

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 225 AND 227 EASTCOTE ROAD RUISLIP

Development: New detached dwelling (Outline Planning Application with Some Matters Reserved).

LBH Ref Nos: 72007/APP/2016/2408

Drawing Nos: 10923-L-00-LP Rev A
10923-L-00-02 Rev A
10923-L-00-03 Rev A
10923-L-00-01 Rev A

Date Plans Received: 21/06/2016 **Date(s) of Amendment(s):**

Date Application Valid: 21/06/2016

1. SUMMARY

The proposal seeks outline planning permission to construct a new dwelling on land currently forming part of the rear gardens of nos. 225 and 227 Eastcote Road. The details for the access to the site have been included; all other matters are reserved for future consideration.

The application site is in an established built up area, where residential infill development is acceptable in principle. The site is of sufficient size to be capable of accommodating a new dwelling within an appropriate density range for this locality. However, the proposed indicative plans fail to demonstrate that the proposed dwelling could be provided without presenting a visually intrusive and cramped appearance, which would be out of keeping with the character of the street scene and wider area. The site is covered by TPO 754 and is situated within Flood Zone 2. Insufficient information has been provided to demonstrate that it would not have a detrimental impact on a protected tree, which makes a significant contribution to the arboreal character of the local area. There is also insufficient justification as to why a new dwelling should be sited in an area with a high probability of flooding and the proposal therefore does not pass the sequential test for new development in an area which is in Flood Zone 2.

For these reasons therefore, it is considered that the proposal falls contrary to a number of adopted Local Plan policies and criteria contained in the Residential Layouts SPD.

It is therefore recommended for refusal.

The Ward Member has requested the application be called in for a decision by the North area Committee.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed dwelling by reason of its indicative width and siting on a plot of very limited size, would result in a visually intrusive and cramped appearance that would be out of character with the pattern of development in the area. The proposal would therefore

represent an overdevelopment of the site to the detriment of the character and visual amenities of the area and to the existing open character of the street scene. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on and adjoining the site, including the protected Silver Birch, and further fails to demonstrate protection for the long-term retention of the trees. The proposal is therefore contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposed dwelling would be situated within Flood Zone 2. In the absence of a site specific flood risk assessment, the application has failed to demonstrate that the risk to the future property could be managed to ensure that future occupants would be safe as required by Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (2016) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance.

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 application form highlights that the applicant choose not to obtain any pre-application advice.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the southern side of Evelyn Avenue and currently forms the end of the rear gardens of nos. 225 and 227, which are situated to the east. To the west is 1a Evelyn Avenue, a detached property with a garage extension to the side. There

are two garages currently situated on the site adjacent to no. 1. To the rear of the site is the garden of no.223 and there are two storey dwellings opposite.

The street scene is residential in character with primarily two storey semi detached properties. There are a number of street trees located along the road.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). It is also covered by TPO 754.

3.2 Proposed Scheme

The application seeks outline planning permission for the erection of a detached dwelling. Details for the access to the site have been included; all other matters are reserved for future consideration.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

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:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

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.

EM6 (2012) Flood Risk Management

H4 Mix of housing units

LPP 3.3 (2016) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2016) Quality and design of housing developments

LPP 3.8	(2016) Housing Choice
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.15	(2016) Water use and supplies
LPP 7.4	(2016) Local character
NPPF	National Planning Policy Framework
HDAS	Residential Developments
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

14 neighbours were consulted for a period of 21 days expiring on the 18 July 2016. The site notice was erected on the lamp post to the side of the rear garden of no. 227 expiring on 27 July 2016. 11 responses were received from near by neighbours who raise the following points:

- Out of character with the residential nature of the street, cramming a large house in a tight space with a tiny garden.
- Unsightly and inappropriate
- Location and block plans are incorrect. They are out of date and do not correctly show the boundary of the site as part of this was sold to no. 1a over 20 years ago
- The proposal shows a new build linking with my house changing it from detached to a linked house
- Over domination exacerbated by no gap
- Increased noise and loss of amenity to the adjacent properties
- Overdevelopment of the plot
- Compromises the 15m distance requirement
- Outside the existing building line
- Garden grabbing
- Loss of light and privacy
- Will breach the 45 degree principle
- Contrary to policy, will not be set back 1m from the side boundary and will be two storey
- Loss of local parking provision
- Flood risk
- Two tall trees on the site should be considered
- Traffic safety, more exits/entry points will not make it safer to cross
- Loss of value to my property
- Impact on the neighbouring trees

Ruislip Residents Association - The proposal would be outside the existing building line and thereby infringe on the boundary of adjoining properties where policy states that residential extensions and building of two or more stories in height should be set back 1m from the boundary. The proposal would have an adverse effect on the local character of the area.

Eastcote Residents Association - No response

Internal Consultees

Access Officer - No response

Trees/Landscaping - This site is covered by TPO 754. There is a mature Silver Birch to the rear of the existing garages and also an Ash and a Sycamore nearby, which make a significant contribution to the arboreal character of the local area. In order to show that this scheme makes adequate provision for the protection and long term retention of these valuable trees, the following detail is required in accordance with BS5837:2012.

- A Trees Survey to categorize the trees of and off site
- A Tree Protection Plan to show how they will be protected (and retained) during development
- An Arboricultural Method Statement to show how any incursion into tree root protection areas 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 and must conform to BS 8545:2014.

In the absence of this information the scheme is considered unacceptable because it does not make adequate provision for the protection and long term retention of valuable trees.

Flood and Water Management Officer - The site is located in Flood Zone 2. There is insufficient justification as to why a new dwelling should be sited in an area with a high probability of flooding and does not pass the sequential test. I object to the proposed development as there is no justification why this development should be sited at a location within flood zone 2.

To overcome the objection the applicant will need to demonstrate that there is clear justification for developing this area ahead of sites at a lower risk of flooding. No FRA has been submitted and it therefore does not meet the requirements of a site specific flood risk assessment required by the National Planning Policy Framework and therefore does not include a detailed assessment of the risk to and from the site.

Historic England - No response

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. These are existing residential units set in spacious plots. 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).

Given the residential character of the area adjacent to the plot, there is no policy objection to the development of the site to provide an additional residential unit, subject to an appropriate density and design, and the proposal being in accordance with all of the relevant planning policies and supplementary guidance.

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 site has a Public Transport Accessibility Level (PTAL) of 1a (very poor). The London Plan (2016) range for sites with a PTAL of 0 to 1 in an urban area is 35-65 units per hectare. Based on the site area proposed for residential of 0.0296ha the site would have a residential density of 34 units per hectare, which is within an acceptable level.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

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.'

The application is in outline form and details of the appearance, landscaping, layout and scale are reserved, so no details of the proposed design have been provided. The indicative floor plans submitted indicate a 3 bedroom two storey property situated adjacent to no. 1a and set forward approximately 1m of its front building line. It occupies nearly the whole width, set on the boundary with no. 1a and back 1m from the eastern boundary with the rear gardens of nos. 225 and 227. It is noted that both 227 Eastcote Road and 1 Evelyn Avenue on the return building lines have been extended to the side, however no. 1a appears to have been built on the original return building line. Given the positioning of the development adjacent to that house, its proposed footprint forward of the existing building line, and its width that would extend almost across the entire plot, the proposal would be considered to present a visually intrusive and cramped appearance, that would be out of keeping with the character of the street scene and wider area.

Therefore the proposal fails to respect the architectural character and appearance of the wider area and fails to comply with the requirements of Policies BE13, BE15 & 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 indicative floor plans as submitted show the proposed dwelling adjoining the neighbouring property no. 1a. This property has a single storey garage extension right up the shared boundary, with the main body of the house approximately 4.65m away. The plans indicate the new dwelling slightly forward, with the rear of the two storey element set back from the rear building line of no. 1a and the single storey level with it. Concern has been raised by the occupier of that property with regard to the potential impact on the small side bedroom window; however this is a secondary window to that room, with the primary window facing the front.

To the other side nos. 225 and 227 are situated approximately 22m away and the indicative floor plans show no proposed windows on either side elevation.

Concern has also been raised about the potential overlooking of the conservatory of no. 1a and the increase in noise from the proposed development. It is acknowledged that this house currently has no immediate adjoining properties, being an in fill plot that was built in the former rear gardens of nos. 1 - 5 Evelyn Avenue, with the nearest property no.1 approximately 19m to the west. However the relationship proposed within this development, is as would be expected within a residential area. The conservatory is situated within the centre of the rear elevation of the neighbouring property, set back approximately 8.5m from the boundary, with the proposed first floor set back by 2m from the rear elevation of that property. Although the indicative plans show it as a bedroom window at the closest point, this could be addressed by moving the window to the front elevation and ensuring the landing window is obscure glazed. As these details do not form part of this application, these issues could be addressed within the submission of the reserved matters.

With regard to the noise, this plot has an existing residential use forming garages and rear gardens of the properties fronting Eastcote Road. Given the scale and positioning indicated, and that the proposed unit would not compromise a 45 degree line of sight, it is not considered that the dwelling would result in a significant loss of amenity to the adjacent property. As such it is considered that the proposal would comply with the requirements of Policies BE20, BE21 & 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 space standards for a 3 bed 5 person flat would require 93sqm plus 2.5sqm. The indicative plans are considered compliant with the housing standards.

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.

HDAS advises that developments should incorporate usable garden space and for a 3

bedroom house a minimum of 60sqm would be required. The indicative plans show a provision of approximately 95sqm. 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 plans indicate that two spaces would be provided including one within the garage. Therefore, the proposal complies with the requirements of Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

There is a mature protected Silver Birch to the rear of the existing garages and also an Ash and a Sycamore nearby, which make a significant contribution to the arboreal character of the local area.

The Tree/Landscape Officer has advised that in the absence of a tree survey/arboricultural impact assessment and supporting documentation the applicant has failed to demonstrate that the tree will be unaffected by the development and has not made provision for its long term protection and as such is unacceptable.

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

The site is located in Flood Zone 2. The Flood and Water Management Officer has raised an objection advising there is insufficient justification as to why a new dwelling should be sited in an area with a high probability of flooding and does not pass the sequential test.

To overcome the objection the applicant will need to demonstrate that there is clear justification for developing this area ahead of sites at a lower risk of flooding. No FRA has been submitted and it therefore does not meet the requirements of a site specific flood risk assessment required by the National Planning Policy Framework and therefore does not include a detailed assessment of the risk to and from the site. As such the proposal fails to comply with the requirements of Policy EM6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The concerns raised are noted and the planning issues have been addressed appropriately in the report. Amended plans have been updated to show the accurate boundary line. Property values and issues relating to boundaries are not material planning considerations. Any work carried out on a boundary would be subject to a Party Wall Agreement and is a civil issue to be agreed between neighbours.

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.

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 proposed indicative plans fail to demonstrate that the proposed dwelling could be provided without presenting a visually intrusive and cramped appearance, which would be out of keeping with the character of the street scene and wider area. The proposal fails to demonstrate that it would not have a detrimental impact on a protected tree, which makes a significant contribution to the arboreal character of the local area. In addition, there is also insufficient justification as to why a new dwelling should be sited in an area with a high probability of flooding, the proposal therefore does not pass the sequential test for new development in an area which is in Flood Zone 2.

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: The London Plan (2016) and the NPPF.

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 (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

225 & 227 Eastcote Road

Planning Application Ref:

72007/APP/2016/2408

Planning Committee:

North

Scale:

1:1,250

Date:

September 2016

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section

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