

Report of the Head of Planning, Transportation and Regeneration

Address LAND FORMING PART OF 43 THE DRIVE ADJACENT TO 68 AND 113
KNOLL CRESCENT NORTHWOOD

Development: Erection of 2 x 3-bed semi-detached dwelling houses with associated parking
and amenity space following the demolition of existing outbuilding
(Resubmission)

LBH Ref Nos: 70975/APP/2018/1295

Drawing Nos: 17/3088/04 Rev. C
17/3088/05 Rev. A
Location Plan
17/3088/02
17/3088/01 Rev. A
17/3088/03
B0117-TRi

Date Plans Received: 06/04/2018

Date(s) of Amendment(s):

Date Application Valid: 06/04/2018

1. SUMMARY

This application seeks permission for a pair of semi detached dwellings with associated parking and amenity space within an area of land to the rear of 41 and 43 The Drive, Northwood. The new dwellings would be accessed off the Southern arm of Knoll Crescent.

Given the harm that would be caused to the character and appearance to streetscene and openness of the surrounding area arising from this development it is considered that the development would be unacceptable. Furthermore two appeals have been dismissed in 2014 and 2016 concerning dwellings on this site. In both cases Planning Inspectors supported the Council's stance that such development was inappropriate in principle.

Since the previous applications were determined, the applicant has constructed an outbuilding and a double garage, a crossover has also recently been installed in relation to No 43 the Drive. During a site visit, officers noted the applicant has separated the site with a 'Heras' type metal screen however the applicant claims the barrier was erected for health and safety reasons. The applicant considers the site's context has changed however, officers consider the vast majority of the site is open and verdant. The outbuilding and garage have been accepted under permitted development but for use by No 43 the Drive.

Officers maintain the proposal continues to harm the open and verdant character of the overall site. This area currently forms an essential break in the built form and an area of amenity that contributes to the street scene. There is also a useful turning area for vehicles, which serves to emphasise its openness. The loss of this area to further buildings would harm this openness and amenity of the area. Similarly the open aspect from the rear of the properties in The Drive, including the donor properties and Nos 41, 43 and 45, would be lost. The proposal would therefore fail to retain the open and green nature that is characteristic of the area.

The scheme is therefore unacceptable in principle, and recommended for the reasons outlined in this report.

2. RECOMMENDATION

That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant planning permission subject to refuse this application for the reasons outlined below:

1 NON2 Non Standard reason for refusal

The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (March 2016).

2 NON2 Non Standard reason for refusal

The proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE13 and BE19 of the Hillingdon Local Plan (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), the London Plan Policies (2015). 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 (2015) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking

	facilities
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.
H3	Loss and replacement of residential accommodation
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
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 3.8	(2016) Housing Choice
LPP 5.13	(2016) Sustainable drainage
LPP 5.18	(2016) Construction, excavation and demolition waste
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 7.14	(2016) Improving air quality
LPP 7.4	(2016) Local character

4

You are advised that the proposed development represents chargeable development under the London Borough of Hillingdon and the Mayor's Community Infrastructure Levy Charging Schedules. Should the application be subject to an appeal which was allowed the development would be liable.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated to the rear of Nos. 41 and 43 The Drive. it should be noted that all of the application land is in the ownership of No. 43 The Drive. The site is rectangular in shape, measuring 19.1 m wide by 71.7 m deep, and comprises the rear garden of No 41 The Drive and also extends to the rear of No. 43 The Drive. The site comprises of areas of lawn, trees and vegetation, has an overall area of 0.13 ha and is verdant in character despite the recent addition of an outbuilding and double garage. The

site is subject of area TPO No. 124 which covers land at 35-49 The Drive.

It is worth noting that since the refusal of planning permissions for a previous scheme, the applicant, has obtained a Certificate of Lawful Development (ref: 43995/APP/2016/3262) for the construction of an enclosed swimming pool in the rear garden of no. 43 the Drive. The proposed house is proposed to sit broadly on the footprint of the swimming pool building enclosure. At the time of the Officer's site visit works had begun on the swimming pool building and double garage but they were not completed.

Subsequently, an appeal was allowed at appeal for a certificate of lawful use relating to a double garage to the rear of No 43 the Drive. The Inspector found that it was not unusual for a dwelling of this size to have a garage of the size that is being constructed. The Inspector found no evidence to suggest the two plots were not in single ownership and therefore concluded that a double garage for the sole use of No 43 the Drive.

The Southern boundary of the site adjoins the Southern arm of Knoll Crescent, which currently terminates in the form of a turning area adjacent to the site. Knoll Crescent is characterised by relatively modern properties of several different designs situated within a pleasant semi-urban environment. The application site forms part of an area of generally wooded garden land which separates the Northern and Southern arms of Knoll Crescent.

The application site remains similar as that for the three previously refused schemes, however it has been extended to the South East and terminates adjacent to no. 113 Knoll Crescent. The application site slopes down in an Easterly direction from the host dwelling. Therefore, the properties in Knoll Crescent [to the South] are at a considerably lower level than those in The Drive.

An outbuilding allowed under permitted development has been built in the same position as the proposed pair of semi-detached houses. The outbuilding is for the use of a swimming pool, however, no swimming pool has been built. A double garage has been constructed further to the south of the swimming pool. Both buildings have yet to be completed.

Beyond the south eastern boundary is land designated as Green Belt and a Site of Interest for Nature Conservation.

3.2 Proposed Scheme

The proposal seeks permission for a pair of 3 bedroom semi detached houses to be built within the rear garden area with access from Knoll Crescent, effectively forming an extension of the existing Knoll Crescent street scene. The proposed house would be to the west of the site.

The proposed pair of semi detached dwellings would be single storey with a maximum height of 6.1m incorporating a steep pitch roof with all the bedrooms in the roof space. The building would have two front gables and two front dormers to all sunlight/daylight to and outlook from the bedrooms. The building would be 15m wide, 9m deep. Internally these family sized dwellings provide 3 bedrooms on the first floor and a ground floor kitchen/diner and lounge space creating 105sq.m of internal floorspace for each house.

3.3 Relevant Planning History

68458/APP/2012/779 Land Rear Of 41 & 43 The Drive Northwood

4 x two storey, 4-bed, detached dwellings with associated amenity space and parking and

installation of vehicular crossover to front

Decision: 08-08-2012 Refused

68458/APP/2013/1405 Land Rear Of 41 & 43 The Drive Northwood

2 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover

Decision: 28-08-2013 Refused

Appeal: 20-02-2014 Dismissed

70975/APP/2015/2012 Land Adjacent To 68 Knoll Crescent Northwood

Two storey detached dwelling with associated parking and amenity space

Decision: 26-08-2015 Refused

Appeal: 16-04-2016 Dismissed

70975/APP/2015/3737 Land Adjacent To 68 Knoll Crescent Knoll Crescent Northwood

Two storey detached dwelling with associated parking and amenity space

Decision: 18-02-2016 Refused

Appeal: 26-04-2016 Withdrawn

70975/APP/2017/586 Land Adjacent To 68 Knoll Crescent Knoll Crescent Northwood

2 x 3-bed, one and a half storey, semi-detached dwelling houses with associated parking and amenity space, involving demolition of existing outbuilding.

Decision: 10-05-2017 Refused

Comment on Relevant Planning History

43 The Drive

APP/R5510/X/17/3184549 - appeal allowed and a certificate of lawful use granted for a double garage.

43995/APP/2016/3262 - Single storey outbuilding to rear for use as a swimming pool (Application for a Certificate of Lawful Development for a Proposed Development). Granted on 16/10/2016.

Land Adjacent to 68 Knoll Crescent

Under ref: 70975/APP/2015/2012 and 70975/APP/2015/3737, planning permission was refused for the two storey detached dwelling with associated parking and amenity space for the following reasons:

1. The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP

Policies (November 2012), and Policy 3.5 of the London Plan (March 2015).

2. The proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the streetscene, causing harm to the visual amenities of the surrounding area. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012).

3. The proposal fails to make adequate provision for the protection and long-term retention of valuable trees. The proposal therefore does not comply with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (March 2015).

Under ref: 68458/APP/2012/779, planning permission was refused for the erection of 4 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover to front on the same area of land for the following reasons:

1. The proposed development would constitute backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), and Policy 3.5 of the London Plan (July 2011).

2. The proposal would result in the loss of a significant number of trees (including protected trees) and would adversely impact on the green vista and arboreal character of the area. The proposal does not take into account the future growth / size of trees and the impact that this growth would have on the amenities of the proposed occupiers. The proposal therefore does not comply with Policy BE38 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3. The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

Under ref: 68458/APP/2013/1405, planning permission was refused and dismissed at appeal for the 2 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover for the following reasons:

1. The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (July 2011).

2. The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

Officer Comments:

There is a long history of applications and appeals. As listed above, previous applications for two new dwellinghouses have been dismissed at appeal. The applicant has since constructed an outbuilding to house a swimming pool and a double garage to the rear of No 43 the Drive, both of which have yet to be completed. The grant of the two certificate of lawful developments by no means infers that the open and verdant nature of the site has been compromised or the permission for new dwellings should be granted.

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

PT1.H1 (2012) Housing Growth

Part 2 Policies:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
H3	Loss and replacement of residential accommodation
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
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LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 7.14	(2016) Improving air quality
LPP 7.4	(2016) Local character

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

This application was consulted on between 20-04-2018 and 11-05-2018. 13 objections and 1 petition against this application were received. The comments are summarised below:

- Planning applications on this site have been refused many times and also on appeal.
- It is back garden development. Loss of green amenity.
- The garage block which the applicant proposes to demolish may well have to be demolished as it was built before a planning decision was made.
- The decision about the legality of this building rests with the planning inspectorate. There would be increased parking problems at the end of Knoll Crescent.
- Local residents are subjected to yet another worrying application from this vexatious and deceitful applicant, antagonising both LBH and residents.
- This applicant is a serial site-wrecker as the history clearly shows with no regard for neighbours or due planning process. Local residents have no confidence whatsoever in his application, the undertakings therein because of his previous egregious behaviour.
- The development would adversely affect the existing amenity, open and verdant nature; would constitute loss of open space; would add to traffic and parking problems---all of which we have elaborated on at length before.
- It would unfairly deprive existing residents of parking rights in an already difficult and crowded environment.
- This applicant is deceitful because he refuses to reveal his ultimate intentions for the entire site, he does not wait for appeals before relaunching the application process, he does not turn up to hearings or appeals visits, he does not respect LBH's planning process, and has even necessitated action by LBH's ASBO officers when he obstructed Knoll Cres. and risked damaging legally parked cars. He knocked down a retaining wall, and forced access to the plot via Knoll Cres. across a strip of land which does not belong to him.
- every tree is of great value and hence the removal of any tree will have a detrimental impact on the environment. The many birds who inhabit the trees in this area such as woodpeckers, who make

such a wonderful sound would also probably object to the removal of trees if they had a voice. In order to provide a better balance to the application, it must also be important to request comments on the tree report from a conservation organization to advise how the environment would be affected by the removal of trees. These trees help to improve the air quality and provide cooling and shade for adjacent buildings.

- The application fails to address the issue of drainage. During our residency in Knoll Crescent problems have been experienced with the drains so an extra two properties pose a risk of additional problems if connected to the existing drainage system. The application would appear incomplete without a proper drainage proposal, any proposal would need to guarantee no adverse impact on the current drainage system, preferably by not using it and devising an alternative solution.

- this applicant has had numerous applications to build dwellings on this garden land refused by Hillingdon's Planning Committee, for numerous reasons, and previous appeals have all been dismissed. Most recently, an almost identical proposal for 2 'Shally' bungalows was refused on 12 May 2017 (ref: 70975/APP/2017/586) and the reasons cited by the council still apply to this latest application. In fact, when I laid the 2 site plans over one another in Photoshop, I was able to clearly see that there is no material difference between the 2 proposals. So, if the first was refused then surely the second should be refused also on the same grounds. After the application was rejected in 2017, the applicant immediately sought and was granted Permitted Development for the construction of a 'Swimming Pool' exactly where the proposed houses would have been. Although there appears to be the shell of that Swimming Pool building in existence, there was never any significant underground work done to accommodate a pool - there is no large hole for any water. It's clear to everyone that the applicant never intended to actually complete the Swimming Pool at all, and it was only erected (hastily, and without certification from the appointed independent inspector) as a deception for the benefit of this latest application. The applicant now refers to this as an 'Existing Outbuilding' - but this was only built in a blatant attempt to circumnavigate the Council's previous decisions.

- This application does not address two of the Council's previous main reasons for refusal, backland development and loss of a significant number of trees. Backland development - two proposed houses will 'fail to maintain the open and verdant character and appearance of the surrounding area' and is contrary to Planning Policy BE21. The Council's previous refusal was not that the character and appearance of the area would be harmed but that it would be 'eroded'.

- The proposed two houses are an incremental erosion of the character of the area. We're concerned about what will happen to the 'island' of land that is left at the south-eastern edge of the site.

- The character of the site has been changed from a green, leafy, verdant back garden to a building site of (mainly) unfinished buildings (swimming pool, double garage and site office).

- Contrary to Saved Policy H12 - 'tandem development of back land in residential areas will only be permitted if no undue disturbance or loss of privacy is likely to be cause to adjoining properties'. The relative positions of the proposed houses with Nos 41 and 43 The Drive will result in the issues outlined in this policy, notably residents will be able to look from the proposed houses and vice versa, into a significant number of habitable rooms. .

- The position of the houses is close to 41 and 43 the Drive resulting in the loss of privacy

- It is similar to a previous application that has been refused.

- Proposal would result in the loss of green space.

- The proposal would result in congestion.

Internal Consultees

Highways Officer

No objection - comments included within the main body of the report.

EPU comments:

No environmental health comments received for the current application, however, previous comments still apply:

A condition is required to test the garden soils is advised to ensure that the gardens are clean and free from contamination for the new residents.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

As with the previous applications, this proposal would represent backland development to which there have been recent changes to policy, as contained within both the London Plan 2016 and the National Planning Policy Framework.

With regard to the London Plan, Policy 3.5 states that developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in the plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDF's introduce a presumption against development on back gardens where this can be locally justified.

The London Plan comments in Paragraph 3.34 comments that "Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on backgardens where locally justified by a sound local evidence base..."

The Hillingdon Local Plan: Part 1 Strategic Policies (November 2012) in policy BE1 requires that all new development should improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Point 9 of policy BE1 seeks to prevent proposals that would result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.

Consideration also needs to be given to 'saved' Unitary Development Plan policy H12. This policy seeks to prevent backland development where it would cause undue disturbance or loss of privacy to adjoining neighbours.

It is considered that this proposal is clearly a backland development despite the outbuilding and double garage. The loss of the rear garden area and the impact of the new building proposed on an otherwise green space, adjacent to the Green Belt (to the South East) and clearly visible from both public and private areas would be detrimental to the character of the area.

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

The site is not within or adjacent a special character area.

7.04 Airport safeguarding

There are no airport safeguarding issues raised by this application.

7.05 Impact on the green belt

The site is not situated within Green Belt land although it is adjacent to it. However, given the existing built environment and its relationship with the boundary, it is considered on balance that there would be no adverse impact on the openness of the Green Belt. Where seen from within the adjoining Green Belt the buildings would be seen as a continuation of the Knoll Crescent properties. No Green Belt issues are therefore raised by this application.

7.07 Impact on the character & appearance of the area

As detailed elsewhere in this report, the proposed development would impact on the character and appearance of the area, resulting in the loss of an area of open space that contributes to the character of the area and the amenities of existing residents that surround the site.

This is particularly apparent from the end of Knoll Crescent, where the access to the proposed site would be created and the house constructed. This area currently forms a break in the built form and an area of amenity that contributes to the street scene. This break in built form is considered essential to allow for the prominence of the trees to remain the dominant visual feature safeguarding the current character of the area.

Fronting towards the turning area for vehicles, the site is prominent emphasising its openness. The loss of this area to further buildings would harm this openness and amenity value. Similarly the open aspect from the rear of the properties in The Drive, including the donor property and No.41, would be lost.

The submission documentation argues that approved the swimming pool enclosure and double garage located to the rear of No.43 the Drive granted under a Certificate of Lawful Development already impact on the openness of the area and therefore an argument that the proposed house would impact on the open character of the area cannot be made by Officers.

It must be noted however, that at the time of the Officer's site visit the whilst works had commenced the swimming pool outbuilding and double garage had been constructed but not completed.

Additionally the approved swimming pool and double garage would be allowed a maximum of 4 m in height whereas the proposed semi detached dwellings would be 6.1 m in height, an increase in height of 2 m or 50%, which have a far greater impact on the open character of the back gardens. The swimming pool and double garage could only be used solely by No 43 the Drive and incidental to the dwelling, whereas this development would result in the construction of two dwellings, access and a substantial area of hard standing to the front of each property resulting in the loss of openness and verdant character and appearance of the surrounding area.

The proposal would therefore fail to retain the open and green nature that is characteristic of the area, and would be contrary to Policy BE1 of the adopted Hillingdon Local Plan: Part One Strategic Policies (November 2012), Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (March 2016).

7.08 Impact on neighbours

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 overdominant and a 21 m distance maintained between facing habitable room windows and private amenity space, considered to be a 3

m deep 'patio' area adjoining the rear elevation of a property to safeguard privacy.

Whilst the proposed development would result in a harmful change in character of the area, it is considered that there would be no material impact on the amenities of adjoining occupiers. Appropriate conditions could be imposed on any planning permission granted to ensure that there would be no adverse impact on the amenities of the adjoining occupiers, such as, for example through the provision of obscure glazing, or preventing the installation of roof extensions and dormers, or outbuildings.

The new buildings would be sited at a lower level than the properties in The Drive, similar to the existing relationship with other properties in The Drive and Knoll Crescent. The relationship between the new buildings with the properties adjacent in Knoll Crescent would also be satisfactory.

There would thus be no significant adverse impact in terms of loss of light or privacy, or overlooking or any overbearing impact or visual intrusion that would justify a refusal of planning permission.

In this respect the proposal is therefore considered to comply with Policies BE20, BE21 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Mayor's Housing Standards (2016) 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 2 storey, 3 bedroom, 5 person dwelling, to have a minimum size of 93 sq.m. The proposed new dwellings would each be approximately 107 sq.m and would comply with the required standard resulting in a satisfactory residential environment for future occupiers.

Section four of the Council's HDAS: Residential Layouts states that developments should incorporate usable attractively laid out and conveniently located garden space in relation to the dwellings they serve. It should be of an appropriate size, having regard to the size of the houses and the character of the area.

The side/rear amenity space meets these requirements and therefore would provide a satisfactory standard of residential amenity for future householders. The level of amenity space retained for the use of no.43 The Drive would also remain acceptable in accordance with the Council's guidance. As such, the scheme complies with Policies BE23 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed bedrooms would be screened by hedges and set more than 21 m from neighbouring properties and would therefore not be overlooked by adjoining properties.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2016).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Parking Provision/Access & Internal Layout

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy (November 2012) states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

It is proposed to provide 2 x three bed semi-detached residential units. The maximum parking standard requires 2 spaces per unit hence a total quantum of up to 4 spaces should be provided on-site to comply with the adopted parking standard. This quantum is proposed and is welcomed as the location exhibits a low PTAL level which encourages a provision toward the maximum end of the standard.

Parking is arranged in communal fashion and would be accessed via a new aperture in the existing 'turning head' that serves Knoll Crescent. This arrangement is considered acceptable on highway grounds and it conforms to DfT (Manual for Streets circa 2007) best practice for road and parking layouts. In addition there is highway safety benefit from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

In terms of cycle parking there should be a provision of 2 secure and accessible spaces for each of the dwelling units (totalling 4 spaces) in order to conform to the adopted minimum borough cycle parking standard. A secure compound has been indicated within the submission but without specific detail in cycle number terms. Notwithstanding this point the provision of the 2 spaces per unit requirement can be secured via planning condition.

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy (November 2012) requires the Council to consider 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.

The proposal would clearly increase traffic generation from what is currently a dormant site. However peak period traffic movement into and out of the site would not be expected to exceed 1-2 additional vehicle movements during the peak morning and evening hours. Such potential uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

A full and detailed CLP will be a requirement given the constraints and sensitivities of the local residential road network in order to minimize/avoid potential detriment to the public realm. It will need to be secured under a suitable planning condition should the application be considered acceptable.

The application has been reviewed by the Highway Engineer who is satisfied that the proposal would not exacerbate congestion or parking stress*, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3,6.9, and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

The impact of the development on the verdant character of the area, the design of the houses, and their relationship with each other, in their own right, are considered unacceptable.

The scheme proposes a pair of chalet style semi-detached houses, with 1st floor accommodation located in large pitched roofs with large front gables and two front dormers.

The proposed design would not follow the pattern of development with the houses on Knoll Crescent and The Drive which have a clear consistency to their design. It is therefore considered that the design of the house as proposed would detract from the character and

appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

With regard to access and security, had the application not been recommended for refusal, conditions would have been sufficient to ensure compliance with the requirements of Policy BE18 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Guidance on Community Safety by Design.

7.12 Disabled access

If the scheme had been found acceptable a condition would have been secured to ensure the development would meet building regulation M4 (2) 'accessible and adaptable dwellings' in accordance with Policy 3.8 c of the London Plan (March 2015) and the Mayor's Housing Standards: Transition Policy Statement.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

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

This site is covered by TPO 124. There are several large, mature protected trees on and adjacent to this site. The tree report that has been submitted and has been updated since the previously refused scheme.

The current scheme has been amended in such a way as to minimise harm to the valuable, protected Ash trees (T40 & T41 on TPO 124).

The proposal addresses the previous reason for refusal and the scheme makes adequate provision for the protection and long-term retention of valuable tree/s, subject to conditions.

7.15 Sustainable waste management

Refuse would be collected from Knoll Crescent via the new opening in the turning head. An indicative bin store location is depicted on plan however a site management regime should ensure that waste collection distances do not exceed 10m from the point of collection from the public highway in order to conform to good practice. Had the application have been considered acceptable, a management plan would have been sought.

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

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

7.18 Noise or Air Quality Issues

It is considered that the proposal would not give rise to any additional noise or air quality issues of concern.

7.19 Comments on Public Consultations

A lot of objections have been received regarding the applicant's character and approach to

planning applications at this site. This is not a material planning consideration that can be taken into account in coming to a decision on this development.

7.20 Planning Obligations

Not applicable.

7.21 Expediency of enforcement action

There are no ongoing enforcement cases at this site.

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 development.

10. CONCLUSION

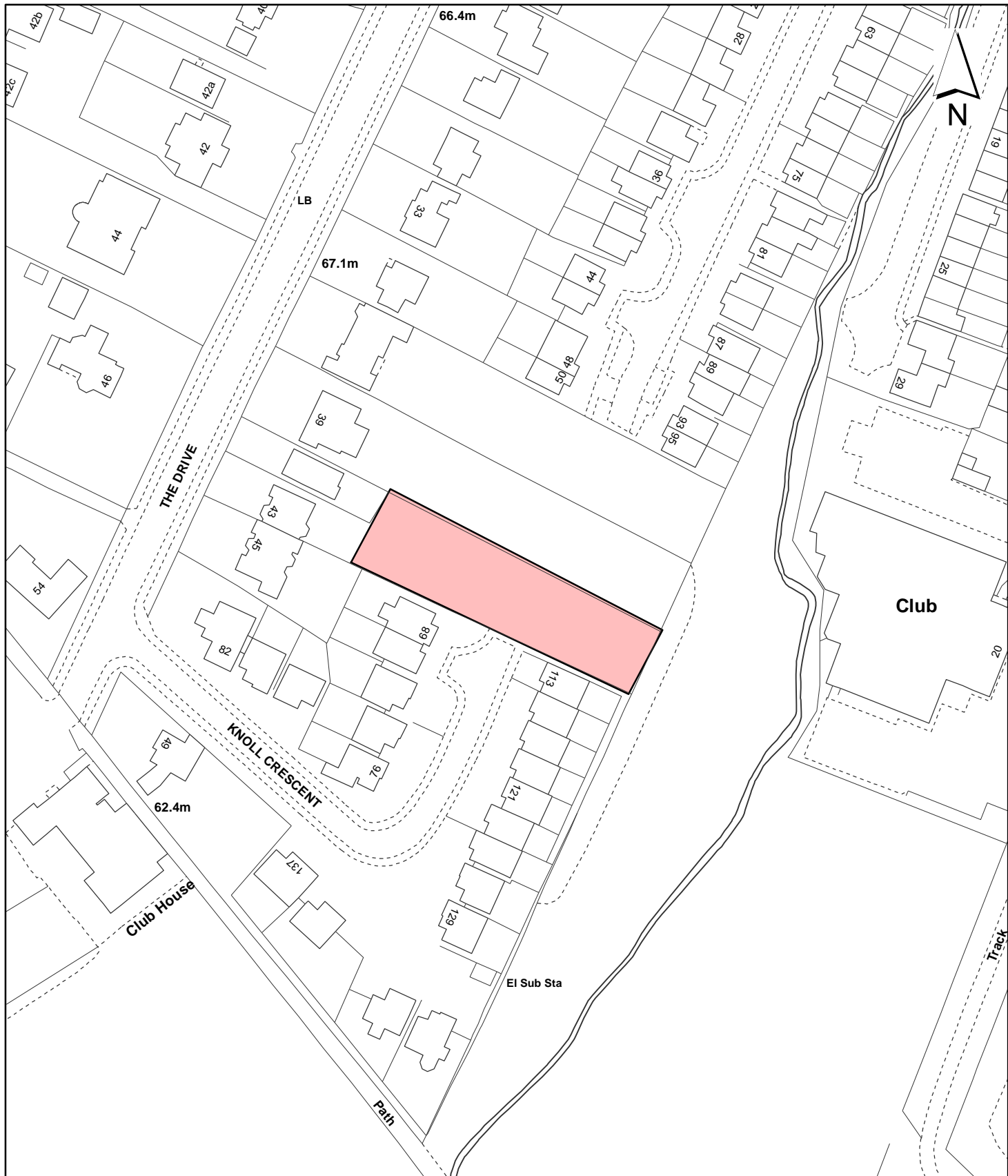
The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. Furthermore, the proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area. For these reasons outlined in this report, this application is recommended for refusal.


11. Reference Documents

Hillingdon Local Plan (November 2012)
London Plan (2016)
National Planning Policy Framework
HDAS: Residential Layouts

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Land Forming Part of 43 The Drive</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>70975/APP/2018/1295</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North Application</p>	<p>Date</p> <p>June 2018</p>	



HILLINGDON
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