

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

**Address** LAND AT REAR OF 2 OLD HATCH MANOR RUISLIP

**Development:** Two storey, 3-bed detached dwelling with associated amenity space.

**LBH Ref Nos:** 12162/APP/2017/2112

**Drawing Nos:** Design & Access Statement  
PD06  
PD05  
PD04  
PD03  
PD02 1:200  
PD01  
PD02

**Date Plans Received:** 12/06/2017 **Date(s) of Amendment(s):**

**Date Application Valid:** 20/06/2017

### 1. SUMMARY

Planning permission is sought for the erection of a two storey, 3-bed detached dwelling with amenity space on land accessed from Windmill Hill. The proposed dwelling would be in the back garden of 2 Old Hatch Manor.

The site is not previously developed land as defined in Annex 2 of the NPPF and there is no presumption in favour of development of such land. It is considered that the proposed development by reason of its rear garden location would result in an incongruous form of development which would be out of character with the existing open character and appearance of surrounding properties and would thus be detrimental to the visual amenities of the surrounding area. As such, the proposal would be contrary to policies BE13, BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the NPPF.

Furthermore, due to the proposed siting, site coverage, bulk and design, the development would result in a cramped appearance and over-development which would cause material harm to the visual amenities of the street scene and the wider area. The separation distance between the application site and the adjacent property is inadequate and would cause sub-standard living accommodation for existing and future occupiers.

In addition by reason of the rear facing windows on the east elevation overlooking the rear garden of no.4 Old Hatch Manor and its proximity would result in a form of development which would not provide satisfactory amenities for that adjoining property, due to the loss of privacy that could arise.

There is also no provision for off-street parking for the existing dwelling, therefore given the numerous objections this application is 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 in a rear garden, would result in a visually incongruous development, given the setting, and would fail to harmonise with the existing local residential character. The principle of 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 Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, 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), The Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the NPPF (March 2012).

**2 NON2 Non Standard reason for refusal**

The proposed dwelling, by reason of its size, siting, scale, bulk, design and proximity to the proposed boundaries, would lead to a cramped form of development at odds with the established layout and pattern of residential development in the locality to the detriment of the visual amenity of the street scene and the character and appearance of the area in general, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**3 NON2 Non Standard reason for refusal**

The proposed two storey dwelling, by reason of its size and siting, with inadequate separation distances, would result in an overly dominant and oppressive feature in relation to the neighbouring properties and as such would result in a visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity to No. 4 Old Hatch Manor and No. 25 Windmill Hill. Therefore the proposal would be contrary to Policies BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the Council's Supplementary Planning Documents HDAS Residential Layouts, July 2006.

**4 NON2 Non Standard reason for refusal**

The proposed development by reason of the siting of the rear facing windows on the east elevation overlooking the rear garden and their proximity to the neighbouring property of No.4 Old Hatch Manor would result in overlooking and a loss of privacy to the neighbouring property, resulting in an unacceptable loss of residential amenity to its occupiers. The proposal is therefore contrary to Policies BE19 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the HDAS Supplementary Planning Document: Residential Layouts, July 2006.

**5 NON2 Non Standard reason for refusal**

The proposed dwelling, by reason of its siting and scale, and minimal distance between habitable room windows on the rear elevation and rear boundary would result in a poor outlook for future occupiers which would represent a sub-standard quality of accommodation. Therefore the proposal would be contrary to policies BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to the adopted Supplementary Planning Document HDAS: Residential Layouts.

**6 NON2 Non Standard reason for refusal**

The proposed development fails to provide alternative off street parking provision for the existing property, No.2 Old Hatch Manor,. Therefore the proposed development is

considered to be deficient in car parking provision with regard to the Council's approved car parking standards, leading to on-street parking to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Car Parking Standards (2007).

## **INFORMATIVES**

### **1 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

### **2 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).

### **3 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.
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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 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

#### 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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. Pre-application advice was sought however objections have been repeatedly raised and remain to this form of development which could therefore not be overcome in this instance.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site refers to land currently occupied as the private usable rear amenity area forming part of 2 Old Hatch Manor, which is a smaller dwelling than that proposed being a, 2 bed detached dwelling situated on the corner junction with Windmill Hill. The existing dwelling has a front garden area and pedestrian access only from Old Hatch Manor, there is no existing vehicular access or existing driveway. There is a mature tree to the front of the dwelling located on Old Hatch Manor. The vehicular access is to the rear and South, via Windmill Hill which provides the area for off-street parking. There is also two small detached outbuildings/sheds situated to the bottom of the rear garden and close to the shared boundary with No.25 Windmill Hill. To the immediate East lies No.4, a detached house and the rear garden of the site backs onto the side of No. 25 Windmill Hill.

The surroundings are an important context. It is one of the four corner properties which face the elongated roundabout at the junction of Windmill Hill and Old Hatch Manor. The central roundabout provides a space which is mainly grassed. In addition there is an existing mature green lined boundary which runs all along the boundary to the East and grassed area which provides the character and a visible green open space between 2 Old Hatch Manor and No.25 Windmill Hill. It is also important to note that 2 Old Hatch Manor is generally smaller than most of the surrounding detached dwellings and set within a smaller plot than most of the neighbouring properties both along Old Hatch Manor and Windmill Hill.

The street scene is residential in character and appearance comprising mainly semi-detached and detached properties. The application site is located within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

#### 3.2 Proposed Scheme

Planning permission is sought for the erection of a detached two storey, 3-bed dwelling with associated amenity space.

The proposed dwelling would be located in the rear garden of 2 Old Hatch Manor with the front elevation of the new dwelling facing West onto Windmill Hill.

#### 3.3 Relevant Planning History

12162/APP/2002/963      2 Old Hatch Manor Ruislip  
ERECTION OF A TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION

**Decision:** 11-06-2002    Refused

12162/APP/2003/2309    2 Old Hatch Manor Ruislip  
RETENTION OF STORAGE SHED IN REAR GARDEN

**Decision:** 24-05-2005    Approved

12162/PRC/2016/40      2 Old Hatch Manor Ruislip  
Proposed bungalow

**Decision:** 28-04-2016    OBJ

12162/PRC/2016/95      Land At Rear Of 2 Old Hatch Manor Ruislip  
Demolition of existing shed and erection of a detached dwelling with associated parking and amenity space

**Decision:** 29-11-2016    OBJ

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

12162/PRC/2016/95 - Demolition of existing shed and erection of a two storey detached dwelling with associated parking and amenity space. Objections raised by the council.

12162/PRC/2016/40 - Erection of a bungalow with associated parking and amenity space. Objections raised by the council.

41245/A/89/1934: Whilst not in relation to this application site, this application in respect of 28 Windmill Hill was granted in April 1990, and relates to an infill property, now known as 28a Windmill Hill. This has been cited in support of similar applications which have been subsequently refused and dismissed at appeal. However, it should be noted that this was granted and constructed before currently adopted guidance and that the length of the plot is larger than that of the current application and those which have been determined previously.

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

One of the Core Planning Principles of The National Planning Policy Framework is to "encourage the effective use of land by re-using land that has been previously developed (brownfield land)".

The London Plan (July 2011) aims to provide more homes within a range of tenures across the capital meeting a range of needs, of high design quality and supported by essential social infrastructure. In terms of new housing supply, the Borough of Hillingdon has been allocated a minimum target of 4,250 in the period from 2011-2021.

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- 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.
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.3 (2016) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2016) Quality and design of housing developments
- LPP 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**

10 neighbouring properties along with Ruislip Residents Association were consulted on 22.06.2017 and a site notice was displayed to the front of the site which expired on 14.07.2017.

As a result of the publicity 6 objections were received from neighbours. In addition the local Ward Councillor has raised issues regarding possible restrictive covenants and requested the application to be heard at Committee.

The owner of 2 Old Hatch Manor has written in support of the application, commenting that:

- it is very sympathetic and compatible to the unique character and appearance of the main dwelling at my address, the chalet style cottage known as 2 Old Hatch Manor, and that of the local surrounding areas.
- the proposal would not appear visually intrusive in the street scene. There are a newly built two story detached house directly opposite the proposed site and another newly built two story chalet style bungalow.
- due to the siting and removal of existing sheds, the proposed house would not result in additional overshadowing to the adjoining neighbours. In fact, it will greatly improve the rights to sunlight for No 25 Windmill Hill.
- the proposal has little impact on local traffic and pedestrian safety.
- the proposal will enhance the harmony of the street scene.
- the government has relaxed planning rules to encourage new builds in areas with good amenities and facilities to improve and increase good residential housing.
- there is no restriction of any kind to build on the proposed site which is well connected.

The objections are broadly based on the consideration that the proposal would: form backland development contrary to Policy H12; adversely affect the amenity and character of the area contrary to Policy BE19; cause significant loss of residential amenity contrary to Policy BE21; cause parking, access and congestion contrary to Policy AM2.

In summary, the objections raise the following issues:

- restrictive covenant on the land not to have more than one dwelling.
- overdevelopment .
- not in keeping with the existing properties and surroundings.
- inaccuracies in the supporting information including the submitted plans and the design and access statement, e.g. not a cul-de-sac, no parking to the front for existing dwelling and no vehicle access to the front.
- creating driveway to the front on Old Hatch Manor would be dangerous and involve removal of tree, grass verge.
- no precedent for such type of development.
- no detailed landscaping information provided especially on the boundary to no.4 Old Hatch Manor.
- major invasion of privacy, overlooking back gardens, houses and bedrooms, contrary to HDAS.
- currently only one car parking space for 2 Old Hatch Manor on a narrow single access. The proposal would result in the existing dwelling having no off-street parking which would cause extra stress on Old Hatch Manor and surrounding roads especially given the proximity of local schools.
- dangerous to use the roads, especially for the kids during school hours.
- with the schools nearby there is already parking stress on the roads and having additional on-street parking would cause even more problems and would be extremely dangerous.
- loss of privacy especially to 25 Windmill Hill.
- lead to a loss of amenity, greenery and spaciousness.
- new plot would not be in keeping with the area, existing plot is already smaller than most in the area.
- appeal was dismissed for similar development at No.26a Windmill Hill. (The council's reference is: 67242/APP/2011/2651 and the appeal reference is: APP/R5510/A/12/2175095).

Officer comment:

Any restrictive covenant is not a material planning consideration.

In addition it is noted that reference is made to an appeal decision at No.26a Windmill Hill. That site is located diagonally opposite the application site on effectively the North West corner of the prominent roundabout. The proposal involved the erection of a new one bed dwelling within the rear garden of No.26a Windmill Hill. In dismissing the appeal, the appointed Inspector noted that two of the three main issues were: the effects of the proposal on the character of the area and the effects of the proposal in relation to car parking. In regard to the effects of the proposal in relation to car

parking, the Inspector commented at:

"12. The proposal indicates a car parking area for the proposed dwelling which appears to be satisfactory to the Council. However, the proposal would take away the off-street parking available to the existing house. Although the existing house is not within the appeal site it is controlled by the appellant, therefore I consider that it would be appropriate to include a condition to require car parking to be provided within the remaining site of No 26A, if planning permission were to be granted. Therefore, the proposal is capable of complying with Policies AM7 and AM14 of the UDP."

In relation to the character of the area the Inspector noted, "The generous spacing of the houses, combined with the size and disposition of the properties results in a high quality residential environment which the appellant recognises as having a "verdant, open appearance" and a "well landscaped local environment".

5. The existing rear garden of No 26A provides a significant degree of separation between the house and its neighbour to the rear, No 26. Combined with the general character of the area and the central planted area, the site makes a positive contribution to the qualities of the area as a result of its spaciousness.

6. The proposal would take up over half the land between No 26A and No 26, although some would be in the form of garden area for the proposed house. Although the proposal would be modestly sized in comparison to most of the surrounding properties, it would result in an obvious erosion of a prominent and spacious element in the street-scene. Its siting would mean that one of its front corners would be a very short distance from the site boundary, accentuating its impact on the street-scene. I do not consider that the boundary hedge would provide the degree of screening necessary to reduce the effects of the proposal to an acceptable level, in this respect.

8. I have also taken account of the other examples of development drawn to my attention by the appellant, and viewed these at my site visit. It is seldom possible to claim an exact replica in content and circumstances of 2 separate planning cases. Notwithstanding this, I note from the information supplied that the planning applications referred to pre-date by some degree the Council's Unitary Development Plan (UDP) and the changes referred to in PPS3 (now replaced) relating to garden land, and the National Planning Policy Framework (the Framework) which also notes that private gardens should not be considered as previously-developed land. I recognise that this latter matter does not amount to a blanket exclusion of gardens from accommodating any development, but it seems that these other examples were determined at a time when local and National policy advice was certainly different and less sensitive to the contributions that gardens can make to the character of an area. In addition, I do not regard all of the examples cited as being successful additions to the area and therefore are not desirable examples to follow. Therefore, the proposal would be contrary to the aims of Policies BE13 and BE19 of the UDP."

Officer Comments continued:

It is clear therefore that the principle objection to this form of development and the reasons for refusal which are recommended have been supported at appeal, and are a more recent decision than that at 28A.

### **Internal Consultees**

Access - no comments

Highways:

This application is to develop the rear garden of 2 Old Hatch Manor in Ruislip to create a 3 bed detached house. The existing property has no vehicular access on Old Hatch Manor but has an access off Windmill Hill. There are existing waiting restrictions outside the property boundary in both Old Hatch Manor and Windmill Hill. There is existing parking stress in Old Hatch Manor. The property



has a PTAL value of 3 (moderate) which suggests there will be reliance on private car trips to and from the property. There is a wide public verge on the Windmill Hill frontage and a mature tree and verge on the Old Hatch Manor frontage. The proposals involve the construction of a three bed detached house and there are 2 car parking spaces provided off-street. The existing access or a modified form will be used to access the off-street car parking spaces. There are no car parking facilities provided for the existing dwelling which will be difficult given the street, tree and proximity to the junction. There is no indication of secure cycle storage (2 spaces) for either the new dwelling or the existing. There are no refuse/recycling facilities shown for the new dwelling. On the basis of no off-street car parking being identified for the existing dwelling I suggest you refuse this application.

## **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 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 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, March 2016 also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.44 advises:

London Plan Policy 3.5 A states that 'Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.' This locally sensitive approach reflects paragraph 53 of the NPPF. Where planning permission is required, boroughs are advised to consider proposals for development in gardens in the light of local circumstances, taking into account the value gardens have in addressing the range of strategic policy objectives, particularly in terms of:

- defining local context and character including local social, physical, cultural (Policy 7.4, 3.5);
- providing safe, secure and sustainable environments and play spaces for children (Policy 3.6);
- supporting biodiversity, protecting London's trees, 'green corridors and networks' (Policies 7.19, 7.21);
- flood risk management and sustainable drainage (Policies 5.12 and 5.13)
- mitigating the effects of climate change including the 'heat island' effect and urban greening (Policies 5.1, 5.9, 5.10); and
- enhancing the distinct character of suburban London (Policy 2.6).

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 properties with long rear gardens giving a sense of spaciousness to the setting. 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 and the NPPF (March 2012).

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

The density ranges set out in the London Plan are not used in the assessment of schemes of less than 10 units.

Minimum gross internal floor and storage is a further measure of the suitability of the size of a proposed dwelling. DCLG guidance identifies that two storey, 3 bedroom properties for 6 persons should provide a minimum 102 sq.m and 2.5 sq.m of inbuilt storage.

The proposed dwelling complies, as it is only marginally lower with this guideline, as it will have a total internal floor area of approximately 100 sq.m.

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

Not applicable to this application.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing.

The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 4.27 states that careful consideration should be given to the location of surrounding buildings, their orientation, building lines, frontages and entrances. Building lines within schemes should relate to the street pattern.

Section 5.11 of the SPD; Residential Layouts also states the intensification of sites within an existing street scape if carefully designed can enhance the appearance of the surrounding area and the form and type of development should be largely determined by its townscape context. New developments should aim to make a positive contribution to improve the quality of the area, although they should relate to the scale and form of their surroundings.

The footprint, overall size of the overall plot would again be out of keeping with the character of the area which is characterised by detached square or rectangular properties, set within spacious elongated plots. It is considered that the proposal does not relate to the scale and form of the surrounding properties and the general wider area.

Overall, the lack of separation distance, minimal depth of the garden, footprint and building line, demonstrate that the proposed development would indeed appear cramped and represent an over-development of the site, which would be detrimental to the general character and visual amenities of the streetscene.

Whilst it is accepted there are differing styles of detached properties along Old Hatch Manor, there are still nonetheless detached properties set within long elongated plots. In addition there are similarities with the existing properties along Windmill Hill, these again are mainly detached properties set under hipped roofs and with most sharing the same if not similar roof designs. The proposed development would have a gable roof unlike any other along this section of Windmill Hill and would appear as a large visual intrusion on a relatively small plot, when compared to the large existing plots, which is not well related to the existing dwellings both in terms of location and overall style and design and would be an uncharacteristic intrusion into the rear garden areas.

For the reasons stated above it is considered that the siting of the dwelling would fail to make a positive contribution to the appearance of the area would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected.

HDAS residential layouts recommends where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-dominance, and 15 m will be the minimum acceptable distance. The host property and the proposed property would have a separation distance of approximately 9.5 metres and a distance of 8 metres from No.25 Windmill Hill, which would be contrary to Policy and demonstrates that the development would be cramped; and would cause a degree of visual intrusion and loss of outlook.

The proposed dwelling, by reason of its siting and scale, with inadequate separation distances between the proposed dwelling and the existing property, 2 Old Hatch Manor, would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity.

In addition the proposed development proposes four large windows serving bedrooms and habitable rooms and a large patio opening on the east elevation which would overlook the rear garden of no.4 Old Hatch Manor and its proximity would result in a form of development which would not provide satisfactory amenities for that adjoining property, due to the loss of privacy that could arise. Therefore the proposal would have an unacceptable impact on the residential amenity of the neighbouring properties and their respective occupiers and the development is considered not to comply with Policies BE20, BE21 & BE24 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

#### **7.09 Living conditions for future occupiers**

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The proposed development would provide a 3 bed dwelling over two storeys, the minimum required internal floor space for 4 persons is 84 square metres and 102 square metres for 6 persons. The proposed gross internal area would be 100 square metres.

In terms of the garden area at least 60 square metres of rear private garden should be retained to provide adequate amenity space for a three bedroom dwelling. The resultant amenity space would provide approximately 55 square metres and therefore would technically be in accordance with Policy BE23 of the Hillingdon Local Plan Part 2.

However, the rear of the ground floor which would serve the only lounge and dining room windows and patio opening; would have a poor outlook being situated only 1.7 metres away from the end of the boundary treatment to the boundary to No.25 Windmill Hill. It is considered that this would be detrimental to the amenities of future occupiers.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by the proposed development is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a provision of 2 spaces per dwelling, including both the proposed and existing.

Whilst the submitted plans indicate that two parking spaces could be provided for the new dwelling, there is no provision either existing or proposed that could or would provide off-street parking for the existing dwelling, 2 Old Hatch Manor. As highlighted earlier in the report there is currently no vehicular access to the existing dwelling from Old Hatch Manor. Therefore this is not acceptable.

The Council's Highways Officer has also objected, as there are no car parking facilities provided for the existing dwelling which will be difficult given the street, tree and proximity to the junction. On the basis of no off-street car parking being identified for the existing dwelling, the highways officer also recommended the application be refused.

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

Urban design issues have been covered elsewhere in the report and with regard to access and security, had the application not been recommended for refusal, conditions could have been included to ensure compliance with these requirements.

Secured by Design is now covered by Part Q of the Building Regulations which the development would be required to accord with, if the application had been recommended for approval.

#### **7.12 Disabled access**

If the scheme is found acceptable a condition would be recommended to secure the development was built to M4(2) in accordance with Policy 3.8 c of the London Plan.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

An appropriate scheme of landscaping and landscape protection could have been secured by condition if the application was recommended for approval.

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

Policy 5.17 of the London Plan requires that all new development provide adequate facilities for the storage of waste and recycling.

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

Not applicable to this application.

Given the potential scale and nature of the proposed development, it is not considered likely to raise significant sustainability concerns.

#### **7.17 Flooding or Drainage Issues**

The site is not within a flood zone.

#### **7.18 Noise or Air Quality Issues**

No issues raised.

#### **7.19 Comments on Public Consultations**

The comments raised through the consultation process and the potential concerns relating to the impact of the development on adjoining occupiers have been considered in the main body of the report.

#### **7.20 Planning Obligations**

The Council's Community Infrastructure Levy Charging Schedule was adopted on 1st August 2014. The additional habitable floor space created will be chargeable at £95 per square metre.

The scheme would also be liable for payments under the Community Infrastructure Levy. On the 1st April 2012 the Mayoral Community Structure Levy came into force. The London Borough of Hillingdon falls within Charging Zone 2, therefore, a flat rate fee of £35 per square metre would be required for each net additional square metre added to the site as part of the development.

Community Infrastructure Levy:

The Council adopted a 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.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 113.15 sq metres of additional floorspace are as follows:

Hillingdon CIL = £13,045.06

Mayoral CIL = £5,107.80

Total = £ 18,152.86

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

There are no enforcement issues raised by this application.

#### **7.22 Other Issues**

None.

### **8. Observations of the Borough Solicitor**

#### **General**

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

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

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

#### **Planning Conditions**

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

#### **Planning Obligations**

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

#### **Equalities and Human Rights**

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected

characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

#### **9. Observations of the Director of Finance**

None.

#### **10. CONCLUSION**

Planning permission is sought for the erection of a two storey, 3-bed detached dwelling with amenity space on land accessed from Windmill Hill. The proposed dwelling would be in the back garden of 2 Old Hatch Manor.

The site is not previously developed land as defined in Annex 2 of the NPPF and there is no presumption in favour of development of such land. It is considered that the proposed development by reason of its rear garden location would result in an incongruous form of development which would be out of character with the existing open character and appearance of surrounding properties and would thus be detrimental to the visual amenities of the surrounding area. As such, the proposal would be contrary to policies BE13, BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the NPPF.

Furthermore, due to the proposed siting, site coverage, bulk and design, the development would result in a cramped appearance and over-development which would cause material harm to the visual amenities of the street scene and the wider area. The separation distance between the application site and the adjacent property is inadequate and would cause sub-standard living accommodation for existing and future occupiers.

In addition by reason of the rear facing windows on the east elevation overlooking the rear garden of no.4 Old Hatch Manor and its proximity would result in a form of development which would not provide satisfactory amenities for that adjoining property, due to the loss of privacy that could arise.

There is also no provision for off-street parking for the existing dwelling, therefore given the numerous objections this application is recommended for refusal.

#### **11. Reference Documents**

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

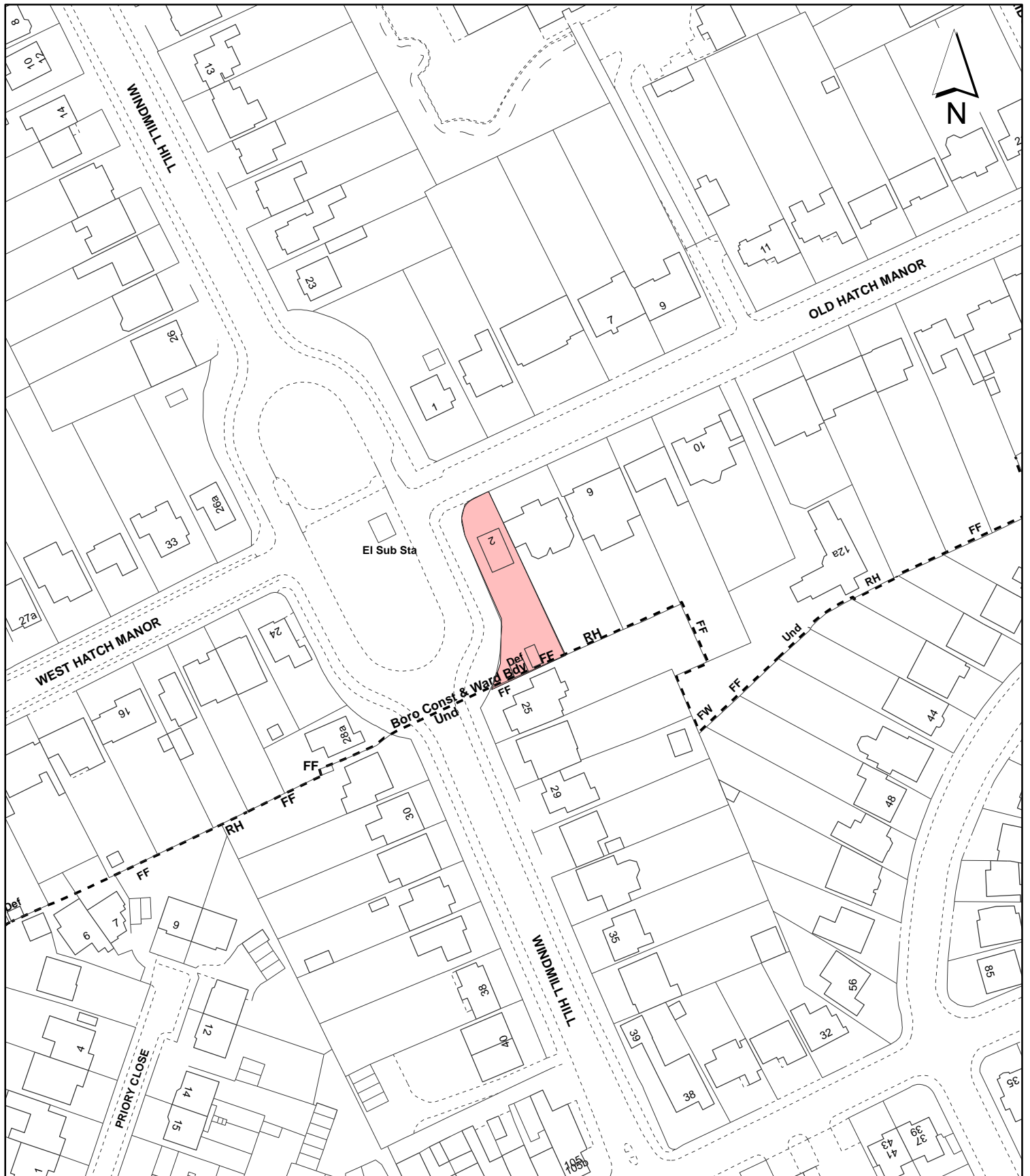
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

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

**Contact Officer:** Hardeep Ryatt

**Telephone No:** 01895 250230





**Notes:**

 Site boundary

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Site Address:

**Land to the rear of  
 2 Old Hatch Manor**

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

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

Planning Application Ref:

**12162/APP/2017/2112**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**August 2017**



**HILLINGDON**  
 LONDON