer and conversion of enlarged dwelling to 1 three-bedroom, 1 two-bedroom and 1 one-bedroom flats, involving a cycle store in rear garden and demolition of existing attached garage.

Decision: 30-11-2010 Refused

34684/APP/2011/359 2 Hilliard Road Northwood

Conversion of existing end terrace house into 2, two-bedroom flats, involving part single storey, part two storey rear extension, first floor side extension, and partial conversion of existing attached garage to side to habitable use.

Decision: 25-08-2011 Refused **Appeal:** 21-03-2012 Dismissed

Comment on Relevant Planning History

Enf/440/14/ENT - Outbuilding in residential use

34684/APP/2011/359 - Conversion of existing terrace into 2 flats (refused and dismissed at appeal)

34684/APP/2010/2013 - Part two storey, part single storey rear/side extension (refused)

The application for the conversion to form 2 flats was refused on the basis:

- Proposed parking provision and impact on highway safety
- Effect on the amenity, character and appearance of the area
- Space within the property

The appeal decision assessed all these aspects and dismissed the appeal on the lack of parking and impact on highway safety.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

Part 2 Policies:

The following UDP Policies are considered relevant to the application:-
AM7 Consideration of traffic generated by proposed developments.

Part 1 Policies: AM14 New development and car parking standards.

BE5 New development within areas of special local character

BE13 BE1 (2012) Built Environment New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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

BE20 Daylight and sunlight considerations.

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

BE23 Requires the provision of adequate amenity space.

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

BE38

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

H12	Tandem development of backland in residential areas
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 5.3	(2015) Sustainable design and construction
LPP 7.1	(2015) Lifetime Neighbourhoods
LPP 7.4	(2015) Local character
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The 17 neighbours were consulted for a period of 21 days expiring on the 7 September 2015.

Five responses were received from nearby neighbours detailing the following issues:

- Contrary to Policy H12
- No parking is to be provided and the application states the dwelling will rely on on-street parking in the surrounding roads, including Addison Way, Chestnut Avenue and Lees Avenue. It is unrealistic to expect future occupiers to park so far away. Lack of parking contrary to policy.
- To approve the proposed development would be contrary to the Planning Inspectorate decision dated 21 March 2012 for the conversion of 2 Hilliard Road to two flats, which was refused on the basis of increased demand for on-street parking resulting in a reduction of highway safety
- We assume the similar backland development referred to in the application is Dorset Court served by a vehicular access with adequate on-site parking. This does not set a precedent for the application as it developed a previous industrial site
- The building at the end of the garden was originally a shed used by the previous owners for gardening and storage
- The chimney erected effect the flat at 104a Pinner Road as the discharge from the chimney blows into the kitchen
- The building works have damaged our tiles and the side of the dwelling is unsightly and badly finished
- He asked us at E.Spark Ltd to let him have a parking space on the back of our property over a year ago, so his intention all along has been to create a dwelling. He has approached planning only because he was reported not out of honesty
- The proposed dwelling and its amenity area is in close proximity to our garden which is used for our families. Having someone live so close will impose on ours and our families' privacy they require to grieve.

- It is stated this is a detached dwelling but this is not true as it backs onto the adjoining wall of 104 Pinner Road

Northwood Residents Association:

Backland development to which access is via a right of way of less than a 1m wide, contrary to Policy H12

Northwood Hills Residents Association - Object:

- this proposal is contrary to both London Plan and NPPF as is blatant garden grabbing
- The building is not set back from the boundaries with 2 Hilliard Road, 104 and 106 Pinner Road, contrary to HDAS
- It appears the lounge doesn't have a window and would be impossible to supply
- 0.9m access not wide enough for wheel chair users. What proof is there that this is an accepted Right of Way?
- Design is poor and resembles a building more likely in a shanty town than a suburban area
- The bin store is set too far away from the highway collecting point contrary to HDAS
- The existing parking in Hilliard Road and the surrounding streets is poor, there is no room for dwellings without parking on site
- Claims are made that similar applications have been approved at 38 & 40 Hilliard Road. These do not appear on the LBH web site.
- Living conditions of future residents would be poor

Thames Water :

Standard response

Internal Consultees

Access Officer:

No response

Conservation Officer:

No comments

Flood and Water Management:

The site is identified at risk of surface water flooding on the Environment Agency Flood Maps. It is therefore important all developments in this area contribute to manage the risk from surface water, and reduce the run off from their site, and the following condition is requested:

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it incorporates sustainable urban drainage in accordance with the hierarchy set out in Policy 5.15 of the London Plan and will:

- i. provide information on all Suds features including the method employed to delay and control the surface water discharged from the site and:
- ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these

details for as long as the development remains in existence.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site lies within an established residential area where there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable.

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

With specific reference to the site location within an Area of Special Local Character, Policy BE5 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that new development should harmonise with the materials, design features, architectural style and building heights predominant in such areas.

In addition to these general considerations of scale and form, backland development is unlikely to be acceptable in many cases because of the difficulties of positioning, site layout and access, in order to both complement the character of the area and to minimise the potential impacts on the amenities of neighbouring occupiers.

The application site is a backland site situated within the Old Northwood, Area of Special Local Character (ASLC). The immediate surrounding area is characterised by period residential properties, with a mixture of red brick and render finishes and other single storey predominantly commercial units. Although these have no special interest, they are of a scale typical to the wider area. The ASLC is a significant heritage asset and therefore it is important that any development sustains and enhances this significance.

It is evident therefore that in the immediate vicinity of the application site there are variety of older buildings including houses, flats and commercial uses that are not of homogenous appearance.

Although the application site is relatively hidden from street views behind the existing buildings, the introduction of any new dwelling in this backland siting would still have a visual impact on the area due to its position in relation to the site boundaries and adjoining dwellings.

In this regard, the proposal is considered out of keeping with the general design, scale, form and proportions of the existing residential development of the area.

As such therefore, the proposal fails to comply with the objectives of Policy BE5 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Policies..

7.04 Airport safeguarding

No objections are raised to the scheme in terms of airport safeguarding.

7.05 Impact on the green belt

Not applicable, the site is not located within the green belt.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) highlights the importance of designing new development to harmonise with the existing street scene whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Section 4.27 of the SPD: Residential Layouts, states careful consideration should be given to building lines, and these should relate well to the existing street pattern.

The area comprises a mixture of semi-detached and terraced properties set within elongated plots many with detached outbuildings to the rear. There are also some examples of historic employment sites, comprising builder's yards and offices that occupy sections of land to the rear of some of the houses. These have wider access paths running from the road between the properties. The Design and Access Statement submitted with the application has stated that other similar developments have been approved to the rear of properties numbers 38 and 40 Hilliard Road. I believe this refers to Dorset Court which is situated to the rear of no's 44 and 46. This is a row of three properties built prior to 1973 and well before the currently adopted plans. Judging by the position and size of that area of land it is highly likely this was a former employment site. Notwithstanding the above development, this type of backland development is not a characteristic of the area.

It is acknowledged that the scale of the development as a single storey bungalow set back behind the existing two storey dwellings is not readily visible from the street. However the Council's SPD: Residential Layouts, Section 5.11 states the form and type of development should be largely determined by its townscape context, and that it should relate to the scale and form of their surroundings. The one-bedroom property would be very much at odds with the primarily family housing within the area, both in terms of the size of the building and the size of its plot.

Consequently, it is considered that the development would have an adverse impact on the local distinctiveness of the area in terms of design, scale, and layout. As such, the proposal would be contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.08 Impact on neighbours

With regard to the impact of the amenities in relation to loss of light, outlook, or over-dominance to the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Adequate distance should be maintained to overcome possible over-dominance, and 15m will be the minimum acceptable distance.

The single storey dwelling situated at the rear of the plot is 21m from the rear of the host dwelling. The kitchen window is obscure glazed and the bedroom window faces into an enclosed courtyard. There are no side windows. The top of the mono pitch roof measures 4.2m where it is adjacent to the existing building of the Funeral Directors to the rear dropping to a flat roof of 2.7m in height, similar to the existing outbuilding to the rear of no. 4. Therefore, the proposed single storey property would cause no significant loss of light, loss of outlook, sense of dominance or unacceptable overlooking of any neighbouring occupier.

Concern has been raised by the owners of the Funeral Directors over the potential impact of

the dwelling in close proximity to their garden. However, this was an existing building within the rear garden of an existing dwelling and it is not considered that the proposed use would significantly increase the loss of privacy to that already experienced.

Concern has been raised with regard to the legal right of way along the alley. This however is not a material planning issue, but would be between the land owner and the applicant. Should this become an issue the owner and others with a legal right of access, have the ability to install a locked gate to prevent access. Notwithstanding this that this is an existing access which currently gives access to a number of other properties and is screened from those properties by 2m high fences and gates, it is not considered the additional use by the occupiers of the 1 x bed property would result in a significant increase in the loss of privacy to that already existing.

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

The Government's new National Technical Housing Standards sets out the minimum internal floor spaces required for flat developments in order to ensure that there is an adequate level of amenity for existing and future occupants.

The proposed dwelling has one bedroom measuring 12 square metres making it a double room and classifying the property as 1 bedroom, 2 person. These standards require that a 1 bedroom 2 person dwelling should have a minimum floor area of 50m². The proposed bungalow would have internal floor areas of 46m², which is below the requirement.

It is further noted that the lounge area has no window and although there is an internal opening through to the kitchen, the window facing the opening is obscure glazed. The proposal is therefore considered to be substandard for use by future occupiers and provides inadequate visual outlook and consequently unacceptable.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Parking Standards require 1.5 spaces for 1 bedroom properties. The proposal shows no parking provision for the proposed dwelling or has any opportunity to provide it. Therefore it is considered that the proposal would increase demand for on street parking and will have a detrimental impact on the adjacent highways.

It is noted that a previous application (34684/APP/2011/359) for the subdivision no. 2 Hilliard Road to form 2 flats, was refused on appeal due to the inability to provide off street parking and the subsequent risk to highway safety.

If the proposal was otherwise acceptable it is considered that appropriate cycle parking could be provided.

Therefore, it is considered that the development would be contrary to Policies AM14 of the adopted Hillingdon Local Plan, 2012, Part 2 and an objection is raised in relation to the proposal.

7.11 Urban design, access and security

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 40 sq metres of amenity space for a one bedroom house. The existing site layout plan (H2-1) shows a provision of approximately 36sqm, however the proposed floor plans (H2-2) indicate that the existing shed will be removed providing approximately 47sq metres of usable private amenity space in the form of a courtyard garden to the front. The proposed scheme thus meets the minimum requirements of amenity space for a one bedroom house and would be acceptable.

7.12 Disabled access

The Access Officer has not raised any concerns with relation to this application

7.13 Provision of affordable & special needs housing

Not relevant to this application.

7.14 Trees, Landscaping and Ecology

Not relevant to this application.

7.15 Sustainable waste management

A covered bin store is identified to the rear of the property adjacent to the shared access path.

7.16 Renewable energy / Sustainability

Not relevant to this application.

7.17 Flooding or Drainage Issues

The site is identified at risk of surface water flooding on the Environment Agency Flood Maps. It is therefore important all developments in this area contribute to manage the risk from surface water, and reduce the run off from their site. Details of how this could be achieved could be conditioned if all other aspects of the proposal were acceptable.

7.18 Noise or Air Quality Issues

Not relevant to this application.

7.19 Comments on Public Consultations

Most of the objections received to the scheme have been addressed within the body of the report. Concern was raised regarding the effect of the discharge from the chimney on the flat at 104a Pinner Road. Issues relating to this would be encompassed within Environmental Protection Legislation.

A question of proof that this is an accepted Right of Way has also been raised. All applicants are required to complete a certificate of ownership in the planning application forms and land ownership or rights of access are not matters that the council verifies. The onus is upon the applicant to ensure the information is accurate. Notwithstanding that, the approval of a planning application would not override any other legal consideration and if it were established that the land is not in their ownership, it would be a civil matter between the applicant and the land owner.

7.20 Planning Obligations

N/A

7.21 Expediency of enforcement action

This site is subject to a separate planning enforcement investigation.

7.22 Other Issues

London Plan Policy 3.8 requires all new housing to be built to Lifetime Homes Standards. The Council's SPD HDAS: Accessible Hillingdon also requires all new housing to be built to Lifetime Homes Standards. It is considered that a condition could be imposed to secure full

compliance with the Lifetime Homes Standards.

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

10. CONCLUSION

The proposed single storey 1 bed detached dwelling due to the impact that a residential dwelling of this design, in this location, would have on the established pattern of residential development and historical character of the existing locality, would be out of keeping and therefore would constitute an obtrusive feature in this street scene, to the detriment of the character of the area. Furthermore, the proposal fails to provide satisfactory indoor living space and amenities for future occupiers; and sufficient parking provision, which will result in the increased demand for on street parking.

As such, the proposal is considered contrary to policies in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the SPD HDAS: Residential Layouts: and The London Plan (2011)

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan Part 2

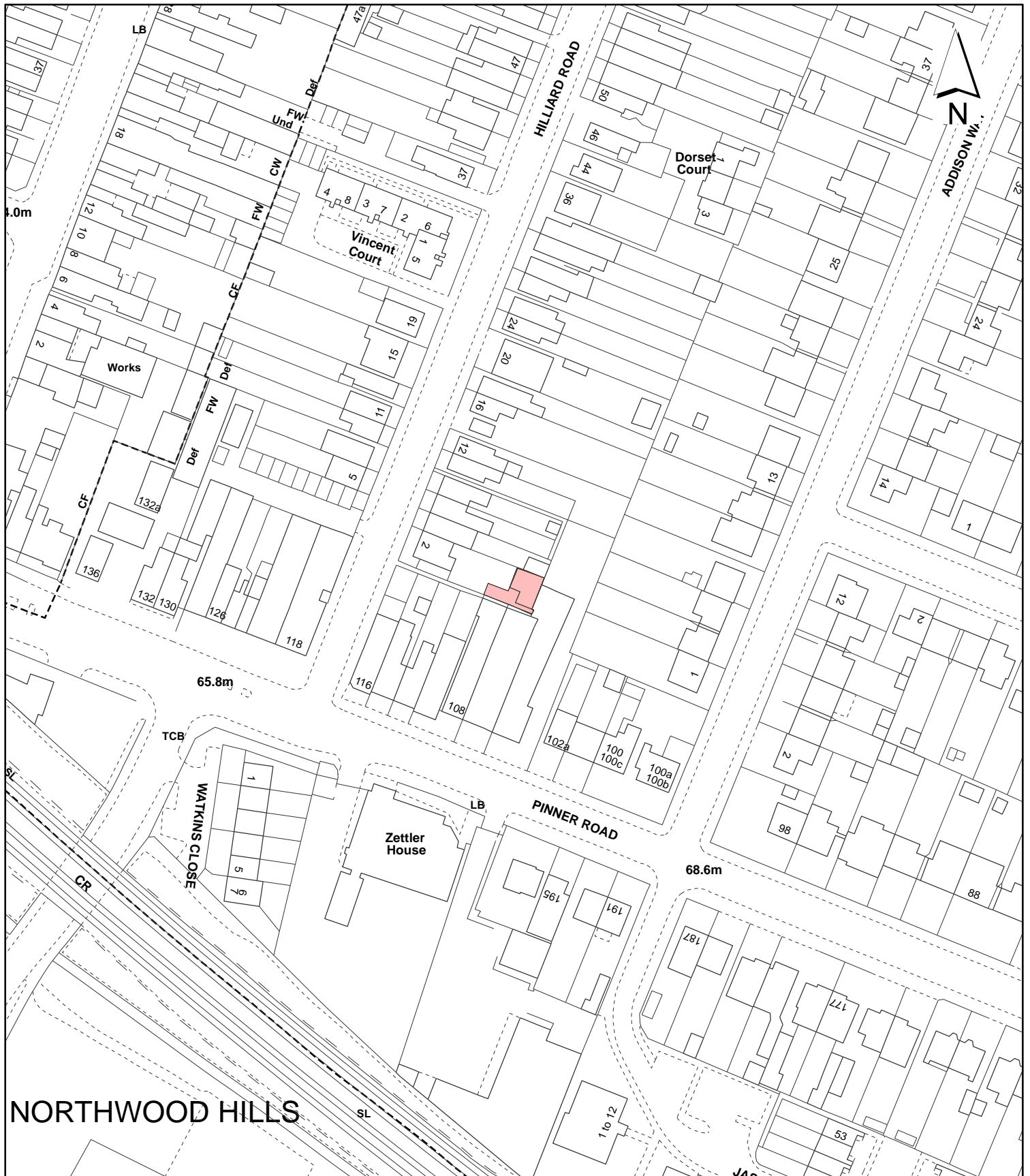
The London Plan (July 2015)

Supplementary Planning Document 'Accessible Hillingdon'

National Planning Policy Framework

Contact Officer: Liz Arnold

Telephone No: 01895 250230



NORTHWOOD HILLS

Notes:

 Site boundary

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Site Address:

**Land to the rear of 2 Hilliard Road
 Northwood**

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

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

Planning Application Ref:

34684/APP/2015/2907

Scale:

1:1,250

Planning Committee:

North

Date:

November 2015



HILLINGDON
 LONDON