

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

Address LONDON BOROUGH OF HARROW OUTBOROUGH MIDDLESEX

Development: Detached Single Storey Dwellinghouse; Landscaping; Refuse
And Cycle Storage at Land Rear Of 53-55 Cuckoo Hill Road, Pinner, HA5
1AU (Consultation by the London Borough of Harrow, ref: P/1846/20)

LBH Ref Nos: 39703/APP/2020/2159

Drawing Nos: A842-2 Proposed Elevations & Floor Plans
001 Proposed Landscaping
Design & Access Statement
Ecological Assessment Report
Flood Risk Assessment

Date Plans Recieved: 10/07/2020 **Date(s) of Amendment(s):**

Date Application Valid: 10/07/2020

1. SUMMARY

The London Borough of Hillingdon has been consulted by the London Borough of Harrow on a planning application located on the Borough Boundary; whilst the site is not in the borough, the proposal has the potential to impact the London Borough of Hillingdon. The application is for the erection of a detached single-storey dwellinghouse with associated landscaping, refuse and cycle storage on land at the rear of 53-55 Cuckoo Hill Road, Pinner, HA5 1AU.

The application site is constrained and the proposed plans fail to show adequate access to the site. The proposal relies on a public footpath that leads to Cheney Street Open Space and the path appears to be narrow and unlit. The red line plan appears to be incorrect and the applicant appears to have failed to serve notice on the landowner responsible for the footpath that would provide access to the site. The proposed development would result in the loss of garden area for an existing residential properties and it is an uncharacteristic form of development that would be harmful to the character and appearance of the street scene and the wider area.

For the reasons outlined within this report, it is recommended that an objection be raised to the application and a request is made to the London Borough of Harrow that the application is refused.

2. RECOMMENDATION

OBJECTION:

The London Borough of Hillingdon objects to the proposal, due to both its siting next to Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC) and the harm caused to the visual amenities of Cheney Street Open Space and the Eastcote Conservation Area. The proposal by virtue of the loss of trees, and development of garden land would be to the detriment of the surrounding area's prevailing character and setting.

The London Borough of Hillingdon would also request that the London Borough of Harrow also notes the detailed objections of the Eastcote Conservation Panel.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located within the London Borough of Harrow. The site comprises land at the rear of 53-55 Cuckoo Hill Road, Pinner, HA5 1AU. The site is bound by residential properties to the north, east and south-east. A footpath runs along the southern site boundary, part of which falls within the London Borough of Hillingdon.

The application site is adjacent to a Site of Importance for Nature Conservation [SINC], the majority of which falls within the London Borough of Hillingdon's Eastcote Village Conservation Area. The area is also classed as Metropolitan Open Land.

The nearest London Borough of Hillingdon residential properties are located over 100m to the north-west and south-west of the application site.

3.2 Proposed Scheme

The application is to provide observations on a planning application submitted to London Borough of Harrow. Planning permission is sought for the erection of a detached single-storey dwellinghouse along with associated landscaping, refuse and cycle storage (LB Harrow ref: P/1846/20).

3.3 Relevant Planning History

Comment on Relevant Planning History

No relevant history available.

4. Planning Policies and Standards

London Borough of Hillingdon Development Plan (from 6th April 2020)

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 2019.

The Mayor has considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.HE1 (2012) Heritage

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

DMHB 1 Heritage Assets

DMH 6 Garden and Backland Development

DMHB 11 Design of New Development

DMT 2 Highways Impacts

LPP 3.5 (2016) Quality and design of housing developments

NPPF- 11 NPPF-11 2018 - Making effective use of land

NPPF- 13 NPPF-13 2018 - Protecting Green Belt land

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Eastcote Conservation Panel:

This land is adjacent to a Site of Importance for Nature Conservation [SINC]. The majority of this SINC is within the Eastcote Village Conservation Area, situated in the London Borough of Hillingdon. This area is also classed as Metropolitan Open land.

From the submitted reports and documents it is obvious that this land was once part of the gardens of 53-55 Cuckoo Hill Road. From the photographs in the Ecological Appraisal it is also obvious that mature trees were cleared from the site before the appraisal took place. Areas of sawdust and the burnt remains of trees can be seen as well as scattered remains of newly cut logs lying around.

The proximity of this proposed development will be detrimental to the adjacent open land, causing light and noise pollution. It will also take away natural land drainage increasing the likelihood of surface water flooding to the neighbouring dwellings. These garden areas act as a buffer zone for the SINC.

The living conditions of any future inhabitants would be poor.

The access is via a footpath which is approximately 1.5 meters wide. The footpath is long and unlit. Either side there is 2m high close board fencing along the existing gardens, changing to a broken down 1m high paling fence when the open land is reached. This would be a very dark walk way, the dwelling would be 'cut off' from the main inhabited areas, giving a sense of insecurity. Access for emergency services would be restricted as would the weekly removal of wheelie bins, which would cause an obstruction on the pavement on Cuckoo Hill Road, whilst waiting to be emptied.

The layout of the dwelling suggests that the named study and library could very easily become a third bedroom. The two named bedrooms have en suite bathrooms, there is also another bathroom shown, for what purpose?

This proposed dwelling could easily become a 3 bedroom dwelling or a House in Multiple Occupation [HMO].

The development of this land would be contrary to NPPF Feb 2019 Section 122 (d) (e).

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

(e) the importance of securing well-designed, attractive and healthy places.

This is a most unacceptable application for the reason set out above and we ask that it be refused.

Officer comments:

The Eastcote Conservation Panel have provided the above comments to the London Borough of Harrow Planning Department.

Internal Consultees

Flood and Water Management Officer:

Single house not shown to be at risk or in a critical drainage area or likely to cause issues to local residents. No comments, although the Harrow LLFA may be aware of more specific local information or reports.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The London Borough of Hillingdon is characterised by an extensive network of open spaces, which includes Green Belt (GB) land, Metropolitan Open Land (MOL) and Green Chains; these have an important role to play as part of Hillingdon's multi-functional green

infrastructure and are a strategic feature of the Borough.

The application site is adjacent to a Site of Importance for Nature Conservation (SINC), the majority of which falls within the London Borough of Hillingdon's Eastcote Village Conservation Area. The area is also classed as Metropolitan Open Land (MOL).

Metropolitan Open Land is defined as areas of open land that have a London-wide significance and that are considered to perform the following three functions:

- i) providing a clean break in the urban fabric and contributing to the green character of London;
- ii) including open air facilities serving the leisure, recreational, sports, arts and cultural needs of Londoners outside their local area; and
- iii) containing a feature or landscape of historic, recreational or biodiversity value of national or regional significance

Policy DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy 7.17 of the London Plan (2016) seek to protect areas of Green Belt and Metropolitan Open Land from inappropriate development, protecting the visual amenity and character.

Whilst the site falls outside the London Borough of Hillingdon's boundary, the application site is sited adjacent to SINC and Metropolitan Open Land (MOL). The proposal relies on a narrow footway that links into the Cheney Street Open Space that lies entirely in London Borough of Hillingdon. The applicant has failed to address adequate and suitable access to the site. According to aerial images, the application site has substantial tree cover which contributes to the visual amenities of the MOL, and SINC. It's loss to make way for a one residential dwelling is regrettable.

A residential dwellinghouse with its paraphernalia within this location has the potential to significantly alter the character of the existing footway leading to the Cheney Street Open Space and the proposal would impact the character and visual amenity of the Metropolitan Open Land (MOL) and the Site of Importance for Nature Conservation (SINC).

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

Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape (including locally and statutorily Listed Buildings, Conservation Areas, Areas of Special Local Character and Archaeological Priority Zones and Areas), and encourage the reuse, modification and regeneration of historic assets.

Policy DMHB 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that the Council will expect development proposals to avoid harm to the historic environment and to prevent the loss of significance or harm to the character, appearance and setting of heritage assets (Listed Buildings, Conservation Areas and Scheduled Ancient Monuments).

The application site is located next to the boundary with London Borough of Hillingdon and next to the Eastcote Village Conservation Area. The proposal is for a single-storey residential building located within garden land at the rear of residential properties, which is not a characteristic of the adjacent Eastcote Village Conservation Area. The proposal appears to be contrived with limited access to the site and its siting is out of keeping with the character of the area. Should the London Borough of Harrow consider granting consent for this development, it should be conditioned that no lighting can be placed along the narrow public footpath leading to Cheney Street Open Space. A condition should be

placed on the development that requires mature tree planting and hedging along the south western boundary to protect the character and visual amenities of the Eastcote Conservation Area. A condition removing permitted development rights must be also be included and no external lighting should be allowed without consent from the local planning authority.

7.07 Impact on the character & appearance of the area

Paragraph 122 part (d) of the National Planning Policy Framework (NPPF) (2018) supports the "desirability of maintaining an area's prevailing character and setting (including residential gardens)". Given the of important contribution of gardens (especially back gardens), Policy 3.5 of the London Plan (2016) sets out a presumption against the loss of gardens where it can be locally justified.

Policy DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to prevent the loss of gardens due to the need to maintain local character, amenity space and biodiversity, except where the following criteria can be met:

- 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.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires all development to be designed to the highest standards and incorporate principles of good design, either complementing or improving the character and appearance of the area.

The proposed single-storey residential building would be located within garden land at the rear of residential properties and therefore would result in the loss of gardens, along with loss of ecological and landscaping features. The proposed development would not be characteristic of the surrounding area.

The London Borough of Harrow would need to assess the impact of the proposed development in line with their own Development Plan Policies relating to garden land developments and residential amenity of Harrow residents.

7.08 Impact on neighbours

Whilst the application site is next to the boundary with the London Borough of Hillingdon, the nearest London Borough of Hillingdon residential properties are located over 100m to the north-west and south-west of the application site. Therefore, it is considered that the proposed residential development would not impact on the residential amenity of Hillingdon residents.

The London Borough of Harrow would need to assess the impact of the proposed development in line with their own Development Plan Policies relating to residential amenity of Harrow residents.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that developments provide safe and efficient vehicular access to the highway network and do not contribute to the deterioration of local amenity or safety of all road users and residents.

The application site does not provide on-site parking and so would rely on on-street parking. Given that the road on which the application site is located is not directly accessible from roads within the London Borough of Hillingdon, it is considered that the proposed development would not impact on Hillingdon's highway network or parking provision.

However there are significant concerns relating to access, especially during the construction period. It is unclear how this would be managed as it would need to be taken entirely from a 1.5m narrow footpath which is used by walkers visiting the Cheney Street Open Space. The London Borough of Hillingdon would not allow any construction access through land belonging to the London Borough of Hillingdon. The proposal appears to be entirely unfeasible and has the potential to significantly harm existing pedestrian access and it would require a stopping up order, this would affect residents. Should an application be considered acceptable, the London Borough of Hillingdon requests that it is consulted when a stopping up order is made and that the London Borough of Hillingdon is consulted on a comprehensive Construction Management Plan.

7.19 Comments on Public Consultations

An objection was received from the Eastcote Conservation Panel. The issues raised relate to:

- i) new development within rear gardens of residential properties (garden grabbing),
- ii) the removal of mature trees from the site prior to the Ecological Appraisal,
- iii) light and noise pollution,
- iv) loss of natural land drainage,
- v) poor living conditions,
- vi) poor access, and
- vii) potential use as a three-bed or House in Multiple Occupation [HMO] dwelling

These issues are addressed within the main body of the report.

10. CONCLUSION

Officers request the North Area Planning Committee agree to the response to the London Borough of Harrow.

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