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

Address 51 SWEETCROFT LANE HILLINGDON

Development: Erection of 2 x two-storey, 4-bedroom detached dwellings with associated parking and amenity space and installation of vehicular crossovers

LBH Ref Nos: 33932/APP/2021/1920

Drawing Nos: Design and Access Statement
20-036-E00
Location Plan
20-036-P11
Arboricultural Impact Assessment and Method statement
20-036-E01
20-036-E02
20-036-E03
20-036-E04
20-036-E05
20-036-E06
20-036-E07
20-036-E08
20-036-E09
20-036-E10
20-036-E11
20-036-E12
20-036-E13
20-036-P01A
20-036-P02A
20-036-P03A
20-036-P04B
20-036-P05A
20-036-P06A
20-036-P07B
20-036-P08A
20-036-P09A
20-036-P10A
20-036-P11A
20-036-P12A
20-036-P13A
20-036-P14A
20-036-P15A
20-036-P16A
20-036-P17

Date Plans Recieved:	12/05/2021	**Date(s) of Amendment(s):**	15/10/2021 13/05/2021 12/05/2021
Date Application Valid:	12/05/2021		

1. SUMMARY

Planning Permission is sought for 2 x two storey, 4 bed detached dwellings with

associated parking and amenity space and installation of vehicular crossovers. The proposal would include the demolition of the existing dwelling house and closure of the access via Sweetcroft Lane, with the new means of access created in the form of an extension of the existing road at the end of Portman Gardens.

The site has been subject to two previous applications which were refused and subsequently dismissed at appeal on the basis of the impact the design of the proposals would have on the character and appearance of the street scene and Hillingdon Court Park Area of Special Local Character (ASLC). Both of the previous applications featured a different design in terms of the number of units proposed and/or where they were to be located within the application site. The objection to the proposal on conservation grounds is considered to be addressed through the revised submission by locating the two new dwellings either side of Portman Gardens which effectively creates a continuation of the established development pattern within the street scene.

The proposal would not result in unacceptable harm to the ASLC, the street scene which forms part of it, neighbour amenity or the highway network. The new access which would see the existing highway extended to adopt a similar design to the existing properties relationship with the public highway is considered acceptable and the closure of the existing narrow and long access way to No.51 is welcomed. Moreover, the design of the dwellings clearly adopts the design features of the properties within the local context and offers substantially more internal and external living space than the minimum required by local and regional policy.

Taking these points into consideration Officers recommend that the application should be approved.

2. RECOMMENDATION

Not applicable

1 RES3 **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON
To comply with Section 91 of the Town and Country Planning Act 1990.

2 RES4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 20-036-P17, 20-036-P11, 20-036-P15A, 20-036-P02A, 20-036-P16A, 20-036-P13A, 20-036-P12A, 20-036-P11A, 20-036-P10A, 20-036-P09A, 20-036-P08A, 20-036-P07B, 20-036-P06A, 20-036-P05A, 20-036-P04B, 20-036-P03A, 20-036-P01A and 20-036-P14A.

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON
To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

3 RES5 **General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Arboricultural Impact Assessment and Method statement by Elizabeth Greenwood, dated March 2021.

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON
To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

4 RES7 **Materials**

Prior to the commencement of development, product details including manufacturer information of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON:
To conserve the character and appearance of the Area of Special Local Character, in accordance to Policy HE1 of Hillingdon's Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), and Policy HC1 of the London Plan (2021).

5 NONSC **Windows and doors**

Prior to the commencement of development, product details including manufacturer information of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON:
To conserve the character and appearance of the Area of Special Local Character, in accordance to Policy HE1 of Hillingdon's Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), and Policy HC1 of the London Plan (2021).

6 RES9 **Landscape Scheme**

Prior to commencement of above ground works, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping (including demonstration that the trees removed will be replaced with trees of equivalent quality and additional tree planting will be provided)
1.a Planting plans (at not less than a scale of 1:100),
1.b Written specification of planting and cultivation works to be undertaken,
1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate.

2. Details of Hard Landscaping
2.a Refuse Storage,
2.b Cycle Storage (including demonstration that secure and covered storage for 2 no. bicycles is provided per dwelling),
2.c Means of enclosure/boundary treatments including the proposed treatment to close the existing access from Sweetcroft Lane,
2.d Car Parking Layouts (including demonstration that at least 1 no. car parking space is served by an active electric vehicle charging point and that all remaining car parking

spaces are served by passive electric vehicle charging infrastructure per dwelling),
2.e Hard Surfacing Materials,
2.f External Lighting.

3. Details of Landscape Maintenance
3.a Landscape Maintenance Schedule for a minimum period of 5 years,
3.b Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON
To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 14 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

7 RES10 **Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'.

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON
To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

8 HO5 **No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved without the grant of further specific permission from the Local Planning Authority.

REASON
To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

9 RES14 **Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON
To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020).

10 OM19 **Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

(i) The phasing of development works.
(ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
(iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
(iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
(v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
(vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
(vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON
To ensure that the construction of the development does not result in significant impacts upon the local highway network in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and T4 of the London Plan (2021).

11 NONSC **Accessibility**

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 buildings.

REASON
To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, in accordance with Policies D5 and D7 of the London Plan (2021).

12 NONSC **Step Free Access**

Prior to superstructure works commencing, details of step free access via the principal private entrance of each dwelling shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON
To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, in accordance with Policies D5 and D7 of the London Plan (2021).

13 RES15 **Sustainable Water Management**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI 13 of the London Plan (2021) and will:
i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
ii. include a timetable for its implementation; and
iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
iv. provide details of water collection facilities to capture excess rainwater; and
v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON
To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policy SI 13 of the London Plan (2021).

14 NONSC **Non Standard Condition**

Prior to commencement of the development (including demolition and site clearance), the developer shall enter into a section 278 agreement or 184 (of the Highways Act 1980) with the Highway Authority in order to secure the following works, carried out to adoptable standards at the developers expense:

a) Reinstatement of the footway on Sweetcroft Lane following the closure of the private access way to 51 Sweetcroft Lane
b) Road and footway extension of Portman Gardens, including the installation of two dropped kerbs
c) Repair of any damage to the existing highway during demolition and construction

These highway works shall be completed prior to first occupation of the dwellings, hereby

approved.

REASON
To ensure that the construction of the development does not result in significant impacts upon the local highway and to accord with the terms of the planning permission in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies T4, T5 and T6 of the London Plan (2021).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to GRANT 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 GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 10	Water Management, Efficiency and Quality
DMH 2	Housing Mix
DMH 6	Garden and Backland Development
DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature

LPP G7	(2021) Trees and woodlands
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

3 I70 **LBH worked applicant in a positive & proactive (Granting)**

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 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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

4 I73 **Community Infrastructure Levy (CIL) (Granting Consent)**

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

3. CONSIDERATIONS

3.1 Site and Locality

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

To the West are a row of two storey detached dwellings situated on either side of Portman Gardens, and to the East are a row of two storey detached dwellings with extensive rear gardens. These properties are set to the rear/south of properties fronting Sweetcroft Lane.

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

3.2 Proposed Scheme

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

The new means of access would be via an extension to Portman Gardens, leading to two new properties East of Nos. 21 and 26 Portman Gardens.

3.3 Relevant Planning History

33932/APP/2018/3224 51 Sweetcroft Lane Hillingdon

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

Decision: 02-05-2019 Refused **Appeal:** 10-03-2020 Dismissed

33932/APP/2019/2015 51 Sweetcroft Lane Hillingdon

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

Decision: 03-09-2019 Refused **Appeal:** 29-12-2020 Dismissed

Comment on Relevant Planning History

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

1. The proposed development, by reason of its siting and layout would result in a development of the site, which would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.1 and 7.4 of the London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the NPPF.

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

An appeal against the refusal of planning permission was dismissed.

33932/APP/2019/2015 - 2 x two storey, 4-bed, detached dwellings with habitable roof space, associated parking and amenity space and installation of vehicle crossovers. Refused for the following reasons:

1. The proposed development, by reason of its siting and layout would result in a development of the site, which would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed, as well as the proposed loss of existing private rear garden area would have a detrimental impact on the character and appearance of the area as a whole. The proposal is therefore detrimental to the visual amenity and character of the surrounding area and contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMH6 and DMHB5 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5, 7.1 and 7.4 of the London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the NPPF.

2. The proposed development by reason of its size, design, proximity to the side boundaries and extensive coverage by buildings would result in a cramped and incongruous form of development which would fail to harmonise with the established local context of the surrounding area to the detriment of the visual amenity of the street scene and the character and appearance of the wider Hillingdon Court Park Area of Special Local Character. Therefore the proposal is contrary to Policy BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMHB11 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

Appeal decision:

"I consider that the proposed development would fail to maintain and would not be sympathetic to the prevailing character of the area by reason of the cramped nature of the houses and the stark contrast with the existing layout. The proposed development would not be sympathetic to the character or appearance of the area and would not safeguard the non-designated heritage asset. The harm which I have identified outweighs any benefits which might arise from the creation of two houses. As a result, the proposed development conflicts with Policies BE1 of the LP1SP and DMHB 11 of the LP2DMP."

Officer's Comment: The current proposed application differs from the refused applications

in fundamental ways, principally being that the numbers of homes proposed has been reduced and/or the layout of the dwellings on the site has been redesigned. The changes to the scheme and why these are considered to address previous concerns are discussed throughout this report.

4. Planning Policies and Standards

Development Plan

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)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth

Part 2 Policies:

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 10	Water Management, Efficiency and Quality
DMH 2	Housing Mix
DMH 6	Garden and Backland Development

DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 28 adjoining and neighbouring properties were consulted via letter dated 20-05-21 and a site notice was displayed within Portman Gardens. At the end of the consultation period a total of 32 individual objections (16 separate addresses) had been received in addition to the petition against the development which contained 44 signatures.

The issues raised within the petition and the letters of objection are summarised below.

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

In addition to the above, representations received from one address support the proposal, commenting that the existing dwelling and access road are an eyesore.

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

Internal Consultees

Urban Design / Conservation Officer:

1. Summary of comments: recommend amendments - If approved conditions required

2. Historic Environment Designation (s)
· Hillingdon Court Park Area of Special Local Character (ASLC) - non-designated heritage asset

3. Assessment - Background and significance
3.1. This property is situated in the Hilllingdon Court Park Area of Special Local Character (ASLC), on the fringes of Hillingdon Court Park itself. The existing dwelling is built on land which originally formed part of the historic Hillingdon Court estate. The Grade II* Listed house is located to the south-west of the site.

3.2. This ASLC is verdant in character, with individually designed properties having shared design features. Historically properties are large with spacious gardens. The later decades of the 20th century saw a number of denser developments by the replacement of larger properties, eroding the original character and layout of the area. Portman Gardens is an example of this.

3.3. The existing property is a detached, inter-war property. It appears to have been extended and the site includes a detached garage structure. The two-storey building is simply detailed with

rendered elevations and a plain clay tiled pitched roof form. The site appears to be unoccupied and would benefit from some enhancement.

3.4. The building is set centrally within its spacious plot. The site's spacious appearance appropriately relates to the ASLC's parkland setting, to the south of the site. Access to the property is off Sweetcroft Lane, via a narrow track between Nos 49 and 53, a characteristic feature of the area.

3.5. Whilst the building does not have a direct impact on the Sweetcroft Lane street scene, it represents how the former historic estate had originally been developed.

4. Assessment - Impact and harm
4.1. The proposed demolition of the existing property and subdivision of the site for two-dwellings would continue the erosion of the ASLC's original planned layout. The intensification of the site would be an extension of Portman Gardens, establishing the unwelcome precedent of other sites being developed in the same manner.

4.2. In comparison to the previously refused schemes, the proposal has reduced the number of dwellings, which is commendable. The arrangement of the development would to some degree maintain some of the spacious qualities of the site.

4.3. The design and appearance of the proposed properties would aim to be in keeping with those along Portman Gardens. The inclusion of brick detailing would add some interest to the elevations however the proposed roof finish, with grey slate tiles, would not relate to the surrounding area and Portman Garden's street scene.

4.4. In light of the fact this is a new build, the inclusion of a crown roof element is entirely disappointing. Ideally the roof should be fully hipped.

4.5. Terraces are not a well-established or characteristic feature found within the ASLC, and the proposed inclusion of them along the rear elevations of the proposed houses would be unacceptable.

4.6. In this instance the proposed subdivision of the existing plot would result in some harm to the ASLC. However, it is recognised that the design of the proposed houses would to some degree relate to Portman Gardens' street scene. Paragraph 197 within the National Planning Policy Framework (NPPF, 2019) would be relevant in this instance.

5. Conclusion: recommend amendments - If approved conditions required

External materials and finishes

Prior to the commencement of development, product details including manufacturer information of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance to the approved details.
Reason: To conserve the character and appearance of the Area of Special Local Character, in accordance to Policy HE1 of Hillingdon's Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 5 of the Hillingdon's Local Plan: Part 2 - Development Management Policies (January 2020), Policy 7.8 of the London Plan (March 2016) and Policy HC1 of the Publication London Plan (December 2020)

Windows and doors

Prior to the commencement of development, product details including manufacturer information of all external windows and doors shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be carried out in accordance to the approved details.
Reason: To conserve the character and appearance of the Area of Special Local Character, in accordance to Policy HE1 of Hillingdon's Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 5 of the Hillingdon's Local Plan: Part 2 - Development Management Policies (January 2020), Policy 7.8 of the London Plan (March 2016) and Policy HC1 of the Publication London Plan (December 2020)

ADDITIONAL HERITAGE OFFICER COMMENTS following amendments to remove the terraces, omit the grey slate tiles and to replace the crown roofs with hipped roofs:

The amended proposal would address previous design concerns. However, it would not address the harm to the ASLC by the subdivision of the plot. If approved conditions recommended.

Highway Engineer:

Site Characteristics & Background
The address is located within a residential catchment in Uxbridge and consists of a single substantive detached property positioned in tandem behind No.53 Sweetcroft Lane and therefore does not front this roadway directly. Pedestrian and vehicular access to no.51 occurs from Sweetcroft Lane via a private access road which runs alongside the flank of No.53. No.51's site curtilage sits adjacent to Portman Gardens (a cul-de-sac) but there is no physical vehicular or pedestrian access from that road at present.

The proposal is for No.51 to be demolished and replaced by two 4-bedroom units with an opposing juxtaposition both facing a private roadway which is essentially a continuation of the 'turning head' end of neighbouring Portman Gardens. This will facilitate pedestrian and vehicular access to the site.

Sweetcroft Lane is covered extensively by waiting restrictions which include double yellow lines and single yellows operational from 11am to 12 noon - Monday to Friday whilst Portman Gardens is devoid of parking controls. Due to the relatively isolated nature of this location from public transport facilities, the site exhibits a very poor public transport accessibility level (PTAL) rating of 1b and therefore raises dependency on the ownership and use of private motor transport.

Most recently, planning permission for a comparable scheme was refused in 2019 for several reasons but not on highway/transport related grounds (33932/APP/2019/2015). The decision was challenged and dismissed upon appeal.

Parking Provision
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.

In order to comply with the maximum parking standard there is a requirement for up to 2 on-plot spaces per unit to be provided. This quantum is proposed laid out in an appropriate manner and is welcomed as the location exhibits a very poor PTAL level which encourages a provision at the maximum end of the standard.

Electric Vehicle Charging Points (EVCP's)
In line with the London Plan (2021), within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions which, in this case, would equate to 1 'active' and 1 'passive' space per unit. 2 'active' spaces are indicated (1 per dwelling) but there is no reference to the 'passive' element which can be secured by planning condition.

Cycle Parking Provision
In terms of cycle parking there would be a requirement to provide 2 secure and accessible spaces for each dwelling to accord with the Council's adopted cycle parking standard. 2 cycle spaces are indicated to the side of each new build which is considered acceptable in terms of quantum and positioning.

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

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

As referred to above, the principle of new access and closure of old is considered acceptable in the site circumstance and it should be noted that the new access juncture from the publicly adopted highway (Portman Gardens) merging into the new access road would need to be constructed to an appropriate Council standard under a S278 or 184 (Highways Act 1980) agreement (or suitable alternative arrangement) at the applicant's expense. The same mechanism would apply to the closure of the redundant access from Sweetcroft Lane which should be reinstated as footway.

Vehicular Trip Generation
Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Clearly the proposal would raise the level of vehicular activity to and from the site as compared to this dormant corner of Portman Gardens. However peak period traffic movement into and out of the site would not be expected to exceed 2-3 additional vehicle movements during the most sensitive and therefore crucial peak morning and evening hours hence this uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Operational Refuse Requirements
Refuse collection would be facilitated via the new access road from Portman Gardens. As the new access road is relatively short in length, there are no specific issues related to refuse collection from each of new dwellings. In terms of bin storage positioning, waste collection distances should not exceed 10m from the point of collection on the public highway. Refuse storage is proposed to the side of the new builds which exceeds this distance parameter. However, it is considered that for this scale of development it is in the best interest of the occupier to place their refuse within the 10m distance parameter if they wish for their refuse to be collected. Such an informal arrangement is therefore highly likely to occur and is therefore considered acceptable in this particular case. There are no further observations.

Construction Logistics Plan (CLP)
A full and detailed CLP would be a requirement given the constraints and sensitivities of the local residential road network in order to avoid/minimise potential detriment to the public realm. It will need to be secured under a suitable planning condition.

Conclusion
The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

Tree / Landscape Officer:

This site is occupied by a two-storey detached house and spacious garden which is set back from the road to the south of Sweetcroft Lane. The plot is accessed via a long track and is surrounded by other residential properties on all sides except the south which backs on to Hillingdon Court Park. The Portman Gardens residential cul de sac terminates on the west boundary of the plot. This area is enriched by the quality of tree cover and the site lies within the area covered by TPO 32A.

This submission follows two previous applications ref. 33932/APP/2018/3224 and 2019/2015, both of which were refused. The submission is supported by a full tree report (including survey, arboricultural impact assessment and method statement) by Elizabeth Greenwood, dated March 2021 (updated from the June 2018 version). The original survey identified and assessed 25 individual trees and three groups on, or close to, the site. There were no 'A' grade trees. 12 individual trees and one group have been graded 'B'. The remaining trees are 'C' grade, with four of them classified as 'U'. Since 2018 4 'B' grade trees have been removed; T1, T6, T7 and T11. Other lower quality trees (C or U grade) which have been removed include; T3, T17, T18 and T19. A number of the trees are protected by TPO32A: T3 crack and T19 walnut (category U) - which have now been removed - and T23, T24 and T25 oaks (all category B2).

The report recommends removing deadwood from the off-site oaks, in the interests of safety (and sound management). There is no objection to this proposal and this essential maintenance is exempt form requiring a tree work application (for work to TPO'd trees). The report provides full details of recommended tree surgery and removal and the method statement specifies the tree protection and other measures required to safeguard the trees to be retained. At 5.3.5 the report specifies that the site foreman will be responsible for supervising the tree protection measures. There is no objection to the conclusions and recommendations contained in the tree report. If the application is to be approved landscape conditions will be required to ensure that replacement tree planting is secured as part of a high quality landscape scheme.

RECOMMENDATIONS No objection subject to conditions RES9 (Parts 1,2,5 and 6) and RES10. Robert Reeves Principal Landscape Architect.

Access Officer

Further to my memo dated 27/05/2021, these latest drawings no. 20-036-P03 Rev A, 20-036-P04 Rev B, 20-036-P06 Rev A and 20-036-P07 Rev B, overcome the previous accessibility objection. However, the following conditions should be attached to any approval:

(i) 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 the 2021 London Plan policy D7 is achieved and maintained.

(ii) The dwelling(s) hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON: To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with

policy D7 of the London Plan.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The National Planning Policy Framework (2021) has a requirement to encourage the effective use of land and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Chapter 5 of the NPPF supports the delivery of homes, confirming that local authorities should, through their Local Plans, demonstrate how housing targets and objectives will be met. Particular emphasis is given to housing delivery over the next five years, but authorities are also required to consider growth beyond this.

The Housing Policies of the London Plan (2021) seek to ensure that London's housing needs are met.

At local level policy H1 of the Local Plan: Part 1 - Strategic Policies (November 2012) gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies.

The proposal is to demolish an existing dwelling and redevelop the site/garden to provide two new dwellings with gardens. These would be situated behind frontage development on Sweetcroft Lane. As such, it is considered that the principle of development will only be acceptable if the proposal meets the relevant backland development policies.

In relation to this, Policy BE1 of the Hillingdon Local Plan Part 1 - Strategic Policies (2012) seeks to ensure development does not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.

In addition, Policy DMH 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that there is a 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.

In each of the applications submitted and subsequently refused by the Council and dismissed at appeal, the principle of an intensification of use on the existing residential site was considered to be acceptable. The revised proposal is considered to address the Council's concerns regarding over development and the design of the scheme is considered to be a continuation of the development pattern within the street scene and wider Area of Special Local Character. As such the principle of development is considered to be acceptable and design and character considerations, along with other relevant matters are discussed further below.

7.02 Density of the proposed development

Hillingdon Local Plan Part 2 Policy DMHB 17: Residential Density, requires that all new residential development should take account of the Residential Density Matrix contained in Table 5.3.

The PTAL score for the site is 1a which identifies the area as having a low level of public transport accessibility. Table 5.2 which supports policy DMHB 17 provides a list of residential settings alongside the PTAL ratings and the optimal density range. Table 5.2 indicates that sites within areas of 0-2 PTAL rating are to be out of town centre locations and should provide 35-50 u/ha and 105-150 hr/ha if the type of housing proposed is detached or semi-detached dwellings.

The proposed development would provide 2 x 4 bedroom properties which would be consistent with the underlying need within Hillingdon. The proposal would result in a density of 10 u/ha and 72.5 hr/ha. Whilst this is less than the optimal density within the guidance stated in the above policy, the development must respect the historic character and appearance of the ASLC. As such the density is considered to be acceptable.

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

Policy BE1 of the Hillingdon Local Plan Part 1 - Strategic Policies (2012) seeks to achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.

Policy HE1 of the same plan seeks to conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes locally recognised historic features, such as Areas of Special Local Character.

Policy DMHB 5 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that within areas of special local character, new development should harmonise with the materials, design features, architectural style and building heights predominant in the area.

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

The new dwellinghouses would be constructed at the end of Portman Gardens following the construction of the road/access way extension. The proposed properties are two storey height and are characterised by half hipped roofs with two storey front and rear gable projections. The dwellings are proposed to be constructed from brick with part render finish.

The Conservation Officer has stated that the omission of the crown roof element, the replacement of the first floor terraces with 2 dormer windows and the omission of the grey slate tiles are all positive changes which address several of the concerns raised but the harm upon the ASCL resulting from the subdivision of the plots remains a concern.

The site plan demonstrates that the proposed dwellings which are now located to the north and south of Portman Gardens and would benefit from a frontage that provides at least 2 parking spaces per dwelling, a soft and hard landscaped garden with the properties set back a reasonable distance from the main highway. The properties would also benefit from a reasonably large rear garden measuring in excess of 300 sqm and would feature a landscaped buffer around the side elevations to create a pleasant separation distance between the new and existing dwellings.

Overall, the proposed development presents a continuation of the established development pattern within Portman Gardens and the revised design of the properties clearly adopts the design features of the immediate and wider context within the ASLC. As such, whilst the subdivision of the two plots is not ideal, the proposal would integrate well with its surroundings and therefore the impact on the character and appearance of the ASLC is on balance, considered acceptable.

Therefore, the proposal complies with Policy BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

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

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

'Hillingdon Court Park forms part of the Metropolitan Green Belt although it is totally surrounded by development and so as far I could see has no physical or visual links to other open land or the countryside. Whilst the proposals do not encroach upon Green Belt land, UDP Policy OL5 reflects advice in paragraph 3.15 of the PPG2 that development adjacent to or conspicuous from the Green Belt will only be permitted if it would not injure visual amenities of the Green Belt by reason of siting, materials and design. The park is used for formal and informal recreation and contains many mature trees.....Whilst the perimeter is largely de-marked by trees and hedges, built development is apparent in most vistas, with some being particularly conspicuous and visually intrusive due to a combination of factors such as proximity to the park edge, lack of landscape screening, unsatisfactory boundary treatments and inappropriate design/materials. In the case of the appeal schemes, the houses would be set at distances ranging from 10.5 m to 18.6 m from the Green Belt boundary, which is further than what has been permitted by the Council elsewhere, including the adjacent development at Holm Grove. Both proposal specify 1.8 m high close boarded fencing as the means of enclosure, I regard this as totally inappropriate along the Park edge as it detracts from the visual quality of the park and Green Belt. However I am satisfied that I can address these matters by imposition of conditions relating to means of enclosure and landscaping.'

With regard to the proposed development, the two new dwellings would be sited on the North and South of the extended access. The dwelling to the South would be the closest to the Green Belt boundary and would be sited approximately 15 metres away which is a similar distance to the existing properties on the south side of Portman Gardens. As such it is considered that the proposed development would not give rise to additional impacts upon the openness of the Green Belt. Notwithstanding this point it is necessary to secure details of the rear boundary treatment to ensure that the visual quality of the Green Belt and park is retained. This shall be secured by way of an appropriately worded landscaping condition.

Subject to the condition mentioned above the proposal complies with green belt policies DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), G2 of the London Plan (2021) and the NPPF (2021).

7.07 Impact on the character & appearance of the area

The buildings in the area are characteristically set back from the road and feature mature

front gardens and driveways positively contributing to the character of the Hillingdon Court Park Area of Special Local Character.

In terms of the previous planning refusals and appeal decisions which have been detailed above, those schemes resulted in the formation of much narrower plots than now proposed and which featured smaller quantums of landscaping leaving little separation between the new and existing properties. Application 33932/APP/2018/3224 proposed 4 dwellings on the site and subsequent application 33932/APP/2019/2015 proposed 2 dwellings, however these were both proposed to be located in the northern portion of the site, rather than to the north and south of Portman Gardens as now proposed. It is considered that the proposed site plan demonstrates how the revised scheme has positively responded to the comments within the inspectors report and demonstrates how the proposed two properties would be set back from the front boundary similar to the existing properties in Portman Gardens. The arrangement of the development would to some degree maintain some of the spacious qualities of the site and the design and appearance of the proposed properties would be considered to be in keeping with those along Portman Gardens.

The proposed development at two storeys would reflect the height and appearance of the existing dwellings and its set back from the adjacent highway would maintain the existing building line by incorporating spacious front gardens and driveway. The revised proposal incorporates additional garden space/ set backs to the sides of the properties which further demonstrates that the proposal would result in a continuation of the existing development pattern which characterises Portman Gardens and would integrate with the wider ASLC.

It is therefore considered that the revised proposal satisfactorily addresses the concerns raised by the Council and the appeal inspectors following the refusal of previous applications and as such complies with Policy DMHB 5, DMHB 11 and DMHB 12 of the Hillingdon Local Plan - Part Two - Development Management Policies (2021).

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Specifically, paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary." Furthermore, paragraph A1.23 states that where a neighbouring property benefits from a patio the separation distance should be increased to 24 metres.

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "For the purposes of this policy [Policy DMHB 11], outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

The proposed dwellings would be situated so as to reflect the existing pattern of development within Portman Gardens. House A which is located on the northern side of the road would marginally protrude beyond part of the existing rear elevation of No.21. To the east of house A is No.47 Sweetcroft Lane which is set back slightly behind the proposed front elevation however given the separation distances between the new and existing properties the proposal would not give rise to potential impacts upon the visual amenities of these properties.

With regards to House B which is located to the south of Portman Gardens, the adjacent property No.26 benefits from a front elevation which would sit almost in line with the location of the proposed front facade and also features a garage to the front which would further protect the property from the potential loss of privacy.

Whilst a plan demonstrating the 45 degree line of site drawn from the nearest neighbouring habitable room window has not been provided, it is clear from the proposed site plan that neither dwelling would interfere with the 45 degree line of sight due to the location of the dwellings within each of the plots.

In respect to privacy concerns, there are no first floor side elevation windows proposed for either house, so there are not any concerns with undue overlooking onto neighbouring properties. It is noted that there are side elevation windows proposed for the ground floors of the houses. However, as these are at ground floor and the ground levels of the site are not materially higher than the adjoining sites, these would not result in harmful overlooking onto neighbouring properties.

Having regard to the points raised above, the proposed development would not result in any concerns relating to the loss of privacy, daylight or sunlight for the properties which bound the site. As such the proposed development would comply with Policy DMHB 11 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020).

7.09 Living conditions for future occupiers

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:
i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

The above policy requires a two storey four bedroom property to provide a minimum of 124 sqm of internal floor space. The proposed floor plans demonstrate that each dwelling would provide approximately 330 sqm of internal floor space thus far exceeding the minimum requirements.

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:
A) 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.
B) Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.
C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special

Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the streetscene and the character of the buildings on the site.
D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

Table 5.2 states that 4 bedroom properties should have access to at least 100 sqm of private and well located amenity space.

The site plan illustrates that each property would benefit from approximately 300 sqm of private amenity space thus far exceeding the minimum requirements.

Policy DMHB 11 sets out specific design principles in order to ensure that the amenities of neighbouring properties are protected and this is assessed within the "impact on neighbours" section of this report. Part of this policy and DMHB 16 also is relevant to ensure that the distance between the two new dwellings is adequate to ensure that the privacy of these properties is protected and more specifically the views offered into the habitable rooms to the front of the dwellings. The front facades are located in excess of 24 metres away from each other thus exceeding the minimum separation distance requirement of 21 metres.

Taking the above points into consideration the proposed development would provide good living conditions for future occupants and therefore complies with policies DMHB 16, DMHB 18 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.10 Traffic impact, Car/cycle parking, pedestrian 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 proposal is for No.51 to be demolished and replaced by two 4-bedroom houses with an opposing juxtaposition both facing a private roadway which is essentially a continuation of the 'turning head' end of neighbouring Portman Gardens. This will facilitate pedestrian and vehicular access to the site.

The submission refers to the existing narrow private access way which serves No.51, which is to be closed with a new access road created via dropped kerbs from an extension of/from Portman Gardens. The principle of closing the existing access is acceptable and given that the proposed new access into the site from Portman Gardens would require works to be undertaken to publicly adopted highway, a s278 or 184 agreement will be required. The continuation of the road and footway would be expected to be constructed to an adoptable standard and this would be at the applicants expense. In addition, the closure of the existing vehicle access into the site from Sweetcroft Lane would require the footway to be reinstated and this should be included within the aforementioned highway works agreement. A condition has been included in this report, requiring the legal agreement to be completed and the works carried out prior to first occupation of the dwellings.

In terms of car parking, the site is located within an area of very poor PTAL meaning that there is very poor access to alternative modes of transport to and from the site other than the motor vehicle. As such the maximum car parking standards would apply and this would require the provision of at least 2 on-plot car parking spaces to be provided for each of the dwellings. The proposal illustrates a parking area to the front of each dwelling

and within the boundary of each plot, which would permit the parking of at least two vehicles thus complying with the requirements of Policy DMT 6.

Refuse collection would be facilitated via the new access road from Portman Gardens. As the new access road is relatively short in length, there are no specific issues related to refuse collection from each of new dwellings. Although the bin store shown on the proposed plans is located 10m from the road, Hillingdon operates a kerbside collection policy which requires residents to place their refuse and recycling as close to the kerbside as possible ready for collection. As such it is practical to assume that the occupiers would carry the waste/recycling to the kerbside either the night before or morning of collection.

In terms of cycle parking, the proposed site plan illustrates this would be located next to the bin store and provides space for 2 bicycles which meets the Councils cycle parking standards.

In line with the London Plan (2021), within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provision which, in this case, would equate to 1 'active' and 1 'passive' space per unit. 2 'active' spaces are indicated (1 per dwelling).

Taking the above points into consideration the proposed development would not result in potential harm to the local highway network in terms of congestion or pedestrian safety concerns. Subject to the recommended conditions, the proposal meets the necessary vehicle and cycle parking standards. As such the application complies with Local Plan: Part 2 Development Management Policies DMT 1, DMT 2 and DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

7.11 Urban design, access and security

These matters are addressed in other sections of this report.

7.12 Disabled access

Policy D7 of the London Plan (2021) sets out the requirements for inclusive design within all residential developments.

The application has been assessed by the Councils Accessibility Officer who has raised no objection subject to the imposition of conditions pertaining to each unit conforming to M4 accessible standards and benefiting from step free access.

7.13 Provision of affordable & special needs housing

The application is of a minor scale and therefore no affordable housing provision is required.

7.14 Trees, landscaping and Ecology

Policy D5 of the London Plan (2021) states that development proposals should integrate green infrastructure to contribute to urban greening, including the public realm.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: 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 offsite provision.

A Tree Survey, Arboricultural Impact Assessment and Method Statement was submitted where the Council's Landscape and Tree Officer stated that the report provides full details of recommended tree surgery and removal and the method statement specifies the tree protection and other measures required to safeguard the trees to be retained and that there is no objection to the conclusions and recommendations contained in the tree report. This position is consistent with that taken upon determining the previously refused applications also. The application is considered to conform with the policies set out above subject to conditions to ensure that replacement tree planting is secured as part of a high quality landscape scheme.

7.15 Sustainable waste management

Policy EM11 of the Local Plan: Part One (2012) requires all new development to address waste management at all stages of a development's life from design and construction through to the end use and activity on site, ensuring that all waste is managed towards the upper end of the waste hierarchy.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) states that development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The proposed site plan illustrates individual bin stores are to be located at the side of each of the new units. Hillingdon operates a kerb side collection for both refuse and recycling therefore bins would need to be taken out of the bin cupboards and carried to the front of the site for collection by each of the occupants. This is common practice so there is no objection raised to the proposed waste storage and collection details.

7.16 Renewable energy / Sustainability

There are no specific energy requirements for a minor scale form of development. The development would, however, incorporate energy efficiency measures including insulation.

7.17 Flooding or Drainage Issues

Policy SI 13 of the London Plan (2021) requires that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy.

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

The application site is not located within an area which is identified as being at risk of surface water or fluvial flooding, therefore a Flood Risk Assessment is not required to be

submitted. Notwithstanding this point, the site does lie within a 'critical drainage area' and all sites proposing new residential development should demonstrate how water generated by the development will be dealt with, within the boundary of the site. No specific details demonstrating how water will be dealt with, within the boundary of the site have been provided, as such an appropriately worded condition pertaining to the submission of sustainable urban drainage details shall be attached to any grant of approval.

7.18 Noise or Air Quality Issues

NOISE

The proposed development would continue to utilise the application site for residential purposes. As such, noise is not considered to be a significant issue with the proposed development. A construction management condition has been recommended to address construction impacts.

AIR QUALITY

The application site is not located within an Air Quality Focus Area but does form part of the Hillingdon Air Quality Management Area. Given the small scale nature of the proposal, the development is not considered to be an issue with regard to air quality.

7.19 Comments on Public Consultations

See external consultation section of this report.

7.20 Planning obligations

COMMUNITY INFRASTRUCTURE LEVY

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 square metre.

The proposal produces a net increase of 476 square metres gross internal floorspace. If the application is approved, it would be liable to the following.

Hillingdon CIL £63,536.96

London Mayoral CIL £28,819.64

Total CIL £92,356.60

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

CONTAMINATED LAND

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states that:
A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.
B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.
C) Where initial studies reveal potentially harmful levels of contamination, either to human

health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.
D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The application site is not located within an area identified as being as risk of contamination. As such the applicant is not required to submit a contaminated land assessment and no conditions relating to contaminated land are required.

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

The application site has been subject to two previous refusals of planning permission which have been dismissed at appeal. The appeal schemes are considered to be significantly different to the scheme now proposed and the current proposal addresses the Councils previous reasons for refusal and comments within the appeal inspectors decisions.

The revised design is considered to present a continuation of the established development pattern within the street scene and would integrate with the immediate and wider context of the ASLC. As such the proposal is recommended for approval subject to the aforementioned conditions within this report and a legal agreement.

11. Reference Documents

National Planning Policy Framework (July 2021)
The London Plan (March 2021)
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
Accessible Hillingdon Supplementary Planning Document (September 2017)
Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Christopher Brady **Telephone No:** 01895 250230

Notes:

Site boundary

For identification purposes only.

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Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
33932/APP/2021/1920

Scale:
1:1,250

Planning Committee:
Minors

Date:
November 2021

HILLINGDON
LONDON