

Report of the Head of Planning, Sport and Green Spaces

Address 76 SNOWDEN AVENUE HILLINGDON

Development: 2-bed, detached chalet bungalow with habitable roofspace with associated parking and amenity space and installation of vehicular crossover to front

LBH Ref Nos: 17008/APP/2015/3992

Drawing Nos: 1057-6 Rev. E
1057-9
Planning Statement
1057-3 Rev. B
1057-4 Rev. B
1057-1
1057-7 Rev. B
1057-8
1057-5 Rev. B

Date Plans Received: 26/10/2015

Date(s) of Amendment(s):

Date Application Valid: 05/11/2015

1. **SUMMARY**

This application seeks planning permission for a 2-bed, detached chalet bungalow with habitable roofspace, private amenity space and parking to the rear of 76 Snowden Avenue.

Taking account of the strong policy justification in place at both a local and national level to control backland tandem development, it is concluded that the introduction of a dwellinghouse to the rear of 76 Snowden Avenue would be detrimental to the character and quality of the surrounding area and street scene. The loss of significant garden space to the rear of no.76 Snowden Avenue would not relate satisfactorily to the established character of the surrounding area.

It is considered that the impact upon the residential amenity of the current and future occupiers of 76 Snowden Avenue, by reason of the material loss of privacy and undue disturbance which would result is also unacceptable.

It is therefore recommended that this application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development, by reason of its siting (in a rear garden), layout and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and 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, as well as the proposed loss of existing private rear garden area, would have a detrimental impact on the character, appearance and local distinctiveness of the residential area as a whole. The proposal is detrimental to the visual

amenity and character of the surrounding and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2015), the Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012) and the NPPF (March 2012).

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of the close proximity of the proposed driveway to the existing property, 76 Snowden Avenue, would be detrimental to the residential amenity of the occupants of this property, by reason of the noise and disturbance resulting from the use of this driveway. As such the proposal would fail to comply with Policies H12, BE19, BE21 and OE1 of the of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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 (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
H12	Tandem development of backland in residential areas
BE13	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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
EM6	(2012) Flood Risk Management
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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 3.8	(2015) Housing Choice
LPP 7.4	(2015) 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 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 comprises of part of the original residential curtilage to no.76 Snowden Avenue, Hillingdon. The property consists of a three bedroom, two storey end-of-terrace property located to the eastern side of Snowden Avenue. The application site shares its northern side boundary with the Tommy Flynn's Public House, which is currently vacant.

No.76 Snowden Avenue adjoins a terrace of five properties to the south, nos.66-74. The rear of the application site abuts no.4 and no.5 Silver Way and no.98 Oakdene Road. The established character of the area comprises of terraces of two storey properties, with a high level of consistency in scale and design. The site is located within a 'Developed Area' as identified within the Hillingdon Local Plan (November 2012).

Owing to the end-of-terrace location of the property, it is acknowledged that it has a larger than average rear garden. The garden widens towards the rear of the site, with the rear boundary shared with no.4 and no.5 Silver Way having a width of 17m. The occupiers of no.76 Snowden Avenue currently enjoy external amenity space of over 200sqm, which is recognised as exceeding the size of rear gardens found on surrounding properties. The rear of the application site is heavily screened from neighbouring properties by virtue of the amount of trees and vegetation found along the side and rear boundaries. The significant amount of mature vegetation found within the application site also contributes greatly to the character of the surrounding area.

No.76 Snowden Avenue has previously been extended by way of a two storey rear extension which projects beyond the original rear wall of the property by 2.75m. A single storey garage, accessible by a driveway, is located to the northern side boundary of the site. The driveway also provides additional room for off-street parking within the curtilage of the application site.

3.2 Proposed Scheme

This application seeks planning permission for a 2-bed detached chalet bungalow with habitable roofspace, associated parking and amenity space to the rear of 76 Snowden Avenue.

The proposed dwelling would be bungalow in form, with the front elevation of the bungalow extending for a width of 7.6m and projecting for a depth of 7.4m. The bungalow would extend further beyond this part for 2.25m and a width of 4.10m, creating a staggered rear elevation. At ground floor, the bungalow would have an internal floor area of 55sqm, with an internal floor area of 28sqm at first floor level.

The bungalow would be covered by a gable ended hipped roof with a maximum height of 5.68m with the height to the eaves being 2.3m. A rear dormer would project from the first floor.

The dwelling is proposed to be set in from the south facing boundary, shared with no.74 Snowden Avenue by 1.5m. As the northern side boundary tapers, the distance maintained from the northern side boundary shared with the Hillingdon Arms P.H increases from a minimum of 1m at the front of the proposed dwelling, increasing towards a maximum of 2.5m at the rear of the property.

The private amenity space belonging to 76 Snowden Avenue would be reduced to 60sqm to facilitate the proposal, with private amenity space of 61sqm provided for the proposed bungalow.

The bungalow would be accessed from a brick paving pathway which runs parallel to the private amenity space belonging to 76 Snowden Avenue.

The accommodation provided would comprise of an open plan kitchen and living area, bathroom and one bedroom on the ground floor. A second bedroom and bathroom is proposed on the first floor.

3.3 Relevant Planning History

17008/APP/2015/1158 76 Snowden Avenue Hillingdon

Two storey side/rear extension involving demolition of detached garage to rear

Decision: 26-05-2015 Approved

17008/PRC/2015/80 76 Snowden Avenue Hillingdon

Construction of proposed bungalow with accommodation within the roof space in rear garden including demolition of garage

Decision: 04-08-2015 OBJ

Comment on Relevant Planning History

Pre-Application advice was sought prior to submission, which concluded that the introduction of a dwellinghouse to the rear of 76 Snowden Avenue would be detrimental to the character and quality of the surrounding area and street scene. The loss of significant garden space to the rear of no.76 Snowden Avenue would not relate satisfactorily to the established character of the surrounding area. It is considered that the impact upon the residential amenity of occupiers of neighbouring properties, by reason of the material loss of privacy which would result is also unacceptable.

It was concluded that there was an in principle objection to the proposal, and an application would not be recommended for approval if an application was submitted.

17008/APP/2015/1158

Approved a two storey side and rear extension to 76 Snowden Avenue. If an application for a detached dwelling however was approve the extension could not be implemented.

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.
- AM14 New development and car parking standards.
- H12 Tandem development of backland in residential areas
- BE13 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.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- EM6 (2012) Flood Risk Management
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- 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 3.8 (2015) Housing Choice
- LPP 7.4 (2015) 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

The occupiers of six neighbouring properties were consulted on the application by a letter dated the 6th November 2015, whilst a site notice was placed at the property on the 10th November which was valid for a period of 21 days.

By the close of the consultation period, two responses received objecting on the following grounds:

1. Proposed dwelling is in close proximity to neighbouring properties.
2. Would have a detrimental impact upon the privacy and amenity of neighbouring properties.
3. Garden area between properties acts as a barrier between properties and should be retained.
4. The view and outlook from neighbouring properties would be obstructed by the development.
5. The development is inappropriate for this location.
6. Query raised as to whether windows are suitable for the front of a dwellinghouse.
7. Concerns as to the whether the access and parking proposed is adequate.
8. The development is over-development and contrary to many policies within the Hillingdon Local Plan (November 2012).
9. Principle of backland development contrary to national and local planning policy.
10. Loss of garden space to the rear of the application property would not reflect the surrounding character.
11. Examples of backland development referred to in the submitted planning statement are alot larger in scale, therefore cannot be used to draw comparison.
12. No examples of backland development within the vicinity of the area.

Internal Consultees

Flood and Water Management:

No objection to the development, subject to a pre-commencement condition place on an approval.

Accessibility:

Concerns raised, condition recommended to an approval. Discussed further below.

Environmental Protection Unit:

No objection, subject to an informative placed on an approval.

Trees and Landscape:

No objection, subject to a pre-commencement condition placed on an approval.

Highways and Transportation:

Objection raised, discussed below.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In order to establish the acceptability of the principle of developing this site for residential purposes, it is necessary to take into account the currently adopted planning policy and to a lesser extent, emerging policy.

The NPPF (March 2012) at paragraph 53 advises that LPAs '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 adopted in March 2015 notes that back gardens can 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. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

The Mayor's Housing Supplementary Planning Guidance, November 2012 also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.23 advises that when considering proposals which involve the loss of gardens, regard should be taken of the degree to which gardens contribute to a communities' sense of place and quality of life (Policy 3.5), especially in outer London where gardens are often a key component of an area's character (Policies 2.6 and 2.7). The contribution gardens make towards biodiversity also needs to be considered (Policies 7.18 and 7.19) as does their role in mitigating flood risk (Policies 5.12 and 5.13). Gardens can also address the effects of climate change (Policies 5.9 - 5.11).

The Council has also adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk.

Within the Council's emerging Local Plan: Part 2 - Development Management Policies (Revised Proposed Submission Version, October 2015), at paragraph 4.15 advises that the Council, in general will not accept proposals for development on garden land. Policy DMH6: Garden and Backland Development states:

'There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- features such as trees, shrubs and wildlife habitat must be retained or re-provided.'

While 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 large back garden in this location would be detrimental to the local and historical

context of the area and would have a detrimental impact on the character and appearance of the area in general. It is therefore considered that the principle of the proposed backland residential development is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (March 2015), guidance within The London Plan Housing Supplementary Planning Guidance (November 2012) and the NPPF (March 2012).

7.02 Density of the proposed development

London Plan Policy 3.4 seeks to maximise the potential of sites, compatible with local context and design principles and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in Table 3.2 and which are compatible with sustainable residential quality. Density is however to be recognised as not the only means of assessing the suitability of new housing potential.

As recognised in paragraph 4.1 of the adopted HDAS: Residential Layout Guidance, 'density ranges set out in the London Plan are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units'.

However, taking into account the amount of built form proposed for the site in comparison with surrounding sites, the density and overall coverage of the site would be inconsistent with the character and appearance of the area and would not be considered acceptable.

7.07 Impact on the character & appearance of the area

Within the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policy BE1 requires that all new development improves and maintains the quality of the built environment. High quality design should enhance the local distinctiveness of the area. This is also further emphasised within paragraph 3.4 of the Council's adopted supplementary planning document, HDAS Residential Layouts, which recognises that backland development must 'seek to enhance the character of the local area'.

Paragraph 4.4 of the Council's adopted Supplementary Planning Document, HDAS: Residential Layouts recognises a number of factors which will be considered in assessing the suitability of new housing. Key criteria are stated as being the form, height, massing and layout of the proposal in relation to the character of the area and the surrounding buildings. New developments are also expected to have regard to the layout of the site, the context and the quality of the area.

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), states; development will not be permitted if the layout and appearance fails to harmonise with the existing street scene or other features of the area which are considered desirable to retain or enhance. In addition, Policy BE19, states; the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

The proposed dwelling is viewed as being functional in appearance, recognised as being more intimate in height in comparison to the front properties along Snowden Avenue, although, arguably the dwelling appears bulky in appearance owing to the significant width proposed. As such, it appears over dominant within its context. In addition, the separation distance maintained from the adjoining property to the south, no.74 Snowden Avenue of 1.5m, is regarded as insufficient.

The introduction of a dwellinghouse of such scale in this position is not viewed to be reflective of the prevailing character of the surrounding area. Although plans indicate that a

2.0m high timber fence and gate to the front of the access would be introduced to minimise the impact of the proposal upon the street scene, the distance to the maximum roof height, which is over 3.0m, would still remain highly visible from the streetscene, and would be viewed as breaking the rhythm and pattern of the surrounding street scene.

In conclusion, it is considered that the such significant backland development would fail to harmonise with or reflect the established character of the surrounding street scene, and is therefore contrary to Policies BE1, BE13 and BE19 of the Hillingdon Local Plan (2012).

7.08 Impact on neighbours

An application for a new dwelling will be assessed against any impact which would be conferred upon the residential amenity of occupiers of neighbouring properties, by reason of any loss of outlook, loss of daylight, over-shadowing or over-dominance which may occur.

Paragraph 4.9 of the HDAS Residential Layout Guidance acknowledges that 15.0m is the minimum separation distance required between a property, whilst the minimum 21m overlooking distance would need to be complied with.

Towards the rear of the proposed dwelling, a separation distance of 21m would be maintained between the proposed dwelling and 4 and 5 Silver Way. However, the separation distance of 15m between the proposed dwelling and 76 Snowden Avenue is considered to be inadequate.

Given the proximity of the proposed dwelling to no.76 Snowden Avenue in addition to the access to the new dwelling, which runs parallel to the private amenity space of the occupiers of no.76, it is considered that occupancy of a dwelling in such a location would result in an unacceptable loss of residential amenity for the occupiers of no.76 Snowden Avenue, by way of loss of privacy.

It is considered that a dwelling in this location with its associated access and parking, would result in undue disturbance to the occupiers of no.76 Snowden Avenue, with the proposal therefore contrary to Policy H12 of the Hillingdon Local Plan (November 2012).

Whilst it is acknowledged that the application site is larger than found on the surrounding sites, it is not of a sufficient scale to accommodate a new dwelling in this position, particularly given the harmful impact upon the amenity of the current and future occupiers of 76 Snowden Avenue which would result.

7.09 Living conditions for future occupiers

The Housing Standards Policy Transition Statement (October 2015), outlines the minimum internal floor standards for a range of developments. Submitted plans demonstrate that the proposed dwelling would have an internal floor area of 83sqm, which therefore satisfies the minimum standard of 83sqm.

External Amenity Space

The private amenity space belonging to 76 Snowden Avenue would be reduced to 60sqm to facilitate the introduction of the proposed dwelling, which would be allocated 61sqm, would satisfy the Garden Space Standards contained within the the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM14 of the Hillingdon Local Plan (November 2012), states; 'new development will

only be permitted where it is in accordance with the Council's Adopted Car Parking Standards'. As such, the adopted car parking standards would require 2 car parking spaces for both 76 Snowden Avenue and the proposed dwelling.

In respect to the proposed car parking arrangements, the Council's Highways Officer has acknowledged that 'There are currently a minimum of two off street parking spaces for the existing house. The proposal provides for one replacement parking space in the front garden accessed via a new cross over. The parking spaces on the side alley are in tandem, cannot be independently accessed, and as such are only suitable for the use of the new bungalow. One additional parking space is required for the existing house. As such the application cannot be supported on highway grounds'.

However, whilst noting the objections of the Highway Engineer, it is considered that the site is not located in an area where on-street parking is at a premium and refusal based on the shortfall of one parking space is unlikely to be supported on appeal. The Council would need to demonstrate that the proposal would lead to an impact on the safety and convenience of the adjacent roadway which would be difficult in light of the yellow line restrictions that already exist on the radii of the closest road junctions in either direction.

7.11 Urban design, access and security

Accessibility

The application has been considered by the Council's Accessibility Officer, with the following observations made:

"The proposal to site a two bedroom detached bungalow at the rear of 76 Snowden Avenue makes reference to the Lifetime Home standards. However, the said standards are no longer valid and have been superseded by the Technical Housing Standards.

In assessing this application, reference has been made to the Minor Alterations to the London Plan 2015, Policy 3.8 (Housing Choice), and Approved Document M to the Building Regulations 2015 (ADM 2015). The proposed bungalow should therefore meet the technical requirements for a Category 2 M4(2) - accessible and adaptable dwelling, as set out in ADM 2015".

It was considered that the proposed dwelling falls short of the permitted tolerances and configuration, in respect to the following details;

1. Defeatist of level access to and into the proposed dwelling.
2. Provision of a downstairs WC compliant with specifications for a Category 2 Dwelling.
3. A minimum of one bathroom on the first floor should be designed in accordance with Lifetime Home Standards'.

Conclusion

The Accessibility officer concluded that the concerns raised could be responded to by way of a pre-commencement condition placed on an approval. Therefore, had the principle of development been considered acceptable, a condition would have been attached.

7.12 Disabled access

As discussed above.

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 (November 2012) requires new development to retain and utilise landscape features which are of merit.

Comments received from the Council's Trees and Landscape Officer has acknowledged 'No trees or other landscape features of merit will be directly affected by the proposal, however trees along the rear boundary should be retained'.

Whilst it was acknowledges that the development would result in the creation of some unusable areas, with restricted car parking arrangements, in conclusion, landscape conditions could be imposed on an approval.

Therefore, had the principle of development of been considered acceptable, landscaping at the application property could have been satisfactorily resolved by way of a condition.

7.15 Sustainable waste management

Provision for bin storage for the proposed dwelling has been indicated on submitted plans, and would have been considered appropriate if the principle of the development was considered acceptable.

7.16 Renewable energy / Sustainability

The proposal would be required to achieve appropriate standards of sustainable design and reduce water consumption in accordance with policies contained within section 5 of the London Plan. Had the development been acceptable in other respects this matter could have been dealt with by way of appropriate conditions.

7.17 Flooding or Drainage Issues

The site lies in a Critical Drainage Area (CDA) identified in the Surface Water Management Plan (SWMP) for Hillingdon. A CDA is the catchment area from which surface water drains and contributes to drainage problems.

This is not an in principle objection to development on this site, as recommended by the Council's Flood and Water Management Officer, a pre-commencement condition could have been placed on an approval.

7.18 Noise or Air Quality Issues

No objection to the development was raised to the application by the Council's Environmental Protection Unit.

7.19 Comments on Public Consultations

The issues raised by external consultees on this application have been discussed above.

7.20 Planning obligations

The proposed development would be CIL liable and the CIL, including the Mayor of London's levy, would total £11,481.64.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

The applicant has cited exceptional circumstances for the proposed development and whilst the Council acknowledges the special circumstances cited, considering the strong policy presumption in place to restrict such backland development, this is considered insufficient in this instance to warrant a departure from local and national planning policy.

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

Having acknowledged the strong planning policy framework in place, it is viewed that the proposed siting of a dwelling within the curtilage of no.76 Snowden Avenue would be detrimental to the character and quality of the surrounding area and street scene. The loss of significant garden space to the rear of no.76 Snowden Avenue would not relate satisfactorily to the established character of the surrounding area.

It is considered that the impact upon the residential amenity of occupiers of neighbouring properties, by reason of the material loss of privacy and undue disturbance which would result is also unacceptable.

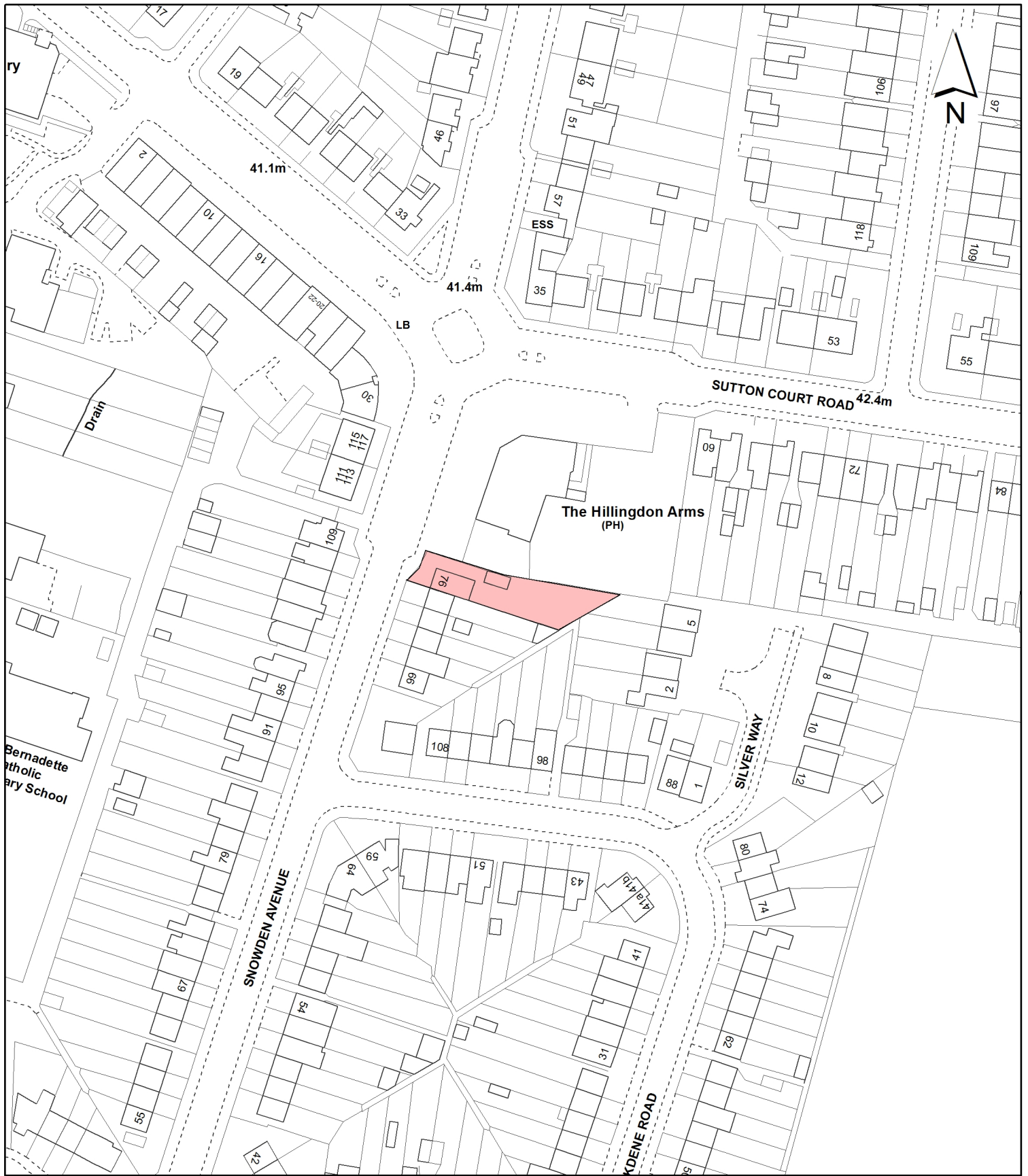
Accordingly, refusal is recommended.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2015)
Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework
The London Plan Housing Policy Transition Statement (May 2015)

Contact Officer: Karen Mckernan

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

76 Snowden Avenue

Planning Application Ref:

17008/APP/2015/3992

Planning Committee:

C&S

Scale:

1:1,250

Date:

January 2016

LONDON BOROUGH OF HILLINGDON

**Residents Services
 Planning Section**
 Civic Centre, Uxbridge, Middx. UB8 1UW
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