

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

**Address** LAND AT 3 OLIVIA GARDENS HAREFIELD

**Development:** Two storey, 4-bed detached dwelling with associated parking and amenity space.

**LBH Ref Nos:** 54964/APP/2016/1378

**Drawing Nos:** 1681/L1  
1681/1 Rev. A  
1681/2 Rev. A  
1-38-3740/P1  
1-38-3740/P2  
Design & Access Statemen

**Date Plans Received:** 07/04/2016 **Date(s) of Amendment(s):**

**Date Application Valid:** 22/04/2016

### 1. SUMMARY

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas complements or improves the amenity and the character of the area.

The proposed in-filling of the land between number 2 and 3 is considered to result in the loss of the gap view towards the mature oak tree and other associated greenery which would have a negative impact upon the visual amenity of the site and the surrounding Conservation Area.

It is therefore recommended for approval.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposal by reason of it siting, size and scale represents a cramped form of development which would result in the loss of the open gap views, which would detract from the open character of the street scene and fails to preserve the character and appearance of the Harefield Conservation Area contrary to Policies BE4 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP 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 (2016). 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.

## 2

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. The submitted application form highlights that the applicant failed to engage in pre-application discussions.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is a corner plot, located on the south eastern side of Olivia Gardens, a private gated cul-de-sac. The proposed plot sits to the side of no 3 and to the rear of the flank wall to no. 2. The site currently forms part of the garden to no.3 including various outbuildings and a detached double garage and brick paved parking area. The street scene is residential in character comprising 4 large detached houses.

The application site lies within the Harefield Conservation Area and the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). A specimen Oak tree protected by TPO 632 is located in a neighbouring garden very close to the eastern boundary and overhangs the site.

#### 3.2 Proposed Scheme

The proposal is for the demolition of the existing garage and the erection of a two storey detached dwelling.

#### 3.3 Relevant Planning History

54964/APP/2000/678 Land Rear Of Heacham, Breakspear Rd North & Between 2 & 3 Olivi  
ERECTION OF A FIVE-BEDROOM DETACHED HOUSE

**Decision:** 18-10-2000 Refused **Appeal:** 21-02-2001 Dismissed

54964/APP/2003/2524 Land Rear Of Heacham, Breakspear Rd North & Between 2 & 3 Olivi  
ERECTION OF A THREE-BEDROOM DETACHED CHALET BUNGALOW AND DETACHED  
GARAGE

**Decision:** 22-12-2003 Refused

#### Comment on Relevant Planning History

54964/APP/2003/2524 - Erection of a three bedroom detached chalet bungalow and detached garage (refused)

54964/APP/2000/678 - Erection of a five bed detached house (refused, dismissed at appeal)

The previous applications were refused on the loss of the open unbuilt gap which would detract from the character and appearance of the street scene and would not preserve the character of the Conservation Area. Furthermore the Inspector considered the scheme would pose a significant threat to the future health and viability of an important Oak tree.

#### **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.
- BE4 New development within or on the fringes of conservation areas
- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.
  
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
  
- H12 Tandem development of backland in residential areas
- H4 Mix of housing units
- 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 7.2 (2015) An inclusive environment
- 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:- 1st June 2016**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

8 neighbours were consulted for a period of 21 days expiring on the 20 May 2016. The site notice was also erected on the gates at the end of the cul-de-sac where it joins Northwood Road, expiring on 1 June 2016. One response was received from near by neighbours who raise the following points:

- No room for the house
- Proposed house out of building line
- Proposed house out of scale
- Over development of the cul-de-sac, the proposal is cramped, crowded and claustrophobic
- Number of cars would increase but the number of spaces would reduce
- Tree Report contains an accumulation of errors/misrepresentations which undermines its authority. These include the remit of the report, an apparent lack of site survey, undermining the importance of the Oak tree and its visual impact to the surrounding area and lack of correlation between statements in the report, which gives the appearance of having been produced in haste
- Mis-statements in the Design and Access Statement reduces its authority. The proposal advises the 'garage' will be demolished but this went through planning identified as a 'games room'; the proposal 'is accessed via a private driveway', however the sign at the entrance to Olivia Gardens declares it to be a 'private road'; the Home Plans Company is getting above itself with sweeping statements over design and compliance with Hillingdon's policies, as well as garden space
- The statement that Olivia Gardens is a private gated development which is out of bounds to all but the residents, is questionable as with the laws of trespass, if no damage is done then access cannot be denied and are the occupants of Olivia gardens really going to execute a citizens arrest to evict a peaceable person
- Cycle storage in the garages would probably reduce the number of cars which could be accommodated
- The site location plan is out of date and does not show the house (no.12b) built to the rear of no.14
- Detrimental impact on the Oak tree. Major pruning has resulted in an unbalanced canopy. If the house was built additional pruning by the house occupants would be inevitable, to the serious detriment to the balance, shape and health of the oak
- The tree is widely visible and valued by many householders and is a major landmark from Breakspear Road
- The proposal would damage the character of the Conservation Area

A petition against the proposal of 30 signatures was also received

A further petition in support of the proposal of 70 signatures was received

Officer response: The Design and Access Statement is a national requirement for submission with some types of application and should be a concise report accompanying and supporting an application for planning permission. It should illustrate the process that has led to the proposal and explain and justify it in a structured way. Therefore the DAS as submitted complies with this requirement. Access to the cul-de-sac is by admittance only through the locked gates and how the owners wish to police this would be at there own discretion and is not material planning considerations. Other issues raised are addressed within the body of the report.

Harefield Tenants and Residents Association: The proposal appears to be well thought out. No. 3 would lose its garage and on checking this application is in the conservation area. I have also been told that when this development was first passed there were restrictions re any more development

Harefield Village Conservation Area Panel: No response

Denham Aerodrome: The site lies within the Denham Aerodrome Traffic Zone and under the flight path. It is inevitable that any occupants in this location will both hear and see aircraft operations and it is important that all concerned are aware of the juxtaposition of the sites.

### **Internal Consultees**

Access Officer

No response

Conservation and Urban Design

Concludes the development to unacceptable.

The proposed site for development comprises of land associated to 3 Olivia Gardens and the property known as Heacham on Breakspear Road North, giving the plot an irregular shape in plan form. It is duly considered that the proposal for a substantially sized property located between numbers 2 and 3 would infill the current open gap between the properties, impacting on views of the site from the cul-de-sac and from Northwood Road. Resulting in the loss of the gap view towards the mature oak tree and other associated greenery. This would have a detrimental impact on the character and appearance of the street scene and in turn the Conservation Area.

There are also concerns that the proposed development would be considered a cramped form of infill/back-land development on a modest sized plot, as identified by the Inspector in the previously appealed application. Any development would need to aim to preserve and/or enhance the Conservation Area. No detrimental impact should occur to the protected trees on and adjacent to the site, and it is important that the trees are adequately safeguarded.

Trees/Landscaping

This site is adjacent to TPO 632 and within the Harefield Village Conservation Area. There are several large, mature, protected trees on and adjacent to this site. Some limited tree information has been provided; however further information is required. This matter can be dealt with by condition.

Recommendations: In order to show that this scheme makes adequate provision for the protection and long-term retention of valuable tree/s, the following detail is required (in accordance with BS 5837:2012):

- A Tree Protection Plan to show how the trees (to be retained) will be protected during development
- An Arboricultural Method Statement to show any incursion into tree root protection areas (RPA's) will be addressed.
- Details of how the tree protection measures will be assessed before demolition / construction starts and how the tree protection (and any procedures described within approved arboricultural method statements) will be supervised during construction.
- A landscape scheme should be also be submitted and any new tree planting specifics should be provided.

## **7. MAIN PLANNING ISSUES**

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

The NPPF has a requirement to encourage the effective use of land by re-using land. This is an existing area of side garden forming part of the residential unit no. 3 Olivia Gardens, which within planning considerations is considered to be a brownfield site.

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, in accordance with the Hillingdon Local Plan (November 2012).

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

Policy 3.4 of the London Plan (2016) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings and its impact on adjoining occupiers.

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

With specific reference to the site location within the Harefield Village Conservation Area, Policy BE4 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that new development will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities. This is supported by Policy 7.4 of the London Plan (2016) which requires developments to have regard to local character.

This site is located within the Harefield Village Conservation Area. Olivia Gardens is a small modern cul-de-sac development off Northwood Road, comprising of modest sized detached houses, each situated on proportionately sized plots. It is accessed via a private gated road. The site is located in the corner of the cul-de-sac and is characterised by mature trees. A significant mature protected oak tree is sited adjacent to the site with its canopy extending over the site.

The Conservation Officer considers that the proposal for a substantially sized property located between numbers 2 and 3, which would infill the current open gap between the properties, would impact on the views of the site from the cul-de-sac and from Northwood Road. The development would therefore result in the loss of the gap view towards the mature oak tree and other associated greenery. This would have a detrimental impact on the character and appearance of the street scene and in turn the Conservation Area.

### **7.04 Airport safeguarding**

Not applicable to this application

### **7.05 Impact on the green belt**

Not applicable to this application

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. Policy BE13

of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF (2011) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Properties 1-3 Olivia Gardens are all of a similar design style of two storeys with a ridge line running parallel to the road and gable ends to the side and all have been extended in some form. No 4 is set back in the other corner of the cul-de-sac behind no. 3 and appears slightly smaller with a hipped roof detail.

The proposed dwelling measures 10m wide by 7.85m in depth with a height of 8.7m to match the adjacent dwellings. To the rear there is a single storey element across part of the elevation, which has a depth of 4m with a hipped roof detail of 3.6m. To the front and side there is an attached garage occupying a similar footprint to the existing garage to be demolished. In terms of appearance the proposed dwelling would be in keeping with the existing dwellings in the street scene.

Concern has been raised regarding over-development of the cul-de-sac with the proposed house being out of scale and not in keeping with the existing building line, resulting in the proposal being cramped, crowded and claustrophobic. The proposed dwelling is consistent in height with the adjoining properties but slightly smaller in scale, it is also noted that there is no uniform building line between the other properties in the cul-de-sac. The proposed dwelling would be set back in the corner behind no.s 2 and 3.

The Conservation Officer has advised that the proposal for a substantially sized property located between numbers 2 and 3 would infill the current open gap between the properties, impacting on views of the site from the cul-de-sac and from Northwood Road. There are also concerns that the proposed development would be considered a cramped form of infill/back-land development on a modest sized plot, as identified by the Inspector in the previously appealed application.

It is therefore considered that the proposal would result in the loss of the gap view towards the mature oak tree and other associated greenery. This would have a detrimental impact on the character and appearance of the street scene and the wider Conservation Area and as such fails to comply with the requirements of Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

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

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination.

The proposed dwelling is sited facing the flank wall and front garden of no. 2, with the attached garage occupying the same space as the existing garage. It is noted that there are two windows in the side elevation of no. 2 facing the application site. At ground floor level there is a secondary window to the dining room, which currently faces the side of the garage

and at first floor level there is a window which would be facing the proposed window to bedroom 4. The two windows are situated 8.2m apart, however the window in no. 2 serves a bathroom and is obscure glazed with a top hung high level opening window. It is therefore considered that there would be minimal impact on the amenities of the occupiers of no.2.

The proposed dwelling sits adjacent to and set back behind no.3 Olivia Gardens. The 2 properties would be separated by 4m, with the main body of the proposed dwelling projecting 4.85m to the rear of no.3 with a further single storey 4m. This would be a substantial structure in fairly close proximity to the host property. However it is noted that the ground floor windows nearest to the proposal accommodate the kitchen and breakfast room and the proposal would not compromise a 45 degree line of sight from the first floor bedroom window. It is also noted that the rear of the properties are southerly facing so although the proposal may result in some loss of morning sunlight it is not considered that the proposal would have a significant impact on the amenity of the occupiers of the host dwelling.

To the north eastern side of the site, 12 Wickham Close will face the side elevation of the proposed dwelling separated at a distance of approximately 26m. There is one first floor window in the side elevation of the proposal facing this property, which will serve a bathroom and can be conditioned to be obscure glazed and fixed shut. To the rear the proposed dwelling will overlook the garden and the ends of the long rear gardens of the properties on Breakspear Road North.

As such it is not considered that the proposal is an unneighbourly form of development and complies with the requirements of Policies BE20, BE21 and BE24 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

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

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The standards require a 4 bedroom (5 person) property to have a minimum internal floor area of 97sqm with an additional 3sqm of internal storage. The proposed layouts indicate the property has a floor area of approximately 159sqm. The proposal therefore provides a satisfactory living environment for the future occupants of property in accordance with Policy 3.5 of the London Plan 2016.

It is considered that all the proposed habitable rooms, would have an adequate outlook and source of natural light, and therefore comply with the SPD: New Residential Layouts: Section 4.9.

The proposal provides slightly over 350sqm of usable private amenity space in excess of the Council's adopted standard. The proposal therefore complies with policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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



Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by the proposed development is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a provision of 2 spaces per dwelling.

The proposed dwelling would be served by a single garage and the area currently providing a parking area to no. 3 and can accommodate parking provision for at least 1 additional car. The proposed plans also indicate two car parking spaces to the front of the host dwelling and retaining in excess of 25% landscaping in compliance with the requirements of Policy AM14.

**7.11 Urban design, access and security**

Secured by Design is now covered by Part Q of the Building Regulations.

**7.12 Disabled access**

If the scheme is found acceptable a condition would be recommended to secure the development was built to M4(2) in accordance with Policy 3.8 c of the London Plan.

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

Not applicable to this application

**7.14 Trees, Landscaping and Ecology**

Concern has been raised over the potential impact of the proposal on the health and long term protection of the mature Oak tree adjacent to the site. The application is supported by an Arboricultural Report which seeks to demonstrate that, should suitable protective measures be employed, the tree would not be negatively impacted upon by the development.

The Trees and Landscape Officer has advised that they have no objection in principle to the development subject to the provision of additional information to ensure the long term protection of the Oak tree. This would include the provision of a Tree Protection Plan to show how the trees (to be retained) will be protected during development; an Arboricultural Method Statement to show any incursion into tree root protection areas (RPA's) will be addressed; and a landscaping scheme. The provision of these details could be conditioned if all other aspects of the proposal were acceptable.

**7.15 Sustainable waste management**

Not applicable to this application

**7.16 Renewable energy / Sustainability**

Not applicable to this application

**7.17 Flooding or Drainage Issues**

Not applicable to this application

**7.18 Noise or Air Quality Issues**

Not applicable to this application

**7.19 Comments on Public Consultations**

The issues raised have been addressed appropriately in the report.

**7.20 Planning Obligations**

The proposal would not necessitate the provision of planning obligations, however based on the information before officers at this stage it would be liable for payments under the

Community Infrastructure Levy.

**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

**10. CONCLUSION**

The proposal is considered to be a cramped form of development, resulting in the loss of the gap views between the existing properties, resulting in a negative impact upon the visual amenity of the site and the surrounding Conservation Area.

It is therefore recommended for refusal.

**11. Reference Documents**

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

Hillingdon Local Plan Part 2

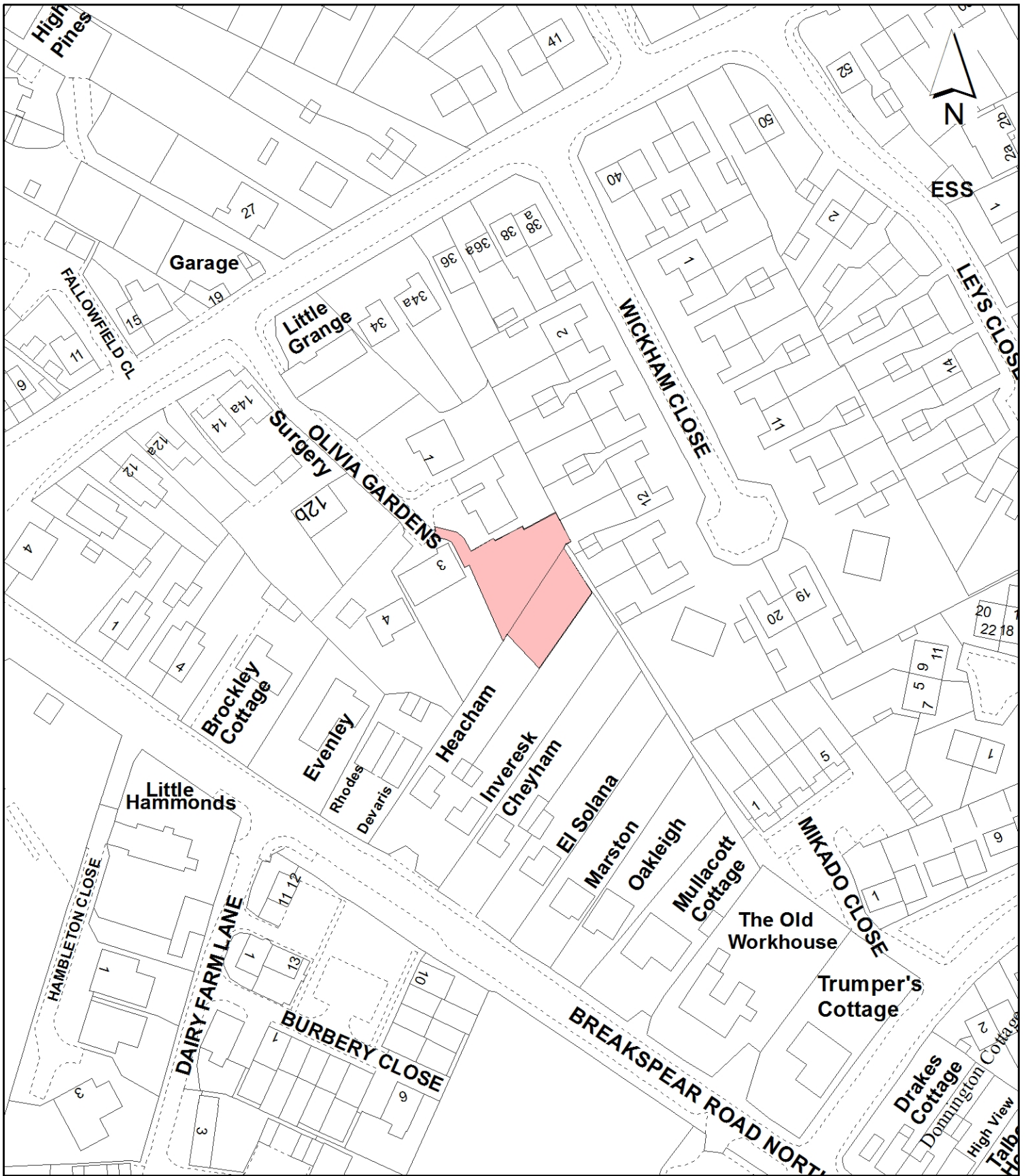
The London Plan (2016)

Supplementary Planning Document 'Accessible Hillingdon'

National Planning Policy Framework

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**Notes:**

 Site boundary

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Site Address:

**Land at 3 Olivia Gardens  
 Harefield**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**54964/APP/2016/1378**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**August 2016**

