

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

**Address** R/O 17-21 THE CLOSE EASTCOTE PINNER  
**Development:** 2-bed, detached bungalow with associated amenity space and parking.  
**LBH Ref Nos:** 11448/APP/2016/1100  
**Drawing Nos:** 0316/MO/02  
0316/MO/03  
0316/MO/04  
0316/MO/01  
0316/MO/05  
0316/MO/06  
Design and Access Statement

**Date Plans Received:** 16/03/2016                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 16/03/2016

### 1. SUMMARY

Planning permission is sought for the development of a two bedroom detached bungalow with associated amenity space and car parking on land to the rear of Nos. 17 to 21 The Close, Eastcote. This site has an extensive planning history, the most pivotal decisions are considered to be the 2006 and 2009 appeal decisions. In 2006 an appeal was dismissed concerning a building with four one bedroom flats. The Inspector felt that there would not be harm to neighbours amenity, nonetheless the Inspector thought it would be a cramped development and that the proposals would not respect the local character. The appeal was dismissed. In 2009 consent was granted on appeal for a two storey office development. The Inspector felt it was a sustainable location for new office development. The Inspector felt it would relate satisfactory to surrounding commercial development and saw the site in this context. Officers consider that in principle the site is suitable for commercial development, but not suitable for residential development. The characteristics of the site are such that a residential unit would be out of character with the surrounding built form. The application is recommended for refusal for this reason.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed residential building off a lane accessed by commercial vehicles viewed in the context of commercial units will appear as an incongruous feature. The development will not harmonise with the surrounding streetscene and is considered to be contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the NPPF.

### 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.
AM14	New development and car parking standards.
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.

## **3**

The Local Planning authority has taken into consideration the requirements of paragraph 186 and 187 of the National Planning Policy Framework and has worked pro-actively with the applicant through extensive negotiations to address material planning issues wherever possible. Notwithstanding these discussions, the scheme was ultimately considered to fail to comply with the development plan for the reason identified above.

## **4 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.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application relates to land to the rear of Nos. 17 to 21 The Close, Eastcote. The site has an area of 350 m<sup>2</sup> and is currently vacant and overgrown with semi-mature trees and naturally regenerated shrubs. The boundary fencing, made up of chain link fencing, is in disrepair.

The site is bounded to the West by a vehicular access running along the rear of shops fronting onto Field End Road for loading/unloading, and access to two public car parks. The site is to the rear of properties in The Close between the two car parks.

The shops fronting Field End Road form part of the the Eastcote (Minor) Town Centre, immediately to the West (including part of the access lane), the public car park to the North of the site is also within the Eastcote Town Centre. There are residential dwellings to the South (fronting North View), and to the East (fronting The Close). The Eastcote (Morford Way) Conservation Area boundary lies close to the Western boundary of the site.

As part of the 2009 appeal decision the Inspector felt the development would be primarily seen in the context of the commercial built development to the immediate west of the access way, officers agree with this assessment.

The application site lies within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

### 3.2 Proposed Scheme

The application is for the development of one single storey bungalow with associated car parking and amenity space. The design of the bungalow follows a traditional 1930's style of construction with square bays to the front elevation covered by gable features with the roof having hipped ends. The overall height of the bungalow will be 5.0 meters above the ground level. The footprint of the bungalow will be set in from the Easterly boundary by 1.0 meter to allow for maintenance access, cleaning of windows, upkeep of fences etc.

There are two windows to the rear elevation, one obscure glazed serving the bathroom and the other serving a small study / work from home room.

The floor space provided in this application will give a gross internal area of 102.94 m2.

The proposal provides for private useable amenity space at the Southerly end of the site of some 102.20 m2, The amenity space is to be enclosed with 1.80 m high close boarded fencing. There is provision for the storage of two wheelie bins on the patio of the amenity space, accessed by a gate to the front elevation. One parking space is proposed.

The access road to this site is adopted by the Local Authority and has double yellow line parking restrictions along its total length. This road has historically provided both vehicular and pedestrian access to the rear gardens and garages of the residential properties in The Close as well as providing access to garages / stores for the shops in Field End Road. There are also external staircases from the flats above the Field End Road shops discharging onto the access road and this road also provides vehicular access to two public pay and display car parks. It is also noted that some of the shops in Field End Road have rear entrances from the access road for ease of customer access.

### 3.3 Relevant Planning History

11448/APP/2006/186 R/O 17-21 The Close Eastcote Pinner  
ERECTION OF A TWO STOREY BLOCK OF FOUR ONE-BEDROOM FLATS (OUTLINE APPLICATION).

**Decision:** 08-09-2006 Not Determined **Appeal:** 08-09-2006 Dismissed

11448/APP/2008/1365 R/O 17-21 The Close Eastcote Pinner  
Two storey office building with associated parking accessed from service road (outline

application).

**Decision:** 25-07-2008    Withdrawn

11448/APP/2008/3394    Land Rear Of 17-21 The Close Eastcote, Pinner

Two storey office building with associated parking accessed from service road (outline application).

**Decision:** 28-01-2009    Refused                      **Appeal:** 11-11-2009    Allowed

11448/APP/2010/2900    R/O 17-21 The Close Eastcote Pinner

Two storey detached building with level in roof for use as B1 (a) Office.

**Decision:** 20-01-2011    NFA

11448/APP/2011/238    R/O 17-21 The Close Eastcote Pinner

Erection of a two storey detached building with additional level in roofspace for use as Class B1 Office.

**Decision:** 15-09-2011    Refused                      **Appeal:** 05-03-2012    Dismissed

11448/APP/2015/3576    R/O 17-21 The Close Eastcote Pinner

Two storey detached building for use as an office including associated parking and new vehicle crossover to front

**Decision:** 29-01-2016    Withdrawn

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

This site has an extensive planning history:

Relevant text from the two key appeal decisions is copied below:

The 2006 Planning appeal decision relates to a building with four one-bedroom flats. The Inspector stated:

'The area is one of mixed uses. The rear elevations of the Field End Lane shops and first floor flats to the front of the appeal site and the public car parks nearby are utilitarian townscape features with no particular architectural style or merit. To the rear and immediately to either side are the gardens of houses on The Close. They include mature trees and planting which would soften the visual impact of the proposed development and give it an attractive landscaped setting. However, the front elevation would be very close to the service lane and the two-storey bulk of the building would appear cramped up against the lane, an effect that would be reinforced by the lack of a footway. I find that this element of the proposal would have a negative impact on the character and appearance of the surrounding area, contrary to the provisions of UDP Policies BE13 AND BE19.'

'The appeal site is untidy and used for fly tipping. However, the present scheme is not the only way in which the site can be properly managed. The applicant refers also to security benefits for neighbouring property and car parks. Neither of these matters alter my conclusions set out above.'

'I acknowledge that the Government encourages Councils to meet identified housing needs and that Planning Policy Note 3 Housing (PPG3) supports mixed use developments and the use of previously developed sites, including garden land, for new housing. It is not clear that the site is previously developed land but, more fundamentally, PPG3 also states that new housing should create places and spaces with the needs of people in mind and which respect and enhance local character. I find that the present proposal fails to meet these objectives.'

More recently the applicant sought to secure permission for a B1 Office Use. This proposal was granted consent on Appeal (APP/R5510/A/09/2107406) against the councils refusal of planning application 11448/APP/2008/3394.

The Inspector commented:

'Delivering sustainable development, at paragraph 32, promotes a more efficient use of land and the focusing of new office development in sustainable locations such as existing centres. The appeal site is unused land, adjacent to Eastcote centre and close to a public transport interchange. Although there is no development, other than car parks, fronting the north-eastern side of the access way, I am not persuaded that in the above circumstances, development should be precluded in principle. The site does not relate to the residential properties to the east, which in any event could be screened from the appeal proposal by vegetation. The building would be seen in the context of the commercial built development to the immediate west of the access way, to which an appropriately designed building could relate satisfactorily.'

'Whilst flat roofs are not a characteristic of the locality, two and three storey development with pitched roofs is and the scheme accompanying the application is for illustrative purposes only. In my view, an appropriately designed building would complement the surrounding built development and could harmonise with the existing street scene. The proposal therefore accords with saved Policies BE13 and BE19 of the London Borough of Hillingdon Unitary Development Plan.'

'Additionally, the site's development would reduce the potential for depositing litter and fly tipping, which adversely affect the immediate environment along this part of the access way. I therefore conclude that the proposal would have a positive effect on the character and appearance of the area.'

#### **4. Planning Policies and Standards**

The proposed scheme is required to meet the design standards set by the London Plan, the London Borough of Hillingdon UDP Saved Policies September 2007 and to meet standards as set out in the London Borough of Hillingdon - New Residential Development, Supplementary Planning Document (July 2006).

The London Plan Housing Standards (March 2016) requires that the Nationally Described Space Standards are met. These are minimum standards to ensure that new homes are built to an acceptable size for the proposed number of occupants. The floor space provided in this application will give a gross internal area (GIA) of 102.94 m<sup>2</sup>. The minimum requirement as set out in the London Plan for a 2 bedroom, single storey property is 70 m<sup>2</sup>

GIA. The proposed development meets the space standards required.

The amenity space standard for dwelling houses, as set out in the London Borough of Hillingdon - New Residential Development, Supplementary Planning Document (July 2006) requires a minimum 40 sq. m. The amenity space standard is therefore met.

Policy BE20 requires that the amenities of existing properties are safeguarded.

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. That new development should be 'designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials..'

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."

### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- AM14 New development and car parking standards.
- 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.

### **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 site notice was posted on 08.04.16. Expiry 15.04.16.

Twenty- four properties were consulted:

Boots the Chemist 169 - 171 Field End Road,  
The Occupier - 169A Field End Road  
The Occupier - 167A Field End Road  
The Wimpy Bar 167 Field End Road  
The Occupier 165A Field End Road  
Totally Techy Ltd 165 Field End Road  
Re Bar 163 Field End Road

The Occupier 163A Field End Road  
Tops & Bottoms 161 Field End Road  
The Occupier 161A Field End Road  
The Occupier 15 The Close  
C Dodd 17A The Close  
The Occupier 17B The Close  
S West 19A The Close  
Mrs R Kemp 19B The Close  
The Occupier 21B The Close  
The Occupier 21A The Close  
and the Eastcote Residents Association

Four responses were received. The views of residents are summarised below:

17A The Close concerned with:

1. Loss of privacy in my garden as rear fencing is only 1.8 m high.
2. Permeable paving around bungalow running into soakaway as rear gardens in The Close suffer water logging when there is very heavy rain & concerns that this could exacerbate the problem. Also water run-off from car park located by medical centre.
3. Sewer floods in alleyway so if sewerage connected here more problems?
4. If digging footings it will disturb roots of existing shrubs & trees in our gardens due to close proximity of existing gardens.
5. Safety aspect of vehicles emerging from property.

This has been a continued concern with every planning application for this site to my knowledge over the past 30 odd years. Nothing has changed. It's not a suitable site for development.

19 B and 21 B The Close

Drainage: The properties 17-21 The Close are sandwiched between two hard surfaced car parks and drainage falls towards the gardens. Last year complaints were lodged as all the gardens flooded. The proposal to build a bungalow with a paved area all the way round the perimeter would exacerbate the existing problem. In addition, the access road drains into the current vacant plot. Although, the plans indicate there is a soak away it will be insufficient to remove the excess water draining off all the metalled areas.

Trees: All the properties backing onto the service road have a natural backdrop of trees which provide a sound barrier and privacy from the flats above the shops. In construction the trees in the plot will be removed and the construction may cause damage to existing trees in the properties above. What reassurance would residents have that the trees in their properties would not be damaged or cut back?

Light The roof would block light into my garden and property.

Quality of Life: Has consideration been given to the quality of life for the residents in the property. It would back onto a busy access road with cars and heavy lorries including refuse trucks. Rubbish from the local shops is often strewn in the road.

Plus we have problems with rats in the gardens. In addition, it is adjacent to a busy and often noisy drinking mans club. Health and Safety: The property is parallel to the access road and would pose a problem to residents walking along. Finally I am sure that in a while, if the bungalow application is passed, the owner will put skylights in the roof and later will apply for an upstairs extension. Both will look into my property.

A petition of objection was submitted by the occupier of 19A The Close. The petition against the proposed development contains 20 names, all of whom are residents of The Close.

Eastcote Conservation Panel

Re. 11448/APP/2016/1100 R/O 17-21 The Close Eastcote.

The planning history as supplied for this site is incorrect. The correct history is detailed below:-

- . 11448/APP/2006/186 Erection of a two storey block of four one bedroom flats [outline application]. This was refused at appeal August 2006. Appeal ref.APP/R5510/A/06/2015330.
- . 11448/APP/2008/1365 erection of a two storey office block was withdrawn.
- . 11448/APP/2008/3394 erection of two storey office block was refused by LBH but approved at appeal October 2009 Appeal ref.APP/R5510/A/09/2107406

The applicant has not acted upon the granted planning permission for a small office block, this planning permission has now expired. The Planning Inspector for the 2006 application states quite clearly that this area is not suitable for dwelling houses. This must be taken into consideration when determining this current application. The outlook from the proposed study and bedroom 2 will be a fence or a brick wall. The front of the dwelling will be very close to passing traffic on route to the car park and heavy good vehicles delivering to the shops. The purpose of the roadway is a service road for the shops, it never was intended to be a residential road. This area as shown by the 2006 appeal decision is unsuitable for dwellings.

#### **Internal Consultees**

Highway Officer Comments:

The proposal is to develop the rear gardens of 17-21 The Close in Eastcote to provide a 2 bedroom detached dwelling. The site has a PTAL value of 3 (moderate) which is a result of local bus services and proximity to Eastcote Railway Station. There is a public car park within 20 metres of the application site. The rear lane of The Close appears to be a publicly maintained service road at the rear of properties in Field End Road. There are parking restrictions along this unnamed service road. There is no footpath serving the properties along this road. The proposals include a new access to the property off the service road and 1 parking space which is adequate for a 2 bed dwelling. The additional dwelling will not significantly change the traffic generation in the area. The drawings show a space for a shed to be used for cycle storage but I would like to see a definitive secure covered facility for cycle storage rather than an option.

On the basis of the above comments I have no significant objection to the above proposals.

## **7. MAIN PLANNING ISSUES**

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

The principle of commercial development on the site was established by the Inspector who determined on Appeal application reference: 1448/APP/2008/3394 / APP/R5510/A/09/2107406.

However the Inspectors comments were specific to a commercial development (as the earlier 2006 Inspectors comments were to residential development). The commercial development proposal in effect allowed a proposal with greater neighbour impact than the currently proposed bungalow. The key issue with this proposal is considered to be whether the site is an appropriate location for residential development. The principle of loss of what was garden land for some form of development has in officers opinion been agreed through the 2009 appeal decision.

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. That new development should be 'designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials.'

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.'

Officers consider that the text in the NPPF is not dissimilar to that in the now defunct PPG3 which was referenced by the 2006 Inspector when he clearly thought the site was not appropriate for residential development ('new housing should create places and spaces with the needs of people in mind and which respect and enhance local character. I find that the present proposal fails to meet these objectives'). Officers consider that the principle of a residential unit is not acceptable at this location. An isolated residential building off a lane accessed by commercial vehicles (with no pavement) viewed in the context of commercial units will appear as an incongruous feature. That such a development will not harmonise with the surrounding streetscene or contribute to community cohesion and a sense of place. The development is therefore considered in principle to be contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the NPPF.

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

The floor space provided in this application provides a gross internal area of 102.94 m<sup>2</sup> in excess of what is required (63 m<sup>2</sup>) for a two bedroom property under HDAS Residential Layouts Supplementary Planning Document and the London Plan. The individual room sizes also exceed the minimum floor space standards. The proposal provides for private useable amenity space at the Southerly end of the site of some 102.20 m<sup>2</sup>, above the standard required for a 2 bed bungalow.

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

The main issues concerning the impact of a the dwelling on the character and appearance of the area are discussed under 'The principle of the development proposal' section of this report.

It is considered that the new dwelling would appear as an isolated uncharacteristic feature and that the site is more appropriately suited to a commercial building (as per the 2009 appeal decision).

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

Policy BE20 requires that the amenities of existing properties are safeguarded. The proposed bungalow will be sited circa 10 meters from properties in The Close. The building height is 5.0 meters. The proposed development and its design will protect both the privacy of the occupiers and their neighbours in accordance with policy guidance.

Residents of The Close have expressed objections to this application on the grounds of overlooking and lack of privacy. The detailed design and location of the new bungalow and the proximity of the exiting properties in the Close to the development site overcome these concerns. The distance between the houses in The Close and the new build, the proposed fencing and existing tree cover mean the development will have only limited visibility from properties in The Close, and certainly not to a degree that would warrant the refusal of planning permission.

In this regard the application is compliant with Policy BE20, BE21, BE23 and BE24 of the

**7.09 Living conditions for future occupiers**

The proposed development provides habitable rooms designed to an appropriate standard as is the garden (amenity space) providing good living conditions for future occupiers. Objectors have raised concerns regarding a side bedroom window facing a fence. The boundary fence need not obscure this window (re: Through conditions it could be ensured that the bedroom window provided appropriate levels of light and outlook).

There is provision for the storage of two wheelie bins on the patio of the amenity space, accessed by a gate to the front elevation for ease of collection.

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

There is provision for the storage of two wheelie bins on the patio of the amenity space, accessed by a gate to the front elevation for ease of collection.

The proposal is for a two bedroom property, therefore one parking space is required in accordance with SPG documents. The parking space meets the size requirements and also allows for a transition space to the side of 1.4 m. The parking space provided also indicates the provision of visibility splays (1.5 m x 1.5 m) to assist safe access to and from the roadway, there is no form of fencing or other obstruction in this area. The proposed development is acceptable on highway safety grounds and the proposed level of car parking and bicycle storage meets the requirements of the car / cycle parking standards in accordance with Policy AM14 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

**10. CONCLUSION**

For the reasons outlined above this application is recommended for refusal.

**11. Reference Documents**

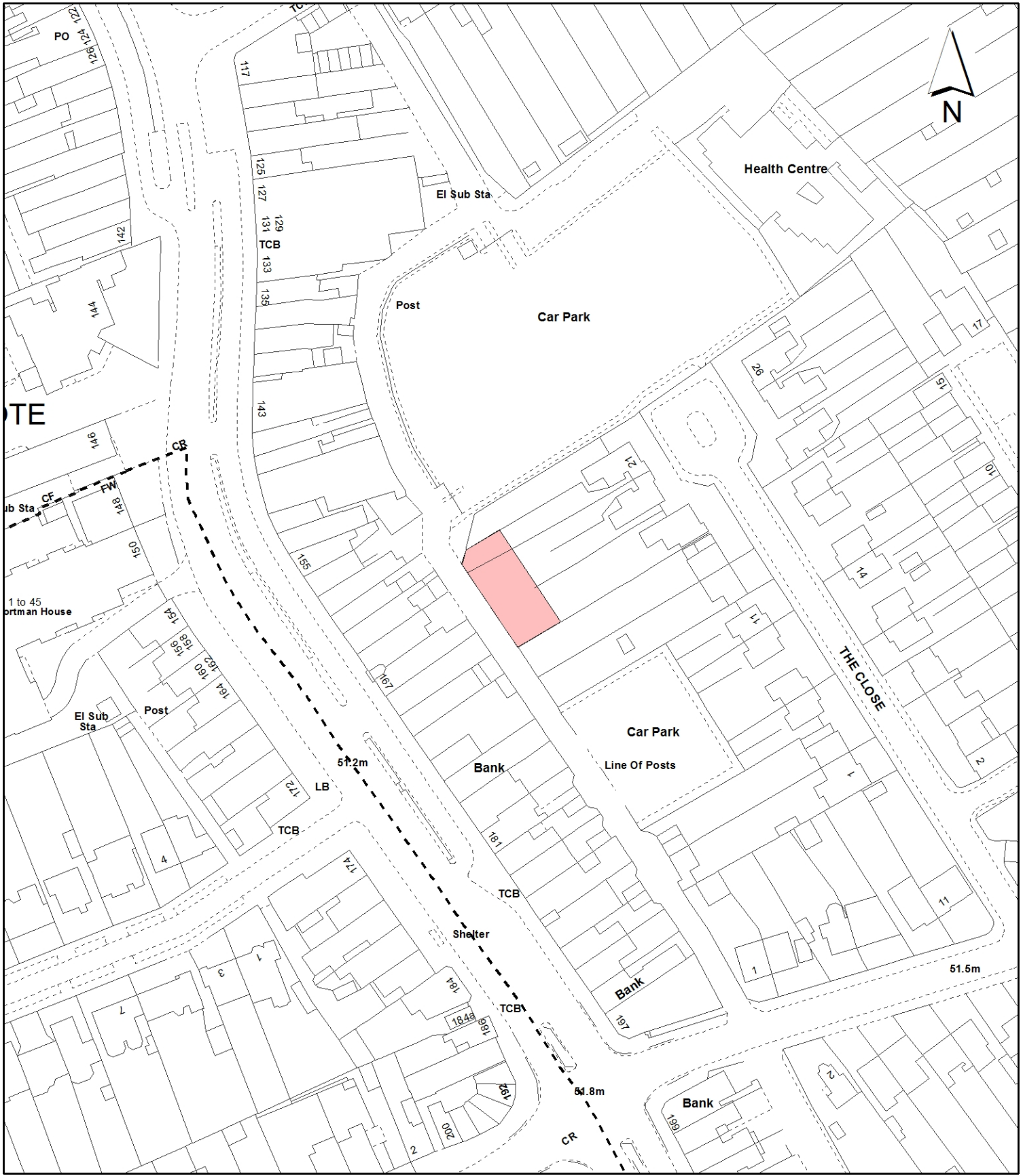
Housing Standards - Minor Alterations to the London Plan March 2016

London Borough of Hillingdon Unitary Development Plan (Saved Policies 2007)

London Borough of Hillingdon - New Residential Development, Supplementary Planning Document (July 2006)

**Contact Officer:** Sharon Bayton

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**Notes:**

 Site boundary

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Site Address:  
**Land To The Rear Of  
 17-21 The Close**

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

Planning Application Ref:  
**11448/APP/2016/1100**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**March 2017**

