

Report of the Head of Planning, Transportation and Regeneration

Address LAND FORMING PART OF 84 CHURCH ROAD HAYES

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

LBH Ref Nos: 72944/APP/2018/1225

Drawing Nos: Design and Access Statement
AC/8419/2018/A

Date Plans Received: 22/03/2018 **Date(s) of Amendment(s):**

Date Application Valid: 19/04/2018

1. SUMMARY

The application seeks planning permission for the erection of a two storey, 2-bed, detached dwelling with associated parking and amenity space. The application is a re-submission of a similar application recently refused. Whilst the revised scheme would provide an acceptable level of floorspace to the future occupants of the property, it fails to address the sub-standard outdoor amenity space provision. Furthermore the revised application introduces concerns in terms of its visual impact given its proximity to the side boundary. The application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of its overall size and proximity to the side boundary, would result in a closing of the visually open gap between it and the neighbouring properties at 15 and 16 Churchfield Close, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and the surrounding area generally. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan (November 2012), Policies BE13, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 5.0 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said unit would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016).

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

2 I52 Compulsory Informative (1)

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

3 I53 Compulsory Informative (2)

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

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

4 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. 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

3. CONSIDERATIONS

3.1 Site and Locality

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

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

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

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

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey, 2-bed, detached dwelling with associated parking and amenity space

3.3 Relevant Planning History

72944/APP/2017/2083 Land Forming Part Of 84 Church Road Hayes

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

Decision: 31-10-2017 Refused

72944/PRC/2017/220 Land Forming Part Of 84 Church Road Hayes

Two storey, 2 bed detached dwelling with associated parking and amenity space

Decision: 30-01-2018 OBJ

Comment on Relevant Planning History

72944/APP/2017/2083 - Two storey, 2-bed detached dwelling with associated parking and amenity space was refused for the following reasons:

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

2. The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said unit would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

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

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LPP 3.3 (2016) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2016) Quality and design of housing developments

LPP 7.4 (2016) Local character

NPPF1 NPPF - Delivering sustainable development

NPPF6 NPPF - Delivering a wide choice of high quality homes

NPPF7 NPPF - Requiring good design

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The Townfield Tenants & Residents Association and 7 neighbouring properties were consulted by letter dated 23.4.18 and a site notice was displayed to the front of the site which expired on 23.5.18. A petition was received, which it was deemed had less than the required 20 valid signatures. However, this petition objected to the proposal on the following grounds:

1. Parking will be an even bigger problem than it currently is;
2. Loss of the Whitebeam tree would be detrimental to amenity.

Officer Comment: The issues raised are covered in the relevant section of this report.

Ward Councillor: Requests that the application is reported to committee.

Internal Consultees

Landscape Officer:

The site was subject to an application in 2017, ref. 2017/2083, which was refused. There are also trees/hedges along the rear boundary of the site which will need to be protected or replaced. The front garden should provide at least 25% soft landscape in accordance with Hillingdon's design guidance and saved policy BE38. If the application is to be approved, landscape conditions will be required to ensure that the application satisfies policies BE23 and BE38.

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

EPU:

No objections to the application subject to construction informative.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In order to establish the acceptability of the principle of developing this site for residential purposes, it is necessary to take into account currently adopted planning policy and to a lesser extent, emerging policy. Paragraph 7.29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) suggests that backland development may be acceptable in principle subject to being in accordance with all other policies, although Policy H12 does resist proposals for tandem/backland development which may cause undue disturbance or loss of privacy.

The London Plan (2016) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

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

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

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

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

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

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

7.02 Density of the proposed development

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

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

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.'

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. Paragraph 4.14 of the Residential Layouts HDAS SPD specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and lines of surrounding buildings.

The proposal fails to comply with the guidance contained within HDAS Residential Layouts in that a gap of 1m would not be provided between the flank wall of the proposed dwelling and the boundary with Numbers 15 and 16 Churchfield Close. The proposal, by reason of its overall size and proximity to the side boundary, would result in a closing of the visually open gap between it and the neighbouring properties at Numbers 15 and 16 Churchfield Close, giving rise to a cramped form of development, which would be detrimental to the visual amenities of the street scene and the surrounding area generally. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan (November 2012), Policies BE13, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and section 5.0 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

7.08 Impact on neighbours

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

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

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

Impacts on neighbours are therefore considered to be acceptable.

7.09 Living conditions for future occupiers

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. A two bedroom (3 person) house is required to provide an internal floor area of 70 sq.m which the proposal complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of Policy 3.5 of the London Plan (2016).

Paragraph 4.15 of the Council's adopted Supplementary Planning Document HDAS: Residential Layouts sets out the requirement for amenity space provision for new developments and states that for a 2 bedroom house a minimum of 60 sq.m should be provided. The plans state that the rear garden is 57 sq.m, however when measured it amounts to 51 sq.m (to include the area to the side) which falls well below the requirement and it is considered that the proposal would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

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

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

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility issues are raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. It is proposed to remove the single Whitebeam tree fronting Churchfield Close to facilitate the development. The Landscape Officer has confirmed that it was agreed that the Whitebeam can be removed subject to the provision of replacement planting. The

proposed landscape plan provides indicative details of replacement planting only. The Landscape Officer also considers that suitable conditions should be imposed on any grant of planning permission to secure a suitable landscaping scheme. Subject to the imposition of such a condition, the scheme is considered to accord with policies BE13 and BE38.

7.15 Sustainable waste management

Bin stores are shown on the submitted plans and could be secured by way of condition in the event of an approvable scheme.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning obligations

CIL

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.

The scheme would be CIL liable. Presently calculated the amounts would be as follows;

LBH CIL £8,907.95

London Mayoral CIL £3,487.91

Total CIL £12,395.86

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also

the guidance contained in Probity in Planning, 2009.

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks planning permission for the erection of a two storey, 2-bed, detached dwelling with associated parking and amenity space. The application is a re-submission of a similar application recently refused. Whilst the revised scheme would provide an acceptable level of floorspace to the future occupants of the property, it fails to address the sub-standard outdoor amenity space provision. Furthermore the revised application introduces concerns in terms of its visual impact given its proximity to the side boundary. The application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
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: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Land Forming Part of
84 Church Road**

Planning Application Ref:

72944/APP/2018/1225

Planning Committee:

Central & South

Scale:

1:1,250

Date:

June 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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



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