

Report of the Head of Planning, Transportation and Regeneration

Address LAND REAR OF 40 DUCKS HILL ROAD NORTHWOOD

Development: Two storey, 4-bed, detached dwelling with habitable roof space and detached double garage with associated parking and amenity space and installation of vehicular crossover from Cygnet Close.

LBH Ref Nos: 73183/APP/2017/3355

Drawing Nos: 1274/P/1A
1274/P/6A
1274/P/7A
Location Plan
1274/P/2
1274/P/3
1274/P/4
Design & Access Statemen
Tree Report

Date Plans Received: 14/09/2017 **Date(s) of Amendment(s):** 14/09/2017
Date Application Valid: 14/09/2017

1. SUMMARY

The application is referred to committee as a result of receipt of a petition with 38 signatures objecting to the loss of 2 TPO'd trees. The applicant has appealed on grounds of non-determination. Thus the recommendation is based on the decision that would have been reached in the absence of an appeal.

The application is for a development to provide a detached two-storey 4- bedroom dwelling with associated parking and amenity space. The site is to the rear of No 40 Ducks Hill Road which together with No. 38 has been subject to extensive planning history including two recent approvals for both flats and detached dwellings. It is a relatively flat site but characterised by mature hedges to the boundaries and mature trees to the boundary with Cygnet Close where the vehicular and pedestrian access is proposed .

It is considered that the applicant has not demonstrated that there will not be the loss of protected trees.

The proposed development would constitute a 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.

It is considered that the proposal, as submitted, does not involve an acceptable form of vehicular and pedestrian access off Cygnet Close. It is noted that the applicant has not served notice on land owners of intervening land which exists between the public highway and the application site. It is considered that the site must be determined as a 'land locked' site. This causes serious concerns regarding access for emergency service vehicles,

refuse collection, pedestrian accessibility and parking stress.

For these reasons, as outlined in this report, it is recommended that the Planning Inspectorate be informed that the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development would constitute a 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 incongruous 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).

3 NON2 Non Standard reason for refusal

It is considered that the proposal, as submitted, does not involve an acceptable form of vehicular and pedestrian access off Cygnet Close. It is noted that the applicant has not served notice on land owners of intervening land which exists between the public highway and the application site. It is considered that the site must be determined as a 'land locked' site. This causes serious concerns regarding access for emergency service vehicles, refuse collection, pedestrian accessibility and parking stress. The application is therefore considered to be contrary to Saved policies AM7 and AM14 of the of the Hillingdon Local Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016).

4 NON2 Non Standard reason for refusal

The proposed development makes inadequate provision for the protection and long-term retention of amenity trees protected by Tree Preservation Order number 742. The loss of these trees, would harm the appearance, amenity and wooded character of the area contrary to Saved Policy BE38 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.

AM14	New development and car parking standards.
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.
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
EM6	(2012) Flood Risk Management
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
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation 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
NPPF	National Planning Policy Framework
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

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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 appeal be allowed the development would be liable.

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 located to the rear of No.40 Ducks Hill Road with direct access from Cygnet Close. Cygnet Close is characterised by two storey detached and terraced houses. Ducks Hill Road is characterised by detached houses with some semi-detached houses and flats in a verdant setting.

The site is relatively flat with mature hedges to the boundaries and mature trees to Cygnet Close. The site is adjoined by a small terrace of two storey dwellings to the North (nos. 5-10 Cygnet Close). There is a new development of detached two storey dwellings to the South. To the West is the turning area at the end of Cygnet Close fronted by a small terrace of two storey dwellings (Nos 19-21 Cygnet Close) To the East is Nos 38-40 Ducks Hill Road with planning permission for 4 no. 4 bed 2 storey dwellings.

The site is covered by Tree Preservation Order (TPO) 742.

3.2 Proposed Scheme

The proposal is for a two storey, 4-bed detached dwelling with associated parking and amenity space. The proposal incorporates roofspace accommodation. A separate garage and parking area is shown forward of the proposed dwelling.

3.3 Relevant Planning History

71798/APP/2016/2997 38 And 40 Ducks Hill Road Northwood

Erection of a three storey building to create 9 x 3-bed self-contained flats with car parking within basement, with associated parking and landscaping, installation of vehicular crossover to front and detached summerhouse to rear, involving demolition of existing houses.

Decision: 05-01-2017 Refused **Appeal:** 09-02-2018 Dismissed

71798/APP/2017/2381 38 And 40 Ducks Hill Road Northwood

4 x 4-bed, semi-detached dwellings with habitable roofspace to include installation of vehicular crossover, associated parking and amenity space, involving demolition of existing dwellings.

Decision: 01-09-2017 Approved

71798/APP/2017/803 38 And 40 Ducks Hill Road Northwood

Erection of a three storey building to create 9 x 3-bed self-contained flats with car parking within basement, with associated parking and landscaping, installation of vehicular crossover to front and detached summerhouse to rear, involving demolition of existing houses (Resubmission).

Decision: 30-05-2017 Refused **Appeal:** 09-02-2018 Dismissed

71798/APP/2018/803 38 And 40 Ducks Hill Road Northwood

Demolition of existing dwellings and erection of a part three-storey, part two-storey building to create 8 x 3-bed self-contained flats with basement car parking, remodelled access from Ducks Hill Road and communal amenity space including an outbuilding

Decision: 25-06-2018 Approved

71798/PRC/2016/71 38 And 40 Ducks Hill Road Northwood

Erection of three storey detached building to create 9 residential flats following demolition of 38 and 40 Ducks Hill Road.

Decision: 06-06-2016 OBJ

Comment on Relevant Planning History

There is no specific history relating to this part of the site. However, the forward part of the site has been subject of extensive planning history. Most recently -

71798/APP/2017/2381 - Nos 38-40 Ducks Hill Road. Erection of 4 x 4-bed, semi-detached dwellings with habitable roofspace to include installation of vehicular crossover, associated parking and amenity space, involving demolition of existing dwellings. (Approved 01/09/2017)

71/98/APP/803 - Nos 38-40 Ducks Hill Road. Demolition of existing dwellings and erection of a part three-storey, part two-storey building to create 8 x 3-bed self-contained flats with basement car parking, remodelled access from Ducks Hill Road and communal amenity space including an outbuilding (Approved 25/06/2018)

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.
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.
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
EM6	(2012) Flood Risk Management
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
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation 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
NPPF	National Planning Policy Framework
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbours were notified on 22/09/2017 and a site notice was displayed on 29/09/2017. An additional site notice was displayed on 16/10/2017

By the end of the consultation period 6 objections were received from neighbours and an additional objection from the Northwood Residents Association. In summary -

- (1) This is backland development and therefore unacceptable.
- (2) It is not, as claimed by the applicant, previously developed land.
- (3) Overdevelopment .
- (4) Loss of light.
- (5) Overlooking and loss of privacy.
- (6) Unsatisfactory traffic generation.
- (7) Loss of mature trees covered by a TPO.
- (8) Loss of habitat for birds and insects.
- (9) Noise and dust from construction.
- (10) Unsatisfactory consultation, neighbours not notified.

A petition containing 38 signatures was also submitted objecting to the loss of 2 no, TPO'd trees.

Officer Comment: The objector is correct that this is not previously developed land under the definition in the NPPF. As such there is no presumption in favour and it can be referred to as 'backland development'. The records show that the particular objector was notified. Notwithstanding whether the letter arrived the householder had clearly had an opportunity to comment and their views are summarised above. Officer's twice erected site notices to ensure a thorough public consultation. Noise and dust from construction are not a planning matter. All planning matters are considered below.

Internal Consultees

Trees/Landscape Officer (summarised comments):

The loss or threat to trees was subject to discussion with the applicant's agent which led to amended drawings being submitted. Despite this the Trees Officer further commented that the section diagram was too optimistic and shows a relatively flat line across the front of the site. The ground slopes upwards after the pavement, so this scheme would damage too many roots of retained trees in his view.

In the light of the above, the application should be refused. The applicant has failed to demonstrate that the trees, protected by TPO 742, will be unaffected by the development and has not made provision for their long term protection. The loss of the trees will have a detrimental impact on the amenity and character of the area.

Highways Officer:

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 a 4 bedroom detached residential unit. In order to comply with the maximum parking standard there is a requirement for 2 on-plot spaces to be provided. A quantum of 4 spaces are proposed which includes 2 spaces within a new double garage.

Although this level of provision exceeds the maximum standard, the higher level of provision is welcomed as the location exhibits a below average PTAL level which encourages a higher provision owing to the resultant elevated reliance on the private motor car.

The proposed internal parking and road layout arrangement conforms to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is a highway safety benefit derived from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave in a forward gear which is the

recommended practice on highway safety grounds.

Access to the new roadway and the said parking spaces would be gained via a newly created aperture in Cygnet Close. This is considered acceptable in principle as the positioning would not cause any predicted detriment to the public highway in terms of safety or the free flow of vehicular traffic. However it is noted that there appears to be a 'ransom strip' present between the site envelope and the adopted public highway in Cygnet Close which precludes the creation of an opening unless the applicant can show legal title to the ransom strip.

This has not been provided within the submission hence it is presumed that a formal land registry 'title' affiliated to the applicant does not exist which precludes the right of way over this piece of land and the formation of a new crossing point. On this premise the proposal, as it stands, does not demonstrate a deliverable design in terms of pedestrian/vehicular access to the site and on-plot parking provision and should therefore be refused on that premise.

Cycling Parking Provision

In terms of cycle parking there should be a provision of at least 2 secure and accessible spaces for the new dwelling in order to conform to the adopted minimum borough cycle parking standard. A secure compound has been indicated within the new garage with 4 spaces indicated which is compliant to the standard.

Trip Generation

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.

Operational Refuse Requirements

Refuse would be collected from Cygnet Close via the proposed opening (see above).

An indicative refuse collection point is depicted on plan in vicinity of this opening which is considered acceptable as it conforms to the 'waste collection' standards. There are no further observations.

Construction Logistics Plan (CLP)

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

Conclusion

The application has been reviewed by the Highway Authority who are concerned that the proposal, as submitted, cannot be delivered as the creation of a new vehicular and pedestrian access located off Cygnet Close would not be achievable due to the applicant failing to demonstrate a land registry title deed to the ransom strip at this aperture, contrary to policies AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016). Refusal on the above grounds is therefore recommended.

Officer Comment: It can be clarified that the extent of the 'ransom strip' is such that it must be considered that there is no legal means for refuse collection or emergency vehicle access to the site.

Access Officer - no objection subject to compliance with Part M of the Building Regulations.

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.

The proposed development would impact on the character and appearance of the area, resulting in the loss of an area of undeveloped land 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 Cygnet Close, 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 private amenity that contributes to the character and appearance of the street scene. This break in built form is considered essential to allow for

the prominence of the trees and hedges to remain the dominant visual feature safeguarding the current character of the area. Although the development meets minimum distances to side boundaries, the overall issue is loss of this important verdant parcel of land which is considered to make a very positive contribution to the character and bio-diversity 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).

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) seeks to optimise housing potential and includes a sustainable residential quality (SRQ) matrix for calculating the optimal density of residential development of a particular site. Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposed dwelling would be closest to the garage of No10 Cygnet Close and would be visually read in the context of this streetscene. There is a strong building line from No 5 to No 10 Cygnet Close. The proposed dwelling does not respect the appearance of the dwellings in Cygnet Close or the building line. It similarly does not respect any of the other nearby new developments as regards to design and appearance. It would appear as an incongruous dwelling at odds with the surrounding streetscene.

As such 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).

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 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 site adjoins the side garage to No. 10 Cygnet Close and sides onto new development in Muscovy Place. There is a single storey element on this side where it is intended to retain the hedge. The development is over 15 metres from the nearest dwelling in Muscovy Close. It is closer than 15 metres to No. 10 Cygnet Close. However, there are no side windows in No. 10 Cygnet Close and given the relevant angles between the proposed dwelling and that property it would be difficult to demonstrate an overbearing impact.

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

Policy BE24 seeks to protect the privacy of residents. HDAS and the London Plan (2016) recommend minimum sizes in relation to internal floor area for new dwellings.

Internal floor areas are assessed against the Housing Standards (Minor Alterations to the London Plan 2016). The house, as shown on the plans would be a 2 storey, 4 bedroom, 7 person house, requiring a minimum internal floor area of 121 m². (based on 3 storeys - the proposal incorporates roof space accommodation. The plans show an internal space in excess of 200 square metres.

This is above the minimum standard required by the London Plan and therefore the application provides sufficient internal living space. In this respect it would accord with 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).

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 4 bedroom house a minimum of 100 sq.m should be provided.

The proposals incorporate rear amenity space well in excess of this minimum standard.

The proposal is therefore in accordance with 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 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 a 4 bedroom detached residential unit. In order to comply with the maximum parking standard there is a requirement for 2 on-plot spaces to be provided. A quantum of 4 spaces are proposed which includes 2 spaces within a new double garage.

Although this level of provision exceeds the maximum standard, the higher level of provision is welcomed as the location exhibits a below average PTAL level which encourages a higher provision owing to the resultant elevated reliance on the private motor car.

The proposed internal parking and road layout arrangement conforms to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is a highway safety benefit derived from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave in a forward gear which is the recommended practice on highway safety grounds.

Access to the new roadway and the said parking spaces would be gained via a newly created aperture in Cygnet Close. This is considered acceptable in principle as the positioning would not cause any predicted detriment to the public highway in terms of safety or the free flow of vehicular traffic. However it is noted that there appears to be a 'ransom strip' present between the site envelope and the adopted public highway in Cygnet Close which precludes the creation of an opening unless the applicant can show legal title to the ransom strip.

This has not been provided within the submission hence it is presumed that a formal land registry 'title' affiliated to the applicant does not exist which precludes the right of way over this piece of land and the formation of a new crossing point. On this premise the proposal, as it stands, does not demonstrate a deliverable design in terms of pedestrian/vehicular access to the site and on-plot parking provision and should therefore be refused on that premise.

Cycling Parking Provision

In terms of cycle parking there should be a provision of at least 2 secure and accessible spaces for the new dwelling in order to conform to the adopted minimum borough cycle parking standard. A secure compound has been indicated within the new garage with 4 spaces indicated which is compliant to the standard.

Trip Generation

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

Operational Refuse Requirements

Refuse would be collected from Cygnet Close via the proposed opening (see above). An indicative refuse collection point is depicted on plan in vicinity of this opening which is considered acceptable as it conforms to the 'waste collection' standards. There are no further observations.

Construction Logistics Plan (CLP)

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

Conclusion

The application has been reviewed by the Highway Authority who are concerned that the proposal, as submitted, cannot be delivered as the creation of a new vehicular and pedestrian access located off Cygnet Close would not be achievable due to the applicant failing to demonstrate a land registry title deed to the ransom strip at this aperture, contrary to policies AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016). Refusal on the above grounds is therefore recommended.

7.11 Urban design, access and security

See elsewhere in the report. One neighbour has raised issues of security as a result of proximity of the garage to the boundary. The proposed garage is within private land and it is not considered that exceptional security issues arise.

7.12 Disabled access

The application does not specifically address the needs of disabled people. This element of the proposal could therefore be conditioned if all other parts of the proposals were deemed to be acceptable.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

The tree officer has objected to the scheme as a result of potential loss of trees. The matter was discussed with the applicant but a satisfactory solution could not be found. This is considered elsewhere in the report. There is no evidence of the presence of protected species.

7.15 Sustainable waste management

The site is landlocked so must be considered on the basis that there are not satisfactory refuse collection arrangements.

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

The main planning issues raised by consultees related to this being backland development, out of keeping with the general character of the area, loss of trees and wildlife and loss of amenity. These are dealt with elsewhere in the report

Concerns are also raised with regard to the impact of construction traffic, and whilst the comments are noted, the harm would be of a temporary nature could not be considered to

be a reason for refusal on this application.

7.20 Planning obligations

Community Infrastructure Levy (CIL) -

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

Therefore the Hillingdon & Mayoral CIL Charges for the proposed development of 211 sq metres of additional floorspace are as follows:

Hillingdon CIL = £26,472.93

Mayoral CIL = £10,365.49

Total = £36,838.42

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

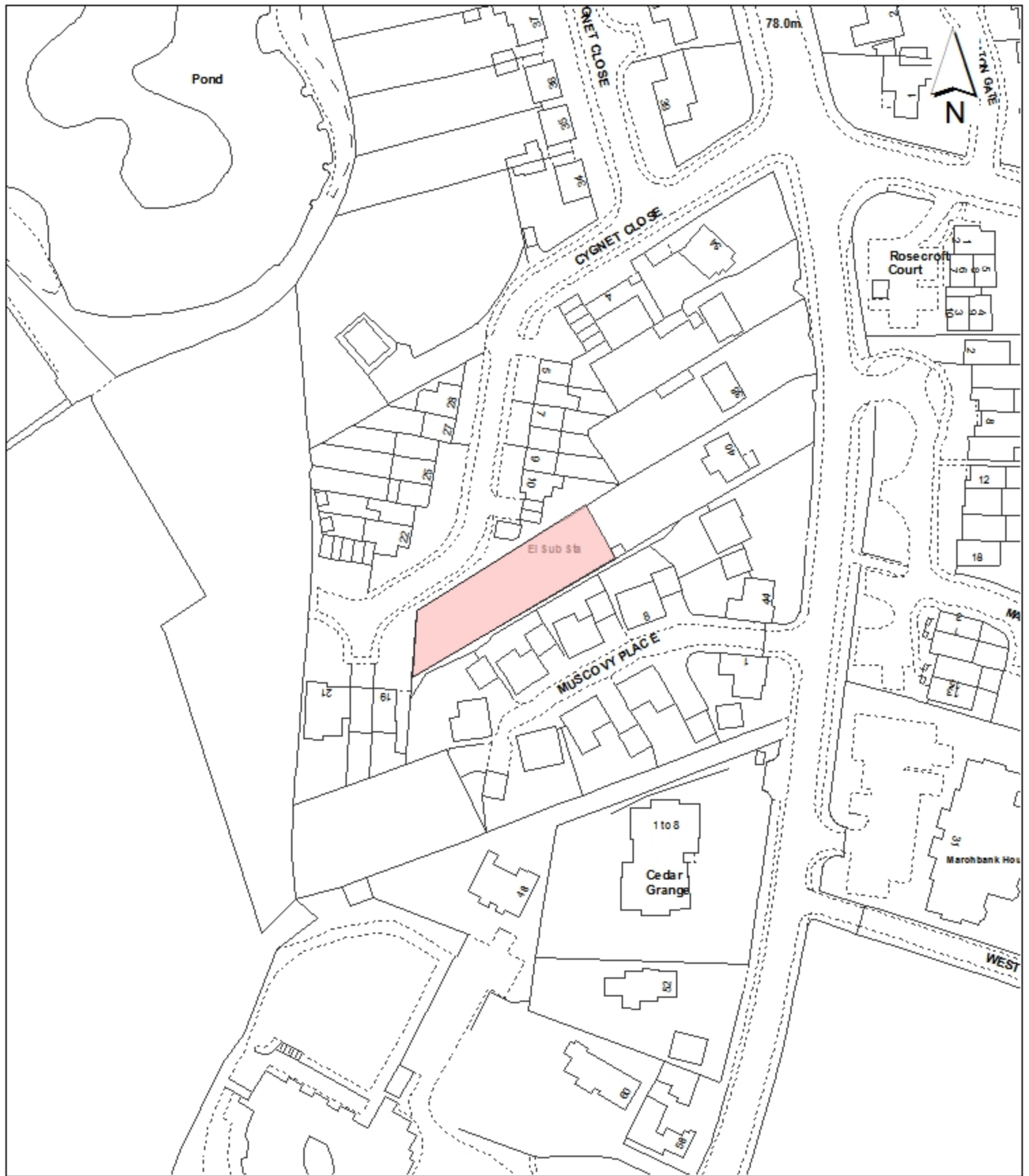
The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. Furthermore, the proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area. It is not considered that the applicant has demonstrated that protected trees will not be harmed. Furthermore there is a ransom strip onto Cygnet Close and the applicant has not demonstrated how this matter has been addressed. For these reasons outlined in this report, this 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)
Technical Housing Standards - Nationally Described Space Standard
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Cris Lancaster

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Land rear of 40 Ducks Hill Road
Northwood**

Planning Application Ref:

73183/APP/2017/3355

Planning Committee:

North

Scale:

1:1,250

Date:

July 2018

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

Civic Centre, Uxbridge, Middx. UB8 1UW
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HILLINGDON
LONDON