

Report of the Head of Development Management and Building Control

Address: 4 ROFANT ROAD NORTHWOOD

Development: Demolition of existing outbuilding and demolition of part single storey addition to existing house. Construction of new single accessible dwelling.

LBH Ref Nos: 6923/APP/2023/545

Drawing Nos: 43220 0

S01

S02

S03

S10

S11

S12

S13

B03-A

B04-A

C01

C02

C03

C21

C22

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C29

Design and access statement, AA+ Architects, 23 February 2023

Arboricultural Impact Assessment Method Statement & Tree Protection Plan,
Trevor Heaps, Date: 17th February 2023 Ref: TH 3299 B

Date Plans received: 23-02-2023

Date(s) of Amendments(s):

Date Application valid 13-03-2023

1. SUMMARY

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The application proposes the erection of a dwelling in the garden area of No.4 Rofant Road alongside and to the rear of the host dwelling. The development proposal would subdivide the existing curtilage to provide a separate plot for the new dwelling.

The proposed dwelling due to its size, scale, bulk, materials, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling is considered to represent an incongruous, visually dominant and cramped form of development that would be detrimental to the visual amenities of the street scene and the character and appearance of the area.

In addition, the site is located adjacent to a Tree Preservation Area to the south which is covered by Tree Preservation Order (TPO) 130. The application includes works to several healthy London Borough of Hillingdon trees on adopted highway and within the boundaries of the TPO area that contribute positively to the local landscape character of the area. Due to the proximity of the proposed new dwelling and these trees, this is likely to lead to an unsustainable relationship with pressure for their removal at a later date.

Due to the depth and massing of the proposed dwelling, the development proposal would impact on the residential amenity of No.4 by way of visual intrusion, loss of outlook and creating a sense of enclosure.

The proposed new dwelling would not be provided with adequate living accommodation and the private amenity spaces for both the proposed new dwelling and the host dwelling at No.4 would be substandard and impractical.

As the proposed dwelling is not provided with a clearly defined frontage, it would not be appropriately designed in accordance with 'secured by design' guidance to deter opportunities for crime.

The living accommodation would be set out over two floors, a ground floor and lower ground level. The application is not supported by a basement impact assessment and in the absence of this information, it has not been demonstrated that the development can be carried out without increasing flood risk or cause harm to the built and natural environment and local amenity.

For the above reasons, the application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Character and appearance

The proposed dwelling by reason of its size, scale, bulk, depth, width, site coverage, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in a cramped form of development that closes an important gap characteristic to the area. The proposed dwelling would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area. The proposed development is unacceptable in principle and conflicts with Policy BE1 of the

Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

2. NON2 Trees

The proposed development would place undue development pressure on various healthy Council owned trees on adopted highway within a tree preservation area, that contribute positively to the local landscape character of the area. Inadequate provision is made to safeguard these existing trees within the site and the adjacent tree preservation area that would be affected. The development proposal therefore conflicts with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies G1 and G7 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

3. NON2 Residential amenity

The proposed new dwelling, by virtue of its proximity, scale, and depth, would be harmful on the residential amenity of the occupiers of No.4 Rofant Road, in terms of overdominance, loss of outlook and creating an undue sense of enclosure. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local plan - Part Two (2020), Policy D3 of the London Plan (2021) and Paragraph 130f) of the National Planning Policy Framework (2021).

4. NON2 Private amenity space

Both the host dwelling at No.4 Rofant Road and the proposed new dwelling would be provided with insufficient and impractical private garden areas that would result in poor quality private amenity space, and substandard living conditions for residents at both properties. The development proposal therefore conflicts with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) which places emphasis on good quality and useable amenity spaces.

5. NON2 Living conditions

The proposed new dwelling would not be provided with adequate living conditions for future occupiers due to its substandard floor to ceiling heights, poor outlook and substandard provision of sunlight and daylight. The development proposal therefore conflicts with the housing standards of Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), and Chapter 12 of the National Planning Policy Framework (2021).

6. NON2 Secured by design

The new dwelling does not have a defined frontage that faces towards the street, the design and layout of the proposed dwelling is not considered appropriate to deter opportunities for crime. The development proposal therefore conflicts with Policy D11 of the London Plan (2021) and Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2021).

7. NONSC Basement impact assessment

In the absence of a basement impact assessment, it has not been satisfactorily demonstrated that the development proposal would not cause harm to the built and natural environment, and local

amenity and does not result in flooding. The development proposal therefore conflicts with Policies DMHD 3, DMEI 9 and DMEI 10 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020).

INFORMATIVES

1. I52 Compulsory Informative (1)

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

2. I74 Community Infrastructure Levy (CIL) (Refusing Consent)

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

3. I71 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.

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.

I53 Compulsory Informative (2)

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

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 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 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G1	(2021) Green infrastructure
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
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
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the west side of Rofant Road, next to its junction with Ashbourne Square. It is occupied by a semi-detached, two storey dwelling with a hipped roof and a large, detached garage to the south of the site. The dwelling is constructed in brick and pebbledash render with a tiled roof. The area is characterised by a variety of dwelling types including detached, semi-detached and terraced development.

The site is located in Flood Zone 1 and according to the Council's GIS records is at risk of surface water flooding. The site has a Public Transport Accessibility Level (PTAL) of 2 and is adjacent to TPO 130 which protects a large number of different species of trees. The rear of the site is adjacent to railway tracks.

3.2 Proposed Scheme

The application seeks planning permission to construct a new accessible dwelling. To facilitate the development it is also proposed to demolish the existing outbuilding and the part single storey addition to the existing house.

3.3 Relevant Planning History

6923/APP/2021/1436	4 Rofant Road Northwood		
	Single storey rear extension (Application for a Certificate of Lawful Development for a Proposed Development)		
Decision: 28-05-2021	Approved		
6923/APP/2021/1912	4 Rofant Road Northwood		
	Part two storey, part single storey rear extension		
Decision: 06-10-2021	Approved		
6923/APP/2022/1490	4 Rofant Road Northwood		
	Erection of a new single dwelling house with associated landscaping		
Decision: 17-09-2022	Refused	Appeal: 01-06-2023	Dismissed
6923/B/93/0490	4 Rofant Road Northwood		
	Erection of detached garage/store (retrospective application)		
Decision: 13-05-1993	Approved		

Comment on Relevant Planning History

6923/APP/2022/1490 Erection of a new single dwelling house with associated landscaping was

refused for the following reasons:

1. The proposed dwelling by reason of its size, scale, bulk, height, depth, width, materials, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area. The proposed development is unacceptable in principle and conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

2. The proposed development would result in the loss of two healthy Council owned trees on adopted highway within a tree preservation area that contribute positively to the local landscape character of the area. In addition inadequate provision is made to safeguard the existing trees within the site and adjacent tree preservation area that would be affected. The development proposal therefore conflicts with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies G1 and G7 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

The above refusal of planning permission under ref: 6923/APP/2022/1490 was appealed and dismissed by the Planning Inspectorate on 1st June 2023. The Inspector agreed with both the Local Planning Authority's conclusions that there would be harm to the character and appearance of the street scene, and harm to the character and appearance of the area due to the impact on tree cover.

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:-

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Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

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 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMH 6 Garden and Backland Development

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

DMEI 2 Reducing Carbon Emissions

DMEI 7 Biodiversity Protection and Enhancement

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

DMCI 7 Planning Obligations and Community Infrastructure Levy

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP D7 (2021) Accessible housing

LPP D11 (2021) Safety, security and resilience to emergency

LPP G1 (2021) Green infrastructure

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LPP G6 (2021) Biodiversity and access to nature
LPP G7 (2021) Trees and woodlands
LPP H1 (2021) Increasing housing supply
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
LPP D13 (2021) Agent of change
LPP D14 (2021) Noise
LPP GG4 (2021) Delivering the homes Londoners needs
NPPF2 NPPF 2021 - Achieving sustainable development
NPPF4 NPPF 2021 - Decision-Making
NPPF5 NPPF 2021 - Delivering a sufficient supply of homes
NPPF12 NPPF 2021 - Achieving well-designed places
NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: Not Applicable

5.2 Site Notice Expiry Date: Not applicable

6. Consultations

External Consultees

8 neighbours and Northwood Residents Association were consulted by letter dated 20-03-23. A site notice was also posted outside the site on 23-03-2023.

NEIGHBOURING RESIDENTS' RESPONSE:

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Objections were received from 7 neighbouring residents. The concerns raised are summarised as follows:

- Impact on highway safety: parking, access and traffic
- Impact on trees: insufficient information, trees not plotted correctly on plans, inadequate landscaping
- Impact on character and appearance of the area: not in keeping with surrounding properties, scale, impact on street scene
- Impact on neighbour amenity: loss of privacy, overlooking, loss of light, change of view
- Backland development, loss of garden amenity, overdevelopment
- Impact on wildlife and ecology
- Long term use of new dwelling
- Flooding and drainage
- Private rights of way
- Contrary to policy
- Proximity to railway, impact on embankment

PLANNING OFFICER COMMENTS:

The material considerations relating to the following matters are discussed in the relevant sections of this report as follows:

- Impacts on neighbouring residential amenity (Section 7.08 of this report).
- Impact on character and appearance of the area (Section 7.07 of this report).
- Highway impacts (Section 7.10 of this report). Private rights of way are civil matters not material planning considerations.
- Cycle parking (Section 7.10 of this report) and refuse storage (Section 7.15 of this report).
- Impacts on trees and ecology (Section 7.14 of this report) and landscaping design (Section 7.07 of this report).
- Network Rail and TFL Infrastructure Protection have been consulted (comments are copied below for reference).

NORTHWOOD RESIDENTS ASSOCIATION:

The proposed dwelling in this prominent position would fail to harmonise with the local context, established street pattern and building lines. The proposed dwelling would be detrimental to the visual amenities of the street scene and the character and appearance of the area. This is a form of backland development which is not supported in the Local Plan as there are no exceptional planning grounds.

PLANNING OFFICER COMMENTS:

The comments made by the Residents Association are duly noted. The principle of the development is discussed in Section 7.01 of the report. The Impact on the character & appearance of the area is discussed in Section 7.07 of the report.

PETITION

A petition has also been received in objection to the proposal with 24 signatories. The reasons for objecting to the application are summarised as follows:

- Contrary to Policy DMH 6 which has a presumption against building on garden land
- The proposal would be significantly out of character with other houses in the area
- Extends beyond the line of the existing properties

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- Over dominate No.4 Rofant Road
- Alter the amenity of the access road to Ashbourne Square by creating a new property frontage
- Parking nuisance in a narrow dedicated access road
- Establish a precedent for garden development contrary to policy.
- The application should be refused.

PLANNING OFFICER COMMENTS:

These matters are addressed within the relevant sections of the report as detailed above.

NETWORK RAIL

Confirmed they have no comments to make on the application.

LONDON UNDERGROUND INFRASTRUCTURE PROTECTION

Though we have no objection in principle to the above planning application there are a number of potential constraints on the redevelopment of a site situated close to railway infrastructure. Therefore, it will need to be demonstrated to the satisfaction of TfL Infrastructure Protection engineers that:

- Our right of support is not compromised.
- The development will not have any detrimental effect on our structures either in the short or long term.
- The design must be such that the loading imposed on our structures is not increased or removed.
- We offer no right of support to the development or land.

Therefore, we request that the grant of planning permission be subject to conditions to secure the following:

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with TfL Infrastructure Protection) have been submitted to and approved in writing by the local planning authority:

1. Method statement involving the demolition of the outbuilding.
2. Details of heavy plant.
3. Details of skip location.
4. Access and egress for delivery of materials.
5. Details of foundations.
6. Provide details on the use of tall plant/scaffolding
7. Accommodate ground movement arising from the construction thereof.
8. Mitigate the effects of noise and vibration on the development arising from adjoining operations within the railway structures.
9. No claims to be made against TfL or London Underground by the tenants, occupants, or lessees of the development for any noise or vibration resulting from London Underground running, operating, and maintaining the adjacent railway.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

REASON

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To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, London Plan policy T3 and Land for Industry and Transport Supplementary Planning Guidance 2012.

PLANNING OFFICER COMMENTS:

Had it been minded to recommend approval, this condition would have been included in the recommendation.

Internal Consultees

ACCESS OFFICER:

This proposal for a new single storey dwelling does not raise any accessibility concerns, however, any approval should be subject to 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 dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan.

HIGHWAYS: (SUMMARISED)

The site is located within a residential catchment in Northwood. The proposal is for the division of a corner plot (located on the junction of Rofant Road & Ashbourne Square) to facilitate a new 2-bedroom part - subterranean residential build positioned adjacent to the existing corner 3/4-bedroom semi-detached property.

The new-build would require the provision of a single new separate carriageway crossing (cc) on the Ashbourne Square frontage in order to serve 1 on-plot space whilst the established cc serving No.4 would be retained for the existing dwelling (but with modification) to facilitate 2 on-plot spaces on that frontage.

The area is extensively covered by parking controls including a controlled parking zone (CPZ) operating from 1pm to 2pm - Monday to Friday, together with double yellow lines wrapping around Rofant Road and its junction with Ashbourne Square. Some neighbouring properties exhibit a degree of on-plot parking provisions which lessen on-street parking demand. The site exhibits a Public Transport Accessibility Level (PTAL) of 1b which is considered as 'very poor' and as such heightens dependency on the ownership and

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use of private motor transport to and from the address. A comparable application (6923/APP/2022/1490) was refused last year but not on transport/highway related grounds.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and Policy T4, T5 and T6 of the London Plan (2021).

TREES MANAGER:

I am glad they are no longer proposing to remove any LBH trees. I do however have concerns that the majority of the windows, especially the living room windows, are facing towards T6 to T10 as T7 to T10 are all Leyland Cypress. This is likely to lead to an unsustainable relationship with pressure for their removal at a later date.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is located in the developed area of the borough where new development is acceptable in principle subject to compliance with relevant development plan policies. The application form erroneously states the proposal is not on garden land.

Policy DMH 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases, a limited scale of 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.

As discussed in Section 7.07 'Impact on the character & appearance of the area', Section 7.08 'Impact on neighbours' and Section 7.14 'Trees, landscaping and ecology' of this report, the proposal would be detrimental to the local character, residential amenity (including amenity space) and would put development pressure on the removal of trees, which contribute to biodiversity.

As such, the principle of development does not accord with the detailed criteria of Policy DMH 6 (as quoted above). These issues are discussed in the relevant sections of the report. Consequently, the proposed dwelling is not considered to comply with the requirements of Policy DMH 6 and therefore is unacceptable in principle.

7.02 Density of the proposed development

Not applicable to this application.

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.

7.07 Impact on the character & appearance of the area

Chapter 12 of the National Planning Policy Framework (2021) seeks the creation of high quality, beautiful and sustainable buildings and places through good design. This section of the NPPF states that planning decisions should ensure that developments are, inter alia, visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character. Furthermore paragraph 134 states that development that is not well designed should be refused.

Policy D3 of the London Plan (2021) requires that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy GG4 of the London Plan (March 2021) seeks to ensure that more homes are delivered. Policy H1 of The London Plan (2021) promotes the optimisation of the potential for housing delivery on all suitable and available brownfield sites.

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

The current application is a resubmission to planning application (6923/APP/2022/1490, refused on 17th September 2022) for a detached dwelling at the site which was refused by the Borough planning committee and recently dismissed at appeal. The dismissed scheme had a more traditional

appearance than the current scheme. However in line with officer's recommendation and the committee level decision, the Inspector agreed that the scheme would be highly visible, prominent within the street scene due to its poor integration and detrimental to the character and appearance of the street scene.

The current proposal would require removal of the existing detached garage and a single storey side extension on the south elevation. The existing residential curtilage would be subdivided and an irregular shaped plot with a site area of 263sq.metres is proposed for the new dwelling. The host dwelling would retain a smaller site area of 214sq.m in an irregular shaped curtilage.

The design and appearance of the proposed detached curved shaped dwelling is significantly different to the local context which is characterised by traditionally designed dwellings. The proposed building features an unusual curved shape and would be sited in a backland position within the rear garden area of No.4, approximately 2.5m to the southwest of the approved rear extension of the host dwelling. The building would be set back approximately 12m behind the host dwelling's principal elevation and with a 1m side gap to the proposed shared boundary with the host dwelling. It would be approximately 6.7m wide and the curved wall measuring 15.8m.

The proposed dwelling would be constructed with a basement level and a ground floor, thereby providing living accommodation over two floors. When measured from the garden level, the building height would be 4.5metres with the ridge of the building approximately 40cm lower the eaves of the host dwelling.

The proposed exterior materials consist of natural render, natural slate roof tiles, single ply flat roof, aluminum powder coated windows and steel powder coated entrance door. The choice of materials would be considered uncharacteristic of the materials found on properties within the immediate street scene, which is for the most part characterised by facing brick. In addition, the disproportionately large windows further exacerbate the detrimental visual impact of the development proposal.

The dwelling would be positioned in close proximity to the site boundary in places and would appear cramped in its plot, visually prominent and reducing and harming the open character of this corner location. The visual prominence of the dwelling and the reduced openness of the site would be further exacerbated by the creation of a new vehicular crossover.

The existing side boundary treatment comprises of dense hedging and trees that contribute to a verdant character along this section of Ashbourne Square. The proposal would also impact on trees which is discussed further in Section 7.14 'Trees, landscaping and Ecology' of this report.

The proposed dwelling would not benefit from a defined frontage as it would be accessed by doors in the side elevations. Whilst the design concept of this resubmission scheme is certainly novel, it is not considered to represent an improvement to the previous/dismissed scheme and does not address the previous reasons for refusal, which remain valid.

The proposed dwelling would remove the sense of spaciousness currently provided. The development proposal would relate poorly to the street scene, not only in terms of its incompatible design and unsympathetic materials, but also by virtue of its siting and juxtaposition which does not harmonise with the local context or respect the building uniformity and established building line.

The proposed dwelling would be an incongruous addition in the street scene and would result in the

closing of an important gap characteristic to the area and result in harm to the character, appearance and visual amenities of the surrounding area. As such the proposed development conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

7.08 Impact on neighbours

Policy D3 of the London Plan (2021) states - Development proposal should deliver appropriate outlook, privacy and amenity.

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.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 (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 (2020) states: "For the purposes of this policy, 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."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice".

IMPACT ON RESIDENCES ON ASHBOURNE SQUARE

It is noted there are windows in the south side curved elevation of the proposed dwelling facing Ashbourne Square. However as the windows would be at ground floor level and facing towards the boundary treatment, there would not be any overlooking of houses located on Ashbourne Square.

The nearest residence on Ashbourne Square would be No.1 Ashbourne Square whereby the rear elevation of this dwelling would be located approximately 25 metres away. The rear elevation of No. 2 Ashbourne Square would be sited approximately 28 metres away at an even more oblique angle. Further south, the proposed dwelling would be at a distance of over 55 metres from No.12 Ashbourne Square.

Due to the separation distances to these properties it is considered there would not be any

unacceptable loss of outlook or loss of privacy to adjacent dwellings to the south-east of the site on Ashbourne Square.

In terms of potential loss of privacy to the garden of Nos. 1 and 2 Ashbourne Square, it is noted that the proposed dwelling would have two windows at elevated ground floor level oriented in the direction of these gardens. One of these would serve a WC, which could be obscure-glazed in the event of an approval to mitigate any overlooking.

The other window would serve the open plan kitchen, living and dining area. The floor level of the dwelling would be elevated approximately 0.8m above ground, which means that the average eye level (approximately 1.75m) would be at approximately 2.5m above ground. This means that there would be some views afforded from the proposed open plan living area window, over the boundary treatment. However, given dense tree screening on the rear and side boundaries of these Ashbourne Square properties, as well as the application site itself, combined with a separation distance of at least 15m (from the window to the neighbouring boundary), there would not be any undue overlooking from the proposed dwelling.

In terms of outlook from the gardens on Ashbourne Square, given the separation distance and the existing retained vegetation adjacent to the site and within neighbouring gardens, good outlook would be retained from these neighbouring properties.

For the reasons above, the development proposal would not result in any undue impact on the neighbouring amenity of the dwellings in Ashbourne Square in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

IMPACT ON NO. 2B ROFANT ROAD

Similar to the proposed south-east facing windows described in relation to the properties on Ashbourne Square, there would be an elevated window facing the end of the rear garden of No. 2B Rofant Road, where tree screening is not so prevalent. This would serve a circulation space upon exiting the lift. This could be obscure-glazed in the event of an approval without adversely affecting the quality of accommodation. Therefore, this would not result in undue overlooking onto the private rear garden of 2B Rofant Road.

In respect to the proposed window serving the kitchen/living/dining area (described above in relation to Nos. 1 and 2 Ashbourne Square) this would principally direct views at an oblique angle away from the rear garden of No. 2B Rofant Road. It would also be at separation distance of approximately 15m from the boundary of No. 2B Rofant Road, at its closest point. The retained trees on site would also provide screening. For these reasons it is considered that the proposal would not result in undue loss of privacy to the rear garden of No. 2B Rofant Road.

In terms of outlook from the garden of No. 2B Rofant Road the proposed dwelling would be located across the road and the layout would be splayed away from this neighbouring property with lower ground levels. Given this separation distance, site layout and ground levels, good outlook would be retained from this neighbouring property.

For these reasons the development proposal would not result in any undue impact on neighbouring amenity of this adjacent dwelling, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

IMPACT ON NO. 4 ROFANT ROAD

There are no windows in the north elevation of the proposed dwelling that would face the existing dwelling at No. 4 which avoids overlooking.

Whilst the on-site car parking space would be in proximity to the proposed new shared boundary with the host dwelling, the adjacent ground floor area is a hallway/stairwell and bathroom, and as these are non-habitable rooms. It is therefore considered unlikely that the occupiers of the host dwelling at No. 4 Rofant Road would experience unacceptable noise, disturbance, loss of privacy and overlooking issues in relation to the proposed parking arrangement.

The submitted plans indicate that the closest section of the proposed dwelling would project approximately 9 metres beyond the existing single storey extension at the host dwelling No. 4 Rofant Road. The proposed new dwelling extends a further 4.3metres beyond that with an additional element that is set further away from the boundary with No.4 at a distance of 4.5metres.

The proposed dwelling would extend beyond the rear building line of No.4 by some distance and would be built in proximity to the shared boundary. Despite the closest section being partly sunken, taken as a whole, due to its proximity, depth and scale, the proposed dwelling would be an imposing and dominating feature when viewed from the rear windows and garden area of No.4. As such, it would cause a materially harmful sense of enclosure for the neighbouring occupiers at No. 4 by virtue of loss of outlook, visual intrusion and a sense of enclosure.

For these reasons, the development proposal would impact on the neighbouring amenity of the host dwelling at No.4 in conflict with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D3 of the London Plan (2021).

OTHER AFFECTED NEIGHBOURS

Given the separation distances there are no other neighbouring residences that are considered potentially affected.

7.09 Living conditions for future occupiers

INTERNAL LIVING ACCOMMODATION

Policy DMHB 16 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.

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms. 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 of the Local Plan - Part 2 (2020). Table 3.1 requires a minimum gross internal floor area of 70 square metres for a two storey 2bed/3-person dwelling.

Policy D6 of the London Plan states - 8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

The Gross Internal Area (GIA) of the proposed dwelling is noted to comprise 50sq.m on the upper

ground floor and 58sq.m on the lower ground floor. The total GIA of 108sq.m for the new dwelling would exceed the requirement of the London Plan and Local Plan for a 1no double and 1no single bedroom dwelling.

However, importantly, part of the assessment of acceptable GIA and the quality of internal private space is the head height. The floor to ceiling height of the building measures 2.15m on the upper ground floor and 2.25m on the lower ground floor. The floor to ceiling heights of both floors would therefore be substandard, and the proposal is therefore contrary to planning policy.

The bedrooms would be located in the lower ground floor which is sunken into the garden. The bedrooms do not have any windows and are only served by a pair of doors that face towards steps that lead up to the garden, limiting outlook and the provision of sunlight and daylight. Similarly, the lower ground floor living accommodation would be served only by high level windows which would provide limited outlook and compromised sunlight and daylight.

For the above reasons, the proposed accommodation would not provide adequate living conditions for future occupiers in conflict with the housing standards of Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Chapter 12 of the National Planning Policy Framework (2021).

PRIVATE AMENITY SPACE

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3 of the Local Plan - Part 2 (2020). In accordance with Table 5.3, 60square metres of private outdoor amenity space is required for a 2-3 bedroom dwelling; and 100sq.metres is required for a 4+ bedroom dwelling.

Whilst not built-out, the submitted proposed drawings show the existing dwelling at No. 4 Rofant Road with extensions approved under planning permission ref. 6923/APP/2021/1912 (dated 6th October 2021). This results in a 4-bedroom dwelling at No. 4 Rofant Road, and the proposed semi-subterranean 2-bedroom dwelling.

The submitted Design and Access Statement states that the garden area would amount to approximately 87sq.m of private amenity space. On face value this would appear to exceed the policy requirement in quantitative terms. However this calculation appears to be based on strips of leftover land around the building, and does not take into account qualitative concerns.

When measuring the parcel of land (annotated 'garden' on the site plan) between the southern-eastern elevation of the building, the boundary treatment with Ashbourne Square and the vehicular access, this would amount to approximately 56sqm. When combined with the two proposed courtyards this would amount to approximately 66sqm. However, this would not be genuinely usable amenity space, and given the presence of mature trees whose canopies cover almost the entirety of this area, the garden is likely to be overshadowed. Consequently the private amenity space provision for the proposed dwelling would be substandard.

The host dwelling would retain approximately 67sq.m of private amenity space. As noted above, the proposed dwelling with the extensions implemented (as shown on submitted documents) would be a 4-bedroom dwelling that requires 100sqm of private garden space. Consequently the construction of

an additional dwelling on the garden of the existing dwelling would reduce the garden area below requirements. Therefore, insufficient amenity space would be retained which is considered to be inadequate for the host dwelling.

For the above reasons, both dwellings would be provided with insufficient and impractical private garden areas, contrary to the aims of Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) which places emphasis on good quality and useable amenity spaces.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1 unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network. Policy T6.1 (Residential Parking) requires that new residential development should not exceed the maximum parking standards as set out in table 10.3.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and Policy T4, T5 and T6 of the London Plan (2021).

VEHICULAR ACCESS PROVISION:

A single new vehicular crossover would be required on the Ashbourne Square street frontage to access the on-site parking space proposed for the new dwelling. The Council's Highways Officer has advised that the width of the proposed crossover at the back of the footway and at the edge of the kerb appear to be compliant with the Council's 'Domestic Vehicle Footway Crossover' (DVFC) 2022. In the event of an approval the finalised dimensions and construction specifications aligned to the appropriate council standard would be formalised post-permission and executed under S184 of the Highways Act 1980 (or suitable alternative arrangement) at the applicant's expense.

This would also apply to any necessary alterations to the existing dropped kerb for No.4 on Rofant Road which would be relocated and modified in the event of an approval. The modification of the existing crossover would also necessitate the removal and relocation of an established street-light column. In the event of an approval, all associated costs would need to be borne by the applicant/developer and executed under S184 of the Highways Act 1980, post-permission.

In safety terms there should be conformity to the relevant mutual inter-visibility and sight-line requirements between vehicles leaving the site and extraneous vehicles/pedestrians on the neighbouring roadways. The Council's Highways Officer therefore recommends that the height of any walling/shrubbery either side of the crossovers should not exceed 0.6m in height to achieve the aim of satisfactory visibility. The DVFC guidance advises that these visibility splays should extend a length of 2.4m either side of the crossover. It is therefore acknowledged that this would be achievable in terms of highway safety, however this may have impacts on the Ashbourne Square frontage in

terms of trees and whether they would cause obstructions. Further comments have been sought from the Council's Highways and Trees Officers and will be reported in the Addendum Report, prior to the Committee Meeting.

PARKING PROVISION:

Policy T6 of the London Plan (2021) requires a maximum of 0.75 spaces per dwelling, for a 1-2 bedroom dwelling in an area with a PTAL of 2. It is proposed to provide 1 car parking space, which is on balance considered acceptable. This level of provision would not result in a deleterious impact on the highway or on-street parking congestion.

ELECTRIC VEHICLE CHARGING POINTS (EVCP):

In line with the London Plan (2021), there is a requirement for a minimum of 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, the new single space should be designated as 'active' in order to future proof for anticipated demand. In the event of an approval the securing of an active charging space would be secured by condition.

CYCLE PARKING:

In terms of cycle parking there should be provision of 1 secure and accessible space for the new residential unit to conform to the adopted borough cycle parking standard. Two spaces are proposed located conveniently adjacent to the proposed parking space. This is acceptable, and compliant with policy.

CONSTRUCTION MANAGEMENT PLAN (CMP):

In the event of an approval a condition to secure a Construction Management Plan would be included. Given the constraints and sensitivities of the local road network, this is required to avoid/minimise potential detriment to the public realm.

7.11 Urban design, access and security

DESIGNING OUT CRIME

Policy D11 of the London Plan (2021) states that development should include measures to design out crime in proportion to the risk.

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.

Due to the significant set back and enclosures, the proposed dwelling would be located in a position within Rofant Road and Ashbourne Square that would not enable the dwelling to be passively surveilled by other residents and mutually the residents of the proposed dwelling would not be able to passively surveil the street.

Access to the new dwelling would be via Ashbourne Square which would be gated, deterring unauthorised entry. However as the new dwelling does not have a defined frontage that faces towards the street, the design and layout of the proposed dwelling is not considered appropriate to deter opportunities for crime in conflict with Policy D11 of the London Plan (2021) and Policy DMHB

15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.12 Disabled access

Policy D5 of the London Plan (2021) seeks to ensure development proposals achieve the highest standards of accessible and inclusive design. Policy D7 of the London Plan (2021) requires for at least 10% of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings', with all other dwelling meeting Category M4(2) 'accessible and adaptable dwellings'.

In the event of an approval, the conditions recommended by the Council's Access Officer (see Section 6 of this report) would be included in the decision. These two conditions require details of step free access via the principal private entrance to the dwelling; and a requirement that the new dwelling be certified as compliant with the technical specifications for an M4(2) dwelling. Subject to compliance with these conditions (should this application be approved) the proposal is considered compliant with Policies D5 and D7 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

IMPACT ON TREES

Paragraph 131 of the National Planning Policy Framework (2021) in Chapter 12 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. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Policy G1 of the London Plan (2021) states - London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. The green infrastructure approach recognises that the network of green and blue spaces, street trees, green roofs and other major assets such as natural or semi-natural drainage features must be planned, designed and managed in an integrated way.

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. The planting of additional trees should generally be included in new developments - particularly large canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that landscaping and tree planting should enhance amenity, biodiversity and green infrastructure.

Policy 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. In addition the policy states that - 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.

A tree survey has been submitted in support of the application. It is noted that the street trees (T4, T5) that were previously proposed to be removed are now being retained. However it is also noted that there are works proposed to other street trees (T6, T7, T9 proposed crown lifting) that are not in the applicants ownership. The proposal would therefore affect street trees and the relevant authority have not been served notice on. There is also no relevant record of an approval for the proposed tree works which is required as these trees are subject to a Tree Preservation Order (TPO). It is unlikely that the Council would approve such works given that the trees in question are B2 category trees that are in healthy condition and protected by Tree Preservation Area Order TPO 130.

As mentioned by LBH Trees Manager, it is noted that the majority of the windows, especially the living room window, are facing towards T6 to T10. As T7 to T10 are all Leyland Cypress this is likely to lead to an unsustainable relationship with pressure for their removal at a later date.

In dismissing the previous appeal, the Inspector apportioned substantial weight to street trees and the verdant character and the visual amenity value they provide. In respect to the safeguarding of these trees the Inspector noted the following: "13. I note the Council refers to other trees that would not be safeguarded as a result of the proposal. However, even if I were to agree with the Council's findings on the matter, I have not found in favour of the proposal in relation to the loss of street trees which I apportion substantial weight". Therefore, whilst the Inspector withheld judgment on this matter, it is considered that the lack consideration of post-development pressures, would harm trees within the TPO area, which in turn harm the landscape character of the area. On this basis, it is considered that the previous reason for refusal is in part, still relevant.

The development would not safeguard the existing street trees adjoining the site that are located within a TPO Area thus failing to demonstrate the long-term retention of these trees. The development proposal is contrary to Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies G1 and G7 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).

ECOLOGY

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

It is noted that the application site is not located within or adjacent to a nature reserve or a protected nature conservation site. Nevertheless, in the event of an approval, a condition would be secured requiring an ecological enhancement plan to be submitted to the Council for consideration. Subject to this condition, the proposal is considered to accord with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy G6 of the London Plan (2021) and the NPPF (2021).

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.

Refuse collection for the existing dwelling would continue from Rofant Road with collection from the new unit via Ashbourne Square. In order to conform to the council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste bin storage is positioned at a collection point within this set distance in order to conform to good practice. As a bin store is positioned on the new property with ready access to the street, this parameter is met. In the event of an approval, a planning condition would be included.

7.16 Renewable energy / Sustainability

RENEWABLE ENERGY

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.

In the event of an approval, a condition would be secured requiring a sustainability energy statement is submitted to demonstrate that the proposal would achieve at least a 10% improvement beyond Building Regulations 2013. Also, a condition would be 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.

Subject to the above conditions, the proposal would be compliant with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan: Part 2- Development Management Policies (2020) and Policy SI 2 of the London Plan (2021).

7.17 Flooding or Drainage Issues

FLOODING AND DRAINAGE

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 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) 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 site lies within Flood Zone 1 of the Environment Agency's Flood Risk Map. This means the site is classified as being at low risk and defined as having a less than 1 in 1,000 probability of fluvial and tidal flooding. As such, there are no restrictions on development, including more vulnerable uses such as Use Class C3 (dwellinghouses), in this location, in terms of fluvial and tidal flood risk.

It is noted that part of the site is shown to be at risk of surface water flooding, primarily the area south of the host dwelling in proximity to the proposed parking area. A drainage statement has not been submitted by the applicants to demonstrate how surface water and groundwater runoff would be managed. In the event of an approval, a condition would be 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. Also, the landscaping condition would have been worded in such a manner to ensure that permeable hard surfacing is used for the front forecourt and parking area.

Subject to such conditions, it is considered that the proposed development would not increase the risk of flooding on the site or elsewhere in accordance 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).

BASEMENT IMPACT:

Policy DMHD 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: When determining proposals for basement and other underground development, the Council requires a basement impact assessment of the scheme's impact on drainage, flooding, groundwater conditions, where appropriate. 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. We will require developers to demonstrate by methodologies appropriate to the site that their proposals:

- a) Maintain the structural stability of the building and neighbouring properties;
- b) Avoid adversely affecting drainage and run-off or causing other damage to the water environment;
- c) Avoid cumulative impacts upon the water environment in the local area;

A site investigation must be undertaken to inform the proposal, and where groundwater is found suitable mitigation provided. If a basement is proposed to extend to the edge of the site boundary, therefore not allowing appropriate mitigation should that be required. Allowance should be left on all sides so that groundwater flows do not impact on the surrounding area.

In the absence of a basement impact assessment, it has not been satisfactorily demonstrated that the development proposal would not cause harm to the built and natural environment and local amenity and does not result in flooding. It therefore conflicts with Policies DMHD 3, DMEI 9 and DMEI 10 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020).

7.18 Noise or Air Quality Issues

Policy D13 of the London Plan (2021) concerns the Agent of Change principle. The Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

Policy D14 of the London Plan (2021) concerns measures for residential and other nonaviation development to reduce, manage and mitigate noise to improve health and quality of life.

Railway tracks are located at the rear of the application site. This is an existing major noise source. However, residential development in this location is not a new sensitive use. The proposed dwelling would be located in a residential location amongst other dwellings. Therefore the siting of the dwelling is acceptable, both in terms of not compromising the railway use (the Agent of Change principle) and providing an appropriate acoustic environment for prospective residents. In the event of an approval, consideration may be given to ensuring enhanced sound insulation of the dwelling to mitigate potential noise nuisance from railway sources.

7.19 Comments on Public Consultations

Please refer to Section 6 of this report.

7.20 Planning obligations

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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 (MCIL) charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of a new dwelling and is therefore CIL liable if planning permission were to be granted.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues are identified.

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 dwelling by reason of its size, scale, bulk, depth, width, materials, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area.

The site is located adjacent to a Tree Preservation Area to the south which is covered by Tree Preservation Order (TPO) 130. The development proposal includes works to London Borough of Hillingdon trees on the adopted highway and within the TPO area which is not supported by the Council. Whilst an arboricultural report has been submitted, this is inadequate. It does not acknowledge the constrained nature of the site, and does not address how the development could be constructed without harming the adjacent trees or the post-development pressure on affected trees.

Therefore the application does not make adequate provision for the protection and long-term retention of valuable trees and results in the loss of trees that contribute positively to the local landscape character of the area.

The development proposal would be harmful on the residential amenity of No.4 by way of visual intrusion, loss of outlook and creating a sense of enclosure.

The proposed new dwelling would not be provided with adequate living accommodation and the private amenity spaces for both the proposed new dwelling and the host dwelling at No.4 would be substandard and impractical.

As the proposed dwelling is not provided with a defined frontage or legibility, it would not be appropriately designed in accordance with 'secured by design' guidance to deter opportunities for crime.

The application is not supported by a basement impact assessment and in the absence of this information, it has not been demonstrated that the development can be carried out without increasing flood risk or cause harm to the built and natural environment and local amenity.

For the reasons set out in the above report, the application is recommended for refusal.

11. Reference Documents

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

Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

London Plan (2021)

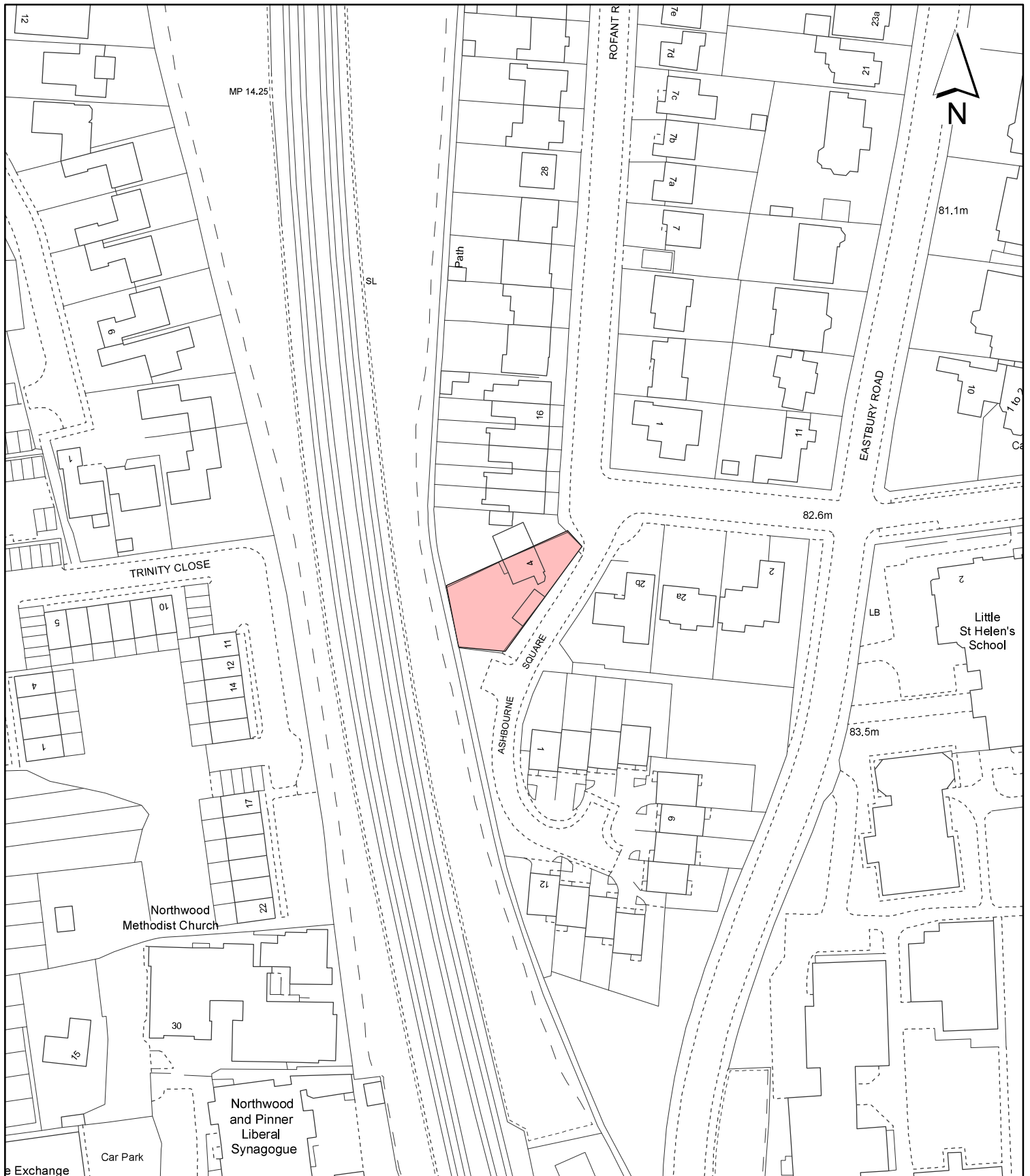
National Planning Policy Framework (2021)

Contact Officer:

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Notes:

 Site boundary

For identification purposes only.

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**LONDON BOROUGH
OF HILLINGDON**
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Planning Section

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Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

6923/APP/2023/545

Scale:

1:1,250

Planning Committee:

Borough

Date:

September 2023



HILLINGDON
LONDON