

Report of the Head of Planning & Enforcement Services

Address LAND FORMING PART OF 12 GLADSDALE DRIVE EASTCOTE

Development: Erection of a single storey, detached, two-bedroom dwelling with associated amenity space and parking

LBH Ref Nos: 65761/APP/2012/549

Drawing Nos: RAC/3/e
DC/4/e
1/a
DC/2d
Location Plan to Scale 1:1250
Design and Access Statement
Arboricultural Survey

Date Plans Received: 07/03/2012 **Date(s) of Amendment(s):**
Date Application Valid: 14/03/2012

1. SUMMARY

The proposal is a revised scheme for a single storey detached dwelling that would be set adjacent to the existing property, 12 Gladsdale Drive. An application was originally allowed on appeal where the main issue was considered to be the effect of the proposed development on the character and appearance of the area. The appeal for the single storey building was allowed in June 2011, subject to conditions. A later application and appeal was dismissed March 2012 for a larger building that would have come further forward of the existing property and, amongst other alterations, would have extended to the front and rear, and included a new front projecting bay window and second bedroom with side window.

The front building line and design of the currently proposed bungalow would be the same as that permitted on appeal. Additionally, this current proposal seeks a second bedroom, altered side fenestration and an extension to the rear of the permitted building by 2.3m. This alters from the recently refused and dismissed scheme where a total length of 3.64m was proposed that would have brought it 1.6m closer to the road. The current scheme would incorporate the side fenestration in the recently refused/dismissed scheme and which the Inspector considered to be acceptable in paragraphs 11 and 12 of his decision, subject to conditions relating to boundary treatment.

In terms of the character of the area, the front building line and design of the proposed dwelling, in remaining the same as that permitted on the original appeal, is acceptable. The latest appeal decision makes no comment upon the principle of an additional rear extension, merely upon the additional bedroom in the Inspector's concluding paragraphs. The additional 2.3m extension at the rear is not considered to result in a building which would be visually intrusive from public vantage points such as to warrant refusal of the application on this element alone.

This application is recommended for approval subject to conditions. These conditions are transferred from the originally allowed appeal decision, but include an additional landscaping condition as recommended in the latest appeal decision and a further condition to ensure the removal of householder permitted development rights in order for

the Council to retain additional control over the resulting development.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 HH-T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HH-M1 **Details / Samples to be Submitted**

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 HH-OM1 **Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 HH-RPD1 **No Additional Windows or Doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved which would face any/either of the adjoining properties.

REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 HH-RPD2 **Obscured Glazing and Non-Opening Windows (a)**

The windows facing 12 Gladsdale Drive shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscaping works shall thereafter be carried out as approved, prior to the occupation of the proposed new dwelling, or in accordance with such other programme as may be agreed. Any trees or plants forming part of the landscaping scheme which are lost or removed for any reason, within a period of 5 years after planting, shall be replaced during the next planting season with others of similar size and species.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 TL7 Maintenance of Landscaped Areas

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with Policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

8 NONSC Non Standard Condition

Notwithstanding the fencing details shown on the submitted plans, the proposed new dwelling shall not be occupied until fencing or other boundary treatments have been installed on all of the site's boundaries in accordance with further details to be submitted to and approved in writing by the local planning authority. The boundary treatments thus approved shall be retained thereafter.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to ensure adequate levels of light and living conditions to the second bedroom of the bungalow hereby approved in accordance with Policy 5.3 of the London Plan (2011).

9 NONSC Non Standard Condition

The proposed new dwelling shall not be occupied until a minimum of two parking spaces for the existing property, and one space for the proposed new dwelling, have been laid out and surfaced in accordance with further details, to be submitted to and approved in writing by the local planning authority. The parking spaces thus approved shall be retained for that purpose thereafter.

REASON

To ensure that the proposed development will provide sufficient parking in compliance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

10 NONSC Non Standard Condition

The proposed new dwelling shall not be occupied until covered storage refuse enclosures have been provided, to serve both the existing and new dwellings, in accordance with details to be submitted to and approved in writing by the local planning authority. The approved refuse enclosures shall be retained for that purpose thereafter.

REASON

To ensure that the proposed development will preserve and enhance the residential amenities of the locality in compliance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

11 NONSC Non Standard Condition

The proposed dwelling shall be designed to achieve a minimum of Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued certifying that this level has been achieved.

REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

12 NONSC Non Standard Condition

The proposed dwelling shall be designed and fitted out in accordance with the Lifetime Homes Standards set out in the Council's SPD "Accessible Hillingdon" (January 2010). The dwelling shall not be occupied until these standards have been met.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

13 RPD5 Restrictions on Erection of Extensions and Outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension to the approved dwellinghouse nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity or impact unduly on visual amenity in accordance with Policies BE13, BE15, BE19 and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

14 RPD9 Enlargement to Houses - Roof Additions/Alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of the dwellinghouse shall be constructed.

REASON

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 152 **Compulsory Informative (1)**

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

2 153 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
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.
H4	Mix of housing units
H5	Dwellings suitable for large families
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.1	(2011) Ensuring equal life chances for all
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 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive environment

3 11 **Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 12 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

5 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

6 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

7 115 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site lies on the north side of Gladsdale Drive and comprises a plot of land, originally used as garden in connection with the residential use of No.12, a semi detached property located at the western end of Gladsdale Drive.

The street is residential in character and whilst the 'architecture' of such areas can be described as ordinary and mass produced, the proportion of the buildings, their uniform manner of addressing the street and use of space with car parking to the side, and front gardens retained are defining features that create a pleasing homogeneity.

The land is on a slope with the land falling away towards the northwest to the stream at the rear. The land to the west is within the Green Belt and is also designated as a Site of Importance for Nature Conservation and a Woodland Tree Preservation Order is in place. The western boundary of the site forms the boundary between the Developed Area and the above mentioned designations as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks an amendment to the planning permission granted on appeal. This proposal would add an extra bedroom, to make a two bedroomed bungalow, and elongate the approved scheme by 2.3m to the rear. The current scheme therefore proposes to erect a single storey 2-bedroom detached dwelling adjacent to 12 Gladsdale Drive using a similar footprint but extending 2.3m to the rear. The dwelling would be 5.48m wide and 13.39m deep (allowed appeal scheme 11.36m deep) and would be finished with a hipped roof that would be 2.5m to the eaves and 3.89m high to the ridge (as per the allowed appeal). Two off street parking spaces would be provided to the front of the property.

3.3 Relevant Planning History

41717/A/88/0791 12 Gladsdale Drive Eastcote Pinner
Erection of a two-storey side extension and formation of a granny annexe at first-floor level

Decision: 27-07-1988 Approved

41717/APP/2009/2080 12 Gladsdale Drive Eastcote Pinner
Single storey detached garage to side (Application for a Lawful Development Certificate for a Proposed Development)

Decision: 19-11-2009 Approved

41717/APP/2009/2562 12 Gladsdale Drive Eastcote Pinner
Single storey detached outbuilding to side for use as garage / games (Application for a Lawful Development Certificate for a Proposed Development).

Decision: 21-01-2010 Refused **Appeal:** 08-11-2010 Allowed

65761/APP/2009/216 Land Forming Part Of 12 Gladsdale Drive Eastcote
Two storey four-bedroom detached dwelling with associated parking.

Decision: 09-03-2009 Withdrawn

65761/APP/2009/599 Land Forming Part Of 12 Gladsdale Drive Eastcote
Two storey three-bedroom detached dwelling with associated parking.

Decision: 16-09-2009 **Appeal:** 16-09-2009 Dismissed

65761/APP/2010/2707 Land Adjoining 12 Gladsdale Drive Eastcote
Erection of a single storey detached one-bedroom dwelling with associated parking and amenity space.

Decision: 22-02-2011 Refused **Appeal:** 21-06-2011 Allowed

65761/APP/2011/1645 Land Adjoining 12 Gladsdale Drive Eastcote
Erection of a single storey, detached, two-bedroom dwelling with associated amenity space and parking

Decision: 17-11-2011 Refused **Appeal:** 05-03-2012 Dismissed

Comment on Relevant Planning History

This is the fifth application submitted for a dwelling on this site. The first submission(65761/APP/2009/216) was withdrawn following officer advice that the application would not receive officer support due to its design and the lack of an arboricultural report.

The second application (65761/APP/2009/599) was appealed under non-determination, however, it was considered by the North Planning Committee that the application would have been refused for the following reasons:

1. The proposed dwelling by reason of its siting and layout would result in a cramped form of development, which would not be in keeping with the existing surrounding development, and would be detrimental to the visual amenity and character of the surrounding street scene contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
2. The proposed development, by reason of its siting and overall size, bulk and height, would prejudice the openness of, and views to and from the Green Belt. The proposal is therefore contrary to Policy OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Planning Policy Guidance 2 (Green Belts).
3. The development is estimated to give rise to a significant number of children of nurse/primary/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 or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies September 2007.

In the determination of this appeal the inspector considered that:

- Due to the limited plot width, the need to provide off street parking to the front rather than the side, together with the orientation of the front facade, the proposal would result in a cramped appearance failing to harmonise with the existing street scene or complement the character of the wider area.
- In relation to the impact on the adjoining Green Belt, whilst accepting that there would be no meaningful space to provide landscaping to this boundary, he considered that the development would not provide a significantly different or inferior context to the Green Belt than which exists in the area at the moment. In the context of the boundary with the Green Belt the development would have no adverse effect on the visual amenities of the Green Belt.
- The proposal would provide adequate floorspace for future occupiers.

Subsequent to the determination of that appeal and the submission of that proposal, an application for a certificate of lawful development was submitted for a proposed garage and games room in the same position as the appealed proposal for the one bedroomed bungalow (65761/APP/2009/2562). This Certificate was refused by the Local Authority due to its excessive size and scale failing to represent a structure required for the incidental enjoyment of the dwellinghouse. This decision was appealed and the inspector concluded that the building would not be overly excessive and would still be in the realms of objective reasonableness and granted a Certificate of Lawful Development.

The third proposal, for a one-bedroomed bungalow, was refused permission 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 through the loss/part loss of this side garden area would have a detrimental impact on the character, appearance and local distinctiveness of the area. The development therefore fails to harmonise with the character of the surrounding area, contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance, April 2010, Planning Policy Statement 3: Housing (as amended) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposal by reason of the size, design and the siting would result in a form of development which would be cramped and out of character with the existing pattern of residential development in the area. The proposal therefore represents an over development of the site to the detriment of the character and visual amenities of the area contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Polices September 2007), Policy 4B.3 of the London Plan (2008) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

This application was subsequently granted permission on appeal in June 2011.

The fourth, and previous, application for a two bedroomed bungalow, ref. 65761/APP/2011/1645, was refused permission in February 2012 for the following reasons:

1. The proposal, by reason of its projection forward of the recognised building line along

Gladsdale Drive, represents an unduly intrusive/incongruous form of development detrimental to the visual amenities of the street scene and the area in general. This effect would be further reinforced by pushing the car parking spaces forward and the provision of the additional car parking space. The proposal is therefore contrary to UDP1 Saved Policies BE13 and BE19 and the Council's SPD2.

2. The proposal would result in a reduced front garden area by creating an additional car parking space and pushing forward the proposed bungalow within the site to the detriment of the established pattern of the street scene, area and locality. The proposal is therefore contrary to UDP Saved Policies BE13 and BE19 and the Council's SPD.

3. The window to the second bedroom, sited less than 2m from a 2m high boundary fence and large trees, would have unacceptably low levels of natural light and a poor outlook to the detriment of the amenity of future occupiers. The proposal is therefore contrary to UDP Saved Policy BE19, the Council's SPD and London Plan3 Policy 5.3.

The Inspector dismissed the appeal but only upheld refusal reason 1.

4. Planning Policies and Standards

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.
BE15	Alterations and extensions to existing buildings
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.
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.
H4	Mix of housing units
H5	Dwellings suitable for large families
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LPP 3.1	(2011) Ensuring equal life chances for all
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 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.3	(2011) Sustainable design and construction
LPP 7.2	(2011) An inclusive 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

27 neighbours, the Eastcote Village Conservation Area Advisory Panel, Harefield Village Conservation Area, Northwood Hills Residents Association and Eastcote Residents Association consulted. 3 individual objections and a petition with 36 signatures received objecting on the following grounds:

1. This application is out of character with the surrounding area.
2. Change in new planning regulations bring residents views to the fore and local people do not want further intrusion into the meadow.
3. This is one of many applications, it is clear the developer is trying to achieve his goal little by little of building a large detached property in the garden.
4. Gladsdale Drive is well balanced on both sides and this bungalow will spoil the current pleasant balance.
5. Felling of protected trees.
6. Front garden parking is not the normal pattern of use in the road.
7. Additional stress on services.
8. Garden grabbing.
9. Contrary to established plot layout of the road.
10. Ugly squashed in building of no architectural merit.
11. Out of character.
12. Land has always been part of Green Belt Land adjacent to 12 Gladsdale Drive.
13. Changes to PPS3 have taken gardens out of the 'Brownfield' category therefore there is no automatic right to build on this land.
14. Any building so close to the greenbelt will pollute the streams running across the land and affect the wild life and insects which live in the adjacent fields.

Environment Agency: No response received.

Internal Consultees

Tree/Landscape Officer:

The woodland, which includes a willow and a number of hornbeam and ash trees, on the land to the north of the site is protected by TPO 387. The immature Ash trees at the end of Gladsdale

Drive and close to the eastern boundary of the site do not form part of the protected woodland. The scheme includes a survey report (from 2009) about the multistemmed Willow tree close to the northern boundary of the site. The report also mentions the woodland. The willow is found to be defective and

prone to split and collapse, because decay in the main stem has spread to the other limbs one of which has collapsed, and will have to be removed in the interests of safety. As previously, and as acknowledged by the Inspector who dismissed the appeal against the first refused application (ref: 65761/APP/2009/599), Saved policy BE38 of the UDP does not apply to this tree, because in this condition it is not a feature of merit. In this context, the matter of the removal of this tree is a private matter for the owners of the land on which it is situated, who had previously indicated that the tree can be removed (correspondence on application ref: 65761/APP/2009/599).

Subject to the protection afforded by the existing boundary fence, which should be retained (or replaced), the scheme will not affect the other (off-site) woodland trees and the (off-site) trees at the end of Gladsdale Drive. The layout also reserves space for landscaping at the front of the site subject to condition RES9, which is consistent with those imposed by the Inspector who allowed the last appeal in June 2011, and a condition requiring the retention of the existing boundary fence or the provision of alternative fencing to protect the off-site trees/woodland (reason TL3), the scheme is acceptable in terms of Saved Policy BE38 and relevant Green Belt (landscape) policy.

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. Having reviewed the Design & Access Statement submitted with the above planning application and its associated plans, the proposal is considered to be acceptable from an accessibility point of view.

Conservation and Urban Design Officer: No objection on design grounds.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Members will note from the section relating to the planning history of the site that the first application for a dwelling on the site was refused on principle but allowed on appeal where the Inspector commented as follows on this aspect:

"13. As a result of the revisions to PPS3, Housing in June 2010, residential gardens are no longer classed as previously developed land, and thus have lower priority for development. However, development on such land is not precluded, and the PPS still encourages the efficient use of urban land. London Plan Policies 3A.3 and 4B.1 likewise seek to maximise the potential of housing land, provided that development is compatible with the local context. The appeal proposal would add to the area's housing stock without causing any material harm, and is therefore consistent with the aims of these policies.

14. I note the contents of Policy 1 of the Mayor of London's Interim Housing SPG, dated April 2010, which requires full account to be taken of the contribution that gardens make to a range of other London Plan policy aims. But in the present case, I have already concluded that the proposed development would not harm the area's character or distinctiveness, and there is no evidence that it would adversely affect any of the other issues referred to in this SPG policy."

The principle of the development of a bungalow has already been accepted on this site by virtue of the appeal decision and circumstances and policy, including the Localism Act and NPPF, have not changed in the intervening period to suggest that the application should

be refused on principle.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2011) advises that Boroughs should ensure that development proposals achieve the highest possible intensity of use compatible with local context and the site's public transport accessibility. The London Plan provides a density matrix to establish a strategic framework for appropriate densities at different locations.

Table 3.2 recommends that development on suburban residential sites with a PTAL score of 1 should be within the ranges of 35-55 u/ha and 150-200 hr/ha. The proposed density for the site would be approximately 86 habitable rooms per hectare (hrpha), which is below the suggested London Plan thresholds and has already been accepted by the Inspector. However, the proposal is for a single, small dwelling where the density of the proposal has limited value in assessing its acceptability and its compliance with policies within the Hillingdon Unitary Development Plan Saved Policies (September 2007), The London Plan (2011) and national policies is of greater relevance.

The additional car parking space required as a result of increasing the density would result in removing more of the front garden of the property than that granted on appeal. The Inspector in the most recent appeal decision considered this element was satisfactory (para. 9). This element is therefore not objected to, in compliance with Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

The application is adjacent to Eastcote Village Conservation Area, however, in relation to the impact of a two storey dwelling on the site, the Inspector in the appeal decision commented as follows:

"22. I agree with the Council that the appeal site is far enough away from the boundary of the Eastcote Village Conservation Area for the appeal development not to have any impact on its setting. I therefore do not see that saved UDP Policy BE4 is engaged."

The scheme, being a bungalow would have even less impact than the two storey scheme that the Inspector concluded would have no impact on the Eastcote Village Conservation Area.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

This aspect has already been considered in the Inspector's decision. The impact of an additional 2.3m requires further consideration. However, in this context, adjacent to mature trees and against a backdrop of another building when viewed from the countryside, this additional length is considered to be too small to warrant refusal on this ground alone. This aspect therefore complies with Policy OL5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and S.9 of the NPPF.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007 highlights the importance of designing new development to harmonise with the existing street scene whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Section 4.27 of the SPD: Residential Layouts, states careful consideration should be given to building

lines, and these should relate well to the existing street pattern. On the siting of the building within the street scene, the Inspector on the original appeal relating to a two storey dwelling on the site commented as follows:

"9. While the style of the houses in Gladsdale Drive varies somewhat, with a mixture of hipped and gabled roofs, all the properties are traditional in style, and the appeal development would follow this lead. The houses in the immediate area of the appeal site are mainly semi detached, although there are four maisonettes opposite the appeal site on the south side of the road, and further down the road there are some other detached houses. In architectural style and form, the appeal proposal would therefore harmonise with the existing development in Gladsdale Drive. I note that the Council's Conservation and Urban Design Officer raised no objection to the design and siting of the appeal development in the form which is the subject of this appeal.

10. In general, the houses in the road make fairly full use of the plot widths available to them, but that is often because part of the site accommodates an attached garage. With only around 1 metre of side space to either side of the appeal development and with no garage, the appeal development would be out of character with other houses in the area in that respect. The proposal would allow for a combined space of 2 metres from the side elevation of 12 Gladsdale Drive, but the plot width of the appeal development and the remaining plot width of 12 Gladsdale Drive would then be less than the norm in the road.

11. The appeal development would provide off road parking by using the area to the front of the proposed dwelling as parking space for two cars. While it was apparent on my site visit that off road parking takes place at many of the houses in Gladsdale Drive on the run in to the garages within the curtilage of the properties concerned, the normal pattern in the road is for front garden areas to be retained. The appeal proposal would thus again be out of character with the houses in the road in not having a front garden area.

12. The proposal would match the height of the immediately adjacent property at 12 Gladsdale Drive, and also follow the same front building line as the other properties on the north side of Gladsdale Drive. I can understand why the same building line is used, given the limited width of the appeal site, but in my view this would have the effect of making the proposal relate oddly to the street scene in that, alone of the properties in the road, it would not face the road. The front elevation of the property would be at an angle to the road.

13. The density of development on the appeal site would equate to 280 habitable rooms per hectare, which would be in excess of the London Plan guideline for a development of this nature. While the thresholds set out in Table 3A.2 of the London Plan do not lead to the automatic refusal of a planning application, they raise a question about the acceptability of a proposal. In this case, I consider that the very limited plot width and the need to provide off road parking rather than a front garden at the site, together with the orientation of the front facade of the appeal property, all underline the fact that the proposal would appear cramped on its site, and to that extent it would in my view fail to harmonise with the existing street scene and to complement the character of the immediate area."

The allowed appeal sited the bungalow behind the existing building line, which together with the Lawful Development Certificate for a detached outbuilding, that had been granted appeared to be crucial in the Inspectors consideration. The current proposal now places the building on the line of the allowed appeal and maintains the same design and

proportions when facing the street. The additional extension of the length of the building by a total of 2.3m is considered to not conflict with Policies BE13 and BE19 Hillingdon Unitary Development Plan Saved Policies September 2007 and the HDAS: Residential Layouts.

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Due to the single storey nature of the proposal and the distances to the nearest residential properties it is considered that a material loss of outlook or light would not result to those properties. Therefore the proposal would comply with Policies BE20 and BE21 of the UDP (Saved Policies September 2007).

With regard to loss of privacy, the side facing openings shown on the elevation facing the host dwelling (No.12) would be to serve a hallway and are conditioned to be obscure glazed and non-opening below top vent. With regard to the remaining side elevation this would look out over the adjoining Green Belt land and therefore would not result in any loss of privacy to adjoining occupiers. Therefore the proposal would comply with Policy BE24 of the UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwelling would be 69m². The London Plan (2011) states the minimum amount of floor space required for a 2-bedroom, 3 person apartment would be 61m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 2 bed house should have a minimum garden space of 40m² and the proposal would comply with this advice with a usable rear garden area of over 60m² for the new dwelling. Therefore the proposal would comply with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

The Inspector concluded in the latest appeal decision that the side window provided acceptable habitable conditions to the proposed second bedroom being situated less than 2m from a 2m high boundary fence and a number of large trees, the subject of a woodland preservation order. Therefore the Inspector considered that the outlook from this bedroom and the level of natural light reaching it would be acceptable to the amenities of future occupiers. It is therefore considered that the proposed bedroom 2 would experience an adequate outlook and source of natural light, therefore complying with Policy BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007, the HDAS: Residential Layouts and policy 5.3 of the London Plan (2011).

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal shows the provision of 2 off street parking spaces for the existing dwelling and a further two spaces for the new dwelling, as such the proposal is considered to comply with the Council's car parking standards and with policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.11 Urban design, access and security

As above.

7.12 Disabled access

The proposal comprises a single storey building and as such level access could be provided throughout and the Design and Access Statement comments that the development would comply with Part M of Building Regulations. As such, the proposal is considered to comply with Policy 3.8 of the London Plan (2011) and the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The Council's Landscape Officer has not raised objection to the proposal in terms of its impact on protected trees and in this respect the proposal is considered acceptable and considered to comply with Policy BE38 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. The siting of the bin stores is covered by condition.

7.16 Renewable energy / Sustainability

A condition is attached requiring the development to meet Level 4 of the Code for Sustainable Homes.

7.17 Flooding or Drainage Issues

Policy OE7 of the UDP (Saved Policies September 2007) considers areas that could be liable to flooding. The Environment Agency have not responded to this current application. However it is considered expedient to repeat their previous advice and add their recommended informative. As such the proposal is considered to accord with Policy OE7 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

With regard to points 3 and 14 the site is not within the Green Belt and the impact of the proposal on the Green Belt is considered above. Point 3 is not a material planning consideration. The other points raised are covered in the main report.

7.20 Planning Obligations

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six. The proposal would result in the provision of 3 additional habitable rooms and therefore no contribution would be sought in this instance.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None

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

Not applicable to this application.

10. CONCLUSION

The additional 2.3m in length of this proposal is considered to not cause material additional difference to the scheme and aspects of schemes already granted on appeal. The additional 2.3m in length to the rear of the proposed dwelling, subject to conditions, is therefore considered to not cause additional material conflict with the Council's Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), the Supplementary Planning Document HDAS: Residential Layouts and the London Plan (2011).

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007.

HDAS: Residential Layouts.

The London Plan (2011).

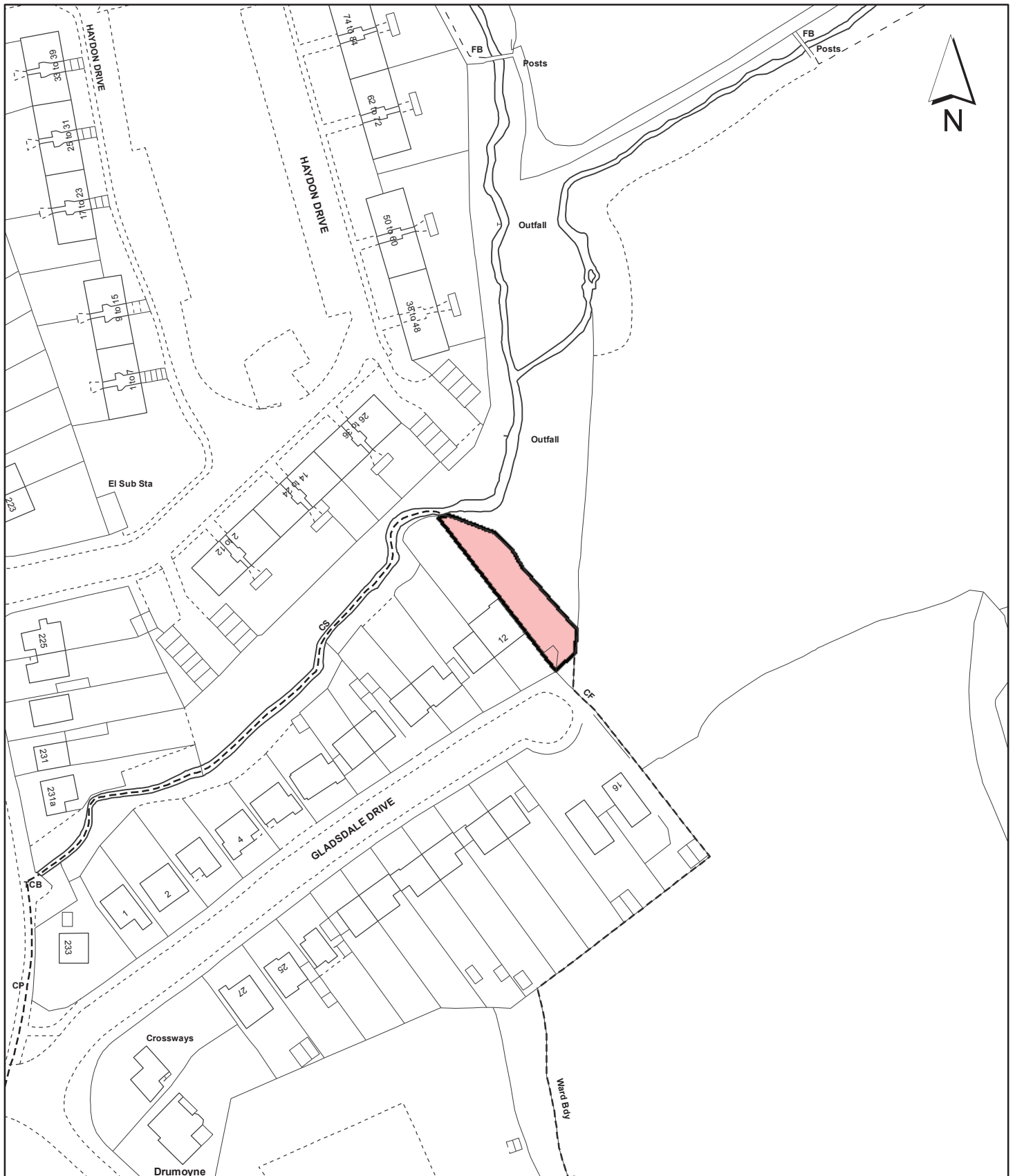
National Planning Policy Framework (2012) S.9 Protecting Green Belt land; S.6 Delivering a wide choice of high quality homes.

Supplementary Planning Guidance: Educational Facilities.

The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

Contact Officer: Clare Wright

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2012 Ordnance Survey 100019283

Site Address

**Land forming part of
12 Gladsdale Drive
Eastcote**

Planning Application Ref:

65761/APP/2012/549

Planning Committee

North

Scale

1:1,250

Date

**May
2012**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

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



HILLINGDON
LONDON