

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

Address 47 FAIRFIELD ROAD UXBRIDGE

Development: Erection of a new residential building including duplex basement, first and roof accommodation for one replacement dwelling and 5 new dwellings with associated parking, cycle store and bin store including the demolition of the existing house.

LBH Ref Nos: 21763/APP/2021/2568

Drawing Nos: FR47-AP4-1005
FR47-AP4-1006
FR47-AP4-1007
FR47-AP4-1008
FR47-AP4-1009
FR47-AP4-1010
FR47-AP4-1011
FR47-AP4-1012
FR47-AP4-1013
FR47-AP4-1014
Transport Statement
Transport Statement Appendix
E0819 - T
FR47-AP4-1004
FR47-AP4-1002
FR47-AP4-1003
Planning Design and Access Statement
FR47-AP4-1001

Date Plans Recieved: 28/06/2021 **Date(s) of Amendment(s):**

Date Application Valid: 28/06/2021

1. **SUMMARY**

The proposal is to demolish the existing house and to erect a new residential building to accommodate 6 dwellings. This involves duplex basement and ground floor accommodation, first floor and roof accommodation with associated parking, cycle store and bin store.

This application is subject to an appeal on the grounds of non-determination. Had an appeal not been received, this application would have been recommended for refusal for the reasons set out in this report.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development, by reason of its siting, size, scale, mass, design - including crown roof - and appearance would fail to harmonise with its surroundings, would result in the loss of an important gap characteristic to the area and would appear as a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street

scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan 2021 and the National Planning Policy Framework (2021) section 12.

2 NON2 Non Standard reason for refusal

The proposed development, by virtue of its poor outlook would result in a substandard form of residential accommodation to the detriment of the amenity of future occupants. The proposal would therefore be contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (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).

- DMH 1 Safeguarding Existing Housing
- DMH 4 Residential Conversions and Redevelopment
- DMHB 11 Design of New Development
- DMHB 12 Streets and Public Realm
- DMHB 14 Trees and Landscaping
- DMHB 16 Housing Standards
- DMHB 18 Private Outdoor Amenity Space
- DMT 2 Highways Impacts
- DMT 5 Pedestrians and Cyclists
- DMT 6 Vehicle Parking
- LPP GG2 (2021) Making the best use of land
- LPP GG4 (2021) Delivering the homes Londoners needs
- LPP H1 (2021) Increasing housing supply
- LPP H2 (2021) Small sites
- LPP H10 (2021) Housing size mix
- LPP D4 (2021) Delivering good design
- LPP D6 (2021) Housing quality and standards
- LPP D7 (2021) Accessible housing
- LPP T5 (2021) Cycling
- LPP T6.1 (2021) Residential parking
- NPPF12 NPPF 2021 - Achieving well-designed places
- NPPF2 NPPF 2021 - Achieving sustainable development
- NPPF4 NPPF 2021 - Decision-Making
- NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

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

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

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

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey, 4-bed, detached dwelling house located to the south west of Fairfield Road on a prominent corner plot at its junction with Harefield Road. The brick, render and tile dwelling is set back from the road by over 13 metres of hardstanding and soft landscaping which provides space to park at least two cars within the curtilage of the dwelling house. To the rear of the property lies a garden area which acts as private amenity space for the occupiers of the dwelling.

The application site shares a side boundary with No.45 Fairfield Road to the South East. To the North West runs Harefield Road which is on a lower level. To the rear lies No.50 Harefield Road. The area is residential in character and appearance.

3.2 Proposed Scheme

The proposal is for the erection of a new residential building including duplex basement, first and roof accommodation for one replacement dwelling and 5 new dwellings with associated parking, cycle store and bin store including the demolition of the existing house.

3.3 Relevant Planning History

21763/76/0024 47 Fairfield Road Uxbridge
Householder development - residential extension(P)

Decision: 29-03-1976 Approved

21763/A/96/0645 47 Fairfield Road Uxbridge

Change of use from residential to information centre, with a drop in facility, together with provision of counselling and complementary therapies and administration

Decision: 10-07-1996 Withdrawn

21763/APP/2002/1797 47 Fairfield Road Uxbridge

ERECTION OF A TWO STOREY SIDE EXTENSION

Decision: 17-09-2002 Refused

21763/APP/2002/408 47 Fairfield Road Uxbridge

ERECTION OF A TWO STOREY FRONT AND SIDE EXTENSION

Decision: 15-04-2002 Refused

21763/APP/2018/2524 47 Fairfield Road Uxbridge

Conversion of two storey dwelling into 2 x 2-bed flats with associated parking and cycle storage involving conversion of garage to habitable use, and alterations to front, rear and side elevations

Decision: 06-09-2018 Approved

21763/APP/2019/2571 47 Fairfield Road Uxbridge

Demolition of existing dwelling and erection of three storey building to provide 6 x 3-bed flats with associated car and cycle parking, amenity space and refuse storage and installation of vehicular crossover to front.

Decision: 13-11-2019 Not Determined **Appeal:** 18-02-2020 Dismissed

21763/APP/2020/1035 47 Fairfield Road Uxbridge

Demolition of existing dwelling and erection of three storey building to provide 6 x 2-bed flats with associated car and cycle parking, amenity space and refuse storage and installation of vehicular crossover to front

Decision: 01-07-2020 Refused **Appeal:** 14-12-2020 Dismissed

21763/APP/2021/2539 47 Fairfield Road Uxbridge

Conversion of two storey dwelling into 1 x 3 bed and 1 x 2-bed flats with associated parking and cycle storage involving conversion of garage to habitable use, and alterations to front, rear and side elevations

Decision: 20-08-2021 Approved

Comment on Relevant Planning History

An application for the conversion of the existing dwelling into 2 x 2-bed flats was approved under application 21763/APP/2018/2524 on 06/09/2018.

21763/APP/2019/2571 - Demolition of existing dwelling and erection of three storey building to provide 6 x 3-bed flats with associated car and cycle parking, amenity space and refuse storage and installation of vehicular crossover to front - Not determined - Appeal reference APP/R5510/W/19/3239256 - Dismissed 18/2/2020.

In his dismissal, the Planning Inspector concluded as follows:

'Whilst I have not found harm to living conditions or highway safety, I have found significant harm to character and appearance and a failure to demonstrate that the

proposal would be accessible, both of which result in a conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.'

The inspector did not uphold refusal reasons related to the number of flats in Fairfield road, parking concerns, highway concerns or neighbour amenity impacts. However the inspector had a number of design related concerns as set out below:

'..The proposed development would introduce both a mass and design of development that would not be consistent with that which exists in the area. The footprint of the proposed building would be substantially greater than that of the existing dwelling and would occupy much of the width of the site, bringing it closer to Harefield Road. This excessive width, in combination with its three storey height, would form an incongruous and cramped feature. This would be exacerbated by the appeal site being elevated above the road. Furthermore, the proposed building would dominate the adjacent dwellings on Fairfield Road, due to their smaller scale.

The design of the proposal would also fail to integrate within the existing street scene, being of an architectural style and a general appearance that is not common in the locality, including due to the incorporation of a substantial flat roof. This design would jar with the existing pitched roof development on Fairfield Road.'

The inspector was also concerned that the developer was dismissive of accessibility/having a lift. The inspector commented:

'The proposed building would not include a lift and therefore access to the upper two floors would be only possible by stairs, which would exclude some people, such as those with certain disabilities, health problems or older people from living on those floors. Whilst the London Plan concedes that the requirement for a lift may have viability implications for buildings of four storey or less, this should be evidenced by a development-specific viability assessment. As no such assessment has been provided, the possibility of including a lift in the appeal development has not been adequately explored. I note that the appellant considers the requirements to be onerous for the scale of the development, however it is both reasonable and necessary for this to be evidenced. The fact the ground floor flats could be made accessible would not provide adequate mitigation, nor demonstrate compliance with the relevant policies. Furthermore, it would not address the issue of changing lifetime needs of people occupying the upper floors.'

Planning Officer Comment: The inspector's decision is clearly very critical as regards the design of the building and its impact on the streetscene. The inspector does not state the development must have a lift, rather the inspector criticises the applicant for not considering a lift. In effect by not properly arguing against the Councils accessibility reason the inspector had no option but to dismiss the appeal on both design and accessibility grounds.

21763/APP/2020/1035 - Demolition of existing dwelling and erection of three storey building to provide 6 x 2-bed flats with associated car and cycle parking, amenity space and refuse storage and installation of vehicular crossover to front. This application was refused by the Council for the following reason:

'The proposed development, by reason of its siting in this open prominent position, size, scale, design (including roof design), proximity to the side boundaries and forward projection of the established building line on Harefield Road would result in the loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore

be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies 3.5, 7.1 and 7.4 of the London Plan (2016).'

In dismissing a subsequent appeal, the inspector commented:

'The proposed dormers would be clearly visible from the front of the dwelling, within the street-scene. Their considerable combined length would be apparent in views along the sides of the property. Although the dormers would be set down from the ridge and set away from the sides of the roof, I consider that, in combination, they would appear large, cumbersome and would not appear subservient to the existing roof. I appreciate that some of the detailed requirements set out in detail in Policy DMHD 1 would be satisfied but these requirements relate to roof extensions at the rear of properties and the fact that this would not be at the rear means that it is contrary to the requirements of that policy. As a result, the proposal would have an unacceptable appearance in relation to the dwelling and would harm the street-scene generally, contrary to both policies set out above.'

21763/APP/2021/2539 - Conversion of two storey dwelling into 1 x 3 bed and 1 x 2-bed flats with associated parking and cycle storage involving conversion of garage to habitable use, and alterations to front, rear and side elevations. Approved 20.08.2021.

Planning Officer Comment: This current application seeks to overcome the previous reason for refusal (in relation to application 21763/APP/2020/1035) through an amended design. In the submitted Design and Access Statement, the applicant highlights the following changes, which they consider address the Council's previous concerns:

- The roof accommodation has been reduced from 2 x 2-bedroom flats to 1 x 1 bedroom flat and 1 x Studio with a combined smaller floor area, which has reduced the massing and crown area of the roof significantly.
- The roof form is visibly simplified with a more traditional appearance.
- The overall footprint of the development has been reduced with the set back from the boundary to the highway and footpath increased.
- The building width is now less than the immediate adjoining two properties.
- Overall, the building has a more traditional appearance of a larger dwelling, similar to those found in road whilst inclusive of flats.'

An assessment of the impact of the amended scheme on the character and appearance of the area is at section 7.07 of 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.H1 (2012) Housing Growth

Part 2 Policies:

DMH 1 Safeguarding Existing Housing

DMH 4 Residential Conversions and Redevelopment

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP GG2 (2021) Making the best use of land

LPP GG4 (2021) Delivering the homes Londoners needs

LPP H1 (2021) Increasing housing supply

LPP H2 (2021) Small sites

LPP H10 (2021) Housing size mix

LPP D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

LPP D7 (2021) Accessible housing

LPP T5 (2021) Cycling

LPP T6.1 (2021) Residential parking

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF4 NPPF 2021 - Decision-Making

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

125 neighbouring properties and North Uxbridge Residents Association were notified of the proposed development on 27th August 2021.

Objection letters from 11 separate addresses have been received in response to the public consultation. In addition, a petition with 30 signatures was received which objects to the proposal and asks for it to be refused. The objections are summarised below:

- i. Increased noise;
- ii. Disturbance through increased use of the site;
- iii. Overlooking neighbouring properties;
- iv. Loss of privacy;
- v. Overshadowing;
- vi. Overdevelopment of the site, including loss of garden land and open aspect of the plot;
- vii. Out of character with the surrounding area;
- viii. Overbearing;
- ix. The site on a corner plot will increase the risks to road users and pedestrians;
- x. The loss of light as a result of the creation of this structure may have an impact on the adjacent ornamental cherry trees in Harefield Road;
- xi. The site is on a road which has already been subject to overdevelopment and allowing this application will set a precedent for further unwanted and unnecessary development;
- xii. Structural/safety issues of creating basement flats through excavation works;
- xiii. The footprint of the proposed building would be substantially greater than that of the existing dwelling and would occupy much of the width of the site, bringing it closer to Harefield Road. This excessive width, in combination with its almost three storey height, would form an incongruous and cramped feature. Furthermore, the proposed building would dominate the adjacent dwellings on Fairfield Road, due to their smaller scale;
- xiv. Lack of car park spaces for the number of dwellings;
- xv. The development does not comply with LBH policy DMH4 which limits flatted developments in residential roads;
- xvi. Drainage issues;
- xvii. Highway safety issues;
- xviii. Detrimental to the Area of Special Local Character;
- xix. Crown roof/gable roof out of character/light wells contrary to Policy DMHD 3;
- xx. Working hours should be restricted if approved/construction impacts;
- xxi. Strain on infrastructure e.g. schools, utilities etc.;
- xxii. Development examples cited by applicant are not comparable;
- xxiii. Tree preservation order should be imposed.

OFFICER COMMENTS: Material planning issues raised are addressed in the main body of the report.

Internal Consultees

Trees and Landscape comments:

This site is occupied by a detached house with a spacious established garden, located at the west end of Fairfield Road / junction of Harefield Road. Fairfield Road slopes down towards Harefield and the side boundary is supported by a 1.5 metre high brick retaining wall, with a free-standing close board timber fence above. The prominent landscape features affecting this site is the larger than average size of the garden and a line of (off-site) ornamental cherry trees within the grass verge of Harefield Road which soften the appearance of the side boundary. There are no TPO's or Conservation Area designations affecting the site.

COMMENT The site has been the subject of several previous submissions, most recently

application ref. 21763/APP/2021/2539 to convert the building to flats, which was approved. The current external layout shows the front garden dominated by hard surfacing to accommodate three parking spaces, footpaths, a large maneuvering space, footpaths and a cycle store with minimal boundary planting - none along the Fairfield Road frontage. This space could (and should) be rationalised to reduce the area of hard paving - without losing any of the functions. It is not clear where the bin storage will be accommodated. This should be integral to the building if possible, or at least discretely sited and screened. Otherwise the site will provide small areas of secure private gardens for the ground-floor occupants and a shared / communal garden for the first-floor and roof space occupants.

RECOMMENDATIONS No objection subject to the necessary amendments to the external layout of the front garden and conditions RES9 (parts 1, 2, 4 and 5).

Access Observation:

Having reviewed this application for a replacement building comprising 6 flats it is clear that step free access to the proposed dwellings above ground floor would not be possible for wheelchair users and other persons unable to use a staircase. Paragraph 3.7.6 of the 2021 London Plan recognises that the application of M4(2), which requires lift access (a step free approach to the principle private entrance), may have particular implications for developments of four storeys or less where historically the London Plan may not have required a lift. Local Planning Authorities are therefore required to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. Unless the applicant submits a clear, well evidenced and compelling case to the LPA as to why lift access cannot be provided, the application should not be supported on the grounds of non-compliance with the 2021 London Plan policy D7. Conclusion, unacceptable.

Highway comments:

Site Characteristics & Background

The site is a corner plot located at the junction with Harefield Road in a residential catchment in Uxbridge.

The address is currently a single tenure 4-bedroom detached dwelling with substantial parking availability on its frontage directly accessed from Fairfield Road. It is proposed to replace the existing build with a new block containing 6 flatted units (1x3,3x2,1x1 and a studio) with 3 on-plot parking spaces.

There is an extant permission for the conversion of the existing property to 2x2 bedroom flats with a quantum of 4 parking spaces on the frontage (21763/APP/2018/2524). Thereafter an application for 6x3 bedroom flats (21763/APP/2019/2571) was subject to appeal based on non-determination (APP/R5510/W/19/3239256). The Inspectorate concurred with the Council view that the proposed 3 on-plot spaces for the 6 three-bedroom flats did not give rise to potential detriment to the local highway network and hence were acceptable. A further application for the demolition of the existing property and construction of a 3-storey build consisting of 6x2 bedroom flats with 3 parking spaces was refused in 2020 but not on highway/transport grounds (21763/APP/2020/1035).

The most recent application was granted this year for the conversion of the existing house to two self-contained flats with 4 on-plot parking spaces (21763/APP/2021/2539).

Other residential dwellings in the locality exhibit generous on-plot parking provisions which generally lessen general on-street parking demand. The surrounding road network is covered by a controlled parking zone (CPZ) operating throughout the working day - Monday to Saturday and the site exhibits a public transport accessibility level (PTAL) rating of 2 which is considered as 'poor' and therefore potentially heightens dependency on the ownership and use of private motor transport.

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.

It is proposed to provide six residential units consisting of 6 flatted units (1x3,3x2,1x1 and a studio). The maximum standard requires 0.5 of a space for the studio with up to 1-1.5 spaces for the 1-2-bedroom units and 2 spaces for the larger 3-bedroom flat.

Hence a quantum of up to 7-9 spaces should be provided on-site to comply with the adopted parking standard. A total of 3 spaces are proposed hence there is a deficit in provision.

By contrast for a PTAL rating of 2, the London Plan (2021) parking standard demands up to 0.75 spaces per unit (not exceeding 2 bedrooms) and 1 space for the 3 bedroom unit resulting in up to 4-5 spaces which is more akin to the proposed provision. Therefore, on balance, as the difference between the London Plan requirement and provision is marginal, the three-space space provision is considered acceptable. The on-street parking stress survey undertaken in the locality supports this conclusion given the 40% + spare parking capacity available on the public highway which can, if necessary, absorb any minor parking displacement resulting from the proposal.

Electric Vehicle Charging Point (EVCP) Provision

In line with the London Plan (2021), within the final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions which equates to 1 'active' and 2 'passive' spaces. This has not been indicated but can be secured via planning condition.

Cycle Parking Provision

In terms of cycle parking, there would be a requirement of 1 secure and accessible space for the studio/1 & 2-bedroom units with 2 spaces for the larger flat in order to conform to the adopted borough cycle parking standard. The total equates to 7 spaces and a suitably located cycle storage area has been shown on plan to the frontage with a total quantum of 12 spaces which is therefore considered acceptable.

Vehicular Access Provision

A widened carriageway crossing on Fairfield Road is shown on plan in order to facilitate access to the 3 parking spaces on the frontage. By contrast, the submitted transport statement states that no alteration to the crossing would be required. In any event any widening would be considered unacceptable as this crossing, which is shared with neighbouring No.45, is already at the maximum width permitted under the council's 'Domestic Vehicle Footway Crossover' Policy 2019. However, as confirmed with the transport statement, access to the 3 on-plot spaces is still feasible without alteration to the crossover once a 2-metre section of the adjacent frontage boundary wall with the highway is removed.

Further on this point, it would also be prudent to maintain a low wall height in the vicinity of the site entrance and frontage boundary with Fairfield Road in order to aid pedestrian and vehicle safety on sight-line grounds. A wall height not exceeding 0.6m should therefore be provided for at least a metre length to the side of the crossing at the back of 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.

The proposal would clearly increase traffic generation from the site as compared to the existing

single tenure dwelling. However, traffic movement generated by the proposal would not be expected to exceed 2-3 additional vehicle movements during the most sensitive and 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

A bin storage area has been proposed on the frontage which will facilitate continued refuse collection via the public highway (Fairfield Road). The storage area is located in the region of the Council's maximum 'waste collection' distance of 10m from bin store to the waste collection point (i.e. refuse vehicle) on the public highway. There is also a requirement for waste carrying distances to the bin store from each residential unit to not exceed a distance of 25-30m which appears achievable. 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

On the presumption that the proposed widening of the carriageway crossing in Fairfield Road is omitted from this submission, the following is concluded:

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).

Air Quality Comments:

Proposal: The proposal is for the demolition of the existing house and erection of new residential building with 5 dwelling houses. The location is within the declared AQMA but not in an Air Quality Focus Area.

Comments: There is no detail in the documentation in regard to air quality. The proposal itself is not in an Air Quality Focus Area. It is unlikely that the operation of the development, will impact significantly on the nearby Uxbridge Air Quality Focus Area, however, this will need to be re-visited should highways comments suggest there is an issue with associated traffic generation with the development.

In terms of best practice within a declared AQMA it is recommended that the applicant considers the following for the protection of existing and future residents:

- The demolition and construction phases to consider appropriate dust and emission methods to ensure the protection of nearby existing residents;
- Residential facades to be as far from the roadside as is feasible, protection of public exposure to road emissions can be increased by the installation of green infrastructure between the building and the road source;
- Use of low emissions technology for energy, for example, use of Ultra Low NOx boilers;
- Encouragement of future residents to use sustainable modes of transport and the use of EV cars.

Thames Water - Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The NPPF (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. Emphasis is given to housing delivery over the next five years, but authorities are also required to consider growth beyond this.

Policy GG4 of the London Plan (2021) seeks to ensure that more homes are delivered. This is reinforced by Policy H1 of the Local Plan: Part 1 - Strategic Policies (2012) which 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.

There is no policy objection to the redevelopment of the site to provide some form of additional residential accommodation. This would be subject to appropriate density and design, and the proposal being in accordance with all of the relevant planning policies and supplementary guidance.

Comments received raise concerns about the number of flatted developments in the locality, however the principle of a flatted development was not raised as a concern during the previous appeal decisions related to this site.

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 105-300 habitable rooms per hectare or 35-100 units per hectare for sites within a suburban setting and that have a Public Transport Accessibility Level of 0 to 2.

Notwithstanding the above, it is considered that what is of greater significance to the determination of this application is the local contextual factors. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal. It has already been established that the

principle of residential development is acceptable. Section 7.07 of this report will discuss the impact on the character and appearance of the area.

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

The application site does not lie within a designated Conservation Area and there are no listed buildings within the immediate vicinity. The designated North Uxbridge Area of Special Local Character is located approximately 35m to the south east of the site. The impact of the development on the character and appearance of the surrounding area is considered at section 7.07 of this report.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The NPPF (2021) places great emphasis on the importance of good design, stating at paragraph 126 that: 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.' Paragraph 130 sets out a number of criteria that developments should meet, including that developments:

' b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit...'

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

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

The application property is located on a prominent corner plot therefore highly visible from both Fairfield Road and Harefield Road. The existing property is an attractive detached dwelling dating from the mid-20th Century and is Edwardian in style and appearance.

Fairfield Road consists predominantly of attractive two-storey detached dwelling houses. Although the properties in the area vary in individual design they do benefit from similar design features including traditional tiled hipped roofs, projecting gable features and brick appearance. As such, it is considered that there is a definitive suburban aesthetic and coherent pattern of development which creates a sense of place.

It is noted that the amended scheme does make some improvements, in so far as the mass of the building has been reduced through scaling down the 2nd floor accommodation. The second floor accommodation would now be wholly contained within

the roofspace. In the current scheme, the width of the building (facing Fairfield Road) has been reduced slightly from 12.90m to 12.13m, increasing the gap between the building and Harefield Road. Nevertheless, the proposed building position would still significantly protrude beyond the building line on Harefield Road.

The design and appearance of the proposed building is significantly changed from the previous scheme. The elevations fronting Fairfield Road and Harefield Road are now proposed to be flat in their form and relatively plain in appearance. Dormer windows are proposed to three elevations. The building would have a large crown roof.

Whilst the scale of the proposed building is considered to appear reduced from that of the previous scheme as a result of the amendments, there are still significant concerns with the proposed design. The wide, flat elevations and crown roof give the building a bulky appearance which would appear dominant and out of keeping with the established character and appearance of the surroundings. There appears to be little of architectural merit to the proposed design and as noted, it would still significantly extend beyond the established building line on Harefield Road, reducing the characteristic openness of this corner plot.

The property is on a much higher ground level than that of Harefield Road and it is considered that the proposal would have a detrimental effect on the character and appearance of the street scene in Harefield Road by reason of the height of the development above Harefield Road and the proximity to the boundary.

Overall, whilst amendments to the scheme are acknowledged, previous concerns have not been satisfactorily overcome. It is considered that the surrounding environment has a well defined character and scale, where the rhythm and placement of dwellings contributes to its intimate setting and the proposed development would be an incongruous bulky addition which would fail to appropriately harmonise with the existing streetscene.

Consequently, the proposed development, by reason of its siting, size, scale, mass, design - including crown roof - and appearance would fail to harmonise with its surroundings, would result in the loss of an important gap characteristic to the area and would appear as a cramped, unduly intrusive, visually prominent over-development of the site. The proposal would therefore be detrimental to the character, appearance and visual amenities of the street scene and the wider area in general. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy D3 of the London Plan 2021 and the NPPF section 12.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - 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 development would be located approximately 21 metres from the neighbouring properties located on the opposite side of Harefield Road. Whilst the proposed building would be in an elevated position, it is considered that this separation distance would still be sufficient, such that the proposal would not have an unacceptable impact on the outlook from these neighbouring properties or give rise to a harmful loss of light or privacy.

In relation to the impact on adjacent property No. 45 Fairfield Road, the Inspector's comments on earlier application 21763/APP/2019/2571 are noted. These are:

'The adjacent dwelling, No 45, has a number of primary windows in its rear elevation. It does however occupy a wide plot which overall gives it a good outlook from these windows. Given the limited degree that the appeal proposal would project beyond the rear elevation of No 45 and on consideration of the extensive outlook that the property enjoys, the proposal would not have a harmful impact on the outlook from that property. There would be a number of windows located on the rear of the proposed development, but these would allow only oblique overlooking on to No 45. Such an arrangement is usual in urban environments such as this, and any overlooking that would be possible would not cause harm to the living conditions of the occupiers of No 45. I conclude therefore that the proposed development would not cause harm to the living conditions of the occupiers of No 45. There would therefore be no conflict with Policy DMHB 11 of the P2LP, which seeks to safeguard living conditions.'

In this current scheme, the proposed drawings indicate compliance with the 45 degree guideline in relation to front and rear windows at No. 45. As such, it is not considered that the proposal would have an unacceptable impact on the neighbouring property in terms of overbearing impact or overshadowing/loss of light. It is noted that this proposal introduces side facing dormer windows which would face No. 45. The submitted drawings indicate the lower panel of these windows would be obscure glazed, however it is considered that these windows would need to be fully obscure glazed and have restricted opening in order to prevent overlooking of the neighbouring property. The implications of this in terms of quality of the proposed accommodation are discussed elsewhere in this report. Two other side facing windows and a door proposed would also need to be conditioned to be obscurely glazed in the event of an approvable scheme. The proposed rear and front elevation windows would have a similar relationship with number 45 as in the previous schemes and would not be considered to cause harmful loss of privacy that would warrant a refusal of planning permission.

Properties to the front and rear of the application site are considered to be located sufficiently far away, so as not to be significantly adversely affected by the proposed development.

Therefore with respect to impacts on neighbouring residential amenity, the proposal is considered to comply with the requirements of Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies.

7.09 Living conditions for future occupiers

INTERNAL AMENITY SPACE:

Policy D6 of the London Plan (2021) sets out the minimum internal floor space standards required for residential developments in order to ensure that there is an adequate level of amenity for future occupants.

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment.

The DCLG's Technical housing standards - nationally described space standard (2015) requires double bedrooms to have a floor area of at least 11.5 square metres.

The following accommodation is proposed:

Duplex Basement and Ground floor flat
1 x 3-bedroom (5 person) duplex flat of 106m²
1 x 3-bedroom (4 person) duplex flat of 101m²

First Floor

1 x 2-bedroom (3 person) flat of 64m²

1 x 2-bedroom (3 person) flat of 66m²

Roof Floor

1 x 1-bedroom (2 person) flat of 50m²

1 x Studio (1 person) flat of 37m²

The proposed flats are considered to meet the minimum floor space requirements set out in Policy D6 of the London Plan (2021). All of the proposed bedrooms would exceed the minimum floor area standards set out in the Technical housing standards - nationally described space standard (2015).

The majority of the proposed accommodation would be considered to have an adequate outlook and provision of natural light, however there are concerns that the proposed basement bedrooms, whilst served by light wells, would not have an adequate outlook. Furthermore, as stated previously, it would be considered necessary to obscurely glaze the proposed dormer windows facing No. 45 Fairfield Road. Both of the affected rooms are served by other windows. However, given the size and nature of the affected living/kitchen room in flat 5, the loss of outlook to a large portion of this room would be considered detrimental.

On balance, it is considered that the proposed development, by virtue of its poor outlook would result in a substandard form of residential accommodation to the detriment of the amenity of future occupants. The proposal would therefore be contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and the National Planning Policy Framework (2021).

EXTERNAL AMENITY SPACE PROVISION:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space. Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building. Houses and ground floor flats should have private gardens. The Council is keen to improve the quality of housing in the Borough and therefore communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits.

Roof gardens should only be considered where balconies are not achievable. High quality design should aim to resolve any potential conflicts between creating green roofs, providing renewable energy and supplying amenity space on roofs for residents. Table 5.3 sets out the Council's minimum private amenity space requirements which must be met or exceeded in all development proposals.

Table 5.3 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) states that studio and one bed flats should have a minimum of 20 square metres of usable amenity space. Flats with two bedrooms should have a minimum of 25 square metres and three bed flats should have 30 square metres of usable amenity space.

The duplex family dwellings will benefit from larger floor spaces with added benefits of enclosed rear gardens of 30m² each and front courtyards of 11.4m each that complies with Policy DMHB 18. However, a communal garden (140 sqm) would serve the remaining

flats.

Whilst the proposal would not fully comply with the requirements described above, it is likely that the provision of balconies at upper floors would give rise to amenity and/or design concerns and therefore in this case, the proposed external amenity provision is considered acceptable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Highway Officer's comments are detailed in section 6 of this report and conclude that subject to a series of conditions, the proposal would not discernably exacerbate congestion or parking stress. Furthermore, the proposal would not be considered to raise measurable highway safety concerns.

It is noted that representations received have raised concerns about the level of parking. In relation to this, 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 Highway officer advises that a quantum of up to 7-9 spaces should be provided on-site to comply with the adopted parking standard. However, by contrast, for a PTAL rating of 2, the London Plan (2021) parking standard demands up to 4-5 spaces. 3 parking spaces are being proposed, which falls short of the requirement however, the on-street parking stress survey undertaken in the locality supports a conclusion that there is spare parking capacity available on the public highway which can, if necessary, absorb any minor parking displacement resulting from the proposal. As such, it is not considered that a refusal of planning permission on the grounds of inadequate parking provision could be substantiated.

If the application had been recommended for approval, conditions would have been included to secure the parking provision, electric vehicle charging provision, cycle parking and visibility splays.

7.11 Urban design, access and security

Secured by Design is now covered by Part Q of the Building Regulations which the development will be required to accord with.

7.12 Disabled access

The Council's Access Officer has raised concerns that a lift is not proposed to be included, therefore the upper floor accommodation would not be accessible to all. In relation to this, the London Plan does recognise that the application of M4(2), which requires lift access (a step free approach to the principle private entrance), may have particular implications for developments of four storeys or less where historically the London Plan may not have required a lift.

It was accepted by the Council in considering the previously refused scheme, that including a lift would exacerbate design concerns and on balance would be unreasonable to insist upon. A similar justification is advanced by the applicant for this scheme and accordingly, it is similarly concluded by officers that it would be unreasonable in this case to insist on lift access.

It is noted that the proposed duplex flats would be accessible by wheelchair (with space to fit a stair lift to the basement) and conditions would have been imposed to secure this if the recommendation had been for approval.

7.13 Provision of affordable & special needs housing

Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that

housing provision is expected to include a range of housing to meet the needs of all types of households, and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Local Plan. For sites with a capacity of 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units. This is supported by Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

The proposal is for less than 10 residential units and does not meet the threshold in order to require affordable housing provision. As such, the proposal is not contrary to Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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.

The Council's Tree and Landscape Officer has commented that: 'The site has been the subject of several previous submissions, most recently application ref. 21763/APP/2021/2539 to convert the building to flats, which was approved. The current external layout shows the front garden dominated by hard surfacing to accommodate three parking spaces, footpaths, a large manoeuvring space, footpaths and a cycle store with minimal boundary planting - none along the Fairfield Road frontage. This space could (and should) be rationalised to reduce the area of hard paving - without losing any of the functions. It is not clear where the bin storage will be accommodated. This should be integral to the building if possible, or at least discretely sited and screened. Otherwise the site will provide small areas of secure private gardens for the ground-floor occupants and a shared / communal garden for the first- floor and roof space occupants.'

In the event of an approvable scheme, landscaping conditions would have been recommended to ensure suitable planting and screening.

It is noted that a representation has raised concern about the impact on adjacent trees through loss of light, however no concerns of this nature have been raised by the Council's Tree and Landscape Officer.

7.15 Sustainable waste management

A bin storage area has been proposed on the frontage which will facilitate continued refuse collection via the public highway (Fairfield Road). The storage area is located in the region of the Council's maximum 'waste collection' distance of 10m from bin store to the waste collection point (i.e. refuse vehicle) on the public highway.

7.16 Renewable energy / Sustainability

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets (these targets relate to the 2016 London Plan).

Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that applications for all new build developments (not conversions, change of use, or refurbishment) are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.

If planning permission were to be granted, conditions would have been imposed to secure energy and water efficiency measures in line with the above policies.

7.17 Flooding or Drainage Issues

The application site is not located in an area at particular risk from flooding. As such, no significant flood risk or drainage issues are considered to be raised. However, if planning permission were to be granted, a drainage condition would be imposed to ensure the implementation of a suitable drainage scheme following the SUDs hierarchy.

7.18 Noise or Air Quality Issues

It is noted that residents have raised concerns about noise and disturbance, however whilst the intensification of the site for residential use would likely increase noise levels, it is not considered that the noise generated from the proposed 6 flats would be out of keeping with a residential area and would not warrant a refusal of planning permission on noise grounds.

In the event of an approvable scheme, a condition would have been imposed to secure a construction management plan, in order to manage construction impacts and minimise disturbance.

In relation to air quality issues, the aforementioned construction management plan condition would assist in minimising pollution impacts and having regard to the comments provided by the Council's Air Quality Officer, there are no significant air quality constraints to this development.

7.19 Comments on Public Consultations

The issues raised are covered in the main body of the report.

7.20 Planning obligations

COMMUNITY INFRASTRUCTURE LEVY:

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of a 6 new flats and is therefore CIL liable.

CIL.

The scheme would be CIL liable.

Presently calculated the amounts would be as follows;

LBH CIL £35,105.51

London Mayoral CIL £15,923.45

Total CIL £51,028.96

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

HOUSING MIX:

The proposal is considered to contain a suitable mix of housing unit sizes, including family sized units of which there is a recognised need.

INFRASTRUCTURE AND SERVICES:

The scale of development being proposed is relatively modest and as such, it is not considered that there would be significant effects on the provision of infrastructure and services. The onus would be on the developer to ensure that the development can be served by utilities and it is noted that no objection has been raised from Thames Water with respect to sewerage capacity.

STRUCTURAL ISSUES:

Concerns raised regarding the impact of basement excavation are noted. Had the application been recommended for approval, a condition would have been imposed requiring a basement impact assessment.

5 YEAR HOUSING LAND SUPPLY:

It should 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.

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

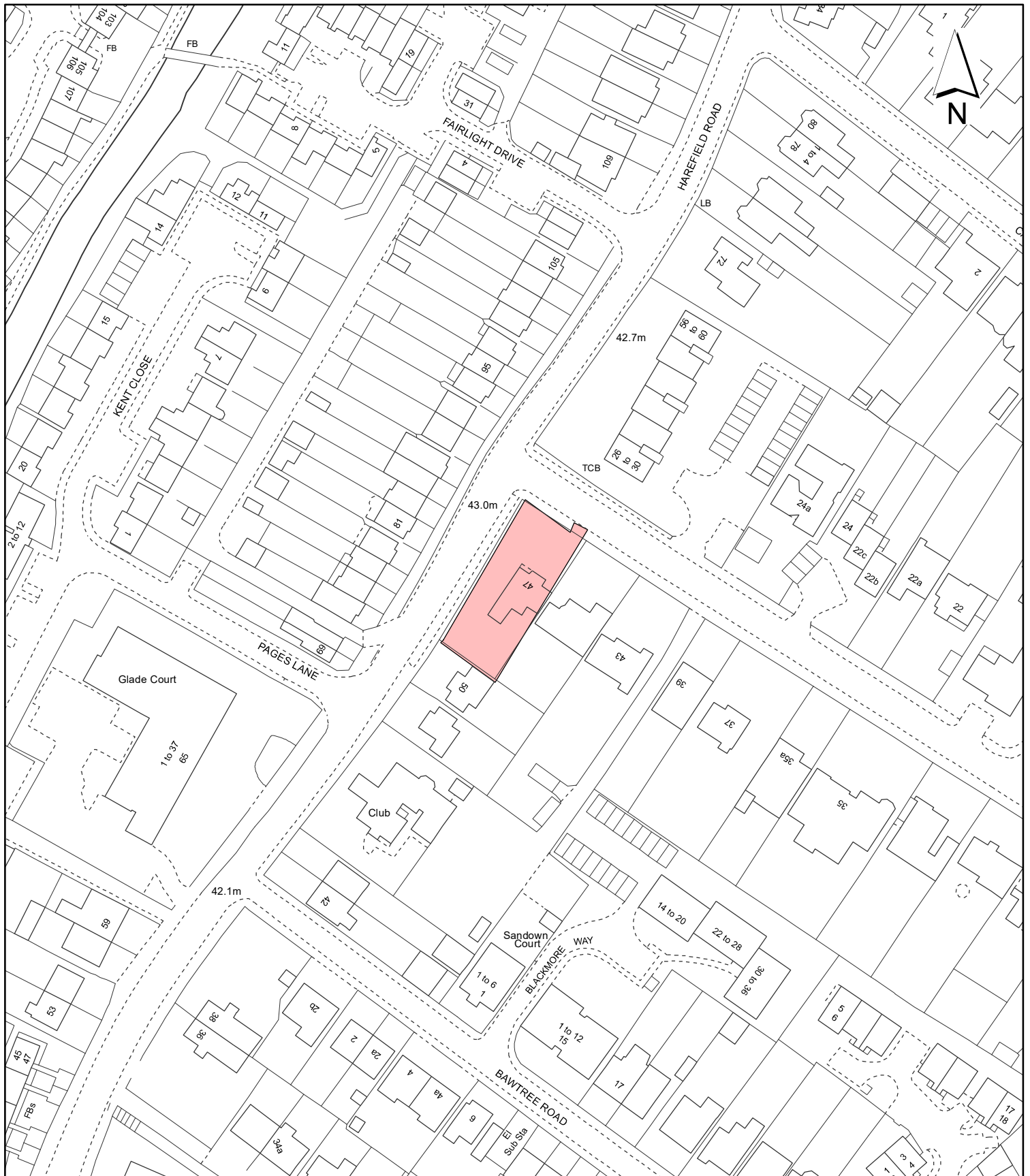
The development is considered to conflict with national, regional and local policies and is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (2021)
Technical Housing Standards - Nationally Described Space Standard (2015)
National Planning Policy Framework (2021)

Contact Officer: Mandeep Chaggar

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Notes:

 Site boundary

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**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

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Planning Application Ref:

21763/APP/2021/2568

Scale:

1:1,250

Planning Committee:

Borough

Date:

December 2021



HILLINGDON
 LONDON