

**Item No. Report of the Interim Director of Planning, Regeneration & Public Realm****Address** LAND ADJ. 5 ALBERT ROAD/NORTH HYDE ROAD ALBERT ROAD HAYES**Development:** Erection of two new flats and a new build, subterranean dwelling, with associated landscaping and parking.**LBH Ref Nos:** 42985/APP/2022/2336**Drawing Nos:** 22/018\_P7  
Design and access statement dated 15/07/22  
22/018\_S0  
22/018\_P4  
22/018\_P0  
22/018\_S1  
22/018\_P6  
22/018\_P1  
22/018\_P2  
22/018\_P3  
22/018\_S2  
22/018\_P5**Date Plans Recieved:** 21/07/2022**Date(s) of Amendment(s):****Date Application Valid:** 21/07/2022**1. SUMMARY**

The application proposes the erection of two new flats and a new build subterranean dwelling, with associated landscaping and parking. It should be noted that this application is a re-submission following the refusal and subsequent dismissed Appeals of planning application references 42985/APP/2019/2676 (dated 05-12-2019) and 42985/APP/2021/1990 (dated 13-07-2021) (refer to Section 3.3 for further details on the planning history of the site).

Giving substantial weight to the issues raised by Inspectors in the previous dismissed Appeal Decisions, it is considered that the proposed development would be detrimental to the character, appearance and visual amenities of the street scene and surrounding area. In addition to this, the proposal would result in a loss of local open space (adopted highway land) which would adversely affect the important open character and appearance of this prominent corner site.

The proposed duplex flat (labelled as Flat B) fails to comply with the London Plan's minimum gross internal space standards. In the absence of any section drawings, the proposal fails to demonstrate that the floor to ceiling height of the proposed flats would comply with the London Plan's minimum floor to ceiling height of 2.5 metres for at least 75 percent of the gross internal area of each dwelling. As such, the proposal fails to provide satisfactory internal living conditions for the future occupiers of the proposed flat.

Due to its subterranean and internal layout, it is considered that the future occupiers of proposed Flat C would not be afforded with an adequate level of outlook and natural light. A BRE daylight and sunlight assessment and overshadowing report has not been submitted to demonstrate otherwise. The elevated rear elevation of proposed Flat B would directly (and obliquely at close proximity) provide views into the subterranean

rooms and external amenity space of proposed Flat C. Thereby, resulting in unacceptable overlooking issues and a loss of privacy for the future occupiers of Flat C.

Having regard to planning permission ref. 29834/APP/2023/503 (dated 13-04-2023), it is considered that the approved part two storey, part single storey side/rear extension at No.5 Albert Road, would result in a loss of outlook, sense of enclosure and overbearing impact for the future occupiers of proposed Flats A and B, noting the close proximity of their habitable rear elevation windows and bi-folding doors. Similarly, it is considered that the approved part two storey, part single storey side/rear extension at No.5 Albert Road would result in a loss of outlook, sense of enclosure and overbearing impact for the external amenity space of proposed Flat A.

The proposal would provide an unacceptable overprovision of on-site car parking. Also, the proposal would have a harmful effect on highway safety, due to the absence of a legal agreement to prohibit occupiers from obtaining parking permits, and the height and siting of the boundary treatment which would obstruct visibility splays for the proposed crossover onto North Hyde Road and obstruct views of the retained road signs at the site.

A Basement Impact Assessment has not been submitted. As such, it is not possible to properly assess the impact of the development on material planning considerations, including flood risk, ground instability and the water environment.

An Appeal on the grounds of non-determination has been received. Had an Appeal not been received, it would have been recommended that planning permission be refused for the reasons set out in section 2 of this report.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Harm to the character and appearance of the area**

The proposed development, by reason of the loss of the open space (adopted highway land), the physical siting, size, scale and bulk of the buildings on this prominent corner plot, forward projection beyond the established building line on North Hyde Road and excessive size of the proposed rear dormer, would result in a cramped, visually obtrusive form of overdevelopment 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. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11, DMHB 12, DMHB 14, DMCI 3 and DMEI 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3, D4 and G4 of the London Plan (2021) and the National Planning Policy Framework (2021).

#### **2 NON2 Insufficient evidence regarding floor to ceiling height**

Insufficient evidence has been submitted to demonstrate that the proposed development would achieve a minimum floor to ceiling height of 2.5 metres for at least 75 per cent of the Gross Internal Area of each of the proposed dwellings. The proposal would therefore provide a substandard form of residential accommodation to the detriment of the future occupants, 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).

#### **3 NON2 Substandard Internal Floorspace for Flat B**

The proposed development, by virtue of the inadequate gross internal area of the proposed dwelling labelled as Flat B, would result in a substandard form of residential

accommodation to the detriment of future occupants of this proposed residential unit. The proposal is therefore 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).

**4 NON2 Substandard internal accommodation for Flat C**

The proposed development, by virtue of the subterranean and internal layout of proposed Flat C, would afford future occupants of this proposed residential unit with poor outlook and poor levels of natural light. Additionally, the future occupants of Flat C would experience an unreasonable loss of privacy due to the elevated rear windows of proposed Flat B directly (and obliquely at close proximity) facing down towards the subterranean habitable rooms of Flat C. The proposal therefore conflicts with 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).

**5 NON2 Substandard external accommodation for Flat C**

The proposed development, by virtue the rear elevated windows serving proposed Flat B directly (and obliquely at close proximity) facing down into the subterranean courtyard and ground floor garden space of Flat C, would result in an unreasonable loss of privacy for the future occupiers of the external amenity space of Flat C. The proposal therefore conflicts with Policy DMHB 18 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).

**6 NON2 Harm caused due to adjacent approved development**

By virtue of its close proximity, scale, bulk and height, the part two storey, part single storey side/rear extension approved under planning permission ref. 29834/APP/2023/503, would cause harm to the internal living conditions of the future occupiers of Flat A and B and the external living conditions of Flat A, in terms of loss of outlook, sense of enclosure and overbearing impact. 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 paragraph 130 of the NPPF (2021).

**7 NON2 Absence of a Legal Agreement**

In the absence of a legal agreement to prevent the issuing of parking permits to future occupiers of the proposed dwellings which are located within a permit-controlled area, the proposed development is likely to lead to an increase in pressure for on-street parking and have a consequent adverse effect on highway safety, through inconsiderate and potential hazardous parking and a risk to road users. The proposal would therefore be contrary to Policy DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).

**8 NON2 Overprovision of parking**

The overprovision of on-site parking spaces in a connected location with a high level of public transport accessibility would discourage the use of more sustainable modes of transport, and detriment opportunities to create mixed and vibrant places that are designed for people rather than vehicles. The proposal would therefore be contrary to Policy DMT 1 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and the National Planning Policy Framework (2021).

**9 NON2 Obstruction of visibility splays harming highway safety**

The height and siting of the proposed boundary treatment would obstruct visibility splays for the proposed parking space and crossover onto North Hyde Road, and would also obstruct views of the retained road signs. This would result in conflict between road and footway users, harming highway safety contrary to Policy DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021).

#### **10           NON2           Absence of a Basement Impact Assessment**

In the absence of a Basement Impact Assessment by a suitably qualified person, it is not possible to properly assess the impact of the proposed development on material planning considerations, including flood risk, ground instability and the water environment. Given that this issue is fundamental to the acceptability of the scheme, this matter needs to be addressed at the application stage and cannot be dealt with by condition. The proposal therefore fails to comply with Policies DMHD 3, DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies SI 12 and SI 13 of the London Plan (2021) and the National Planning Policy Framework (2021).

### **INFORMATIVES**

#### **1           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.

a) 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.

#### **2           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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

#### **3           152           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).

#### **4           153           Compulsory Informative (2)**

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



considerations, including The London Plan (2021) and national guidance.

DMCI 3	Public Open Space Provision
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
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
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G4	(2021) Open space
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site measures approximately 0.04 hectares, and is located on the junction of North Hyde Road with Albert Road. It comprises an open parcel of grassed land with various road signs and street furniture. The site is located on a prominent corner plot, and used to contain semi-mature trees which were subsequently felled following the refusal of planning application 42985/APP/2019/2676. The application site provides an important

and intrinsic visual break from the surrounding urban built environment.

To the immediate north and west of the site lie two-storey residential properties which are suburban in character. The residential properties fronting North Hyde Road are set on a building line which draws back from the road as they approach the application site, essentially aligning with the rear boundary of number 5 Albert Road.

According to the Council's GIS, the site is adopted Highway land. Also, it is designated within the Heathrow 2R Perimeter 3k Airport Safeguarding Buffer Zone, Air Quality Management Area, and Air Quality Focus Area. The highway on Albert Road is designated within a Surface Water Management Zone, albeit the site itself does not fall within this zone. The site has a Public Transport Accessibility Level of 5 (Very Good).

### 3.2 Proposed Scheme

The application proposes the erection of two new flats and a new build subterranean dwelling, with associated landscaping and parking. It should be noted that this application is a re-submission following the refusal and subsequent dismissed Appeals of planning application references 42985/APP/2019/2676 and 42985/APP/2021/1990 (refer to Section 3.3 for further details on the planning history of the site).

As stated in the preceding section of this Committee Report, the application site is adopted highway land. During the course of this application, Planning Officers requested for Certificate B to be signed on the application form and for the Highways Authority to be notified. However, the applicant failed to comply with this request. Also, the submitted drawings for this current application show that guttering and boundary treatment associated with the proposed development would encroach beyond the mutual side boundary shared with number 5 Albert Road (i.e. the adjacent neighbouring property).

The aforementioned issues would have been resolved with the applicant, if the application had been recommended for approval.

### 3.3 Relevant Planning History

42985/APP/2019/2676 Land Adj. 5 Albert Road/North Hyde Road Albert Road Hayes  
Erection of a three storey, detached building to create 3 x 2-bed and 2 x 1-bed residential units with associated landscaping, cycle and refuse storage.

**Decision:** 05-12-2019 Refused **Appeal:** 08-12-2020 Dismissed

42985/APP/2021/1990 Land Adj. 5 Albert Road/North Hyde Road Albert Road Hayes  
Erection of part two storey and part three storey residential building to provide 6 flats with associated landscaping, refuse and cycle storage

**Decision:** 13-07-2021 Refused **Appeal:** 07-02-2022 Dismissed

#### Comment on Relevant Planning History

The relevant planning history attached to this site is referenced above.

Planning application 42985/APP/2019/2676 proposed the erection of a three storey, detached building to create 3 x 2-bed and 2 x 1-bed residential units with associated landscaping, cycle and refuse storage. It was refused on 5th December 2019 on the following grounds:

1. The proposed development, by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road,

would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent overdevelopment 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 BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMHB 11 and DMHB 12 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019), Policies 3.5, 7.1 and 7.4 of the London Plan (2016) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposed development, by virtue of its size, scale, bulk, depth, height and proximity, would be detrimental to the amenities of the adjoining occupier at 5 Albert Road by reason of overdominance, overshadowing, visual intrusion, loss of light and loss of outlook. Therefore the proposal would be contrary to policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The proposed development, by virtue of its failure to provide access to amenity space of a sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy DMHB 18 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4. The proposal does not make adequate provision for car parking in accordance with the Council's adopted standards. This is likely to result in on-street parking displacement to the detriment of highway and pedestrian safety. The proposal is therefore contrary to the Council's adopted policies in particular Policy AM14 of the Hillingdon Local Plan: Saved UDP Policies (November 2012) and Emerging Policy DMT 6 of the Local Plan: Part 2 - Development Management Policies (October 2015).

An Appeal was lodged against the refusal of planning application 42985/APP/2019/2676. The Secretary of State dismissed the Appeal on 8th December 2020 (Appeal reference APP/R5510/W/20/3245594) with all of the Council's grounds for refusal upheld by the Inspector.

Planning application 42985/APP/2021/1990 proposed the erection of a part two storey and part three storey residential building to provide 6 flats with associated landscaping, refuse and cycle storage. It was refused on 13th July 2021 on the following grounds:

1. The proposed development, by reason of its siting in this open prominent position, size, scale, bulk and projection forward of the very strong building line along North Hyde Road, would result in the total loss of an important gap characteristic to the area and would thus result in a cramped, unduly intrusive, visually prominent overdevelopment 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 (2020) and Policies D3, D4 and D6 of the London

Plan (2021).

2. The proposed development, by virtue of its failure to provide access to amenity space of a sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

An appeal was lodged against the refusal of planning application 42985/APP/2021/1990. The Secretary of State dismissed the Appeal on 7th February 2022 (Appeal reference APP/R5510/W/21/3283412) with all the Council's grounds for refusal upheld by the Inspector.

#### **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.EM6 (2012) Flood Risk Management

Part 2 Policies:

DMCI 3 Public Open Space Provision  
DMCI 7 Planning Obligations and Community Infrastructure Levy  
DMEI 10 Water Management, Efficiency and Quality  
DMEI 2 Reducing Carbon Emissions  
DMEI 7 Biodiversity Protection and Enhancement  
DMEI 9 Management of Flood Risk  
DMH 2 Housing Mix  
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
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G4	(2021) Open space
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP H2	(2021) Small sites
LPP S112	(2021) Flood risk management
LPP S113	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

#### **PUBLIC CONSULTATION**

17 neighbouring properties were consulted on 8th August 2022. The consultation period expired on 30th August 2022. Two objections (including from the lead petitioner) were received. The

comments received from the lead petitioner are addressed further below with reference to the petition. Comments from the other neighbouring representation are summarised as follows:

- This is another application to develop the small plot of land
- It is a very busy junction that would impact immediate neighbours
- This a ridiculous and unworkable proposal

PLANNING OFFICER RESPONSE: Material considerations are covered in the main body of this Committee Report. The proposal's impact on the character and appearance of the area is discussed in Section 7.07 of this Committee Report. The impact on highway safety is discussed in Section 7.10.

## PETITION

A Covering Letter and petition against the application with 180 signatories was received by the Council. The desired outcome stated on the petition is as follows: "The planning application should not be approved to build".

For ease of reference, the planning officer's response to the points raised in the lead petitioner's Covering Letter is provided after each point.

"There are spaces for 2 cars (one being disabled) shown on the proposal whilst an average household has 2-3 cars. There is also no provision for the visitors' cars visiting the new 15 occupiers. This means that the additional cars will be parked on the Albert Road causing congestion and inconvenience. This will also result [in] cars parked on both sides of the road and making it difficult for wider vehicles like ambulances and refuse collecting vehicles to get through."

PLANNING OFFICER RESPONSE: It is acknowledged that the site is located within a Controlled Parking Zone and that there is limited on-street parking spaces available. In the absence of a signed legal agreement which would prevent future residents from obtaining parking permits, it is likely that the proposal would lead to overspill car parking and exacerbate existing parking pressure on surrounding streets which would have an adverse impact on highway safety. Refer to Section 7.10 for further details.

"Bedroom 1 of Flat A is shown too close to the pavement and the corner of Albert Road and North Hyde Road that can be Health and Safety hazard."

PLANNING OFFICER RESPONSE: Planning Officers are of the opinion that the location of the window serving Bedroom 1 within proposed Flat A would not pose a health and safety hazard. The proposal includes defensible space (in the form of a front garden) to the front of the window of Bedroom 1. It is therefore considered that future occupiers of this bedroom would be provided with a reasonable degree of outlook and privacy.

"The Bin store of Flat A is shown exactly on the front building line of 5 Albert Road near the entrance door that is going to be more unhygienic and thus causing bad odours which is a Health issue."

PLANNING OFFICER RESPONSE: The submitted plans show that the bin store serving proposed Flat A would be positioned adjacent to the side passageway to No.5 Albert Road. The bin store would be set-away from the flank wall of No. 5 by approximately 2.3 metres. Bearing this in mind, and noting that the bin store would be an enclosed space, it is considered that it would be unjustifiable to refuse this application on the grounds of air pollution or health issues.

"The proposed entrance and Hallway to the Flat C from North Hyde Road is completely protruding from the building lines of both Albert Road and North Hyde Road properties. Flat C is completely shown in the basement which is again a Health and safety issue in case of a fire."

PLANNING OFFICER RESPONSE: It is noted that the proposed single storey building serving as the entrance to the proposed subterranean Flat C and the proposed two and half-storey building serving proposed Flats A and B would both project beyond the established building lines on Albert Road and North Hyde Road. This issues forms part of the ground for refusal number 1 (refer to Sections 2.0 and 7.07 of this Committee Report for further details). A Fire Strategy Report would have been secured by condition, if this application had been recommended for approval.

"Presently it is a green area that is better for the environment but the proposed plan will destroy the greenery forever."

PLANNING OFFICER RESPONSE: The loss of the open space has been taken into account and is discussed in Sections 7.01 and 7.07 of the Committee Report.

"There is a planning application (Ref 29834/APP/2021/3754) submitted re the double storey side extension and loft conversion of 5 Albert Road showing obscure windows on the side of 5 Albert Road that is awaiting a final decision from the Appeals section. If the flats are approved, it is going to create loss of light to 5 Albert Road."

PLANNING OFFICER RESPONSE: Planning application 29834/APP/2021/3754 for a two storey side extension, part two storey/part single storey rear extension and loft dormer was refused on 1st December 2021. No Appeal was lodged against the 2021 refused application. However, an Appeal was lodged against the re-submission scheme considered under planning application ref. 29834/APP/2022/792, which was subsequently dismissed by the Secretary of State. It is noted that planning permission ref. 29834/APP/2023/503 for the erection of a two storey side extension and a part two storey, part single storey rear extension at No. 5 Albert Road has been granted (dated 13-04-2023). This planning permission has been considered as part of the assessment of this current application as a material consideration.

#### HEATHROW AIRPORT SAFEGUARDING

"We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to draw your attention to the following:

#### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

All crane applications should be sent to Heathrow's Works Approval Team via the following address: [Airside\\_Works\\_Approvals@heathrow.com](mailto:Airside_Works_Approvals@heathrow.com)"

#### PLANNING OFFICER RESPONSE

It is noted that no airport safeguarding concerns have been raised. If the application had been recommended for approval, an informative would have been included advising the applicant to contact Heathrow's Works Approval Team should a crane be required during the construction of the development.

#### **Internal Consultees**

COUNCIL'S ACCESS OFFICER:

Any grant of planning permission should include the following conditions: Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

Reason: To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

The ground floor dwelling hereby approved must be constructed to meet the standards for a Category 2, M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015.

Reason: To ensure that an appropriate standard of housing stock, in accordance with London Plan policy D7 and H2, is achieved and maintained.

PLANNING OFFICER RESPONSE: Policy D7 of the London Plan (2021) states at least 10% of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' with all other dwellings meeting M4(2) 'accessible and adaptable dwellings'. Having regard to this policy, it would be prudent for the proposed ground floor flat (labelled as Flat A) to meet the standards of M4(3). Refer to Section 7.12 of the Committee Report for further details.

#### COUNCIL'S HIGHWAYS OFFICER:

An application has been received seeking planning permission to erect 3no. x three-bed flats with associated landscaping and parking. The proposal includes the provision of 2no. on-plot visitor parking spaces of which 1no. would have a passive electric vehicle charge point and 6no. on-plot cycle parking spaces. The proposal site has a PTAL rating of 5 indicating that its access to public transport is good when compared to London as a whole, suggesting that there are opportunities for trip making to and from the site by modes other than the private car. Parking along Albert Road is controlled by a parking management scheme HY2 which restricts the parking to permit holders only between 09:00 and 17:00h.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The published London Plan 2021 Policy T6.1 Residential Parking requires that development proposals must comply with the relevant parking standards. For a development of this type, 3no. x three-bed flats in a location with a PTAL ranking of 5 the maximum number of car parking spaces permitted would be none, the 2no. visitor parking spaces that are proposed are not in accordance with this policy, there is an over provision of car parking.

As mentioned above the proposal would provide 2no. visitor parking spaces, one with access taken from Albert Road and the other with access from North Hyde Road. However, the location of the proposed parking space accessible from North Hyde Road raised road safety concerns, to the immediate east of it would be a 1.8 metre high boundary which would block drivers pedestrian visibility splays, this would not be in accordance with the London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022 which requires that from a distance 2.4m back from the edge of either side of the driveway an area 2.4m to the side is kept clear of fences, walls and shrubs more than 0.6 metres high. As the proposal fails to comply with this Policy it also contradicts the published London Plan 2021 Policy T4 Assessing and mitigating transport impacts which state 'development proposals should not increase road danger'.

Furthermore, the 2no. visitor parking spaces proposed would only be provided one passive electric charging point. This contradicts the published London Plan 2021 policy T6.1 Residential Parking which requires at least '20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces'. For this proposal the Highway Authority require that at least



one of the 2no. car parking spaces proposed have active electric vehicle charge point provision.

There are highway objections to this proposal because it would not be in accordance with the London Plan 2021 Policies T4 Assessing and mitigating transport impacts, Policy T6.1 Residential Parking and London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

PRINCIPLE OF DEVELOPMENT:

Paragraph 99 of the NPPF (2021) states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'

Policy G4 of the London Plan (2021) states that development proposals should not result in the loss of protected space. This is supported by Policy DMCI 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), which state: A) Public open space will be protected and enhanced and development will only be permitted where: i) it is linked to the functional use of the open space; and ii) it does not harm the character, appearance or function of the open space.

Part D of Policy DMCI 3 of Hillingdon Local Plan: Part Two - Development Management Policies (2020) states: Development of private open space is not permitted where there would be a significant individual or cumulative loss of open space/open aspect and/or where there would be a significant impact on amenity, character and appearance, biodiversity, ecological connectivity, cooling effect and/or flood alleviation effect.

Policy DMEI 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) adds that:

A) Development in Green Chains will only be supported if it conserves and enhances the visual amenity and nature conservation value of the landscape, having regard to: i) the need to maintain a visual and physical break in the built-up area.

The application site comprises an open parcel of grass verge, which is adopted highway (according to the Council's GIS register). The unbuilt nature of the site makes a positive contribution to the character and appearance by providing an important visual break within the surrounding urban built environment. The physical siting of the proposed development on the application site would disrupt the rhythm and spacing of development within the surrounding area.

It should be noted that the Inspectors' dismissed Appeal Decisions APP/R5510/W/20/3245594 and APP/R5510/W/21/3283412, raised concerns with the awkward siting of the development forward of No. 24 North Hyde Road, the unduly prominent location and appearance, and the unacceptable disruption to the existing layout and pattern of buildings that currently exists. It is considered that this current proposal has failed to sufficiently address these issues which formed part of the grounds for refusal of applications 42985/APP/2019/2676 and 42985/APP/2021/1990.

It is considered, in principle, that the proposal would be an inappropriate form of development, by virtue of the loss of open space, overdevelopment of the site, and its siting, size, scale and design (including the high-level boundary treatment along the perimeter of the public footway on North Hyde Road). Consequently, the proposal would result in an unacceptable degradation in the character and appearance of the area, in terms of both built form and landscape setting. The proposal would therefore conflict with Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11, DMHB 12, DMCI 3 and DMEI 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3, D4 and G4 of the London Plan (2021) and NPPF (2021).

#### HOUSING MIX:

Policy H10 of the London Plan (2021) states that new development should consist of a range of unit sizes.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will require the provision of 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 information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties, as identified in the Strategic Housing Market Assessment 2016.

In accordance with Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), developments should demonstrate how the provision of family housing has been optimised, to address local needs. The proposed development would provide 3 x three-bedroom flats. In principle, the proposed housing mix is acceptable as the provision would provide family-sized units. However, this does not outweigh the issues raised in other sections of this report in respect to the proposal's harm to the character and appearance of the area, the substandard form of accommodation that would be afforded to future occupiers, potential basement impact issues and the effect on highway safety.

The Council is currently able to demonstrate a five-year supply of deliverable housing sites. As such, the "tilted balance" as set out in paragraph 11(d) of the NPPF (2021) is not engaged.

#### **7.02 Density of the proposed development**

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. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 of the London Plan (2021) which states that Boroughs should proactively support well-designed new homes on small sites below 0.25 hectares in size.

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.

Table 5.2 does not provide prescribed density levels for sites outside of a town centre with a PTAL rating of 5. It does however state that developments within a residential area with suburban character within 800m of a town centre should have a density level of 105-175

habitable rooms per hectare and 35-50 units per hectare. The proposed development would have a density level of 75 units per hectare and 325 habitable rooms per hectare, which exceeds the prescribed ranges found in Table 5.2.

Numerical density levels are considered to be more appropriate to larger sites and are not typically used in the assessment of schemes of less than 10 units. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the locality, and would respect residential amenity considerations. Refer to the other sections of this report which assess these planning considerations in further detail.

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

Not applicable.

### **7.04 Airport safeguarding**

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will ensure that uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

The application site is within 3km of the Heathrow 2R Airport Safeguarding Zone. However, as the site is within an established residential area within this zone, it is considered that visibility and audibility of aircraft operations associated with Heathrow Airport would not be of significant harm to the living conditions of future occupiers, subject to appropriate sound mitigation measures being secured by condition (if this application had been recommended for approval). It is therefore considered that it would be unreasonable to refuse the application on the ground of harm to the residential amenity of the future occupiers, in respect to aircraft noise associated with Heathrow Airport.

It is also noted that Heathrow Airport have been consulted and do not raise any safeguarding objections to the proposed development.

### **7.05 Impact on the green belt**

Not applicable.

### **7.07 Impact on the character & appearance of the area**

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

Paragraph 126 of the NPPF (2021) seeks the creation of high quality, beautiful and sustainable buildings. Parts b) and c) of paragraph 130 of the NPPF (2021) states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment.

Policies D3 and D4 of the London Plan (2021) require development proposals to be of high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development 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 Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development

should be well integrated with the surrounding area.

The Inspector for dismissed Appeal Decision APP/R5510/W/20/3245594 (dated 8th December 2020) states the following in respect to the impact on the character and appearance of the area:

"4. The appeal site sits adjacent to the junction of Albert Road with North Hyde Road. Albert Road and this side of North Hyde Road contain modest 2 storey semi-detached houses and there is a single and 2 storey community centre on the opposite side of Albert Road. Within the wider area, there is a variety of building styles and uses, including a large supermarket, a hotel and various other buildings. However, the appeal site appears within this residential enclave of modest buildings, separated from the other styles of buildings by the busy roads.

5. The proposed part 2 and 3 storey building would be set a short distance from the plot boundary with North Hyde Road. The elevation facing Albert Road would be aligned with the adjacent house on Albert Road but as the curved plot boundary turns the corner, this means that the proposed building would be closer to its boundary here.

6. The existing houses on North Hyde Road are set on a building line which draws back from the road as they approach the appeal site, such that the nearest house has its front elevation virtually aligned with the rear of the plot boundary (with No 5 Albert Road). This means that the open appeal site is prominent in itself and any new building on it would be highly visible. This would be particularly so when approaching the site from the north-west on North Hyde Road. At present the view here is of the front elevation of the houses and when the side elevation of No 5 Albert Road comes into view, it almost aligns with the front elevation of No 24 North Hyde Road and appears as a logical continuation of the line of the buildings as they draw back from the junction.

7. In contrast, the proposal would follow the alignment of the pavement. Its 2 storey end elevation, rising to 3 storeys, would be very prominent in various views here but particularly so from North Hyde Road, as described above. It would sit awkwardly and uncomfortably forward of No 24 North Hyde Road and would appear unduly prominent in the setting that I have described; it would unacceptably disrupt the existing layout and pattern of buildings that currently exists. Therefore, the proposal conflicts with Policy DMHB 11."

Similar concerns in respect to the harm caused to the character and appearance of the area were raised by the Inspector for dismissed Appeal Decision APP/R5510/W/21/3283412 (dated 7th February 2022), stating:

"4. The site forms a relatively small parcel of land located on the junction of North Hyde Road with Albert Road. Whilst the site itself is undeveloped, the surrounding area is considerably more urban in nature and of a mixed character.

5. To the immediate north and west of the site lie two-storey residential properties which are unquestionably suburban in character. These, at two storeys, and due to their layout, sit in harmony with one other. The residential properties fronting North Hyde Road are set on a building line which draws back from the road as they approach the appeal site, essentially aligning with the rear boundary of No 5 Albert Road. This layout means that the appeal site appears as a prominent space, forming an important break in the otherwise relentlessly urban character of this part of the Borough.

6. The proposal would act to infill this currently open space, rising to three storeys, and

would be highly visible from North Hyde Road. The building would disrupt the existing layout of the neighbouring residential plots and sit uncomfortably and incongruously amongst them. As such, the development would fail to respond to the local distinctiveness of the site or enhance its context.

7. The appellant contends that a visual gap would be retained between the proposed development and the existing properties along North Hyde Road (at the rear of the proposed building). I acknowledge that there would not be a total loss of the existing gap, and that this proposed gap has been increased somewhat since the previously refused planning application was considered. However, the relationship between the two rows of established residential properties and their interconnectedness would still be lost.

8. I do not disagree with the appellant's assessment of the wider area as there are undoubtedly some very large developments that exist very close by the appeal site, including the superstore opposite (although I do not have the full history or context of these developments in front of me). However, this does not remove the established relationship of the appeal site with the more suburban residential properties that frame it, and is not sufficiently compelling a reason to accept a larger form of development here.

9. The appellant contends that the building would form a 'beautiful' addition to the street scene, and that a building being set forward from an adjacent building line or where it is dominant, should not automatically be considered to harm visual amenity. Similarly, it is contended that the fact the site exists within Hayes Housing Zone/Heathrow Opportunity Area should have weight in coming to a decision. Based on the above reasoning, and assessment of the proposal relative to its immediate context, I disagree.

10. Consequently, I conclude the proposed development would fail to accord with the relevant provisions of Policy BE1 of the Hillingdon Local Plan Part One - Strategic Policies (2012), Policies DMHB11 and DMHB12 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021). In summary, these policies seek to ensure that all development is of a high quality design."

In terms of this current application, the proposal would involve the erection of a two and a half storey building fronting Albert Road. Also, a separate single storey building is proposed to the rear of the site in order to provide access to the proposed basement flat (Flat C). The insensitive squeezing of development onto this grass verge plot (coupled with the proposed high level boundary treatment along the North Hyde Road frontage) would erode the openness of the setting, noting in particular the site's importance of providing a visual break from the surrounding built environment. This identified harm is exacerbated by the site's prominent location which is highlighted by the Inspectors of the two previously dismissed Appeal Decisions.

As referenced above in Appeal Decision APP/R5510/W/20/3245594, the front elevations of the existing houses on North Hyde Road are set in alignment with the rear of the plot boundary with No.5 Albert Road. The flank wall of the proposed two and half storey building and the front wall of the proposed single storey building would unacceptably be set forward of No. 24 North Hyde Road. As a consequence, it is considered that the proposed development would disrupt the established rhythm and spacing of development in the immediate area. Furthermore, due to the relationship with the houses on North Hyde Road, the proposed buildings themselves would be visually prominent when approaching the site from the north-west of Hyde Road (an issue raised by the Inspector of Appeal Decision APP/R5510/W/20/3245594).

For guidance purposes, Policy DMHD 1 of the Hillingdon Local Plan Part Two -

Development Management Policies (2020) states that roof extensions should be subservient to the scale of the existing roof. In this case, the width of the proposed rear dormer means that it would converge with the hipped edge of the main roof face. Thus, resulting in a visually dominant and insubordinate feature (despite the proposed set-down from the ridge line and set-up from the eaves). Due to the corner plot position of the site, views of the proposed rear dormer would be readily visible from public vantage points from North Hyde Road where it would appear as a visually prominent feature.

The proposed single storey building with a front door facing North Hyde Road would appear as an outbuilding that is in use as self-contained residential accommodation (rather than its actual use as an entrance point to the proposed basement flat). It is considered that the siting, position and nature of the proposed single storey building would have a negative impact upon the street scene, and appear completely at odds when viewed against the neighbouring two-storey houses on this section of North Hyde Road.

The proposed high level boundary treatment along the frontage on North Hyde Road would dominate the site when viewed from the public realm. Also, as stated above, the proposed boundary treatment would erode the green open character associated with the site. The existing houses fronting this section of North Hyde Road are predominately characterised by low-level brick walls and front hard standing. At 1.8 metres, the proposed boundary treatment along North Hyde Road would appear out of keeping with the character when viewed in the context of the existing low level boundary treatment of the neighbouring houses on North Hyde Road.

It cannot be argued that the proposed 1.8 metre high boundary treatment could be reduced through the imposition of a planning condition. This is because the proposed large basement void and light wells would then become publicly visible where they would appear as incongruous features that would be out of character with the area and not in-keeping with the prevailing pattern of development of the area.

The proposed front porch would have columns on either side. For guidance purposes, paragraph A1.15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that, "The introduction of pastiche historic features such as classical columns and pediments will not be accepted unless they are a feature of the original house." No specific design details of the proposed columns have been provided; however, this could have been secured through a condition, had this application been recommended for approval.

It is noted that the proposed two and half storey building would be in general alignment with No.5 Albert Road and has been set-in from the corner of North Hyde Road. It would also match the ridge height of No. 5 and contain characteristic features including a hipped roof profile and bay windows. However, these design features alone would not outweigh the harm that has been identified above.

In light of the above, it is considered that the proposed development would cause significant harm to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal therefore conflicts with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and D4 of the London Plan (2021) and the NPPF (2021).

## **7.08 Impact on neighbours**

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

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

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

Number 24 North Hyde Road is a two-storey semi-detached property located to the west of the application site. The proposed two-storey building at the application site would be separated from No. 24 by in excess of 25 metres. The proposed single storey building to the rear of the application site would have a modest height of 2.5 metres. It would be separated from No. 24 by approximately 5.5 metres. Given these circumstances, and noting the orientation of the house at No. 24, it is considered that the proposal would not result in an unreasonable loss of light, outlook, enclosure or privacy for the neighbouring occupiers at No. 24 North Hyde Road.

Number 5 Albert Road is a two-storey semi-detached house located to the north of the application site. The main front and rear building lines of the proposed two and half storey building would be in general alignment with No. 5. The proposed single storey side/rear wrap around extension would have a hipped roof profile with a modest eaves height of 2.7 metres. The proposed two storey building would not contain any windows facing the mutual side boundary shared with No. 5. It is observed that No. 5 contains side windows facing the application site. However, the ground floor window serves as a secondary window to the kitchen and the first floor window serves a bathroom (according to planning permission ref. 29834/APP/2023/503). The proposed single storey building to the rear of the application site would be separated from the rear windows at No. 5 by approximately 13.5 metres. Taking these factors into account, it is considered that the proposal would not cause undue harm to the living conditions of the occupiers at No. 5 Albert Road, in terms of loss of light, outlook, enclosure or privacy.

It is noted that planning permission (reference 29834/APP/2023/503) has been granted at No.5 Albert Road for the erection of a two-storey side extension and part two-storey/part single storey rear extension. This approved (but yet to be implemented) neighbouring development would adversely impact the living conditions of the future occupiers of the proposed development being considered under this Committee Report. Refer to Section 7.09 below for further details.

Having regard to the above, it is considered that the proposal would not unduly impact on the living conditions of neighbouring occupiers. However, this would not outweigh the harm to the character and appearance of the area, the substandard form of accommodation that would be provided to future occupiers, potential basement impact issues and highway safety issues raised in the other sections of this report.

#### **7.09 Living conditions for future occupiers**

INTERNAL AMENITY SPACE PROVISION:

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles.

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 space standards set out in Table 5.1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) are the same as those found in Table 3.1 of the London Plan (2021).

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. Table 3.1 of Policy D6 of the London Plan (2021) states that:

- A one storey dwelling with three bedroom, 4 person occupancy should provide a GIA of at least 74 square metres
- A one storey dwelling with three bedroom, 5 person occupancy should provide a GIA of at least 86 square metres
- A two storey dwelling with three bedroom, 5 person occupancy should provide a GIA of at least 93 square metres

Proposed Flat B is a duplex with living accommodation within the loft space. As such, it is considered prudent to assess its space standards against the London Plan (2021) minimum standards for a two-storey dwelling, as quoted above. The room within proposed Flat C which is labelled as an 'Office' has a floor area of 5.6 square metres, and therefore would not constitute as a single bedroom based on the interpretation of part 3) of Policy D6 of the London Plan (2021).

The proposed development would provide the following:

Flat A (ground floor flat)- 3 bedroom, 4 person occupancy with a GIA measuring 77.3 square metres

Flat B (duplex first and second floor flat)- 3 bedroom, 5 person occupancy with a GIA measuring 85.6 square metres

Flat C (basement flat)- 3 bedroom, 5 person occupancy with a GIA measuring 138 square metres

As demonstrated above, proposed Flat B would fall below the London Plan's minimum space standard requirements. Also, in the absence of any section drawings, it has not been demonstrated that the minimum floor to ceiling height of 2.5 metres for at least 75 per cent of the GIA of each dwelling would be achieved, as required by part 8) of Policy D6 of the London Plan (2021).

The proposed Flat C would be located at subterranean level. Natural light to the accommodation would be secured from a lightwell and a basement void. The lightwell serving Bedroom 1 would have a shallow depth of 1 metre. The basement void would be positioned behind the proposed two and half storey building fronting Albert Road. It is therefore considered that the light penetrating into the bedrooms and open plan living/kitchen and dining room within Flat C is likely to be limited, providing these habitable rooms with a gloomy and oppressive living environment. A BRE daylight, sunlight assessment and overshadowing report has not been submitted to demonstrate otherwise.

Due to the shallow depth of the lightwell, it is considered that the future occupiers of Bedroom 1 would receive poor outlook. Also, it is considered that the extent of natural



ventilation to this room is likely to be restricted due to the limited size of the light well. No details of whether mechanical ventilation would be provided have been submitted, or the noise impacts associated with such equipment.

The elevated rear windows of proposed Flat B would directly (and obliquely at close proximity) provide views down into the subterranean habitable rooms of Flat C due to the position of the proposed basement void. As a consequence, the future occupiers of proposed Flat C would experience overlooking issues and an unreasonable loss of privacy.

Planning permission has recently been granted (but not yet implemented) at No. 5 Albert Road for the erection of a two storey side extension and a part two storey, part single storey rear extension (ref. 29834/APP/2023/503 dated 13-04-2023). The extension at No.5 would be positioned hard up against the mutual side boundary shared with the application site. Also, the two-storey rear element of the proposed extension at No.5 would project up to 3 metres beyond the rear elevation windows of the proposed building at the application site. Noting the close proximity of the rear windows and bi-folding doors serving proposed Flats A and B, it is considered that the approved extension at No. 5 Albert Road would cause an unacceptable loss of outlook, sense of enclosure and overbearing impact for the the future occupiers of Flats A and B.

Having regard to the above, it is considered that the proposed development would fail to provide an adequate standard of internal living conditions for future occupiers. The proposal therefore conflicts with Policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy D6 of the London Plan (2021) and paragraph 130 of the NPPF (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. Amenity space should be provided in accordance with the standards set out in Table 5.3, which requires flats with three or more bedrooms to have a minimum of 30 square metres of private genuinely usable amenity space.

The proposed development would provide the following:

Flat A - A private garden measuring 37.1 square metres

Flat B - A private garden measuring 30.5 square metres

Flat C - A private garden measuring 66.7 square metres and external basement courtyard garden measuring 35.7 square metres (totalling 102.4 square metres)

The above figures reflect the actual useable private amenity space provided as the areas covered by the bin and cycle stores, basement voids and basement lightwells have been discounted. The area labelled as 'shared front garden on the proposed ground floor plan has been discounted as this area would be visible from the public realm and would therefore not constitute genuinely useable private amenity space.

Although the figures quoted above demonstrate that the proposed external amenity spaces would comply with the minimum standards found in Table 5.3, this is not the sole consideration when assessing the quality of external amenity space that would be afforded to future occupiers.

As highlighted in the preceding section of this Committee Report, the rear elevated

windows of proposed Flat B would directly (and obliquely at close level) face down into the subterranean court yard and ground level garden area of Flat C. While some level of overlooking is typical of terraced or semi-detached dwellings and flatted developments, in this instance the proximity to the amenity space of this detached subterranean dwelling (labelled Flat C on the proposed drawings) would be very close and the overlooking would be principally direct. It is therefore considered that the future occupiers of the external amenity spaces of Flat C would experience an undue loss of privacy and overlooking issues. Thereby, undermining the quality and functionality of the external amenity space provision afforded to the future occupiers of Flat C. Additionally, in the absence of a BRE sunlight assessment and overshadowing report, it has not been demonstrated that the subterranean court yard of proposed Flat C would achieve adequate levels of sunlight amenity.

Planning permission reference 29834/APP/2023/503 proposes to erect a two-storey side extension and a part two storey, part single storey rear extension at No. 5 Albert Road. This neighbouring proposed extension would be positioned hard up against the side boundary shared with the application site. Also, the proposed extension at No.5 would project beyond the rear building line of the proposed building at the application site by approximately 1.6 metres. Given this relationship, it is considered that the future occupiers of the external amenity space of Flat A would experience a loss of outlook, sense of enclosure and overbearing impact, particularly noting the position of their patio area and the shallow depth of their garden space.

In light of the above, it is considered that the functionality and quality of external private amenity space being proposed for the future occupiers of Flats A and C would be substandard. Thus, limiting the opportunity for general outdoor activity that prospective occupants could reasonably expect with family sized dwellings of these sizes and type. The proposal therefore conflicts with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 of the NPPF (2021)

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

**ACCESS, PARKING AND HIGHWAY SAFETY:**

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T4 of the London Plan (2021) states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

Policy T6 of the London Plan (2021) states that new residential development should not exceed the maximum parking standards set out in Table 10.3, which requires sites with a PTAL rating of 5 - 6 to be car-free with the exception of disabled persons parking. Part H of Policy T6 adds, that all disabled persons parking bays associated with residential development must be for resident's use only (whether M4(2) or M4(3) dwellings).

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality,

noise or local amenity or safety of all road users and residents. Also, that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

Based on the Transport for London's WebCAT planning tool, the application site has a PTAL rating of 5 (Very Good). The site is designated within a Controlled Parking Zone (HY2) which restricts the parking to permit holders only between 09:00 to 17:00 hours. The site is located within a short distance of a number of facilities which provide goods, services and employment, as well as public transport facilities.

The proposal would provide two on-site car parking spaces, which are labelled on the submitted plans as being a 'disabled access visitor parking' space and a 'visitor parking' space. On the basis of the car-free standards for PTAL 5 set out by Policy T6.1 of the London Plan, the proposed general visitor car parking space would represent an overprovision of car parking spaces. This in turn is likely to encourage non-disabled vehicle users of the proposed development to use the surplus visitor car parking space instead of using more sustainable modes of public transport. It cannot be argued that a condition could be secured to require the general visitor car parking space to be restricted for visitors only, because this would be difficult to enforce and fail to pass the tests stated in paragraph 56 of the NPPF (2021). In any event, the London Plan (2021) does not specify any requirement for visitor car parking spaces for sites with a PTAL rating of 5.

A legal agreement to prohibit future occupiers of the proposed development from obtaining parking permits has not been submitted as part of the application submission. In the absence of such an agreement, it is likely that cars associated with the proposal would park on the street. In light of the parking restrictions in the nearby streets limiting the on-street spaces available, it is considered that this would lead to increased instances of dangerous and obtrusive parking such as on yellow lines, at road junctions, on footways or across driveways. This would contribute to highway congestion and as a result would compromise highway safety. This view would be consistent with those shared by the Inspector in the 2021 Appeal Decision (Appeal ref: APP/R5510/W/20/3245594), which states:

"15. I agree with the appellant, that the appeal site has a number of advantages in terms of its access to facilities and public transport. As the Council points out, however, the location of the appeal site towards the edge of Outer London means that residents may travel outside London for work and may not be so well catered for by public transport. With this in mind, and acknowledging the appellants' indication that an Obligation would be necessary to impose a suitable control, I consider that a car-free development could be acceptable here, but this would be reliant on the necessary control. Without that necessary control, the proposal would be likely to give rise to additional car parking demand which could not be acceptably accommodated on the surrounding streets.

16. Despite the contents of the appellants' statement and supporting documents, I have not been provided with an Obligation which would provide the acknowledged necessary control. In its absence, the proposal is contrary to Policy DMT 6 of the DMP."

For the reasons stated in Section 7.12 of this Committee Report, only the proposed ground floor flat (Flat A) would have been able to meet Category M4(3) of Approved Document M of the Building Regulations. To comply with Policy T6.1 of the London Plan

(2021), the proposed visitor disabled car parking space would need to be specifically allocated to residents of the proposed Flat A. This matter could have been resolved through the imposition of a condition, if the proposed access and parking arrangements were considered to be acceptable, and the application had been recommended for approval.

In addition to this, a condition would have been secured requiring the submission of an updated site plan to demonstrate that the proposed disabled car parking space would measure 3.6 metres, where the difference of 1.2 metres serves as a clearance zone to provide sufficient access for wheelchair users. To comply with Policy T6.1 of the London Plan (2021), a condition could have been secured requiring 1 active and 1 passive electric charging points to be provided, if the proposed access and parking arrangements were considered to be acceptable, and the application had been recommended for approval.

In terms of access, the proposal would involve the introduction of vehicle crossovers emerging onto Albert Road and North Hyde Road. The vehicle crossover emerging onto Albert Road would be positioned approximately 11 metres from the junction with North Hyde Road, which is compliant with the required distance from a junction specified in the Council's Domestic Vehicle Footway Crossover Policy. The proposed vehicle crossover emerging onto North Hyde Road would also comply with the separation distance from the junction. However, the proposed crossover onto North Hyde Road would be positioned adjacent to the proposed 1.8 metre high boundary treatment and retained road signs. Thus, failing to provide adequate visibility splays for vehicle users entering and exiting the site from this access point. Also, the proposed 1.8 metre high boundary treatment along North Hyde Road is likely to obscure views of the road signs, which would compromise highway safety. Given these circumstances, it is considered that, the proposed vehicle crossover onto North Hyde Road would cause an unacceptable risk to highway safety, in terms of conflict between road users.

Having regard to the above, it is considered that the proposal would provide an unacceptable overprovision of on-site car parking. Also, the proposal would have a harmful effect on highway safety, due to the absence of a legal agreement to prohibit occupiers from obtaining parking permits, and the height and siting of the boundary treatment which would obstruct visibility splays for the proposed crossover onto North Hyde Road and obstruct views of the retained road signs at the site. The proposal would therefore be contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020), Policies T4, T6 and T6.1 of the London Plan (2021) and the NPPF (2021).

#### **BICYCLE PARKING PROVISION:**

Policy T5 of the London Plan (2021) states that developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.3. In this case, the proposed development would need to provide 6 long-stay cycle spaces (2 per dwelling) to comply with the standards set out in Table 10.2 of the London Plan (2021).

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including the provision of cycle parking in accordance with Appendix C, Table 1 or, in agreement with the Council. This policy also requires 6 cycle parking spaces to be provided (2 cycle parking spaces per 3 or more bedroom units).

The proposed ground floor plan shows that each of the proposed flats would be provided with their own external store provision with the capacity to hold up to two cycles. For Flats A and C these stores would be visible from the street. To minimise their impact on the visual amenity of the area, if the application had been approved, a condition would have been secured requiring full details of all the proposed cycle stores (including their dimensions, external finishes and design). Subject to such a condition, it is considered that the proposed development would be able to provide acceptable cycle parking provision.

#### **7.11 Urban design, access and security**

Covered in other sections of this Committee Report.

#### **7.12 Disabled access**

INCLUSIVE DESIGN:

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) states that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) must meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Paragraph 3.7.6 of the London Plan (2021) states that in exceptional circumstances the provision of a lift to dwellings may not be achievable. In the following circumstances - and only in blocks of four storeys or less - it may be necessary to apply some flexibility in the application of this policy:

- Specific small-scale infill developments (see Policy H2 Small sites);
- Flats above existing shops or garages;
- Stacked maisonettes where the potential for decked access to lifts is restricted.

Paragraph 3.7.7 of the London Plan (2021) states that if it is agreed at the planning stage (for one of the reasons listed above) that a specific development warrants flexibility in the application of the accessible housing standards M4(2) and M4(3), affected dwellings above or below ground floor would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process. M4(2) and M4(3) dwellings should still be required for ground floor units.

It is acknowledged that the proposed first floor flat (Flat B) and basement level flat (Flat C) would not have step-free access, which means that they would only be able to meet Building Regulation M4(1). However, the policy quoted above, does allow flexibility to be applied in the application of the accessible housing standards M4(2) and M4(3). If this application had been recommended for approval, a condition would have been secured requiring the proposed ground floor flat (Flat A) to meet Building Regulation M4(3). This would equate to 33.3% of the proposed units being for wheelchair users, in compliance with the relevant parts of Policy DMHB 11 and DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). Also, the step-free access condition recommended by the Council's Access Officer would have been appropriately worded to specifically relate to Flat A.

The proposal fails to fully comply with Policies D5 and D7 of the London Plan (2021), in terms of inclusive design and accessibility. However, having regard to the nature of the proposed development, it is considered that it would be unreasonable to refuse this current application on the grounds of the proposed basement level and duplex flat not being able to meet Building Regulations M4(2) and M4(3).

#### **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 additional new residential units and therefore 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) in respect of affordable housing provision.

#### **7.14 Trees, landscaping and Ecology**

##### **TREES AND LANDSCAPING:**

Paragraph 131 of the NPPF (2021) states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

Policy G7 of the London Plan (2021) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system.

DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:

- 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 application site used to contain three semi-mature trees, which have recently been felled. The trees used to contribute to the character and appearance of the area, and complemented the nearby group of trees at the adjacent Asda site. However, the former trees at the application site were not protected by a Tree Preservation Order or a Conservation Area designation. Therefore, permission was not required for the felling of the former trees at the site.

Notwithstanding the above, it is considered that the proposal would have an unacceptable impact on open space provision for the reasons discussed in Section 7.01 and 7.07 of this Committee report. As such, it would be contrary to Policies DMCI 3 and DMEI 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy G4 of the

London Plan and paragraph 99 of the NPPF (2021).

#### ECOLOGY/IMPACT ON PROTECTED SPECIES:

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

The site does not contain any ponds, open woodland or dense scrub and shrubbery. There are no protected sites of ecological interest adjacent to the site. It is therefore considered that the likelihood of protected species being present at the site is low, and as such, an ecology assessment is not required. This position would be in accordance with 'Circular 06/05: Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System' which states that, "...bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

If this application had been recommended for approval, an informative would have been secured advising that should protected species be found at the site, the applicant(s) must fulfil their duties under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

#### **7.15 Sustainable waste management**

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

To conform to the Council's accepted 'waste collection distances' from the public highway, the storage area should be positioned within 10 metres of a refuse vehicle. The submitted plans show that each of the proposed flats would be provided with bin/cycle stores. Whilst the bin/cycle store serving proposed Flat B would be located within their garden, it is anticipated that future occupiers would move their bins to kerbside on collection days. It is acknowledged that the proposed bin/cycle store serving proposed Flats A and C would be visible from street scene. To minimise their impact on the visual amenity of the area, in the event of approval, a condition would have been secured requiring full details of all the proposed bin/cycle stores (including their dimensions, external finishes and design). Subject to such a condition, it is considered that the proposed development would be able to provide a convenient location for refuse and recycling facilities.

#### **7.16 Renewable energy / Sustainability**

Policy SI 2 of the London Plan (2021) states residential development should achieve at least a 10% improvement beyond Building Regulations 2013.

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 the London Plan targets.

If this application had been recommended for approval, a condition would have been secured requiring a sustainability energy Statement to be submitted to demonstrate that the proposed dwellings would achieve at least a 10% improvement beyond Building

Regulations 2013. Also, a condition would have been secured requiring the proposed dwellings to achieve as a minimum, a water efficiency standard of no more than 105 litres per person per day maximum water consumption.

#### **7.17 Flooding or Drainage Issues**

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. 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 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused. Policy DMEI 10 states that development within areas identified as at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused.

Policy DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states:

A) When determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Developers will be required to demonstrate by methodologies appropriate to the site that their proposals:

- i) avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- ii) avoid cumulative impacts upon structural stability or the water environment in the local area;

The proposal would involve the construction of a substantial basement across a significant portion of the site. Also, it should be highlighted that the highway on Albert Road is designated within a Surface Water Management Zone.

A Basement Impact Assessment by a suitably qualified person has not been submitted as part of the application. As a result, no evidence has been provided to demonstrate that the proposed development would not increase the risk of flooding at the site or elsewhere (particularly given surface water flood risk designation of Albert Road). Furthermore, the application site shares a mutual side boundary with the property at number 5 Albert Road. No technical detail has been submitted in relation to land stability to enable assessment on whether the proposed development would be able to maintain the structural stability of this neighbouring property. Given that the impact of the development in terms of flood risk is fundamental to the acceptability of the scheme, this matter needs to be addressed at application stage and cannot be dealt with by condition.

If this application had been recommended for approval, a condition could have potentially been secured requiring the submission of a sustainable water management scheme, that incorporates sustainable urban drainage systems (SuDs), to be submitted to the Council for consideration. However, this would not outweigh the harm identified in the preceding paragraph.

In the absence of a Basement Impact Assessment, it is not possible to properly assess the impact of the development on material planning considerations, including flood risk,



ground instability and the water environment. As such, the proposal fails to comply with Policies DMHD 3, DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies SI 12 and SI 13 of the London Plan (2021) and the NPPF (2021).

#### **7.18 Noise or Air Quality Issues**

NOISE:

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

The site would be used in an exclusively residential capacity. As such, in terms of the operational phase of the proposed development, no significant issues are raised by the proposal, in respect to noise. Notwithstanding, if this application had been recommended for approval, a condition would have been secured requiring the submission of a Construction Management Plan to minimise noise and other emissions caused during the construction phase as far as practicable.

AIR QUALITY:

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals should demonstrate appropriate reductions in emissions. It adds that, development proposals should, as a minimum:

- i) be at least "air quality neutral";
- ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
- iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The site is designated within an Air Quality Management Area and an Air Quality Focus Area. If this application had been recommended for approval, a condition would have been secured requiring the submission of an Air Quality Management Assessment to demonstrate that the proposed development would be at least air quality neutral. Also, a condition would have been secured requiring the submission of a Construction Management Plan (as noted above) to minimise air and other emissions caused during the construction phase. In light of these potential conditions, and noting the minor scale of the proposal, it is considered that it would not be necessary, fair or reasonable to require an air quality contribution to be secured through a legal agreement.

#### **7.19 Comments on Public Consultations**

Covered in other sections of this Committee Report.

#### **7.20 Planning obligations**

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

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 new dwellings and is therefore CIL liable, if planning permission were to be granted through the lodged

appeal.

#### **7.21 Expediency of enforcement action**

Not applicable.

#### **7.22 Other Issues**

##### **FIRE SAFETY:**

Policy D12 of the London (2021) states that in the interest of fire safety and to ensure that safety of all building users, all development proposals must achieve the highest standards of fire safety. Policy D5 part B of the London Plan (2021) states development should be designed to incorporate safe and dignified emergency evacuation for all building uses.

If this application had been recommended for approval, a condition could have been secured requiring the submission of a Fire Safety Strategy by a suitably qualified professional to be submitted to the Council for consideration. Subject to such a condition, it is considered that the proposal would be able to achieve high standards of fire safety and emergency evacuation arrangements.

### **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**

For the reasons set out in this report, it is considered that the proposed development would conflict with national, regional and local planning policies and guidance. No material considerations exist which would outweigh the identified harm. Accordingly, had an appeal against non-determination not been received, it would have been recommended that the planning application be refused on the grounds set out in section 2 of this Committee Report.

#### **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)

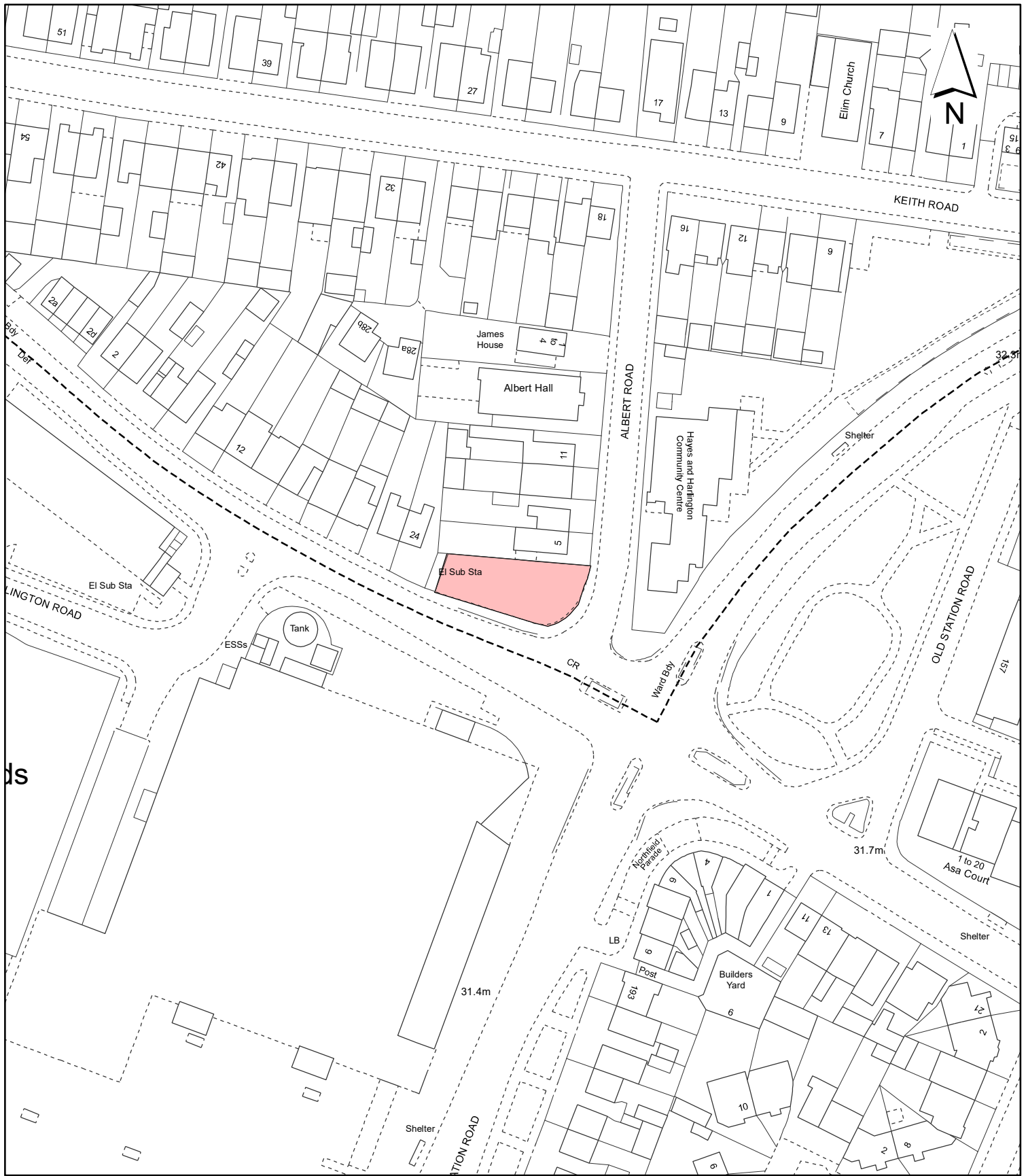
Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (September 2017)

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

**Contact Officer:** Neshia Burnham

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**Notes:**

 Site boundary

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Site Address:

**Land Adjacent  
 5 Albert Road/ North Hyde Road  
 Hayes**

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

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**42985/APP/2022/2336**

Scale:

**1:1,250**

Planning Committee:

**Borough**

Date:

**May 2023**

