

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

**Address** 2 ST MARGARETS AVENUE HILLINGDON

**Development:** Two x 2-storey 3-bed semi-detached and 1 x two-storey 3-bed detached dwellings with associated parking and amenity space, involving installation of vehicular crossover to front and demolition of existing dwelling

**LBH Ref Nos:** 69131/APP/2017/2934

**Drawing Nos:** 4929-8 Rev. D  
4929-II  
4929-7 Rev. B  
4929-9 Rev. B  
4929-6  
4929-10

**Date Plans Received:** 09/08/2017

**Date(s) of Amendment(s):**

**Date Application Valid:** 14/08/2017

### 1. SUMMARY

The application is for a development of two x 2-storey 3-bed semi detached dwellings and 1 x two-storey 3-bed detached dwelling with associated parking and amenity space, involving installation of vehicular crossover to front and demolition of existing dwelling.

It is considered that, due to the cramped form of the proposed development, poor quality amenity space and overbearing impact on adjacent properties, the application should be refused.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development by reason of its siting in this open prominent position, size, scale and site coverage, results in a cramped appearance which is considered detrimental to the visual amenities of the street scene and the character and appearance of the wider area. The proposal would therefore represent an overdevelopment of the site, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 2 NON2 Non Standard reason for refusal

Due to insufficient spacing between houses 2B and 2C there would be an unacceptable overbearing impact on, and lack of daylight and sunlight to, the rear window of 2B, which would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is therefore contrary to Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016).

**3 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 proposed units 2A and 2C 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.

**4 NON2 Non Standard reason for refusal**

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policies BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP 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.
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
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 site forms a prominent corner plot located on the South side of St Margarets Avenue, at its junction with Micawber Avenue. The site currently comprises a detached dormer bungalow. At the end of the rear garden, adjacent to the side boundary with No. 38B Micawber Avenue is a vehicular access which serves the front parking areas at No. 38B. The side boundary of the application site is covered by established hedges screening the rear garden of the donor property. This is an established residential area which predominantly comprises detached bungalows of varying design on spacious and green plots located in a Developed Area as identified in the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

#### 3.2 Proposed Scheme

The proposed scheme is for the development of two x 2-storey 3-bed semi-detached and 1 x two-storey 3-bed detached dwellings with associated parking and amenity space, involving installation of vehicular crossover to front and demolition of existing dwelling.

The proposal would create two new non matching semi-detached properties on the corner of St Margarets Avenue and a detached house behind, which would front onto Micawber Avenue.

#### 3.3 Relevant Planning History

69131/APP/2013/1411 2 St Margarets Avenue Hillingdon Uxbridge

2 x 2- bedroom, semi-detached chalet bungalows with habitable roofspace, with associated parking and amenity space and installation of 3 vehicular crossovers and internal alterations to existing bungalow

**Decision:** 20-08-2013 Withdrawn

69131/APP/2013/903 2 St Margarets Avenue Hillingdon Uxbridge

ERECTION OF A PAIR OF SEMI-DETACHED CHALET BUNGALOWS OF TWO BEDROOMS EACH WITH OFF STREET PARKING AND PRIVATE AMENITY SPACE INVOLVING TWO PROPOSED CROSSOVERS AND MINOR ALTERATIONS TO EXISTING DWELLING

**Decision:** 10-05-2013 NFA

69131/APP/2014/4385 2 St Margarets Avenue Hillingdon Uxbridge

ERECTION OF A PAIR OF SEMI-DETACHED CHALET BUNGALOWS OF TWO BEDROOMS EACH WITH OFF STREET PARKING AND PRIVATE AMENITY SPACE INVOLVING TWO PROPOSED CROSSOVERS AND MINOR ALTERATIONS TO EXISTING DWELLING.

**Decision:** 09-02-2015 NFA

69131/APP/2015/878 Land Forming Part Of 2 St Margarets Avenue And 2 St Margarets Ave  
2 x single storey, 2-bed, semi detached dwellings with habitable roof space with associated parking and amenity space and installation of 3 vehicular crossovers to front and side involving internal alterations to existing bungalow

**Decision:** 02-11-2015 Refused

69131/APP/2016/17 Land Forming Part Of 2 St Margarets Avenue And 2 St Margarets Ave  
Single storey, 1-bed, detached bungalow with associated amenity space and parking and installation of 2 vehicular crossover to front and side involving alterations to rear elevation of existing bungalow

**Decision:** 07-03-2016 Refused **Appeal:** 21-12-2016 Allowed

69131/APP/2017/1122 2 St Margarets Avenue Hillingdon

Two x 2-storey, 3-bed and 1 x two-storey 4-bed detached dwellings with associated parking and amenity space, involving installation of vehicular crossover to front and demolition of existing dwelling

**Decision:** 30-05-2017 Refused

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

There have been previous applications on the site for a single dwelling and a pair of semi-detached dwellings, with both proposals retaining the existing bungalow. Both proposals were refused planning permission.

The single dwelling proposal in 2016 (ref 69131/APP/2016/17) was refused due to impacts on neighbouring properties, impacts on the street scene and insufficient parking provision. The application was allowed on appeal.

The proposal for a pair of semi-detached dwellings in 2015 (ref 69131/APP/2015/878) was refused due to the proposed siting, site coverage, loss of rear garden space, bulk, height, design and proximity of the development being considered to result in a cramped appearance, over-development, which would cause material harm to the neighbouring dwellings and visual amenities of the street scene. The development also failed to demonstrate that adequate parking could be provided.

An application in 2017 (ref 69131/APP/2017/1122) proposed a new detached dwelling to replace the existing dwelling, and 2 further detached dwellings in the garden behind. It was refused due to the cramped layout of the development, a lack of suitable external amenity space, the overshadowing and overbearing impact on the house at No.4 and the lack of suitable parking provision.

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

The development proposed has been assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the London Plan 2016, the NPPF and supplementary planning guidance prepared by both LB Hillingdon and the GLA.

Built Environment policies BE13, BE19, BE20, BE21, BE22, BE23 and BE24 of the Hillingdon Local Plan Part Two (saved policies) seek to ensure that the proposed development is designed so that it is suited to its location, complements the existing dwelling and does not unacceptably impact on the living conditions of the residents of neighbouring properties. Guidance on the detailed design of the application is included in the Hillingdon Design and Accessibility Statement: Residential Layouts.

Policies AM7 and AM14 of the Local Plan seek to address the parking and traffic implications of the proposal.

### **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.

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

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**

Not applicable

5.1 Advertisement Expiry Date:-

5.2 Site Notice Expiry Date:- **15th September 2017**

## 6. Consultations

### External Consultees

Site Notice expiry date - 15th September 2017

3 responses were received from members of the public opposing the scheme, and the main areas of concern were -

- Not in keeping with the bungalows on Micawber Avenue.
- Overlooking of 35 Micawber Avenue.
- Construction will cause untold disruption to our environment.
- Damage would be caused to the resurfaced road.
- Removal of trees will harm the environment.
- Loss of sunlight to the lounge and garden of 4 St Margarets Avenue.
- Impact on 38B Micawber Avenue.
- Development would be totally over dominant.

Ward Councillor: This is an overdevelopment of the site and building a property on an existing garden is against our policies. Request that the application is reported to committee.

Officer comment. If damage was caused to the resurfaced roads this is not a material planning consideration and would have to be dealt with under other legislation.

All other comments are addressed within the main body of the committee report.

### Internal Consultees

Trees/ Landscape Officer:

The site has been the subject of a number of applications recently, including app. ref. 2017/1122.

1. The previous application included a tree report by GHA to assess the impact on trees and provide an acceptable method statement. This report (or an updated version) remains relevant and needs to be submitted in support of the current application.

2. Dale Venn's dwg. No. 4929-10 indicates that the front gardens of units 2A and 2B will be dominated by car parking. It fails to provide 25% soft landscape as recommended in Hillingdon's design guidance.

3. A hedge is proposed along the site fronting onto St Margaret's Avenue. However, there is an inadequate width to establish and support a hedge in this location.

The application is unacceptable. There is insufficient space and opportunity to provide appropriate landscape enhancement. The proposal fails to satisfy saved policy BE38 and will be detrimental to the character and appearance of the area.

Officer Comment: The GHA tree report referred to above has not been submitted for consideration with this application, therefore insufficient information has been provided to assess the impact on the existing trees at the site.

Highways Officer:

This application is for the redevelopment of the site on the corner of St Margarets Avenue and Micawber Avenue Hillingdon. Both of these roads are local roads under the Council Road Network. The existing house on St Margarets Avenue has two existing crossovers in place. There are weekday parking restrictions in place on both the St Margarets Avenue and Micawber Avenue frontages.

There have been a number of recent applications to develop the site for housing and the latest had lack of offsite car parking as one of its reasons for refusal. The site has a PTAL value of 2 (poor) which suggests there will be a strong reliance on private car trips at the site. On the Micawber Avenue frontage there is a young street tree. The proposals include three detached dwellings with a new access on Micawber Avenue and one new access on the St Margarets Avenue frontage. This would involve the re-instatement of the existing crossovers at the applicant's expense.

The layout plans show 6 off-street car parking spaces along with cycle parking storage and refuse/recycling bin stores and all of these proposals are supported. The proposals will result in additional traffic to the area but this is unlikely to be significant. On the basis of the above comments I have no significant highways objections to 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 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 NPPF (March 2012) at paragraph 53, advises that LPAs 'should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.

Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk. Thus whilst taking into account site circumstances, there has been a general strengthening of the presumption against

residential development within rear gardens at national, strategic and local level.

While there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of substantial proportion of the back garden in this location would be detrimental to the local and historical context of the area. The proposed redevelopment of the private back garden would have a detrimental impact on the character and appearance of the general area.

The proposals would give the impression of having been squeezed into a limited space and has little or no sense of space about them, given the proximity of the proposed houses to the boundaries of the site. Thus, when balanced against the limited contribution the developments would make toward achieving housing targets in the borough it is considered that the principle of the proposed 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, and guidance within HDAS.

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

The scheme proposes 3 houses on a site of 744 m<sup>2</sup>. This would give a density of 40 dwellings per hectare. Whilst this density accords with the density standards for this area, density is a numerical calculation only and must be considered in light of all other material planning considerations.

#### **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 and adjoining sites.

The existing house and garden make a positive contribution to the character and appearance of this corner plot and are consistent with the character of the surrounding area. The proposed development would appear cramped on the plot due to the narrow spaces between the houses and their height, which is greater than most of those around it.

In particular there would be a space of only 7 m between the rear French doors of 2B and the side wall of 2C. This is contrary to the guidance in HDAS which requires a minimum of 15 m between facing walls to avoid an unacceptable overbearing impact.

Paragraph 53 of the National Planning Policy Framework advises that 'Local planning authorities 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' whereas the London Plan comments (in Paragraph 3.34) that "Directly and indirectly that back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to



communities' sense of place and quality of life. In this case, a new property has already been built in the back garden (No.38B), reducing the garden's contribution to the character of the area. The proposed development would make a further significant change to the character and appearance of the area.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that "new development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable area". The removal of the existing house and construction of 3 houses on small plots is therefore considered to be inappropriate development, by virtue of over-development.

This part of St Margarets Avenue is predominantly characterised by detached bungalows with reasonable size rear gardens. The proposed detached dwelling would be visible from the main Micawber Avenue frontage and would be highly visible from the rear gardens of the neighbouring properties at No.4 St Margarets Avenue and 38B Micawber Avenue.

Although the height of the proposed detached dwelling would be similar in height to some of the existing properties along this part of Micawber Avenue, its overall site coverage and proximity to the site boundaries would be considered to appear dominant, obtrusive and out of character with surrounding development.

Therefore, the development would be contrary with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and contrary to the objectives of the NPPF (2102), London Plan Policy 3.5 (2016) and Hillingdon Local Plan Policy BE1 (2012).

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

Paragraph 4.9 of the HDAS: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15 m will be the minimum acceptable distance between buildings. Furthermore, a minimum of 21 m overlooking distance should be maintained. No.2C would be more than 21 m away from those across the roads on St Margarets Avenue and Micawber Avenue, but would be only 6 m from the garden boundary of 4 St Margarets Avenue. The close proximity of the house to the boundary would result in it being overbearing in relation to the rear windows and garden of No.4.

In assessing impacts on sunlight and daylight, the Council applies a 45 degree rule where a 45 degree angle is taken from the centre of the nearest habitable room window on the neighbouring property. In this case, the 45 degree line from the nearest window of No.4 would be encroached by the far corner of No.2C at ground floor level only, which would normally be acceptable. However, due to the rear elevation of No.4 being South facing, the rear windows and garden of No.4 would be overshadowed by No.2C when the sun comes around to the West in the evenings. With the houses also being close to the boundary, the overshadowing and overbearing effect on No.4 would be unacceptable.

In addition, No.2C would be immediately to the South of No.2B and would block much of the sunlight and daylight to the rear windows and garden of No.2B. This arrangement is considered to be unacceptable.

In relation to concerns relating to overlooking of the dwellings across the road at 33, 35 and 37 Micawber Avenue, the relationship between the houses would be no different to anywhere else on Micawber Avenue and would exceed the 21 m spacing required by the guidance contained in the Hillingdon Design and Accessibility Statement; Residential Layouts (2008). In addition, proposed unit 2C would have no habitable room windows at first floor level resulting in no impacts of overlooking towards no.4 St Margarets Road.

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

##### INTERNAL FLOOR AREAS

The new houses would have the following internal floor areas:

No.2A - ground floor 58.2 m<sup>2</sup>, first floor 56.3m<sup>2</sup>, total 114.4 m<sup>2</sup>. This would exceed the minimum requirement for a 2 storey, 3 bedroom, 5 person house, which is 93 m<sup>2</sup>.

No.2B - ground floor 60.6 m<sup>2</sup>, first floor 54 m<sup>2</sup>, total 114.6 m<sup>2</sup>. This would exceed the minimum requirement for a 2 storey, 3 bedroom, 5 person house, which is 93 m<sup>2</sup>.

No.2C - ground floor 55.6 m<sup>2</sup>, first floor 33.6 m<sup>2</sup>, total 89.2 m<sup>2</sup>. This would exceed the minimum requirement for a 2 storey, 3 bedroom, 4 person house, which is 84 m<sup>2</sup>.

The internal floor areas therefore comply with Policy 3.5 of the London Plan and the nationally described housing standards.

##### EXTERNAL AMENITY SPACE

The areas of external amenity space have been measured on the submitted plans and are as follows:

No.2A - 58.8 m<sup>2</sup> minus 3 m<sup>2</sup> cycle shed = 55.8 m<sup>2</sup>. This is below the minimum standard required by HDAS for a 3 bedroom dwelling which is 60m<sup>2</sup>.

No.2B - 114 m<sup>2</sup>. This exceeds the minimum standard required by HDAS for a 3 bedroom dwelling.

No.2C - 59.2 m<sup>2</sup> minus 3m<sup>2</sup> cycle shed = 56.2 m<sup>2</sup>. This is below the minimum standard required by HDAS for a 3 bedroom dwelling which is 60m<sup>2</sup>.

Therefore the development would provide insufficient private amenity space for Nos. 2A and 2C and therefore conflicts with Policy BE23 of the Hillingdon Local Plan Part Two - saved policies and guidance in HDAS paragraph 4.15.

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

Two new crossovers are proposed to provide accesses to the new dwelling, one to serve Nos.2A and 2B and one to serve No.2C. These will replace two existing crossovers, so there should be no additional impact on pedestrian safety.

The consultation response from the Council's Highways Officer confirmed that the development would rely on cars but would not lead to significant additional traffic. In this respect the proposal is consistent with Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

The Parking Standard for 3 bedroom houses is a maximum of 2 spaces, as contained in the London Plan. This is an area which has a very low PTAL score of 2 (poor) and is

heavily parked. On this basis, off-street parking should aim to provide the maximum of 6 spaces. The plan shows a total of 6 parking spaces, with 2 allocated for each property. This would be consistent with Policy 6.13 of the London Plan (March 2015) and the Mayor's adopted car parking standards and Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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

##### **BUILDING BULK AND SCALE**

The proposed houses are gable fronted and have hipped or gabled roofs to the rear. They would be of a similar height to many of the others in the area. Whilst the design is similar to those already approved opposite at 1 St Margarets Avenue, it is the close spacing of the houses and a lack of rear garden to Nos.2A and 2C and the short distance between Nos.2B and 2C that would make the group appear over dominant in the street scene, thus impacting negatively on character and appearance.

##### **IMPACT ON EXISTING TREES**

A tree survey was undertaken by a qualified arboriculturalist to support the previous application, but no supporting information relating to trees has been submitted with this application.

The lack of this information has meant that the Landscape Officer has been unable to fully assess the likely impacts of the development. Were the scheme otherwise acceptable this issue would also have required resolution.

##### **PRIVATE AMENITY SPACE**

As set out above, the outdoor amenity space would not be of a high quality, providing only a 6 m distance from the rear of the houses to the rear boundary with No.4. This close proximity could impact on the privacy of inhabitants of all the existing and proposed dwellings through noise etc. The basic area standards would only be met for one of the dwellings.

#### **7.12 Disabled access**

Not applicable to this application.

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

Not applicable to this application.

#### **7.14 Trees, landscaping and Ecology**

Landscape comments have been covered above.

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

Provision has been made on the proposed plans for the storage of waste within the front gardens of the proposed properties which is considered to be acceptable in principle, subject to conditions seeking to provide a bin store.

#### **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**

Concerns have been raised by the immediate neighbours at No.4 and No.38B. These have been addressed through the assessment above, with the impacts on No.4 being of particular concern.

### **7.20 Planning obligations**

Based on the current calculation the CIL requirement would be £20,202.53 for the Hillingdon CIL and £7,910.31 for the Mayoral CIL. Total CIL £28,112.84

### **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**

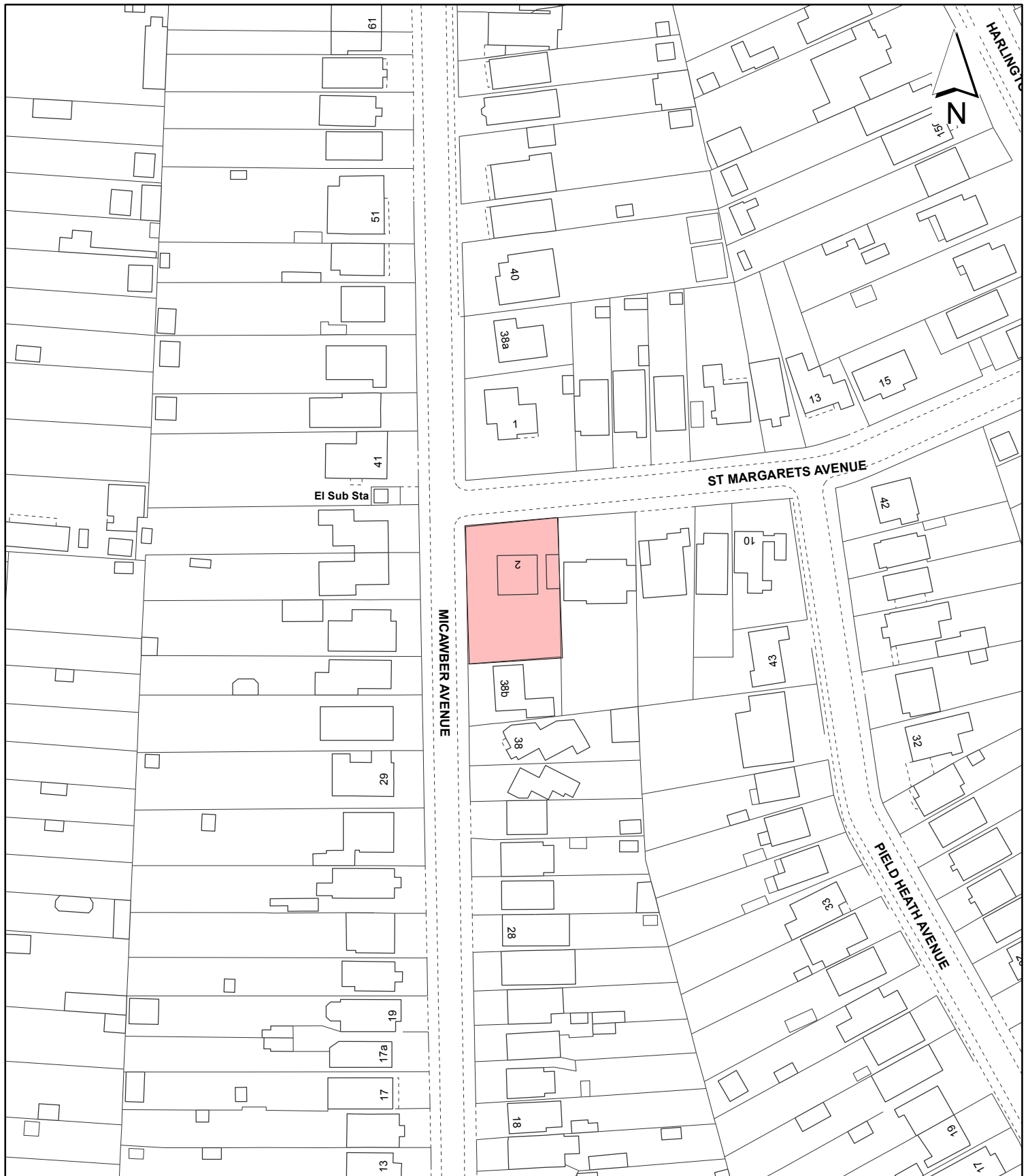
For the reasons set out above the proposed development is considered to conflict with adopted planning policy, both nationally and locally. The proposals also have a number of practical drawbacks. For those reasons it is recommended that the application is refused.

**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

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Site Address:

**2 St Margerets Avenue**

Planning Application Ref:

**69131/APP/2017/2934**

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



**HILLINGDON**  
 LONDON