

Report of the Head of Planning, Transportation and Regeneration

Address LAND TO THE REAR OF 511 UXBRIDGE ROAD HAYES

Development: Erection of two storey, 4-bed, detached dwelling with associated bin and cycle storage and parking and amenity space, involving demolition of existing garage and outbuildings

LBH Ref Nos: 15988/APP/2019/2831

Drawing Nos: Tree Report
3187-01 Rev. A
3187-09 Rev. B
3187-03 Rev. B
3187-BP-02 Rev. B
3187-BP-01 Rev. A
3187-SK1 Rev A

Date Plans Received: 26/08/2019 **Date(s) of Amendment(s):** 21/11/2019
Date Application Valid: 03/04/2020

1. SUMMARY

The application seeks full planning permission for the erection of two storey, 4-bed, detached dwelling with associated bin and cycle storage and parking and amenity space, involving demolition of existing garage and outbuildings. The principle of redevelopment of the site is considered unacceptable by virtue of the fact that the scheme fails to harmonise with its surroundings and would have an unacceptably adverse impact upon the setting of the nearby Conservation Area. Furthermore there are highway concerns resulting from the use of the substandard access to the site. Given the above the application would have been recommend for refusal had there not been a non determination appeal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, size, scale, bulk, design and loss of a substantial part of the private rear garden area would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the adjacent Hayes Village Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy 7.8 of the London Plan (2016) and the NPPF.

2 NON2 Non Standard reason for refusal

The proposed development, by reason of the layout of the access driveway, has not demonstrated that safe, convenient and inclusive accessibility to and from within the site, for pedestrians and cyclists, has been provided. The development is therefore considered to be detrimental to public and highway safety and contrary to policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies

(January 2020) and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

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.

DMH 4	Residential Conversions and Redevelopment
DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
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 5.3	(2016) Sustainable design and construction
LPP 7.4	(2016) Local character
LPP 7.8	(2016) Heritage assets and archaeology
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
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

3 I59 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies

from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 171 LBH worked applicant in a positive & proactive (Refusing)

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

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.

5 174 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Southern side of Uxbridge Road, opposite the Western end of the Uxbridge Road, Hayes Minor Town Centre, close to its traffic lighted junction with Grange Road, some 45 m to the East and Lansbury Drive almost opposite the site. No. 511 comprises a detached two storey house on a relatively deep plot which has been hard surfaced at the front with two vehicle crossovers and contains a number of trees in the rear garden. The house has part two storey, part single storey extensions at the rear.

To the East of the site, on the corner of Uxbridge Road and Grange Road is George Court, a modern part two, part three and part four storey flatted redevelopment scheme. Beyond this on the opposite side of Grange Road is the County Court and Becks Theatre, set within open parkland type grounds. Elmlea Drive, accessed from Grange Road, wraps around the site at the rear which provides access to a garage court that immediately adjoins the rear boundary of the application site. No. 513, a detached house abuts the site to the West.

The site lies immediately adjacent to the Hayes Village Conservation Area, the boundary of which runs along the site's Eastern boundary. The site forms part of an Air Quality Management Area and has a Public Transport Accessibility Level (PTAL) of 3 on a scale of 1 to 6 where 1 denotes the lowest level of accessibility and 6 the highest.

3.2 Proposed Scheme

The application seeks full planning permission for the erection of two storey, 4-bed, detached dwelling with associated bin and cycle storage and parking and amenity space, involving demolition of existing garage and outbuildings.

3.3 Relevant Planning History

15988/APP/2014/4271 511 Uxbridge Road Hayes

Demolition of existing 4-bedroom house and erection of 2, three storey blocks comprising 10 two bedroom flats, with associated access, parking and amenity space.

Decision: 05-01-2016 Refused **Appeal:** 16-01-2017 Dismissed

15988/PRC/2017/205 511 Uxbridge Road Hayes

Demolition of existing buildings and erection of new residential development comprising of 9 no. new units

Decision: 22-03-2018 OBJ

15988/PRC/2018/150 511 Uxbridge Road Hayes

Demolition of existing buildings and erection of new residential development comprising of 8no. units

Decision: 20-11-2018 OBJ

Comment on Relevant Planning History

planning application reference 15988/APP/2014/4271 for the Demolition of existing 4-bedroom house and erection of 2, three storey blocks comprising 10 two-bedroom flats, with associated access, parking and amenity space was refused for the following reasons:

1. The proposed development, by reason of its design, layout, height, siting and scale represents an excessively dense and cramped form of development, which fails to maintain adequate undeveloped gaps to the site boundaries. As such, the proposal would result in an unduly intrusive, visually dominant and inappropriate form of development, out of keeping with the character and appearance of the surrounding area and the streetscene. 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 surrounding residential area, including the adjoining Hayes Village Conservation Area. The proposal is therefore contrary to the NPPF (March 2012), Policies 3.5, 7.1 and 7.4 of the London Plan, Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE19, BE22 and H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Layouts.

2. The proposal by reason of the siting of the proposed window(s) would give rise to actual and perceived overlooking of the adjoining property, No. 513 Uxbridge Road and its rear garden, that would result in the unacceptable loss of their privacy and residential amenity, contrary to Policies BE19 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS 'Residential Layouts'.

3. The proposed development, by reason of the proximity of Block 2 to the rear boundary and the external and internal layout of the blocks, would fail to provide a satisfactory

residential environment by reason of restricted outlook to habitable rooms of the ground and first floor units in Block 2 (Units 6, 7, 8 and 9) and a lack of privacy and resulting disturbance due to the use of footpaths, amenity space and parking spaces in the case of the ground floor units in Blocks 1 and 2 (Units 1, 6 and 7). As such, the proposal would provide a poor standard of residential accommodation, contrary to Policy 3.5 of the London Plan (March 2015) and Policies BE19, BE21, BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (November 2012) and the Council's HDAS 'Residential Layouts'.

4. The proposal fails to make provision for the secure and screened storage of refuse and recycling waste, cycle parking and passive and active electric vehicle charging points contrary to Policies 5.17, 6.9, and 6.13 of the London Plan (March 2015).

5. The proposal fails to provide a sufficient quantity and quality of conveniently located and usable external amenity space for the occupiers of the flatted blocks, resulting in a development that would provide a poor standard of residential accommodation, contrary to Policy 3.5 of the London Plan (March 2015), Policies BE19 and BE23 of the Council's adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: 'Residential Layouts'.

6. The application fails to demonstrate that existing trees on and off site will not be affected by the proposed development and has not made provision for their protection and/or created adequate space for their replacement as part of a comprehensive landscape scheme for the site. The scheme is therefore harmful to the character and appearance of the area, contrary to Policies BE13, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7. In the absence of an ecological assessment, the proposals fail to demonstrate that protected species would not be adversely affected by the proposed development and that appropriate replacement and/or enhancement of the ecological interest/features on site would be provided. The development is therefore contrary to the NPPF (March 2012), Policy 7.19 of the London Plan (March 2015) and Policies EC2 and EC5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

8. In the absence of any noise assessment, the application fails to demonstrate that the proposed residential accommodation would provide suitable residential accommodation, given its likely exposure to noise generated by traffic on the adjoining Uxbridge Road and the need for any mitigation measures, contrary to Policy 7.15 of the London Plan (March 2015), Policy OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's SPD: 'Noise'.

9. In the absence of an air quality assessment, the scheme fails to demonstrate that the impacts of the development upon local air quality and any threats to residential occupiers can be suitably mitigated. As such, the scheme is contrary to Policy 7.14 of the London Plan (March 2015) and the Council's Supplementary Planning Guidance: 'Air Quality'.

10. In the absence of details of the siting and appearance of the photovoltaic panels, the scheme fails to demonstrate that the overall quantum of panels required to satisfy the Mayor's energy reduction targets can be adequately sited on site, contrary to Policy 5.2 of the London Plan (March 2015).

11. The applicant has failed to provide, through an appropriate legal agreement, an adequate provision of on site affordable housing. The proposal is therefore contrary to Policies 3.12 and 3.13 of the London Plan (March 2015) and Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

An appeal was subsequently dismissed and is discussed below.

An application for pre-app advice was submitted under application reference 15988/PRC/2017/205 for the Demolition of existing buildings and erection of new residential development comprising of 9 no. new units. The conclusion was:

The principle of redevelopment of the site is considered unacceptable by virtue of the fact that the scheme fails to harmonise with its surroundings and provides a poor standard of residential accommodation for its future occupiers.

The scheme would result in a loss of amenity to neighbours by way of an over dominant outlook and fails to assess its impacts upon trees and the site's ecology and the implications of the development for air quality and noise. Concerns are also raised in terms of insufficient on site car parking and cycle storage.

During discussions at the pre-application meeting, the agent confirmed that a revised drawing would be prepared for officer comments which would involve a three storey frontage building and terrace of town houses to the rear, retaining the openness of the middle of the site. The terrace would be served by a rear access. The applicant was encouraged to address the comments of the appeal Inspector in the 2014 appeal decision, the comments of the Conservation Officer, ensure that the future plan meets the London Plan Standards and that consideration is given to soft landscaping and tree protection.

A second application for pre-app advice was submitted under application reference 15988/PRC/2018/150 for the demolition of existing buildings and erection of new residential development comprising of 8 units. The conclusion was:

The principle of redevelopment of the site is considered unacceptable by virtue of the fact that the scheme fails to harmonise with its surroundings and would have an unacceptably adverse impact upon the setting of the nearby Conservation Area.

4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states 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).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMH 4 Residential Conversions and Redevelopment

DMHB 1 Heritage Assets

DMHB 4 Conservation Areas

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 17 Residential Density

DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
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 5.3	(2016) Sustainable design and construction
LPP 7.4	(2016) Local character
LPP 7.8	(2016) Heritage assets and archaeology
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
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **9th October 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

33 neighbouring properties were consulted by letter dated 4.9.19 and a site notice was displayed which expired on 4.10.19

3 letters and a petition of objection with 26 valid signatories have been received raising the following concerns:

1. Lack of privacy and overlooking from rear facing windows
2. Dominating outlook
3. Overdevelopment which will result in a precedent for other properties in Uxbridge Road developing rear gardens
4. parking congestion

Internal Consultees

Landscape Officer:

This site is occupied by a two-storey house on the south side of Uxbridge Road, opposite Lansbury Drive. The building is located within a spacious plot and contains a number of trees in the rear garden which contribute to the character and appearance of the area. The site lies immediately to the north-west of Hayes Village Conservation Area.

COMMENT: The site has been the subject of previous applications, most recently pre-application ref. 511/PRC/2018/150. The current application includes a topographic survey which has plotted the

location and spread of trees on the site. Some of the trees are prominent and visible from the public realm. No tree report, identification, or assessment of condition and value has been submitted, without which it is not known which trees are worthy of retention/removal. According to the proposed layout, the existing tree (on-site) and others which are off-site will be retained as part of the proposal and should not be directly affected by the layout, however, without a tree survey or further information it is not known whether their retention is feasible, or worthwhile.

Officer comment: Following these comments tree information was submitted.

Landscape Officer updated comments:

I refer to my previous comments and the tree report subsequently submitted by John Cromar, dated 15 November 2019.

The report confirms that the tree retention is compatible with the proposed layout, subject to good site management and adherence to the proposed tree protection details.

The report also confirms (6.01) that site supervision by an arboricultural consultant should take place to monitor the work.

RECOMMENDATION: No objection subject to conditions RES9 (parts 1 , 2 and 5) and RES10

Access Officer

Any grant of planning permission should include the following conditions:

Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

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

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

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

Highways Officer:

Planning permission is sought for the erection of a two storey, 4-bed, detached dwelling with associated bin and cycle storage and parking and amenity space. Construction of the dwelling will involve the demolition of an existing garage and outbuilding. The application site is situated to the rear of a residential dwelling fronting onto the southern side of the A4020 Uxbridge Road. Uxbridge Road form part of the Borough classified road network and links Uxbridge with Shepherd's Bush.

Vehicle access to the site would be via Grange Road which connects with the Uxbridge Road at a signalised junction. Some 90 south metres along Grange Road is Elmlea Drive, this is an adopted cul-de-sac providing access to a court yard of 12 single lock up garages and 12 residential dwellings. The developer proposes demolishing one of the lock up garages to create a gap through which the occupiers of the proposed dwelling would drive. There would be 2 car parking spaces at the front of the new dwelling.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle Parking requires that development proposals must comply with the relevant parking standards. For a development of this type the maximum number of parking spaces permitted is 2 spaces, the 2 spaces proposed is therefore policy compliant. A small cycle store is to be provided for 3 cycles at the rear of the property, this again is policy compliant. Should planning permission be granted, the Highway Authority requires that one of these car parking spaces should be provided with an active electric vehicle charging point with the other a passive electric vehicle charging point as a minimum. This should be secured by way of a suitable worded condition.

Whilst vehicles may drive in and out of the existing lock up garage without difficulty, changing the garage to an access driveway to a 4 bedroom house raises new issues and concerns. Just one vehicle at a time can use the garage; however with the new development two vehicles would use the access driveway. As a garage one vehicle would be parked overnight, working an access driveway to a dwelling, vehicles would arrive and depart throughout the day, the number of vehicle movements through the lock up garage forecourt would therefore markedly increase.

As well as vehicles pedestrians would also use the access driveway. This raises further concerns as the access driveway would be just 2.6 metres wide, this is insufficient for a pedestrian and vehicle to use the access driveway at the same time without placing the pedestrian in a vulnerable situation. The same would apply to cyclists and wheelchair/mobility scooter users. The layout of the access driveway would therefore be contrary to the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts which requires that developments provide 'safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists'

To reduce the risk to pedestrians and cyclists drivers would need to be able to see pedestrians and cyclists using the access driveway. For them to be able to do this they must enter and leave the proposed development in a forward gear. However, the geometry of the access driveway and lock up garage forecourt makes this difficult. A driver entering the lock up garage forecourt would need to make a number of forward and reverse manoeuvres to turn the vehicle and be able to enter the access driveway in a forward gear. The process of turning the vehicle would cause an obstruction to other drivers arriving at or leaving one of the other eleven remaining garages. Furthermore as the driver enters the access driveway they may encounter another vehicle coming in the opposite direction necessitating one of the drivers to give way and reverse.

There would be a refuse and recycling collection store situated at the front of the property. If planning permission is granted then the Highway Authority would require the occupiers of the new dwelling to carry refuse and recycling to Grange Road for collection.

Taking into account that the only access to the site would be via the gap created by demolishing a garage there are highway concerns regarding the construction of the dwelling. The Highway Authority requires that a Construction Logistic Plan is provided that clearly explains how the development would be built without presenting a risk to road safety or impeding the free flow of traffic. This should be secured by way of a suitably worded condition. Subject to the receipt of a Construction Logistics Plan that can demonstrate that the development can be built with presenting a risk to road safety.

There are highway objections to this development as vehicles would have difficulty manoeuvring into position to use the access driveway and pedestrians, cyclists using the access driveway would be placing themselves in a vulnerable situation should a vehicle enter at the same time, as such the development would therefore be contrary to Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed site is located within a built up area of Hayes and adjacent to the Hayes Village Conservation Area as identified in the Hillingdon Local Plan: Part Two - Development Management Policies (2020). The principle of redevelopment of the site is considered unacceptable by virtue of the fact that the scheme fails to harmonise with its surroundings and would have an unacceptably adverse impact upon the setting of the nearby Conservation Area. These issues are considered in further detail in the sections below.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) seeks to ensure that the 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

The application site is located adjacent to the Hayes Village Conservation Area and issues relating to the impact upon this heritage asset is discussed in section 7.09 below.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The NPPF notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. Policy HE1 of the Hillingdon Local Plan (November 2012) requires development to conserve or enhance heritage assets.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy DMHB 4: states:

New development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a

positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

- A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.
- B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.
- C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

The site is located on the very edge of the Hayes Village Conservation Area. 511 Uxbridge Road faces directly onto Uxbridge Road with a substantial modern flatted development to the East and a mix of detached and semi-detached houses, designed in a suburban manner to the West. A previous scheme to develop the entire site has been refused and dismissed at appeal. It was noted within the appeal decision that the development of the rear of the site would be harmful to the character and appearance of the area and setting of the conservation area.

The acceptability of building a residential property in the rear garden has been clearly dealt with in previous applications and the Inspectors appeal decision report which concurs with the council's planning officer's report under application 15988/APP/2014/4271. In considering the issue of development to the rear of 511 Uxbridge Road, the Inspector commented as follows:

"The existing gardens on the site, and in neighbouring properties along Uxbridge Road, are large green spaces which provide an area of open space and respite away from the busy road. Conversely, the scale and bulk of the proposed building would draw attention and appear obtrusive, incurring into a vegetated area that currently helps to mitigate against the visual impact of the garages, and changing the character of the rear gardens. I am concerned that such an incursion could result in similar future rear garden development within the area, which would further alter the character and verdant appearance of these suburban gardens, and the views over these from the Conservation Area."

The proposed house to the rear of the site has not overcome these previous concerns, relating to the principle of development to the rear of 511 Uxbridge Road. The existing gardens on the site, and in neighbouring properties along Uxbridge Road, are large green spaces which provide an area of open space and respite away from the busy road. Conversely, the scale and bulk of the proposed building would draw attention and appear obtrusive, changing the character of the rear gardens.

As such, it is considered that the visual dominance resulting from the proposed two storey dwelling and the loss of open garden space would be harmful to the character and appearance of the area. The proposed development would have a harmful impact on the setting of the adjacent Conservation Area, and would fail to preserve or enhance its character or appearance.

The proposed development would conflict with the Council's adopted Hillingdon Local Plan:

Part One - Strategic Policies (2012) Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the strategic design policies of The London Plan (2016), which together require development to be appropriate within its context, and to preserve local features of importance, including trees and garden spaces. This is consistent with the core planning principle of the National Planning Policy Framework requiring all development to achieve a high standard of design. It is, therefore, considered that the rear garden should remain as a garden and not be developed.

7.08 Impact on neighbours

Emerging Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Amended plans have been submitted which indicate that the rear to rear separation distance with adjacent number 513 Uxbridge Road and the host dwelling at Number 511 Uxbridge Road would be 21m which meets the Council's recommended standards. The proposed dwelling would not project beyond the rear elevation of the adjacent flatted development at George Court. George Court has a blank flank elevation and as such, the proposal would not result in an unacceptable loss of amenity to the occupants of these flats. As such, the proposal would not constitute an unneighbourly form of development.

7.09 Living conditions for future occupiers

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants.

A 4 bed (8p) house is required to provide 124 square metres. At a floor area of 199 square metres the proposal complies with this requirement.

Policy DMHB 18: Private Outdoor Amenity Space states:

All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.2. A four bedroom dwelling is required to provide 100 square metres which the proposal complies with.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are

satisfactorily accommodated in the design of highway and traffic management schemes;
iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

For a development of this type the maximum number of parking spaces permitted is 2 spaces, the 2 spaces proposed is therefore policy compliant. A small cycle store is to be provided for 3 cycles at the rear of the property, this again is policy compliant. The Highways Officer has advised that should planning permission be granted, the Highway Authority requires that one of these car parking spaces should be provided with an active electric vehicle charging point with the other a passive electric vehicle charging point as a minimum. This should be secured by way of a suitable worded condition.

Whilst vehicles may drive in and out of the existing lock up garage without difficulty, changing the garage to an access driveway to a 4 bedroom house raises new issues and concerns. Just one vehicle at a time can use the garage; however with the new development two vehicles would use the access driveway. As a garage one vehicle would be parked overnight, working an access driveway to a dwelling, vehicles would arrive and depart throughout the day, the number of vehicle movements through the lock up garage forecourt would therefore markedly increase.

As well as vehicles pedestrians would also use the access driveway. This raises further concerns as the access driveway would be just 2.6 metres wide, this is insufficient for a pedestrian and vehicle to use the access driveway at the same time without placing the pedestrian in a vulnerable situation. The same would apply to cyclists and wheelchair/mobility scooter users. The layout of the access driveway would therefore be contrary to the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts which requires that developments provide 'safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists'

There are highway objections to this development as vehicles would have difficulty manoeuvring into position to use the access driveway and pedestrians, cyclists using the access driveway would be placing themselves in a vulnerable situation should a vehicle enter at the same time, as such the development would therefore be contrary to Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility concerns are raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Landscaping

Policy DMHB 14: Trees and Landscaping requires:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

Where the tree survey

identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to off site provision.

Number 511 is located within a spacious plot and contains a number of trees in the rear garden which contribute to the character and appearance of the area. The site lies immediately to the north-west of Hayes Village Conservation Area. A tree survey has been submitted. The Council's Tree Officer states that the report confirms that tree retention is compatible with the proposed layout, subject to good site management and adherence to the proposed tree protection details. As such the proposal is considered acceptable in respect of Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.15 Sustainable waste management

In the event of an approvable scheme, conditions could be imposed to secure details of sustainable waste management.

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 are addressed in the sections above.

7.20 Planning obligations

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

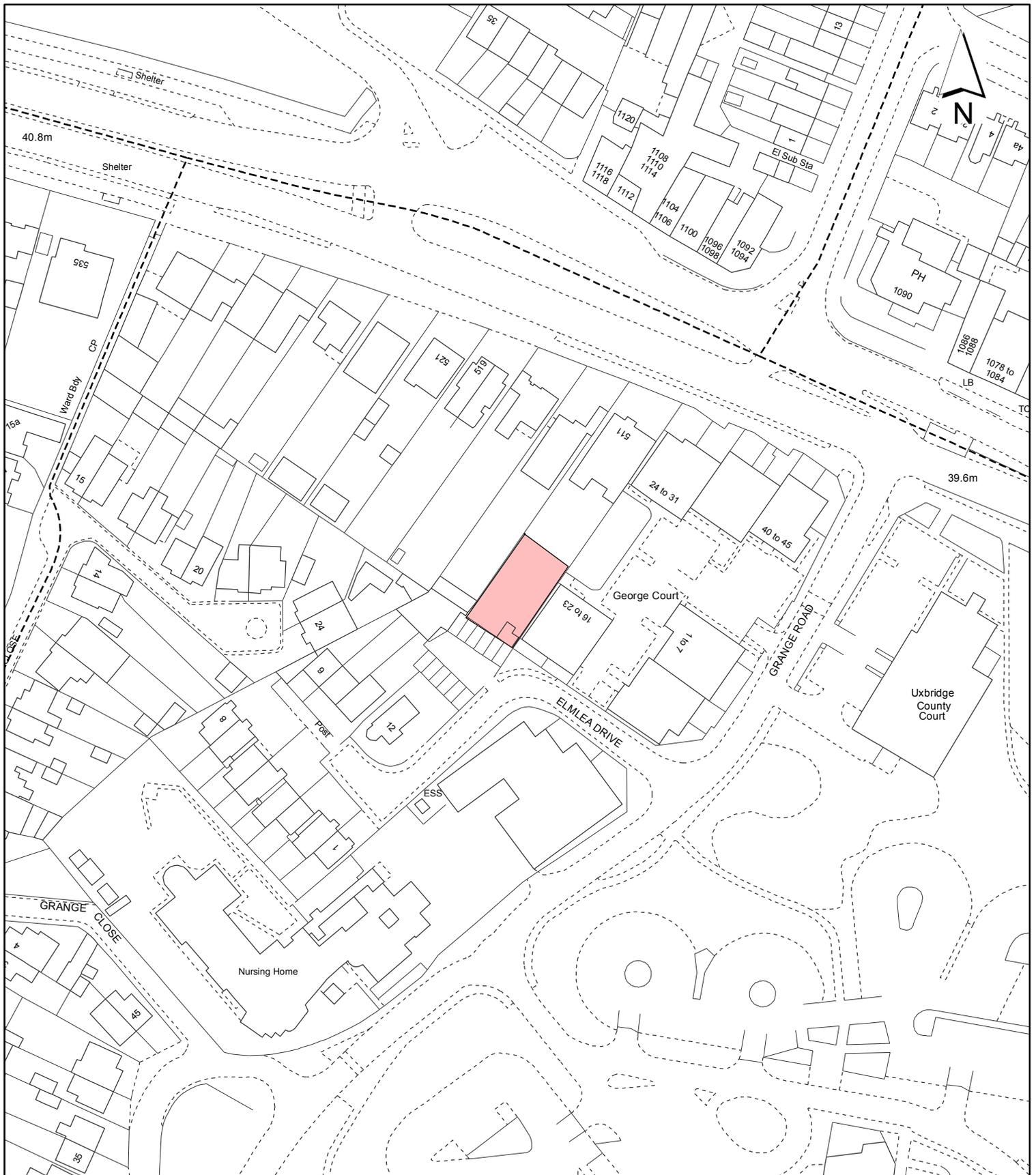
The application seeks full planning permission for the erection of two storey, 4-bed, detached dwelling with associated bin and cycle storage and parking and amenity space, involving demolition of existing garage and outbuildings. The principle of redevelopment of the site is considered unacceptable by virtue of the fact that the scheme fails to harmonise with its surroundings and would have an unacceptably adverse impact upon the setting of the nearby Conservation Area. Given the above the application would have been recommend for refusal had there not been a non determination appeal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Local Plan: Part Two - Development Management Policies (2020)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Technical Housing Standards - Nationally Described Space Standard
National Planning Policy Framework

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Notes:

 Site boundary

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Site Address: **Land to the rear of 511 Uxbridge Road Hayes**

Planning Application Ref: **15988/APP/2019/2831**

Planning Committee: **Central & South**

Scale: **1:1,250**

Date: **July 2020**

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