

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

**Address** LAND REAR OF 54 AND 56 STAR ROAD HILLINGDON

**Development:** 1 x 2-bed, detached bungalow with associated parking and amenity space involving demolition of existing garage block

**LBH Ref Nos:** 70020/APP/2016/4467

**Drawing Nos:** SRM/2  
Design and Access Statement  
SRM/3 'D'  
SRM/4 'E'  
SRM/5 'D'

**Date Plans Received:** 13/12/2016 **Date(s) of Amendment(s):**

**Date Application Valid:** 22/12/2016

### 1. SUMMARY

The application seeks planning permission for the erection of a 2-bed, detached bungalow with associated parking and amenity space involving demolition of existing garage block. The application follows the dismissal of a recent appeal for two x one-bed, semi detached bungalows with associated parking and amenity space involving demolition of the existing garages. It is considered that the fundamental objection to the erection of a dwelling on this site has not been addressed. The Inspector raised concerns that the proposed development by reason of its siting (partly in a rear garden), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. Given that the current revised proposal is similar in layout and form, this refusal reason stands. Furthermore concerns are raised in terms of the quality of living accommodation that the future occupants would enjoy due to the proximity of the access road to neighbouring garages. The application is therefore recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting (partly in a rear garden), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character, appearance and local distinctiveness of the residential area as a whole. The proposal is therefore detrimental to the visual amenity and character of its surroundings and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (2016) and the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016).

## **2 NON2 Non Standard reason for refusal**

The proposal would give rise to a sub-standard unit of accommodation in terms of layout with the main outlook facing the access road to the adjacent nearby garages, lack of privacy due to the proximity of the two main windows facing directly onto the access road, lack of defensible space at the front, and the potential for future occupiers to suffer from noise nuisance and pollution due to its proximity to the service road of the existing nearby garages. The proposal is, therefore, contrary to Policies BE13, BE15, BE19, BE21, BE24 and OE1 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H12	Tandem development of backland in residential areas
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 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character

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.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is located on the North Eastern side of Star Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). Star Road runs North from the Uxbridge Road and comprises of semi-detached and terraced properties.

The application site itself comprises of a longstanding block of 4 garages and the rear garden area of number 56 Star Road. Access is gained to the application site via the existing access road between numbers 52 and 54 Star Road.

#### **3.2 Proposed Scheme**

The application seeks planning permission for the erection of 1 x 2-bed, detached bungalow with associated parking and amenity space involving demolition of the existing garage block.

Officer note: It is noted that the Design and Access Statement submitted with this application pertains to the erection of a pair of semi-detached bungalows which was dismissed at appeal.

#### **3.3 Relevant Planning History**

70020/APP/2014/1808 Land Rear Of 54 And 56 Star Road Hillingdon

2 x 1-bed, semi-detached bungalows with associated parking and amenity space involving demolition of existing garage block

**Decision:** 23-09-2014 Refused

70020/APP/2015/3066 Land Rear Of 54 And 56 Star Road Hillingdon

Two x one-bed, semi detached bungalows with associated parking and amenity space involving demolition of existing garages

**Decision:** 14-10-2015 Refused

**Appeal:** 06-07-2016 Dismissed

### **Comment on Relevant Planning History**

70020/APP/2015/3066 - Two x one-bed, semi detached bungalows with associated parking and amenity space involving demolition of existing garages was refused for the following reasons:

1. The proposed development, by reason of its siting (partly in a rear garden), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character, appearance and local distinctiveness of the residential area as a whole. The proposal is therefore detrimental to the visual amenity and character of its surroundings and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, The Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012) and the NPPF (March 2012).
2. The proposed dwellings by reason of their siting, size, scale, bulk, height, proximity to the side boundaries and design, result in a cramped appearance which is considered detrimental to the visual amenities, character and appearance of the wider area. The proposal would therefore represent an overdevelopment of the site, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
3. The proposal results in the loss of existing parking provision and has not demonstrated that sufficient off street parking/manoeuvring/access arrangements would be provided for the existing and proposed dwellings, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standards, leading to on-street parking and queuing to the detriment of public and highway safety and contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
4. In the absence of sufficient improvements to the existing access including drainage, bollards and speed control measures, the proposal would make inadequate provision for pedestrian refuge and would therefore prejudice the safety of pedestrians and vehicles using the highway. As a result it would be contrary to policy AM7 of the Hillingdon Local

Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

5. Having regard to the distance of the proposed refuse storage area to serve the proposed bungalows, from the adopted highway, the proposal would fail to meet to the Council's guidelines in terms of the collection of refuse and would therefore prejudice the safety of pedestrians and vehicles using the highway. As a result it would be contrary to policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

6. Having regard to the siting of the proposed communal garden area to the rear of the window serving the bedroom of bungalow A, the proposal would result in a poor standard of residential amenity to the occupants of this property who would experience an unacceptable level of overlooking and loss of privacy in conflict with Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

An appeal was subsequently dismissed under reference APP/R5510/W/16/3142884. The Inspector concluded:

"I consider that the proposal's layout and the presence of communal garden next to the bedroom window of bungalow A would adversely affect living conditions at that property due to direct overlooking and a loss of privacy. Furthermore, the occupants of bungalow A would overlook the communal amenity space. For these reasons, I conclude that the development would not provide a satisfactory standard of living accommodation for its occupants. Of the policies referred to by the Council, policy BE24 of the London Borough of Hillingdon Unitary Development Plan ((LBHUDP) referred to by the Council as the Hillingdon Local Plan: Part Two - Saved UDP Policies) is the most relevant, together with the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts (HDASRE).

The loss of part of the garden associated with No 56 would be out of character with the local area. As a consequence, it would create a cramped form of development in an area characterised by long linear gardens. Whilst, the scheme complies with the minimum space standards in the Council's HDASRE, I do not consider this outweighs the harm created by the scheme not reflecting or harmonising with the character of the area."

#### **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.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H12	Tandem development of backland in residential areas
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 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
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**

6 neighbouring properties were consulted by letter dated 5.1.17 and a site notice was displayed to the front of the site which expired on 6.2.17. One response raising no objection and two in objection have been received raising the following concerns:

1. This site is not suitable for residential development, would result in the loss of car parking and would result in a loss of privacy to the rear garden.

2. The only access to this site is by a service road opposite my drive which I have to use to back into my drive. The service road is frequently blocked by the people at No.54 by the van used by their carpet business and I am frequently at loggerheads with them to get them to move it as it's not their private drive. Building another property at the rear will only make matters worse. Star Road is already congested as it is with cars often parked on the pavement.

Ward Councillor: Requests that the application is reported to committee for consideration.

### **Internal Consultees**

Highway Officer:

This application is for the erection of a a 1 bed detached bungalow in Star Road Hillingdon having demolished existing garages and sheds at the rear of the properties. Both 54 and 56 Star Road have off -street car parking available from vehicular crossovers. There is an existing block of garages at the rear of 54 Star Road that has an access from a narrow private road between Nos 52 and 54. The site has a PTAL value of 2 (poor) which suggests that there will be a strong reliance on private cars for trip making. The proposal involves demolishing the garage block and erecting a 1 bed bungalows with 2 car parking spaces with secure covered cycle parking (1 space for each dwelling). I am concerned that the width of the access road is insufficient to provide access for a fire engine and I would suggest the LFB are contacted for comment. The LFB Guidance Note GN29 requires 3.1 m between obstacles and this is not met by the proposals. On the basis of the above comments I have significant concerns over the width of the access road for emergency vehicles and I would like to see comments from LFB. In other aspects I do not have concerns but I would suggest that the car parking spaces are of a suitable size, the secure covered cycle parking spaces and the refuse/recycling facilities are conditioned.

## **7. MAIN PLANNING ISSUES**

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

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

Paragraph 7.29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) suggests that backland development may be acceptable in principle subject to being in accordance with all other policies, although Policy H12 does resist proposals for tandem/backland development which may cause undue disturbance or loss of privacy.

The London Plan (2016) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

The Mayor's Housing Supplementary Planning Guidance, 2016 also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.44 advises that when considering proposals which involve the loss of gardens, regard should be taken of the degree to which gardens contribute to a communities' sense of place and quality of life (Policy 3.5), especially in outer London where gardens are often a key component of an area's character (Policies 2.6 and 2.7). The contribution gardens make towards biodiversity also needs to be considered (Policies 7.18 and 7.19) as does their role in mitigating flood risk (Policies 5.12 and 5.13). Gardens can also address the effects of climate change (Policies 5.9 - 5.11).

The NPPF (March 2012) at paragraph 53, advises that LPAs 'should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of

design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk.

Thus whilst taking into account site circumstances, there has been a general strengthening of the presumption against residential development within rear gardens at national, strategic and local level.

While there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of substantial proportion of back gardens in this location would be detrimental to the local and historical context of the area. The proposed redevelopment would have a detrimental impact on the character and appearance of the general area, particularly in this location, which is characterised by pairs of semi-detached and small terraces of properties with long rear gardens giving a sense of spaciousness to the setting. The proposal would give the impression of having been squeezed into a limited space and has little or no sense of space about it, given the very limited depth of the proposed amenity space and frontage and the proximity of the proposed development to the boundaries of the site. Thus, when balanced against the limited contribution the development would make toward achieving housing targets in the borough it is considered that the principle of the proposed backland residential development is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, guidance within The London Plan Housing Supplementary Planning Guidance (2016) and the NPPF (March 2012).

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

Policy 3.4 of the London Plan (2016) advises that Boroughs should ensure that development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

The site is located within a suburban fringe location and has a Public Transport Accessibility Level (PTAL) of 2. Taking these parameters into account, the matrix recommends a density of 35-65 units per hectare. This proposal would result in a density of 50 units per hectare.

#### **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 (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the



existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. Paragraph 4.14 of the Residential Layouts HDAS SPD specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and lines of surrounding buildings.

The previously refused application raised concerns about the single storey nature of the development being out of keeping with the locality. The current proposal is similar in scale to that previously refused. However the Inspector stated:

"9. Star Road is characterised by two storey detached, semi-detached and terraced dwellings fronting the highway. There are intermittent examples of bungalows, which create a varied street scene. Long rear gardens serving the rows of terraces lie either side of the vehicular access to the site. Nearby garages are sited around the access to the rear. They are of a mixed style, finish and size.

10. The dwellings would be sited in a similar location to the garage block, albeit drawn slightly inwards either side and closer to the access. The dwellings would be higher and of a different appearance to the existing garage. However the proposal would not be readily visible from Star Lane due to the terraces and the boundary treatments either side of the access. Their role within the Star Road street scene would therefore be limited.

11. Whilst the Council are concerned with the introduction of bungalows, I consider they would reflect the general mixture of dwellings found on Star Road."

The Inspector did however raise concerns in relation to the site layout and pattern of development. He stated:

"11. The proposed development would be set back and detached from the Star Road. Accordingly, it would be at odds with the character of Star Road, where properties tend to relate more closely to the road.

12. Moreover, whilst, the communal garden would retain a garden use, the proposal would still sub-divide the garden of No 56. As a result of roughly halving the garden of No 56, it would be smaller than the garden of no 54, which is already uncharacteristically small due to the garages on the appeal site. The loss of part of the garden associated with No 56 would be out of character with the local area. As a consequence, it would create a cramped form of development in an area characterised by long linear gardens. Whilst, the scheme complies with the minimum space standards in the Council's HDASRE, I do not consider this outweighs the harm created by the scheme not reflecting or harmonising with the character of the area.

15. For these reasons, I conclude that the development would harm the character and appearance of the area. Consequently, there would be conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies, Policies BE13 and BE19 of the LBHUDP

along with Policies 3.5, 7.1 and 7.4 of the London Plan. These together seek to secure high quality design that positively contributes to the local area and enhances local distinctiveness. Furthermore, for the same reasons, I conclude the development would conflict with the HDASRE and The Mayor of London's Supplementary Planning Guidance - Housing."

Thus, it is considered that the current proposal does not overcome the Inspector's fundamental objection to the erection of a new dwelling in this backland location which would be at odds with the established layout and character of the locality and would result in the loss of the long linear garden to number 56. The proposed development therefore, by reason of its siting (partly in a rear garden), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The proposal is therefore detrimental to the visual amenity and character of its surroundings and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (2016).

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

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The Council's adopted HDAS SPD: Residential Layouts (July 2006) specifies in paragraph 4.9 that where a two or more storey building abuts a property or its garden, a minimum acceptable distance of 15 m should be maintained, so as to overcome possible over-domination, overbearing and overshadowing. Paragraph 4.11 of the HDAS SPD specifies that 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 principle involves drawing a line from the mid-point of an existing/new window that is potentially affected by a new dwelling at an angle of 45 degrees towards the new building. Paragraph 4.12 of the HDAS SPD specifies that new residential development should be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property. It gives advice that the distance should not be less than 21 m between facing habitable room windows.

The proposed building is oriented to the front of the site facing the access road and to the rear, towards the rear gardens of properties in Star Road. The proposal would be sited at least 15m from the main rear elevations of adjoining properties thereby complying with the guidance contained within HDAS: Residential Layouts. No first floor windows are proposed which would ensure that the proposed dwelling would not result in a loss of privacy to occupants of nearby dwellings. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development.

#### **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 bedroom (3 person) dwelling is required to provide an internal floor area of 61 square metres which, at an internal floor area of 63 square metres, the proposal complies with.

The proposed building is located within the entrance of the access driveway to garages in both Star Road and Heath Road. Thus, there would be on average 15 residents using the garages on a daily basis. This could potentially add up to over 30 vehicle movements a day which would pass directly in front of the front windows of the proposed bungalow causing unacceptable noise, smell, emissions of pollutants and general disturbance to future occupiers which are likely to result in a sub-standard quality of living accommodation.

Policy BE23 of the Hillingdon Local Plan (November 2012) recognises that new residential buildings should 'provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings'. The Council's guidance HDAS Residential Layouts (2008) requires a 2 bedroom property to provide 60 square metres. The submitted plans indicate that the retained dwellings at numbers 54 and 56 would retain over 60 square metres of garden space and the proposed dwelling would achieve 67 square metres thereby complying with the requirements of the Council's guidance HDAS Residential Layouts (2008).

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

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP 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 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The site has a PTAL value of 2 (poor) which suggests that there will be a strong reliance on private cars for trip making. The submitted plans confirm that 2 parking spaces would be provided within the application site. Secure cycle storage is also shown on the submitted plans.

Concerns have been raised by the highways officer in respect of the width of the access road and its potential future use by the fire service. This concern was previously raised in respect of the refused application. However the Inspector concluded in the recent appeal:

"16. Access to the garages is via a shared unmade track from Star Road, routed between 52 and 54 Star Road. It provides access to a number of detached garages. The access is relatively narrow, but wide enough for a single vehicle. It widens adjacent to the site. Either side of the access between Star Road and the garage is a brick boundary wall and timber fence, respectively providing a solid boundary to the gardens of Nos 52 and 54.

17. Refuse storage is proposed in front of each dwelling. This is 31 and 38 metres respectively away from Star Road. This exceeds the distance in paragraph 4.41 of the HDASRE, which seeks facilities that are easy and safely accessed and not further than 23

metres from the highway.

18. The appellant cites an example on Heath Road, in which refuse requirements are minimised by the use of a 'food grinder' and rubbish bags are taken out of wheelie bins and placed by the kerb on collection day.

19. Adopting the same approach in this case would ensure wheelie bins are not transferred along the access, which could create obstacles and conflicts for pedestrians and vehicles seeking to use the access at its narrowest point. However, occupants of either bungalow would still be required to transfer their rubbish over a significant distance. Whilst this is not an ideal arrangement, given the use of the access, in this instance I am not persuaded that harm to highway and pedestrian safety would occur as a result of the distance alone.

20. Concerns have been raised that if the proposal was allowed it would displace vehicles onto the highway. The garage block is set back slightly from the access and provides 3 single spaces and 1 double space. If the appeal was allowed, a single space for each house would be formed. Whilst there is dispute about the size of the proposed parking spaces, it is agreed that this is an acceptable level of provision. The spaces are shown tight up to the boundary with No. 58, but there would be enough room for 2 vehicles to park behind bungalow B without adversely hindering the passage of pedestrians.

21. I accept that manoeuvring would be required to enable vehicles to enter and leave each parking space, due to the uneven nature of the access and landscaping abutting the access. A low provision of lighting would also make matters more difficult during evening hours. However the effects would not be severe and would not affect the wider highway network.

22. Occupants of the dwellings would use the shared relatively narrow access. The proposed improvements would enhance the access's safety. Extending the paviers would assist with the smooth movement of traffic, however in the absence of evidence from the Council demonstrating why further improvements are necessary, I consider the access would not harm safety of vehicular or pedestrian traffic.

23. For these reasons, I conclude that the development would not compromise the safety of vehicular and pedestrian traffic. Although the proposal is contrary to HDASRE, in this instance, I do not consider harm would arise as a consequence. Accordingly, the proposal complies with Policy AM7 of the LBHUDP, which seeks to ensure highway safety."

Given that the current proposal seeks a reduction in the number of units from 2 x 1 bedroom bungalows to 1 x 2 bedroom bungalow, and the recent comments of the Appeal Inspector which is a strong material consideration, subject to a condition to retain the car parking and secure cycle storage, it is considered that a refusal on parking or highway safety grounds could not be justified.

#### **7.11 Urban design, access and security**

The Council's adopted Supplementary Planning Document, HDAS: Residential Layouts sets out, in Chapter 4, the site specific and general design guidance for new residential development. These issues have been considered elsewhere in this report, in terms of their effect on the amenity and character of the surrounding residential area and the potential impacts on the neighbouring occupiers.

#### **7.12 Disabled access**

No issues raised.

#### **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 due to the proposal. Should the application be considered acceptable in all other respects, a condition requiring landscaping could be imposed.

#### **7.15 Sustainable waste management**

Refuse collection arrangements are shown to be located to the side of the proposed bungalow. The distance to the highway in Star Road would be approximately 30m. The comments of the Inspector in respect of refuse collection are cited above in Section 7. where he considers the arrangements to be acceptable.

Given the comments of the Inspector, if the application were considered acceptable in all other respects, it is considered that it would be reasonable to impose a condition to secure the refuse storage.

#### **7.16 Renewable energy / Sustainability**

No issues raised.

#### **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 comments are addressed in the report above.

#### **7.20 Planning obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

No other issues raised.

### **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 1 x 2-bed, detached bungalow with associated parking and amenity space involving demolition of existing garage block. The application follows the dismissal of a recent appeal for two x one-bed, semi detached bungalows with associated parking and amenity space involving demolition of the existing garages. It is considered that the fundamental objection to the erection of a dwelling on this site has not been addressed. The Inspector raised concerns that the proposed development by reason of its siting (partly in a rear garden), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and

historic context of the surrounding area. Given that the current revised proposal is similar in layout and form, this refusal reason stands. Furthermore concerns are raised in terms of the quality of living accommodation that the future occupants would enjoy due to the proximity of the access road to neighbouring garages. The application is therefore 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)  
Technical Housing Standards - Nationally Described Space Standard  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).  
 Unless the Act provides a relevant exception to copyright.  
 © Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address:

**Land at rear of  
 54 & 56 Star Road**

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

Planning Application Ref:  
**70020/APP/2016/4467**

Scale:  
**1:1,000**

Planning Committee:  
**Central & South**

Date:  
**February 2017**

