

**Item No.**                    **Report of the Head of Planning, Transportation and Regeneration**

**Address**                    5-6 FIRS WALK NORTHWOOD

**Development:**            Erection of 3 dwellings with associated access, parking, amenity space and installation of vehicular crossover (Outline Planning Permission).

**LBH Ref Nos:**            30837/APP/2020/1723

**Drawing Nos:**            19-2752-100 Rev E  
                                      19-2752-100 Rev E  
                                      19-2752-03 Rev A  
                                      19-2752-LP

**Date Plans Recieved:**    07/06/2020                    **Date(s) of Amendment(s):**

**Date Application Valid:**  22/06/2020

## 1. **SUMMARY**

This application is being reported to North Planning Committee because a petition is lodged against the application. The proposal seeks outline permission for the demolition of No. 5 Firs Walk and the erection of 3 new dwellings. The details for the access to the site have been included; all other matters are reserved for future consideration.

The proposal provides a net increase in two family dwellinghouses, which is a material planning consideration in favour of the development, the weight to be afforded this however has been considered in light of the Council's ability to demonstrate a five year land supply. The application proposal would result in the significant loss of back garden land and the functions it serves in relation to local character, amenity space and supporting biodiversity. The benefit of two additional family dwellinghouses does not outweigh the significant harm caused by the loss of the existing back garden land.

To enable the internal roads to be completed to serve two of the dwellings, works to the road at the end Foxdell would be required, in effect it is not within the ability of the applicant to undertake all necessary works to connect the existing estate road in Foxdell to the extended roadway in Firs Walk, it would require intervention by the Council as highways authority. This would need to be the subject of a legal agreement, as no such legal agreement has been entered into this forms a 2nd refusal reason. If no legal agreement is entered into two of the houses would have no vehicular access or parking, which would also be considered unacceptable.

The application is therefore recommended for refusal for the above two reasons.

## 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

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

The proposed development, by reason of its siting and the significant loss of existing gardens would appear at odds with the prevailing character of the surrounding area and the proposed development would be of a cramped form which would have a detrimental impact on the visual amenity and character and appearance of the area. The harm would be further exacerbated by the loss of mature soft landscaping and proposed layout of the built footprint. The development would be contrary to Policy DMH 6, DMHB 11, DMHB 12

and DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020), Policies 3.5, 7.1 and 7.4 of the London Plan and the NPPF (2019).

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

The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of highways works and Project Management and Monitoring). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part Two Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy DF1 of the London Plan Intend to Publish Version (2019), Policy 8.2 of the London Plan (2016) and paras 54-57 of the NPPF 2019.

## **INFORMATIVES**

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

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

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

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located at the end of Firs Walk, a small single track private road and currently comprises a detached two storey property situated in the south eastern corner of the turning head. The site area covers approximately 0.18ha. To the west are nos. 4 and 7 Firs Walk and no. 6 is situated to the north. To the east is the turning head of the adjacent cul-de-sac Foxdell and the properties nos. 8 and 13. The London School of Theology lies to the south.

The street scene is residential in character, with properties on Firs Walk comprising larger detached properties of differing designs set within spacious plots. The properties along Foxdell are a newer development of a more uniform design and spacing, and set within smaller plots.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

### **3.2 Proposed Scheme**

The application seeks outline planning permission for the demolition of no. 5 Firs Walk and the erection of 3 detached with parking and associated amenity space. Details for the access to the site have been included; all other matters are reserved for future consideration. The plans also show an indicative layout to demonstrate how the dwellings could be accommodated within the site.

### 3.3 Relevant Planning History

30837/APP/2019/3096 5 & 6 Firs Walk Northwood

Erection of 3 x 4-bed dwellings with associated parking and amenity space and installation of vehicular crossover (involving demolition of 5 Firs Walk (Outline Planning Application with Some Matters Reserved)

**Decision:** 17-06-2020 Refused

73874/APP/2018/2107 No'S 5 & 6 Firs Walk And Land To The Rear Of 25 Dene Road North

Demolition of 5 & 6 Firs Walk, 6 new dwellinghouses with associated car parking, new access arrangements from Foxdell and removal of existing access from Firs Walk at Nos. 5 & 6 Firs Walk and land to the rear of No. 25 Dene Road (Outline application with some matters reserved).

**Decision:** 22-07-2019 Not Determined **Appeal:** 22-07-2019 Dismissed

#### Comment on Relevant Planning History

In June 2020, Under application ref: 30837/APP/2019/3096 for the erection of 3 x 4-bed dwellings with associated parking and amenity space and installation of vehicular crossover (involving demolition of 5 Firs Walk (Outline Planning Application with Some Matters Reserved), the application was refused for the following reasons:

1) The proposed development, reason of its siting and the significant loss of existing gardens would appear at odds with the prevailing character of the surrounding area and would be a cramped form of development which would have a detrimental impact on the visual amenity and character and appearance of the area. The harm would be further exacerbated by the loss of mature soft landscaping and proposed layout of the built footprint. The development would be contrary to Policy DMH 6, DMHB 11, DMHB 12 and DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020), Policies 3.5, 7.1 and 7.4 of the London Plan and the NPPF (2019).

2) The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of highways works and Project Management and Monitoring). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part Two Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy DF1 of the London Plan Intend to Publish Version (2019), Policy 8.2 of the London Plan (2016) and paras 54-57 of the NPPF 2019.

The key difference between this application and the scheme refused under ref: 30837/APP/2019/3096 (19-06-20) is that the previous scheme proposed to provide two points of access, whereas this application proposes to provide access that links Firs Walk to Foxdell with a turning head.

In July 2019, an Appeal against non determination was dismissed (ref: 73874/APP/2018/2107) for the demolition of 5 & 6 Firs Walk, 6 new dwellinghouses with associated car parking, new access arrangements from Foxdell and removal of existing access from Firs Walk at Nos. 5 & 6 Firs Walk and land to the rear of No. 25 Dene Road (Outline application with some matters reserved).

This application would have been refused for the following reasons:

1) The proposed development, by reason of its siting and layout would result in a development of the site, which would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site

to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character and appearance of the Dene Road Area of Special Local Character and of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016).

2) The proposed layout and access, by reason of the close proximity of the proposed turning head, would be detrimental to the residential amenity of the future occupants of plot 1 by reason of the noise, disturbance and potential light pollution. As such the proposal would fail to comply with Policies BE19, BE21 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies and the adopted Supplementary Planning Document HDAS: Residential Layouts.

The application was subsequently dismissed at appeal. In considering the proposal, the Planning Inspector noted the immediate locality is varied in terms of plot size but the development would be more cramped on their plots than their neighbours, especially in terms of their appearance in the streetscene. That factor would be reinforced by the regularity and uniform spacing of the plot frontages as proposed, especially along the southern frontage of the road.

It is recognised that the planning application was made in outline only but the illustrative drawings show that the development would introduce a significant building bulk into the locality and the street scene would have a much more built up appearance. The numbers proposed and the likely building bulk overall would create an overpowering element in the streetscene and would detract from the character and appearance of the locality.

The cramped and overly developed nature of the scheme in its setting also generates an unsatisfactory relationship between the proposed new road and future residents. The access road and turning head that are shown to be required to serve a development of this size would be a significant scale. In consequence the new turning head would be close to windows of habitable rooms in one of the new houses, causing undue disturbance to the occupants.

Evidently the appeal site lies within an established urban area, while the proposed development would make a useful addition to the housing stock. Nevertheless, I am convinced that the harm done to the character and appearance of the streetscene and the surroundings, as well as the poor quality of the living conditions would be created for certain of the new residents, outweigh the benefits of the project.

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- West London Waste Plan (2015)
- The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

### Emerging Planning Policies

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).

### Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

### **Local Plan Designation and London Plan**

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

#### Part 1 Policies:

PT1.BE1 (2012) Built Environment

#### Part 2 Policies:

DMH 1 Safeguarding Existing Housing  
DMH 2 Housing Mix  
DMH 6 Garden and Backland Development  
DMHB 11 Design of New Development  
DMHB 12 Streets and Public Realm  
DMHB 14 Trees and Landscaping  
DMHB 16 Housing Standards

DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
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 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
LPP 8.2	(2016) Planning obligations
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

8 neighbours and the Dene Road Residents Association were consulted for a period of 21 days expiring on the 13 July 2020. 7 responses were received raising the following issues:

- Inappropriate and over development
- No right of access from Firs Walk or Foxdell
- Foxdell is a narrow cul de sac unsuitable for heavy construction vehicles
- Significant disruption due to development works
- Many other sites more suitable for development
- The proposal makes zero contribution to the community being neither social nor affordable housing
- Continued abuse of the planning system using cynical salami tactics and any approval would be followed by another application
- The road to the front of 6, 8, 11 and 13 Foxdell are subject to legal proceedings as ownership of the road cannot be adequately established
- Human rights abuse
- Impact on local infrastructure
- The 3 houses to be built are entirely on Firs Walk land
- Most of Foxdell lies within the Dene Road Area of Special Local Character
- Loss of light
- Loss of privacy
- Increased noise and light pollution
- Detrimental to highway safety
- Garden grab
- Out of keeping with the character of the area
- Insufficient parking
- Loss of valuable vegetation
- The area shown as stopped off connection to Firs walk is apparently part of Firs Walk road and

not part of either nos. 5 or 6 Firs Walk and should therefore not form part of the development site.

- No material change to the previous application therefore has not addressed the previous reasons for refusal
- Indicative layout shows 3 properties dominating their respective plots with little amenity space
- Fails to provide details of sewage treatment, disposal and surface water drainage from the development. The existing pipes are too narrow

A petition against the proposal was also received. A copy of a Pre-Action letter to LBH declaring the Disputed Land at the end of Foxdell is not Highway land and seeking an injunction preventing LBH from interfering with the Disputed Land as the local highway authority.

Northwood Residents Association - Three houses on a plot previously occupied by one would fail to maintain the open and verdant character and appearance of the surrounding area. The NPPF recommends that planning policies and decisions should aim to ensure developments optimise the more effective use of previously developed land but, here, the relatively cramped and overly developed nature of the scheme compared to the other properties in Firs Walk would adversely affect the street scene which is of more substantial properties with more open settings. The overall impact is that the bulk will have an adverse impact on the neighbouring property and the scheme would harm the character and appearance of the surroundings generally.

Officer response: Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and Environmental Protection Act 1990. Disruption during development is considered transitory in nature and not sufficient justification to refuse consent in its own right. Issues of land ownership and rights of access are civil matters between interested parties and not material planning considerations. Any grant of planning approval does not override the requirements of the developer to comply with other legislation or confer any grant of access to land outside of their control. Issues relating to connecting to existing facilities are a civil matter to be agreed between the applicant and the relevant water authority.

Cadent Gas - Searches have identified that there is apparatus in the vicinity of your site which may be affected by the activities specified. Due to the presence of Cadent and/or other National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by the proposed works.

### **Internal Consultees**

Access Officer

Any approval at this stage should convey that a full submission should ensure compliance with standards for a Category 2 M4(2) home as set out in Approved Documents M to the Building Regulations (2010) 2015.

Trees/Landscaping Officer

This site is occupied by a substantial detached house situated within spacious grounds. The existing house is accessed from Firs Walk, a small residential cul de sac off Dene Road. The north-east corner of the garden is at the end of Foxdell, a more recent residential cul de sac comprising detached houses in more modest plot sizes. The garden of No. 5 is relatively open in character and contains relatively few trees and shrubs. - There are no TPO's or Conservation Area designations which might constrain development. The site lies outside the locally designated Dene Road Area of Special Local Character.

COMMENT This submission follows the refusal at Appeal of application ref. 2018/2107 for six detached houses over a slightly larger site and a more recent layout for three houses, application ref. 2019/3096. The proposal is an outline application seeking permission only for the access arrangements, with other matters reserved. The current proposal retains house No.6 and proposes three new detached houses and gardens. The current scheme proposes that the existing house,

No. 6, and all three new plots will be accessed from Foxdell. Landscape is one of the reserved matters, however, the site layout plan, indicates that there is space and opportunity for providing new green infrastructure in the form of private gardens, which should complement the character and appearance of the area - and mitigate the effects of the vegetation lost due to development.

RECOMMENDATION No objection subject to conditions for levels and landscaping.

Highways Officer

The site has a PTAL rating of 1b (poor) and therefore encourages a higher dependency on the private motor car.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any highway safety concerns.

Planning Policy Officer

The proposed development would be on the plot of an existing dwelling at 5 Firs Walk. The existing dwelling will be demolished and three new dwellings are proposed and would be located on land that previously formed the garden of 5 Firs Walk.

Policy BE1 of the Local Plan Part 1 (2012) and Policy DMH 6: Garden and Backland Development of the Local Plan Part 2 (2020) set out a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. The Council's approach to housing as set out in Policy H1 of the Local Plan Part 1 is to ensure new housing development makes the most efficient use of brownfield land. The NPPF (para 70) also highlights the issue of protecting against inappropriate development of residential gardens where this would cause harm to the local area. This is also reflected in the London Plan. The proposed development would therefore be contrary to Local Plan policies BE1 and DMH 6 and should be refused unless there are material considerations which outweigh this in principle objection.

Given this is an outline application it is only possible to make a high level assessment in this regard. For example, it is noted that the proposed development would result in a net increase of two additional dwellings which contribute to the borough's overall housing supply. However, this can only be given limited weight as the Council is currently able to demonstrate a five year housing land supply. It is recognised that as proposed they would all be family sized (4 bed) dwellings, for which there is also an identified need and this benefit should be given some minimal weight. However, it is not considered that at this stage this minimal benefit is sufficient to outweigh the significant loss of the back garden land and the function it serves in relation to local character, amenity space, supporting biodiversity and reducing flood risk.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The NPPF has a requirement to encourage the effective use of land by re-using land. Decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character. It further clarifies that previously developed land excludes residential gardens.

Policy DMH 6 of the of the Local Plan: Part Two - Development Management Policies (2020) advises that there is presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- i) Neighbouring residential amenity and privacy of existing homes and gardens must be

- maintained and unacceptable light spillage avoided;
- ii) 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;
- iii) Development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- iv) Features such as trees, shrubs and wildlife habitat must be retained or re-provided

Whilst planning policy generally supports the increase in the supply of new homes across the Borough, the Council can demonstrate a five year housing land supply. There is no reason why the redevelopment of this site for the net addition of two family dwellinghouses would outweigh the significant loss of the back garden and harm to the local character of the visual amenity and local character of the area. The benefit presented by the application is not sufficient to outweigh the significant loss of the back garden land and the function it serves in relation to local character, amenity space, supporting biodiversity and reducing flood risk. The proposal therefore fails to comply with the requirements of Policy DMH 6 of the Local Plan: Part Two (2020).

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

Policy 3.4 of the London Plan 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 does not lie within a conservation area, nor are there listed buildings within the site's immediate setting that could be impacted by the proposal. The Dene Road Area of Special Local Character is situated 30m to the north of the site.

It is noted that the submitted layout plans indicate that part of the rear garden of no. 25 Dene Road, which does lie within the ASLC would be transferred to no. 6 Firs Walk to provide additional amenity space, addressing the loss of part of the existing garden space to the proposed development. However the transfer of the existing garden from one property to another would not require planning consent in its own right and does not form part of the consideration for this proposal.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

Not applicable to this application.

#### **7.07 Impact on the character & appearance of the area**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm

and landscaping.

Policy DMHB 12 re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved. The proposal is an over development of the site that would result in a cramped form of development.

The application is in outline form and details of the appearance, landscaping, layout and scale are reserved, so the application does not provide details of the proposed design. Nevertheless, the proposed site layout plan illustrates the provision of 3 new dwellings, with the existing access from Firs Walk blocked off and a new access for the 3 new dwellings and no. 6 Firs Walk from Foxdell.

The existing site comprises two existing residential units set in spacious plots. The existing dwellings are in keeping with the character of the properties along Firs Walk. The area as a whole is characterised by larger dwellings set within spacious gardens, with the plots to the west along Firs Walk having a width exceeding 16.5m and the properties to the east along Foxdell having plots of at least 14m in width.

No 6 would be retained with part of the southern side/rear garden being utilised to provide the new access and a small turning head, with the Planning Statement identifying that additional garden space will be provided from the rear of no. 25 Dene Road.

The indicative layout plan illustrates the existing dwellinghouse at No. 5 would be demolished to make way for 3 dwellinghouses that attempts to follow the pattern of development along Foxdell. The indicative layout comprises of 3 properties that attempt to replicate Foxdell, but are out of keeping with the character and context of both Firs Walk and Foxdell. The building lines of the replacement dwellings would be set forward of the existing building lines along Firs Walk and Foxdell with large front projections and crown roofs. The proposal includes a small delivery turning area which the garden of No.6 wraps around, this is an odd arrangement and further detracts from the verdant setting of Firs Walk. The development would provide a cramped form of development which would not be in keeping with the character of the street scene or the wider area.

Most notable is the significant loss of soft landscaping along the front boundary which contributes to the verdant setting and character of the area. The indicative layout illustrates the front boundaries dominated by large projections and vast areas of hard landscaping eroding the verdant character and setting of Firs Walk.

Whilst design is a matter reserved for later submission, having regard to the scale of the plots proposed, the proposal as laid out would result in a cramped form of development in the context of this site and the proposed development fails to respect the character of the neighbouring properties and the wider street scenes. The proposal would therefore fail to comply with the requirements of Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## **7.08 Impact on neighbours**

Policy DMHB 11 of the Local Plan: Part Two (2020) notes development should not have an adversely impact the amenity, daylight and sunlight of adjacent properties and open space.

Although this application is for outline permission, with only the means of access and layout to be determined at this stage, the site would be capable of accommodating four houses without adversely affecting the amenities of surrounding properties. The layout shows that the nearest houses would be sufficiently remote from adjoining properties with

a separation distance in excess of 21m between habitable rooms and 17.5m from rear windows facing a flank wall. Also the proposed dwellings would not compromise a 45 degree line of sight from the nearest habitable windows.

The separation distances would ensure that the proposed houses would not result in any overshadowing or appear unduly dominant from neighbouring properties. It is noted that there is a distance of approximately 15m between the indicative front wall of plot 1 and the private rear amenity space of no. 7 Firs Walk, within a 45 degree splay and as such there would be a potential conflict and loss of privacy to that property. However this would be dependent on the layout of the proposed dwelling and would need to be considered as part of the reserved matters.

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

The provision of good quality housing is a key aspect of the London Plan and Local Plan housing policies. Policy 3.5 of the London Plan (2016) requires the design of new housing developments to consider elements that enable the home to become a comfortable place of retreat. Policy DMHB 16 of the Local Plan: Part Two (2020) requires all housing development to have adequate provision of internal space in order to provide an appropriate living environment.

The applicant has not provided detailed plans for each unit, although the site layout indicates large detached properties that could be meet minimum floorspace standards.

##### Private Amenity Space

Policy DMHB 18 advises that all new residential development will be required to provide good quality and useable private outdoor amenity space and for a 4+ bedroom house a minimum of 100 sqm would be required.

The layout plan indicates a potential provision of between 167 sqm - 198 sqm. The proposal therefore complies with policy DMHB 18 of the Local Plan: Part Two - Development Management Policies (2020).

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

Policy DMT2 of the Local Plan: Part Two - Development Management Policies (2020) advises proposals must ensure safe and efficient access to the highway network and that there are suitable mitigation measures to address any traffic impacts in terms of capacity and function of the existing road.

The proposal would marginally increase traffic generation from the site as compared to the two existing dwelling units. However peak period traffic movement into and out of the site would not be expected to rise above 1-2 additional vehicle movements during the peak morning and evening hours. Hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Local Plan Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The Highways Officer has advised that the 3 new plots (and the existing No.6 Firs Walk) are to be accessed via a new opening from Foxdell. The principle of the new access arrangements is considered acceptable in the site circumstance and it should be noted that the new access point from the publicly adopted highway (Foxdell) would need to be constructed to an appropriate Council standard under a S278 (Highways Act 1980) agreement (or suitable alternative arrangement) at the applicant's expense. The new

access from Firs Walk (private in tenure) should also be made good and constructed to a comparable standard.

The highways officer has raised no objection to the internal layout and arrangement of the new roadways within the site envelope broadly conform to the Department for Transport's (DfT) - Manual for Streets (MfS) best practice for road and parking layouts. The layout will allow for vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

It is therefore considered that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with Local Plan Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies 6.3, 6.9, and 6.13 of the London Plan (2016).

A full and detailed CLP would be a requirement given the constraints and sensitivities of the local residential road network in order to mitigate against damage and disruption to the public realm. If the application is approved, this would be secured by way of a planning condition.

Refuse collection would be facilitated via Foxdell. Should the application be considered acceptable, details would be required by way of a condition.

Notwithstanding the above to enable the internal roads to be completed to serve two of the dwellings, works to the road at the end Foxdell would be required, in effect it is not within the ability of the applicant to undertake all necessary works to connect the existing estate road in Foxdell to the extended roadway in Firs Walk, it would require intervention by the Council as highways authority. This therefore would need to be the subject of a legal agreement, as no such legal agreement has been entered and given that the application is being recommended for refusal, this forms a 2nd refusal reason. This is because if no legal agreement is entered into two of the houses would have no vehicular access or parking, which would also be considered unacceptable.

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

Design matters have been addressed in Section 07.7 of this report.

Security

Should the application have been considered acceptable, a secured by design condition would have been recommended.

#### **7.12 Disabled access**

If the scheme is found acceptable a condition would be recommended to secure the development was built to M4(2) in accordance with Policy 3.8 c of the London Plan.

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

Not applicable to this application.

#### **7.14 Trees, landscaping and Ecology**

Policy DMHB 14 of the Local Plan: Part Two (2020) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. 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.

The Trees and Landscaping Officer has advised that the site is not covered by a TPO or situated within a Conservation Area. The proposal is an outline application seeking permission only for the access arrangements, with all other matters reserved. The current

proposal retains house No.6 and proposes three new detached houses and gardens. Landscape is one of the reserved matters, however, the site layout plan, indicates that there is space and opportunity for providing new green infrastructure in the form of private gardens, which should complement the character and appearance of the area - and mitigate the effects of the vegetation lost due to development. Should the application be considered acceptable, a landscaping condition would have been secured by way of a condition.

**7.15 Sustainable waste management**

Not applicable to this application.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.19 Comments on Public Consultations**

With regards to comments received with regards to the status of Foxdell, the highways officer has advised that the plots would require a new vehicular and pedestrian access solely from Foxdell, which according to our records is an adopted public highway. So at present there are no established rights of access to these plots. However, it should be noted that even if Foxdell were to be deemed as private (unadopted), this roadway has, to date, been open to pedestrian and vehicular traffic which includes residents of Foxdell and all other members of the public who wish to enter and leave the road on foot or by car. In that case the road would still be considered as a public highway (albeit unadopted) as unfettered access has been allowed, thereby establishing prescriptive rights of access for all and this therefore would not preclude new development, which in any event is still subject to the usual planning/highway scrutiny. On the basis of the above, the status of Foxdell as a road is not relevant to the determination of this application.

In relation to construction management, disruption during development is considered transitory in nature and not sufficient justification to refuse consent in its own right. Issues of land ownership and rights of access are civil matters between interested parties and not material planning considerations. Any grant of planning approval does not override the requirements of the developer to comply with other legislation or confer any grant of access to land outside of their control. Also the potential impact on property values is not a material planning consideration.

**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 proposal.

**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.

### **10. CONCLUSION**

This application seeks outline permission for the demolition of no. 5 Firs Walk and the erection of 3 new dwellings. The details for the access to the site have been included; all

other matters are reserved.

The proposal provides a net increase in two family dwellinghouses, the weight to be afforded this however has been considered in light of the Council's ability to demonstrate a five year land supply. The proposal would result in the significant loss of land used as back gardens and therefore it will impact the functions it serves in relation to local character, amenity space and supporting biodiversity.

The benefit of two additional family dwellinghouses does not outweigh the significant harm caused by the loss of the existing back garden land.

To enable the internal roads to be completed to serve two of the dwellings, works to the road at the end Foxdell would be required, in effect it is not within the ability of the applicant to undertake all necessary works to connect the existing estate road in Foxdell to the extended roadway in Firs Walk, it would require intervention by the Council as highways authority. This would need to be the subject of a legal agreement, as no such legal agreement has been entered into this forms a 2nd refusal reason. If no legal agreement is entered into two of the houses would have no vehicular access or parking, which would also be considered unacceptable.

The application is therefore recommended for refusal for the above two reasons.

## 11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies (Jan 2020)  
The London Plan (2016)  
National Planning Policy Framework  
Supplementary Planning Document 'Accessible Hillingdon'.

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