

Report of the Head of Development Management and Building Control

Address: 37 MIDHURST GARDENS HILLINGDON

Development: Outline planning application for the partial demolition and retention of existing No.37 Midhurst Gardens and construction of new end-of-terrace two-bedroom dwelling set over two floors with associated, parking, amenity and formation of new access (all matters reserved)

LBH Ref Nos: 77404/APP/2022/2171

Drawing Nos: AAL-22-170-P04
AAL-22-170-P01 Rev B
Design and Access Statement
AAL-22-170-P02 Rev B
AAL-22-170-P03 Rev B

Date Plans received: 06-07-2022 **Date(s) of Amendments(s):** 11-07-2022

Date Application valid 06-07-2022

1. SUMMARY

Outline planning permission is sought for the construction of an end-of-terrace two-bedroom dwelling set over two floors with associated, parking, amenity and formation of new access (with all matters reserved). The works also include the partial demolition but retention of No.37 Midhurst Gardens.

During the process of the application, planning permission was granted for a single storey rear extension and loft conversion at 37 Midhurst Gardens (77404/APP/2022/2947 and 77404/APP/2022/2932). The approved works were being constructed at the time of the site visit (19/01/23) and have since been completed. As such, amended plans were requested and subsequently submitted to show the existing site alongside the proposed development. The amended plans also addressed concerns regarding parking availability and the design of the new property (albeit all matters are reserved for subsequent consideration).

The proposed dwelling would be sited within space at the end of an existing terrace block. The indicative drawings submitted show a dwelling of similar external finish to neighbouring properties, which has been designed to integrate with the existing terrace block. Off street parking and greenery is proposed at the front of the site, similar to other properties in the street scene. The development is therefore considered to have an acceptable impact on the character and appearance of the area.

Due to its considered design and separation distance from neighbouring properties, the development would cause no undue harm to neighbouring amenities. Adequate off road parking would be provided for the existing and proposed dwelling, and consequently, there would be no harmful impact on the local highway network.

Furthermore, the new property would provide a good level of internal and external amenity space for

future residents, whilst contributing (albeit modestly) towards the Borough's Housing supply.

Subject to conditions, it is considered that outline planning permission should be granted for the proposed development.

2. RECOMMENDATION

APPROVAL subject to the following:

1. RES1 Outline Time Limit and Reserved Matters

The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. RES2 Outline Reserved Matters

Details of the access, appearance, landscaping, layout, and scale, (the reserved matters) shall be submitted to the local planning authority before the expiry of three years from the date of this permission and approved in writing before any development begins.

REASON

To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (As Amended).

3. NONSC Sustainable Drainage

No development shall take place until full sustainable drainage details for the development have been submitted to and approved in writing by the Local Planning Authority. These shall include consideration of the drainage hierarchy with a drainage plan showing pipe locations, details and levels, details of ground investigations, calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100 year flood event with a 40% allowance for climate change and runoff controlled at greenfield rates, or better and maintenance arrangements for the life of the development. The development shall only be carried out in accordance with the approved details and the approved measures are to be maintained thereafter for the life of the development.

REASON

To ensure that surface water run off is managed in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policy S1 13 of the London Plan (2021).

4. OM19 Construction Management Plan

No development shall take place until a demolition and construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail:

a) The phasing of development works

- b) Types of vehicles accessing the site, including their ability to enter the shared driveway without affecting neighbouring properties
- c) The hours during which development works will occur
- d) How vehicles will access the site whilst protecting neighbouring sites
- e) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities)
- f) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours)
- g) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process
- h) The storage of demolition/construction materials on site

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

REASON

To safeguard the amenity of surrounding areas in accordance with Policy BE1 of the Hillingdon Local Plan Part 1 (2012).

5. NONSC Accessibility

Prior to the above ground works commencing, details of step free access to the proposed dwelling via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Floor plans shall also be submitted demonstrating that the proposed dwelling meets the standards for Category 2 M4(2) dwellings, as set out in Approved Document M to the Building Regulations (2010) 2015, thereafter the proposal shall be carried out in accordance with the approved plans and all such provisions shall remain in place for the life of the building.

REASON

To ensure that the proposed dwelling is accessible for all and an appropriate standard of housing stock is provided, in accordance with London Plan (2021) Policy D7.

6. B12 Access Details and Provision

The existing vehicular crossover shall be widened in accordance with details to be agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall not be occupied until the crossover works have been completed in accordance with the approved details.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies DMT 1, DMT2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

7. RES6 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

8. RES7 Materials (Submission)

No above ground construction works shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

9. RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100)
 - 1.b Written specification of planting and cultivation works to be undertaken
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage (secure and enclosed)
 - 2.c Means of enclosure/boundary treatments (including a rear gate for cycle storage access)
 - 2.d Car Parking Layouts (including a parking allocation plan and 1 x active electrical vehicle charging point for each dwelling)
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (such as play equipment and furniture)
3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years
 - 3.b Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased

4. Schedule for Implementation

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

10. RES14 Outbuildings, extensions and roof alterations

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

REASON

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

11. B3 Fencing to Protect Root Areas

Prior to works commencing on site, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, groups of trees and other vegetation to be retained during construction work, shall be submitted to and approved in writing by the Local Planning Authority. Such fencing should be a minimum height of 1.5 metres and shall be erected prior to any demolition, removal of topsoil, and commencement of building operations and retained in position until development is completed. The land so enclosed shall be kept clear of all dumping, materials, machinery and cement mixing and the existing soil levels not altered or disturbed. No fires shall be lit on the land so enclosed.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work in accordance with Policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

INFORMATIVES

1. I52 Compulsory Informative (1)

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

2. I73 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by

submitting an Assumption of Liability Notice) to the Council at planning@hillington.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

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

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

3. I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

4. I23 Works affecting the Public Highway - Vehicle Crossover

The development requires the alteration of a vehicular crossover, which will be constructed by the Council at the applicant's expense. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

I53 Compulsory Informative (2)

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

DMH 1 Safeguarding Existing Housing

DMH 2	Housing Mix
DMH 6	Garden and Backland Development
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 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
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 H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
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
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

3. CONSIDERATIONS

3.1 Site and Locality

The development site is located on the west side of Midhurst Gardens. The site comprises a two storey end of terrace dwelling finished in painted pebble dash and tiling. The property is set back from the road, with off street parking and soft landscaping to the frontage.

The surrounding area is residential, comprising two storey semi detached and terraced dwellings.

Properties are finished in mixtures of brick, pebble dash and render. Some have front porches and gable features, others have flush front elevations. Each property is set back from the road and they have small front gardens and/or off street parking.

The site has a Public Transport Accessibility Level (PTAL) of 1b (poor).

3.2 Proposed Scheme

Outline planning permission is sought for the partial demolition and retention of No.37 Midhurst Gardens and construction of new end-of-terrace two-bedroom dwelling set over two floors with associated, parking, amenity and formation of new access (with all matters reserved).

A two storey bay on the side elevation of the existing house at 37 Midhurst Gardens would be demolished to make way for the proposed dwelling.

Whilst Outline planning permission is sought, the application includes detailed plans of the design of the proposed house. These are considered to be 'indicative' given that at reserved matters stage, the applicant could chose to submit alternative details pertaining to access, appearance, layout, scale and landscaping for consideration. Adjoining neighbours would be consulted at the reserved matters stage, and would therefore have the opportunity to comment on any alternative design submitted.

3.3 Relevant Planning History

77404/APP/2022/2932 37 Midhurst Gardens Hillingdon

Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4 metres, for which the maximum height would be 3.10 metres, and for which the height of the eaves would be 2.90 metres

Decision: 03-11-2022 Prior Approval
N/Req

77404/APP/2022/2947 37 Midhurst Gardens Hillingdon

Conversion of roof space to habitable use to include a rear dormer, 3 front roof lights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 18-11-2022 Approved

Comment on Relevant Planning History

The planning history is set out in section 3.3 of this report (above).

Permission was granted for a single storey rear extension and loft conversion at the property under application Nos. 77404/APP/2022/2947 and 77404/APP/2022/2932. The approved works were being

constructed at the time of the site visit (19/01/23) and have since been completed.

4. Planning Policies and Standards

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)

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

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMH 1 Safeguarding Existing Housing

DMH 2 Housing Mix

DMH 6 Garden and Backland Development

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

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PART 1 - MEMBERS, PUBLIC & PRESS

DMHB 17 Residential Density

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D1 (2021) London's form, character and capacity for growth

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 H1 (2021) Increasing housing supply

LPP H2 (2021) Small sites

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

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF4 NPPF 2021 - Decision-Making

NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

NPPF9 NPPF 2021 - Promoting sustainable transport

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: Not Applicable

5.2 Site Notice Expiry Date: Not applicable

6. Consultations

External Consultees

15 neighbouring properties were directly notified of the proposal on 25/07/22.

1 letter has been received in response to consultation on the application. Those comments have been summarised below.

- The drawings of the comparison plan and site layout suggests that existing trees and hedges will be retained. One tree has already been removed, can you please review the drawings and confirm whether any further trees will be removed.

Oak Farm Residents' Association (OFRA) comment as follows:

- a) The proposed dwelling includes a rear, first floor and ground extension element which projects beyond the maximum 3.6m allowed for this type of dwelling and should be reduced accordingly.
- b) Because of its depth the first floor element is likely to impact on light provision at the existing property (37), as it would fail to respect the 45 degree angle that should be retained from the window of the current property.
- c) The first floor element exceeds 50% of the width of the proposed build, which is deemed inappropriate for most proposals.
- d) The Planning Officer should also consider whether this proposal as a new build represents the removal of a planned and established design break in the existing housing pattern, removing characteristics / features of the prevailing end terrace design.
- e) The dormer / hip to gable approved under 77404/APP/2022/2947 for this site is now under construction, but is not shown on the plans for this application. It is unclear from the plans submitted how this impacts on the roof of the proposed development.

Ward Councillor Comment / Call In request:

"The current no.37 has off-road parking for approximately 4 vehicles (not 2, as stated in the application). The dropped kerb for this parking area is in front of the area where the proposed new house would be, removing about 2 of the current 4 available spaces when the hard-standing furthest away from the dropped-kerb is built on.

The remaining parking area would be directly in front of the proposed new building and would require the two potential vehicles to park side by side. However, the current dropped-kerb isn't wide enough to facilitate this, so the 2nd vehicle would have to habitually drive over the pavement to the side of the dropped-kerb to access it.

The layout plans on the application only indicate the new proposed building, they don't indicate its location in relation to other buildings, the highway or the dropped kerb, so there is no indication of how off-road

parking is to be achieved (or reference to a need/wish to apply to extend the width of the existing dropped-kerb to make it viable). As such, the extra property would aggravate existing issues with the availability of on-road parking.

On the basis of the above I would wish that the application be Refused (or at least determination delayed until further detailed layout plans are obtained). Failing this, I would like the application to be heard by the full Planning Committee in open session."

PLANNING OFFICER COMMENTS:

Material issues raised have been addressed in the relevant sections of this Committee Report. In addition, Members are advised to note the following:

In relation to point e) (above), updated plans have been submitted to include the recently approved and constructed single storey rear extension and roof extension at No.37 Midhurst Gardens. The impact of the proposed development on the appearance of the existing dwelling and area has been assessed in the main body of the report.

Internal Consultees

ACCESS OFFICER:

This application for partial demolition and erection of a new end-of-terrace two-bedroom dwelling would be subject to compliance with London Plan policy D7. Any approval at this outline stage should secure the provision of accessible housing with an appropriate/all matters reserved condition.

HIGHWAYS OFFICER:

These revised Highway comments are in response to the revisions made to the layout of the on-plot car parking which involves the creation of one shared double driveway instead of two separate single driveways. This standard of provision is in accordance with the published London Plan 2021 which would allow a maximum of 1.5 no. car parking spaces. However, the Highway Authority note that the existing vehicle crossover was originally provided to serve one parking space, with two parking spaces being provided, the vehicle crossover would need to be widened to avoid a situation whereby the taper is driven over. When widened, one full height kerb stone with two tapers shall be retained between the new widened crossover and the crossover serving 35 Midhurst Gardens. These car parking spaces shall be allocated one to each dwelling and accordingly marked.

The new end-of-terrace dwelling would be provided with 2 no. bicycle spaces within a shelter located in the back garden. However, somebody wishing to ride their bicycle would have to push it along a footpath to the side of the house just one metre wide. This is not in accordance with the London Cycle Design Standard which requires a minimum width of 1.5m. Furthermore, there would then be landscaping blocking access onto Midhurst Road. It appears this could be overcome by providing an access for cyclists at the rear of the property that connects with the service road.

The published London Plan 2021 Policy T6.1 Residential Parking requires that all 'residential car parking spaces must provide infrastructure for electric vehicles' whether this is passive or active provision. From the plans submitted none appears to be proposed, however if the application is recommended for approval this requirement could be fulfilled by way of a planning condition. One electric vehicle charge point is required for each property.

There are no highway objections to this proposal subject to the following planning conditions. A condition that the applicant submit plans for approval showing how the cycle parking would be made accessible, a condition requiring the applicant to submit details of the electric vehicle charge point infra-structure that shall be provided, that each dwelling shall be allocated a car parking space and a condition that the applicant apply to the Council for the vehicle crossover to be widened, the cost of this work shall be funded in full by the applicant.

PLANNING OFFICER COMMENT:

The Access Officer and Highway Officer comments are noted. Conditions and informative notes have been recommended in section 2 of this report in accordance with their recommendations.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site comprises an existing residential dwelling and associated garden within an established residential area.

The NPPF has a requirement to encourage the effective use of land. However, it should be noted that it also states: 'Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (paragraph 71).'

London Plan (2021) Policy H2 states that well designed housing schemes on small sites should be actively supported. The Hillingdon Local Plan details how small scale sites will make a significant contribution to housing supply.

Policy DMH 6 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) 'Garden and Backland Development' states:

'There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
- ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
- iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
- iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

The proposed dwelling would be developed within an existing residential garden, however would not be considered to constitute backland development, given its siting at the end of an existing terrace, fronting the road. Whilst the proposal would develop an existing gap between two terraced rows, a generous spacing would still be retained and the loss of the gap would not appear harmful in the streetscene context (discussed in greater detail in section 7.07 of this report - below). In these particular circumstances, it is considered that the principle of development can be supported, subject

to detailed consideration of relevant matters specified in Policy DMH 6 (above). These considerations are discussed within the relevant sections of this report (below).

HOUSING MIX:

Policy H10 of the London Plan (2021) states that applicants and decision-makers should have regard to the need for additional family housing. Family housing is defined within the glossary of the London Plan (2021) and advises that it must generally be of a size that has three or more bedrooms.

Policy DMH 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.

Policy DMH 2 of the Hillingdon Local Plan: Part Two - 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 supporting text related to this policy states at paragraph 4.6 that 'The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account.'

A two storey, two bed dwelling is proposed. Whilst the development would not add an additional family sized dwelling to the Borough's housing stock it would not lead to the loss of any family sized dwellings. The Local Plan encourages a mix of housing sizes in new developments and this infill development is considered to add to that mix. The proposed dwelling is therefore considered to be acceptable in terms of its housing mix.

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.

Numerical densities are considered to be more appropriate to larger sites and what is considered of greater significance to the determination of this application is the local contextual factors. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the area, and would respect residential amenity considerations, rather than the consideration of the numerical density of the proposal. These issues are discussed in detail at sections 7.07 and 7.08 of this report.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Paragraph 130 of the NPPF (2021) states 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Policies D1, 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.

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: 'All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.'

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The proposal seeks to add an additional dwelling to the end of an existing row of terraced houses. The plans accompanying this outline application (which are considered to be indicative, as explained in section 3.2 of this report), show that a new house could be constructed to match/complement the design of the terrace in terms of proportions, materials and finishes. The roof is shown to be hipped to match the dwelling at the northern end of the subject terrace and also the end house of the neighbouring terrace to the south-east. Whilst the final design would be decided at reserved matters stage, the submitted plans demonstrate that an acceptably designed new house could be accommodated on the site.

The proposed dwelling would partially infill a break in the street scene where one terrace ends and another begins, a design feature observable elsewhere on Midhurst Gardens usually to accommodate rear access lanes. The visual gap where the application site is located is not considered to be of such visual interest that would warrant refusal of permission, especially when weighed against the contribution to housing supply from the proposed scheme. In any case, a 5.4m gap would remain, ample to provide a break between the two terraces.

The new dwelling would have a projecting part two/part single storey section to the rear. Whilst the concerns of the OFRA are noted, the rear projection would appear subordinate to the main part of the building and would be similar to the arrangement at no. 45b Midhurst Gardens - a dwelling allowed at appeal (reference APP/R5510/W/16/3144513) at the other end of the subject terrace. At ground floor level, the proposed dwelling would project to the same extent as the host property no. 37 Midhurst Gardens. Taking these factors into account, the indicative proposal is considered acceptable from a design perspective. A condition would prevent additional extensions and outbuildings being added under permitted development rights, as there is scope for such additions to harm residential amenity if not properly controlled.

During the process of the application, concerns were raised regarding the fact that the roof of the proposed dwelling would overlap with the existing dwelling. Although the matter could have been dealt with at the reserved matters stage, the applicant submitted amended plans demonstrating that the new building would sit within its boundary and its roof would be separated from the recently constructed dormer at No.37 Midhurst Gardens.

The site's frontage would comprise a mixture of soft and hard landscaping like other properties in the area. It is noted that it is uncommon for two properties to share a parking area. However, the existing dwelling has two off street parking spaces in the same location as those proposed. Furthermore, a similar relationship exists at the other end of the terrace (between 45a and 45b Midhurst Gardens). As such, this arrangement would not result in any significant harm to the established character and appearance of the area.

Overall, it is considered that the proposal would not give rise to any undue harm to the character and appearance of the area and that an acceptably designed new dwelling could be secured through the reserved matters process.

7.08 Impact on neighbours

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

The front elevation windows of the new dwelling would look toward properties on the other side of Midhurst Gardens at the same distance as No.37. As such, they would cause no harmful loss of

privacy or overlooking to those properties. Rear elevation first floor windows would provide oblique views of neighbouring gardens. However, this would be a common and acceptable residential relationship. Properties directly to the rear of the site (on Midhurst Gardens) would be positioned sufficiently far away, so as not to be harmfully overlooked.

The indicative drawings submitted include windows in the side elevation of the proposed dwelling. These are secondary or non-habitable room windows which could be obscure glazed by condition. Given that an alternative scheme could come forward at reserved matters stage, this matter (and any appropriate condition) would be for consideration at reserved matters stage. However, the indicative drawings provide comfort that an acceptable relationship could be secured.

The new dwelling has a two storey rear projection. Due to its stepped design, the projection would not be considered to be overbearing, or lead to harmful loss of light or outlook to No. 37 Midhurst Gardens (as demonstrated through the plotting of the 45 degree guideline on the submitted drawing). Additionally, due to its generous separation from no. 35 Midhurst gardens, the proposal would not give rise to a harmful impact on residential amenity to this property.

Properties to the front and rear of the site would be far enough away, so as not to be subject to any undue impact in respect of light, outlook or overbearing impacts.

Overall the proposed development would have an acceptable impact on the amenities of neighbouring properties.

7.09 Living conditions for future occupiers

INTERNAL AMENITY:

Policy DMHB 16: 'Housing Standards' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this, all residential development or conversions should meet or exceed the most up to date internal space standards, as set out in Table 5.1.

The London Plan (2021) advises that two storey, 2 bed, 3 person dwellings should provide future residents with a minimum internal floor space of 70sqm. The plans supplied show that 77sqm of internal floor space would be provided, exceeding requirements in the London Plan. Each habitable room within the property would have access to natural light and outlook through well positioned windows and doors. Overall, it is considered that the proposal would provide future residents with an acceptable standard of internal living accommodation.

Landscape buffers are to be provided to the front of the new dwelling to ensure that adequate privacy exists for its users.

EXTERNAL AMENITY:

Policy DMHB 18 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) requires all new residential developments to provide good quality and usable private outdoor amenity space. 60sqm of external amenity space is required for 2-3 bedroom properties. Approximately 133sqm of external amenity space would be provided for future residents, which is considered to be acceptable. A similar area would be retained for the existing house, well exceeding the 100sqm

required for a four bedroom dwelling.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states: 'Development proposals must ensure that:

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

Policy DMT 5 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states: 'A) 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:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.'

Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states: 'Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

The Mayor of London adopted a new and revised London Plan in March 2021. Consequently, the car parking standards set out in the London Plan take precedence over those in the Local Development Plan, except where the Local Plan specifies lower local maximum standards.

PARKING:

The London Plan (2021) advises that 2 bed dwellings in Outer London with a PTAL rating of 1-2 should be provided with up to 1.5 parking spaces. 1 parking space is to be provided for the proposed development. This is within the maximum standard and is therefore considered to be acceptable.

The existing dwelling has 4 bedrooms. The London Plan advises that such properties in this location should be provided with up to 1.5 parking spaces. it also states that 'Boroughs should consider standards that allow for higher levels of provision where there is clear evidence that this would support additional family housing'. 1 parking space is being proposed which is within the maximum

standards. Furthermore, the property is an existing family house and not an additional family house, the policy advice is therefore not considered to be directly applicable to the proposed development. The provision of 1 car parking space for the existing dwelling is therefore considered to be acceptable as mentioned by the Borough's Highways Officer.

Due to the presence of a lamp post and a telegraph pole immediately outside 37 Midhurst Gardens, the plans have been amended so that the parking spaces for both the existing and proposed dwellings would be located adjacent to each other, in front of the proposed house, sharing the same crossover. As noted above (in Section 6 of this report), this arrangement is acceptable to the Highway Authority, subject to a slight widening of the crossover. The final details of access would be secured through the reserved matters and recommended condition number 6.

ELECTRIC CHARGING POINTS:

Part G) of Policy T6 and part C) of Policy T6.1 of the London Plan (2021) state that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. Recommended condition number 9 would secure electric vehicle charging points for both the new and host property in the event of approval.

BICYCLE PARKING:

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of cycle parking facilities for new residential units. A cycle store would be provided in the rear garden of the proposed dwelling (details to be secured through recommended condition 9). The Highway Officer has recommended that an access gate be provided at the rear of the site, in order to enable access by cycle to the rear service road. This requirement has also been captured in recommended condition number 9 (relating to landscaping).

REFUSE/RECYCLING COLLECTION:

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. Properties within the area have waste storage within their front gardens. As such, the proposed waste storage facilities identified on the indicative drawings at the front of the site would not be considered harmful/out of character. Condition 9 as set out in Section 2 of this report, would secure the details and provision of the waste storage facilities.

CONSTRUCTION:

A condition has been recommended for inclusion requiring a Construction Management Plan. This would ensure that the development would have no significant adverse impact on traffic and pedestrian safety during construction.

CONCLUSION:

Overall, subject to the aforementioned conditions, it is concluded that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies DMT 1, DMT 2 and DMT 6 and Policies T4, T5 and T6 of the London Plan

(2021).

7.11 Urban design, access and security

Discussed in other sections of this report where relevant.

7.12 Disabled access

London Plan Policy D7 states:

To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

No objection has been raised by the Council's Access Officer, subject to appropriate consideration through condition/reserved matters stage (secured through conditions 2 and 5).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy DMHB 14: 'Trees and Landscaping' of the Hillingdon Local Plan Part 2: Development Management Policies (2020) requires:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The development site comprises several trees which are not protected and could therefore be removed. Nevertheless, several trees are shown to be retained on the site plans and a condition has been added to ensure they are not harmed during construction works.

7.15 Sustainable waste management

Discussed in other sections of this report.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Policy SI12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. 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 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.

The application site is located in Flood Zone 1 where there is a low probability of risk of fluvial flooding. As such, all forms of development including residential development (which is classified as a 'more vulnerable use') is acceptable in this location, in terms of fluvial flood risk.

In the event of approval, a sustainable water management scheme would be secured by condition to ensure compliance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

NOISE:

The addition of 1 residential dwelling in this residential area is unlikely to give rise to any harmful increase in noise.

AIR QUALITY:

It is considered that the scale of the development would not result in any undue impact on air quality.

Further to the above a construction management plan is to be required via condition, which would limit noise and air quality impacts of the development during construction.

7.19 Comments on Public Consultations

The issues raised during the consultation process have been addressed in the sections above.

7.20 Planning obligations

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

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and

the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

The proposed development would have a satisfactory impact on the character and appearance of the area and would not give rise to any undue harm to neighbouring amenities, or the local highway network. Furthermore, the proposal would contribute an additional residential unit (providing an appropriate standard of accommodation) to the Council's housing stock.

The proposal is considered to comply with the Development Plan and no material considerations indicate that the policies of the Development Plan should not prevail. It is therefore recommended that outline planning permission be granted subject to conditions.

11. Reference 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)

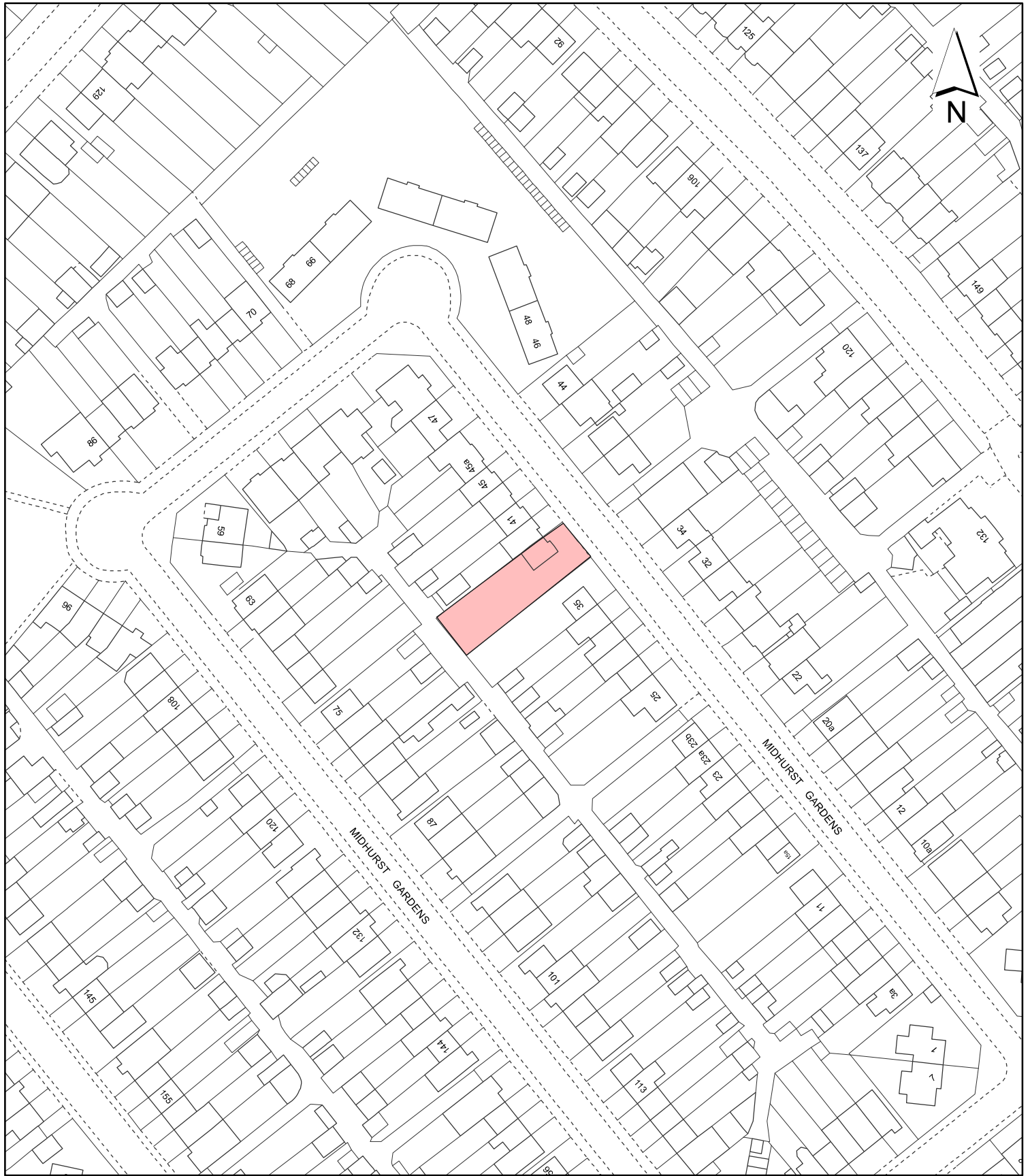
The London Plan (2021)

Contact Officer:

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Notes:

 Site boundary

For identification purposes only.
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Site Address:

37 Midhurst Gardens

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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

Planning Application Ref:

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Scale:

1:1,250

Planning Committee:

Borough

Date:

June 2023



HILLINGDON
 LONDON