

Report of the Head of Planning & Enforcement Services

Address LAND TO REAR OF 51 AND 53 PEMBROKE ROAD RUISLIP

Development: Erection of 2 five-bedroom, two storey detached dwellings with habitable roofspace, associated parking and amenity space

LBH Ref Nos: 66982/APP/2011/2221

Drawing Nos: 1012-pl-01 Rev B
1012-pl-02 Rev C
Location Plan
1012-pl-03 Rev A

Date Plans Received: 12/09/2011 **Date(s) of Amendment(s):**

Date Application Valid: 22/09/2011

1. SUMMARY

Planning permission is sought for the erection of 2 five-bedroom houses on a backland site to the rear of Nos. 51 and 53 Pembroke Road. The scheme is considered unacceptable in terms of the principle and the layout and design of the proposal. As such the proposal is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policies BE13, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.5, 7.4 and 7.6 of the London Plan (July 2011) and Planning Policy Statement 3: Housing (June 2010).

2 NON2 Non Standard reason for refusal

The proposed development, and in particular the proposed new access road, would, by reason of its size, layout and design, be out of keeping with the character and appearance of neighbouring properties and the historic context of the area, detrimental to the visual amenities of the streetscene and the surrounding area. The proposal would therefore be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 3.5, 7.4 and 7.6 of the London Plan (July 2011).

3 NON2 Non Standard reason for refusal

The development is estimated to give rise to a significant number of children of nursery/primary/secondary/post-16 school age and therefore additional provision would need to be made in the locality due to the shortfall of places in nurseries/schools/educational facilities serving the area. Given a legal agreement at this

stage has not been offered in a satisfactory form or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies September 2007.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises land located to the north of Nos. 51 and 53 Pembroke Road and is formed from the rear parts of the gardens of these properties. The site is some 0.15 hectare in area. To the north, the site is bound by the rear gardens of Nos. 5, 6 and 7 Green Walk. These properties on Green Walk are within the Ruislip Manor Way Conservation Area. The site is bounded to the east by the rear garden of 55 Pembroke Road and to the west, by the side boundaries of 32 Brickwall Lane and 49 Pembroke Road. The land slightly undulates and there are mature trees and hedges to the north, east and west boundaries.

The surrounding area is residential in appearance and character. The site is within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of two detached five bedroom houses to the rear of 51 and 53 Pembroke Road. The pair of houses would be centrally positioned in the plot and set 2.4m apart. Plot 1, to the west, would be located some 6.6m from the side boundary with 32 Brickwall Lane, 26m from the rear elevation of 51 Pembroke Road and at least 16m from the rear boundary with the properties in Green Walk. Plot 2, to the eastern side of the plot, would be set 5m from the side boundary with 55 Pembroke Road, 28m from the rear elevation of 53 Pembroke Road and at least 14m from its rear boundary.

The proposed houses would be to the same design although one would be the mirror image of the other. They would be 11.5m wide, a maximum of 10m deep and measure 5.7m in height to eaves level, with crown roofs at a maximum of 9m in height. Front and rear rooflights would be set in the roofs. The houses would be of handmade stock brickwork at ground floor level and have a white rendered finish to the first floor. Roof slopes would be of plain clay tiles.

The proposed houses would be accessed from a new 4.5m wide driveway set between 51 and 53 Pembroke Road. The driveway would extend by some 40m from Pembroke Road and terminate in a turning head in front of the two proposed houses. Two parking spaces for each house would be provided off the turning head.

The proposed plots would be separated by a 2m high close boarded fence. The same type of fence would divide the rear gardens of 51 and of 53 Pembroke Road from the turning head with a space of some 10m separating the front elevations of the proposed houses from the rear fences to the new plots of 51 and 53 Pembroke Road.

3.3 Relevant Planning History

66982/APP/2010/1004 Land To Rear Of 51 And 53 Pembroke Road Ruislip

Erection of 2 five-bedroom, two storey detached dwellings with habitable roofspace, associated parking and amenity space.

Decision: 27-09-2010 Refused

Appeal: 17-06-2011 Dismissed

Comment on Relevant Planning History

Planning permission was refused in September 2010 for the erection of 2 five-bedroom, two storey detached dwellings for the following reasons:

1. The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policies BE13, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan (Consolidated with Alterations since 2004), Planning Policy Statement 3: Housing (June 2010), and guidance within The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

2. The proposed development and in particular the proposed new access road would, by reason of its size, layout and design, be totally out of keeping with the character and appearance of neighbouring properties and the historic context of the area, detrimental to the visual amenities of the streetscene and the surrounding area. The proposal would therefore be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 3A.3, 4B.1 and 4B.8 of the London Plan (Consolidated with Alterations since 2004).

3. The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, as there is a shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

A subsequent appeal was dismissed and the Inspector's decision letter (of 17th June 2011) made a number of points which are referred to below.

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

- | | |
|------|---|
| BE13 | New development must harmonise with the existing street scene. |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| BE22 | Residential extensions/buildings of two or more storeys. |

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **26th October 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The occupiers of 61 neighbouring properties and the Ruislip Residents Association were consulted.

7 replies received in support of the proposal stating:

1. Two large houses would be in keeping with the character of the local area and would not detract from the surrounding properties
2. The proposal would have a far less detrimental effect than a multi-complex project.
3. The site is an unsightly area and the proposal would architecturally blend with the area and would improve the locality.

4 replies received objecting to the proposal on the following grounds:

1. The proposal is out of character;
2. Loss of gardens;
3. Traffic would spoil peace and tranquillity;

4. The proposal would be overbearing, bulky and domineering and would result in loss of privacy, loss of open views, security threat as side garden to become exposed to potential intruders, loss of wildlife, noise and parking issues.
5. Pembroke Road already overdeveloped with numerous flats being built nearby and proposal would result in deterioration of local services;
6. would upset wildlife and ruin the neighbourhood;
7. The proposal would result in loss of light, loss of trees and wildlife.
8. Pembroke Road is fast becoming over populated.

A petition with 54 signatures has been received stating:

"We, the undersigned, have no objection to the above proposed planning application"

A petition with 97 signatures has been received stating, in summary, Hillingdon Council is petitioned to take urgent steps to oppose the plans to erect two five-bedroom detached houses. Reasons of opposition can be summarised as: infilling of back gardens resulting in an overcrowded environment, loss of an oasis of green land, inappropriately large houses resulting in loss of peace and privacy, pollution during construction and from vehicles when completed, dangerous access and, over-development.

Thames Water:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application. With regard to water supply, this comes within the area covered by the Veolia Water Company.

Internal Consultees

CONSERVATION AND URBAN DESIGN OFFICER:

The detached houses, Nos. 51 and 53, are two pleasant 1930's villas, two of a group of six similarly designed houses, with front and side hedges and long gardens, with views through the generous gaps between the houses. A previous application on this site sought permission for two detached houses to the rear, reached by an access road between Nos. 51 and 53. This was dismissed on appeal in June 2011 on grounds that the development would cause unacceptable harm to the area's character and appearance. This view was reached from the conclusion that the layout was rigid, lacking interesting spaces or relationships between the two houses, cramped and lacking in visual interest.

As amended, it is considered that the two proposed houses would still be rigid in their layout, their floor plans barely changed, and their turning head changed only in that there would now be a slight kink in it and a hedge along one side. If anything, the designs of the houses have been altered for the worse, being even bulkier and blander. The amendments are considered to be so minor as to in no way assuage the Inspector's concerns. They also fail to address any issues of sustainability, as referred in the Design and Access Statement.

In addition to the failure to meet the concerns raised in the Inspector's decision however, it is considered that the development would be likely to detract significantly from the streetscene. The

Inspector notes the wider than usual gap between the two houses, which, until recently, accommodated hedges and planting, and makes the point that this gives no real impression of the space that exists to the rear. However, the redevelopment of these two gardens with a wide access road, tall fencing, double gates, a wide turning head and two houses (which would loom unpleasantly between and to the side of the two on the frontage) would have a very marked impact on the appearance and character of the streetscene, and give a very vivid and sterile impression of the space that exists to the rear.

There have been previous applications to redevelop the rear gardens behind this part of Pembroke Road, where the Inspectors have drawn attention to the importance of the gaps between the houses, and the views through to the trees in the rear gardens. 55, 57 and 59 Pembroke Road Appeal Ref: APP/R5510/A/08.2072077, for a development comprising apartments for the elderly was dismissed on appeal on 13th November 2008. In her decision the Inspector said the design would not maintain the existing rhythm of the street scene which derives, among other things, from the views of vegetation and sky in the gaps between the detached dwellings, and that this would outweigh the acceptability in principle of redevelopment of the rear gardens.

53-55 Pembroke Road, Appeal Ref: T/APP/G5510/A/99/1029605, for a development comprising a bungalow, chalet and house, with an access road running between Nos. 51 and 53 Pembroke Road. Here the Inspector noted that the generous sized plots and mature gardens provided an attractive, open character to the townscape hereabouts. He also considered that the access between Nos. 51 and 53, where there was mature planting, would remove an attractive natural feature between the two gardens and adversely affect the quiet enjoyment of the rear gardens of the affected properties.

Notwithstanding the poor quality of the submitted scheme to the rear of Nos. 51 and 53 Pembroke Road, which it is considered would need comprehensive re-design to render it acceptable in design terms, it is also considered that the creation of an access and the building over of these rear gardens in this way would have a detrimental impact upon the character and appearance of the streetscene, and that this has been a factor in the two previous appeal decisions cited above.

RECOMMENDATION: Unacceptable

EDUCATION:

The Unilateral Undertaking, with all the crossed out and hand written insertions, is not in an acceptable form. It needs to be a clean and clear copy that is correctly compiled and signed. It seems that an updated existing Unilateral Undertaking has been submitted. This would not be acceptable to the lawyers. Title information from land registry would also need to be seen. Please add the standard education reason as a reason for refusal.

WASTE OFFICER:

The plan does show that a space has been allocated for the storage of waste, which is good practice. However, Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer. The residents would be required to present the waste and recycling at the curtilage of the property on the allocated collection days.

ACCESS OFFICER:

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

Whilst these submitted plans do demonstrate that accessibility and the Lifetime Homes Standards

have been considered in detail, further clarity needed in respect of the following:

The floor plan should be amended to confirm that level access, or sloped access with a maximum gradient of 1:20, will be provided from the car parking to the proposed dwelling houses, with a level threshold to allow unhindered wheelchair user entry.

Conclusion: Subject to satisfactory amendments that incorporate the above observations, the proposal would be acceptable form and accessibility perspective.

HIGHWAYS ENGINEER:

The site is located in Pembroke Road which is designated as a local distributor road within the Council's UDP. This is an amended planning application submitted on the basis of previously refused planning application number 66982/APP/2010/1004. Submitted plan showing provision of access road layout, refuse collection point and pedestrian visibility splay which are acceptable. However the applicant fails to provide lighting information for proposed access road or indicative location of lighting in accordance to BS 5484 EN312. It is imperative to light an access road of over 40m in length located between dwelling of at least 6.0m high (51 & 53), for security and occupants safety.

No objection is raised on the proposal subject to the following conditions and informative being applied.

Conditions:

1. The development shall not be occupied until the hardstanding area including access road and parking spaces have been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing by the Local Planning Authority and shall be permanently maintained thereafter to the Authority's satisfaction.
2. The developer shall certify to the Council in writing that the lighting of the access road, turning head and car park area is designed in accordance with BS 5984 EN13201 and implemented prior to first occupation of the development and such lighting is to be maintained thereafter.

Informatives

1. The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.
2. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system

TREES AND LANDSCAPE OFFICER:

LANDSCAPE CONTEXT: The site comprises the land forming the northern half of the rear gardens of two houses on the north side of Pembroke Road. There are no significant trees or other landscape features close enough to the proposed development to pose a constraint. However, there are boundary trees and shrubs along the side boundaries and a mature Hawthorn hedge, currently unmanaged and forming small trees along the rear (northern) boundary. These are protected by virtue of being within the Ruislip Manor Way Conservation Area. There are no Tree Preservation Orders on, or close to, the site. No tree survey has been submitted. However, the layout drawing indicates the position and approximate spread of existing trees.

PROPOSAL: The proposal is an amended scheme (see 2010/1004) to build two detached houses with car parking and generous gardens. Pre-application discussion has taken place and is reflected in the minor amendments to the car parking layout and additional (indicative) tree planting (drawing No. 1012-pl-01 Rev B).

LANDSCAPE CONSIDERATIONS: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other landscape features will be affected by the development and the proposal includes space and opportunity for landscape enhancement through supplementary planting. In this scheme additional planting is proposed within the front gardens of numbers 51 and 52, either side of the proposed driveway. This will help to ameliorate the appearance of the existing hard surfacing associated with car parking.
- Where parking layouts are altered a part of an extension to a property, at least 25% of the front garden may be required to be maintained for planting and soft landscaping.
- DCLG/EA guidance requires new driveways to be permeable, to meet SUDS requirements.
- There is a highway tree in the footway close to the site access which will require protection
- Hard and soft landscaping associated with the shared driveway will require maintenance. The responsibility for management and maintenance should be clarified either through land ownership or a management agreement.

RECOMMENDATIONS: No objection, subject to the above considerations and conditions TL1, TL2, TL3, TL5 and TL6.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within an established residential area and forms part of the 'developed area' as defined in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

Key changes in the policy context, since the adoption of the UDP, include the Letter to Chief Planning Officers: Development on Garden Land dated 19th January 2010; the new Planning Policy Statement 3: Housing adopted June 2010 (PPS 3); and the adoption of The London Plan of July 2011.

In relation to National Policy the Letter to Chief Planning Officers clarifies that "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed" and commits to move this clarification to a more prominent position within PPS 3. It further clarifies that "the main focus of the Government's position therefore is that local authorities are best placed to develop policies and take decisions on the most suitable locations for housing and they can, if appropriate, resist development on existing gardens".

The changes to PPS3 have altered the definition of 'previously developed land' to exclude private residential gardens. However, PPS3 does not state that development on previously undeveloped land, including back gardens, will never be acceptable. The alteration to the definition of 'previously developed land' means that Local Planning Authorities must consider all other relevant material planning considerations in greater detail to assess whether or not such considerations outweigh the loss of the private residential garden. Furthermore, paragraph 41 of PPS3 states that 'The National annual target is that at least 60% of new housing should be provided on previously developed land'. It therefore follows that the remainder of new housing has to be provided on previously undeveloped land. Again, PPS3 does not state that housing development on previously undeveloped land cannot be allowed. The outcome of these changes means that Council's will have to assess all material planning considerations more closely and make decisions on a case by case basis.

Policy 3.5 of the London Plan (July 2011) states in part the following:

'Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic Policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.'

The principle of the development therefore hinges on all other material planning considerations and the quality of the proposed development.

A material planning consideration in this instance is the Inspector's decision letter for the appeal to the previous planning application. Although the appeal was dismissed, the Inspector commented with regard to the principle of residential development

"7. I conclude that in this case the loss of garden land, as proposed in the appeal proposals, would not cause unacceptable harm, and that this factor does not justify the refusal of permission here. In principle therefore, there is no reason why some form of residential development on the site should not be acceptable."

"15. Although residential development on the appeal site is not unacceptable in principle, the present scheme would cause significant harm to the area's character and appearance due to its poor standard of design and layout."

Appeal decisions and comments made in Inspector's decision letters are material considerations and under normal circumstances officers would advise that significant weight be given to appeal decisions. However, in this particular case there are a number of factors which results in officers considering that less weight should be attached to the last appeal decision relating to this site. These are:

- i) The Inspector did not take into account previous appeal decisions relating not only to this site, but adjoining sites which seem to contradict the decision of this particular Inspector and place a much greater weight on the protection of rear garden land;
- ii) The appeal decision pre-dates the adoption of the latest London Plan in July 2011.
- iii) The latest appeal decision appears to contradict the previous decisions, referred to in this report, particularly in regard to the value of rear garden land visually and within the townscape.

Given these factors, officers consider that there is still a case to be made that the principle of the development is not acceptable.

7.02 Density of the proposed development

Policy 3.4 of the London Plan is concerned with optimising housing potential. However, the London Plan also states that residential densities should harmonise with the surrounding area. The site has a PTAL of 3 and is in surroundings classed as "Suburban". Table 3.2 of the London Plan addresses ranges of housing densities acceptable in different settings. The proposal represents a density of approximately 120hr/ha. This is an acceptable density with consideration to Table 3.2 and therefore complies with Policy 3.4 of the London Plan.

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

The site is not located within a Conservation Area. Manor Way Conservation Area is to the north of the site.

7.04 Airport safeguarding

The development does not result in any airport safeguarding issues.

7.05 Impact on the green belt

The site is not located in, or close to, Green Belt.

7.07 Impact on the character & appearance of the area

The surrounding area is characterised by houses fronting roads. There do not appear to be any houses constructed in the back garden of the houses on this side of Pembroke Road. This part of Pembroke Road, and the surrounding area, is characterised by detached properties with long back gardens, containing various trees and shrubs typical of a suburban area and the layout, scale and design of development in this area is relatively uniform. Officers are not aware of any other properties/plots in the vicinity of the site which have been redeveloped in the same way as this.

It is considered that the layout of the proposed development, on the large rear gardens of existing properties in this suburban area would be particularly out of keeping with the pattern of surrounding development, out of keeping with the character and appearance of neighbouring properties and detrimental to the visual amenities of the area. The proposal would create a new relatively wide access point off Pembroke Road. This would allow clear views of the proposed development to the rear of the existing properties, which it is considered would be out of keeping with the local context and distinctiveness of the area.

In relation to the proposal as amended, in comparison to the refused scheme, it is considered that the houses would still be rigid in their layout, their floor plans hardly changed and their turning head changed only in that there would now be a slight kink in it and a hedge along one side. It is considered that the designs of the houses have, in fact, been altered for the worse, being even bulkier and blander. The amendments are considered to be so minor as to in no way assuage the Inspector's concerns.

In addition to the failure to meet the concerns raised in the Inspector's decision, it is also considered that the development would be likely to detract significantly from the streetscene. The Inspector notes the wider than usual gap between the two houses, which, until recently, accommodated hedges and planting, and makes the point that this gives no real impression of the space that exists to the rear. However, the redevelopment of these two gardens with a wide access road, tall fencing, double gates, a wide turning head and two houses would have a very marked impact on the appearance and character of the streetscene, and give a very vivid and sterile impression of the space that exists to the rear.

There have been previous applications to redevelop the rear gardens behind this part of Pembroke Road, where the Inspectors have drawn attention to the importance of the gaps between the houses, and the views through to the trees in the rear gardens. Examples being the site at 55, 57 and 59 Pembroke Road relating to apartments for the elderly which was dismissed on appeal with the Inspector commenting that the design would not maintain the existing rhythm of the street scene which derives, among other things, from the views of vegetation and sky in the gaps between the detached dwellings, and that this would outweigh the acceptability in principle of redevelopment of the rear gardens.

Also at 53-55 Pembroke Road, for a development comprising a bungalow, chalet and house, with an access road running between Nos. 51 and 53 Pembroke Road with the Inspector noting that the generous sized plots and mature gardens provided an attractive, open character to the townscape hereabouts. He also considered that the access

between Nos. 51 and 53, where there was mature planting, would remove an attractive natural feature between the two gardens and adversely affect the quiet enjoyment of the rear gardens of the affected properties.

The overall layout and design of the proposal, including the creation of backland development and the provision of a new access off Pembroke Road, fails to respect the local context and the distinctiveness of the surrounding area, contrary to UDP Policies BE13, BE19, London Plan Policies 3.5 and 7.4, paragraphs 3.4 and 4.27 of the Hillingdon Design and Accessibility Statement (HDAS): Residential Layouts.

7.08 Impact on neighbours

The proposed houses would be over 21m from the private amenity spaces of the houses in Pembroke Road, Windmill Hill, Green Walk and Brickwall Lane. This distance is sufficient to ensure that the proposal would not have an overbearing, over dominant or visually intrusive impact on the residential amenities of the occupiers of the houses in those streets. Furthermore, this distance would also ensure that the proposal would not result in a loss of privacy, through overlooking, would not result in a significant increase in overshadowing and loss of sunlight/daylight to those properties, and would create a satisfactory residential environment for the occupiers of the new houses.

The use of the driveway would result in an increase in noise and disturbance to the occupiers of Nos. 51 and 53 Pembroke Road. However, this increase is considered not to be so significant as to justify a refusal of planning permission.

It is therefore considered that the proposal would not harm the residential amenities of the occupiers of adjoining houses through over dominance, visual intrusion, overshadowing and overlooking, in accordance with Policies BE20, BE21, and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The new windows would provide adequate outlook and natural light to the rooms they would serve, in accordance with the UDP and paragraphs 4.9 and 4.12 of the HDAS: Residential Layouts.

7.09 Living conditions for future occupiers

The internal size of the proposed houses would be over 235sq.m which would exceed the requirements of paragraph 4.6 of the HDAS: Residential Layouts for 5 bedroom houses.

It is considered that the houses could be acceptable with regard to Lifetime Homes requirements subject to the imposition of suitable conditions to any planning permission.

Over 350sq.m of private amenity space is proposed for plot 1 and over 250sq.m is proposed for plot 2, both of which would meet the requirements of paragraph 4.15 of the HDAS: Residential Layouts. Therefore the proposal would comply with Policy BE23 of the UDP.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed houses would not lead to a significant increase in traffic generation given their number and location within a residential area. As such, the proposal would comply with Policy AM2 of the UDP.

The Council's standard requires 2 off-street parking spaces for new houses. The submitted plans show 2 off-street parking spaces for each house, in compliance with the above standard. Sheltered cycle parking is also provided.

Therefore, it is considered that the proposal is unlikely to result in an increase in on-street demand for parking, and would meet sustainability objectives, in accordance with Policies AM7, AM9 and AM14 of the UDP, paragraphs 4.33 and 4.39 of HDAS: Residential

Layouts and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

7.11 Urban design, access and security

With regards to security, a condition could be attached requiring that the property achieve Secure by Design accreditation, should planning permission be granted.

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, landscaping and Ecology

No loss of trees is proposed and the proposed houses would be set a sufficient distance from the existing trees and hedges along the boundary of the site. As such, the proposal would comply with Policy BE38 of the UDP.

7.15 Sustainable waste management

Sufficient waste facilities could be provided at the entrance of the site which would allow access by refuse collectors on Pembroke Road rather than having to access the two houses via the driveway. The proposal would comply with paragraph 4.40 of HDAS: Residential Layouts.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

The third party comments have been addressed in the report.

7.20 Planning obligations

The proposed houses would result in a net increase of 7 rooms and as such would fall within the threshold for seeking a contribution towards additional school facilities in the Manor Ward. Given that a Unilateral Undertaking has not been offered in a satisfactory format to address this issue, the proposal is considered to be contrary to Policy R17 of the UDP and the Council's Planning Obligations, SPD.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is

unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

This is not applicable to this application.

10. CONCLUSION

The proposed development is considered to be contrary to the aforementioned policies and as such, this application is recommended for refusal.

11. Reference Documents

Hillingdon Unitary Development Plan saved policies September 2007.

Hillingdon Design and Accessibility Statement, Residential Layouts, Supplementary Planning Document, July 2006

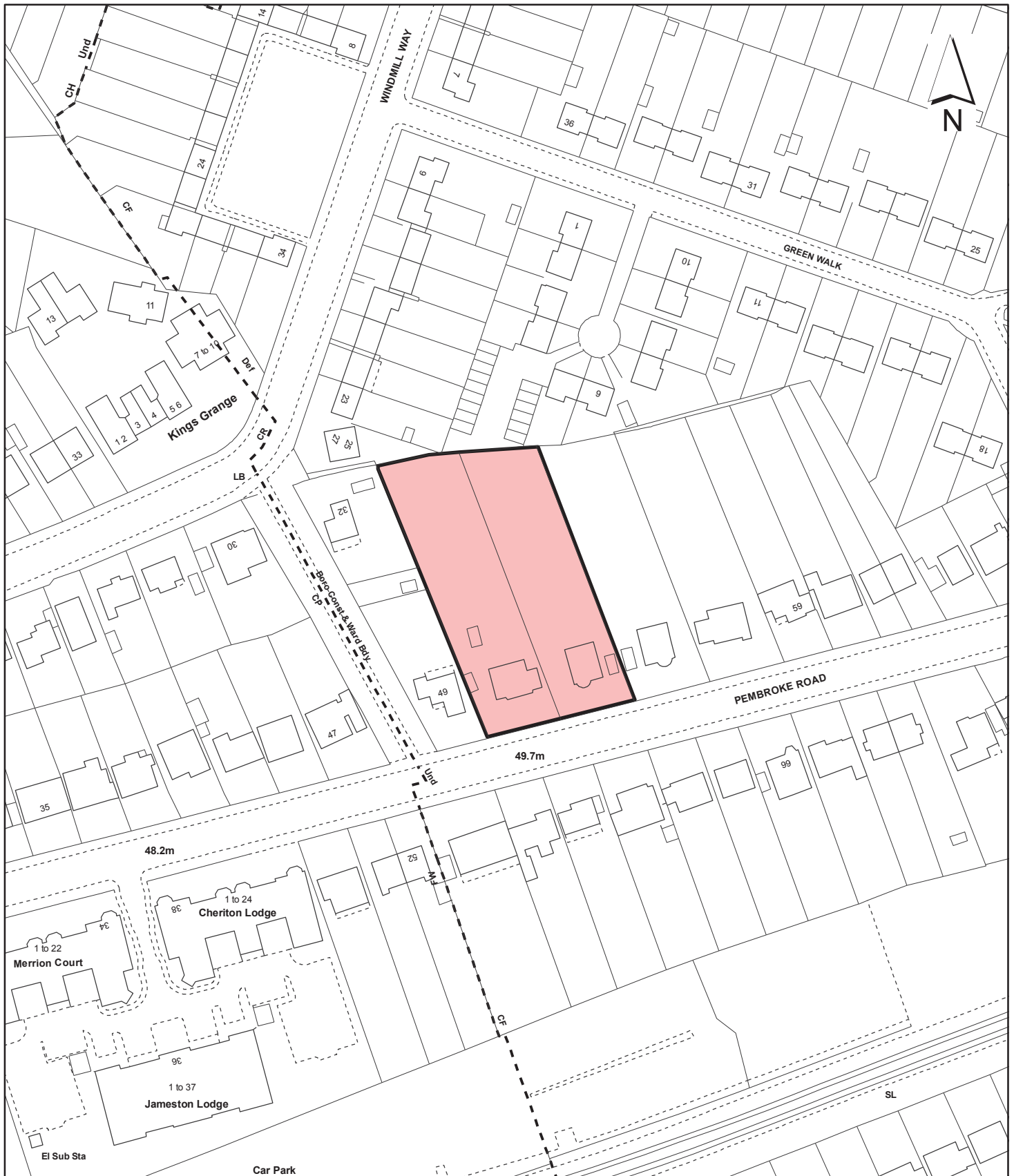
Revised Chapter 4: Education Facilities of the Planning Obligations SPD adopted 23 September 2010



Planning Obligations SPD adopted 15 July 2008

The London Plan 22 July 2011

Contact Officer: Jonathan Doe

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">Land to the rear of 51 and 53 Pembroke Road, Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>	
	<p>Planning Application Ref:</p> <p style="text-align: center;">66982/APP/2011/2221</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	 HILLINGDON LONDON	
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">November 2011</p>		