

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 117 FAIRHOLME CRESCENT HAYES
Development: Two storey, 3-bedroom dwelling with associated parking and amenity space
LBH Ref Nos: 56502/APP/2016/3136
Drawing Nos: Location Plan (1:1250)
2016/177/01
2016/177/02
2015/177/03

Date Plans Received: 18/08/2016 **Date(s) of Amendment(s):**
Date Application Valid: 02/09/2016

1. SUMMARY

The application seeks planning permission for the erection of a two storey, 3-bedroom dwelling with associated parking and amenity space and follows the consideration of three similar applications which were refused and dismissed at appeal. Whilst there have been some policy changes in the meantime, the fundamental reasons why the previous proposals were rejected at appeal have not been overcome.

This proposal suggests that the medical needs of a relative could be accommodated in the building proposed, but any such benefits are not considered to outweigh the disadvantages of the proposal.

Whilst the applicant has amended the layout, the proposed dwelling fails to overcome the Planning Inspector's concerns in relation to a lack of a sufficient separation gap between the adjoining dwelling, its intrusion beyond the established building line along Fairholme Crescent, lack of parking for the existing property, and furthermore now fails to comply with the London Plan 2016 which seeks minimum space standards for a 3 bed, 6 person dwelling. The proposal is therefore contrary to the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) The Hillingdon Design and Accessibility Statement: Residential Layouts and the London Plan (2016) and is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal by reason of its siting in this open prominent position, size, scale, bulk, siting and proximity to the side boundary would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the character, appearance and visual amenities of the area and to this existing open area 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, BE19 and BE22 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 Layouts.

2 NON2 Non Standard reason for refusal

The proposal by reason of its projection forward of the recognised established building line along Fairholme Crescent, is considered to represent an unduly intrusive development in the street scene and the surrounding area, 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) and the Council's adopted Supplementary Planning Document HDAS Residential Layouts.

3 NON2 Non Standard reason for refusal

The proposal would provide an indoor living area of an unsatisfactory size and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016) the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

4 NON2 Non Standard reason for refusal

The proposed development fails to provide sufficient off street parking provision which meets the Council's approved parking standards to service the existing and proposed dwellings. The development would therefore lead to additional on street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

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.
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.
H4	Mix of housing units
H5	Dwellings suitable for large families
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
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
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

3 159 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 (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.

4

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. The Council's supports pre-application discussions which the applicant failed to seek, and we have been unable to seek solutions to problems arising from the application as the details of the proposal are clearly contrary to the previous appeal findings, and our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a triangular area situated to the South side of Fairholme Crescent and close to the junction of Lansbury Drive. The site currently contains a single detached garage and is abutted by two storey semi-detached dwellings to both sides.

The surrounding area is residential in character and is predominantly made up of two storey semi-detached dwellings although terraced blocks are also found within the close vicinity including 1 block situated directly opposite the application site.

3.2 Proposed Scheme

Full planning permission is sought for the construction of a two storey, 3 bedrooms dwelling with associated parking and amenity space.

The property would be constructed from materials to match the adjoining dwelling 117 Fairholme Crescent and would be characterised by a centrally pitched roof and would be set back 3.5m from the front boundary to accommodate 2 off road car parking spaces, with soft landscaping and retained trees along the shared boundaries.

3.3 Relevant Planning History

56502/APP/2001/1734 Land Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF TWO TERRACED HOUSES

Decision: 12-10-2001 Refused

56502/APP/2002/1258 Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF A THREE-BEDROOM DETACHED HOUSE

Decision: 11-07-2002 Refused **Appeal:** 02-04-2003 Dismissed

56502/APP/2002/245 Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF A FOUR-BEDROOM DETACHED HOUSE

Decision: 22-04-2002 Refused

56502/APP/2003/1029 Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF A DETACHED THREE-BEDROOM DWELLINGHOUSE AND ASSOCIATED
PARKING

Decision: 17-06-2003 Refused

56502/APP/2003/2795 Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF A THREE-BEDROOM DETACHED DWELLINGHOUSE WITH TWO CAR
PARKING SPACES

Decision: 22-01-2004 Refused **Appeal:** 16-12-2004 Dismissed

56502/APP/2005/1732 Land Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF A SINGLE STOREY TWO-BEDROOM DETACHED DWELLING AND
FORMATION OF VEHICULAR CROSSOVERS

Decision: 15-08-2005 Refused

56502/APP/2005/2661 Land Forming Part Of 117 Fairholme Crescent Hayes
ERECTION OF SINGLE STOREY TWO- BEDROOM, DETACHED DWELLINGHOUSE/
BUNGALOW, INCLUDING TIMBER DECKED PATIO AT THE REAR

Decision: 15-11-2005 Refused

Appeal: 26-01-2007 Dismissed

Comment on Relevant Planning History

The application site has an extensive history of planning applications for a number of proposals including the construction of a two storey, and a single storey dwelling which were recommended for refusal and dismissed at appeal.

56502/APP/2005/2661: ERECTION OF SINGLE STOREY TWO- BEDROOM, DETACHED DWELLINGHOUSE/ BUNGALOW, INCLUDING TIMBER DECKED PATIO AT THE REAR - Refused and dismissed at appeal.

56502/APP/2003/2795: ERECTION OF A THREE-BEDROOM DETACHED DWELLINGHOUSE WITH TWO CAR PARKING SPACES - Refused and dismissed at appeal.

56502/APP/2002/1258: ERECTION OF A THREE-BEDROOM DETACHED HOUSE - Refused and dismissed at appeal.

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:

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.

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.

H4 Mix of housing units

H5 Dwellings suitable for large families

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

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
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
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

5. Advertisement and Site Notice

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

6. Consultations

External Consultees

A total of 15 adjoining and nearby neighbouring properties were consulted via letter dated 06.09.16 including a site notice displayed adjacent to the premises on 15.09.16.

A petition, in support of the proposal containing 25 signatures has been received.

8 replies and a petition containing 23 signatures objecting to the proposal received. The objections are summarised below:

1. My reasons have been laid out in the nine previous applications, what has changed in Planning regulations since?
2. Number of applications which have been refused on grounds of appearing obtrusive and overlooking of the adjoining neighbours.
3. The corner development would be detrimental to the corner and would change the ambience of the street scene.
4. The site should be maintained to the public advantage rather than in its current neglected state.
5. Plot is too small to be built on.
6. Would have a serious impact upon parking.
7. Concerned the construction would affect my property structurally.
8. Number of drainage issues leading to rodents.
9. 117 is a HMO with consistent anti-social behaviour.
10. Adverse impact upon privacy and light levels of adjoining neighbours along Lansbury Drive.
11. A tree along the footpath of Fairholme Crescent would be affected.

A letter has also been from the Local Member of Parliament in objection.

"This is now the ninth application for such a property on this plot of land and, as you are aware, the previous applications have all been refused. The situation has not materially changed since the previous application was turned down and as such local residents and I would most strenuously oppose the current application".

Concerns also raised that the development represents overdevelopment, will affect neighbouring properties light and privacy, impact on street parking, affect the safety of pedestrians and motorists due to position on a corner.

Internal Consultees

The Hillingdon Access Officer and DC Transport and Aviation Manager were also consulted via letter dated 06.09.16 however no response was received.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site lies within an established residential area where there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable and in accordance with the Policies of the Hillingdon Local Plan (November 2012), the London Plan and the NPPF.

7.02 Density of the proposed development

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

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) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene and seek to ensure any new development complements the amenity of the area. Policy BE22 requires buildings of two or more storeys to be located at least one metre from the side boundaries.

Section 4.27 of the HDAS for Residential Layouts, also states careful consideration should be given to the location of surrounding buildings, their orientation, and building lines.

The surrounding area is characterised primarily by two storey semi-detached dwellings that form a uniform setting by reason of their form, design, set back and separations gaps between the adjoining properties along the street scene.

The application dwelling would be characterised by a centrally pitched roof and would generally reflect the design and materials within the street scene.

The application dwelling would be erected along the shared boundary with No. 117 and the

lack of a separation gap would result in the closing of this visually open gap between the two houses, and even more so along Fairholme Crescent where gaps between adjoining dwellings are approximately 3.5m. A previous application Ref: 56502/APP/2002/1258 proposing a minimum separation gap of 1m from the adjoining dwelling 117 was considered unacceptable with the Inspector commented as follows in the appeal decision letter:

"11. The submitted plans suggest that the notional boundary between the existing and new houses would be the flank wall of No. 117. Whilst UDP Policy BE22 requires new buildings to be set at least 1 metre from existing side boundaries, I consider it equally appropriate, if the objectives of the Policy are not to be frustrated, that new boundaries should be set the same distance from existing buildings, since the stated purpose of Policy BE22 is to achieve a minimum distance of 2 metres between adjacent buildings. The appeal proposal, because of the angle between the two houses, would result in a distance between buildings, at the front, of about 3.5 metres but the gap would reduce to just 1 metre at the rear. This is not the case where the average distance can be taken as satisfying the policy since the objective is to maintain a visually open gap of two clear metres. I consider the spatial relationship between No. 117 and No. 117A to be as such to create an unsatisfactorily cramped appearance and conclude that for this reason the development would fail to satisfy the objectives of UDP Policy BE22."

The application dwelling would be constructed parallel with the adjoining neighbour 117 and as such set back 3.5m from the front boundary at its closest point to the North. By reason of its location along the highway curve the dwelling would protrude beyond the principal elevation of the adjoining neighbour to the North at No. 119, and appear visually intrusive when viewed from the adjacent cross junction and along Fairholme Crescent. This was also an issue in relation to the appeal scheme mentioned above and the Inspector commented as follows:

"Considering the layout of the proposed development within the site, I note that the house would be orientated parallel to the curving street and its main facade would be set back from the front boundary by approximately 4.3 metres. There would be a projecting bay at ground floor level, the face of which would be about 3.5 metres from the frontage. Thus, No.117A would be set forward of its neighbours, a characteristic that would be particularly apparent because of the curve in the road. It would, therefore, in my view, intrude unacceptably into the street scene."

Overall, it is considered that the proposal fails to overcome the reasons for dismissal at appeal, and as such the infilling of this area of land would not only result in the loss of an important gap characteristic to the area but also, it would intrude considerably into the clearly defined building line stretching along Fairholme Crescent, due to its forward projection. The infilling of the open gap, and breaching of the existing building line would result in a large and intrusive physical structure which would fail to harmonise with the spacious character of the street scene and surrounding environment.

The proposal would therefore fail to comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15, BE19 and BE22 of the Hillingdon Local Plan Part Two: Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS Residential Layouts.

7.08 Impact on neighbours

UDP Policy BE21 of the adopted Hillingdon Unitary Development Plan states that planning

permission will not be granted for new development which by reason of its siting, bulk and proximity, would result in a significant loss in residential amenity. Likewise UDP Policies BE20 and BE24 resist any development which would have an adverse impact upon the amenities of nearby residents and occupants through loss of daylight and privacy.

The Supplementary Planning Document HDAS: Residential Layouts section 4 states the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings.

The proposed new dwelling would be erected parallel with No. 117 and as such the rear elevation of both properties would be flush. This would ensure a 45 degree line of sight taken from the first floor rear elevation of both properties would not be impinged upon. The first floor flank window is obscure glazed with the ground floor window serving a dual aspect room, with the primary source of light gained via the rear elevation.

With regards to the adjoining dwelling to the North No.119, the closest first floor window serves a bathroom and the window to the far side which serves a habitable room by reason of the separation distance would also not impinge upon a 45 degree line of sight.

Furthermore, within the appeal decision it was noted that the boundary relationship in the form of a substantial tree screen on the boundary between the adjoining properties meant there would be no material loss of daylight or privacy sufficient to justify dismissal. The trees are an existing feature and as such are a relevant consideration.

As such it is considered that the occupants of the adjoining properties would not suffer an unacceptable loss of outlook, light or privacy in accordance and the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP 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. A two storey 3 bedroom 6 person dwelling requires a minimum gross internal area of 102 sqm.

The application dwelling would measure a total of 96sq m and would fall below the minimum required standard for a two storey 3 bedroom dwelling and as such contrary to Policy 3.5 and Table 3.3 of the Housing Standards Minor Alterations to the London Plan (March 2016) and Policy BE19 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012).

Policy BE23 requires all new residential dwellings to provide sufficient external amenity space to protect the amenity of the occupants of the proposed building and is usable in

terms of its shape and surrounding. The HDAS guidance states a 3 bedroom dwelling should have a minimum garden space standard of 60sq m.

The applicant states the rear garden measures 70 sqm, however, your officers measure this area as 62sq.m. Whilst a fairly large proportion of this space is taken up by the hedgerow and row of trees proposed along the shared boundary, which reduces the usable area, a condition requiring details of the planting and layout of this space could be imposed to ensure that a reasonable usable space is provided. As such the proposal would comply with Policy BE23 of the Hillingdon Local Plan: Part Two Saved UDP Policies.

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 proposed developments 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. A two plus bedroom dwelling with curtilage should provide 2 spaces per dwelling.

The application proposes two off road parking spaces, making use of the existing two crossovers, within the curtilage of the dwelling with one space proposed to the western flank elevation and the second within the front garden area between the principal elevation and front boundary. However, no provision is shown for the existing dwelling. Given the existence of a street tree in front of the existing property and the limited space available, it is unlikely that two space can be provided for this property. The proposal by reason of its failure to provide off street parking for the existing property would not be in accordance with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies and the adopted Supplementary Planning Document HDAS Residential Layouts.

7.11 Urban design, access and security

These issues are covered in other sections of this report.

7.12 Disabled access

The applicant states the property would be occupied by a disabled relative, and as such has made provisions in the form of disabled toilets at both levels and an internal lift. Homes which require to be wheelchair accessible have to comply with Building Regulation Requirements M4(2) which is at least equivalent to the previous requirements for Lifetime Homes.

The proposal does not set out in detail why the medical needs of a relative can only be accommodated in the building proposed. Therefore any benefits proposed are not considered to outweigh the other disadvantages of the proposal.

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: Part Two - Saved UDP Policies (November 2012) requires the retention of landscape features of merit and new landscaping and planting where possible. No trees would be lost by the proposal and both the front and rear gardens are of little landscape merit. In this respect, the application is considered acceptable in accordance with Policy BE38 of the Local Plan.

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**
- Objections in regards to street scene, plot size, loss of light and privacy and car parking are discussed within the main body of the report.
- Drainage/sewers, anti-social behaviour and structural impact are not planning considerations and are covered by other legislation.
- Increase in noise levels is considered not to be greater than that generated by other residential properties within the street.
- Previous reasons for refusal and comments within the Inspectors reports have been taken into consideration during the assessment of this application.
- 7.20 Planning obligations**
- The application is liable for the Community Infrastructure Levy which equates to £15060.45
- 7.21 Expediency of enforcement action**
- Not applicable to this application.
- 7.22 Other Issues**
- None

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed,

the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks planning permission for the erection of a two storey, 3-bedroom dwelling with associated parking and amenity space and follows the consideration of three similar applications which were refused and dismissed at appeal. Whilst there have been some policy changes in the meantime, the fundamental reasons why the previous proposals were rejected at appeal have not been overcome.

This proposal suggests that the medical needs of a relative could be accommodated in the building proposed, but any such benefits are not considered to outweigh the disadvantages of the proposal.

Whilst the applicant has amended the layout, the proposed dwelling fails to overcome the Planning Inspectors concerns in relation to a lack of a sufficient separation gap between the adjoining dwelling, its intrusion beyond the established building line along Fairholme Crescent, lack of parking for the existing property, and furthermore now fails to comply with the London Plan 2016 which seeks minimum space standards for a 3 bed, 6 person dwelling. The proposal is therefore contrary to the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) The Hillingdon Design and Accessibility Statement:

Residential Layouts and the London Plan (2016) and is recommended for refusal.

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

Contact Officer: Naim Poptani

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Land forming
 117 Fairholme Crescent**

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

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

Planning Application Ref:

56502/APP/2016/3136

Scale:

1:1,250

Planning Committee:

Central & South

Date:

November 2016



HILLINGDON
 LONDON