

## Report of the Head of Planning, Transportation and Regeneration

**Address** LAND FORMING PART OF 26, AND 26 WINDSOR AVENUE HILLINGDON

**Development:** Two storey, 2-bed dwelling with associated parking and amenity space and single storey rear extension to existing dwelling

**LBH Ref Nos:** 63542/APP/2018/2069

**Drawing Nos:** A-026-EL-310  
A-026-SL-001  
A-026-EL-301  
A-026-EL-300  
A-026-S-200  
A-026-PL-012  
A-026-PL-011  
A-026-PL-010  
A-029-EL-320  
A-026-BP-002  
A-026-S-220  
A-026-S-210  
A-026-PL-112  
A-026-PL-111  
A-026-PL-110  
Design and Access Statement

**Date Plans Received:** 01/06/2018

**Date(s) of Amendment(s):**

**Date Application Valid:** 19/06/2018

### 1. SUMMARY

The application is seeking planning permission for a two storey, 2-bed dwelling with associated parking and amenity space and single storey rear extension to existing dwelling.

It is considered that the proposal would provide acceptable internal and external amenity space for future occupiers of the dwelling house, and would not have a detrimental impact on the residential amenity of neighbouring properties by reason of loss of light, loss of outlook and sense of dominance. However, the proposed dwelling by reason of its size, bulk and forward projection of the established building line along Richmond Avenue would have a detrimental impact on the street scene and surrounding area and the proposal does not provide adequate parking for the proposal.

Subsequently, the application is recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposal by reason of its size, scale, bulk, width, siting, proximity to the side boundary and projection forward of the established building line on Richmond Avenue, in this open prominent position, would result in the loss of an important gap characteristic to the area,

resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the character and visual amenities of the street scene and to the appearance of the wider area. Therefore the proposal is 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), Policy 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

## **2            NON2            Non Standard reason for refusal**

The proposal has not demonstrated that sufficient off street parking/manoeuvring arrangements would be provided, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

## **3            NON2            Non Standard reason for refusal**

The proposal involves the widening of the existing crossover, which would result in the loss of an existing mature street tree. This tree is not considered to be dead, diseased or dangerous and its loss would be detrimental to the visual amenity of the street scene and the wider area. The proposal is thus contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP 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 (2015) 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-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
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 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

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

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

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

### **4            I74            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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

## **3.        CONSIDERATIONS**

### **3.1      Site and Locality**

The application relates to a two storey, detached dwelling house located to the West of Windsor Avenue. The render and tile dwelling is set back from the road by 6.8 metres of hardstanding and soft landscaping which currently provides space to park one car within the curtilage of the dwelling house. To the rear of the property lies a garden area which acts as a private amenity space for the occupiers of the property.

The site is a prominent corner plot located at the junction between Windsor Avenue to the East and Richmond Avenue to the South. The property shares a side boundary with No. 24 Windsor Avenue to the North and to the rear lies the side boundary of No.123 Richmond Avenue.

The area is residential in character and appearance and the site lies within the Developed Area as identified within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **3.2 Proposed Scheme**

The application is seeking planning permission for the erection of a two storey, 2-bed, attached dwelling house with association parking and amenity space and single storey rear extension to the host dwelling.

The new dwelling house would be attached to the South of the existing detached dwelling and would create a pair of semi-detached dwelling houses. It would have a width of 3 metres and depth of 7.68 metres over both floors and would a single storey rear element with a depth of 3.5 metres. The new dwelling would benefit from a hipped roof with a height to match the existing dwellinghouse. The plot would be separated so that each house would have its own private amenity space and 4 parking spaces would be provided to the front.

A single storey rear extension would be erected on the existing dwelling house. It would have a depth of 3.5 metres and would have a flat roof with a maximum height of 3 metres.

### **3.3 Relevant Planning History**

63542/APP/2007/2802 26 Windsor Avenue Hillingdon

ERECTION OF TWO STOREY SIDE AND PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION (INVOLVING DEMOLITION OF EXISTING GARAGE, CONSERVATORY AND REAR ADDITION).

**Decision:** 29-11-2007 Approved

63542/APP/2015/4473 26 Windsor Avenue Hillingdon

Two storey side extension and single storey rear extension and conversion of dwelling to 1 x 3-bed and 1 x 2-bed houses with associated amenity space

**Decision:** 19-04-2016 Refused

**Appeal:** 08-01-2018 Dismissed

#### **Comment on Relevant Planning History**

A previous application for a two storey side extension and single storey rear extension to create an additional dwelling house was refused under planning permission 63542/APP/2015/4473 dated 19/04/2016 and it was subsequently dismissed at appeal on 08/01/2018 (APP/R5510/W/17/3183741). It was refused due to the unsatisfactory internal floorspace, the forward projection of the extension to the established building line on Richmond Avenue, the failure to provide off-street parking and insufficient amenity space. The Planning Inspector determined that the external amenity spaces was sufficient, however, agreed with the Council on all other refusal reasons.

This application is a resubmission of the refused scheme. The size of the dwelling house

has been increased and parking has now been shown in an attempt to deal with some of the original refusal reasons.

#### **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.
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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 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

#### **5. Advertisement and Site Notice**

5.1 Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Eleven neighbouring properties and the Residents Association were notified of the proposal on 21/06/2018. A site notice was also displayed which expired on 16/07/2018.

One objection was received:

- Concern that the extension would block out the sunlight;
- It would not be in like with the houses along Richmond Avenue;
- Add to the problem with parking in the area.

Officer comments: The impact of the proposal on the residential amenities of neighbouring properties, the street scene and parking will be reviewed in the report below.

Ward Councillor: Requests that the application is considered at Committee.

### **Internal Consultees**

Highways Officer:

The surrounding road network exhibits minimal parking controls and surrounding properties possess relatively generous on-plot parking facilities. The location exhibits a PTAL rating of 2 which is considered below average and as a result heightens dependency on the ownership and the use of the private motor vehicle.

The site envelope consists of the whole of No.26's land parcel and the new build would be attached to the side of the main house. Vehicular access is via an existing driveway and established carriageway crossing on Windsor Avenue which is proposed for widening.

The maximum requirement is for up to 2 spaces to be provided on-site to comply with the adopted parking standard. Two spaces are shown for the new unit with a realigned retention of 2 parking spaces for the existing address which is welcomed as such provision would reduce potential undue parking displacement onto Windsor Avenue.

In order to facilitate the above provisions, it would be necessary to widen the existing carriageway crossing to an allowable width not exceed 9.2 metres in order to accord with the Council's adopted crossing standard. However, to achieve this additional width, there would be a need to remove an existing mature street tree which does not conform with the aforementioned crossing standard which highlights that, only in exceptional circumstances a street tree will be removed 'where a tree is dead, diseased or dangerous'. This presumption for removal cannot be applied in this case as the criteria are not met.

As a result, the 2 spaces proposed to be retained for the existing address cannot be facilitated. However, two new spaces for the new build can be accommodated by widening the carriageway crossing on the frontage thereby indicating conformity to the adopted parking standard. The loss of parking facilities for the existing address (up to 2 spaces) as a direct result of the proposal is regrettable as some parking overspill onto the highway may result. As a consequence, this lack of replacement provision is considered unacceptable.

In terms of cycle parking the proposal would provide 4 spaces which exceeds the cycle parking standard. This higher provision is welcomed and considered acceptable.

The proposal would clearly but marginally increase traffic generation from the site. However, peak period traffic movements into and out of the site are not expected to rise above 1-2 vehicle movements during the peak morning and evening hours. Hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to the traffic congestion.

A suitable bin store has been demonstrated on the property frontage.

In conclusion, the Highway Authority are concerned that the proposal would exacerbate local parking stress and would therefore raise highway safety concerns contrary to Policies AM2, AM7 and AM14 of the Development Plan (2012) and Policies 6.3 and 6.13 of the London Plan (2016). Refusal on insufficient parking grounds is therefore recommended.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

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

### **7.02 Density of the proposed development**

Policy 3.4 of the London Plan (2016) seeks to ensure that new development takes into account local context and character, the design principles and public transport capacity should optimise housing output for different types of location within the relevant density.

The site has a Public Transport Accessibility Level (PTAL) of 2 which is below average. The London Plan range for sites with a PTAL level of 2-3 in a suburban area is 150-250 habitable rooms per hectare. The site area of the property is 0.04 ha and so it would have a residential density of 50 units per hectare and 200 habitable rooms per hectare. As such, the proposal complies with Policy 3.4 of the London Plan (2016).

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

### **7.05 Impact on the green belt**

Not applicable to this application.

### **7.07 Impact on the character & appearance of the area**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires that all new development achieves a high quality of design in all new buildings, alterations and extensions. Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires that new development should harmonise with the character and appearance of the existing street scene and surrounding area and the scale, form, architectural composition and proposed of the original building. Policy 7.4 of the London Plan (2016) states 'Development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishment of an enhanced character for the future function of the area.'

The Council's Adopted Supplementary Planning Documents the Hillingdon Design and Accessibility Statement (HDAS) contains design guidance for new residential developments and extensions. Paragraph 4.23 of HDAS: Residential Layouts state that the design and elevations treatment of a building should be in harmony with its surroundings and should aim to complement/improve an area. Paragraph 4.27 states that careful consideration should be given to the location of the surrounding buildings and their building lines. Paragraph 5.1 of HDAS: Residential Extensions states that all residential buildings should be set back by a minimum of 1 metre from the side boundary for the full height of the building. Further more paragraph 5.3 states that in situations where two story side extensions are proposed where the side of the house adjoins a road there maybe some scope for the flexibility on the set in as long as return building lines are not breached.

The design of the new property attached to the side would match that of the host dwelling in terms of the use of the bay window and forward projecting small gable end with a mock tudor design. The new dwelling house would match in width, height and depth of the host dwelling and so it is considered that the proposal would create a symmetrical pair of semi-detached properties. Windsor Avenue consists of a mixture of detached, semi-detached and terraced properties of varying designs and so it is considered that the creation of a new pair of semi-detached properties would not appear out of keeping with the street scene.

The proposed dwelling would be located a minimum of 1 metre from the boundary line along Richmond Avenue, however it would project forward of the return building line along Richmond Avenue by approximately 10 metres. Although the rear garden between the proposed dwelling and No.123 Richmond Avenue would mitigate the impact, it is considered that the size of the forward projection would result in an overly prominent development which would not harmonise with the street scene. It has been noted that due to the tapering of the boundary line the distance of the proposal to the boundary line at the front of the property would be 2.7 metres which would reduce the impact when viewing from Windsor Avenue. However, it is considered that when viewed from Richmond Avenue it would appear incongruous. In considering this issue on the appeal relating to the previous application for the site, the Inspector commented as follows:

"6. The existing house reflects the building line on Windsor Avenue, but it stands forward of the building line formed by the houses on the flank road, Richmond Avenue. The building is prominent in the street scene, although the depth of the side garden currently mitigates its impact. The development would occupy part of the side garden, extending to within 1.2m of the boundary, and projecting further beyond the established building line on Richmond Avenue. Consequently, the development, in particular the two-storey element, would appear overly prominent and would not harmonise with the street scene. I appreciate that the site tapers towards the rear and the gap between the side of the front elevation and the boundary would be 3m. Nonetheless, when viewed from Richmond Avenue the two-storey element of the scheme would appear incongruous. I accept that the proposed design would reflect the existing house, but the hipped roof would not lessen the visual impact of the proposal and it would not complement the established pattern of development in the area.

7. I understand that the development would replace the existing garage, but this is much smaller scale. The proposal would be wider and the two-storey part would extend for the full depth of the original house. Its effect on the street scene would be materially greater and it would compromise the open and spacious character, which defines the locality.



8. I conclude on this issue that the development would have an adverse effect on the character and appearance of the area. Therefore, it would not accord with Policy BE1 of the Hillingdon Local Plan: Part 1-Strategic Policies (2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part 2-Saved Unitary Development Plan Policies, Policy 7.4 of the London Plan (2016) and the Council's adopted Supplementary Planning Document: Residential Layouts (SPD)<sup>1</sup> which, in combination, seek to promote a high quality of design that enhances local distinctiveness and complements or improves the character of the area."

The applicant has referred to a similar proposal being approved nearby at No.70 Windsor Avenue (72584/APP/2017/473). However, each proposal needs to be reviewed in terms of its own situation and surroundings and it is noted that the approved proposal provided a larger gap between the property and side boundary lines.

Subsequently, it is considered that the overall siting, mass, bulk and design of the proposed development would detract from the visual amenities of the street scene. It is therefore considered that the proposed development would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.08 Impact on neighbours**

Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) state that the buildings should be laid out so the amenities of the existing houses are safeguarded. Policy BE24 seeks to protect the privacy of the occupiers and their neighbours.

The proposed dwelling would be built flush with the host dwelling and so it would not have any impact on the residential amenity of No.26 Windsor Avenue. The proposed works would involve the erection of a single storey rear extension to the host dwelling. This would be located 0.2 metres from the shared boundary line with No.24 Windsor Avenue. The extension would project to the rear of this neighbouring property by 3.5 metres and would have a height of 3 metres. The rear extension would therefore comply with Chapter 3 of HDAS - Residential Extensions and so it is considered that it would not have a detrimental impact on this neighbouring property. The new dwelling would be located over 15 metres from both No.28 Windsor Avenue and No.123 Richmond Avenue. Subsequently, it is considered that the proposal would not result in the loss of residential amenity to any neighbouring property in terms of loss of light, loss of outlook or sense of dominance. As such, the proposal would comply with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

No side windows would be installed. Rear windows facing No.123 Richmond Avenue would be installed at first floor and these would be located approximately 15 metres from the shared boundary line and so would fall short of the recommended 21 metres as stated within 5.14 of HDAS - Residential Extensions. However, the windows would overlook the front garden area of No.123 Richmond Avenue which is already visible from the public domain, and the flank wall of the property. As such, it is considered that the proposal would not result in the loss of privacy to any neighbouring properties in compliance with Policy 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. It is considered that although the plans demonstrate two bedrooms and a study, the study is too small to be defined as a bedroom and so the following is based on a 2-bed dwelling house. The Housing Standards identifies that the minimum space standards for a two storey, two bed, four person dwelling a minimum Gross Internal Area (GIA) of 79 sq.m plus 2 sq.m of built in storage would be required. The proposed development would provide an internal floor space of 93 sq. metres which complies with the standards and so it is considered that the proposed would provide acceptable internal space for future occupants.

The proposed development would maintain an adequate level of outlook and source of natural light both for the proposed dwelling and the host dwelling.

Paragraph 3.13 of the SPD HDAS: Residential Layouts recommends that a house with two or three bedrooms should retain at least 60 sq.m of usable garden space. The garden for the proposed dwelling would be 74 sq. metres and the garden for the host dwelling would be 72 sq. metres. As such, sufficient private amenity space would be provided for the occupiers of both dwelling houses in compliance with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed development would provide adequate internal or external space contrary to Policy 3.5 of the London Plan (2015), Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The site is located within a PTAL of 2 which is considered below average and so there would be a heavy reliance of trips within private motor cars. The plans demonstrate 4 parking spaces in total, 2 for each dwelling house which would comply with the Council's adopted standards. However, for this to be facilitated it would be necessary to widen the existing crossover, which has not been demonstrated on the plan, which would result in the removal of an existing mature street tree. This tree is not considered to be dead, diseased or dangerous and so the criteria for removal has not been met. Subsequently, a crossover cannot be widened to allow access for 4 parking spaces, in particular, the two parking spaces for the existing property. It is considered that access to the two spaces for the new dwelling house can be provided and so would conform with the parking standard. The loss of parking facilities for the existing address is regrettable as some undue and injudicious parking overspill onto the highway may result. As such, the proposal fails to provide adequate parking for the proposed properties. Four cycle spaces would be provided which exceeds the cycle parking standards which is welcomed and acceptable.

The proposal would clearly but marginally increase traffic generation, however, this would result in only 1-2 additional vehicle movements during peak house. Therefore, it is considered that this can be absorbed within the local road network and would not be detrimental to traffic congestion and road safety.

In conclusion it is considered that the proposal would exacerbate local parking stress and would therefore raise highway concerns. Subsequently, it would fail to comply with Policies

AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and 6.3, 6.9, and 6.13 of the London Plan (2016).

**7.11 Urban design, access and security**

No additional concerns.

**7.12 Disabled access**

As this is a new build scheme, the proposal would be subject to the requirements of Approved Document M to the Building Regulations.

**7.13 Provision of affordable & special needs housing**

Not applicable to this application.

**7.14 Trees, landscaping and Ecology**

The proposal involves the widening of the existing crossover, which has not been demonstrated on the plan. In order for this to occur, an existing mature street tree would need to be removed. This tree is not considered to be dead, diseased or dangerous and so the criteria for its removal has not been met and its loss would clearly impact unduly on the visual amenity of the street scene and the wider area. The proposal is thus contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**7.15 Sustainable waste management**

Bin storage for the proposed property has been shown on the submitted plans. The design, size and location of this can be confirmed by the use of condition.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

The site lies within critical drainage area and surface water area. It is considered at a condition could be imposed requiring details of sustainable urban drainage should the development be granted to ensure adequate mitigation of flooding and drainage implications.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.19 Comments on Public Consultations**

The issues raised have been covered in the main body of the report.

**7.20 Planning obligations**

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

Therefore, the Hillingdon and Mayoral CIL charges for the proposed development of 111 square metres of additional floorspace are presently calculated as follows:

Hillingdon CIL:£13,926.52

London Mayoral CIL: £5,452.94

Total CIL:£19,379.46

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

No other additional 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 applicable to this application.

**10. CONCLUSION**

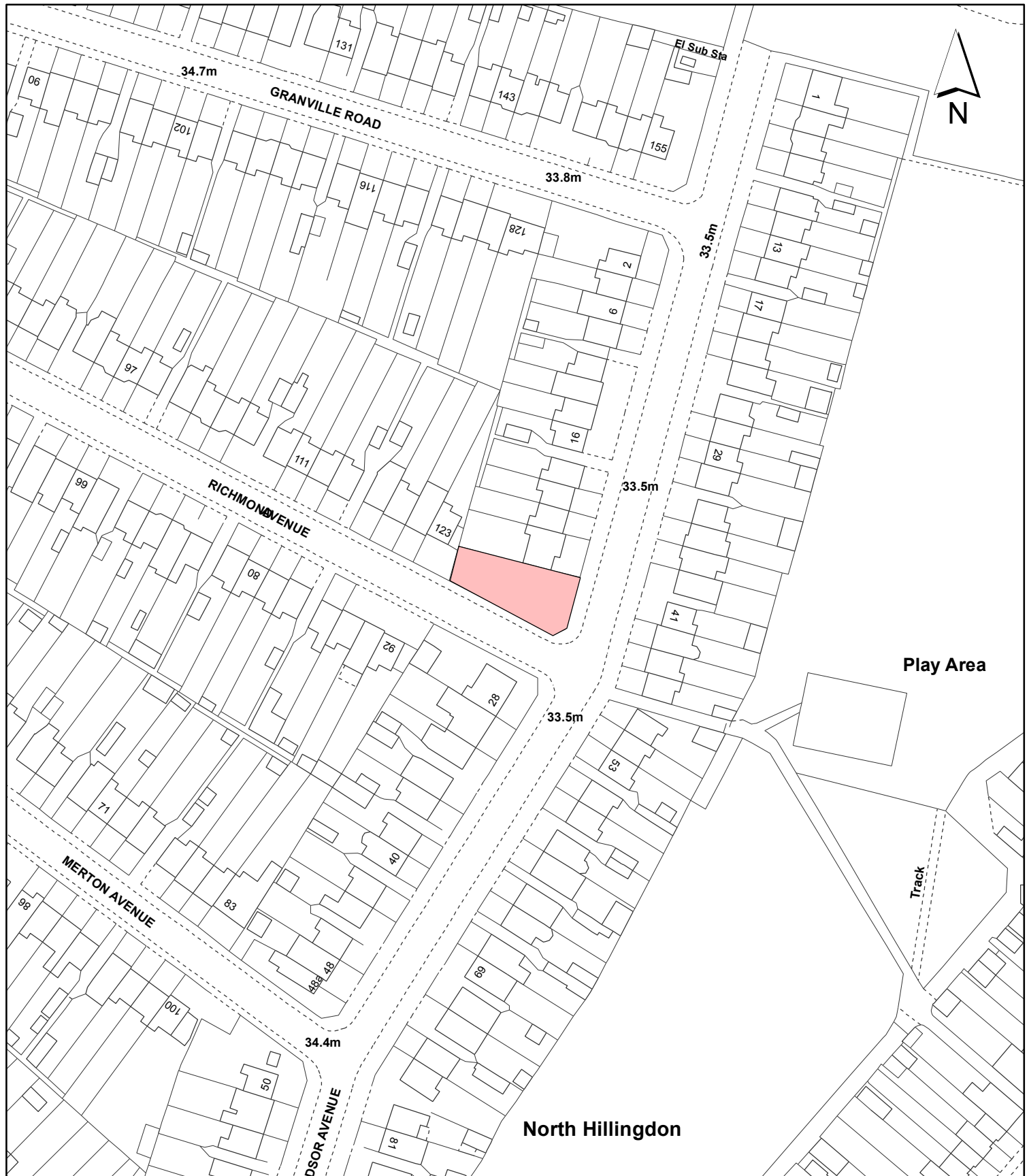
It is considered that the overall siting, mass, bulk, design and forward projection of the established building line along Richmond Avenue of the proposed development would detract from the visual amenities of the street scene. In addition, the proposal fails to provide adequate parking for both dwelling houses and results in the loss of a street tree. It is therefore considered that the proposed development would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies AM7, AM14, BE13, BE15, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Therefore, the proposal 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: Residential Extensions  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Charlotte Spencer

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# Notes:

 Site boundary

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Site Address:

**Land Forming Part of 26,  
and 26 Windsor Avenue**

Planning Application Ref:

**63542/APP/2018/2069**

Planning Committee:

**Central & South**

Scale:

**1:1,250**

Date:

**August 2018**

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services  
Planning Section**

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