

Report of the Head of Planning, Transportation and Regeneration

Address LAND FORMING PART OF 43 THE DRIVE ADJACENT TO 68 AND 113
KNOLL CRESCENT NORTHWOOD

Development: 2 x 2-bed, one and a half storey, semi-detached dwelling houses with
associated parking and amenity space, involving demolition of existing
outbuilding

LBH Ref Nos: 70975/APP/2019/1984

Drawing Nos: 17/3088/10
17/3088/11
901.19.1A
17/3088/02
17/3088/03
17/3088/13
Site Survey
TREE REPORT
17/3088/14A
17/3088/12A

Date Plans Received: 11/06/2019

Date(s) of Amendment(s):

Date Application Valid: 24/06/2019

1. SUMMARY

This application seeks permission for a pair of semi detached two storey two bed dwellings with associated parking and amenity space involving demolition of existing outbuilding within an area of land to the rear of 41 and 43 The Drive, Northwood. The new dwellings would be accessed off the southern arm of Knoll Crescent.

Given the harm that would be caused to the character and appearance to streetscene and openness of the surrounding area arising from this development it is considered that the development would be unacceptable. Furthermore three appeals have been dismissed in 2014, 2016 and 2019 concerning dwellings on this site. In all cases Planning Inspectors supported the Council's stance that such development was inappropriate in principle.

A recent site visit shows that 43 The Drive is now a separate entity and has recently been sold. The rear garden is fenced off from the application site by means of a close boarded timber boundary fence approximately 1.8m in height. The rear private amenity space is completely paved as an extended patio of approximately 13m in length.

The area of land to the rear, which forms the application site and accessed from Knoll Crescent, benefits from three built structures. One large outbuilding and another which appears to be a double garage which is currently being used as a storage unit. These buildings have been accepted under permitted development for 43 The Drive before the site was sub divided.

Officers maintain the proposal continues to harm the open and verdant character of the overall site. This area currently forms an essential break in the built form and an area of amenity that contributes to the street scene. There is also a useful turning area for

vehicles, which serves to emphasise its openness. The loss of this area to further buildings would harm this openness and amenity of the area. Similarly the open aspect from the rear of the properties in The Drive, including the donor properties and Nos 41, 43 and 45, would be lost. The proposal would therefore fail to retain the open and green nature that is characteristic of the area.

The scheme is therefore unacceptable in principle, and recommended for the reasons outlined in this report

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), DMH6, DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019) and Policy 3.5 of the London Plan (March 2016).

2 NON2 Non Standard reason for refusal

The proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area. The proposal is, therefore, contrary to Part 1 Policy BE1, Part 2 Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012) and DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
BE22	Residential extensions/buildings of two or more storeys.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
DMH 6	Garden and Backland Development
DMHB 16	Housing Standards
H3	Loss and replacement of residential accommodation
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 5.13	(2016) Sustainable drainage
LPP 5.18	(2016) Construction, excavation and demolition waste
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 7.4	(2016) Local character
LPP 7.14	(2016) Improving air quality
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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.

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You are advised that the proposed development represents chargeable development under the London Borough of Hillingdon and the Mayor's Community Infrastructure Levy Charging Schedules. Should the application be subject to an appeal which was allowed the development would be liable.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated to the rear of Nos. 41 and 43 The Drive. It should be noted that No. 43 The Drive is now a separate entity and has been recently sold and is now occupied. This was the subject of a separate site visit in order to view the application site from the rear garden of this property.

The site is rectangular in shape, measuring 19.1 m wide by 71.7 m deep, and comprises the rear garden of No 41 The Drive and also extends to the rear of No. 43 The Drive. The site comprises of areas of lawn, trees and vegetation, has an overall area of 0.13 ha and is verdant in character despite the existence of an outbuilding and double garage. The site is subject of area TPO No. 124 which covers land at 35-49 The Drive.

The proposed houses will sit broadly on the footprint of the 'swimming pool' building enclosure. At the time of the Officer's site visit both the 'pool' enclosure and garage were complete however there was no apparent evidence of a swimming pool in the larger outbuilding.

Subsequently, an appeal was allowed at appeal for a certificate of lawful use relating to a double garage to the rear of No 43 the Drive. The Inspector found that it was not unusual for a dwelling of this size to have a garage of the size that is being constructed. The Inspector found no evidence to suggest the two plots were not in single ownership and therefore concluded that a double garage for the sole use of No 43 the Drive. This is now redundant as No. 43 The Drive has no access to this land at the rear.

The southern boundary of the site adjoins the southern arm of Knoll Crescent, which currently terminates in the form of a turning area adjacent to the site. Knoll Crescent is characterised by relatively modern properties of several different designs situated within a pleasant semi-urban environment. The application site forms part of an area of generally wooded garden land which separates the northern and southern arms of Knoll Crescent.

The application site remains similar as that for the three previously refused schemes and extends to the south east and terminates adjacent to no. 113 Knoll Crescent. The application site slopes down in an easterly direction from the boundary fence of what was formerly the host dwelling at 43 The Drive. As such, the properties in Knoll Crescent to the south are at a considerably lower level than those in The Drive.

An outbuilding allowed under permitted development has been built in the same position as the proposed pair of semi-detached houses. The outbuilding is for the use of a swimming pool, however, as previously stated there is no visual evidence of any swimming pool. A double garage has been constructed further to the south.

Beyond the south eastern boundary is land designated as Green Belt and a Site of Interest for Nature Conservation.

3.2 Proposed Scheme

The proposal seeks permission for a pair of 3 bedroom semi detached houses to be built to the rear of the now sub divided site on what is now occupied by the larger outbuilding and would be located to the north west of the site. The access from Knoll Crescent,

effectively forming an extension of the existing Knoll Crescent street scene. The proposed house would be to the west of the site.

The proposed pair of semi detached dwellings would be single storey with a maximum height of 6.1m incorporating a steep pitch roof with all the bedrooms in the roof space. The building would have two front gables and two front dormers to all sunlight/daylight to and outlook form the bedrooms. The building would be 15m wide, 9m deep. Internally these family sized dwellings provide 3 bedrooms on the first floor and a ground floor kitchen/diner and lounge space creating 105sq.m of internal floorspace for each house.

3.3 Relevant Planning History

Comment on Relevant Planning History

43 The Drive

APP/R5510/X/17/3184549 - appeal allowed and a certificate of lawful use granted for a double garage.

43995/APP/2016/3262 - Single storey outbuilding to rear for use as a swimming pool (Application for a Certificate of Lawful Development for a Proposed Development). Granted on 16/10/2016.

Land Adjacent to 68 Knoll Crescent

Under ref: 70975/APP/2015/2012 and 70975/APP/2015/3737, planning permission was refused for the two storey detached dwelling with associated parking and amenity space for the following reasons:

1. The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (March 2015).
2. The proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the streetscene, causing harm to the visual amenities of the surrounding area. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012).
3. The proposal fails to make adequate provision for the protection and long-term retention of valuable trees. The proposal therefore does not comply with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (March 2015).

Under ref: 68458/APP/2012/779, planning permission was refused for the erection of 4 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover to front on the same area of land for the following reasons:

1. The proposed development would constitute backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), and Policy 3.5 of the London Plan

(July 2011).

2.The proposal would result in the loss of a significant number of trees (including protected trees)and would adversely impact on the green vista and arboreal character of the area. The proposal does not take into account the future growth / size of trees and the impact that this growth would have on the amenities of the proposed occupiers. The proposal therefore does not comply with Policy BE38 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Polices (September 2007) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

Under ref: 68458/APP/2013/1405, planning permission was refused and dismissed at appeal for the 2 x two storey, 4-bed, detached dwellings with associated amenity space and parking and installation of vehicular crossover for the following reasons:

1. The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (July 2011).

2. The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including a contribution for education facilities. The scheme therefore conflicts with Policy R17 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

70975/APP/2018/1295 planning permission was refused and dismissed at appeal for the erection of 2 x 3-bed semi-detached dwelling houses with associated parking and amenity space following the demolition of existing outbuilding for the following reasons

1. The proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposal is therefore contrary to Part One Policy BE1 and Part 2 Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and Policy 3.5 of the London Plan (March 2016).

2. The proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area. The proposal is, therefore, contrary to Part 1 Policy BE1 and Part 2 Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012).

Officer Comments:

There is a long history of applications and appeals. As listed above, previous applications for various new dwellinghouses have now been dismissed at three appeals. The applicant has since constructed an outbuilding to house a swimming pool and a double garage to the

rear of No 43 the Drive, both of which are now completed. The grant of the two certificate of lawful developments by no means infers that the open and verdant nature of the site has been compromised or the permission for new dwellings should be granted.

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).

The proposed development would be assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the London Plan 2015, the NPPF and supplementary planning guidance prepared by both LB Hillingdon and the GLA.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.H1 (2012) Housing Growth

PT1.BE1 (2012) Built Environment

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.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- 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.
- BE22 Residential extensions/buildings of two or more storeys.

- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- 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.

- DMH 6 Garden and Backland Development
- DMHB 16 Housing Standards
- H3 Loss and replacement of residential accommodation
- 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 5.13 (2016) Sustainable drainage
- LPP 5.18 (2016) Construction, excavation and demolition waste
- LPP 5.3 (2016) Sustainable design and construction
- LPP 5.7 (2016) Renewable energy
- LPP 7.4 (2016) Local character
- LPP 7.14 (2016) Improving air quality
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE7 Development in areas likely to flooding - requirement for flood protection measures
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

This application was consulted on between 26-06-2019 and 17-07-2019. 10 objections and 1 petition against this application were received. The comments are summarised below:

- the proposed development would constitute a piecemeal form of backland development that would fail to maintain the open and verdant character and appearance of the surrounding area. The proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area

- the open verdant aspect of Knoll Crescent would be compromised. If the site were to be tarmacadam over, there would be loss of green amenity and habitat for nature (birds, butterflies, insects, etc).

- Exacerbation and increased congestion to the existing parking arrangements

- The application fails to address the issue of drainage. Problems have been experienced with the drains so extra properties pose a risk of additional problems if connected to the existing drainage system. The application would appear incomplete without a proper drainage proposal, any proposal would need to guarantee no adverse impact on the current drainage system.

- accessibility issues for both emergency response vehicles and refuse collection lorries

- loss of privacy and overlooking issues to properties in The Drive and Knoll Crescent

- this latest application is no different in principle to all the previous applications for this site, and like them it fails to respect the open and verdant character of the area.

Internal Consultees

Trees & Landscaping commented as follows: -

This site is occupied by the rectangular back garden to the rear of 41 and 43 The Drive.

The land slopes down from the houses towards the back (east) boundary.

The rear garden is accessible from the end of the cul-de-sac of Knoll Crescent, between house numbers 68 and 113 where an informal entrance provides access on the side / southern boundary.

There is an unsightly (unfinished) looking outbuilding at the north end of the site, on elevated land behind 43 The Drive - as permitted under a certificate of Lawful Development.

There is also a garage and area of hard-standing have been installed opposite the crossover from Knoll Crescent.

The site lies within the area covered by TPO 124 and there are a number of protected trees on this site within the schedule: T39 to T49 and G2. The protected trees comprise a mix of species, mainly

situated along the north (side)boundary and rear / east end of the garden, with a few along the southern boundary.

There are also protected trees immediately outside the site, which might constrain development. This is a relatively old TPO and not all of the scheduled trees remain on site.

COMMENT

This site has been the subject of a number of previous application ref. 2018/1295 which was refused.

A tree report to BS5837:2012 has been prepared by Elizabeth Greenwood. This survey includes an Arboricultural Impact Assessment and Method Statement. The tree survey has assessed the condition and value of 190No. individual trees and groups. There is one 'A' grade tree, T16 a Grand Fir, on the survey.

Three individual trees and two groups have been graded 'B': T1 Norway spruce (G2 on the TPO), T4 ash (T48 on the TPO), G1 yew and laurel and G3 yew and laurel. According to the Arb. Impact Assessment, three trees will be removed to facilitate the development: T6 ash, T24 and T25 Lawson cypress. Two are grade 'C' tree and one is graded 'U'. Tree surgery is recommended for three trees: T18 ash, T19 and T21 both Lawson cypress and G1 laurel, yew, ash, hawthorn - all 'C' grade trees. Table 3.2.2 confirms that there is only one 'A' grade tree, the Grand Fir T16 on plan. There are a limited number of 'B' grade trees, T14 Lawson cypress and G1 and G3, ash and a group of yew and laurel. The impact of development on the trees is summarised in 4.2, with incursion into the root protection areas of trees summarised in 4.2.2.

There is an estimated 22% incursion into the RPA of the only 'A' grade tree on the site, a visually prominent Grand Fir - T16 on the survey. There is no objection to most of the tree survey and recommendations above.

However, the incursion of the RPA of the Grand Fir is excessive - and appears to be unnecessary. According to the BS, some incursion into the RPA may be acceptable, but a 22% incursion poses an unacceptable risk. The parking spaces should be re-located outside the RPA of the 'A' grade tree.

INSPECTOR'S REPORT ref. APP/R5510/W/18/3212491 Reasons 10 noted 'the landscape character contained within the site creates a pleasing natural backdrop to the great benefit of the area'. He also queried the removal of T40 and T41 - two 'C' grade (poor condition and value) trees - which could be replaced with better young trees. In my view the safeguarding of the 'A' grade tree, T16 Grand Fir whose RPA is affected by the parking area is of greater concern. In reasons 17 and 18 the Inspector noted that the unsightly outbuilding 'will be replaced by houses (and parking) that will still cause harm to the open character of the area'.

RECOMMENDATION

The current proposal does not appear to have addressed the reasons for refusal 6-23 identified by the planning inspector and is contrary to policies BE38 and BE39.

Access Officer commented as follows: -

This proposal has been reviewed against the requirements of London Plan policy 3.8 (c). The split level ground floor arrangement, by virtue of its design, would result in the entrance level WC not being accessible to wheelchair user.

The design of the proposed development is considered to be incompatible with the requirements of London Plan policy 3.8(c) and is therefore not supported from an accessibility standpoint.

Conclusion: unacceptable

Highways & Transportation commented as follows: -

Site Characteristics

The site is located on land to the rear of 43 The Drive which is set within a small residential catchment in Northwood Hills bounded by Haste Hill golf course to the south and Rickmansworth Road (A404) to the north. The Drive is not a traffic through route but solely connects Pinner Road to the golf course and Knoll Crescent which is a cul-de-sac. The site has a planning history which had generated a refusal for a single dwelling unit which was then subsequently appealed and dismissed thereafter. It is highlighted that the aspects of transport/highways did not form one of the original reasons for refusal. The same non-refusal stance on highway grounds was applied to a subsequent 2x3 bed semi detached proposal (similar to the current proposal) which was refused in 2018 for other planning related reasons.

The surrounding roadways do not exhibit parking restrictions with the exception of localised double yellow lines at the junction with The Drive and Knoll Crescent. The surrounding residential units in both roads have ample on-plot parking provisions which inherently reduce parking demand and pressures on-street.

Within the site envelope there is an existing outbuilding and garage, set within a garden landscape, which would be demolished to make way for two new 2 bedroom semi-detached properties. To serve the new build, vehicular access would be taken from a new opening in the existing 'turning head' that serves Knoll Crescent.

The site is relatively remote from public transport connections and hence exhibits a PTAL of 1 which is considered as low.

Parking Provision/Access & Internal Layout

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy (November 2012) states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

It is proposed to provide 2 x two bed semi-detached residential units. The maximum parking standard requires 2 spaces per unit hence a total quantum of up to 4 spaces should 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.

Parking is arranged in communal fashion and would be accessed via a new aperture in the existing 'turning head' that serves Knoll Crescent. This arrangement is considered acceptable on highway grounds and it conforms to DfT (Manual for Streets circa 2007) best practice for road and parking layouts. In addition there is highway safety benefit from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

Cycling Provision

In terms of cycle parking there should be a provision of 2 secure and accessible spaces for each of the dwelling units (totalling 4 spaces) in order to conform to the adopted minimum borough cycle parking standard. A secure compound has been indicated within the submission but without specific detail in cycle number terms. Notwithstanding this point the provision of the 2 spaces per unit requirement can be secured via planning condition.

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 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.

Operational Refuse Requirements

Refuse would be collected from Knoll Crescent via the new opening in the turning head.

An indicative bin store location is depicted on plan for both units however a site management regime should ensure that waste collection distances do not exceed 10m from the point of collection from the public highway in order to conform to good and appropriate practice.

This could be achieved by either a formal planning condition or informal arrangement applied by the new occupiers. It is considered that for this scale of development it is in the best interest of the occupier to place their refuse within the proposed refuse storage location if they wish for their refuse to be collected. The latter informal arrangement is therefore considered as sufficient in this case. There are no further observations.

Construction Logistics Plan (CLP)

A full and detailed CLP will be a requirement given the constraints and sensitivities of the local residential road network in order to minimize/avoid 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).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

As with the previous applications, this proposal would represent backland development to which there have been recent changes to policy, as contained within both the London Plan 2016 and the National Planning Policy Framework.

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 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 (2019) at paragraph 70, 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: that when considering proposals which involve the loss of gardens, regard should be taken of the degree to which gardens contribute to a communities' sense of place and quality of life (Policy 3.5), especially in outer London where gardens are often a key component of an area's character (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).

London Plan Policy 3.5 A 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

Emerging Policy DME1 6: Development in Green Edge Locations states that new development adjacent to the Green Belt, Metropolitan Open Land, Green Chains, Sites of Importance for Nature Conservation, Nature Reserves, countryside, green spaces or the Blue Ribbon Network should incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries..

Emerging Policy DMH 6: Garden and Backland Development states that there is a presumption against the loss of back 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 the following criteria:

- i) rear garden land which contributes either individually or as part of a larger swathe of green space to the amenity of residents or provides wildlife habitats must be retained;
- ii) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided; iii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- iv) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- v) features such as trees, shrubs and wildlife habitat, which are important to character, appearance or wildlife must be retained or re-provided.

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.

7.02 Density of the proposed development

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

The site is not within or adjacent a special character area.

7.04 Airport safeguarding

There are no airport safeguarding issues raised by this application.

7.05 Impact on the green belt

The site is not situated within Green Belt land although it is adjacent to it. However, given the existing built environment and its relationship with the boundary, it is considered on balance that there would be no adverse impact on the openness of the Green Belt. Where seen from within the adjoining Green Belt the buildings would be seen as a continuation of the Knoll Crescent properties. No Green Belt issues are therefore raised by this application.

7.07 Impact on the character & appearance of the area

As detailed elsewhere in this report, the proposed development would impact on the character and appearance of the area, resulting in the loss of an area of open space that contributes to the character of the area and the amenities of existing residents that surround the site.

This is particularly apparent from the end of Knoll Crescent, where the access to the proposed site would be created and the houses constructed. This area currently forms a

break in the built form and an area of amenity that contributes to the street scene. This break in built form is considered essential to allow for the prominence of the trees to remain the dominant visual feature safeguarding the current character of the area.

Fronting towards the turning area for vehicles, the site is prominent emphasising its openness. The loss of this area to further buildings would harm this openness and amenity value. Similarly the open aspect from the rear of the properties in The Drive, including the donor property and No.41, would be lost.

The submission documentation argues that the garage building would be demolished thus opening up the vista along Knoll Crescent with a resultant increase in openness.

However approved swimming pool was allowed a maximum of 4 m in height whereas the proposed semi detached dwellings would be 6.1 m in height, an increase in height of 2 m or 50%, which will have a far greater impact on the open character of the back gardens.

The swimming pool outbuilding enclosure, when originally constructed, was only to be used solely by No 43 the Drive and incidental to that particular dwelling. This is now redundant as the site has been sub divided and the outbuilding/swimming pool and double garage are no longer part of the site that pertains to 43 The Drive.

The current development would result in the construction of two dwellings on the footprint of the outbuilding/swimming pool enclosure, access and a substantial area of hard standing to the front of each property resulting in the loss of openness and verdant character and appearance of the surrounding area.

The proposal would therefore fail to retain the open and green nature that is characteristic of the area, and would be contrary to Policy BE1 of the adopted Hillingdon Local Plan: Part One Strategic Policies (November 2012), Policies BE13 and BE19 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies with Modifications (March 2019) and Policy 3.5 of the London Plan (March 2016).

7.08 Impact on neighbours

The Council's Supplementary Planning Document HDAS: Residential Layouts requires buildings of two or more storeys to maintain at least a 15 m separation distance from adjoining properties to avoid appearing over dominant and a 21 m distance maintained between facing habitable room windows and private amenity space, considered to be a 3 m deep 'patio' area adjoining the rear elevation of a property to safeguard privacy. It is noted that the approximate distance between habitable room windows in the proposed development and the properties on The Drive would be approximately 22.6 m.

Whilst the proposed development would result in a harmful change in character of the area, it is considered that there would be no material impact on the amenities of adjoining occupiers. Appropriate conditions could be imposed on any planning permission granted to ensure that there would be no adverse impact on the amenities of the adjoining occupiers, such as, for example through the provision of obscure glazing, or preventing the installation of roof extensions and dormers, or outbuildings through the removal of permitted development rights..

The new buildings would be sited at a lower level than the properties in The Drive, similar to the existing relationship with other properties in The Drive and Knoll Crescent. The relationship between the new buildings with the properties adjacent in Knoll Crescent would

also be satisfactory.

There would thus be no significant adverse impact in terms of loss of light or privacy, or overlooking or any overbearing impact or visual intrusion that would justify a refusal of planning permission.

In this respect the proposal is therefore considered to comply with Policies BE20, BE21 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Mayor's Housing Standards (2016) sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. Table 3.3 requires a 2 storey, 2 bedroom, 4 person dwelling, to have a minimum size of 79 sq.m. The proposed new dwellings would comply with the required standard resulting in a satisfactory residential environment for future occupiers.

Section four of the Council's HDAS: Residential Layouts states that developments should incorporate usable attractively laid out and conveniently located garden space in relation to the dwellings they serve. It should be of an appropriate size, having regard to the size of the houses and the character of the area.

The side/rear amenity space meets these requirements and therefore would provide a satisfactory standard of residential amenity for future householders in accordance with the Council's guidance. As such, the scheme complies with Policies BE23 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed bedrooms would be screened by hedges and set more than 21 m from neighbouring properties and would therefore not be overlooked by adjoining properties.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2016).

7.10 Traffic impact, car/cycle parking, pedestrian safety

Parking Provision/Access & Internal Layout

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy (November 2012) states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

It is proposed to provide 2 x two bed semi-detached residential units. The maximum parking standard requires 2 spaces per unit hence a total quantum of up to 4 spaces should 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.

Parking is arranged in communal fashion and would be accessed via a new aperture in the existing 'turning head' that serves Knoll Crescent. This arrangement is considered acceptable on highway grounds and it conforms to DfT (Manual for Streets circa 2007) best practice for road and parking layouts. In addition there is highway safety benefit from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

In terms of cycle parking there should be a provision of 2 secure and accessible spaces for each of the dwelling units (totalling 4 spaces) in order to conform to the adopted minimum borough cycle parking standard. A secure compound has been indicated within the submission but without specific detail in cycle number terms. Notwithstanding this point the provision of the 2 spaces per unit requirement can be secured via planning condition.

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 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.

A full and detailed CLP will be a requirement given the constraints and sensitivities of the local residential road network in order to minimise/avoid potential detriment to the public realm. It will need to be secured under a suitable planning condition should the application be considered acceptable.

The application has been reviewed by the Highway Engineer who is satisfied 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 Development Plan (2012) and policies 6.3,6.9, and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

The impact of the development on the verdant character of the area, the design of the houses, and their relationship with each other, in their own right, are considered unacceptable.

The scheme proposes a pair of chalet style semi-detached houses, with 1st floor accommodation located in large pitched roofs with large front gables and two front dormers.

The proposed design would not follow the pattern of development with the houses on Knoll Crescent and The Drive which have a clear consistency to their design. It is therefore considered that the design of the house as proposed would detract from the character and appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

With regard to access and security, had the application not been recommended for refusal, conditions would have been sufficient to ensure compliance with the requirements of Policy BE18 of the adopted Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) and the Council's Supplementary Planning Guidance on Community Safety by Design.

7.12 Disabled access

The access officer found the design of the proposed development to be incompatible with the requirements of London Plan policy 3.8(c) and is therefore not supported from an accessibility standpoint.

However, if the scheme had been found acceptable a condition could have been secured to ensure the development would meet building regulation M4 (2) 'accessible and adaptable dwellings' in accordance with Policy 3.8 c of the London Plan (March 2015) and the Mayor's Housing Standards: Transition Policy Statement.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Local Plan requires development proposals to retain and utilise landscape features of merit and provide new planting wherever appropriate.

This site is covered by TPO 124. There are several large, mature protected trees on and adjacent to this site. The tree report that has been submitted and has been updated since the previously refused scheme.

The current scheme has been amended in such a way as to minimise harm to the valuable, protected Ash trees (T40 & T41 on TPO 124).

The proposal addresses the previous reason for refusal and the scheme makes adequate provision for the protection and long-term retention of valuable tree/s, subject to conditions.

7.15 Sustainable waste management

Refuse would be collected from Knoll Crescent via the new opening in the turning head. An indicative bin store location is depicted on plan however a site management regime should ensure that waste collection distances do not exceed 10m from the point of collection from the public highway in order to conform to good practice. Had the application have been considered acceptable, a management plan would have been sought.

7.16 Renewable energy / Sustainability

The proposal would be required to achieve appropriate standards of sustainable design and reduce water consumption in accordance with policies contained within section 5 of the London Plan. Had the development been acceptable in other respects this matter could have been dealt with by way of appropriate conditions.

7.17 Flooding or Drainage Issues

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

7.18 Noise or Air Quality Issues

It is considered that the proposal would not give rise to any additional noise or air quality issues of concern.

7.19 Comments on Public Consultations

A number of objections have been received regarding the applicant's character and approach to planning applications at this site. This is not a material planning consideration that can be taken into account in coming to a decision on this development.

7.20 Planning Obligations

Not applicable.

7.21 Expediency of enforcement action

There are no ongoing enforcement cases at this site.

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 development.

10. CONCLUSION

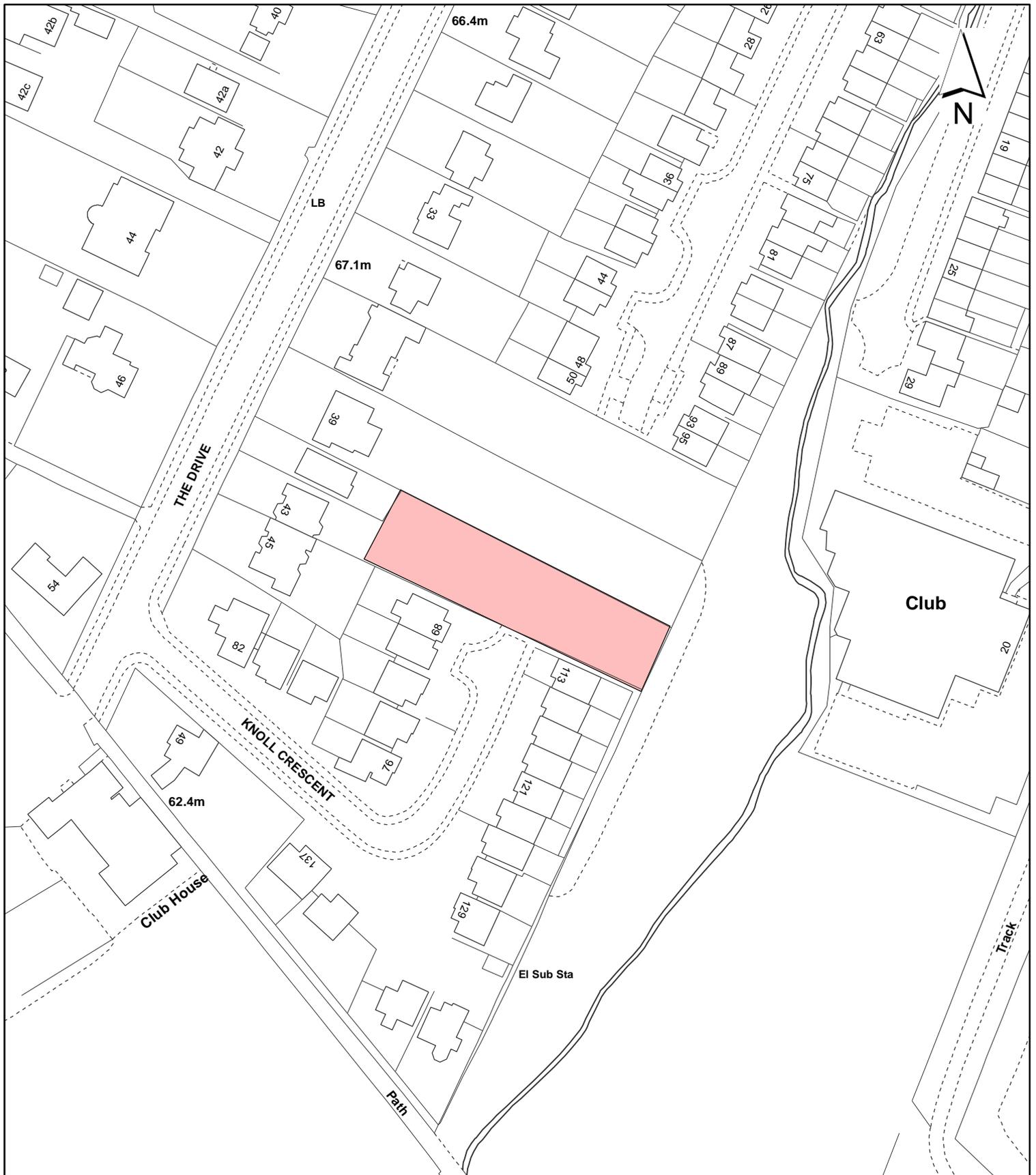
The proposed development would constitute a piecemeal form of back land development that would fail to maintain the open and verdant character and appearance of the surrounding area. Furthermore, the proposed development, by reason of its design, would result in a building which would detract from the character and appearance of the street scene, causing harm to the visual amenities of the surrounding area. For these reasons outlined in this report, this application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan (November 2012)
London Plan (2016)
National Planning Policy Framework
HDAS: Residential Layouts

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<p>Notes:</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2018 Ordnance Survey 100019283</p>	<p>Site Address: Land Forming Part of 43 The Drive Adjacent to 68 and 113 Knoll Crescent Northwood</p>		<p>LONDON BOROUGH OF HILLINGDON Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>  <p>HILLINGDON LONDON</p>
	<p>Planning Application Ref: 70975/APP/2019/1984</p>	<p>Scale: 1:1,250</p>	
	<p>Planning Committee: North</p>	<p>Date: September 2019</p>	