

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

Address 14-16 HALL LANE HARLINGTON

Development: Proposed 2 new dwellings to the rear of the application site 14 - 16 Hall Lane

LBH Ref Nos: 70943/APP/2021/2779

Drawing Nos: 03.03A
 03.01
 03.02
 03.04
 Transport Assessment

Date Plans Recieved: 15/07/2021 **Date(s) of Amendment(s):** 15/07/2021

Date Application Valid: 29/07/2021

1. **SUMMARY**

Planning permission is sought to subdivide the rear gardens of a pair of semi-detached houses (Nos. 14 and 16 Hall Lane) and construct a single storey building to provide two new homes.

The proposal would lack a legible street frontage; would only be accessible by an unacceptably lengthy and enclosed pedestrian path; and the proposed dwellings would have a contrived design, site layout and appearance with a disproportionate site coverage. These factors would result in a cramped form of back land development that is wholly incongruous with the prevailing pattern of development, to the detriment of the character and visual amenities of the site and wider area.

The proposed single-aspect dwellings due to their design and layout would provide substandard living conditions through poor levels of light and natural ventilation, compromised outlook and lack of privacy. In addition the pedestrian access would fail to provide a safe, accessible and convenient route to the dwellings to the detriment of residents and visitors.

It is therefore recommended that planning permission be refused for the reasons outlined in this committee report.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development, by reason of its siting, layout, site coverage and design would result in an incongruous and cramped form of back land development that would unacceptably harm the character and appearance of the area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan Part 1 - Strategic Policies (2012), Polices DMHB 11, DMHB 12 and DMH 6 of Hillingdon Local Plan Part 2 (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

2 NON2 **Non Standard reason for refusal**

The proposed dwellings, by virtue of poor levels of light and natural ventilation,

compromised outlook and lack of privacy, would result in substandard living conditions to the detriment of future residents. In addition, the lengthy and hemmed in pedestrian accessway would fail to provide a safe, accessible and convenient route to the dwellings, to the further detriment of future residents and visitors. The proposed development is therefore contrary to Policies DMHB 16 and DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies D3, D5 and D6 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

3 NON2 Non Standard reason for refusal

In the absence of a satisfactory section 106 legal agreement to prohibit the residents of all dwellings from obtaining residential parking permits in the controlled parking zone, the proposal would result in unacceptable parking pressure on the highway, contrary to policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2, and policy T4 of the London Plan (2021).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon 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.

DMH 6	Garden and Backland Development
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMEI 12	Development of Land Affected by Contamination
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D11	(2021) Safety, security and resilience to emergency
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
NPPF4	NPPF 2021 - Decision-Making
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes

3 171 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 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.

4 174 Community Infrastructure Levy (CIL) (Refusing Consent)

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a pair of semi-detached dwellings located on the northern side of Hall Lane. The properties have lengthy rear gardens which extend south to north. Hall Lane is characterised by two storey dwellings fronting onto this residential street with front gardens occupied by car parking and/or soft landscaping.

Adjoining the west of the site is Cheviot Court, comprised of modest bungalows at the end of a cul-de-sac on Cheviot Close. Adjoining the north-east boundary of the site is a two storey commercial building with the first-floor accommodation within the roof space.

The site lies within the Heathrow archaeological priority zone and within a landfill buffer zone. There are no other relevant designations affecting the site.

3.2 Proposed Scheme

Planning permission is sought for two dwellings at the rear of a pair of semi-detached houses (Nos. 14 and 16 Hall Lane). This would involve subdividing the rear gardens of Nos. 14 and 16 Hall Lane. The new dwellings would be comprised of a single storey building. Unit 1 is proposed to be a one bedroomed dwelling and Unit 2 is proposed to be a two bedroomed dwelling. Four parking spaces would serve the proposed and host dwellings and would be located to the front of 14 - 16 Hall Lane.

3.3 Relevant Planning History

70943/PRC/2015/77 14-16 Hall Lane Harlington

Backland development comprising of a pair of semi detached 2 storey dwellings.

Decision: 13-11-2015 OBJ

70943/PRC/2021/23 14-16 Hall Lane Harlington

Pre application advice for 2 new dwellings to the rear of the application site

Decision: 26-03-2021 OBJ

Comment on Relevant Planning History

Pre-application advice has been provided for the erection of 2 new dwellings to the rear of 14 - 16 Hall Lane (ref. 70943/PRC/2021/23). The pre-application response advised that the principle of the development could not be supported, as it would result in visual harm to the pattern, scale and form of development within the surrounding area and would result in a loss of amenity to occupants of neighbouring properties in Cheviot Close.

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

Part 2 Policies:

DMH 6 Garden and Backland Development
DMHB 7 Archaeological Priority Areas and archaeological Priority Zones
DMHB 11 Design of New Development
DMHB 12 Streets and Public Realm
DMHB 14 Trees and Landscaping
DMHB 16 Housing Standards
DMHB 17 Residential Density
DMHB 18 Private Outdoor Amenity Space
DMEI 12 Development of Land Affected by Contamination
DMT 1 Managing Transport Impacts

DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D11	(2021) Safety, security and resilience to emergency
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
NPPF4	NPPF 2021 - Decision-Making
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

33 neighbouring properties were consulted by letter dated 4.8.2021.

A petition of objection containing 58 valid signatures has been received raising concerns about parking, access and noise.

One individual letter of objection has also been received raising the following concerns (summarised):

- Overcrowding / overdevelopment;
- Loss of greenspace and consequent impact on wildlife;
- Concerns about noise and disruption.

No comments have been received from Harlington Village Residents Association.

These matters are addressed within the relevant sections in the main body of this report.

Internal Consultees

ACCESS OFFICER

This proposal for a pair of new bungalows raises accessibility concerns. Policy D7 of the 2021 London Plan requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015 edition).

Revised plans should be requested prior to any grant of planning permission to address the following issues:

1. Step free access into the dwelling is required. Details should be submitted to satisfy the above

policy requirement.

2. The bathrooms shown on plan do not meet the requisite space standards or provide the required clear access zones.

The bathrooms should be a more uniform square shape with internal dimensions that are compatible with the examples shown in Diagram 27 of Approved Document M to the Building Regulations. Conclusion: unacceptable. Details should be submitted prior to any planning approval.

PLANNING OFFICER RESPONSE: Revised plans have been submitted to address the above concerns. However, it should be noted that the lengthy access route would not provide a safe, accessible and convenient approach to the dwellings, contrary to policies seeking inclusive design.

HIGHWAYS OFFICER

The development site currently comprises of 2 dwellings with large gardens at the rear. Both dwellings feature informal parking in front of the existing dwellings.

The proposals involve the erection of two additional dwellings consisting of 1x2 bed and 1x1 bed dwellings to the rear of the existing dwellings, accessed by pedestrians only through the provision of a footway to the east of number 14 Hall Lane.

Parking for the proposals will be provided to the front of the existing dwellings, on Hall Lane. A total of four car parking spaces will be provided on-site at a rate of one per dwelling.

The site achieves a moderate/average PTAL rating of 3 and lies within a controlled parking zone (H1). The Mayor of London adopted a new and revised London Plan in March 2021, consequently the car parking standards set out in the London Plan 2021 which are restricted in line with levels of existing and future public transport accessibility and connectivity, take precedence over those of the Local Development Plans of Local Authorities except where local Development Plans specify lower local maximum standards.

The maximum residential car parking standards set out in the London Plan Policy T6: Table 10.3 are lower than the maximum parking standards set out in the Hillingdon Local Plan: Part 2 Development Management Policies (2020) and so the London Plan parking standards take precedent.

The maximum parking standards outlined in the London Plan Table 10.3: Outer London PTAL 2-3, 1-2 beds it is up to 0.75 space per dwelling. Also, the cycle parking standard is 2 cycle spaces per dwelling.

The applicant is proposing one car parking space per both existing and new dwellings along with 2 cycle spaces per dwelling which complies with the London Plan parking standards.

The car parking bay and aisle length dimensions accord with the required standard and the swept path drawings demonstrate that the car parking bays are accessible and practical.

Whilst the applicant has stated that cycle parking for 2 cycle provision and storage will be provided, no detailed information/plan has been submitted demonstrating how the cycle store dimensions, and build are in accordance with DMT5.

Given the site lies within a zone of streets controlled by a resident parking management scheme H1, and that the applicant is providing one car parking space per dwelling, a s106 legal agreement will be required to prohibit tenants of the dwellings from requesting resident parking permits (would be detrimental to an already heavily congested parked streets/area), otherwise residents of the dwellings can access additional on-street car parking thereby undermining the maximum parking

standards set in the London Plan and Policy DMT 6.

The Highways Authority believes that there is sufficient scope for the applicant to satisfactorily address the cycle requirement and therefore could be conditioned.

RECOMMENDATION:

No objection subject to the following condition:

Conditions:

A s106 legal agreement prohibiting the residents of the two new and two existing donor dwellings from requesting residential parking permits.

Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of cycle parking/storage and EV charge points in accordance with SDP (adopted Jan 2021), shall be submitted to and approved in writing by the Local Planning Authority. The EV charge points and cycle parking shall be constructed and laid out in accordance with the agreed details and completed prior to occupation of the development hereby approved and shall thereafter be retained, always maintained and kept available for the occupants of the development.

PLANNING OFFICER RESPONSE: If it had been otherwise recommended to approve the application, a legal agreement to prohibit residents from obtaining parking permits would have been secured and the suggested condition for details of cycle parking would have been included. However, in the absence of a s106 legal agreement the adverse impact of parking pressure on the surrounding highway has been included as a reason for refusal.

LANDSCAPE OFFICER:

This submission was preceded by pre-application ref. 70943/PPRC/2021/23. According to the response to the planning questionnaire, Q.18, no trees will be affected by the proposal - albeit, the off-site tree which is evident in the aerial photographs is not shown on plan. The proposal is to build two single-storey residential units in the north-east corner of the rear garden, which will be accessed via a footpath from Hall Lane. Both properties will have private garden space to the west. Landscape conditions will be required to ensure that the development contributes to the character and appearance of the area and provides suitable external amenity space for the residents. **RECOMMENDATION** If you are minded to approve this application please add conditions RES9 (parts 1,2 and 5).

CONTAMINATED LAND OFFICER: No comments received.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

At national and regional level the National Planning Policy Framework (NPPF) and the London Plan (2021) both identify the effective and optimised use of land as key strategies in delivering homes. At the local level this is supported by strategic Policy H1 of Hillingdon's Local Plan: Part 1 (2012) which states that "the Council will meet and exceed its minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies".

In general terms, the principle of residential development to deliver housing needs may be acceptable. However, this particular scheme would be a back land development. Therefore, the application of Hillingdon's back land development policies is required.

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 risk of

flooding through the loss of permeable areas.

In addition, Policy DMH 6 of the Hillingdon Local Plan Part 2 (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 back land 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 back land 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."

For the reasons discussed more fully in the section titled 'Impact on the character and appearance of the area', the loss of the gardens at Nos. 14 and 16 would have an adverse impact on the local character. Albeit this is principally in relation to the constraints of the site, and the unacceptability of the proposed scheme.

In terms of the exceptional circumstances in which a limited scale of back land development may be acceptable, neighbouring amenity and that of the existing dwellings would be maintained (point i), as would the mass of the development be lower than the frontage properties (point iii). In addition, vehicle access to the site has been avoided. Instead a long pedestrian access route between two dwellings is proposed (ii). The rear gardens is laid to lawn with no discernible ecological features on site to retain or re-provide (iv).

As discussed more fully in this report, the design response to these matters in Policy DMH 6 is unacceptable and has resulted in a contrived scheme that would represent a form of back land development, that is harmful to the established character of the area. Therefore in this instance it is not considered that this scheme would constitute an exceptional case. Consequently, the principle of back land development in the form proposed is unacceptable, contrary to Policy BE1 of the Hillingdon Local Plan Part 1 (2012) and Policy DMH 6 of the Hillingdon Local Plan Part 2 (2020).

It should also be noted that the Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the 'tilted balance' implicit in paragraph 11(d) of the NPPF (2021) is not engaged.

7.02 Density of the proposed development

It should be noted that the density matrix found in the 2016 London Plan does not form part of the new London Plan (2021). Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites.

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2, which recommends a density range of 55 - 200 units per hectare for sites within a suburban setting and that have a Public Transport Accessibility Level of 3 to 6.

The application site is located within a suburban setting and has a Public Transport

Accessibility Level (PTAL) of 3. Based on a total site area of 0.09 hectares, the proposed scheme would have a density level of 44 units per hectare. The proposed density level is lower than recommended, however a design-led approach to assessing the acceptability of the scheme and how it harmonises with its surroundings is appropriate.

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

The site lies within a designated archaeological priority zone. However this does not represent a constraint to this minor scale development having regard to guidance issued by the Greater London Archaeological Advisory Service (GLAAS).

7.04 Airport safeguarding

N/A

7.05 Impact on the green belt

N/A

7.07 Impact on the character & appearance of the area

Policy Context

Chapter 12 of the NPPF (2021) sets out a framework for achieving well-designed places. Paragraph 130 requires that planning policies and decisions ensure that developments function well and add to the overall quality of the area for the lifetime of the development; are visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users, where crime and disorder, and the fear of crime, do not undermine the quality of life. Paragraph 134 further adds that: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes".

Chapter 3 of the London Plan (2021) sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.

Of specific note in relation to the impact on character and appearance of the area is policy D3 of the London Plan (2021). This requires that development proposals should make the best use of land following a design-led approach which considers several factors concerning the most appropriate form and layout, the experience of the development by users, and quality and character.

At the local strategic level policy BE1 of the Hillingdon Local Plan Part 1 (November 2012) requires that all new development achieves a "high quality of design in all new buildings, alterations and extensions".

This is supported by development policy DMHB 11 of the Hillingdon Local Plan Part Two (2020). This policy states that: All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding: · scale of development, considering the height, mass and bulk of adjacent structures; · building plot sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;

architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Assessment of Impact on the Character and Appearance of the Area

The application site is comprised of a pair of semi-detached two-storey dwellings with lengthy rear and landlocked gardens. The proposal would subdivide these rear gardens to accommodate two residential units.

Buildings near to the site are in a mix of uses, and there is diversity in their scale, form and appearance. However, the residences in this location are for the most part comprised of closely grouped terraced and semi-detached houses arranged on moderately sized plots with areas of soft landscaping or parking to their frontages.

The anomaly to this pattern of residential development is the adjacent Cheviot Court at the end of the cul-de-sac on Cheviot Close. This adopts a characteristic layout of bungalows arranged more intimately around green open spaces, legible communal paths to each bungalow and courtyard parking.

As a result, irrespective of the form, each home in this location sits comfortably within their respective plots with a clear and legible street presence informed by a general sense of spaciousness. Therefore, the prevailing pattern of residential development in the area is of dwellings whose principal elevations face the road, or in the case of Cheviot Court, has a legible and visually open presence within the street scene.

By subdividing the gardens of Nos. 14 and 16 Hall Lane, and forming two separate dwellings, the proposed scheme would be notably at odds with the characteristic form of residential development. There are no other residential developments in the surrounding area that lack a significant road frontage.

It is acknowledged that the rear gardens of No. 14 and 16 are atypically lengthy and therefore there is sufficient space to accommodate amenity space for the existing and proposed dwellings. However, these gardens are landlocked with no opportunity for the proposed dwellings to have a street frontage or relationship with any public space or highway.

Rather it is proposed to create a narrow pedestrian route through the small gap between Nos. 14 and 12 Hall Lane to access the proposed homes at the rear of the site. This pedestrian footway would be approximately 1.7 metres wide, and visually read as the characteristic spacing between groups of houses (because it is), rather than a well-designed, legible and welcoming entrance to a backland development. It should also be noted that the length of this pedestrian route is approximately a distance of 45 metres from the front of the site to the entrance of the Unit 1 and approximately 55 metres to the front door of Unit 2.

This illegible, lengthy and enclosed pedestrian access route raises significant concerns with resident and visitor safety and the fear of crime. This approach route would also be inconvenient for prospective residents, including disabled residents, particularly if carrying

shopping or the like. While it is noted that there is a refuse collection point approximately 22m from the bin store, and approximately 15m from the collection point to the kerb side. These are unreasonable haul distances down a narrow route, and is indicative of the challenges of this constrained back land site. This is a poorly designed and harmful access, which is indicative of the challenges of this spatially constrained site.

Concerns are also raised with the design, appearance and layout of the proposed dwellings. The proposed homes would be a single storey flat roofed building divided into two single-aspect units. The building footprint would abut three of the four plot boundaries with significant plot coverage and no discernible design style or reference to characteristic design features in the surrounding area.

Rather the flat roof and awkward layout appears contrived in order to avoid harm to neighbouring properties and meet quantitative measures for internal floor areas and garden space. While the dwellings would be "more intimate in mass and scale and lower than frontage properties" in part accordance with Policy DMH 6 of Hillingdon's Local Plan, the contrived design and uncharacteristic site coverage highlights the awkwardness of the proposed site layout, and its incompatibility with the character of the neighbouring residential properties. It would also reduce the openness of the land to the rear of the frontage dwellings at Nos. 14 and 16 Hall Lane.

Overall, the enclosed long access path; the back land siting with a lack of street frontage; the contrived site layout, design and appearance of the proposed dwellings; and disproportionate site coverage; would result in a cramped form of residential infilling that would unacceptably harm the character of the area. It would also fail to provide safe and convenient access for all users. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan Part 1 - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of Hillingdon Local Plan Part 2 (2020), Policies D3, D5 and D7 of the London Plan (2021) and Section 12 of the National Planning Policy Framework (2021).

7.08 Impact on neighbours

Policy DMH6 requires Neighbouring residential amenity and privacy of existing homes and gardens must be maintained. Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The proposed dwellings would achieve sufficient separation distances to the host dwellings and others within Hall Lane. A separation distance of 22.8m would be achieved which adheres with the general principle of 21m from neighbouring elevations to minimise impacts from overlooking and loss of outlook. It is also noted the Nos. 14 and 16 would still retain sufficient garden space as a result of the proposed subdivision.

The adjacent bungalows in Cheviot Close (numbers 20-26) have rear gardens facing the application site. However there would be a separation distance of 8.7m between the proposed dwellings and these gardens. Given the single storey nature of the proposed dwellings and the intervening 1.8m high fence, it is considered that the proposed development would not result in an unacceptably dominating impact upon or loss of light or privacy to these properties.

Due to the separation distances from other surrounding properties there are no other dwellings that are considered potentially adversely affected.

In general terms, given the small scale of the proposal, and that the site is in a principally residential area with some mixed uses, it is considered that this minor scale of residential

intensification would not adversely affect neighbouring amenity in terms of increased noise and disturbance.

For the reasons discussed above the proposed development would not adversely harm the residential amenity of neighbouring occupiers.

7.09 Living conditions for future occupiers

Policy DMHB 16: Housing Standards states:

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: meet or exceed the most up to date internal space standards, as set out in Table 5.1.

Both properties would meet these minimum standards in terms of quantitative levels of internal floor space. However, while the gross internal floor space would be compliant, both the units would be single-aspect which would compromise access to daylight, natural ventilation and outlook. In addition, a window at proposed Unit 1 would look directly into the private garden of Unit 2, harming the privacy of both new dwellings. There are also concerns with the safety, accessibility and convenience of the excessively lengthy and narrow pedestrian access to the dwellings, hemmed in on both sides by boundary treatment. Due to its distance from the parking spaces this would prove difficult to navigate for less able-bodied people, and be unreasonable for all residents to haul waste and recycling from their dwellings to the kerbside on collection day. Due to its hemmed-in urban design, this access route would also give rise to concerns with crime and safety, whether real or perceived. For these reasons the proposed living conditions would be unacceptable, and should be refused.

Policy DMHB 18: Private Outdoor Amenity Space states:

All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.2. Both units would provide 80 square metres of outdoor amenity space which meets the minimum standards of the local plan. The layout of the garden spaces would also appear useable, albeit overlooked as mentioned above.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

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

The Council may agree to vary these requirements when:

i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or

ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Parking for the proposals will be provided to the front of the existing dwellings, on Hall Lane. A total of four car parking spaces will be provided on-site at a rate of one per dwelling.

The site achieves a moderate/average PTAL rating of 3 and lies within a controlled parking zone (H1).

The Mayor of London adopted a new and revised London Plan in March 2021, consequently the car parking standards set out in the London Plan 2021 which are restricted in line with levels of existing and future public transport accessibility and connectivity, take precedence over those of the Local Development Plans of Local Authorities except where local Development Plans specify lower local maximum standards.

The maximum residential car parking standards set out in the London Plan Policy T6: Table 10.3 are lower than the maximum parking standards set out in the Hillingdon Local Plan: Part 2 Development Management Policies (2020) and so the London Plan parking standards take precedent.

The maximum parking standards outlined in the London Plan Table 10.3: Outer London PTAL 2-3, 1-2 beds it is up to 0.75 space per dwelling. Also, the cycle parking standard is 2 cycle spaces per dwelling.

The applicant is proposing one car parking space per both existing and new dwellings along with 2 cycle spaces per dwelling which complies with the London Plan parking standards.

The car parking bay and aisle length dimensions accord with the required standard and the swept path drawings demonstrate that the car parking bays are accessible and practical.

Given the sites lies within a zone of streets controlled by a resident parking management scheme H1, and that the applicant is providing one car parking space per dwelling, if the scheme had otherwise been acceptable, a s106 legal agreement would have been secured to prohibit tenants of the dwellings from requesting resident parking permits. However, in the absence of a s106 legal agreement, the adverse impact of parking pressure on the surrounding highway has been included as a reason for refusal.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

Policy D7 of the 2021 London Plan requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015 edition). Revised plans have been submitted throughout the course of the application to address concerns with the internal layout of the dwellings. However, the approach to the dwellings is also a consideration under Approved Document M and London Plan policies concerning inclusive design. As discussed above, the lengthy pedestrian route is an unacceptable approach to the dwellings. Therefore London Plan policies D5 and D7 have been referred to in the reason for refusal.

7.13 Provision of affordable & special needs housing

N/A

7.14 Trees, landscaping and Ecology

Policy DMHB 14: Trees and Landscaping requires:

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

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

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

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

No trees are impacted by the proposal. If the scheme had otherwise been acceptable, a detailed landscaping scheme would have been secured by condition.

7.15 Sustainable waste management

Waste storage is shown on the proposed plan to be provided in enclosed storage to the side of the dwellings with a collection point down the pedestrian access route. This collection point would be approximately 22m from the bin store, and approximately 15m from the collection point to the kerb side.

It is recognised that some attempt has been made to comply with haul distances for both residents and the Council's refuse officers. However, as discussed above these distances are considered unreasonable and are indicative of the constraints of this back land site in achieving an acceptable scheme. This unacceptability of this pedestrian route forms part of the reason for refusal.

Also no details have been provided as to the capacity and appearance of this storage provision. If the proposal had otherwise been acceptable these details would have been secured by condition.

7.16 Renewable energy / Sustainability

N/A

7.17 Flooding or Drainage Issues

N/A

7.18 Noise or Air Quality Issues

No noise or air quality concerns are raised.

7.19 Comments on Public Consultations

The comments received are addressed in the sections above.

7.20 Planning obligations

Community Infrastructure Levy and Mayoral 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 sq metre. This development would be liable to CIL if planning permission was granted.

7.21 Expediency of enforcement action

Not relevant to the consideration of this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

Planning permission is sought to subdivide the rear gardens of a pair of semi-detached houses (Nos. 14 and 16 Hall Lane) and construct a single storey building to provide two new homes.

The proposal would lack a legible street frontage; would only be accessible by an unacceptably lengthy and enclosed pedestrian path; and the proposed dwellings would have a contrived design, site layout and appearance with a disproportionate site coverage. These factors would result in a cramped form of back land development that is wholly incongruous with the prevailing pattern of development, to the detriment of the character and visual amenities of the site and wider area.

The proposed dwellings would also provide poor quality living conditions due to compromised daylight provision, poor natural ventilation and outlook, loss of privacy and an inappropriate pedestrian access that would be difficult for less able bodied people to navigate, and would give rise to concerns with safety and crime, whether real or perceived. For these reasons the proposed living conditions would be unacceptable, and should be refused.

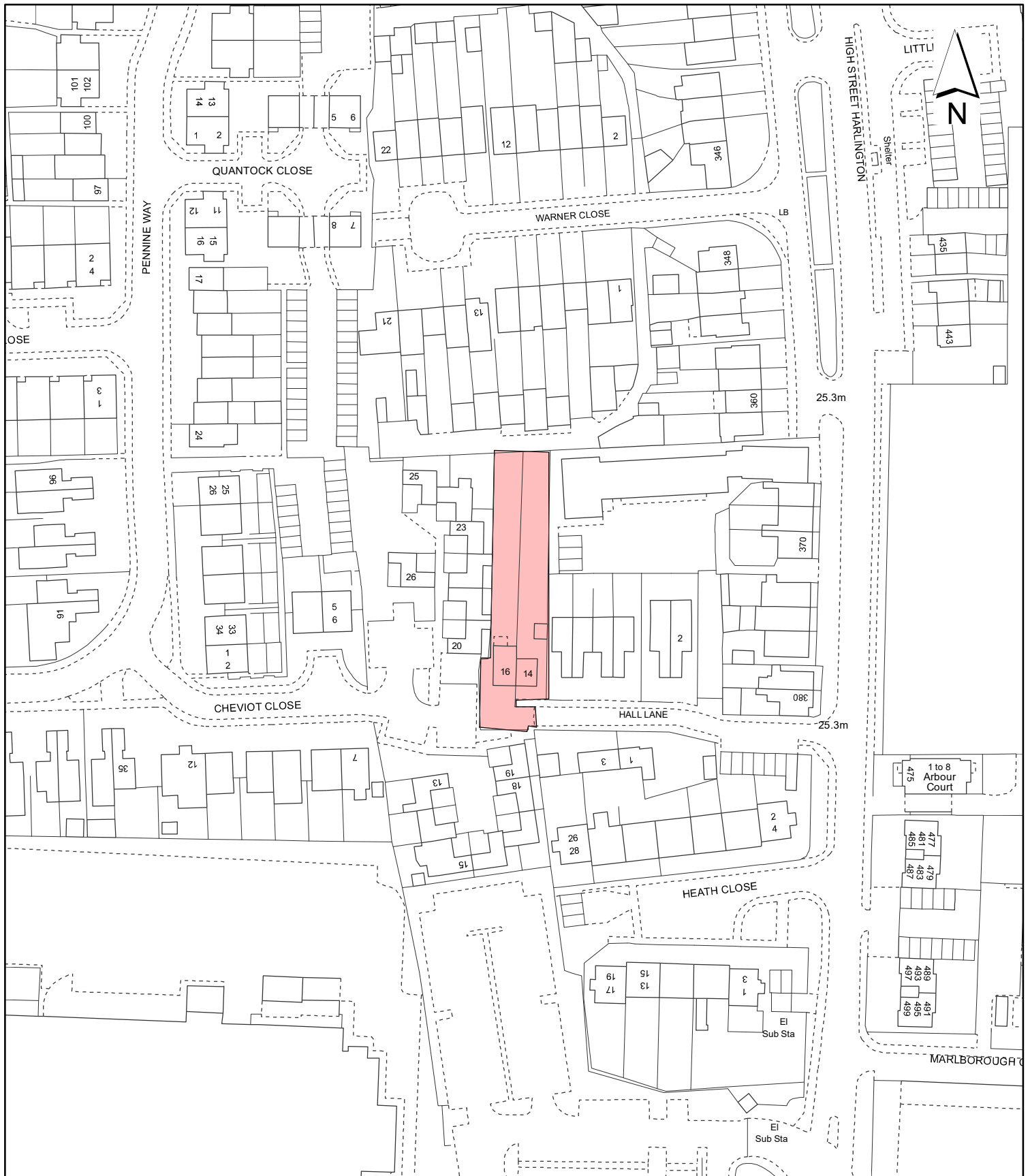
It is therefore recommended that planning permission be refused for the reasons detailed in this committee report.

11. Reference Documents

The National Planning Policy Framework (2021)
The London Plan (2021)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The Local Plan: Part 1 - Strategic Policies (2012)

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Notes:

 Site boundary

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14-16 Hall Lane

LONDON BOROUGH OF HILLINGDON
 Residents Services
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 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

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Scale:

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Planning Committee:

Borough

Date:

December 2021



HILLINGDON
 LONDON