

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

**Address** 29 FAIRFIELD ROAD UXBRIDGE

**Development:** Two storey, two-bed, detached dwelling house with associated parking and installation of vehicular crossover to front

**LBH Ref Nos:** 6435/APP/2018/4036

**Drawing Nos:** TPP20170804 Rev. C  
TPP20170804-10 Rev. C  
TPP20170804-03 Rev. C  
TPP20170804-04 Rev. C  
Tree Survey

**Date Plans Received:** 15/11/2018 **Date(s) of Amendment(s):**

**Date Application Valid:** 15/11/2018

### 1. **SUMMARY**

The application is seeking planning permission for the erection of a two storey, 2-bed detached dwelling house located within the rear garden of No.29 Fairfield Road. It would have associated parking, access and amenity space.

It is considered that the proposal would fail to preserve or enhance the North Uxbridge Area of Special Local Character and would appear out of keeping with the surrounding area, it would be an un-neighbourly form of development as it would have a detrimental impact on the residential amenity of the host dwelling and neighbouring dwellings. In addition, the proposal fails to provide a satisfactory level of residential amenity for future occupiers.

Subsequently, the application is recommended for refusal.

### 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

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

The proposed development, by reason of its siting (in a rear garden), size, scale, bulk, height, design, layout, site coverage, use of materials and loss of soft landscaping would result in a cramped development of the site, which is visually incongruous (given the setting) and would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character, appearance and local distinctiveness of the North Uxbridge Area of Special Local Character and the residential area as a whole. The proposal is detrimental to the visual amenity and character of the surrounding and contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (2016), guidance within The London Plan Housing Supplementary Planning Guidance (March 2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the NPPF.

**2 NON2 Non Standard reason for refusal**

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

**3 NON2 Non Standard reason for refusal**

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

**4 NON2 Non Standard reason for refusal**

The proposed development, by virtue of the close proximity of the proposed driveway to the existing properties, 29 and 31 Fairfield Road, would be detrimental to the residential amenity of the occupants of these properties, by reason of the noise and disturbance resulting from the use of this driveway and its visual impact. As such the proposal would fail to comply with Policies H12, BE13, BE19, BE21 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

**5 NON2 Non Standard reason for refusal**

The proposed two storey dwelling, by virtue of its size, scale, bulk and proximity, would be detrimental to the amenities of the adjoining occupiers at 27 and 31 Fairfield Road and 11, 12, 13 and 14 Lanresse Close by reason of overdominance, overshadowing, visual intrusion and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**6 NON2 Non Standard reason for refusal**

The proposed two storey dwelling, by virtue of its proximity and layout, would be detrimental to the amenities of the adjoining occupiers at 27, 29 and 31 Fairfield Road and 11, 12, 13 and 14 Lanresse Close by reason of loss of privacy. Therefore the proposal would be contrary to policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

**7 NON2 Non Standard reason for refusal**

The proposed detached dwelling house by reason of the limited footprint would be incompatible with the standards required for an M4 (2) category home, as required by London Plan policy 3.8 (c) which requires all new housing to provide appropriate facilities for people with disabilities.

**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.
BE5	New development within areas of special local character
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.
H12	Tandem development of backland in residential areas
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 7.1	(2016) Lifetime Neighbourhoods
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 I59 Councils Local Plan : Part 1 - Strategic Policies**

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

#### 4 171 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.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application relates to a two storey, detached dwelling house located to the South West of Fairfield Road. The brick and tile dwelling is set back from the road by over 9 metres of hard standing. To the rear of the property lies a large garden area which acts as private amenity space for the occupiers of the dwelling.

The application site shares side boundaries with Nos.27 and 31 Fairfield Road to the South East and North West respectively. To the rear lies Nos.5-18 (inclusive) Lanresse Close and the shared areas of these flats.

The area is residential in character and appearance. The site lies within North Uxbridge Area of Special Local Character (ALSC) which is characterised, most notably, by hedges, trees and vegetation. Fairfield Road is noted within the ASLC assessment for its 1920 and 1930s properties which retain their large garden plots which contribute to the verdant character and space of the area. The site also 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, detached dwelling house located within the rear garden area of the host dwelling.

The dwelling would be located in the southern most corner of the plot. The principle elevation would face the rear of No.29 Fairfield Road. It would have a width of 6 metres and a depth of 6.5 metres. It would be characterised by a dual pitched roof with a maximum height of 5.9 metres.

A new vehicular crossover would be installed to the front of the site and the existing single storey side extension of the host dwelling would be removed to allow vehicular access to the proposed property. A garden area would be provided to the side of the proposed dwelling.

#### 3.3 Relevant Planning History

63231/APP/2007/1842 29 And 31 Fairfield Road Uxbridge

ERECTION OF 2 TWO STOREY RESIDENTIAL BLOCKS WITH ROOMS IN THE ROOFSpace AND GLAZED LINK TO PROVIDE 12 FLATS AND ASSOCIATED PARKING (INVOLVING DEMOLITION OF NOS.29 AND 31 FAIRFIELD ROAD) (OUTLINE APPLICATION).

**Decision:** 15-11-2007 Refused

**Appeal:** 22-04-2008 Dismissed

6435/APP/2018/2457 29 Fairfield Road Uxbridge

Proposed two storey dwelling.

**Decision:** 20-09-2018 NFA

6435/APP/2018/3776 29 Fairfield Road Uxbridge

Proposed two storey dwelling.

**Decision:**

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

An outline application to demolish both Nos.29 and 31 Fairfield Road and build a block of flats was refused on 15/11/2007 and subsequently dismissed at appeal on 22/04/2008 (Ref: 63231/APP/2007/1842). It was considered by the Council and the Planning Inspector that it would have given rise to an unacceptable level of redeveloped sites in this part of Fairfield Road.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

PT1.H1 (2012) Housing Growth

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE5 New development within areas of special local character

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.

H12	Tandem development of backland in residential areas
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
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LPP 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**

Thirty six neighbouring properties and the Residents Association were notified of the proposed on 22/11/2018. A site notice was also displayed which expired on 20/12/2018.

Eight objections were received which are summed up as follows:

- Proposed upper floor would overlook garden and compromise privacy;
- Impact the quiet enjoyment and privacy of adjacent properties;
- Non compliance with overlooking distances to rear of 29 and loss of privacy;
- Too close to flats in Lanresse Close and would be overbearing to the ground floor occupiers;
- Noise nuisance to both adjoining occupiers;
- Proposal does not comply with Policy H12 in tandem development;
- Water pressure is already poor;
- Vehicular access would create intrusive noise;
- Impact on Area of Special Local Character and Fairfield Road:
- Previous application to develop 29 and 31 Fairfield Road for a block of flats was dismissed on appeal as it was stated that development along the road had reached its optimum;
- The proposal would be unsightly;
- Fairfield Road has been over-developed in recent years;
- It would set a precedent to allow other properties to build future similar developments;
- Impact of the loss of trees and greenery on climate change;
- Applicant has removed the front garden area for car parking;
- Destruction of a large amount of vegetation including several mature trees;
- The applicant has already covered over his front garden with an impermeable base and let out his frontage for parking;
- Would imply that every freehold owner in the Borough with large back gardens can increase their wealth overnight;

- Proposal would preclude further development of neighbouring properties;
- There would be 3 dropped kerbs near to the junction of Cornwall Road which can cause safety issues as it is a heavily trafficked road;
- Property will intensify non residential uses of properties;
- Substandard form of accommodation that fails to comply with GLA internal floor areas.

Officer comments: The impact of the proposal on the neighbouring properties, surrounding area, ASLC will be discussed in the report below.

Ward Councillor: Requests that this application be reported to the Planning Committee.

### **Internal Consultees**

Highways Officer:

Fairfield Road is contained within a Controlled Parking Zone operating Monday to Saturday 9am-5pm. The site exhibits a PTAL of 2 which is considered as below average and therefore heightens dependency on the ownership and usage of private motor transport.

The maximum requirement is for up to 2 on-plot spaces to be provided in order to comply with the adopted parking standard. One space is shown but it appears that 2 could be physically accommodated. On balance, the provision is considered acceptable. In terms of cycle parking there would be a requirement of at least 1 secure and accessible space for the new house to conform to the adopted borough cycle parking standard. This has not been indicated but can be physically achieve hence can be secured by condition.

The existing carriageway crossing displays a dropped kerb arrangement which is considered inadequate to cater for the vehicular movements into and out of the address. Some revisions are therefore required in terms of minor widening and should accord with the Council's carriageway crossing standard.

To allow access to the back-land proposal it is proposed to demolish the existing side extension appended to the existing house thereby creating a driveway into the rear garden area. Although narrow in width this would be sufficient to deal with the minimal vehicular and pedestrian movement.

The proposal would marginally increase traffic generation from the site, however, peak period traffic movements into and out of the site would not be expected to rise beyond 1-2 vehicle movements during peak morning and evening hours. As such, it is considered that this uplift can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

The bin store/collection point should be positioned within 10m of the collecting refuse vehicle in order to conform to best practice standards.

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 will need to be secured under condition.

The Highway Authority are satisfied would not measurably exacerbate congestion or parking stress and, following amendments to the crossover, would not raise highway safety concerns.

Trees Officer:

The site benefits from an established rear garden which contains a number of trees and a hedge. There are no TPO's or Conservation Area designations.

A tree report has been submitted. This covers two (out of five) parts required for a full tree report. The report identified and assesses the location, condition and value of 14 individual trees, grounds and hedge. There are no 'A' grade trees. Five trees are considered category 'B' which should be retained as part of any development proposals. The remaining trees are 'C' grade, not normally considered to be a constraint on the development. The submitted Tree Constraints Plan indicates the root protection area required to safeguard trees and it appears that it may be possible to safeguard 4 of the 5 B grade trees. The future of the large beech (T2) is unknown. In order to support this application further details are required prior to determination. Aside from the tree information, this proposal is for backland development which is not encouraged. A significant area of 'green' garden will be sacrificed to provide hard surfacing required to access the development.

If you are minded to approve this application pre-commencement condition RES8 is required to clarify the fate of the trees. If the scheme is subsequently recommended for approval, post-commencement conditions should be imposed: RES9 (parts 1, 2 and 5) and RES10.

Conservation Officer:

This property is a modest modern build in the North Uxbridge Area of Special Local Character (ALC). This ASLC is characterised most notably by hedges, trees and vegetation. Fairfield Road is noted within the assessment for its properties which still retain their large garden plots which contribute to the verdant character and space of the area.

No.29 reflects the character of this ASCL in its large garden plot. This proposed development of the rear garden to provide a two storey individual dwelling behind the existing dwelling is seen as contrary to the character of this ASLC. The erosion of garden space negatively affects the open, spacious, garden setting. It breaks up the curtilage of the original property and introduces a high proportion of hardscaping displacing the garden vegetation. The result would appear crowded and lacking in verdant character. The proposal neither preserves nor enhances the character of the ASLC.

Access Officer:

London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015 edition). It would appear that the requisite standards could not be incorporated within the footprint of the proposed dwelling house - unacceptable.

## **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 70 of the National Planning Policy Framework (June 2018) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where development would cause harm to the local area.

The London Plan (2016) provides guidance on how applications for development on garden land should be treated within the London Region. Paragraph 3.34 states that the London Plan supports development plan-led presumptions against development on back-gardens as back gardens play an important role and are a cherished part of the townscape.



In addition to this paragraph 1.2.44 of the Mayor's Housing Supplementary Planning Guidance (November 2016) advises that when considering proposals which involve the loss of gardens, regards 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 (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).

Paragraph 7.29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that long rear gardens can be usefully developed for housing purposes provided that they conform to the policies of the plan. However, the Local Planning Authority regards tandem developments consisting of one house immediately behind another and sharing the same access as generally unacceptable because of the difficulties of access and the disturbance and lack of privacy suffered by the house in front. Therefore, Policy H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that proposals for tandem development in residential areas will only be permitted if no undue disturbance or loss of privacy is likely to be caused. In addition, Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) advises that new development 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, it would seek to protect the amenity of surrounding land and buildings, particularly residential properties. The policy advises that development should not result in the inappropriate development of gardens that erode the character and biodiversity of suburban areas and increase flood risk.

While there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of a substantial proportion of a back garden in this location would be detrimental to the local and historical context of the area. The proposed redevelopment would have a detrimental impact on the character and appearance of the North Uxbridge Area of Special Local Character. When balanced against the limited contribution the developments would make toward achieving housing targets in the borough it is considered that the principle of the proposed backland residential development is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (2016), guidance within The London Plan Housing Supplementary Planning Guidance (March 2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the NPPF.

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

The density ranges set out in the London Plan are not used in the assessment of schemes of less than 10 units.

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

The site lies within North Uxbridge Area of Special Local Character. The impact on this ASCL will be discussed below in relation to the character and appearance of the area.

#### **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 all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods and Policy HE1 seeks to conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape. Policy BE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that within Areas of Special Local Character new development should harmonise with the materials. Design features, architectural style and building heights predominant in the area. In addition, Policies BE13 and BE19 states that new development should complement or improves the character and amenity of the area whilst safeguarding the design of existing and adjoining sites. Also, Policy BE22 states that buildings of two or more storeys in height should be set back a minimum of 1 metre from the side boundary of the property for the full height of the building.

The site lies within North Uxbridge Area of Special Local Character and Fairfield Road is noted within the ASLC assessment for its 1920 and 1930s properties which retain their large garden plots which contribute to the verdant character and space of the area. In addition, one of the more notable characteristics of the ASLC is the trees and vegetation. Fairfield Road consists mainly of two storey detached properties of varying designs with some blocks of flats spread through the street scene.

No.29 Fairfield Road currently reflects the character of the ASLC as it has a large garden plot, however, the splitting of the curtilage to create a new property would change this character. In addition, the plans show that a large amount of hardstanding would be created to allow access and parking for the new dwelling. Although the plans demonstrate that there is an area of garden space to the front of the property, this is actually incorrect and the whole front area is covered by hardstanding with the exception of one tree. This, in conjunction with the proposed additional hardstanding would result in less than 40% of the plot benefiting from soft landscaping areas. This is contrary to the verdant character which is dominant within the ASLC.

The existing property at No.29 Fairfield Road is constructed of facing bricks. The plans and the application forms show that the proposed materials would be yellow render with a small area of facing brick work at the bottom of the property. This does not match the use of the materials of the existing dwelling house.

Although the proposed dwelling would not be overly visible from the street scene due to its location to the rear of the site, it is considered that it would not be in keeping with the surrounding area and would fail to preserve or enhance the character of North Uxbridge Area of Special Local Character. As such, it is considered that the proposal fails to comply with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies and Policies BE5, BE13, and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that proposals for tandem development of backland in residential areas will only be permitted if no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers. Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in terms of loss of light, loss of outlook, sense of dominance and loss of privacy.

Paragraph 4.9 of the Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts advises that all residential developments and amenity spaces should receive

adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It adds that where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over domination and generally a minimum acceptable distance would be 15 metres. Paragraph 4.12 refers to privacy and states that new residential development should be designed so as to ensure adequate privacy for its occupants and neighbouring residential properties. Adequate distance should be maintained to any area from which overlooking may occur and as a guide, the distance should not be less than 21 metres between facing habitable room windows. Paragraph 4.13 adds that from first floor windows an angle of 45 degrees each side of the normal is assumed in determining facing, overlooking distances. In some circumstances privacy can be protected by screening including the use of fixed and obscure glazing, however these can only be used on non-habitable rooms.

The proposed dwelling would be located 20.8 metres from the host dwelling and as such it is considered it would not appear over dominant to No.29 Fairfield Road. However, it would be located 7 metres from the side boundary with No.31 Fairfield Road and would be built up to the boundary line with No.27 Fairfield Road. Although located at the rear of the garden, and the proposed building would be located over 15 metres from the dwellings within the neighbouring plots, it is considered that it would be over dominant to the garden areas of Nos.27 and 31 and would have a negative impact on the sunlight and outlook of these neighbours. The proposed dwelling would be located 1 metres from the rear boundary line and would be approximately 5 metres from the rear wall of Nos.11-14 Lanresse Close. These neighbouring properties are flats and so it is considered that the two storey property in such close proximity would be extremely over dominant to these properties, especially to the ground floor occupants. It would overshadow these properties and remove the outlook from their rear windows.

Two first floor windows would face the host dwelling, however, one is labelled as being obscure glazed as it serves a bathroom. The bedroom window would be 20.8 metres from the host dwelling which falls slightly short of the recommended 21 metres, however, it would only be located 6 metres from the new garden area of this dwelling and due to the angle of the property it would directly overlook this garden which should act as the private amenity space for No.29 Fairfield Road. The proposed dwelling would result in the same loss of privacy to Nos.27 and 31 Fairfield Road, as although it is located 21 metres from the rear wall of these properties, the dwellings would overlook the garden areas and in particular the patio area which generally benefits from a greater level of privacy than the rest of the garden. There would be one first floor window on the rear elevation and this would be located 5 metres from the rear wall of the flats along Lanresse Close. Due to the proximity to these properties it is considered that it would result in an unacceptable loss of privacy to these neighbours. It is also noted that this window serves a bedroom and so fixed and obscure glazing cannot be used in this instance.

The access to the property would be a narrow driveway between the properties of Nos.29 and 31 Fairfield Road. Although the number of people entering the site would be limited, the proximity of the driveway to the host and neighbouring property and their gardens would result in general disturbance and noise from those entering and leaving the site.

Subsequently, it is considered that the proposal would result in an un-neighbourly form of development as it would have a detrimental impact on neighbouring properties in terms of loss of light, loss of outlook, sense of dominance and loss of privacy. In addition, it is considered that the backland development would result in an unacceptable level of

disturbance to neighbouring properties. Therefore, the proposal fails to comply with Policies H12, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.09 Living conditions for future occupiers**

On 25th 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 1st October 2015. The Mayor of London has adopted the new 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.

In terms of the internal floorspace, two storey, 2-bed, 3-person dwelling should provide a minimum of 70 square metres of internal space. Although the single and double bedroom would be of a suitable size, the total internal floorspace would be 63.8 square metres and so the proposal would fail to comply with the Housing Standards (Minor Alterations to the London Plan) March 2016.

Chapter 4.15 of HDAS - Residential Layouts states that adequate garden space should be provided for new houses. It states that 2-bed properties should have a private garden area of a minimum of 60sqm. Following development the host dwelling would benefit from over 100 sqm of private amenity space, however, the new dwelling would only have 50 sqm and so would fall short of the recommended allowance. Subsequently, the proposal would fail to comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

In regards to access, the London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015) edition. The Council's Access Officer has confirmed that the requisite standards could not be incorporated within the footprint of the proposed dwelling house.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - 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 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The proposal would marginally increase traffic generation from the site as compared to the existing single dwelling unit. However peak period traffic movements into and out of the site would not be expected to rise beyond 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 traffic congestion and road safety.

The site has a PTAL of 2 which is below average and so there would likely be an increase dependency on the private motor car. The Council's parking standards requires up to 2 spaces per unit. The plans demonstrate that one space would be provided for each of the proposed and existing dwelling, however, it is clear that a second space can be provided

for both dwellings. Therefore, the proposal conforms to this standard.

One cycle space is required for the new property. Although this has not been demonstrated on the plans, there would be sufficient space for this requirement and so following an approval this can be conditioned.

To allow vehicular access to the proposed dwelling, the existing side extension on the host dwelling would be demolished and a new dropped kerb would be installed. The dropped kerb would be larger than the Council's standard dimensions. However, this is located where the existing dropped kerb is located, which adjoins the crossover for the property at No.31 Fairfield Road. As such, it is considered that it would not be different to the existing situation.

Subsequently, it is considered that the proposal would comply with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.11 Urban design, access and security**

The issues are addressed in the sections above.

#### **7.12 Disabled access**

In regards to access, the London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015) edition. The Council's Access Officer has confirmed that the requisite standards could not be incorporated within the footprint of the proposed dwelling house.

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

Not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The submitted tree report states that there are 5 trees which are considered category 'B' which should be retained as part of any development proposals. Although the report suggests that 4 of these trees can be safeguarded, the future of a large beech (T2) is unknown. Without this information the Council's Tree Officer cannot support the application. However, they have stated that the fate of this tree can be clarified by way of a pre-commencement condition. The impact of the loss of soft landscaping has been discussed earlier in this report.

#### **7.15 Sustainable waste management**

Policy 5.17 of the London Plan requires that all new development provide adequate facilities for the storage of waste and recycling. This matter could be the subject of a condition.

#### **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 impact of the proposal on neighbouring properties, ASLC, street scene and surrounding area have been discussed in the report. If this proposal were deemed acceptable, it would not set a precedent for other development as all applications are assessed on their own merit with regard to compliance with planning policy.

## **7.20 Planning Obligations**

Not applicable to this application.

## **7.21 Expediency of enforcement action**

Not applicable to this application.

## **7.22 Other Issues**

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014 and the charge for residential developments is £95 per square metres 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 64 square metres are presently calculated as follows:

LBH CIL: £8,157.97

London Mayoral CIL: £3,194.26

Total: £11,352.23

## **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**

Planning permission is sought for the erection of a two storey detached dwelling house in the rear garden of No.29 Fairfield Road.

There have been objections raised by local residents and taking all material planning considerations into account it is considered that the proposal would have a detrimental impact on the ASLC and surrounding area, would constitute a unneighbourly form of development and would fail to provide satisfactory residential amenity to future occupiers.

Subsequently, the application is recommended for refusal.

### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

The London Plan (2016)

The Housing Standards Minor Alterations to The London Plan (March 2016)

Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)

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:** Charlotte Spencer

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**29 Fairfield Road  
 Uxbridge**

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

Planning Application Ref:  
**6435/APP/2018/4036**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**February 2019**

