

Report of the Head of Planning, Transportation and Regeneration

Address LAND REAR OF 40 DUCKS HILL ROAD NORTHWOOD

Development: Erection of 4-bed single storey dwelling with habitable basement with associated parking and amenity space and installation of crossover to Cygnet Close

LBH Ref Nos: 73183/APP/2019/868

Drawing Nos: 1274/P3/2D
1274/P3/1D
1274/P3/4
1274/P3/3
Design & Access Statement
Arboricultural Report

Date Plans Received: 12/03/2019 **Date(s) of Amendment(s):** 12/03/2019

Date Application Valid: 18/03/2019

1. SUMMARY

The application is seeking planning permission for the erection of a single storey, detached dwelling house with habitable roofspace within the rear garden of No.40 Ducks Hill Road.

It is considered that the proposal would not have a detrimental impact on the street scene and surrounding area and would not result in the loss of residential amenity to any neighbouring properties. It is considered that sufficient parking would be provided and it is not considered to be an overdevelopment of the site.

Subsequently, the application is recommended for conditional approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1274/P3/1D and 1274/P3/2D and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Hillingdon Local Plan Part 2- Development

Management Policies with Modifications (March 2019) and the London Plan (2016).

3 RES7 Materials (Submission)

No development above ground level shall take place until details of all materials and external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

4 RES6 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

5 RES8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (2012) and Policy DMHB14 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

6 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.a Means of enclosure/boundary treatments
 - 2.b Car Parking Layouts
 - 2.c Hard Surfacing Materials
3. Schedule for Implementation
4. Other
 - 4.a Existing and proposed functional services above and below ground
 - 4.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMHB11, DMHB14 and DMT6 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and Policies 5.17 (refuse storage) and 5.11 (living walls and roofs) of the London Plan (March 2016).

7 RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs.'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to

the amenity of the area in accordance with Policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policy DMHB14 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and to comply with Section 197 of the Town and Country Planning Act 1990.

8 RES12 No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls of the proposal.

REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

9 RES13 Obscure Glazing

The windows on the side elevation facing Muscovy Place, shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

10 RPD4 Prevention of Balconies/Roof Gardens

The living roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

11 RES14 Outbuildings, extensions and roof alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with Policies BE13, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

12 NONSC Non Standard Condition

The dwellings hereby approved shall be constructed to meet the standards for a Category

2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

Reason

To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8c, is achieved and maintained.

13 NONSC Non Standard Condition

Prior to the commencement of development (excluding site clearance and demolition), a Basement Impact Assessment shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall include:

- i) the results of an appropriate site investigation that has identified the nature of the underlying geology and confirmed the depth of any groundwater beneath the site (taking into account the seasonal variability of groundwater);
- ii) an assessment to identify any mitigation measures that need to be put in place to maintain the passage of groundwater around the building without impacting local groundwater levels; and
- iii) shallow infiltration rates to inform the utilisation of Sustainable Drainage Systems (SuDS) on the site.

The development shall only be undertaken in accordance with those approved details, and the approved scheme shall be implemented prior to the first use of the development hereby permitted and retained for the duration of the development.

REASON:

The proposal could increase groundwater flood risk contrary to Policy EM6 Flood Risk Management of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), Policy DMHD 3: Basement Development of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019), Policy 5.12 Flood Risk Management of the London Plan (March 2016), the National Planning Policy Framework (February 2019) and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

14 NONSC Non Standard Condition

Prior to commencement, (excluding demolition and site clearance) a plan for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. As a minimum, the plan shall show the following details:

- i. Identify proposed areas of hardstanding as part of the development, state the material to be used for each area and show the proposed direction of slope.
All hardstanding areas shall be formed of permeable surfaces, or slope to a permeable area or soakaway. Any work to front gardens not part of the planning application must be permeable or be collected and directed to a permeable area or soakaway, otherwise it would need an additional permission in line with the restrictions set out in the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- ii. Identify proposed downpipes from the development and show where these will discharge to.
Collected surface water from roof areas will be directed away from the public sewer network as a preference by using SuDS such as rain gardens, soakaways or other infiltration techniques in line with Building Regulations Approved Document H (2015). Any necessary connection to a watercourse or surface water sewer should discharge at pre-

development greenfield runoff rates.

iii. Provide details of the proposed green roof, including extent, construction depth, outfall details and planting mix.

iv. List the proposed activities that will be undertaken to maintain the surface water drainage network.

The drainage system should be maintained (such as gutter clearance, permeable paving jet washing and debris clearance from linear drainage channels) to ensure that it will continue to function over the lifetime of the development and will not increase the risk of surface water flooding.

v. Identify the water reuse methods to be implemented (i.e. water butts). The development should also use methods to minimise the use of potable water through the use of rainwater harvesting measures (such as water butts) to capture excess rainwater.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that surface water run off is controlled and to ensure the development does not increase the risk of flooding contrary to Policy EM6 (Flood Risk Management) of the Hillingdon Local Plan: Part 1- Strategic Policies (November 2012), Policy OE8 of the Hillingdon Local Plan Part Two - Saved UDP Policies (November 2012), Policy DMEI 10 (Water Management, Efficiency and Quality) of the Hillingdon Local Plan Part Two Development Management Policies with Modifications (March 2019), Policies 5.12 (Flood Risk Management) and 5.13 (Sustainable Drainage) of the London Plan (March 2016), Policy 5.15 (Water use and supplies) of the London Plan (March 2016), National Planning Policy Framework (February 2019) and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT 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.

| | |
|------|---|
| AM2 | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity |
| 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. |
| H12 | Tandem development of backland in residential areas |
| BE39 | Protection of trees and woodland - tree preservation orders |
| DMEI 10 | Water Management, Efficiency and Quality |
| DMHD 3 | Basement Development |
| DMHB 11 | Design of New Development |
| DMT 6 | Vehicle Parking |
| EM6 | (2012) Flood Risk Management |
| LPP 5.12 | (2016) Flood risk management |
| LPP 5.13 | (2016) Sustainable drainage |
| LPP 5.15 | (2016) Water use and supplies |
| OE8 | Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures |
| 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 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 I2 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

6 I5 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

8 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

9 I21 Street Naming and Numbering

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

10 I23 Works affecting the Public Highway - Vehicle Crossover

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

11

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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to an area of land forming part of No.40 Ducks Hill Road. The land parcel also shares a common boundary with Cygnet Close. Ducks Hill Road consists of predominantly detached dwellings which vary in design and character. However, Cygnet Close is characterised by mock Georgian terraced houses and subsequently has a strong sense of place.

The parcel of land forms part of the rear garden of No.40 Ducks Hill Road. To the South lies the rear gardens of Nos.5-8 Muscovy Place and to the North lies No.10 Cygnet Close.

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 single storey, 4-bed, detached dwelling house with habitable basement space within the rear garden area of the host dwelling.

The dwelling would be located centrally within the large plot of no.40 ducks Hill Road and

would be located over 40 metres from the host dwelling. The principle elevation would be facing West towards Cygnet Close. The dwelling would have an 'L-Shaped' footprint with a maximum width of 11.6 meters and a maximum depth of 14.8 metres. It would be characterised by a living flat roof with a maximum height above ground level of 3.5 metres.

A new crossover would be installed in the North West corner providing vehicular access from Cygnet Close and a private terraced garden area would be provided to the rear of the dwelling.

During the determination process, the size and location of the dwelling was amended.

3.3 Relevant Planning History

73183/APP/2017/3355 Land Rear Of 40 Ducks Hill Road Northwood

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

Decision: 19-09-2018 Not Determined **Appeal:** 19-09-2018 Dismissed

73183/APP/2018/4222 Land Rear Of 40 Ducks Hill Road Northwood

Two storey, 3-bed, detached dwelling with associated parking and amenity space and installation of vehicular crossover from Cygnet Close.

Decision: 13-03-2019 Withdrawn

Comment on Relevant Planning History

This application is the third proposal for a new dwelling on this parcel of land. The first application (Ref: 73183/APP/2017/3355) was dismissed at appeal following non-determination by the Council. The Planning Inspector considered that the two storey dwelling house would have resulted in the erosion of the amenity value of the existing mature trees diminishing the street scene; that the dwelling would have been an incongruous addition to the established street scene of Cygnet Close; that it would appear over dominant to No.7 Muscovy Place and would have an impact on the sunlight of No.10 Cygnet Close.

The second application (Ref: 73183/APP/2018/4222) for a two storey detached dwelling was withdrawn during the determination process.

4. Planning Policies and Standards

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18th May 2018. This comprises of a Development Management Policies document, a Site Allocations and Designations document and associated policies maps. This will replace the current Local Plan: Part 2 - Saved UDP Policies (2012) once adopted.

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPM) which outline the proposed changes to submission version (2015) that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the Examination in Public (EiP). The public examination hearings concluded on the 9th August

2018. The Inspector submitted a Post Hearing Advice Note outlining the need to undertake a final consultation on the updated SOPM (2019) only. The Council undertook this consultation between 27th March 2019 and 8th May 2019. All consultation responses have been provided to the Inspector for review, before the Inspector's Final Report is published to conclude the EiP process.

Paragraph 48 of the NPPF (2019) outlines that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

On the basis that the public hearings have concluded and the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight may be attached to each policy is therefore based on the extent to which there is an unresolved objection being determined through the EiP process and the degree of consistency to the relevant policies in the NPPF (2019).

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.H1 (2012) Housing Growth

Part 2 Policies:

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- 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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| H12 | Tandem development of backland in residential areas |
| BE39 | Protection of trees and woodland - tree preservation orders |
| DMEI 10 | Water Management, Efficiency and Quality |
| DMHD 3 | Basement Development |
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| DMT 6 | Vehicle Parking |
| EM6 | (2012) Flood Risk Management |
| LPP 5.12 | (2016) Flood risk management |
| LPP 5.13 | (2016) Sustainable drainage |
| LPP 5.15 | (2016) Water use and supplies |
| OE8 | Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures |
| 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 |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Nineteen neighbouring properties were notified of the proposal on 21/03/2019. A site notice was also displayed which expired on 18/04/2019.

Five objections and a petition were received. The independent objections are summarised as follows:

- The proximity and height of the dwelling would dominate the rear habitable rooms of No.7 Muscovy Place and would be 180% higher than the current fence;
- Incongruous addition to the Cygnet Close street scene as out of keeping with the Neo-Georgian design of all properties within the street;
- The design has resulted in a dwelling totally out of character with anything remotely appropriate;
- New road access and concreting of back garden would damage the verdant and cause a break within the street scene;
- Inappropriate basement without appropriate survey;

- Lack of Flooding/Surface water management report;
- The basement would interfere with the water table and will disrupt the natural drainage around the existing houses;
- Drainage would need to pass through the row of protected trees and it would be unacceptable to disrupt the TPO'd trees root system to reach the drains positioned in the street;
- Need to be an assessment of the excavation of neighbouring properties which has not been completed;
- The impact on the trees from the soil removal has not be considered by the Arboricultural Impact Assessment;
- The light well are in close proximity to neighbours and would result in light spill;
- Site does not meet definition of Previously Developed Land under NPPF 2018 and so there should not be presumption in favour of development and there is no meaningful benefit from a single new house on the site;
- Would be considered as backland development
- Inaccuracies in the drawings as the distance between No. 7 Muscovy Places kitchen/dining room is metres to the boundary compared to a distance of metres in the plans;
- States that the Laurel hedging would provide screening but these have been destroyed and so there is now no protective screening;
- On the drawing there is an annotation that the parking space could be extended;
- The Design and Access Statement is dated March 2018 but contains the plans for this application;
- Bring forward the previous objections;

A petition against the proposal signed by 32 local residents was submitted. This was attached to a document outlining the concerns that the signatories have which are summarised as:

- Enclosure and over dominance of 7 Muscovy Place;
- Incongruous addition to the Cygnet Close street scene;
- Inappropriate basement proposal without essential ground survey;
- The site does not meet the criteria of Previously Developed Land under the NPPF;
- Inaccurate drawings.

As petition was received the application will be determined by the Planning Committee.

Officer comments:

The impact of the proposal on the residential amenity of the neighbouring properties and the street scene and surrounding area will be discussed in the report below. Since the original submission, a Flood Risk Assessment regarding the basement has been submitted which the Flooding and Water Management Officer has reviewed. The impact on the protected trees has been considered by the Tree Officer which is summarised below. The light wells have been removed from the proposal. The proposal will be considered against all relevant National and Local Policies.

Thames Water:

Waste Comment:

The applicant should incorporate protection to the property by installing a positive pumped device to avoid risk of back flow at a later date, on the assumption that the sewer network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network this would require a Ground Water Risk Management Permit from Thames Water. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquires should be directed to Thames Water's Risk Management Team.

There maybe public sewers crossing or close to the development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to rear our guide working near or diverting our pipes.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approval to the disposal of surface water we would have no objection. Where the developer proposes to discharge a public sewer, prior approval from Thames Water will be required.

No objection to the planning application.

Water Comment:

This area is covered by Affinity Water Company.

Internal Consultees

Access Officer:

Any grant of planning permission should include the following condition: The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building. REASON: To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8 c, is achieved and maintained.

Highways Officer:

To serve the new build, vehicular and pedestrian access would be facilitated via a new access point from Cygnet Close which is a cul-de-sac off Ducks Hill Road. Although Ducks Hill Road does not exhibit parking controls, Cygnet Close (which would provide direct access to the site) is contained within a controlled parking zone (CPZ) operating for one hour of the day during the working week. The surrounding residential units in both roads have ample on-plot parking provisions which inherently reduce parking demand and pressures on-street. The site is relatively remote from public transport connections and hence exhibits a borderline PTAL of 2 which is considered as low and encourages a heightened dependency on the private motor vehicle.

It is proposed to provide a 4 bedroom detached residential unit. In order to comply with the maximum parking standard there is a requirement for 2 on-plot spaces to be provided. This quantum has been achieved within a surface level arrangement. The proposed internal parking and road layout arrangement broadly conforms to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is a highway safety benefit derived from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave in a forward gear which is the recommended practice on highway safety grounds.

Access to the new roadway and the said parking spaces would be gained via a newly created aperture in Cygnet Close. This is considered acceptable in principle as the positioning would not cause any predicted detriment to the public highway in terms of safety or the free flow of vehicular traffic. However in order to facilitate unimpeded access into and out of the site, it would be necessary to physically adjust/remove a 'residents parking bay' located directly opposite the new access point. Such an amendment also requires a formal legal process to be undertaken in the form of altering the relevant 'Traffic Management Order' in order to legitimise the necessary changes. The applicant is alerted to this aspect and necessary processes would need to commence post-permission at the applicant's expense.

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

The proposal would clearly increase traffic generation from what is currently a dormant site. However peak period traffic movement into and out of the site would not be expected to exceed 1-2 additional vehicle movements during the peak morning and evening hours. Such potential uplift is

considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Refuse would be collected from Cygnet Close via the proposed new access. No indicative refuse bin store or collection point has been depicted on plan in vicinity of this opening. It should be ensured that waste collection distances do not exceed 10m from the point of collection in order to conform to good practice. The bin store should therefore be positioned accordingly and this aspect will need to be secured via planning condition.

No.40 Ducks Hill Road is subject to an extant planning permission (71798/APP/2017/2381) permitting the build of 4 new detached houses which has not been implemented. As a consequence, it is proposed for construction access to be taken directly from No.40 Ducks Hill Road's site envelope which is within the ownership of the same applicant. This would avoid construction related usage of Cygnet Close. As this option of construction access is available, it is considered preferable in comparison to utilising Cygnet Close which is highly constrained in scale and far more likely to impose additional harm to the surrounding amenity of residents. A full and detailed CLP will be a requirement given the constraints and sensitivities of Ducks Hill Road and the surrounding local residential road network in order to avoid/minimise potential detriment to the public realm. It will need to be secured under a suitable planning condition.

Conclusion: the proposal would not exacerbate congestion or parking stress and would not raise any highway safety concerns.

Trees/Landscaping Officer:

Trees lining the boundary with Cygnet Close are protected by TPO 742. COMMENT Recent submissions, application ref. 2017/803 and 2017/3355 have been refused at appeal due, in part, to the conflict with the protected trees along Cygnet Close. Application ref. 2018/4222 was withdrawn in March 2019. The current application seeks to address the tree issue in accordance with pre-application discussion with the LPA's Landscape Architect. This includes creating a narrow access point at the south-west extremity of the site, as indicated on DDA dwg. No. 1274/P3/1, which will not be used by construction traffic. The key amendment, indicated on dwg. No. 1274/P3/4 'Site Works Plan' shows that the construction of the development will be approached from the Ducks Hill Road site, to the east, obviating the need to take construction traffic close to the protected trees. A tree report, by Tree Sense, has been amended (10 March 2019) to take into account the new layout and construction management proposals. The report provides identification and assessment of seven trees, all of which are part of the protected group of trees assessed as category C2. The report provides a Tree Constraints Assessment and Arb Method Statement designed to safeguard the trees from any adverse impacts. A schedule of general management recommendations (GMR) has been prepared, however, as noted this work will need to be applied for separately under the TPO legislation. - Any approval given in this response does not imply approval of the GMR. The report provides a Tree Protection Plan, with notes, ground protection specification, an arb implications assessment and arb. method statement. At 10.2, the report notes the need for on site monitoring / supervision. This detail should be conditioned.

No objection subject to conditions RES8 (parts 3), RES9 (parts 1,2,5 and 6) and RES10.

Flood and Water Management Officer:

Comments recived 28/05/2019:

The development includes a basement that forms the entire width of the property with only a small buffer at either side from the site boundary. Whilst the Design and Access Statement includes a description of how the proposals are meeting the emerging Hillingdon Local Plan Policy DMHD 3 there is insufficient information to justify the conclusions.

Following this comment the applicant has submitted a more detailed Flood Risk Assessment which

has been reviewed by the Flood and Water Management Officer who have updated their comments to state:

I am able to remove my objection following receipt of the preliminary geotechnical information for the site.

Conditions should be placed on the permission to secure additional details regarding the potential impact of the basement on the groundwater regime and to obtain details of the proposed surface water management scheme.

The applicant has now submitted the Ground Investigation undertaken by GS Surveys in 2016. It is noted that the location of the three boreholes are within the adjacent site surrounding the previous properties at 38 and 40 Ducks Hill Road. The report states that while groundwater was not encountered during the site investigation, "The absence of a shallow groundwater table should however be confirmed through the longer term monitoring of installed standpipe". The results of this monitoring have not been provided to support the application and it is not clear that monitoring was carried out.

It is also noted that the site investigation was carried out in August 2016, which is not the time of year where groundwater levels are likely to be highest. In light of this, it is recommended that conditions be placed on the permission to secure details of any shallow groundwater, as well as details of the proposed surface water drainage system.

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 taken 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 considered 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 importance role and are a cherished part of the townscape. In addition the Emerging Policy DMH 6 also states that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable subject to neighbouring residential amenity being maintained, the vehicular access and car parking would not have an adverse impact; must be more intimate in mass and scale and trees, shrubs and wildlife habitat must be retained or re-provided.

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. 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.

This development is located on garden land of No.40 Ducks Hill Road. This garden is extremely large in size and following subdivision of the plot would still allow for two very large plots. Although it is located within a rear garden area it is noted that the Planning Inspector on the previous application clearly stated that given the proposed dwelling would have its frontage onto Cygnet Close and take vehicular access from it is difficult to see how the proposed development could be described as 'backland development'. The additional dwelling would comply with the key objective to deliver more housing units.

Subsequently, it is considered that the redevelopment of this parcel of land is acceptable in principle as long as the proposal complies with all other material planning considerations which will be discussed in more detail below.

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 does not lie within a Conservation Area or Area of Special Local Character and it would not have an impact on the setting of a Listed Building or an area of archaeological importance.

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. In addition, Policies BE13 and BE19 states that new development should complement or improve the character and amenity of the area whilst safeguarding the design of existing and adjoining sites.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adverse impact on the amenity, daylight and sunlight of adjacent properties and open space.

The surrounding area is mixed in character. Ducks Hill Road consists predominantly of detached dwellings of varying designs, some of which have been redeveloped with

contemporary residential dwellings. In addition, many of the original large plots along Ducks Hill Road have reduced in size to allow for additional housing within the area. It is considered that due to the rear garden location and the single storey design it would not be visible from Ducks Hill Road.

Cygnets Close, on the other hand, is characterised by a consistent design and form of the mock Georgian terraced housing and it is considered that the contemporary single storey proposed dwelling would not be in keeping with the existing character of the area. However, it is noted that the site is screened from Cygnets Close by mature trees which bound the site. These trees make a strong contribution to the established street scene and are protected by a Tree Preservation Order. It is noted that the Planning Inspector on the previous application raised concerns regarding the loss of a tree to create the vehicular access and the impact it would have on the visual value of the row of trees. However, the new proposal shows the new vehicular access would be located in the North West corner and would not include the loss of any protected trees and would not result in a gap within the screening. The dwelling would be considerably set back from Cygnets Close and is considered that due to the existing screening and the location of dwelling it would be only slightly visible, if at all, when looking down the main part of Cygnets Close. As such, it is considered that although the proposed dwelling is contrary to the sense of space of Cygnets Close, it would not be dominant within the street scene and would not result in an incongruous addition within the surrounding area. Therefore, the proposal would comply with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.08 Impact on neighbours

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 B of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) 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.

The proposed dwelling would be located over 30 metres from the existing host dwelling, and the new dwellings which have been approved. As such, it is considered the proposal would not have a detrimental impact on the host dwelling. The proposed dwelling would be located 1.5 metres from the shared boundary line with No.10 Cygnets Close. The rear elevation of No.10 faces towards the proposed site, however, due to the location of the proposal within the plot, it is considered that it would not result in loss of residential amenity to the neighbouring dwelling, and it is considered that the distance to the shared boundary and the limited height that it would not appear over dominant to the users of the side garden of No.10.

The dwelling house would be located 1.5 metres from the rear boundaries of Nos.6 and 7 Muscovy Place. The plans show that the corner of No.7 closest to the boundary would be located 6 metres from the property. There is a concern raised by the neighbour stating that it is only 5.5 metres from the boundary, however, it is noted on the GIS there is a small strip of land between the properties and when measured to the boundary line, the GIS shows the distance would be 6 metres and so this distance will be used. As such, the distance between the closest part of No.7 and the proposed dwelling would be 7.5 metres. The proposed dwelling would not intersect the 25 degree vertical line from this closet section. In addition, there is a 2 metre boundary fence separating the properties and the dwelling would only project above this by 1.5 metres and would be located 1.5 metres from the fence. Although it would be visible from No.7 Muscovy Close, it is considered that the distance between the properties and the limited height would not result in the feeling of over dominance and would not result from a loss of outlook from the ground floor windows. It would not impact the first floor windows which are set even further back from the shared boundary. The proposed dwelling would be located to the North of No.7 and so it is considered it would not have a detrimental impact on the sunlight of this property.

There would be side windows facing both No.10 Cygnet Close and No.7 Muscovy Place. The two windows facing No.7 serve bathrooms and so is likely that these would be obscurely glazed and a condition can be added to ensure this. The plans demonstrate that the two windows facing no.10 do not project higher than the existing boundary treatment and as such, it is considered that they would not result in the loss of privacy. The roof of the dwelling would be a 'living' roof, however a condition can be added to ensure that this is not used as a garden to avoid any unacceptable overlooking.

Subsequently, it is considered that the proposal would have an acceptable level of impact on the neighbouring properties in terms of loss of light, loss of outlook, sense of dominance or loss of privacy in compliance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 11 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

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, 4-bed, 8-person dwelling should provide a minimum of 124 square metres of internal space. The proposed dwelling would allow for a floorspace of 240 square metres in compliance 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 4-bed properties should have a private garden area of a minimum of 100sqm. Following development the proposed dwelling would benefit from over 100 square metres of private amenity space in addition to a large front garden area. In

addition, following the subdivision of the plot the host dwelling would retain adequate amenity space. Subsequently, the proposal would comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Adequate outlook for the occupiers of the property is required to ensure a suitable living condition for future occupiers. Outlook should be provided from all habitable rooms. The living, dining and kitchen would be located within the basement area. However, the garden which has been designed as a terrace would be accessed directly from this basement level and a distance of 15 metres would be provided between the dwelling house and the end of the terraced garden. It is considered that this would be suitable to provide adequate sunlight and daylight. The rooms to the front of the basement which do not benefit from windows would not act as habitable rooms. Subsequently, it is considered that the proposal would comply with Policy BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (2016).

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 site is relatively remote from public transport connections and hence exhibits a borderline PTAL of 2 which is considered as low and encourages a heightened dependency on the private motor vehicle. Although Ducks Hill Road does not exhibit parking controls, Cygnet Close is contained within a controlled parking zone operating for one hour of the day during the working week.

In order to comply with the maximum parking standards there is a requirement for 2 parking spaces and at least 2 secure and accessible cycle spaces. Both requirements have been met.

The internal parking and road layout broadly conforms to the DfT Manual for Streets best practice and there is sufficient space to allow vehicles to enter and leave the site in a forward gear. The new access point is acceptable in principle as it would not cause any predicted detriment to the public highway in terms of safety or free flow of traffic. However, the applicant is advised that this would result in the adjustment/ removal of a residents parking bay which would require a formal legal process.

The proposal would increase traffic generation, however it would not be expected to exceed 1-2 additional vehicle movements. Such uplift is considered marginal and can be absorbed within the local road network without any detriment to traffic congestion and road safety.

In regards to the Construction Access it has been confirmed that this would be access from Ducks Hill Road during the construction of the extant planning permission for 2-4 new houses at Nos.38 and 40 Ducks Hill Road. This is in order to protect the protected trees

along Cygnet Close. This access is considered preferable in comparison to utilising Cygnet Close which is highly constrained in scale. A suitable planning condition requesting a full and detailed construction Logistics Plans will be required.

It is considered that the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns in accordance with Policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMT 6 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)

7.11 Urban design, access and security

The relevant 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. This can be secured by way of a condition.

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) and Policy DMHB 14 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) 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 trees along Cygnet Close are protected by TPO 742. The applicant had pre-application discussions with the Council's Landscape Architect. The proposed vehicular access which has been confirmed would not be used for construction traffic. In addition the construction traffic would be access via Ducks Hill Road using land under the applicant's ownership. As such, it is considered this would reduce the risk to the protected trees. A tree report, by Tree Sense, has been amended (10 March 2019) to take into account the new layout and construction management proposals. The report provides identification and assessment of seven trees, all of which are part of the protected group of trees assessed as category C2. The report provides a Tree Constraints Assessment and Arboricultural Method Statement designed to safeguard the trees from any adverse impacts. A schedule of general management recommendations (GMR) has been prepared, however, as noted this work will need to be applied for separately under the TPO legislation. The report provides a Tree Protection Plan, with notes, ground protection specification, and states that this would require on site monitoring/ supervision. This detail should be conditioned. Following the addition of relevant conditions, it is considered the proposal would comply with BE38 of the Hillingdon Local Plan: part Two - Saved UDP Policies (November 2012) and Policy DMHB 14 of Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

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

The proposal involves the installation of a basement level built into the ground. Emerging

policy DMHD 3 of the Hillingdon Local Plan; Part Two states that the Council requires an assessment of the schemes impact on drainage, flooding, ground water conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the build and natural environment and local amenity.

The applicant has submitted a Ground Investigation which has confirmed that groundwater was not encountered during the site investigation. However, adding that the absence of shallow groundwater table should be confirmed through the longer term monitoring. The Council's Flood and Water Management Officer has confirmed that this information is sufficient, but conditions are required to ensure that longer term monitoring is to take place.

Subsequently, it is considered that the proposal would comply with Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMHD 3 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

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, the street scene and flooding have been discussed in the report. The proposal has been determined using both National and Local Policy.

7.20 Planning Obligations

7.21 Expediency of enforcement action

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 £60 per square metre as of 01/04/2019. The proposed development would create an additional amount of 248 square metres.

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

10. CONCLUSION

Planning permission is sought for the erection of a single storey detached dwelling house with habitable basement space within the rear garden of No.40 Ducks Hill Road.

It has been considered that the proposal would not be considered as back land development and taking into account all other material planning considerations it would not have a detrimental impact on the street scene and surrounding area, would have an acceptable level of impact on neighbouring properties and would provide satisfactory residential amenity to future occupiers.

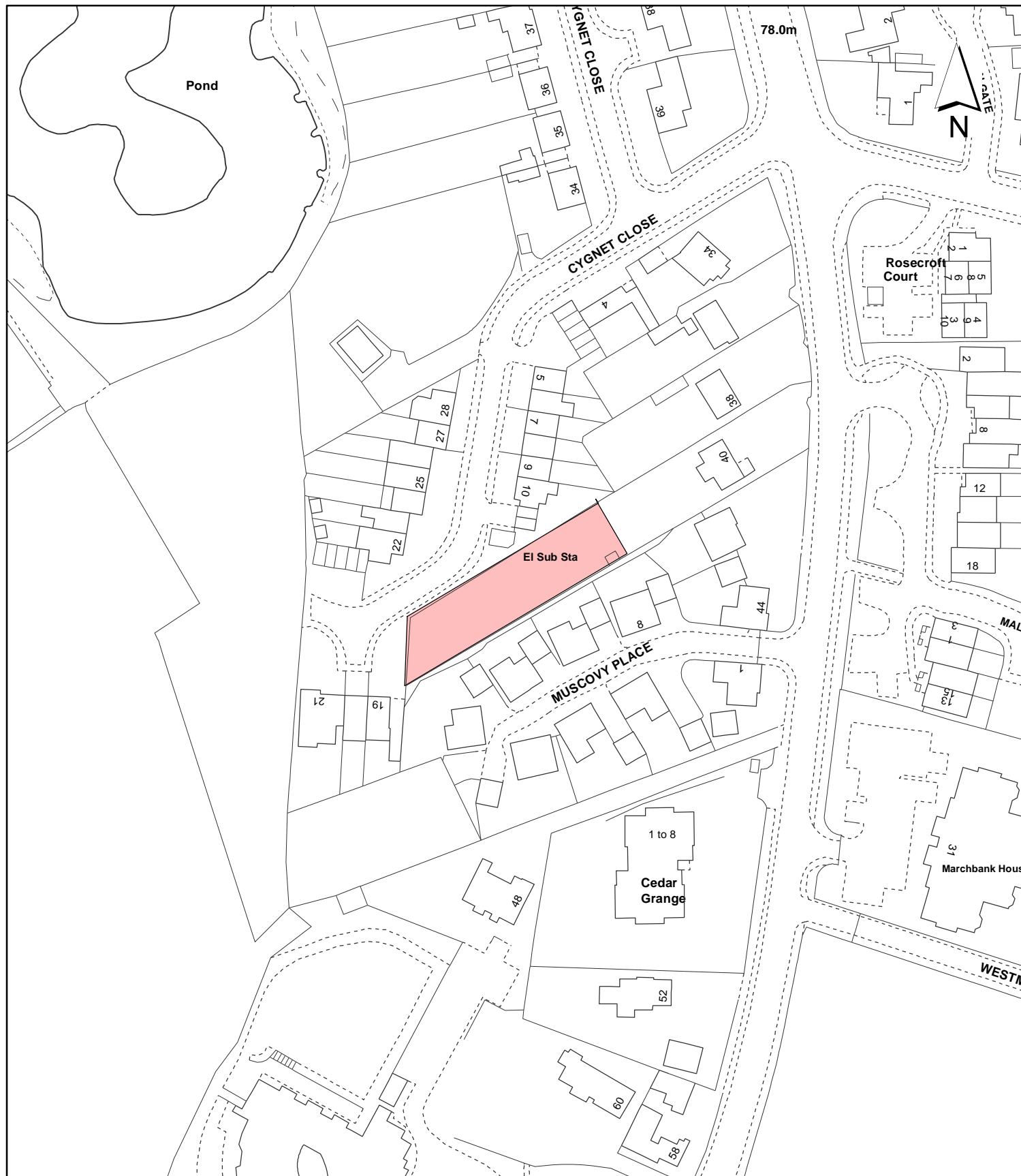
Subsequently, the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)
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

For identification purposes only.

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Site Address:

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

Planning Application Ref:

73183/APP/2019/868

Planning Committee:

North

Scale:

1:1,250

Date:

August 2019

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW
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