

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 12 DAGNALL CRESCENT COWLEY

Development: Two storey, 2-bed attached dwelling with associated parking and amenity space and creation of a new vehicular crossover to front

LBH Ref Nos: 72273/APP/2017/1211

Drawing Nos: Design and Access Statement
1625/02A
1625/03C

Date Plans Received: 29/03/2017 **Date(s) of Amendment(s):** 29/03/2017
Date Application Valid: 27/04/2017

1. SUMMARY

The application seeks planning permission for the erection of a two storey, 2-bed attached dwelling with associated parking and amenity space and creation of a new vehicular crossover to front. The proposal is not considered to have a negative impact upon the visual amenity of the site or the surrounding area, would not result in an un-neighbourly form of development.

However, the proposed development would result in the loss of a car parking space serving the existing 3 bedroom dwelling, resulting in insufficient parking to serve the existing dwelling and, as such, an exacerbation of the parking stress already experienced on Dagnall Crescent.

The subdivision of the plot would also result in the existing and proposed dwellings both having external amenity space that fails to meet the minimum area requirement set out in the HDAS SPD and, therefore, would lead to unsatisfactory living conditions for the occupants of both properties.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal has not demonstrated that sufficient off street parking/manoeuvring arrangements would be provided for the existing and proposed dwellings, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the existing and proposed dwellings would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies

BE19 and BE23 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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a two storey semi-detached dwelling located on the South Eastern side of Dagnall Crescent which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The property

currently has a detached single garage and the frontage is laid to hardstanding. The side and rear garden of the host dwelling back onto the properties in Benbow Way to the South. It is noted that a new attached dwelling has been constructed at the nearby dwelling at Number 9 Dagnall Crescent.

3.2 Proposed Scheme

The application seeks full planning permission for the erection of a two storey, 2-bed attached dwelling with associated parking and amenity space and extension to vehicular crossover to front.

3.3 Relevant Planning History

72273/PRC/2016/232 Land Forming Part Of 12 Dagnall Crescent Cowley

Erection of single famile dwelling (Use class C3).

Decision: 17-02-2017 OBJ

Comment on Relevant Planning History

The application follows an application for pre-application advice for the erection of a two storey 3 bedroom attached dwelling. The conclusion of this application was:

"There is no 'in principle' objection to the proposed redevelopment of the site for residential use. However, the existing proposal appears to be excessive and results in the loss of existing external amenity space and provision of inadequate external amenity space."

Planning ref: 28188/APP/2006/1184 approved a 2 storey, 2 bedroom attached hosue and installation of a new crossover to the existing dwelling (No.9). The application was refused because it was considered by the Council to have an adverse imapct on the streetscene. The dwelling was nonetheless allowed at appeal in early 2007. The appeal decision was made was before the HDAS Residential extensions guidance was adopted. The officer report the subject of the appeal had no references to the HDAS Residential extensions guidance nor did the Inspector take it into consideration. The inspector was mindful though of policies BE13, BE15 & BE19 of the UDP and conluded the character and appearance of the streetscene would not be harmed by an extra dwelling. The inspector felt that although the proposed dwelling would not directly match the existing dwelling this in istelf did not justify refusing planning permission.

This proposal only has a material bearing on the proposed application as regards the principle of an additional dwelling and its visual impact on the stretescene under similar circumstances having a precedence. Nonetheless the current proposal would be subject to HDAS Residential extensions guidance and the 25 March 2015 technical housing standards for England. Furthermore the issue of parking stress will be very different now from over 10 years ago.

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.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.3 (2016) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2016) Quality and design of housing developments
- 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

12 neighbouring properties were consulted by letter dated 2.5.17 and a site notice was displayed to the front of the site which expired on 1.6.17.

4 letters of objection and a petition signed by 22 signatories have been received raising the following concerns:

1. Loss of light and outlook.
2. Loss of privacy.
3. Loss of the trees.

4. Inadequate parking provision in an area which suffers from parking stress.
5. Building over a Thames Water Sewer.

Officer note: The issue of building over a Thames Water Sewer is not a planning consideration.

Internal Consultees

Highways Officer:

With regard to the latest drawing supplied by the applicant there is only one car parking space provided for the existing 3 bed house that currently has at least 2 car parking spaces and a detached garage. The new 2b dwelling is provided with 2 tandem parking spaces which is suitable.

I am concerned the existing dwelling will not have sufficient car parking space given the existing PTAL value (1b - very poor) and the existing parking stress in the street.

On the basis of the lack of parking I suggest you refuse the application.

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

7.02 Density of the proposed development

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

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

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

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

The NPPF (2012) 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.'

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.

It is noted that the proposed dwelling would have the same depth and height as the host dwelling and would marginally exceed the width of the host dwelling. It is noted that there is a relatively recent similar example of development at Number 9, built as no. 9A Dagnall Crescent. The size and appearance of the current proposal matches that which was allowed at appeal by the Inspector under appeal reference APP/R5510/A/06/2033555. In that case the Inspector commented as follows:

"The appeal site is the side, and part of the rear, garden of No 9 Dagnall Crescent, a semi-detached house. The new house, attached to the side wall of the semi-detached property, would result in the formation of a terrace of three houses. The proposed house would be the same height and depth as the existing property and slightly wider. The design of the front elevation with a roof, windows and door and the use of brickwork and render would match the existing houses.

The only window at first floor level on the rear elevation would be a small high level window that would serve a bathroom. This means that, above a patio window and kitchen window the wall would be largely blank. Although this would not match the existing property it would not be visible from the street or be readily noticeable from the houses at the rear which are located about 40m away. In these circumstances I do not consider that the design of the first floor rear elevation of the house is so incongruous or harmful to the character and appearance of the street scene that it justifies the refusal of planning permission. I conclude that overall, the design of the house would comply with Policies BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan (UDP)."

This appeal decision is considered to be a strong material consideration in this case as regards matters concerning character and appearance of the streetscene (it should be noted that the streetscene is similar now in appearance to when the inspector considered the appeal proposal, the only significant change being greater evidence of parking stress). As such, given the similarity to the development which was allowed at appeal, it is considered, on balance, that the visual impact of the proposed dwelling would not be sufficiently harmful to the visual amenities of the locality to justify a refusal of planning permission.

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 21m between facing habitable room windows.

Strong concerns have been received from the occupants of properties to the rear in Benbow Way that the proposed dwelling would result in an unacceptable loss of light, outlook and privacy to the rear of their properties, resulting in an over-dominant form of development. The proposed dwelling would however achieve the required 21m back to back separation distance between habitable windows in accordance with the guidance contained within the adopted SPD HDAS: Residential Layouts.

The proposed dwelling would allow greater overlooking of neighbours gardens than the existing dwelling does, it should be noted though that the existing circumstances are that the neighbours houses all overlook each others rear gardens, furthermore HDAS guidance focuses on overlooking of houses rather than overlooking of gardens. It is not therefore considered that a refusal reason related to increased overlooking of rear gardens could be justified.

As such it is concluded that the proposal would not result in an unacceptable loss of light, outlook or privacy to the occupants of neighbouring properties in Benbow Way to the South. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, 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 bedroom (4 person), two storey dwelling is required to provide an internal floor area of 79 m² which the proposal complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of Policy 3.5 of the London Plan (2015).

It is however noted that the dimensions of the proposed dwelling is identical to that which was considered at the pre-application stage with the exception of the first floor layout. The current proposal includes a very large bedroom 1 which could be subdivided in future to

form two bedrooms. The subdivision of this bedroom would result in a substandard floor area and further increase the requirement for outdoor amenity space which cannot be met. It is considered that it would therefore be reasonable to impose a condition to ensure that the no internal room partitions are erected in the future to ensure that there is no intensification of the use of this site which would result in poor standards of residential amenity to future occupants.

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'. Submitted plans demonstrate that the host dwelling would retain a private amenity space of 44 square metres and the proposed dwelling would achieve 45 square metres. This would not comply with the requirements of the Council's SPD HDAS: Residential Layouts for two bedroom dwellings, which requires a minimum of 60 square metres.

Whilst it is noted that the area of the amenity space for both properties would be similar to the amount of amenity space provided with the dwelling approved on appeal at No.9, the Residential Layouts SPD had not been adopted at the time that the original recommendation was made and its contents were not considered by the Appeal Inspector when making their decision. The SPD is a material consideration and amenity space standards have been required to be met since its adoption, being used to refuse a number of applications and also being successfully defended at the planning appeal stage.

It is noted that there is public open space nearby, but this is not considered to overcome the very substandard rear gardens that are proposed in this case. The net housing gain is only one unit and both the existing and proposed dwelling would have garden sizes well below the Council's HDAS standard.

It is considered that the external space standards set out in the SPD directly relate to Policy BE23 and that, given the demonstrable shortfall in external amenity space provision, the proposed development does not fulfil the requirements of Local Plan Policy BE23.

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.

Whilst the parking arrangements for the proposed new dwelling, which consist of two 'tandem' spaces, are considered to be acceptable, the proposed development will result in the existing 3 bedroom dwelling losing one of its allocated off street car parking spaces and, as such, is likely to give rise to increased on street parking which would exacerbate the existing parking stress experienced on Dagnall Crescent and surrounding streets.

It is therefore considered that the proposal fails to satisfy the requirements of Local Plan Policy AM 14 and London Plan Policy 6.3.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

The Council's Access Officer has raised no objection subject to a condition requiring

compliance with the Building Regulations.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The garden does contain a number of immature trees and shrubs. It is considered that it would be reasonable to impose a landscaping condition for hard and soft landscaping.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The comments received from consultees are addressed in the sections 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.

Presently calculated the liabilities would be as follows;

LBH CIL £8,081.01

London Mayoral CIL £3,164.13

Total CIL £11,245.14

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 proposed development fails to provide sufficient off street parking facilities or usable external amenity space. It is therefore recommended that the application is refused for the reasons set out in this report.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address:

**Land Forming Part Of
 12 Dagnall Crescent**

Planning Application Ref:
72273/APP/2017/1211

Planning Committee:
Central & South

Scale:
1:1,250

Date:
July 2017

**LONDON BOROUGH
 OF HILLINGDON**
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