

Report of the Head of Planning, Transportation and Regeneration

Address 51 SWEETCROFT LANE HILLINGDON

Development: 2 x two storey, 4-bed, detached dwellings with habitable roof space, associated parking and amenity space and installation of vehicle crossovers

LBH Ref Nos: 33932/APP/2019/2015

Drawing Nos: Location Plan (1:1250)
18/3191/101
18/3191/102
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18/3191/4
18/3191/6
Design and Access Statement

Date Plans Received: 14/06/2019 **Date(s) of Amendment(s):**

Date Application Valid: 14/06/2019

1. SUMMARY

Planning Permission is sought for 2 x two storey, 4 bed detached dwellings with habitable roof space, associated parking and amenity space and installation of vehicular crossovers. The proposal would include the demolition of the existing dwelling house and access via Sweetcroft Lane, with the new means of access created in the form an extension of the existing road at the end of Portman Gardens.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting and layout would result in a development of the site, which 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 and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMH6 and DMHB5 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5, 7.1 and 7.4 of the London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the NPPF.

2 NON2 Non Standard reason for refusal

The proposed development by reason of its size, design, proximity to the side boundaries and extensive coverage by buildings would result in a cramped and incongruous form of development which would fail to harmonise with the established local context of the surrounding area to the detriment of the visual amenity of the street scene and the

character and appearance of the wider Hillingdon Court Park Area of Special Local Character. Therefore the proposal is contrary to Policy BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMHB11 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), 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.

2 I71 LBH worked applicant in a positive & proactive (Refusing)

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a large two storey detached dwelling situated centrally of a substantial sized rectangular shaped plot on the South side of Sweetcroft Lane. The site is accessed via a narrow single track road stretching south via Sweetcroft Lane, leading to a spacious frontage enclosed by high trees and dense vegetation. The rear garden is of an equal size and similarly enclosed by tall trees and vegetation.

To the West are a row of two storey detached dwellings situated on either side of Portman Gardens, and to the East a row of two storey detached dwellings situated further forward to front Sweetcroft Lane with extensive rear gardens.

The site lies within the Hillingdon Court Park Area of Special Local Character and predominantly made up of two storey detached dwellings consisting of a mixture of size and designs.

The application site lies within the Developed Area as designated in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

Planning permission is sought for the construction of 2 x two storey, 4 bed detached dwellings with associated parking and amenity space.

The new means of access would be via an extension to Portman Gardens, leading to two new properties East of No. 21 Portman Gardens.

3.3 Relevant Planning History

33932/APP/2018/3224 51 Sweetcroft Lane Hillingdon

4 x two storey, 4-bed, detached dwellings with habitable roofspace, associated parking and amenity space and installation of vehicular crossovers

Decision: 02-05-2019 Refused

33932/TRE/2010/60 51 Sweetcroft Lane Hillingdon

To carry out tree surgery work, including reducing, by 3m, the crown spread on the south-easter side of tree to provide clearance between tree and house, to one Oak (in group G2) TPO 32A.

Decision: 30-09-2010 Approved

Comment on Relevant Planning History

33932/APP/2018/3224: 4 x two storey, 4-bed, detached dwellings with habitable roofspace, associated parking and amenity space and installation of vehicular crossovers. Refused for the following reasons:

1. The proposed development, by reason of its siting and layout would result in a development of the site, which 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 and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the NPPF.

2. The proposed development by reason of its size, design, proximity to the side boundaries and extensive coverage by buildings would result in a cramped and incongruous form of development which would fail to harmonise with the established local context of the surrounding area to the detriment of the visual amenity of the street scene and the character and appearance of the wider Hillingdon Court Park Area of Special Local Character. Therefore the proposal is contrary to Policy BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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

Part 2 Policies:

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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
DMH 6	Garden and Backland Development
DMHB 1	Heritage Assets
DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential

LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 5.3	(2016) Sustainable design and construction
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

A total of 27 adjoining and neighbouring properties were consulted via letter dated 01.06.19 and a site notice displayed within Portman Gardens.

A number of representations including a petition, received from the adjoining and nearby properties which are summarised as follows:

- i. The proposal would conflict with the local character of the area,
- ii. Lead to the loss of amenity due to the proposed removal of the trees,
- iii. Lack of a vehicle turning circle on proposed plans leading to an unsafe and dangerous situation,
- iv. Insufficient parking spaces for proposed dwellings,
- v. Object to new access via Portman Gardens,
- vi. Result in excess traffic generation caused by the construction
- vii. All trees in Portman Gardens are subject to Tree Preservation Orders, and would object to tree at end of road being removed,
- viii. Any new development should use the existing access from Sweetcroft Lane,
- ix. Incorrect site plan,
- x. The application is a ploy to construct the previously refused application in 2 phases,

Officer Comment: All representations relating to character and appearance of street scene, impact upon the residential amenities of the adjoining neighbours, traffic/parking, TPO's would constitute material planning considerations and will be addressed within the main body of the report.

Internal Consultees

Highways Officer:

Site Characteristics & Background

The site is located within a residential catchment in Uxbridge and consists of a single substantive detached property which does not front Sweetcroft Lane as it is positioned in tandem behind No.53 Sweetcroft Lane. There is an existing pedestrian and vehicular access to no.51 alongside the flank of No.53.

No.51 is to be demolished and replaced by two 4 bedroom units with a new pedestrian and vehicular access from the 'turning head' end of the neighbouring Portman Gardens which is a cul-de-sac.

The site address exhibits a PTAL rating of 1-2 which is considered as poor and therefore encourages a higher dependency on the private motor car.

Parking Provision & Internal parking Layout

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

The maximum parking standard requires 2 spaces per unit to be provided on-site to comply with the adopted parking standard. This quantum is proposed and is welcomed as the location exhibits a low PTAL level which encourages a provision toward the maximum end of the standard.

Cycling Provision

In terms of cycle parking there should be a provision of at least 2 secure and accessible spaces for each of the dwelling units in order to conform to the adopted minimum borough cycle parking standard. A secure compound has not been indicated within the submission however such provision can be secured via planning condition.

Site Access and internal site layout

An existing access driveway that serves No. 51 is anticipated to be extinguished with a new access road is to be created via a new opening from Portman Gardens (Adopted highway and situated on the western flank of the site) to serve the new builds.

The principle of new access and closure of old is considered acceptable in the site circumstance and it should be noted that the new access juncture from the publicly adopted highway (Portman Gardens) merging into the new access road would need to be constructed to an appropriate Council standard under a S278 (Highways Act 1980) agreement (or suitable alternative arrangement) at the applicant's expense. The closure of the redundant access from Sweetcroft Lane should also be made good.

The internal layout and arrangement of the new access road within the site envelope broadly conforms to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts.

Vehicular Trip Generation

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy (November 2012) requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposal would clearly produce traffic generation from the site as compared to the single dwelling unit given that there is no vehicular access provision from Portman Gardens at present. However peak period traffic movement 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.

Operational Refuse Requirements

Refuse collection would be facilitated via the new access road from Portman Gardens. As the new access road is relatively short in length, there are no specific issues related to refuse collection from each of new dwellings. There are no further comments.

Construction Logistics Plan (CLP)

A full and detailed CLP would 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 a suitable planning condition.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not measurably exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

Trees and Landscape Officer: No comments received, however no objections were raised under the previous application.

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.

Paragraph 7.29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) suggests that backland development may be acceptable in principle subject to it being in accordance with all other policies, although Policy H12 does resist proposals for tandem/backland development which may cause undue disturbance or loss of privacy.

The NPPF, advises that LPAs 'should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

The London Plan (2016) provides guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens can contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. Policy 3.5 of the London Plan supports development plan-led presumptions against development on back gardens where locally justified by a sound local evidence base.

The Mayor's Housing Supplementary Planning Guidance, March 2016 also provides further guidance on the interpretation of existing policies within the London Plan as regards garden development. Paragraph 1.2.44 advises:

"London Plan Policy 3.5 states that 'Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.' This locally sensitive approach reflects paragraph 53 of the NPPF. Where planning permission is required, boroughs are advised to consider proposals for development in gardens in the light of local circumstances, taking into account the value gardens have in addressing the range of strategic policy objectives, particularly in terms of:

- defining local context and character including local social, physical, cultural (Policy 7.4,

3.5);

- providing safe, secure and sustainable environments and play spaces for children (Policy 3.6);
- supporting biodiversity, protecting London's trees, 'green corridors and networks' (Policies 7.19, 7.21);
- flood risk management and sustainable drainage (Policies 5.12 and 5.13)
- mitigating the effects of climate change including the 'heat island' effect and urban greening (Policies 5.1, 5.9, 5.10); and
- enhancing the distinct character of suburban London (Policy 2.6)."

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties. Specifically, the policy advises that development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase flood risk.

Thus whilst taking into account site circumstances, there has been a general strengthening of the presumption against residential development within rear gardens at national, strategic and local level.

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 the substantial proportion of the back garden in this location would be detrimental to the local and historical context of the area. The two properties would be constructed on the North side of the extended Portman Garden access and the South side to remain as open land, however the proposed development if approved would set a clear precedent that would mean that future proposals for residential development to the South of the access would be hard to resist as this area would no longer constitute a back garden. The proposed redevelopment would have a detrimental impact on the character and appearance of the general area, particularly in this location, which is characterised by detached dwellings with long rear gardens giving a sense of spaciousness to the setting. The proposal would give the impression of having been squeezed into a limited space and has little or no sense of space about them, given the very limited depths of the proposed amenity space and frontages and the proximity of the proposed development to the boundaries of the site. Thus, when balanced against the limited contribution the development would make toward achieving housing targets in the borough it is considered that the principle of the proposed backland residential development is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMH6 and DMHB11 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5, 7.1 and 7.4 of the London Plan, guidance within The London Plan Housing Supplementary Planning Guidance (2016) and the NPPF.

7.02 Density of the proposed development

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

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

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

Policy BE5 states Within areas of special local character new development should harmonise with the materials, design features, architectural style and building heights predominant in the area. Extensions to dwellings should respect the symmetry of the original buildings.

The buildings are characteristically set back from the road and feature mature front gardens and driveways positively contributing to the character of the Hillingdon Court Park Area of Special Local Character.

The new dwellinghouses would be constructed on the North side at the end of Portman Gardens following the construction of a new opening. The properties are two storey height and are characterised by half hipped roofs with two storey front and rear gable/ hipped projections incorporating an internal garage and are constructed from brick with part render finish and decorative timber cladding. The Conservation Officer had withheld comments regarding the design under the previous application Ref: 33932/APP/2018/3224, however the proposed development at two stories would reflect the height and appearance of the existing dwellings and its set back from the adjacent highway would maintain the existing building line by incorporating spacious front gardens and driveway. Although acceptable in these regards, the existing properties have considerable open spacing to either side and between the shared boundaries, as opposed to the 2 new dwellings which have a narrower plot with shorter gardens. The proposed development would subsequently appear contrived and an incongruous form of development which would fail to integrate with the character and appearance of the street scene and the ASLC.

It is therefore considered that the proposal would form a bulky and incongruous development which would fail to respect the character and appearance of the neighbouring properties and the spacious character of the surrounding area to the detriment of the ASLC. Therefore the proposal is contrary to Policy BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMHB5 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The application site is not within the Metropolitan Green Belt but adjoins Hillingdon Court Park, which is within the Green Belt.

An appeal decision for a similar proposal at land to rear of 18-22 Parkway (Ref: 60093/APP/2005/3379) the Inspector stated:

'Hillingdon Court Park forms part of the Metropolitan Green Belt although it is totally surrounded by development and so as far I could see has no physical or visual links to other open land or the countryside. Whilst the proposals do not encroach upon Green Belt land, UDP Policy OL5 reflects advice in paragraph 3.15 of the PPG2 that development

adjacent to or conspicuous from the Green Belt will only be permitted if it would not injure visual amenities of the Green Belt by reason of siting, materials and design. The park is used for formal and informal recreation and contains many mature trees.....Whilst the perimeter is largely de-marked by trees and hedges, built development is apparent in most vistas, with some being particularly conspicuous and visually intrusive due to a combination of factors such as proximity to the park edge, lack of landscape screening, unsatisfactory boundary treatments and inappropriate design/materials. In the case of the appeal schemes, the houses would be set at distances ranging from 10.5 m to 18.6 m from the Green Belt boundary, which is further than what has been permitted by the Council elsewhere, including the adjacent development at Holm Grove. Both proposals specify 1.8 m high close boarded fencing as the means of enclosure, I regard this as totally inappropriate along the Park edge as it detracts from the visual quality of the park and Green Belt. However I am satisfied that I can address these matters by imposition of conditions relating to means of enclosure and landscaping.'

With regard to the proposed development, the two new dwellings would be sited on the North side of the extended access to retain a separation distance of approximately 50 m with the perimeter of Hillingdon Court Park which would be further than the adjoining properties to the South along Portman Gardens. It is therefore considered that the impact of the proposal, on the Green Belt could be addressed by the imposition of conditions relating to means of enclosure and landscaping.

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 maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene and seek to ensure any new development complements the amenity of the area.

The site currently consists of a large detached dwelling situated centrally of a spacious rectangular shaped plot, which is accessible via a narrow track road from the South side of Sweetcroft Lane. It is proposed to demolish the existing building and replace it with 2 new dwellings including the construction of a new opening along Portman Gardens. The Conservation Team have withheld the comments in regards to the design of the dwellings, however it is considered the proposed development given the use of a twin front projection coupled with a full width two storey rear projection would represent a bulky and incongruous addition which would fail to reflect the appearance and architectural style of the arrangement of properties along Portman Gardens, and given it would result in the loss of the spaciousness and open rear garden it would not be in keeping with the pattern of development relative to the properties along Sweetcroft Lane and therefore would represent an incongruous form of development to the detriment of the appearance of the wider area.

It is acknowledged the new development could be viewed in arrangement of the existing row of properties along Portman Gardens which have shorter gardens and are generally within close proximity of one another, however under planning Ref: 41674/APP/2017/381, for the erection of 4 x two storey, 4-bed detached dwellings with associated parking and amenity space (Outline application for access and layout with some matters reserved) was dismissed at appeal. The Inspector stated:

"9. Given the additional height and short rear gardens of Woodlands there can be no assurances that the proposed dwelling at Plot 4 would achieve suitable separation

distances to fit in with the prevailing pattern of development and maintain the existing high levels of spaciousness. I acknowledge that the arrangement of houses along Copsewood Way is of limited significance to the proposal due to the limited visual association with that estate. The extensive trees and hedgerows of the appeal site would also largely screen the proposal in streetscene views along Fringewood Close.

10. However, the proposal would be clearly visible from properties along Ducks Hill Road. On the limited information before me the close relationship between Plot 4 and the Woodlands would not appear to maintain existing densities or the spaciousness of the area. There being no flexibility over the layout of the dwellings the proposal would therefore result in a cramped development that would be harmful to the character and appearance of the area. The limited benefits of four additional units to the dwelling supply and the Council's acceptance of the access proposed would not outweigh this significant harm.

11. I conclude that the proposal would result in harm to the character and appearance of the area. As a result it would conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 and Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies 2012 that seek to achieve high quality design that makes a positive contribution to local areas in terms of layout, and which complements and improves the character of the area. It would also conflict with Policies 3.5, 7.1 and 7.4 of the London Plan that require housing to enhance the quality of local places, have regard to pattern and grain, and improve or reinforce character, among other things."

It is considered as the proposed development would be clearly visible from properties along Sweetcroft Lane and the adjoining open public space and would not appear to maintain existing character, densities or spaciousness of the area and therefore would result in an an incongruous and cramped form of development that would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies and Policy DMH6 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.08 Impact on neighbours

Policy BE20 requires any new development to be laid out so as to protect the daylight and sunlight levels of existing houses. Policy BE21 requires new extensions by virtue of their siting, bulk and proximity to not result in a significant loss of residential amenity to neighbouring properties and Policy BE24 should protect the privacy of the occupiers and their neighbours.

The HDAS Supplementary Planning Document Residential Layouts 4.0 Design Guidance states the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings.

Paragraph 4.9 of the 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 goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore, a minimum of 21m overlooking distance should be maintained.

The proposed dwellings would be situated so as to reflect the existing pattern of

development within Portman Gardens, and although would marginally protrude beyond the front elevations of Nos. 21 Portman Gardens combined with the separation gap they would not breach a 45 degree angle from their nearest front or rear habitable aspects.

With regards to overlooking, the proposed dwellings would maintain a separation distance of approximately 38 m between the row of properties to the rear fronting Sweetcroft Lane, and with no habitable room windows proposed to the flank walls, would also protect the privacy of the existing dwellings at Nos. 21.

7.09 Living conditions for future occupiers

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.

The Housing Standards Minor Alterations to the London Plan March 2016 requires a two storey 4 bed dwelling with 8 number of bed spaces should benefit from a gross internal floor area of 124 square metres.

Policy BE20 of the Hillingdon Local Plan seeks for all buildings to be laid out so that adequate daylight and sunlight can penetrate into and between them in addition to Policy 3.5 of the London Plan 2016 which seeks all new dwellings to have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose.

The proposed dwellings would measure approximately 250 square metres which would exceed the minimum standards, combined with the internal layout which would see all habitable rooms benefit from either a front or rear facing outlook, the proposal is deemed sufficient to provide a satisfactory living environment for its future occupiers.

As such, it is considered that the proposal would provide a satisfactory living standard and level of amenity for its future occupiers and therefore would comply with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 3.5 of the London Plan (2016).

Policy BE23 requires amenity space provision commensurate with the size of the dwelling proposed. a 4+ bedroom dwelling must provide or retain a minimum of 100 square metres of private usable space.

The 2 new dwellings would benefit from a minimum of 160 square metres of usable space which given their shape and size would be considered entirely usable.

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 of the Local Plan Part Two specifies that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of two off-street parking spaces for each of the proposed dwellings.

Each new dwelling would provide 2 off street car parking spaces to comply with the minimum standard, however no secure cycle/ recycling storage spaces have been illustrated. If the application were minded to be approved this could be overcome by way of

condition.

The proposed new dwellings would be served by a new opening from Portman Gardens. The Highways Officer has raised no objections as it would conform with the Department for Transport - Manual for Streets (circa 2007) best practice for road and parking layouts. Additionally the traffic generation expected would not be above 1-2 vehicle movements during the peak morning and evening, and is considered marginal as it can be absorbed within the local road network without notable detriment to traffic congestion and road safety

7.11 Urban design, access and security

These issues are considered in other sections of the report.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping where appropriate.

A Tree Survey, Arboricultural Impact Assessment and Method Statement was submitted under the previous application where the Council's Landscape and Tree Officer stated that the report provides full details of recommended tree surgery and removal and the method statement specifies the tree protection and other measures required to safeguard the trees to be retained and that there is no objection to the conclusions and recommendations contained in the tree report. On the basis of the previous submission, in the event of an approval it is considered acceptable that this additional info be requested via condition.

The proposal therefore complies with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.15 Sustainable waste management

Not applicable to this application.

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 issues raised have been covered within the various sections of the report.

7.20 Planning obligations

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

Presently calculated the amounts would be as follows;

LBH CIL £50,095.06

London Mayoral CIL £23,580.00

Total CIL £73,675.06

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the

proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposed development would have a significantly detrimental impact on the character and appearance of the area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (adopted November 2012) (LP Part 1), saved Policies BE13, BE19 and BE38 of the London borough of Hillingdon Unitary Development Plan (1998) (the UDP), Policies 3.5, 7.1 and 7.4 of the London Plan (adopted 2016), and guidance within The London Plan Housing Supplementary Planning Guidance (March 2016) (LP SPG) and the National Planning Policy Framework (the Framework), that amongst other matters, require that new development is of a quality design that responds to the pattern of development locally in terms of scale, proportion and mass that improves and maintains the quality of the built environment.


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)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

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	<div>Planning Committee:</div> <div>Central & South</div>	<div>Date:</div> <div>September 2019</div>	