

Report of the Head of Planning, Transportation and Regeneration

Address 1 CLIFTON GARDENS HILLINGDON

Development: Two storey, 1 bed, semi detached dwelling with associated parking and amenity space and installation of vehicular crossover to front

LBH Ref Nos: 73835/APP/2018/1924

Drawing Nos: Design and Access Statemen
UB100EY-DWG-006 Rev. 01
UB100EY-DWG-004 Rev. 01
UB100EY-DWG-001 Rev. 01
UB100EY-DWG-003 Rev. 01
UB100EY-DWG-002 Rev. 01
UB100EY-DWG-007 Rev. 01

Date Plans Received: 24/05/2018 **Date(s) of Amendment(s):**

Date Application Valid: 07/06/2018

1. SUMMARY

The application seeks planning permission for the erection of a two storey, 1 bed, semi detached dwelling with associated parking and amenity space and installation of vehicular crossover to front. Whilst the proposal would not result in an unacceptable loss of residential amenity, significant concerns are raised in relation to the visual impact of the proposal, its impact on the architectural integrity of the host dwelling and the character and appearance of the street scene. Furthermore the proposal would result in highway and pedestrian safety concerns and result in an indoor living area of an unsatisfactory size for the occupiers of the proposed dwelling.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its projection forward of the recognised established return line along this side of Clifton Gardens and its excessive size, scale, bulk and width, on this prominent corner plot, is considered to represent an unduly intrusive and incongruous form of development. It would be detrimental to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part and the established layout of development to the detriment of the visual amenities of the street scene and the character and appearance of the surrounding area. The principle of intensifying the residential use of the site thus represents an overdevelopment of the site and the proposal is therefore 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 - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan and the council's adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

2 NON2 Non Standard reason for refusal

The proposal provides an indoor living area of an unsatisfactory size for the occupiers of

the proposed two storey one bedroom (2 person) house. The proposal therefore gives rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers 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).

3 NON2 Non Standard reason for refusal

The proposal, due to the siting of the proposed vehicular access point on the corner of Clifton Gardens and Long Lane, adjacent to a tactile paved crossing point, would result in a danger and inconvenience to highway users and pedestrians, to the detriment of pedestrian and highway safety contrary to Policies AM7 and AM14 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 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

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

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

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. The Council's supports pre-application discussions.

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises of a two storey semi-detached house located on the corner of Clifton Gardens with Long Lane which acts as a service road connecting the A437. The site lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey, 1 bed, semi detached dwelling with associated parking and amenity space and installation of vehicular crossover to front.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no planning history of relevance to this application site. It is noted that the planning design and access statement refers to a number of two storey side extensions within the nearby vicinity.

Officer note: The extensions detailed in the applicants report all pre-date the HDAS guidance and NPPF and do not relate to new dwellings.

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:

AM7 Consideration of traffic generated by proposed developments.
AM14 New development and car parking standards.
BE13 New development must harmonise with the existing street scene.
BE15 Alterations and extensions to existing buildings
BE19 New development must improve or complement the character of the area.
BE20 Daylight and sunlight considerations.
BE21 Siting, bulk and proximity of new buildings/extensions.
BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.
BE24 Requires new development to ensure adequate levels of privacy to neighbours.
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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

2 neighbouring properties were consulted by letter dated 13.6.18 and a site notice was displayed to the front of the site which expired on 13.7.18.

1 letter of comment has been received which objects to the proposal as follows:

1. The suggested driveway from 1 Clifton Gardens would face directly onto the busy junction of the service road and Clifton Gardens, this is an extremely busy junction particularly at school times and I don't believe a driveway at the angle suggested would be suitable.
2. Regarding parking for the property 1 Clifton Gardens is currently used as bedsits, if the additional property is built there would not be sufficient parking spaces for 1 Clifton Gardens.
3. The examples of 2 Clifton Gardens and 112 Long Lane, which have been used on the application, are not separate dwellings they are attached to the properties and do not have their own entrances.
4. The dilapidated garage which is damaged could contain asbestos.

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

Internal Consultees

Highways Officer:

The application site is located along the corner junction of Clifton Gardens and a section of Long Lane which acts as a service road connecting the A437. Within the vicinity of the site the road benefits from a zebra crossing and public transport links in the form of a bus stop. On-street parking along both Clifton Gardens and Long Lane is unrestricted resulting in some parking stress.

Proposals include a two storey 1-bed semi detached dwelling with associated parking and installation of a vehicular crossover to the front of no. 1 Clifton Gardens. I note the existing access currently serving the site is to serve the proposed dwelling only.

Having assessed the submitted information, the proposed access to be located along the apex of the Clifton Gardens/Long Lane junction, concerns are raised with the site frontage not being able to afford a sufficient linear distance beyond the bellmouth's tangent point in order to host a suitable private vehicular access.

Vehicles attempting to access the site would also be required to physically drive over a formal tactile paved crossing which sole purpose is to accommodate pedestrians.

The proposal is expected to result in vehicles having to reverse into and out of the site at the Long Lane/Clifton Gardens junction and would generate conflicting vehicle movements. This is in addition to associated vehicles obstructing a tactile paved crossing thus creating instances which would increase pedestrian hazards.

Mindful of the above, I recommend that this application is refused on highway safety grounds.

Hillingdon Council Highways:

We do not allow crossovers on corners/junctions and there is also pedestrian crossing points at this location which cannot be altered to accommodate a vehicular crossover

Landscape Officer:

This site is occupied by a two-storey semi-detached house at the junction with Long Lane. The plot is roughly triangular in shape, with a wide space to the side which at present accommodates a garage/outbuilding. There are no TPO's or Conservation Area designations affecting the site and no landscape features of merit.

COMMENT: No trees will be affected by the proposal. The proposed extension will be accessible via an existing dropped kerb. There is to be space to provide (modest) external amenity space and

accommodate bike and bin stores discreetly. If you are minded to approve this application, landscape conditions should be imposed.

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

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site lies within an established residential area. It is therefore considered there would be no objection in principle to the intensification of the residential use of the site, subject to all other material planning considerations being acceptable.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2011) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

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

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

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application.

7.05 Impact on the green belt

Not relevant to the consideration of 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'.

The advice contained within HDAS Residential Extensions requires two storey side extensions to appear subordinate in scale and to not exceed two thirds the width of the original dwelling. Furthermore extensions are required to not breach the return building line. In this case, at a width of 5.59m, the proposed side extension, whilst set back by 1m, would result in an extension representing 88% of the width of the host dwelling. Furthermore, given the orientation of the host property, at an angle to the adjoining property, the siting of the proposed development would be such that it would breach the return building line along

Clifton Gardens to a considerable extent that it would be a visually intrusive form of development. As such it is considered that the proposed development by reason of its projection forward of the recognised established return line along this side of Clifton Gardens on this corner plot and its excessive size, scale and bulk, is considered to represent an unduly intrusive and incongruous form of development which would fail to appear as a subordinate addition to the host dwelling and would be detrimental to the character, appearance and symmetry of the pair of semi-detached houses of which it forms a part. The principle of intensifying the residential use of the site would represent an overdevelopment of the site and have a detrimental impact on the character, appearance, visual amenity and local distinctiveness of the street scene and the area as a whole. The proposal is therefore 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 - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan and the council's adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

7.08 Impact on neighbours

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The Council's adopted HDAS SPD: Residential Layouts (July 2006) specifies in paragraph 4.9 that where a two or more storey building abuts a property or its garden, a minimum acceptable distance of 15 m should be maintained, so as to overcome possible over-domination, overbearing and overshadowing. Paragraph 4.11 of the HDAS SPD specifies that the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings. The principle involves drawing a line from the mid-point of an existing/new window that is potentially affected by a new dwelling at an angle of 45 degrees towards the new building. Paragraph 4.12 of the HDAS SPD specifies that new residential development should be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property. It gives advice that the distance should not be less than 21 m between facing habitable room windows.

Given the siting of the proposed dwelling in line with the rear elevations of the host dwelling, and separated from adjacent Number 3 Clifton Gardens by a gap of 1.185 m it is not considered that the scheme would result in an unacceptable loss of light or privacy. Furthermore, no first floor windows are proposed in the flank elevation of the proposed dwelling which will ensure that the occupants of nearby properties would not suffer an unacceptable loss of privacy. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

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 one bedroom (2 person) dwelling is required to provide an internal floor area of 58 square metres. At a floor area of 50.6 square metres, the proposal fails to comply with this minimum standard and would not provide an acceptable living environment for the future occupants in conflict with Policy 3.5 of the London Plan (2016).

The proposal would provide a private rear garden area of 43 square metres for the proposed dwelling and 61 square metres for the retained dwelling which would provide an acceptable level of outdoor amenity space in accordance with Policy BE23 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

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 application site is located along the corner junction of Clifton Gardens and a section of Long Lane which acts as a service road connecting the A437. Within the vicinity of the site the road benefits from a zebra crossing and public transport links in the form of a bus stop. On-street parking along both Clifton Gardens and Long Lane is unrestricted resulting in some parking stress. The proposed dwelling would be served by the existing vehicular crossover with the retained dwelling installing a crossover on the corner of Clifton Gardens and Long Lane measuring 3.392m in width. Two cars are proposed to be parked on the frontage for the retained dwelling with a single space being provided for the proposed dwelling. The proposed access to be located along the apex of the Clifton Gardens/Long Lane junction, raises concerns with regard to the site frontage not being able to afford a sufficient linear distance beyond the bellmouth tangent point in order to host a suitable private vehicular access. Vehicles attempting to access the site would also be required to physically drive over a formal tactile paved crossing which sole purpose is to accommodate pedestrians. The Council's Highways Officer has confirmed that the proposal is expected to result in vehicles having to reverse into and out of the site at the Long Lane/Clifton Gardens junction and would generate conflicting vehicle movements. This is in addition to associated vehicles obstructing a tactile paved crossing thus creating instances which would increase pedestrian hazards. The proposal is therefore considered contrary to both highway and pedestrian safety in conflict with Policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility concerns have been raised.

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of 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.

No trees would be affected by the development and the provision of additional landscaping could have been the subject of conditions had the application been recommended for approval.

7.15 Sustainable waste management

In the event of an approvable scheme, a condition could be imposed to secured sustainable urban drainage.

7.16 Renewable energy / Sustainability

Not relevant to the consideration of this application.

7.17 Flooding or Drainage Issues

Not relevant to the consideration of this application.

7.18 Noise or Air Quality Issues

Not relevant to the consideration of this application.

7.19 Comments on Public Consultations

The comments are addressed in the sections above.

7.20 Planning obligations

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

7.21 Expediency of enforcement action

Not relevant to the consideration of this application.

7.22 Other Issues

No other issues raised.

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 relevant to the consideration of this application.

10. CONCLUSION

The application seeks planning permission for the erection of a two storey, 1 bed, semi detached dwelling with associated parking and amenity space and installation of vehicular crossover to front. Whilst the proposal would not result in an unacceptable loss of residential amenity, significant concerns are raised in relation to the visual impact of the proposal, its impact on the architectural integrity of the host dwelling and the character and appearance of the street scene. Furthermore the proposal would result in highway and pedestrian safety concerns and result in an indoor living area of an unsatisfactory size for the occupiers of the proposed dwelling.

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:

**1 Clifton Gardens
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
73835/APP/2018/1924

Scale:
1:1,250

Planning Committee:
Central & South

Date:
July 2018

