

Item No. **Report of the Interim Director of Planning, Regeneration & Public Realm**

Address 32 KINGSEND RUISLIP

Development: Demolition of existing house and garage and construction of a block of seven purpose-built apartments

LBH Ref Nos: 9894/APP/2022/3871

Drawing Nos: TQRQM20267092643804
 PL01
 PL02
 PL03
 PL04
 PL05
 PL05

Date Plans Recieved: 21/12/2022 **Date(s) of Amendment(s):**

Date Application Valid: 21/12/2022

1. **SUMMARY**

The application site consists of a large plot within the Ruislip Village Conservation Area, about 250m west of the Ruislip Town Centre. The surrounding area is predominantly of detached dwelling houses though there are some flat buildings and backland cul-de-sac developments.

The proposal involves the demolition of the existing two storey dwelling and its replacement with a 2.5 storey flat building with basement comprising one x 3-bed flat, five x 2-bed flats and one x 1-bed flat, including two flats within an excavated basement and one unit in the roof space.

There are no objections from the Council's Highways Officer, Trees Officer or Flooding Officer though there have been 22 resident objections received. The primary issues relate to the establishment of a residential flat building in this location (principle of development), built form, height, design and excavation to accommodate a habitable basement (character of the area), dominance and overlooking, perceived or not (neighbour amenity), internal amenity afforded to the basement level and wider landscape implications.

The net increase of residential accommodation is noted but the application is recommended for refusal on the following grounds:

- 1) Principle of development
- 2) Lack of justification for the loss of the existing building
- 3) Over development of the site and harm to the character of the streetscene and Conservation Area
- 4) Loss of acoustic and visual privacy within and beyond the boundaries of the development
- 5) Substandard internal amenity within the two basement flats
- 6) Unnecessarily poor location of the cycle storage

The application was called to committee by a Local Councillor as it is "excessive for the site and would result in overdevelopment on the site and is therefore contrary to planning

policy".

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Principle of development

The proposal will result in more than 10% of properties on Kingsend consisting of flatted developments with adverse implications for the character of the streetscene and neighbour impacts, contrary to Policy DMH 4 of the Hillingdon Local Plan (Part 2) 2020.

2 NON2 Potential loss of non designated heritage asset

In the absence of a robust, thorough and well supported Heritage Assessment advocating for the demolition of the existing dwelling, it has not been adequately demonstrated that the demolition of the existing dwelling would not result in harm to the Ruislip Village Conservation Area; the streetscene; and historic character of Kingsend. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework 2021, Policy HC1 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMHB 4 of the Hillingdon Local Plan (Part 2) 2020.

3 R13 Harm to the character of the conservation area

By virtue of its excessive scale, form, footprint, building width (including roof ridge) and crown roof, incompatible design, net loss of mature trees and landscaping, and alteration to the natural landform at the rear of the proposed building, the proposed dwelling would result in a development that does not harmonise with the built form and significantly detracts from the character of the area, failing to preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Sections 12 and 16 of the National Planning Policy Framework 2021, Policies BE1, DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan 2020, and Policy D3 of the London Plan 2021.

4 R13 Harm to neighbour amenity

By virtue of the number, location and siting of side facing windows and rear facing balconies and because of the subterranean nature of the patio areas of the basement, the development will pose unacceptable privacy implications for residents at neighbouring properties to the east and west and within the development. The extension of the building well beyond the rear building line of 34A Kingsend to the west also poses an unacceptable level of dominance to its neighbour. Therefore, the proposal is contrary to Policies BE1 and EM8 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMH 4, DMHB 1 and DMHB 11 of the Hillingdon Local Plan (Part 2) 2020.

5 NON2 Poor internal amenity within the basement

By virtue of their subterranean location with little to no outlook, access to sunlight or natural ventilation, large number of windowless rooms, no connectivity to the rear garden and significant internal room and unit depth, the level of amenity afforded to the future occupants of the two basement units is very poor and is contrary to Section 12 of the National Planning Policy Framework 2021, Policies D6 and D10 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policy DMH 2 of the Hillingdon Local Plan (Part 2) 2012.

6 NON2 Poor siting of cycle storage

The siting of the cycle storage shed is ill-considered on account of the significant distances required for residents to move between the shed and the front entrance of the building, the lack of natural surveillance, and the unnecessary removal of Tree 9. This is

likely to make cycle usage by residents inconvenient, thus deterring use of cycles and resulting in a less sustainable development, increased potential of theft of bicycles and avoidable and unacceptable landscape and ecological impacts for the site. This is contrary to Sections 9, 12 and 15 of the National Planning Policy Framework 2021, Policies D11, G6, G7 and T5 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1) 2012 and Policies DMH 4, DMHB 14, DMHB 15, DMT 5 and DMEI 7 of the Hillingdon Local Plan (Part 2) 2020.

INFORMATIVES

1 I71 Discussion

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. We have however been unable to seek solutions to problems arising from the application as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a large plot measuring 1250m² in area and 55m deep on the northern side of Kingsend. On the site is a large, two-storey detached house of faux Georgian design with hipped ends and a garage extension on its eastern side. The frontage comprises a heavily landscaped front boundary which provides screening from the road but with lawn and paving beyond and a mature, TPO protected Oak just beyond the western boundary providing substantial canopy cover. The rear garden includes numerous mature trees including a TPO protected Chestnut in the centre and boundary planting.

Kingsend is characterised by a mixture of two-storey dwellings of a similar design and plots, and some residential flat developments. There are also some backland cul-de-sac developments to the east. Several buildings are of significant building width and with crown roofs. The site falls within the Ruislip Village Conservation Area and lies approximately 250m west of Ruislip Town Centre which is identified as a primary shopping area.

Site Constraints

- Tree Preservation Order 507 (Oak to frontage)
- Tree Preservation Order 779 (Chestnut in rear garden)
- Ruislip Village Conservation Area
- Critical Drainage Area
- Flood Zone 1
- PTAL Rating 3

3.2 Proposed Scheme

The proposal involves the following works:

- Demolition of the existing dwelling house
- Erection of a 2.5 storey flat building with excavated basement with seven flats (one x 3 bed, five x 2-bed and one x 1-bed)

- Stopping up of the existing access and creation of a new central access leading to car park in the front garden with parking for seven cars
- Associated site works including removal of the Horse Chestnut tree at the rear, soft landscaping, bin storage and cycle storage

3.3 Relevant Planning History

9894/TRE/2017/31 32 Kingsend Ruislip

To carry out tree surgery, including a crown reduction by cutting back to 25-50 mm beyond previous pruning points, to one Oak (T3) on TPO 507

Decision: 24-02-2017 Approved

9894/TRE/2020/138 32 Kingsend Ruislip

To carry out tree surgery including, a crown reduction to previous pruning points One Oak T3 on TPO 507 and One Horse Chestnut T1 on TPO 779.

Decision: 30-07-2020 Approved

9894/TRE/2020/46 32 Kingsend Ruislip

To carry out tree surgery, including a crown reduction to previous points with an additional 2m reduction on the est side, to one oak, T3 on TPO 507, and to crown reduce by 3m more than previous, to one Horse Chestnut, T1 on TPO 779.

Decision: 10-06-2020 Refused

Comment on Relevant Planning History

There are no relevant planning applications though two TPO applications have been granted in 2017 and 2020 for crown reduction to the Oak and Horse Chestnut trees.

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 consists of:

- 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.EM1 (2012) Climate Change Adaptation and Mitigation

PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.HE1	(2012) Heritage

Part 2 Policies:

NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport
LPP D10	(2021) Basement development
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 D7	(2021) Accessible housing
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG4	(2021) Delivering the homes Londoners needs
LPP GG6	(2021) Increasing efficiency and resilience
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP S11	(2021) Improving air quality
LPP S112	(2021) Flood risk management
LPP S113	(2021) Sustainable drainage
LPP S12	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
DMEI 14	Air Quality

DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 4	Conservation Areas
DMHD 2	Outbuildings
DMHD 3	Basement Development
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **1st February 2023**

6. Consultations

External Consultees

A total of 62 residents, the Ruislip Residents Association and Ruislip Village Conservation Panel were consulted between 29 December 2022 and 20 January 2023. A site notice was placed at the site from 12 January to 2 February 2023 (though there is an allegation that it was removed prior) and a newspaper advertisement was placed from 11 January to 1 February 2023.

Comments were received from a total of 22 properties. The submissions raised the following concerns:

Principle of Development

- Will breach the 10% limit in the street
- Assertion that the 10% limit has been breached is incorrect, as established in 16 and 18 Kingsend and at 28B Kingsend
- Loss of family home
- Additional flats would disrupt the character of the streetscene and change the landscape of the Conservation Area

Officer comment: The principle of the development fails, as outlined in the body of the report. This forms the basis of Reason for Refusal 1.

Character of the Area

- Overdevelopment
- Over dominance with increased footprint
- Is significantly larger than the original house
- Increase in built up development on the site
- Inappropriate size, scale, bulk and design
- Ridge height is excessive and does not account for slope of the land
- Height will be inconsistent with the predominant height of the street
- Negative impact upon Conservation Area
- Loss of garden character

Officer comment: The scale of the development represents an enlargement from the existing dwelling and when measured in terms of footprint and building width, is excessive. This forms the basis of Reason for Refusal 3. Refer to Section 7.07.

- Basement will pose significant damage to the appearance of the garden
- Habitable basements are not a feature in the area
- Lightwells or basements should not be allowed in a Conservation Area

Officer comment: Whilst not a common feature in the Conservation Area, the front lightwells are not opposed on character grounds when viewed from the street, given the set back. However, the extension of the basement into the rear garden is pronounced and forms part of the basis for Reason for Refusal 3. Refer to Section 7.07.

- Chimneys are of stark design
- Queen Anne Style building is rather random

Officer comment: The above comments are noted and design matters are discussed in Sections 7.03 and 7.07 of this report.

- Dwelling should be renovated instead
- Opportunities to restore the original features of this Soutar building would be a positive contribution
- Incorrect assertions in the heritage statement about when the dwellings at 34 and 34A were built

Officer comment: A failure to satisfactorily argue for the demolition of the existing dwelling forms the basis of Reason for Refusal 2. Refer to Section 7.03.

- Application makes no reference to the oldest property Orchard Cottage, at 65 Kingsend, Grade II listed

Officer comment: Whilst this is noted, it is not consequential to the assessment of the application.

Housing Mix and Amenity

- Lack of unit mix for larger dwellings
- Lack of family sized dwellings

Officer comment: The proposal involves a net increase of six dwellings with an acceptable unit mix and this offsets the loss of a large family home. Refer to Section 7.01.

- Poor amenity from large numbers of obscure windows
- Poor amenity for future occupants in the basement with shading from ground floor elements (trees and vehicles)
- Poor internal layout of the flats

Officer comment: The basement flats are of substandard amenity and form the basis of Reason for Refusal 5. Refer to Section 7.09.

Neighbour Amenity

- Loss of outlook
- Overshadowing and dominance
- Overlooking within the development
- Overlooking of neighbouring amenity space
- Increased noise from additional residents
- Loss of residential amenity
- Overbearing form of balconies

Officer comment: Neighbour amenity issues are noted above and visual and acoustic privacy concerns from side facing windows and rear outdoor amenity spaces form the basis of Reason for Refusal 4, along with concerns about dominance of the proposed building (Refer to Section 7.08).

Traffic and Parking

- Increased traffic and noise
- Lack of parking
- Lack of visitor parking
- No disabled parking
- Access hazards

Officer comment: The Council's Highways Officer has reviewed the proposal and raises no objection on traffic and parking grounds. Visitor parking is unnecessary on the basis that the provision of seven spaces is an exceedance of the minimum standards. Disabled parking and visibility splays at the entrance can be accommodated by condition as discussed at Section 7.10.

Trees and Landscaping

- Lightwells will impact upon the Oak tree
- Horse Chestnut is classified as Category C in an attempt to have it removed
- Tree protection measures will be necessary
- Loss of trees and hedgerow resulting in substantial loss of landscape setting
- Replacement trees will take years to grow and will not replace the existing character

Officer comment: The basement and lightwells fall outside of the root protection area of the TPO protected Oak. The classification and removal of the Horse Chestnut is not opposed by the Council's Tree Officer, subject to further details of proposed landscaping and details of tree protection measures for retained trees being provided. Notwithstanding the above, given the context of the scale of the building and its location within the Conservation Area, the net loss in landscape character is viewed as detrimental and forms part of the basis of Reason for Refusal 3. Refer to Section 7.07 and 7.14.

Flooding and Drainage

- Drainage infrastructure is unable to cope
- Risk of flooding
- Increased flooding and drainage issues
- Basement will lead to additional flooding at the High Street

Officer comment: The proposal has been reviewed by the Council's Flooding Officer and no objection is raised. In the event of approval, sustainable drainage measures could be conditioned to ensure that there is no additional offsite impact arising from an increase in impermeable surface

and increase in building footprint. The inclusion of the basement is acceptable in terms of flooding and drainage impacts, including any impediment to subterranean flows and particularly when accounting for other sustainable drainage measures. Refer to Section 7.17.

Basement

- No methodologies or impact survey findings are included in the Basement Impact Survey (in relation to tree and flood risk)
- No measures to ensure no harm to the amenity of neighbours from the basement construction
- Reference to basements in the area are invalid (either original from the 1920s or not primary living space)
- The slope of the land is downplayed and the depth of the basement will be 4.5m within 2m of the boundary
- Incorrect assertion in the basement statement about London Clay soil (it is Lambeth Clay as understood from HS2 works) and there being no nearby streams
- Subsidence risk from excavated basement

Officer comment: The construction of the basement is acceptable on technical grounds, as noted in Section 7.11.

Ecology

- Ecological concerns
- Lack of an Ecological Harm Assessment (including lack of bat survey, no badger survey, foxes, squirrels etc.)

Officer comment: The proposal is broadly acceptable on ecological grounds, as noted within this report. However, there are concerns about tree removal and these form part of Reasons for Refusal 3 and 6. Given the site location and the extent and siting of the building works, there are no issues with the scope of the ecological assessment. Refer to Section 7.14.

Other

- Increased air pollution
- Loss of trees will reduce absorption of noise and air pollution

Officer comment: The building itself will have an acceptable air quality outcome. Replacement planting of younger trees can be beneficial in absorbing more CO₂ and overall, there are no objections on these grounds. The loss of trees is concentrated at the streetfront where there are no measurable noise issues. To the rear, tree removal would be of limited consequence to any noise disturbance issues.

- Impact upon property values
- Badly drawn plans
- Original conveyance contained restrictive covenants to protect from over development
- Inconsistencies in the documents (actual inconsistencies not specified)

Officer comment: The plans and documentation are sufficient for the purposes of the assessment. Any perceived inconsistency is viewed as a difference of opinion rather than a factual inaccuracy. Covenants do not form part of the planning assessment and property values are not a material consideration.

Internal Consultees

Conservation Officer

No comments received at the time of writing the report, any response will be reported in the

addendum.

Highways Officer

No objection in relation to car, cycle and EV charging parking provision, traffic generation, access and turning arrangements, construction measures and refuse collection. Conditions are required in relation to delivery of EV charging, visibility splays and a Construction Management Plan. The new crossing and extinguishment of the old crossover would need to be to an appropriate Council standard executed under S184 of the Highways Act 1980.

Tree Officer

No objection to the removal of the Chestnut. Appropriate conditions relating to hard and soft landscaping and tree protection would be required.

Flooding Officer

No objection. In response to neighbour submissions, evidence shows standing water in low areas in the garden, consistent with heavy rain. No reports of internal property flooding or inundation of the rear garden have been made.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Housing Provision

Policy NPPF1 of the Hillingdon Local Plan Part 1 - Strategic Policies (2012) requires a proactive approach to sustainable development. Planning applications that accord with the policies in the Hillingdon Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy H1 of the Hillingdon Local Plan Part 1 (2012) addresses annual housing growth of 425 dwellings per year, where this can be achieved, in accordance with other Local Plan policies. The proposal involves the demolition of a four bedroom or family sized dwelling and its replacement with seven flats or a total of 13 bedrooms. This is a net increase in bedrooms or residential accommodation which is supported in principle. However, the Council is currently able to demonstrate a five-year supply of deliverable housing sites and the 'tilted balance' as set out in paragraph 11(d) of the NPPF (2021) is not engaged and the assessment requires a consideration of the benefits against harm as part of the wider planning balance.

Flat Development

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement and are often built out relatively quickly. Paragraph 119 seeks effective use of land in meeting the need for homes. However, this is subject to a consideration against Policy DMH 4 of the Hillingdon Local Plan Part 2 (2020), which permits the redevelopment of dwellings into flats where no more than 10% of the street has been redeveloped into flats.

The applicant has asserted that the subject application would result in six of 71 properties as flat buildings, or 8.45%. Kingsend is 600m in length between the intersections with Ickenham Road in the west and High Street in the east. Excluding corner buildings not having a primary frontage to Kingsend, there are 30 properties on the northern side and 38 properties on the southern side or a total of 68 properties.

The Council's own assessment concludes that properties at 3, 16 and 18 (two distinct flat buildings), 28, 30, 36, 41 and 45 are flat buildings. This equates to eight properties or 12%. When accounting for the subject application, this increases to 13%.

Paragraph 4.11 of the Local Plan specifies that flatted development "must seek to enhance the local character of the area. In recent years, large concentrations of flats have resulted in a range of problems, including increased on-street parking and resultant congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation."

There is a departure with Policy DMH 4 of the Local Plan and to varying degrees, the proposed development brings about some of the above impacts (neighbour and streetscape impacts), as outlined below. Accordingly, the principle of the development fails on this basis and this forms Reason for Refusal 1.

Loss of Existing Dwelling/Unit Mix

Strategic Objective 7 (SO7) of the Hillingdon Local Plan Part 1 (2012) aims to address housing needs in Hillingdon. The type of dwellings should reflect housing needs identified in the borough, particularly the need to provide more family homes with adequate garden space.

The proposal involves the loss of a family sized dwelling which is broadly contrary to SO7. However, it must be weighed against Policy H10 of the London Plan (2021) and Policy DMH 2 of the Hillingdon Local Plan Part 2 (2020), which requires a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties.

The proposal involves one x 3-bed flat (14%), five x 2 bed flats (72%) and one x 1 bed flat (14%). With only one dwelling considered as a family sized dwelling, the loss of the existing family unit is compensated for, however the proposal does not contribute to increasing the stock of family sized dwellings in the Borough.

Notwithstanding, Policy H10 seeks a higher proportion of one and two bed units closer to a town centre or station or with higher public transport access and connectivity, as well as optimising housing potential on sites and delivering mixed and inclusive neighbourhoods.

The site exhibits a public transport accessibility level (PTAL) of 3 which is considered as moderate. There is good access to local facilities and services on Ruislip High Street and the site is 450m walking distance from Ruislip Underground Station. Accordingly, there is justification for redevelopment of the site and for a higher proportion of smaller dwellings. Further, a higher proportion of smaller 1 and 2 bed units have been approved at other flat buildings on Kingsend such as 16-18 Kingsend (at appeal APP/R5510/A/08/2078969). That application was not refused on unit mix grounds and the appeal did not focus on this issue.

The absence of larger dwellings is unfortunate but given the modest scale of the development and the site location, it is not unacceptable. The predominant character of the area is of larger detached dwellings and this development would provide further diversity to the mix of development in the area. On this basis, no objection is raised in respect of housing mix.

7.02 Density of the proposed development

Policies D1, D3 and GG2 of the London Plan aim to make the best use of land and proactively intensify the use of land to support additional homes through a design-led approach that optimises the capacity of sites. Higher density developments should generally be in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. This should be interpreted in the context of Policy H2 of the London Plan (2021) which supports well-designed new homes on small sites below 0.25 hectares in size. Policy DMHB 17 of the Hillingdon Local Plan: Part 2 (2020) specifies a density of 50-110 units or 150-330 rooms per hectare.

The proposed density is 56 units or 112 rooms per hectare. Taking account of the site constraints, including protected trees and a need to accord with the pattern of development, the proposal is broadly within the scope of Policy DMHB 17. However, numerical densities are more appropriate to larger sites and what is of greater significance is local context. The key consideration is whether the development would integrate with the character of the area, and respect residential amenity considerations. This is discussed below.

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

The site is within the Ruislip Village Conservation Area and the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, including its setting (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Paragraphs 199-202 of the NPPF requires consideration of the harm to the significance of the Conservation Area.

Policy DMHB 4 of the Local Plan Part 2 (2020) seeks to ensure that development within a Conservation Area preserves or enhances the character or appearance of the area, including through high quality design and resisting the loss of buildings and features. Policy HC1 of the London Plan (2021) seeks to conserve significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Demolition of the existing dwelling

The plot relates to the original layout of the area when it was first developed for housing. The property is located in the residential character area of the Conservation Area which predominantly comprises of early to mid-20th century houses. The development of the area as 'Metroland' was influenced by the expansion of London and the railway. Predominantly, properties have an overarching Arts and Crafts style and the area was designed as a typical garden suburb. Individual dwellings were set on individual plots with ample space around the building, including a notable set back from the road. The verdant appearance of the street scene has matured over the 20th century contributing to the area's garden suburb character.

The dwelling at 32 Kingsend Road is a simply detailed detached dwelling constructed of red brick with a substantial hipped roof finished in plain clay tiles. There are a number of alterations and additions, including rather crude modern windows, a flat porch canopy held up by columns and a large flat roof two storey rear addition. These alterations were carried out prior to the designation of this part of the Ruislip Village Conservation Area.

The application is accompanied by a Heritage Statement (Mola, December 2022) but it does not include a structural survey. It instead argues that the demolition of the existing building will have no impact on the significance of the Conservation Area as the building was heavily altered in the 1960s and 1970s, thus losing its original design. This is not agreed as appropriate justification.

Neighbour objection instead suggests that there is justification for its retention and

renovation because of the significance of the original architect. Whilst Officers do not side with this statement, in the absence of such details, Officers are not satisfied that the demolition of the building is justified, even in its altered form. This forms Reason for Refusal 2.

Design of replacement building

The design of the proposed development combines a predominantly Queen Anne revival style with a Neo-Georgian style with a number of conflicting features. The building aims to reference the Locally Listed buildings at 16 and 18 Kingsend (non-designated heritage assets) which are designed in a Queen Anne revival style relating to the garden suburb aesthetic of the Conservation Area. The design approach is of concern. The building has the massing and footprint of the contemporary flatted developments next door but the design and detailing conflicts with this.

The design includes two side, two rear and two front dormers. Whilst front facing dormers are not an uncommon feature within the street scene, side dormers are less common and are intrusive in this case, as would be the large box dormer to the rear, which is overly large. The dormer would need to be reduced in size and/or broken up into two separate dormers as depicted similar to the front elevation. This all forms part of the basis of Reason for Refusal 3, which refers to impacts upon the character of the area. The crown roof and overall scale and bulk are also of concern, resulting in a monolithic building, which is further discussed at Section 7.07 of this report.

The design and proportions of the windows are consistent, understated and sympathetic to the design intent. Materials include clay roof tiles, inset feature brickwork and double and triple glazed timber framed windows and doors. The reveals around the windows are detailed as segmental brick arches in a contrasting brick tone. The string course detail between the ground and first floors and brick quoin detailing to the corners is broadly consistent with that at 16-18 Kingsend. Whilst, the materials are considered to be traditional and high-quality and reflective of the Conservation Area, there are concerns overall regarding the incompatible design and impact on the character and appearance of the Conservation Area as described above and in Reason for Refusal 3.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan Part 1 (2012) seeks a quality of design that enhances and contributes to the area in terms of form, scale and materials, is appropriate to the identity and context of the townscape and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design, including harmony in consideration of the height of surrounding structures. Policy DMHB 12 of the same plan requires integration with the surrounding area and Policy DMHD 1 states that large crown roofs on detached houses will not be supported. It relates to alterations and extensions to residential dwellings though offers relevance for replacement buildings.

Built form

Inclusive of the attached garage, the existing dwelling has a footprint of 220m², an area of 377m² and a volume of approximately 1145m³. The replacement building will have a footprint of 305m², an area of 868m² (including basement floorspace), and an above ground volume of about 1750m³. This represents an increase in above ground built form of about 40-50%. Additionally, the building width is increasing from 16.2m (excluding the garage) to 17.6m (9% increase). The height is unchanged at 9.2m though the eaves are being raised by 1.2m and the roof includes a 70m² crown roof. There is a secondary hip dominating the centre of the front elevation with a lower ridge of 8.5m.

It is therefore apparent that much of the increase in building bulk is at the rear of the building or within the roofspace. Of note, 305m² of the area is below ground and 137m² is within the roofspace, with dormers to three roof planes.

The predominant character of the area is of detached dwellings though there are flat buildings in the area. The two properties to the east have substantial footprints (280-340m²) with crown roofs (at least 110m²). There is also evidence of crown roofs elsewhere in Kingsend Road but at about 15% of properties, it is not nearly the prevailing character. The ridge width is increasing from 8m to 11.7m and it is this aspect that contributes most notably to additional bulk. Further, the flat buildings that exist are not considered examples of good design that should be replicated elsewhere.

An increase in built form on the site would likely be acceptable given the larger plot size and width. However, there is increased sensitivity to the location within the Conservation Area. New buildings should ideally be able to incorporate traditional, fully hipped roof forms as part of the design. Crown roof elements are usually a sign that the development is overly large and this exacerbates the bulky and boxy appearance of the development. There is also a preference to avoid replicating examples of large crown roofs. The three most apparent examples of crown roofs are in the immediate vicinity. 28 Kingsend (5740/APP/2008/1214) and 30 Kingsend (46299/APP/2006/2165) are alongside and 41 Kingsend (2792/APP/2006/2719) is diagonally opposite. All three permissions are from at least fifteen years ago when there was less importance on consideration of crown roofs. In the case of the two latter examples, the dual gable design with an indented or setback element between the two gables allows for building separation and a break in the building width, creating the impression of two buildings and minimising the impression of the crown roofs. This is not employed in the subject application.

The scale and bulk of the development would have a significant presence from public views. The depth of the built form and crown roof would be significantly evident when viewed from the west, due to the positioning of the neighbouring flatted block. The rear elevation would also be visible, particularly the upper floors, from the public right of way along the western site boundary. The increase in built form is viewed as excessive and causes harm to the area and the Conservation Area and this is outlined in Reason for Refusal 3.

Siting

The buildings to the west and east are about 11m and 16m from the front boundary respectively. The proposed building is setback 15.3m from the front boundary which is about 1m behind the existing alignment. The modified alignment is broadly consistent with the building line and there is no adverse disruption in the street.

The building line at the rear extends about 8m beyond the established building line to the west with the hole associated with the excavated basement extending a further 6m. This would ordinarily pose a degree of concern on the grounds that there would be disruption

to the green corridor that is created by the back to back rear gardens. However, the depth of the plot is greater than those to the west and much more comparable to the subdivision pattern of properties to the east. When viewed in the context of development to the east, there is indeed consistency in the rear building line. Moreover, at 25m deep, the total depth of the rear garden is greater than the gardens of the properties to the west in total depth and comparable as a proportion of the overall plot depth.

Side boundary setbacks are at least 2m, which allows for adequate and consistent building separation in this part of the Conservation Area.

For these reasons, no objection is raised in respect of the siting of the building, although there are concerns regarding scale and excavation as discussed above and below.

Basement

Policy DMHD 3 of the Hillingdon Local Plan Part 2 (2020) state that basements may be acceptable, subject to consideration of any impact upon the built and natural environment, amongst other factors. They are not permitted in Conservation Areas where their introduction would harm the special architectural or historic character of the area.

The proposal includes a basement with 1070m³ of building volume below ground level (not included in the volume calculation above) and 1180m³ of soil being removed from the site when accounting for lightwells at the front and rear.

Basements are not a feature within the Conservation Area though the applicant has cited recent examples at 28 Ickenham Road and 15 King Edwards Road. The officer report for the latter application notes that the basements "are mainly directly below the buildings with small pavement lit areas at the rear. As such, they will not have any impact on the townscape of the Conservation Area or street scene and are considered acceptable."

The proposed basement has a footprint that is 60% larger than the ground floor footprint. There are two small lightwells at the front, but the bulk of the incursion outside of the ground floor footprint is at the rear and totals 130m². From the street, the basement would not be readily apparent, primarily because it is setback about 14m from the front boundary. Whilst the extension at the rear is not visible from the road, it is still visible from neighbouring properties. The resulting change to the natural landform is sizeable and stark. Crudely put, it appears as a large hole in the ground and is not supported on this basis and forms Reason for Refusal 3.

It is noted that there were no such extensions outside of the footprint in the examples cited by the applicant because they were not primary living spaces and there was no need to extend beyond the building line to allow for natural light, ventilation and outlook such is required in this case for the two lower ground floor units.

Landscape character

The proposal includes the relocation of the access drive from the eastern corner to the centre of the plot. This will require the removal of some hedgerow and T1 (Laburnum) to the front boundary. Even if the existing access drive were used instead, some vegetation removal would have been inevitable for visibility reasons given the increased use. It is also apparent that the subject property probably exhibits the most established landscape character on both sides of Kingsend, aided in part by the canopy of the TPO protected Oak. On that basis and when noting the surrounding context, the loss of some landscaping at the front of the site would not be opposed, though it would need to be well

considered and subject to suitable replacement planting.

The TPO protected Oak at the front will be retained but the TPO protected Horse Chestnut at the rear is proposed for removal. It is noted that the Tree Officer is not opposed to its removal on arboricultural grounds. However, the tree is still a visible feature in the landscape (including from the public footpath to the side) and because of its siting within the Conservation Area the landscape character would be adversely affected, particularly where replacement planting would take several years to provide similar cover. Whilst not a reason for refusal on its own, when considered collectively alongside other factors, including the scale of the building, it forms part of Reason for Refusal 3 for its impact in the Conservation Area.

Parking and ancillary items

A parking area with seven parking bays is proposed at the front of the site. To accommodate this, the hard surfacing is increasing from 120m² to 185m², with encroachments into the root protection area of the TPO protected tree. A bin store is to be sited in the south eastern corner adjacent to a new pedestrian entrance. Given the predominance of properties with large parking areas forward of the building in the street and it has been demonstrated that the Oak can be protected, the marginal increase in hardstanding and the provision of the bin store are acceptable, subject to details of the latter by condition.

7.08 Impact on neighbours

Policy DMHD 1 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020) seek to ensure a satisfactory relationship with adjacent dwellings and no unacceptable loss of outlook, amenity, daylight and sunlight to neighbouring occupiers.

An 11 unit flat building (Elthone Court) adjoins to the east though it is separated by an access path linking Kingsend and Ickenham Road. A single detached two storey dwelling (34A Kingsend) adjoins to the west. To the rear is 27 Ickenham Road though there is 25m separation distance to the common boundary and no residential amenity issues are evident to that property.

Overlooking

The proposal includes generously and consistently proportioned windows and doors to all four elevations with rear facing balconies to the first and second floors. To the front, the outlook will be over the front parking area and the street such that no objection is raised. To the rear elevation, the outlook from the windows will be over the rear garden with ample distance to the rear boundary. Whilst diagonal sightlines are possible, they are not uncommon in a residential setting and even with the increased density, not unreasonable. However, the sightlines are more pronounced from the balconies. Whilst privacy screening is included, the screens lower towards the rear, thereby not proving wholly effective against sideways overlooking across the boundary.

Looking to the west, the boundary treatment along the common boundary with 34A Kingsend is of landscaping and a chain link fence, and there is openness that allows for some mutual overlooking between the two properties. The proposed building will extend significantly beyond the rear building line of the neighbouring property. There are five ground floor windows proposed (which are non habitable/obscure glazed along with a kitchen and living room) and four first floor windows (three obscure glazed, including to a kitchen and a separate living room). Where proposed to be fitted with obscure glazing, this would need to be conditioned, including that they are fixed.

Having regard to the lack of solid screening on the boundary, the number and proportions of windows, the direct outlook from the living room windows at the rear of the property and lack of effective privacy screening, the proposal would result in an unacceptable level of overlooking towards the rear garden and back towards the rear elevation and patio area of 34A Kingsend. Because of the sheer number of windows, some of this impact would be a perception of overlooking that would not be suitably resolved through obscure glazing.

To the east, the proposed development broadly aligns with the rear building line of Elthone Court and there are no habitable windows in the corresponding elevation of its neighbour. The boundary is separated by the public footpath, allowing for separation distance and some screening. The proposal includes the same number, proportion and positioning of windows as proposed on the western elevation (plus 2 no. side facing dormers at roof level). Non habitable spaces will be obscure glazed (and fixed by condition) and a ground floor bedroom window would look onto the boundary fence. At first floor level, there are opportunities for overlooking from the living room window and from the rear balconies towards the rear garden, the extent of which is unreasonable.

Broadly, where the neighbouring property was designed with sufficient internal amenity without compromising neighbour amenity through inappropriate siting of side facing habitable windows, the subject application includes multiple side facing windows and four balconies. The concerns of overlooking to both adjoining properties form the basis of Reason for Refusal 4.

Within the development itself, there is a poor relationship between the ground floor amenity space and the patio area of the lower ground floor units. Occupants on the ground floor would be able to look immediately downwards into the lower ground floor area, thereby compromising privacy. Whilst this would be anticipated in most flatted settings, the issue is heightened here because the subterranean nature of the basement units would make the outdoor patio of these units more important to the occupant's wellbeing. It is also feasible that some design treatments could ameliorate this impact though none have been proposed and on this basis, it is unacceptable.

Loss of light and dominance

To the west, the proposed building will be setback 2.3m from the boundary and 3.7m from the corresponding elevation of 34A Kingsend. Whilst the building will extend about 6m beyond the rear elevation of 34A Kingsend, the indented nature of the building at the rear and the adequate separation distance to the boundary is such that there is insufficient justification to oppose the development on the grounds of loss of light. A 45 degree line plan has been provided and compliance is achieved. That said, the depth into the plot would be extensive and result in a harmful sense of enclosure and overbearing impact to their main rear garden and amenity spaces. This forms part of Reason for Refusal 4.

To the east, there is 7m separation distance because of the public footpath separating both properties. There is also consistency in the building lines such that there are no issues of loss of light or dominance. There is easy compliance with the 45 degree line.

Noise disturbance

The density of the development is not excessive and relative to its plot, appropriate in the residential context. Accordingly, the creation of seven units is unlikely to lead to an unreasonable level of noise disturbance across the property boundaries. The exception is that the patio area at the rear of the basement units has the potential to create an echoing effect through use of the patio or from the units when the rear doors are opened. This has

the potential to impact the amenity of the other occupants of the development and to a lesser extent, on neighbouring properties. This forms part of the Reason for Refusal 4.

7.09 Living conditions for future occupiers

Policy DMHB 16 of the Hillingdon Local Plan Part 2 (2020) requires a minimum internal space standard based on occupancy and number of floors as follows:

- The two basement flats (2 bedroom, 4 person) require a minimum of 70m². At 124m², compliance is achieved.
- The left side ground floor flat (2 bedroom, 3 person) requires 61m². At 89m², compliance is achieved.
- The right-side ground floor flat (3 bedroom, 4 person) requires 74m². At 89m², compliance is achieved.
- The first floor flats (2 bedroom, 4 person) require 70m². At 84m², compliance is achieved.
- The loft flat (1 bedroom, 2 person) requires 50m². At 125m² (measured to where it is above 1.5m floor to ceiling height), compliance is achieved.

All of the units meet the minimum standards. There is also compliance with bedroom sizes (single and double) and bedroom widths. There is provision for storage (utility rooms) within the flats which is acceptable. There is adequate living space and the common access areas are generously sized.

Policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020) requires a minimum outdoor amenity space of 20-30m² for the proposed flats. The lower ground and ground floor flats have patio areas measuring 25m² and 30m² respectively. The first floor flats have rear balconies measuring 6m² and with a depth of 1.5m. The loft flat has a small 2.8m x 1m rear balcony.

Whilst there are departures with the standards for the first floor and loft flats, the overall amenity is not adversely affected because of shared access to the rear garden which extends to about 500m² (or 20m²/resident). Access is somewhat convoluted, particularly where the basement and ground floor units open onto the rear garden but no direct access is provided. Nonetheless, because of its spacious and well landscaped nature, no objection is raised. Further, the units are also all in excess of the minimum internal space standards, reducing reliance upon outdoor amenity space. On this basis, the provision of amenity space for each of the units is acceptable.

Policy D6 of the London Plan aims for dual aspect dwellings with a design that provides sufficient daylight and sunlight that is appropriate for its context. All of the units have three external elevations with good access to sunlight, light, ventilation and outlook with the exception of the two basement flats which are wholly below ground level. The streetside bedrooms have a 900mm deep lightwell, which is very minimal. The lounge room and bedroom 1 open onto a 3.6m deep patio area though it is north facing with no access to sunlight and without any connectivity to the rear garden. It is also overlooked by the units above. Internally, there is 9.5m depth between the rear elevation and the rear wall of the kitchen, further limiting the negligible amount of available natural light. Overall, there are at least ten non habitable rooms across both dwellings and communal spaces that would require some form of mechanical ventilation because of no external wall above ground.

The result is a wholly subterranean development with no access to sunlight aside from potential glimpses to the front lightwells. Even then, they would be partly screened by parked vehicles in the car park and the Oak tree. There is no outlook whatsoever and very little cross ventilation. The overall quality of amenity afforded to future occupants is very poor and would not be envisaged in a suburban context. It forms Reason for Refusal 5.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Traffic impact

Policy DMT 1 of the Hillingdon Local Plan Part 2 (2020) requires that development be sustainably located, with access to public transport, walking, cycling, services and facilities, with accessible and convenient access through the site, adequate servicing and delivery and no adverse transport, air or noise impacts.

The address exhibits a public transport accessibility level (PTAL) of 3 which is moderate but still heightens dependency on the ownership and use of private motor transport.

The proposal will increase potential traffic generation when measured against the existing residential dwelling. However, the Council's Highways Officer advises that peak period traffic movement into and out of the site would not be expected to rise above two to three additional vehicle movements during the most crucial and sensitive peak morning and late afternoon/early evening traffic periods. Such potential uplift is marginal in generation terms and can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Parking

- Car parking

Policy DMT 6 of the Hillingdon Local Plan Part 2 (2020) requires accordance with the 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. For a development of seven flats, the proposal would require an on-plot provision of 7-10 spaces. Policy T6.1 of the London Plan seeks compliance with the relevant parking standards, in this case being 5.5 spaces (maximum).

The proposal includes a car park with seven spaces at the front of the property, with one space per unit. No visitor parking is proposed. Seven spaces falls broadly half way between each standard and thus is considered acceptable and on that basis, visitor parking is deemed unnecessary.

- Cycle parking

Policy DMT 6 of the Local Plan and Policy T5 of the London Plan (2021) require 1-1.5 cycle spaces for smaller (1 and 2 bed) dwellings and two spaces for larger (3+ bed) dwellings. This equates to 11 spaces.

A storage shed is located at the rear of the property. As the quantum has been exceeded, no objection is raised. The applicant has indicated that the location of the shed was dictated by streetscape implications. However, in doing so, residents are required to proceed to the rear of the property and back to the front entrance each time a bike is used - a distance of more than 100m. This is likely to prove inconvenient for residents and lead to unfavourable storage or reduced usage. A more favourable design outcome would be for the integration of the storage in the building itself. This is achievable given the ample space within the basement and the exceedance of the minimum floorspace standards for all of the units. Regardless, the issue forms Reason for Refusal 6.

- EV charging

Policy T6.1 of the London Plan requires that 20% of spaces should have active charging

facilities, with passive provision for all remaining spaces. The applicant has indicated that all seven spaces would be designated as active (ready to use) provisions to future proof for anticipated demand which demonstrates conformity to the requirement.

- Disabled parking

Policy T6.1 of the London Plan (2021) and Appendix C(9) of the Local Plan require disabled persons parking for new residential developments. No disabled parking has been shown but it could be conditioned without detriment to the design or character of the area such that no objection is raised.

Access

Policy DMT 2 of the Hillingdon Local Plan Part 2 (2020) requires safe and efficient vehicular access..., safe and convenient access for cyclists and pedestrians and management of existing and future traffic flows and mitigation, where necessary. Policy T4 of the London Plan (2021) also states that development proposals should not increase road danger. Section 4.7.1 of the Hillingdon Domestic Vehicle Footway Crossover Policy requires pedestrian visibility which states that obstructions be kept to a maximum height of 0.6m.

The existing vehicular access is to be relocated to a centralised position via new carriageway crossing. The roadway is covered extensively by waiting restrictions operational from 8am to 6.30pm - Monday to Saturday. There is no objection to the new centralised carriageway and internal parking layout which conforms to best practice and allows forward movement when exiting. It is therefore welcomed by the Council's Highways Officer. There would need to be conformity with the Council's Domestic Vehicle Footway Crossover Policy. As no detail has been submitted, it would be subject to condition and the extinguishment of the old crossover.

As Kingsend is a major thoroughfare, visibility sightline requirements for vehicles and pedestrians would need to be demonstrated. No such details have been submitted though the Highways Officer has taken the view that these are achievable and raises no objection, subject to the height of walling on either side of the new opening should not exceed 0.6m in any post consent details to be submitted.

Policy DMT 5 and DMHB 12 of the Hillingdon Local Plan Part 2 (2020) require safe, direct and inclusive access for pedestrians and cyclists, including enhancement of routes and a high-quality public realm. A separate pedestrian entrance has been provided, which is supportive of the above. It would lead onto the communal car park but with low traffic movements, no objection is raised.

Construction

A detailed Construction Management Plan would be required (in the event of approval) given the scale of the development with reference to construction related routing, frequency and construction related parking arrangements, wheel washing, thereby avoiding/minimising potential detriment to the surrounding public realm during the build programme.

7.11 Urban design, access and security

Safer by Design

Paragraph 92 of the NPPF and Policy DMHB 15 of the Hillingdon Local Plan Part 2 (2020) require healthy, inclusive and safe places so that crime and disorder, and the fear of

crime, do not undermine the quality of life or community cohesion. The proposal exhibits relatively positive design outcomes. Window openings provide good surveillance of the street, the parking court and the public footpath along the western boundary. However, the siting of the cycle store raises potential for theft given it is more than 25m from the nearest habitable window and shaded by tree canopies. This issue is consolidated in Reason for Refusal 6.

Basement

Policy D10 of the London Plan (2021) and Policy DMHD 3 of the Hillingdon Local Plan Part 2 (2020) refer to the specific considerations of basements, including consideration of flooding or ground instability (as well as trees and landscaping, archaeological remains). The proposal includes a basement of substantial proportions including a depth of 3.6m and extending well beyond the building footprint. The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.

A Basement Impact Assessment (Earth Environmental and Geotechnical, dated March 2022) was submitted with the application. It includes a Geotechnical Risk Assessment, Contamination Risk Assessment and Flooding Considerations.

The findings refer to London Clay (and associated risks of settlement and heave), an unproductive aquifer, a lack of flooding risk of any nature and a lack of any identified contamination and a lack of significant geotechnical risks. Recommendations include further ground investigations (which would be required as part of any future planning condition) and phased excavation. Overall, there are no perceived risks to the excavation process associated with the constriction of the basement and there should be no technical reason to oppose it.

Resident submissions have queried the accuracy of the Basement Impact Statement, including that the site is founded on Lambeth Clay not London Clay), it slopes more than is implied, that there is an underground stream causing surface flooding, that there is differential depth change in close proximity, the extent of hard surfacing is increasing significantly and that the flood risk is more apparent than is implied. There is also concern raised about the depth of the excavation within 2m of the boundary and the potential for harm from the basement construction and the lack of any methodology.

The above concerns are noted but do not unduly affect the conclusions of the Basement Impact Assessment. Flooding implications have been reviewed by the Council's Flooding Officer and no objection raised. There is a gentle slope from east to west across the site and despite the depth and length of the basement, there is no reason for the Council to conclude that subsurface flows would be unduly affected. A 2m setback from the property boundaries, even when accounting for piling and foundations is adequate to ensure protection of neighbouring properties during the construction phase, though this would be subject to full construction details prior to commencement. The remaining issues raised are incidental and inconsequential to the overall conclusion that the basement can be accommodated from a technical perspective.

7.12 Disabled access

Policy D7 of the London Plan (2021) requires all new housing, as a minimum standard, 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).

A passenger lift serves each floor of the building and the open plan layout and adequate size and circulation space of the main bedrooms and bathrooms and the width of

doorways and hallways is such that all of the units would be fully accessible. Level access is not shown between the car park and the ground floor lobby but like the provision of disabled parking, this could be achieved without any impediment to the design and could be conditioned. On this basis, no objection is raised.

7.13 Provision of affordable & special needs housing

The proposal is below the threshold for affordable housing.

7.14 Trees, landscaping and Ecology

Trees and Landscaping

Policy G5 of the London Plan (2021) seeks to integrate green infrastructure to contribute to urban greening and Policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) requires the retention and enhancement of existing landscaping, trees, biodiversity or other natural features, landscaping that supports and enhances biodiversity and amenity and replanting of new trees.

The site lies within the Ruislip Village Conservation Area, a designation which protects trees. There are also two TPOs affecting specific trees on the site. An oak in the front garden (on the boundary of 34A) is T3 on the schedule of TPO 507. A Horse chestnut in the back garden is covered by TPO 779.

The application is supported by an Arboricultural Report (GHA Trees, December 2022) which indicates the removal of six trees and one hedge. All of the trees to be removed have been given either a C or U category grading in accordance with BS 5837. There is resident objection on the classification of trees but this is not opposed by the Council's Tree Officer.

Removal includes the Horse Chestnut in the rear garden (T11) which is TPO protected. The report offers the following explanation for its removal:

"This tree has been the subject unsympathetic past management as it has been previously crown reduced and also pollarded at 7m, where there is significant decay present at the old pruning wounds. The tree is also suffering from leaf blotch, leaf miner and bacterial canker with black exudates at the base of the tree. Whilst prominent in the rear garden, this tree is of limited amenity in the wider context as it is barely visible from Kingsend. The loss of this tree (and the other trees listed in 6.1) will be compensated for by significant new planting on the northern and eastern boundary as noted below."

The tree has been subject to TPO approved crown lifting in 2017 and 2020 and the Council's Tree Officer does not oppose its removal (as noted previously), with agreement that the tree is in decline. Any approval would be subject to replacement planting.

Three of the trees to be removed are on the street boundary. Whilst supported by the Council's Tree Officer, these trees add significant quality to the character of the Conservation Area and replacement planting of quality and maturity at the time of planting would be paramount.

A 9m high Ash (T6) is also proposed for removal even though it appears to fall outside of the western property boundary. There appears some dispute on this matter between the relevant parties. Even if it is not removed, the proposed basement extends significantly into the 7m root protection area. Regardless, the Council's Tree Officer does not oppose its removal.

Of the trees to be retained, the TPO protected Oak at the front will come under some pressure from the car park extension with an incursion of about 5m into the root protection

area. However, the tree officer is content with this arrangement, subject to an arboricultural method statement for the construction of driveway.

The cycle store at the rear of the site appears to require the removal of a tree specified for retention (T9 - 12m high Larch). This appears unnecessary and easily avoidable and is viewed as unacceptable on landscape grounds. On this basis, it forms part of Reason for Refusal 6.

Broadly, there will be an immediate and apparent net loss of landscape character within the front and rear gardens and this will have consequences for the setting of the Conservation Area. Despite the Tree Officer raising no objection and whilst replacement planting will, in time, lead to a more managed outcome, there will be a clear and apparent loss of landscape character within the Conservation Area that when considered alongside a net increase in bulk and scale, will contribute to a degradation of the quality of the Conservation Area and this forms Reason for Refusal 3.

Ecology

Section 15 of the NPPF and Policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020) aim for the retention of existing features of biodiversity or geological value within the site and enhancement and net gain of biodiversity within a proposed development. Policy DMEI 7 requires appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects.

The application was supported by a Bat Survey (Ecoline, September 2022), guided by a building survey and a follow up emergence survey. The external inspection of the building revealed a network of cracks within the brickwork and missing roof tiles. The building is regarded as having low suitability to support bats and that if bats were to occur, they are likely to be solitary individuals roosting in an opportunistic fashion. The evening emergence survey recorded foraging bats but no bats emerged from the building and none were recorded in close proximity to the building.

The surrounding habitat includes connected gardens, dense shrub planting and mature trees which are likely to attract foraging bats if present within the area. However, this habitat is generally quite isolated with no connectivity to the wider landscape. The suitability is noted as low to moderate.

The report concludes that demolition of the building would be acceptable from an ecology perspective and this conclusion is not opposed. The report also states that it is possible that tree losses would reduce the amount of foraging habitat present within the area but if the area is only supporting a small number of bats, it is unlikely that such losses would have a dramatic impact on foraging opportunities overall. Removal of trees would need to be outside of season.

Paragraph 174 of the NPPF seeks biodiversity net gain (BNG) within proposals and the bat report suggests that to achieve a 10% BNG, ten bat boxes should be installed in suitable locations within woodland habitat. There is no actual net gain metric in support of this statement and it appears that the statement is intended for off site delivery. Nonetheless, the general premise is accepted. The scope of the application and the possibility for biodiversity enhancements (such as woodpiles, wildlife friendly fencing and bird and bat boxes) within the site are such that the proposal would result in a satisfactory ecological outcome.

Neighbour objections have extended to concerns about the lack of a wider ecology report,

including concerns about badgers. The applicant has submitted a badger survey. Not unexpectedly for a suburban setting where the replacement building will be built mostly within the existing footprint, there were no identifiable setts and no issue is raised. Given the site location and scope of the proposal, other protected species are unlikely to be affected.

7.15 Sustainable waste management

Refuse collection will continue via the roadway on Kingsend. The bin storage positioning should allow for conformity with the accepted distance collection standards of 10m from the point of collection on the public highway and 30m from each flat. As a bin storage area is shown on the site frontage, the above parameters are satisfied and the Council's Highways Officer raises no objection. Given streetscape implications, final design details would be subject to condition but its location is not unreasonable on character grounds.

7.16 Renewable energy / Sustainability

Policies BE1 and DMEI 2 of the Local Plan (Part 1 and Part 2 respectively) seek to achieve reductions in carbon dioxide emissions through energy efficient design and effective use of low and zero carbon technologies, including the use of SUDS, water efficiency, lifetime homes and sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill.

Section 5.3 of the Design and Access Statement outlines the sustainability credentials of the scheme. This includes insulation to Code 5, centralised heating and underfloor heating, EV charging within all parking spaces, PV solar panels, rainwater storage, SuDS measures and recycling of building materials. Whilst much of the measures are standard, they appear sufficient to meet the required standards. Delivery of such measures would be conditioned.

Notwithstanding, the construction of the basement will require the removal of about 1200m³ of soil from the site. This equates to about 180 vehicle movements to and from the site which is significant and would need to be considered carefully within an appropriately managed Construction Logistics/Management Plan. Further, the use of the basement, where 100% of the floorspace of each of the units is wholly below ground, would require ongoing use of artificial lighting of all rooms though the day and mechanical ventilation of the large number of windowless non habitable areas, including three bathrooms, a utility room and kitchen within each unit and a service area and lobby within the common spaces.

The inclusion of two units below ground level, as distinct from ancillary spaces within a basement that are part of above ground dwellings, does not generally accord with the intent behind delivering a scheme with energy efficient design. However, measures to offset these impacts could likely be satisfactorily achieved within the scope of the sustainability measures that would be conditioned in the event of an approval.

7.17 Flooding or Drainage Issues

Policy SI12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. The property is in Flood Zone 1 and there is no change to the classification of the use such that there is no flood risk within the site or impacts elsewhere. The proposal is therefore acceptable.

Drainage

Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as

close to its source as possible. Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) states that developments are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated.

The site is in a Critical Drainage Area but not shown to be at risk from surface flooding though there is a relatively significant increase in impermeable surfacing. The Design and Access Statement indicates that soakaways are not practical given the clayey nature of the soil and instead gives details of two attenuation tanks in the rear garden, with controlled discharge to the public sewer. There is no in-principle objection to this arrangement alongside other measures such as permeable paving and rainwater harvesting. Full details would be required by condition in the event of approval.

7.18 Noise or Air Quality Issues

Policy DMEI 14 of the Hillingdon Local Plan Part 2 (2020) states that development should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. The scope of the application and the location of the site outside of the Air Quality Management Area are such that there are no reasonable objections on air quality grounds.

7.19 Comments on Public Consultations

See above.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan Part 2 (2020) refers to the delivery of sufficient infrastructure alongside development whether by planning obligations or the Community Infrastructure Levy (CIL). The CIL charge for residential developments is £95/m², in addition to the Mayoral CIL charge of £60/m². With a net increase in dwellings and floorspace, the proposal would be CIL liable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal.

Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. **Observations of the Director of Finance**

Not applicable.

10. **CONCLUSION**

The principle of establishing a residential flat building on Kingsend is contrary to policy because more than 10% of the existing buildings in the street are already used as flatted properties. There are subsequent character and neighbour amenity impacts associated with the scheme that are inconsistent with the underlying basis of the policy.

The proposal would contribute towards the Council's housing supply targets and there are no in-principle objections to the unit mix. It results in economic activity associated with the construction phase and through Community infrastructure Levy. Weight applied is moderate.

There is a degree of social benefit associated with a mix of dwelling types including one larger dwelling, though it is tempered somewhat by the fact that there is a predominance of smaller dwellings. The loss of the family home is noted but as it is replaced by one 3

bed dwelling and there is a net increase in dwellings, the impacts are offset. The level of amenity afforded to the future occupants of the basement flats is highly questionable, leading to a degradation of their quality of life. Overall, social outcomes should be afforded minor to moderate weight.

In terms of environmental impacts, the scale of the building has increased, the proposal includes additional car parking, several established trees will be removed and ecological enhancements are limited by the constraints and size of the site. The inclusion of the basement will require movement of soil offsite and the future occupation of the lower ground floor level will require ongoing mechanical ventilation.

In conclusion, it is recognised that the proposal involves a net gain in accommodation in an accessible location. However, collectively, the scale and form of the development and its relationship within its surrounds represents an over development of the site and the proposal would be harmful as described throughout this report. When weighing the benefits against the various deficiencies with the scheme, the harm outweighs the benefits, and the application is recommended for refusal.

11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document
(September 2017)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System

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Notes:

 Site boundary

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**LONDON BOROUGH
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 Planning Section

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 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

9894/APP/2022/3871

Scale:

1:1,250

Planning Committee:

Borough

Date:

April 2023



HILLINGDON
 LONDON