

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 84 CHURCH ROAD HAYES

Development: Two storey, 2-bed detached dwelling with associated parking and amenity space.

LBH Ref Nos: 72944/APP/2017/2083

Drawing Nos: AC/84/2016/C Rev. 1
Design and Access Statement

Date Plans Received: 07/06/2017 **Date(s) of Amendment(s):** 07/06/2017
Date Application Valid: 11/07/2017

1. SUMMARY

The application is for a development to provide one additional 2 bedroom dwelling with associated parking and amenity space.

It is considered to be acceptable in terms of its impact on the character and appearance of the area and the area of private amenity space, but unacceptable in terms of the internal floor area to be provided.

It is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

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

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 said unit would result in an over-development of the site detrimental to the residential amenity of 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 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.

AM14	New development and car parking standards.
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.
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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a backland development located on land to the rear of 84 Church Road, which has its principal frontage onto Churchfield Close. The site is partially the back garden of 84 Church Road and partially an area of open space, which fronts Churchfield Close. The area of open space, which was previously owned by the Council was not a usable public open space moreover an area of vacant land in which a large tree was

positioned.

The site has a large whitebeam tree to the front and a number of trees in the area which would form the garden to the proposed dwelling. There are no TPO or Conservation Area designations affecting the site or constraining development.

Access to the site would be from Churchfield Close and there would be no access from Church Road.

The site is located within an established residential area of Hayes.

3.2 Proposed Scheme

The proposal is for a two storey, 2-bed detached dwelling with associated parking and amenity space

The scheme would comprise of the erection of a 2 bedroom single family dwelling house and would seek to reflect the scale and style of the adjacent terraced houses on Churchfield Close.

The proposed development would have a frontage onto Churchfield Close and 2 parking spaces would be provided to the front of the proposed property.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

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:

AM14 New development and car parking standards.

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.

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:- **11th August 2017**

6. Consultations

External Consultees

Consultation letters were sent to the occupiers of neighbouring properties on Church Road and Churchfield Close on 12 July 2017 and a Site Notice was posted 18 July 2017.

A petition with 21 signatures and 2 further comments were received stating the following:

- The loss of parking spaces within Churchfield Close would cause problems as there is already limited parking available.
- The parking is limited to residents only and yet there have been vehicles parked within the Churchfield Close for individuals that do not live there and not visiting any resident. It has been known for these vehicles to park in the residents' area for periods of varying time.
- During the building of the property parking will become even more of a problem. Residents will have to find a parking space elsewhere including outside of Churchfield Close. This will cause problems to any individual who may be elderly, disabled or visitors who come to visit a resident.
- There are also vehicles parked along the road to the entrance of Churchfield Close. It is believed that individuals who live in West Avenue park there.
- There will also have to be no vehicles parked in front of the area to be built so that large/small vehicles can park and deliver any items which are required for the building of the property. Owners would have to be contacted to move their vehicles. This will also cause issues with parking.
- The loss of this amenity at Churchfield Close could lead to the possibility of residents fighting for a space to park their vehicle. It is therefore requested that the application 72944/APP/2017/2083 be refused on the grounds of the loss of this amenity.

Officer Comment: The comments made are addressed in the main body of the report.

Internal Consultees

Trees/Landscape Officer:

This site lies to the rear (East) of the garden of 84 Church Road and fronts onto Churchfield Close a small residential cul-de-sac. The empty plot forms a gap between two houses and is dominated by a

mature whitebeam tree, *Sorbus aria*. There are no TPO or Conservation Area designations affecting the site or constraining development. The site was inspected in December 2016 to consider the condition and value of the Whitebeam, prior to the sale of the land.

Until recently the site was council-owned. It was sold following a report by the Strategic Property Governance Group, dated 15 December 2016 which recommended that an additional sum of £500 (to the land purchase price) be paid to the Council to provide replacement planting. The principle of permitting the removal of the whitebeam to facilitate the development of the site was agreed at the time of the sale of the land. There are also trees/hedges along the rear boundary of the site which will need to be protected or replaced. The front garden should provide at least 25% soft landscape in accordance with Hillingdon's design guidance and saved policy BE38. If the application is to be approved, landscape conditions will be required.

No objection subject to conditions H10, RES8, RES9 (parts 1, 2 and 5) and RES10.

Highways Officer:

This application is to develop a 2b detached home in Churchfield Close Hayes (r/o 84 Church Road). Churchfield Close is a local road (cul-de-sac) on the Council Road Network. There is evidence of parking stress in Churchfield Close and surrounding roads as not all properties have off-street car parking. The site has a PTAL value of 1b (very poor) which suggests there will be a very strong reliance on private car trips to and from the site. The existing site has no vehicular access and is currently open space.

The proposal is to erect a 2b home on the spare block along with 2 off-street car parking spaces and 2 cycle parking spaces. This level of car parking is within Council's maximum car parking policies. The proposal will result in additional traffic but the levels are not significant. In order to provide access to the parking bays a new crossover will have to be constructed at the applicant's expense and this crossover will result in the loss of at least one on-street car parking space which could be of concern to local residents but this is not an issue that could be sustained at an appeal.

The design details of the front garden are not clear and the applicant should be made aware of the Council's Front Garden Guidance and the need to for refuse/recycling bin stores and trundle distances. I suggest that if approval is likely that 2 secure covered cycle storage spaces be conditioned along with refuse/recycle bin storage. On the basis of the above comments I do not have significant highway concerns over the above application.

Environmental Protection Unit:

No objection, but recommended informatives in the event of the application being approved.

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

The London Plan (2016) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back

gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

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

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

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk. Thus whilst taking into account site circumstances, there has been a general strengthening of the presumption against residential development within rear gardens at national, strategic and local level.

There is in general no objection to the principle of an intensification of use on existing residential sites and it is considered that in this instance the loss of a proportion of the back garden and a small area of open space in this location would not be detrimental to the local context of the area. The proposed redevelopment of the private back garden would not have an unacceptable detrimental impact on the character and appearance of the area.

In this respect the application would be consistent with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19, BE22 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 7.1 and 7.4 of the London Plan, and guidance within HDAS.

However, this is also dependent upon compliance with all other relevant policy, which is considered below.

7.02 Density of the proposed development

The density of the proposed development is considered acceptable subject to compliance with all other relevant planning policies.

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

Compliance is required with Built Environment policies BE13, BE19 and BE22 in order to harmonise with the existing street scene and character of the surrounding area.

There would be a gap of 1 m to each of the boundaries on either side of the proposed dwelling. Under Policy BE22, the Council requires a minimum of a 1 m gap for 2-storey buildings to allow for views between the houses. This would help to prevent the development having the appearance of linking the two existing terraces together. This gap also allows access to the rear garden other than through the hall and the kitchen.

Whilst the Whitebeam tree is not protected, its loss would have a negative impact on the character of Churchfield Close. However, it has previously been agreed that it can be removed and a scheme for replacement planting can be secured by a condition.

The building design, bulk and scale seeks to replicate the existing properties on Churchfield Close by virtue of height and fenestration design. A shallow pitched roof is also proposed to match the adjoining properties. The proposed property is considered to be acceptable and subject to a condition ensuring the materials matched those of existing properties, the development would be consistent with Policies BE13, BE19 and BE22 of the Hillingdon Local Plan Part Two (saved policies) (2012).

7.08 Impact on neighbours

Policies BE20, BE21, BE 22 and BE24 seek to ensure that the design of extensions does not have unacceptable impacts on the living conditions at neighbouring properties. The policies are supported by the Hillingdon Design and Accessibility Statement: Residential Extensions.

The separating distance between facing windows at first floor level at 84 Church Road and the proposed dwelling is shown on the plans to be 21 m, so is compliant with the minimum requirement in paragraph 4.9 of the Hillingdon Design and Accessibility Statement: Residential Layouts (HDAS).

When the 45 degree rule is applied to the neighbouring properties on Churchfield Close, the new dwelling result in no impacts on daylight, sunlight, overshadowing or overbearing impact as the rear elevation of the new dwelling would be on the same line as the existing ones.

Impacts on neighbours are therefore considered to be acceptable.

7.09 Living conditions for future occupiers

Policy BE24 seeks to protect the privacy of residents. HDAS and the London Plan (2016) recommend minimum sizes in relation to internal floor area for new dwellings.

Internal floor areas are assessed against the Housing Standards (Minor Alterations to the London Plan 2016). The house, as shown on the plans would be a 2 storey, 2 bedroom, 3 person house, requiring a minimum internal floor area of 70 m². The plans show that the ground floor has an internal floor area of 33.7 m² and the first floor 31.1m², making the total internal floor area of 64.8m². This is below the minimum standard required by the London Plan and therefore the application cannot provide sufficient internal living space. In this respect it would conflict with Policy 3.5 and Table 3.3 of the London Plan (2016), the

Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

The living conditions of future occupiers are, therefore, considered to be unacceptable and are a reason for refusal.

Paragraph 4.15 of the Council's adopted Supplementary Planning Document HDAS: Residential Layouts sets out the requirement for amenity space provision for new developments and states that for a 2 bedroom house a minimum of 60m² should be provided. The plans state that the rear garden is 55m², however when measured it amounts to 46sq.m which falls well below the requirement and it is considered that the proposal would result in an over-development of the site detrimental to the residential amenity of 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.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Adequate parking needs to be provided to meet the requirements of Policy AM14 of the Local Plan Part Two (saved policies).

The proposed development includes 2 off-road car parking spaces to serve the new dwelling. This level of parking is considered acceptable and is consistent with Policy AM14. Officers have also considered the concerns raised by residents with regard to loss of on-street parking and the Highway engineer does not consider that the impact would be such to substantiate a reason for refusal which could be upheld at appeal.

As such, the proposals, subject to the imposition of suitable conditions are deemed to accord with planning policy.

7.11 Urban design, access and security

See section 7.07

7.12 Disabled access

The application does not specifically address the needs of disabled people, although it gives some recognition of lifetime requirements. This element of the proposal could therefore be conditioned if all other parts of the proposals were deemed to be acceptable.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Development needs to harmonise with the street scene to comply with Policy BE13 and amenity space needs to be provided under Policy BE24.

It is proposed to remove the single Whitebeam tree fronting Churchfield Close to facilitate the development. The Landscape Officer has confirmed that it was agreed that the Whitebeam can be removed subject to the provision of replacement planting. The proposed landscape plan provides indicative details of replacement planting only. The Landscape Officer also considers that suitable conditions should be imposed on any grant of planning permission to secure a suitable landscaping scheme. Subject to the imposition of such a condition, the scheme is considered to accord with policies BE13 and BE38.

7.15 Sustainable waste management

Whilst bin stores are not shown on the plans, they could be located within the front or rear

garden of the property and therefore this matter could be controlled by condition and is therefore considered to be an acceptable element of the scheme.

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 main issues raised by consultees related to parking on Churchfield Close. The proposed dwelling would be self-sufficient in parking, but would result in a length of kerb the width of the house being unavailable for existing residents. Whilst there is clearly pressure on parking on the Close at present, it is not anticipated that the increase of one house would have such a severe impact on parking to warrant refusal of the application on this ground.

Concerns are also raised with regard to the impact of construction traffic, and whilst the comments are noted, the harm would be of a temporary nature and subject to compliance with considerate contractors code of practice, is not considered to be a reason for refusal on this application.

7.20 Planning obligations

Community Infrastructure Levy (CIL) -

As presently calculated the development would be liable for a London Borough of Hillingdon CIL of £7850.13, and a Mayoral CIL, charged at a rate of £35 per m2, totalling £3073.72.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal.

Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The principle of housing development on this site is acceptable as is the development in terms of external design and impacts on neighbours. However, it is considered that the internal space would be insufficient for a 2 storey, 2 bedroom, 3 person dwelling as would the provision of usable, private amenity space and would result in unacceptable living conditions for future residents. The application is thus recommended for refusal on these grounds.

11. Reference Documents

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

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

The London Plan (2016)

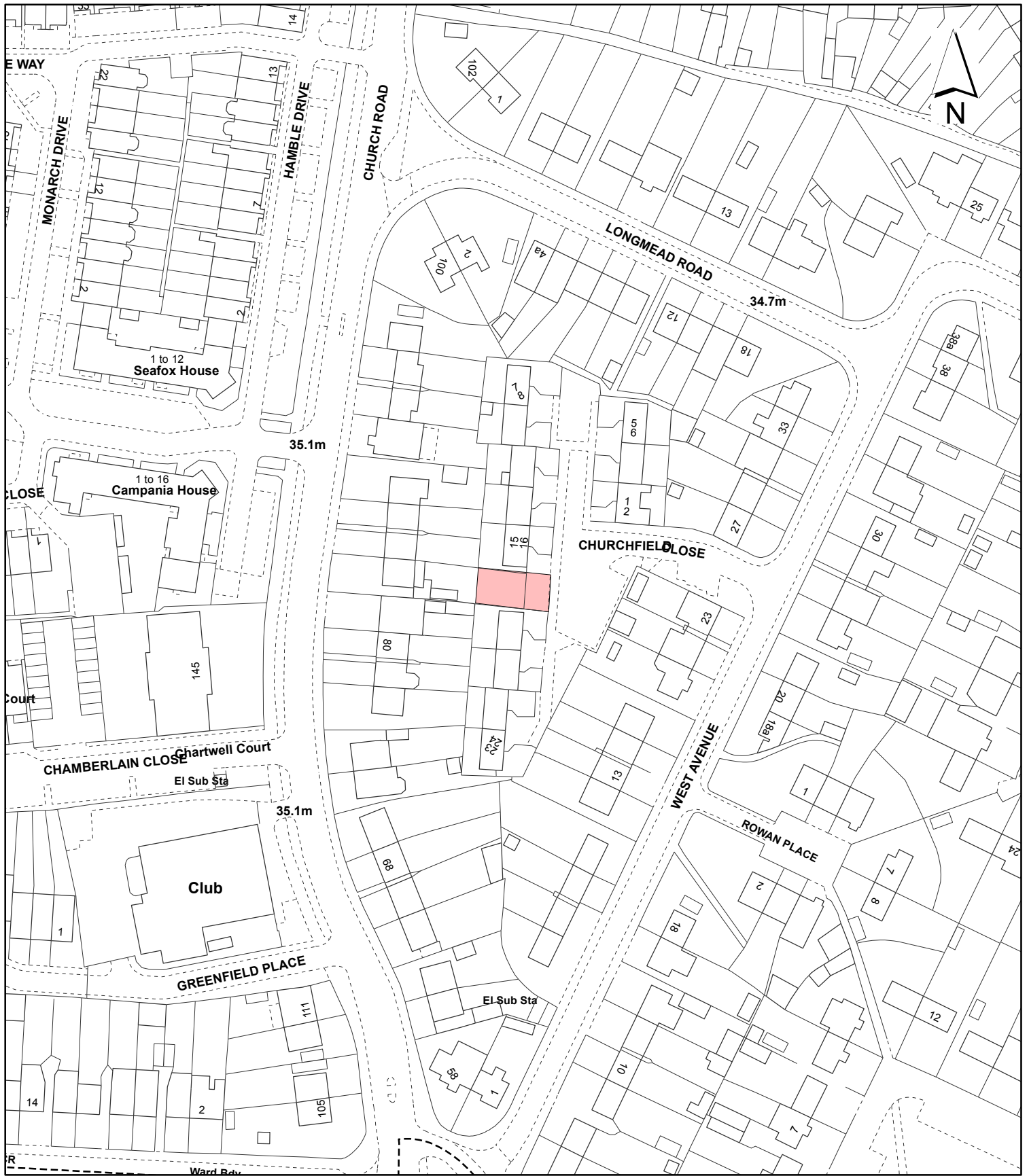
The Housing Standards Minor Alterations to The London Plan (March 2016)

Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)

Technical Housing Standards - Nationally Described Space Standard
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Colin Blundel

Telephone No: 01895 250230



Notes:

 Site boundary

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

Site Address:

**Land Forming Part of
 84 Church Road**

Planning Application Ref:
72944/APP/2017/2083

Planning Committee:
Central & South

Scale:
1:1,250

Date:
October 2017

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

