

Report of the Head of Planning, Transportation and Regeneration

Address 27 DUCKS HILL ROAD NORTHWOOD

Development: Three storey building with basement level to form 7 x 2-bed flats with associated parking and amenity space, involving demolition of existing chalet bungalow.

LBH Ref Nos: 40711/APP/2017/4475

Drawing Nos: 5497/A201 Rev C
5497/A204
5497/A206
5497/A200 Rev C
5497/A202 Rev C
5497/A203 Rev C
TS17-137G\3
TS17-137G\6
TS17-137G\7
TS17-137G\1
5497 PL A10E

Date Plans Received: 12/12/2017

Date(s) of Amendment(s):

Date Application Valid: 20/12/2017

1. SUMMARY

The application seeks permission for the demolition of the existing bungalow and the erection of a three storey building with basement level to form 7 x 2-bed flats with associated parking and amenity space.

The proposed development by virtue of the design, scale and bulk is considered unacceptable and would be out of keeping with the character and appearance of the street scene and the neighbouring area. It would have a significant impact on the amenity of the adjoining occupiers of No. 27a Ducks Hill Road by reason of loss of privacy and over-dominance. It also fails to provide sufficient parking to the detriment of highway safety and has failed to demonstrate it can achieve suitable living conditions for future occupiers. Further concern has been raised that the development has failed to demonstrate that it can provide privacy to the future occupants of the 2nd floor flat.

It is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its size, scale, bulk and design, in a visually prominent position forward of the established building line, would result in an unduly intrusive and visually prominent form of development, that would fail to harmonise with the existing spacious character and pattern of residential development in the area. The proposal would therefore be detrimental to the character and appearance of the adjoining

properties and the visual amenity of the street scene and the wider area, 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), the council's adopted Supplementary Planning Document HDAS: Residential Layouts and the National Planning Policy Framework.

2 NON2 Non Standard reason for refusal

The proposal, by reason of the siting of the proposed building in close proximity and with direct views over the private amenity space for 27a Ducks Hill Road would unduly detract from the amenities of the occupiers of this property. The development would appear overbearing and have a direct adverse impact on the privacy currently enjoyed by this property. The proposal is thus contrary to Policies BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

3 NON2 Non Standard reason for refusal

The proposal fails to make adequate provision for off-street parking in accordance with the Council's adopted car parking standards and to demonstrate that the proposed development would not give rise to vehicular and pedestrian conflict. As such, the proposal is likely to give rise to additional on-street parking on a heavily parked road and be prejudicial to highway and pedestrian safety, contrary to policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (November 2012).

4 NONSC Non Standard Condition

The proposed development comprises a rooftop amenity area the use of which would lead to an unacceptable level of overlooking, noise and disturbance to the occupiers of the 2nd floor flat (flat 7), which would have its main habitable rooms facing out over this area. The proposal would thus fail to provide an acceptable external amenity area for occupiers and be detrimental to the residential amenity of the occupiers of the 2nd floor flat contrary to policies BE19, BE21 and BE24 of the Hillingdon Local Plan: part 2 -UDP Saved Policies (November 2012).

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

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

3 174 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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Eastern side of Ducks Hill Road with the principal front elevation facing West. The existing property is a large detached bungalow finished in white render set under a hipped roof. The dwelling is set in a spacious corner plot with mature landscaped gardens and boundary treatment to the front and rear. The property is only one of six detached properties located within this private cul-de-sac just off the main road. The local street scene is of detached properties set in reasonable individual plots. The existing property itself is not readily visible from Ducks Hill Road at present as it is set back within its plot and behind large mature trees and hedges. Indeed this part of Ducks Hill Road is generally characterised by trees and hedges running alongside the road and in fact none of the properties on the West side of the road are particularly visible.

It is clear that the original site was originally much larger and was part of the area now occupied by 27a Ducks Hill Road.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

This application seeks permission for the demolition of the existing detached bungalow and the erection of a three storey building with basement level to form 7 x 2-bed flats with associated parking and amenity space.

3.3 Relevant Planning History

40711/A/99/0065 Downside, 27 Ducks Hill Road Northwood

Erection of a two storey side extension and two front dormer windows and three rear dormer windows in the existing/proposed roof slope

Decision: 09-06-1999 Approved

40711/APP/2017/2475 27 Ducks Hill Road Northwood

Three x 4-bed attached townhouses with habitable roofspace, parking and amenity space and installation of vehicular crossover to front.

Decision: 22-09-2017 Withdrawn

40711/APP/2017/4470 27 Ducks Hill Road Northwood

2 x two storey, semi-detached dwellinghouses with habitable roofspace to include associated parking and amenity space and vehicular crossover, involving demolition of existing dwellinghouse.

Decision:

40711/PRC/2017/66 27 Ducks Hill Road Northwood

Demolition of single detached property and erection of 3 new houses

Decision: 15-06-2017 OBJ

Comment on Relevant Planning History

40711/APP/2017/2475 - Three x 4-bed attached townhouses with habitable roofspace, parking and amenity space and installation of vehicular crossover to front - Withdrawn

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.

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

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.

EM6	(2012) Flood Risk Management
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 6.13	(2016) Parking
LPP 6.2	(2016) Providing public transport capacity and safeguarding land for transport
LPP 7.2	(2016) An inclusive environment
NPPF	National Planning Policy Framework
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbours were consulted for a period of 21 days expiring on the 17 January 2018. A site notice was also erected on the lamp post to the front of the property.

There were 5 responses and a petition objecting to the proposal and raising the following issues:

- The existing building has more character than any proposed replacement apartment complex might
- The proposed construction site would be a hindrance to local traffic and parking and an eyesore.
- Out of keeping with the character of the existing street scene having regard to the existing cul de sac of 6 detached properties.
- Out of keeping with the street scene and wider area along Ducks Hill Road.
- Impact on the sunshine and daylight.
- Overdominant.
- Loss of privacy.
- The new development must maintain the existing distance from the party wall.
- Impact on parking and access to the underground car park.
- Potential for congestion from intensified use of the cul de sac.
- No adequate assessment of potential flooding.
- Inadequate parking facilities.
- Connection to services.
- Noise and disruption to neighbours.

- The pedestrian access to the rear of no. 27a is currently afforded by a gate from the rear gardens of the development. A party wall agreement will be required.
- Potential subsidence from construction works.
- Flatted development would exceed 10% ratio for Ducks Hill Road.
- Overdevelopment.
- No traffic/highways impact evaluation to judge the safety of the access onto Ducks Hill Road.
- No evaluation of potential flooding or surface drainage.
- Insufficient amenity space.
- Impact on landscaping.
- No details of fences/walls.
- No detailed drawings for the entrance to the car park.

Northwood Residents Association - The development includes the creation of a basement for which no geotechnical or hydrological surveys have been provided and it is not possible to determine whether the development would not have an unacceptable impact on drainage and flood risk.

Internal Consultees

Access Officer - No response.

Highways - Parking Provision

It is proposed to provide seven flatted residential units with two bedrooms each to replace the existing single dwelling unit. The maximum standard requires 1.5 spaces per unit hence a quantum of up to 10-11 spaces should be provided on-site to comply with the adopted parking standard. 7 basement spaces are shown to the rear of the new build. As the location exhibits a low PTAL level of 2 there should be a provision toward the maximum end of the standard. As a consequence there are concerns with regard to this under-provision as it may impact on the immediate highway in parking displacement terms. This could be detrimental to the free flow of traffic and safety on Ducks Hill Road itself and may also impinge on the adjacent cul-de sac.

In terms of cycle parking there would be a provision of 1 secure and accessible spaces for each of the flatted units to conform to the adopted borough cycle parking standard.

New Access Provision

In the absence of a Design & Access statement it is unclear as to how the 7 basement spaces would be accessed however there is an existing carriage crossing onto Ducks Hill Road which will become redundant. It will therefore be necessary to reinstate the adjacent raised kerbing on the public footway to maintain footway/roadway continuity.

The plans still indicate a new access central to the whole site envelope several metres North of the existing which I believe is incorrect as the frontage area would form a part of the required amenity space and not be accessed by vehicle.

The extinguishment (making good) of the 'old' access point on Ducks Hill Road will need to be undertaken to an appropriate council standard under a S278 (Highways Act 1980) agreement.

Trip Generation

The proposal would increase traffic generation from the site as compared to the existing single dwelling unit. However peak period traffic movement into and out of the site is expected to rise by up to 3-4 vehicle movements during the peak morning and evening hours hence this uplift is considered acceptable in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse Requirements

Refuse collection will continue via the public highway. Details of the communal bin storage arrangements are absent and should be provided. There should be conformity to Department for Transport guidance (Manual for Streets - 2007). A site management regime should ensure that waste collection distances do not exceed 10 m from the highway in order to conform to good practice therefore a suitable on-site management planning condition should be sought.

Conclusion

The application has been reviewed by the Highway Engineer who is concerned that the proposal would exacerbate parking stress, and would therefore raise highway safety concerns, contrary to policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016). Refusal on insufficient parking grounds is therefore recommended.

Tree/Landscaping -

The front and side garden is bounded by a mature evergreen (conifer) hedge, above which can be seen small trees. - While the existing vegetation is of no particular merit, it does provide a dense green buffer facing Ducks Hill Road, which contributes to the verdant character and appearance of the area. Vehicular access is to the rear, via the cul de sac. There is little back garden as such, with most of the area paved over. There are no TPO's or Conservation Area designations affecting vegetation on the site.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The NPPF has a requirement to encourage the effective use of land by re-using land. This is an existing residential unit set in a spacious plot. The site lies within an established residential area where there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable, in accordance with policies outlined in the Hillingdon Local Plan (November 2012). In light of recent appeal decisions which have examined how the 10% rule should be applied it should be noted that the 10% rule is contained in guidance only and is not subject to a development plan policy. Weighting must also be given to housing demand considerations which are contained in local, regional and national planning policy documents. Nonetheless if a flatted development is considered to have an unacceptable appearance on the streetscene then the existence of other nearby flatted development, which also impacts adversely on the streetscene, may compound the harm caused by an unacceptable proposal (in this case there is no other flatted development within 200m).

As explained in more detail later in this report the development is considered to have an unacceptable visual impact on the streetscene, this is not considered to be outweighed by the additional housing provided (it can be clarified that the proposals do not include any affordable housing).

Some local residents have stated that because the existing property is a visually attractive property that this should mean redevelopment is unacceptable in principle. The existing building is not locally or nationally listed as a building of heritage or architectural merit, as such the Council cannot refuse permission simply due to the attractiveness of the existing property, as the Council does not have planning policies which would support such a stance.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2015) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

The site has a Public Transport Accessibility Level (PTAL) of 2 (poor). The London Plan (2015) range for sites with a PTAL of 2 - 3 in a suburban area is 35-65 units per hectare. Based on a total site area of 0.0875 ha the site would have a residential density of 80 units per hectare, which is slightly above this range.

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

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1: Built Environment of the Hillingdon Local Plan: Part 1 - Strategic policies (Adopted November 2012) (LP Part 1) requires all new development to improve and maintain the quality of the built environment. In order to achieve this objective all new developments should be designed to make a positive contribution to the area in terms of scale, among other objectives. Policy BE13 of the local plan states that development will not be permitted if it fails to harmonise with the existing street scene. Furthermore Policy BE19 indicates that new development within residential areas should complement or improve the amenity and character of the area.

Policy 3.5 of the London Plan seeks to ensure that housing developments are of the highest quality externally and in relation to their context and Policy 7.4 of the London Plan states that buildings should provide a high quality design response which has regard to the pattern of development locally in terms of scale, proportion and mass. The NPPF (2012) also 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 proposed building spans most of the plot width set back 1 m from the boundary with no. 29 and 2 m from the boundary with the cul de sac giving access to nos. 21 - 27a. The building measures 20.5 m in width, 17.3m in depth and a height of 9.04 m when viewed from the front elevation increasing to 9.7 m where the ground levels fall at the rear of the site. The central section of the building is set beneath a shallow hipped roof of 14 m wide and 11.2 m in depth, with the remainder forming a roof terrace encompassing all 4 sides. The 20.5m width is far wider than the frontage width of neighbouring dwellinghouses, the wide horizontal emphasis of the building does little to challenge any perception that a monolithic flatted building will occupy the site. The shallow hipped roof does keep the building height to something comparable to neighbouring properties, but in doing so results in a building architecturally completely at odds with its surroundings at a prominent location in the streetscene. Indeed the design of the proposed building would appear somewhat alien in the streetscene as it does not appear to respect any of traditional architectural.

The submitted street scene indicates the existing dwelling stands at approximately 8.8 m (9.7 m from the rear) in height, therefore in terms of the overall height there is little significant increase, however the main body of the existing dwelling is set back 2.1 m from the northern

and 6.75 m from the southern side boundaries. The proposal would reduce the setback from the southern boundary to only 1m (a similar width setback would be retained to the northern boundary).

The existing property is setback approximately 14.3m from the pavement edge. The proposed block of flats would be approximately 7.3m back from the pavement edge. This part of the general street scene is characterised by larger properties set within spacious plots. Although it is noted that nos. 15 - 19 benefit from two storey front projecting features, the front building line of the main wall of the properties either side vary between 11.85 m and 15 m from the road frontage. Beyond this Nos 9 and 11 are set further forward however these are a much smaller and lower cottage style and chalet bungalow properties. The proposals represent a substantial building extending across virtually the whole width of the plot and deep into the plot. The overall scale is considered overbearing and visually intrusive, resulting in the closing of the characteristic gap feature in a prominent position. The harm is compounded by the rear of the plot being almost exclusively hard landscaping for carparking.

The Supplementary Planning Document (SPD) HDAS: Residential Layouts, at paragraph 3.3 states that in relation to the redevelopment of large plots and infill sites currently used for individual dwellings into flats, the redevelopment of more than 10% of properties on a residential street is unlikely to be acceptable, including the houses which have been converted into flats or other forms of housing.

There have been a number of recent appeal decisions which have involved Planning Inspectors seeking to establish what weighting should be given to the guidance (all the inspectors comment that it is guidance not policy).

In allowing an appeal at 230 Swakeleys Road (2018 decision) an Inspector said:

'I recognise the Council has consistently refused applications that would breach the 10% figure, most recently at 271 Swakeleys Road. However, the Inspector in the previous appeal recognised that, whilst the 10% figure was a consideration, it was not a determinative factor. Likewise, the appellant has drawn my attention to an appeal decision at 16 and 18 Kingsend, Ruislip, in which the Inspector found the 10% figure to be a somewhat arbitrary guideline. On the evidence before me, I agree. The 10% figure cannot be used as a strict rule without due regard to all other relevant considerations. Indeed, paragraph 3.3 of the SPD does not set out precisely why such development would be unacceptable. Therefore, in my view, the 10% figure should be read in conjunction with paragraph 3.1 of the SPD which states that the Council will balance any increase in residential density against the possible impact on the capacity, character and amenity of the area as a whole.'

In dismissing an appeal at 271 Swakeleys Road (2018 decision) an Inspector said:

'From what I have read and seen, I consider that this appeal turns on whether the proposal would harmonise reasonably with the street scene and complement or improve the amenity and character of the area in accordance with the requirements of 'saved' UDP policies BE13 and BE19. The statutory policies cited above impose simple tests in relation to this scheme; namely, would the proposal harmonise reasonably with the street scene and would it complement or improve the amenity and character of the area. Those tests reflect the advice in the Framework (NPPF) that schemes should secure high quality design and a good standard of amenity for all, responding to local character and reflecting local identity....

I read, in the Residential Layouts SPD, that the conversion of more than 10% of properties within a 1km section along a residential street is unlikely to be acceptable. That is clearly

guidance. It is written to convey as much because the use of the word 'unlikely' implies the existence of situations where higher percentages might well be acceptable depending, of course, on the appropriate policy tests. Moreover, the guidance does not imply that the redevelopment of 10% of plots along a 1km section would constitute a 'large number' of redeveloped sites. Such an interpretation erroneously conflates 2 separate sentences. The whole point is that the redevelopment of only 10% of the plots in a street would not be a 'large number' because it would not necessarily be unacceptable. Nor does it matter much that there is an arbitrary element to that 10% figure. It is guidance to help inform the application of adopted policy and, at paragraph 3.1 there is a clear indication of the damaging consequences envisaged that can sometimes be associated with the redevelopment of 'large plots'; the impact of the redevelopment on the character of the area and on the outlook enjoyed by existing residents are just 2 of those cited, both being addressed by adopted policies. Now that permission exists for an apartment block nearby at No.277, it seems to me that permission for the appeal proposal (at least on the limited detail available) would run the risk of creating a further section of the street characterised by the rather monolithic and impersonal frontages evident elsewhere. Such development would noticeably alter the character of the street and, all too easily, encourage further similar schemes, the cumulative effect of which could be very damaging. Consequently the 10% should be a material consideration but one which should not be used on its own as a means of determination as whether a proposal is acceptable.'

Notwithstanding this the above document underpins and supports Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), which seeks to protect the impacts of flatted development on the character and amenity of established residential areas. It is acknowledged that historically there have been a number of properties and sites redeveloped along Duck Hill Road. This includes flats, in-fill and separate cul de sac developments. Although having regard to recent developments within 1 km of the application site, it is considered that the 10% guideline has been exceeded; in consideration of an appeal on a site situated 120m to the South, the Inspector concluded this would not appear to be the case in the immediate vicinity. This is also a recent appeal and the inspector was even more critical of use of the 10% rule than the Inspectors involved with the Swakeleys Road cases. Officers are of the view that the inspector for No.38-40 Ducks Hill Road did not correctly apply the 10% rule, in so far as he counted the blocks of flats rather than properties lost (Hence full text from this appeal is not included in this report as it contains text that the Council does not consider to be correct). Nonetheless the 38-40 Ducks Hill Road appeal decision only compounds the caution which needs to be taken when applying the 10% rule in practice.

In this case it can be argued that there are other large blocks flats approximately 200m from the application site at No's 31 and 50, at appeal the Council can draw attention to these as compounding harm caused by the proposals and cross reference the dismissed appeal at 271 Swakeleys Road. It is considered that the proposals for No.27 are unacceptable because they would cause serious harm to the streetscene in that part of Ducks Hill Road.

The proposed development, by reason of its size, scale, bulk and design, in a visually prominent position forward of the established building line, would result in an unduly intrusive and visually prominent form of development, that would fail to harmonise with the existing spacious character and pattern of residential development in the area. The proposal would therefore be detrimental to the character and appearance of the adjoining properties and the visual amenity of the street scene and the wider area, 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), the council's adopted Supplementary Planning Document HDAS: Residential Layouts and the National Planning Policy Framework.

7.08 Impact on neighbours

Policy OE1, OE3 and BE24 of the Hillingdon Local Plan (November 2012) require the design of new developments to protect the amenity and privacy of neighbouring dwellings. Also the proposed development should not breach the 45 degree guideline when taken from the rear elevation of the neighbouring dwelling, ensuring no significant loss of light, loss of outlook or sense of dominance in accordance with Policy BE20 and BE21 of the Hillingdon Local Plan (November 2012).

The Council's HDAS 'Residential Layouts' advises at paragraph 4.9 that buildings should avoid being over dominant from neighbouring properties and normally a minimum 15 m separation distance should be maintained between habitable room windows and elevations of two or more storeys (taken from a 45 degree splay from the centre of habitable room windows). Paragraph 4.12 of the guidance also advises that where habitable room windows face each other, a minimum 21 m distance is required to safeguard privacy. This also applies to an area of private amenity space or patio, normally taken to be the 3 m depth of rear garden immediately adjoining the rear elevation of a residential property. HDAS 'Residential Extensions' also advises that in order to protect daylight and sunlight to neighbouring properties, proposals should not protrude too far and as a guide for a detached property 4 m would be acceptable.

To the North the proposed building would project approximately 4.5 m beyond the rear and 3.8 m to the front of the adjacent property at no. 19, which is set back approximately 9.9 m and separated by the cul de sac leading to nos. 21 - 27a. To the South no. 29 will be separated by approximately 8.9 m with the proposed building projecting approximately 4.4 m to the front but not beyond the rear. The plans indicate the proposed building would not compromise a 45 degree line of sight from the front and rear facing windows of these properties. It is noted that no. 29 has a number of windows on the flank wall facing the site but there are no records to demonstrate what rooms these serve. In the neighbour response the owner has expressed concerns over the impact of the development on this side of his dwelling but only identified that the window at ground floor level serves the kitchen. The case officer did not note any windows on site that appeared to serve habitable rooms.

To the East no. 21 is angled at approximately 60 degrees to the application site, with the front facing the cul de sac and set back by approximately 18.5 m. Nos. 23 and 25 face the rear of the property set back 25.8 m and 36.5 m respectively. No. 27a is a small chalet style conversion of a former outbuilding of no. 27. This is set at right angles to the property facing the end of the cul de sac approximately 12 m away. This property does not have any windows directly facing the site and the plans do not indicate that the proposal would compromise a 45 degree line of sight from the nearest windows.

It is therefore considered that the proposal would not significantly impact of the amenity of the adjoining neighbours by reason of significant loss of light, loss of outlook or sense of dominance in accordance with Policy BE20 and BE21 of the Hillingdon Local Plan (November 2012).

There are no windows in the side elevations with all windows facing front and rear.

Concerns have been raised over the potential loss of privacy particularly with the addition of first and second floor windows. Direct overlooking between habitable rooms would be limited; no. 23 and 25, which at a distance of 25.6 m and 36.7 m respectively would be in excess of the 21 m guidance. However the rear windows would have a direct overlooking of the private amenity space to the front of no. 27a at a distance of 18.5 m. Although it is acknowledged this is a front amenity area, this is the only garden area for this dwelling and is enclosed with a well established hedgerow, which provides privacy from the road. Whereas some loss of privacy to a rear garden would normally be acceptable, in this case the impact would be considered substantial. Therefore in view of the potential loss of privacy of the adjacent property (27a) the proposal is considered unacceptable. In view of the potential impact on the adjacent property the proposal is considered unacceptable and fails to comply with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan (November 2012) and guidance in HDAS: Residential Layouts.

7.09 Living conditions for future occupiers

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

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. The proposed flats have a floor area of upwards of 94 sq.m for a 2 bed 4 person flat against a requirement of 70 sq.m, which is acceptable.

It is considered that all the proposed habitable rooms, would have an adequate outlook and source of natural light, and therefore comply with the SPD: New Residential Layouts: Section 4.9.

The proposed development comprises a rooftop amenity area the use of which would lead to an unacceptable level of overlooking, noise and disturbance to the occupiers of the 2nd floor flat (flat 7), which would have its main habitable rooms facing out over this area.

The proposal would thus fail to provide an acceptable external amenity area for occupiers and be detrimental to the residential amenity of the occupiers of the 2nd floor flat contrary to policies BE19, BE21 and BE24 of the Hillingdon Local Plan: part 2 -UDP Saved Policies (November 2012).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM14 of the Hillingdon Local Plan: Part Two- Saved UDP Policies (November 2012) requires developments to comply with the Council's Car Parking Standards, although this policy predates the National Planning Policy Framework. This requires the establishment of criteria to be considered when setting local parking standards including the accessibility of the development and the availability of and opportunities for public transport. The site has a poor PTAL rating and would require the provision of 1.5 car parking spaces plus 1 cycle space per unit.

Having regard to parking provision it is also noted that in a previous appeal decision (APP/R5510/W/15/31409) the Inspector viewed that as Policy AM14 requires 1.5 spaces as

a maximum standard, there is no conflict with the policy by not providing any parking at all and where a site has easy access to public transport and facilities it may be unreasonable to refuse permission on this basis.

The supporting plans identify a basement car parking area providing 7 car spaces, however no details are provided on how this will be accessed or gradients of any ramps or the potential impact on flooding or water displacement. In consideration of this proposal the Highway Officer has advised that there are concerns with regard to this under-provision as it may impact on the immediate highway in parking displacement terms. This could be detrimental to the free flow of traffic and safety on Ducks Hill Road itself and may also impinge on the adjacent cul-de sac. Although Ducks Hill Road is a London Distributor Road it is not served directly by any bus routes and the nearest shops and amenities are situated in Northwood 1 km to the East, therefore suggesting there would be a greater reliance by the occupants to use a car to access day to day services.

In terms of cycle parking there would be a provision of 1 secure and accessible spaces for each of the flatted units to conform to the adopted borough cycle parking standard. This could be conditioned for submission if all other aspects of the proposal were acceptable.

It is therefore considered that the proposal would exacerbate parking stress, and would therefore raise highway safety concerns, contrary to policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

Amenity space. The Council's HDAS guidelines require a minimum of 25 sq.m for a two bedroom flat. This would give an overall requirement of 175 sq.m. The proposal is set in a good sized plot and would provide approximately 288 sq.m, plus a large roof terrace for flat 7, which is in excess of this requirement. Nonetheless the roof terrace would need some screening to prevent overlooking issues and has an inherent problem in that it is designed to wrap around flat 7 and has the consequence of severely impacting on the amenity of this flat. It is therefore considered the proposal is contrary to policy BS24 of the Hillingdon Local Plan (November 2012).

No security issues are considered to arise from the development.

7.12 Disabled access

The Access Officer has not responded to raise any concerns with relation to this application

7.13 Provision of affordable & special needs housing

Not relevant to this application.

7.14 Trees, Landscaping and Ecology

The Landscape Officer has advised that whilst the existing vegetation is of no particular merit, it does provide a dense green buffer facing Ducks Hill Road, which contributes to the verdant character and appearance of the area. The proposal appears to see the retention of the front hedgerow, with the creation of a new pedestrian access to the front and the access to parking at the rear. No details of any landscaping provision or means of enclosure have been submitted but these details could be conditioned for submission if all other aspects of the proposal were acceptable.

7.15 Sustainable waste management

Details for the provision of a bin storage area could be conditioned for submission if all other aspects of the proposal were acceptable.

7.16 Renewable energy / Sustainability

Not relevant to this application.

7.17 Flooding or Drainage Issues

Although comments regarding the potential impact of the proposed basement on surface water drainage and increased flood risk are noted the Council does not currently have data identifying this particular site as being at risk of flooding. Recent appeals have demonstrated that unless the Council can evidence through its GIS mapping an existing sensitivity (e.g. Site within a flood plain or critical drainage area) the Council can condition further information concerning the drainage impact of a basement where it does not cover a substantial proportion of the curtilage (as applies here).

7.18 Noise or Air Quality Issues

Not relevant to this application.

7.19 Comments on Public Consultations

In regards to planning disruption as a result of construction; this is considered transitory in nature and not sufficient reason to refuse planning permission in its own right. Issues relating to Party Wall Agreements or Connection to services and are civil matters between the developer and the neighbour or other interested party and not material planning considerations. All other issues raised have been addressed within 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 additional floorspace for residential developments is £95 per square metre and office developments of £35 per square metre. This is in addition to the Mayoral CIL charge of £35 per sq metre.

Presently calculated the amounts would be as follows;

LBH CIL £63,861.24

London Mayoral CIL £25,004.91

Total CIL £88,866.15

7.21 Expediency of enforcement action

Not relevant 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

10. CONCLUSION

The property is located within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). This proposal considers the demolition of the existing bungalow and the erection of a three storey building, with a basement level providing 7 x 2 bed flats.

The proposed development is to erect a building with an overall scale that is considered overbearing and visually intrusive, resulting in the closing of the characteristic gap feature in

a prominent position to the detriment of the character and appearance of the wider area and would also result in a detrimental impact on the amenities of the neighbouring occupiers by virtue of loss of privacy. The development also fails to provide sufficient parking provision to the detriment of highway safety and has failed to demonstrate how the privacy of the future occupants of the second floor flat would be maintained. The development is therefore considered contrary to a number of Hillingdon Local Plan policies (2012) and policies in the London Plan 2016 and is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2.

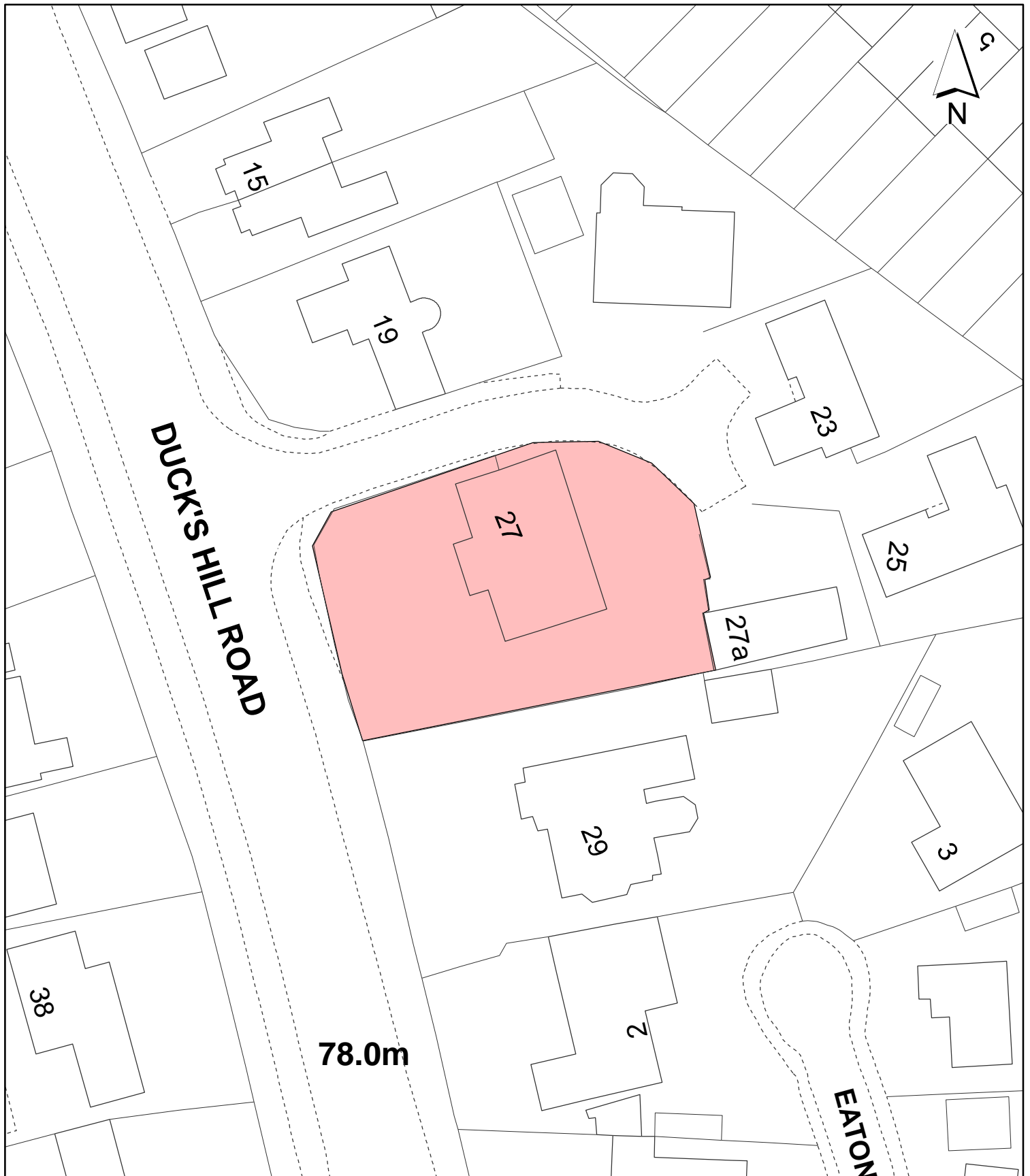
The London Plan (July 2016).

Supplementary Planning Document HDAS: Accessible Hillingdon.

National Planning Policy Framework.

Contact Officer: Liz Arnold

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Notes:

 Site boundary

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Site Address:

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

Planning Application Ref:
40711/APP/2017/4475

Scale:
1:500

Planning Committee:
North

Date:
May 2018

