

## Report of the Head of Planning, Transportation and Regeneration

**Address** 23 COWLEY CRESCENT COWLEY

**Development:** Two storey, 3-bed detached dwelling with habitable roof space, installation of vehicular crossover to front and parking and amenity space

**LBH Ref Nos:** 11257/APP/2017/2722

**Drawing Nos:** Transport Statement  
23COWLEY/PL03 (Examples)  
Design and Access Statement  
23COWLEY/PL00A  
23COWLEY/PL02B  
23COWLEY/PL01A  
23COWLEY/PL03

**Date Plans Received:** 26/07/2017      **Date(s) of Amendment(s):** 26/07/2017

**Date Application Valid:** 18/08/2017

### 1. SUMMARY

Policy BE1 of the Hillingdon Local Plan Part 1 aims to improve the quality of the built environment and advises that proposals 'should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas'. This broadly reflects the provisions of paragraph 53 of the National Planning Policy Framework (the Framework).

Although Policy BE1 does not explicitly prevent development of garden space, it does require an assessment of the contribution that gardens make to local character. In this particular case, the gardens within Cowley Crescent make a significant contribution to the character of the area and the proposal site significantly adds to this character.

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas complements or improves the amenity and the character of the area.

The proposed erection of a detached two-storey dwelling within the back garden of 23 Cowley Crescent is considered to result in the loss of an unbuilt gap and would therefore fail to retain the open and green nature that is characteristic of the area, would erode the privacy of the neighbouring properties and the design of the proposed dwelling would not be keeping with the surrounding dwellings, and as such would have a negative impact upon the visual amenity of the site and the surrounding area and the amenities of the adjoining occupiers.

The scheme is therefore unacceptable in principle, and contrary to planning policies, as set out below.

### 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), design, layout, and site coverage, would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character and appearance of the residential area as a whole. The proposal is detrimental to the visual amenity and character of the surrounding and 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 (2016), guidance within The London Plan Housing Supplementary Planning Guidance (March 2016) and the NPPF (March 2012).

**2 NON2 Non Standard reason for refusal**

The proposed development, by virtue of its size, scale, bulk, design and proximity, with inadequate separation distances between the proposed dwelling and the existing property, would be detrimental to the amenities of the adjoining occupier at 23 Cowley Crescent, by reason of overdominance, visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**3 NON2 Non Standard reason for refusal**

The proposed development, by virtue of the siting of the proposed bedroom window on the southern elevation at first floor level would be detrimental to the amenities of the adjoining occupier at 23, 24 and 25 Cowley Crescent by reason of loss of privacy and overlooking. The proposal is therefore contrary to Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**4 NON2 Non Standard reason for refusal**

The proposal would provide an indoor living area of an unsatisfactory size for the future occupiers of the dwelling 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).

**5 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 Extensions.

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant

planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
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 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.

## **4 I71 LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the Nation:

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.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

## **5 174 Community Infrastructure Levy (CIL) (Refusing Consent)**

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is to the rear of No. 23 Cowley Crescent which is a two-storey semi-detached dwelling close to a bend in the road. The site is irregular in shape, measuring approximately 18 m (width) to the back, and comprises the rear garden of No 23 Cowley Crescent. The site is covered in lawn with trees and vegetation. The property is characterised by a hipped roof and the surrounding dwellings are mainly in a semi-detached form. All properties within Cowley Crescent are set well back, especially properties within the inner arc, benefiting from ample amenity area to the front and rear.

The application site is located within a 'Developed Area' as identified within the Hillingdon Local Plan (November 2012).

The Western boundary of the site adjoins the rear gardens of Nos. 5, 6 and 7 High Road. Cowley Crescent is characterised by properties of almost identical design.

#### **3.2 Proposed Scheme**

It is proposed to demolish the existing garage on the site and construct a detached house within the rear garden area with access from Cowley Crescent, The proposed house would be to the West of the site. The remaining land to the East is shown within the current site.

The proposed house would be two storeys with a hipped roof 7.9 m high to the pitch and 5 m to the eaves. The proposed building would be 6 m wide and 7 m deep with a porch and double bay window with a hipped roof above to the front. Internally this dwelling would provide 2 bedrooms on the first floor and a ground floor containing an open plan living, dining and kitchen area. Two parking spaces would be set between the proposed dwelling and the rear boundary of the garden. The proposed internal floor-space would be 86 square metres including the habitable roof space, which is shown as a study room but is

clearly large enough to be used as a bedroom. The application has thus been assessed on the basis of a three bedroom unit.

Notwithstanding the above, the submitted drawings are incorrect as follows:

1. Drawing 23COWLEY/PL01A shows 2 outbuildings and the large garage on the rear boundary of the garden with an 'existing' cross over in front of it. The existing horse chestnut tree is shown in the position of the existing garage; in reality it occupies the Western corner of the garden. There is presently only one outbuilding and one smaller garage sited approximately in the centre of the site with an existing cross-over in front of it.
2. Drawings 23COWLEY/PL02B - existing cross-over is shown as proposed and proposed as existing. The proposed roof above the double bay window is shown as gabled on the roof plan and hipped on the elevations.

### **3.3 Relevant Planning History**

11257/PRC/2017/1          23 Cowley Crescent Cowley  
Erection of two storey detached dwelling

**Decision:** 13-03-2017    OBJ

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

Pre-application advice for the erection of a two storey detached dwelling, application reference number 11257/PRC/2017/1. An objection was raised to the proposal on the ground of loss of a substantial proportion of back gardens, detrimental to the local and historical context of the area and its detrimental impact on the character and appearance of the general area. The proposal was thus unacceptable in principle.

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

The proposed development is assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the London Plan 2015, the NPPF and supplementary planning guidance prepared by both LB Hillingdon and the GLA.

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

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

Part 1 Policies:

PT1.BE1          (2012) Built Environment

PT1.H1          (2012) Housing Growth

Part 2 Policies:

AM7              Consideration of traffic generated by proposed developments.

AM14            New development and car parking standards.

BE13            New development must harmonise with the existing street scene.

BE15            Alterations and extensions to existing buildings

BE19            New development must improve or complement the character of the area.

BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
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**

16 neighbouring properties were notified of the proposed development on 22nd August 2017 and a site notice was erected on 24th August 2017.

By the close of the consultation period 11 individual letters and and a petition with 25 signatures received objecting to the proposal. The objections can be summarised as follows:

- i) The loss of the flora and fauna.
- ii) The increase in road traffic that would be needed to complete the building, and the increase in traffic on Cowley Crescent when the works would be completed;
- iii) When number 23 was bought, it was as a money making scheme, without any care for the current residents and neighbourhood;
- iv) The current loss of two car parking spaces for number 23, as this space is used in the new proposed building footprint;
- v) Overlooking and invasion of privacy;
- vi) The concern for a beautiful horse chestnut tree that will have to be removed;
- vii) The Transport Assessment. Description doesn't reflect overall picture;
- viii) With reference to the habitable roof space it's quite obvious this will become a bedroom; potential overlooking;
- ix) The large lorries (during construction work) will make parking hell in Cowley Crescent with concern about emergency vehicles;

- x) Potential foundation issues;
- xi) The Application Form has inaccuracies concerning vehicle access and parking;
- xii) It completely changes the architectural character of the Crescent with a pattern of semi detached properties equally spaced with a 'breathing space' between houses. It undermines the health/wellbeing of the immediate community;
- xiii) Under provision of parking;
- xiv) This is an over development;
- xv) Loss of biodiversity;
- xvi) It's a family oriented crescent and this will inevitably have an adverse effect to the community as a whole;
- xvii) The direct over looking of back gardens affecting the privacy of neighbours;
- xviii) A dangerous precedent that would open the door for No 28 Cowley Crescent to develop the same property in their garden space.

#### Case Officer Comments:

Concerns raised relating to impact on foundations is a matter dealt with under other legislation; whether a scheme makes money or not is not a material planning consideration. The construction impacts of a proposal are transient and would rarely justify the refusal of planning permission. The other concerns will be considered in the main body of the report.

#### **Internal Consultees**

##### HIGHWAYS OFFICER:

This application is for the provision of a new 2b detached dwelling on land adjacent to an existing dwelling in Cowley Crescent. Cowley Crescent is a narrow local road with a grass verge on both sides of the road.

The existing dwelling on the site has a garage and driveway parking using a vehicular crossover.

The site has a PTAL value of 1b (poor) which suggests there will be a strong reliance on private cars for trip making to and from the site.

There are high levels of parking stress in Cowley Crescent as not all properties have off-street car parking which confirms the use of private cars in the area.

The proposal is to construct a 2b + habitable roof space dwelling after demolishing the existing garage and outbuildings on the site. There is one car parking space provided for the new dwelling where two would meet the Council's policy.

There is a bin store for the new dwelling but no secure covered cycle parking but this could be conditioned if approval is likely.

The parking and access arrangements for the existing dwelling have not been supplied so I suggest the applicant provides a new layout plan showing the two car parking spaces required to replace those lost along with cycle parking for two secure covered spaces for the existing dwelling. This new layout plan should also consider providing an additional car parking space for the new dwelling along with secure covered cycle storage bearing in mind the Council's Front Garden guidance.

Once the applicant has provided this revised plan I will complete my assessment but if the plan is not provided I suggest you refuse the application on the basis of lack of information.

#### Further Comments:

Further to today's note I am now aware that the applicant has provided a revised layout with 2 car

parking spaces along with refuse/recycling bin storage.

If the application contains secure covered cycle storage (2 spaces conditioned) then I have no significant highway concerns over this application.

#### TREES AND LANDSCAPE OFFICER:

This site is occupied by a two-storey semi-detached house on a corner plot (inner bend of Cowley Crescent). There are two outbuildings within the garden. The site has an irregular oblong shape and backs onto the rear gardens of 5-7 High Road, Cowley. The plot is notable for its established vegetation which includes boundary hedges, shrubs and occasional trees which collectively contribute to the character and appearance of the area. There are no TPO's or Conservation Area designations affecting the site.

COMMENT: This application was the subject of pre-application advice. Landscape comments were submitted which indicated that a tree survey is required. The response to the planning questionnaire (Q15) confirms that trees will be removed to facilitate the development. However, no tree survey has been submitted and there is no indication on plan as to the existing vegetation or the removal/retention strategy. A survey is required to determine which trees (or other vegetation) might be worthy of protection and how the design can safeguard trees to be retained. A Tree Constraints Plan should be used to inform the site layout and design. If feasible, the retention of existing structural landscape features (trees/hedges) should form part of the layout proposal.

RECOMMENDATION: In the absence of a tree report to BS58378: 2012 the application fails to demonstrate that trees will be unaffected by the development and has not made provision for their long-term protection. The application fails to satisfy saved policy BE38 and should be refused.

#### ACCESS OFFICER:

Any grant of planning permission should include the following condition:

The dwelling(s) would be required to be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015

#### REASON:

To ensure an appropriate standard of housing stock in accordance with London Plan policy 3.8 c, is achieved and maintained.

## **7. MAIN PLANNING ISSUES**

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

The site is within the developed area as defined in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The site is currently residential curtilage. It therefore does not fall within the definition of 'Previously Developed Land' as described in the National Planning Policy Framework.

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 it 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 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 development 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. The

proposal would give the impression of having been squeezed into a limited space and has little or no sense of space about it, given the very limited depth of the proposed amenity space and the proximity of the proposed development to the boundaries of the site. 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 development is 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, 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**

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

#### **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) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF (2012) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The proposal would not reflect the underlying existing street pattern, which comprises in the main of two storey semi-detached, hipped roof dwellings of a simple design and established layout. Whilst the existing part 23 Cowley Crescent is largely hidden from view behind the existing trees and bushes, the proposed dwelling would be a prominent feature within the Crescent. This visual prominence would be exacerbated by the design.

The new building would be of different proportions and appearance, introducing a double bay window within the area, where such features do not exist. In addition, the scale of proposed dwellings is not consistent with the surrounding residential properties. As a result, the proposed dwelling would be unduly conspicuous due to its positioning and design and would lead to a sense of enclosure of the repeating open gaps within the Crescent, and would reduce the relatively open and spacious qualities of the street scene.

The proposal, by virtue of its positioning and design would have a detrimental impact on the character of the area and the appearance of the street scene and would be contrary to Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012) and Policies 3.5 and 7.4 of the London Plan (March 2016).

## **7.08 Impact on neighbours**

Policy H12 of the Hillingdon Local Plan (November 2012) states that development for tandem development of backland in residential areas will only be permitted if no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers.

The Council's Supplementary Planning Document HDAS: Residential Layouts requires buildings of two or more storeys to maintain at least a 15 m separation distance from adjoining properties to avoid appearing over-dominant and a 21 m distance maintained between facing habitable room windows to safeguard privacy.

The closest residential property to the proposed dwellings would be 23 Cowley Crescent (host property) at a distance of approximately 7 m only. As such, the proposed house would appear unduly dominant, resulting in a loss of outlook from that property. In addition, the rear garden of the proposed dwelling would be overlooked from the first floor rear windows of the host property No 23, which would be within a separation distance of approximately 4.5 m from the rear garden of No 23a.

The proposed bedroom window on the (rear) Southern elevation at first floor level of the new dwelling would result in an overlooking of the rear gardens of Nos 24 (within a distance of approximately 8 m) and 25 (separation distance of 16 m) Cowley Crescent, eroding their privacy.

The pattern of the semi-detached dwellings of almost identical appearance within the Crescent was designed in a way to avoid direct overlooking by positioning the dwellings at angles to each other. The only dwellings positioned opposite side of each other (in the middle of the crescent) have a separation distance of 32 metres.

Therefore it is considered that there would be a significant adverse impact in terms of overdominance, visual intrusion and loss of outlook.

Overall, the proposed development would therefore have an unacceptable impact on the adjoining occupiers contrary to policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The London Plan, adopted in 2015, overrides the Council's space standards and this is a material consideration in this application.

London Plan Policy 3.5 seeks to ensure that all new housing development is of the highest quality, both internally and externally and in relation to their context.

The London Plan sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. Table 3.3 requires a 3 storey, 3 bedroom, 6 person dwelling, to have a minimum size of 108 sq.m. The proposed new dwellings would be approximately 86 sq.m and would thus fail to comply with the required standard resulting in an unacceptable residential environment for future occupiers, contrary to Policy 3.5 and Table 3.3 of the London Plan and Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Paragraph 3.13 of the HDAS SPD requires sufficient garden space to be retained as a consequence of development, and that a minimum usable rear garden area of 60 sq.m should be provided for 3 bedroom dwelling (which is what each the application dwelling and host building would comprise). An amenity space of approximately 110 square metres would be provided for the new dwelling and a usable rear garden area of approximately 107 sq.m, would be retained for the occupiers of the host building which would be exceed the minimum garden area required. The proposal would therefore accord with the amenity space requirements and provide adequate external amenity space for the occupiers of the existing and proposed dwellings in line with the requirements of Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Two parking spaces are provided for the proposed dwelling. This is considered satisfactory and in accordance with the Council's parking standards.

The Council's Highways Engineer raises no objection to the proposed parking and access arrangements (other than in respect of secure covered cycle storage should be provided). As such, it is considered that the scheme complies with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The Access Officer has not raised any objection, subject to the recommended condition, in the event of an approval.

#### **7.12 Disabled access**

See section 7.11.

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

Not applicable to this application.

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

Policy BE38 of the Saved UDP requires development proposals to retain and utilise landscape features of merit and provide new planting wherever appropriate.

As detailed in the Trees and Landscape Officers comments, it is considered that the scheme does not make adequate provision for the long-term protection of trees on the site, nor does it take into account tree protection measures during construction works. The scheme is therefore unacceptable, and contrary to Policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

As the proposal site is mainly covered with bushes and trees with a rich foliage, it is likely to support a great deal of wildlife in its present form. The proposed development would maintain some existing shrubs, however the mature tree would make way for a new house and there would be some additional planting. However, the potential impact on wildlife would be substantial.

Therefore it is considered that the proposed development would have an unacceptable effect on biodiversity. There would be a conflict with the aims of Policy BE1 of Hillingdon Local Plan Part 1 or Policy 7.19 of the London Plan in this particular respect.

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

The house would have individual bin stores and the waste management provision is not considered to raise a concern.

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

The proposal would be required to achieve appropriate standards of sustainable design and reduce water consumption in accordance with policies contained within section 5 of

the London Plan. Had the development been acceptable in other respects this matter could have been dealt with by way of appropriate conditions.

#### **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 issues raised have been covered in the main body of the report.

#### **7.20 Planning obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 180sq metres of additional floorspace are as follows:

Hillingdon CIL = £10,789.92

London Mayoral CIL = £4,224.80

Total = £15,014.72

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

Not applicable to this application.

#### **7.22 Other Issues**

The agent in his example information referred to another recently approved development in the area relating to land to the side of No 17 Kingsway, Hayes. The pattern of development within Kingsway area is entirely different. In addition, the property No 17 Kingsway was previously used as a mixed use of GP Surgery with a different requirement of parking spaces and the proposed dwelling is not sited within a back garden.

### **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 proposal would involve the loss of garden land and landscaping which contributes to the character and appearance of the surrounding area. The proposed design of the house would detract from the character and appearance of the street scene. The scheme also fails to make adequate provision for the protection and long-term retention of valuable trees and would have an unacceptable effect on biodiversity. The proposal would also impact on adjoining occupiers. Notwithstanding the above, the submitted drawings are inaccurate.

For these reasons it is recommended for refusal.

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

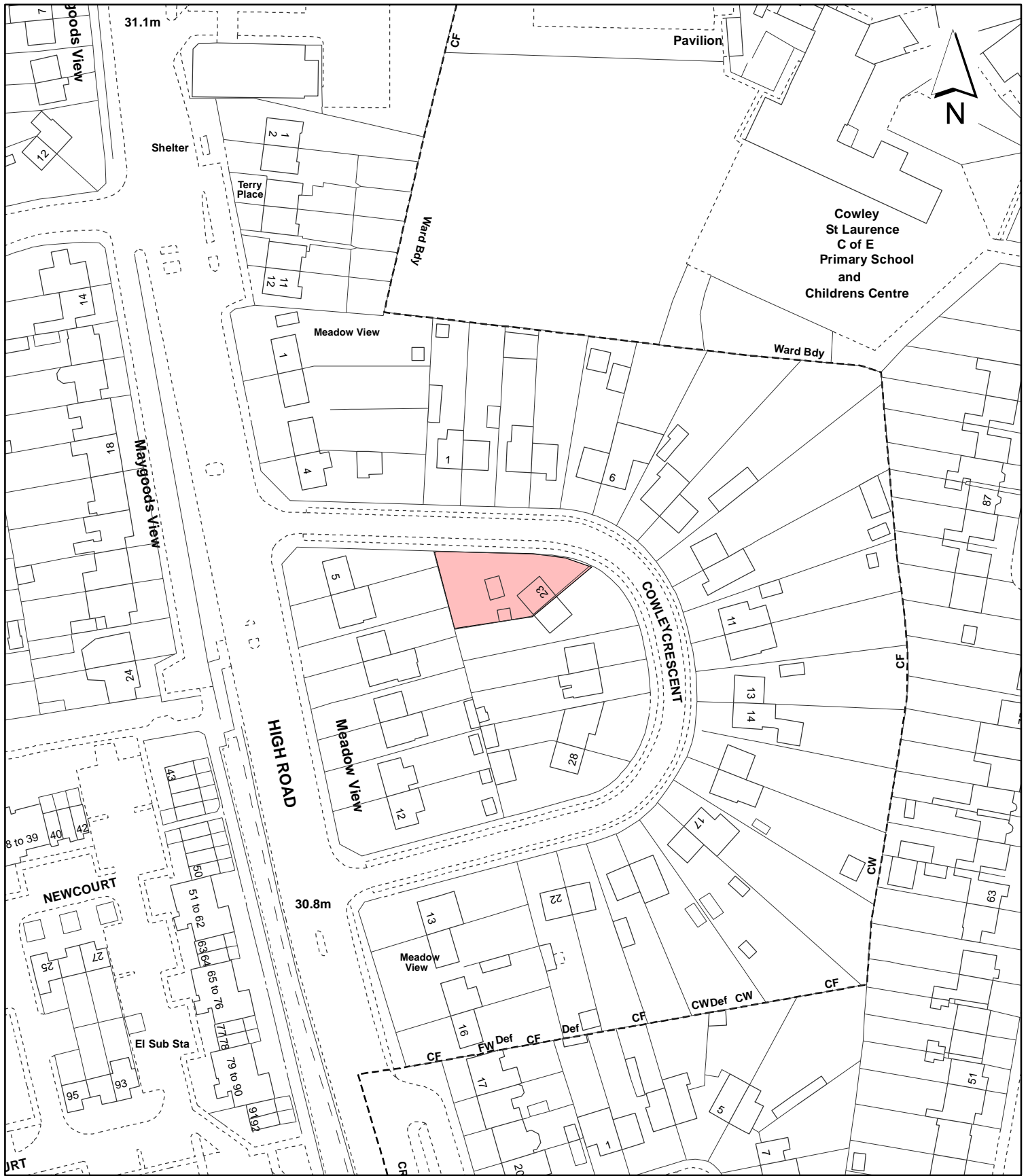
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)

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:** Maria Tomalova

**Telephone No:** 01895250320



**Notes:**

 Site boundary

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Site Address:

**23 Cowley Crescent  
 Cowley**

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

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

Planning Application Ref:

**11257/APP/2017/2722**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**May 2018**

