

Report of the Corporate Director of Planning & Community Services

Address 37 FRITHWOOD AVENUE NORTHWOOD

Development: Two storey building comprising of 5 two-bedroom flats with associated parking in basement and habitable roofspace, involving demolition of the existing house (Outline application for approval of access, appearance, layout and scale).

LBH Ref Nos: 29009/APP/2009/1182

Drawing Nos: Site Location Plan at Scale 1:125C
Energy Statement
Ground Floor Plan Existing
First Floor Plan Existing
Arboricultural Report
Design and Access Statement
08/3155/6
08/3155/8
08/3155/11
08/3155/10
08/3155/9
08/3155/7

Date Plans Received: 02/06/2009

Date(s) of Amendment(s):

Date Application Valid: 16/06/2009

1. SUMMARY

This application seeks outline planning permission (with only landscaping reserved) for the demolition of the existing detached dwelling and the erection of a 3-storey block (with the second floor partly within the roof) for 5 flats, comprising 4, two bedroom flats and 1, three-bedroom flat with basement parking and amenity space.

The proposal seeks to overcome the deficiencies in a previously refused scheme proposed on this site. The previous 5 unit development was refused as it raised concerns relating to its impact on the character and appearance of the street scene and surrounding residential area, failure to provide good environmental conditions for future occupiers and over provision of parking. Further, the refused scheme would have resulted in impacts upon the amenity of adjoining occupiers. In addition, no contributions were offered or secured towards the improvements of services and facilities as a consequence of demands created by the proposed development.

It is considered that the revised scheme has failed to satisfactorily address issues relating to its impact on the character and appearance of the street scene and surrounding residential area and impact upon the amenity of occupiers of adjoining residential properties. It is also considered that both the vehicular and pedestrian access to the development is inadequate and as a result, it is likely that the development would give rise to conditions prejudicial to free flow of traffic and highway and pedestrian safety. No agreement has been reached with the applicant in respect of contributions towards the improvement of education services and facilities required, arising from the demands created by the proposed development.

It is therefore recommended that planning permission be refused for these reasons.

2. RECOMMENDATION

Had an appeal for non determination not been lodged that the application would have been refused for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal by reason of its siting, design, overall layout, size, bulk, site coverage and density, would result in a cramped overdevelopment of the site, which is visually incongruous and overdominant and would be intrusive and detrimental to the open character and visual amenity of the area and the amenities of nearby residents. The development therefore fails to harmonise with the street scene and open character of the surrounding area. The proposal is therefore contrary to Policies BE13, BE19 and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 3A.3 of the London Plan.

2 NON2 Non Standard reason for refusal

The proposed development by reason of its overall size, height, siting and length of projection would result in an overdominant/visually obtrusive form of development in relation to the neighbouring properties and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to Policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Non Standard reason for refusal

The applicants have failed to demonstrate that vehicular access to the site is adequate to serve the proposed development (in particular, regarding the failure to demonstrate that a 1:10 slope for the vehicular ramp can be achieved to the basement car park and lack of a dedicated pedestrian access to the development). As a result, it is likely that the proposal would give rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the adopted Unitary Development Plan Saved Policies (September 2007).

4 NON2 Non Standard reason for refusal

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of education). The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007, and the adopted Supplementary Planning Document 'Planning Obligations.'

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 I53 Compulsory Informative (2)

The decision to REFUSE 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 (February 2008) and national guidance.

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.
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	Use of planning obligations to supplement the provision of recreation leisure and community facilities
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.
AM15	Provision of reserved parking spaces for disabled persons
HDAS	Residential Layouts Accessible Hillingdon
BE22	Residential extensions/buildings of two or more storeys.
BE4	New development within or on the fringes of conservation areas

3. CONSIDERATIONS

3.1 Site and Locality

This application relates to 37 Frithwood Avenue, Northwood, a large detached property situated on the northern side of Frithwood Avenue. Immediately to the north of the site is a relatively new and smaller detached house (No. 6 Canterbury Close). To the east of the site is 39 Frithwood Avenue, a large detached property, whilst another detached property No.33 abuts the site on the western side. Another large detached house, the White House abuts the site on the far north eastern corner.

Part of Frithwood Avenue (Nos.1 to 23 and 2 to 20) lies within the Northwood Conservation Area. With the exception of 5-flatted properties, Frithwood Avenue comprises of predominantly detached properties with a variety of designs. Many are of a generous size

standing in large plots and contain mature planting. There are also a small number of developments of flats.

The site is within the developed area as identified in the Hillingdon UDP Saved Policies (September 2007).

3.2 Proposed Scheme

Outline planning permission is sought for the demolition of the existing house and erection of a 3-storey block (with the second floor partly within the roof) for 5 flats comprising 4, two bedroom flats and 1, three-bedroom flat with basement parking and amenity space. It is noted that each of the units are described as 2 bedroom flats. However, each of these units contain an extra room, which although described as a study are of a sufficient size to be used as a bedroom.

The current application has been made following the refusal of application 29009/APP/2008/1636 by the Council's North Planning Committee on 28/8/2008. Details of access, appearance, layout and scale are to be determined at this stage, with landscaping reserved for future determination.

The 2-storey element of the existing house is 17.2m wide (25m wide including single-storey elements), 9.8m deep, 10.8m high with a hip end roof and is set approximately 22.8m from the back edge of the pavement, taken from the mid-point of the building.

The main body of the proposed block of flats would have an overall width of 18.4m and would vary in depth between 16.4 and 23 metres, with a ridge height of 10.4metres. The proposed building would have a generally rectangular footprint, with front and rear projections.

The front elevation would be roughly of vernacular design, with the third floor contained within a pitched roof, the rear of the property would be of three floors. It would have a basement for parking and storage rooms. The building would have two front bays (full height) with gable front. The gable front ends incorporate glass material. The basement parking area would be accessed via an access drive, at the front of the building via a 3.54m wide ramp and would house 8 parking spaces (including 1 disabled bay), 5 storerooms, cycle parking area for 5 bikes and staircase/lift. A refuse/recycling chamber (2m x 4.5m) is also proposed in the front garden, 10m away from the front boundary. However, no details of the appearance of this structure have been provided.

The application is supported by a number of reports that assess the impact of the proposal. A summary and some key conclusions from these reports are provided below:

Design & Access Statement:

This report outlines the context for the development and the relevant planning policies and standards. The report also provides a justification for the design, number of units, layout, scale, landscaping, appearance and access for the proposed development.

Arborocultural Survey

The report includes a tree survey, observations, and an appraisal. It concludes that it will be economically viable and practical to develop the site without harm to significant trees and

shrubs.

Energy statement

The report identifies air source heat pumps as the preferred option for renewable energy technology.

3.3 Relevant Planning History

29009/APP/2008/1220 37 Frithwood Avenue Northwood

ERECTION OF A THREE STOREY DETACHED BUILDING TO CONTAIN 4 TWO-BEDROOM AND 1 THREE-BEDROOM FLATS WITH BASEMENT PARKING AND ASSOCIATED LANDSCAPING AND AMENITY AREAS (INVOLVING DEMOLITION OF THE EXISTING DWELLINGHOUSE) (OUTLINE APPLICATION)

Decision: 01-10-2008 Not Determined **Appeal:** 01-10-2008 Withdrawn

29009/APP/2008/1636 37 Frithwood Avenue Northwood

ERECTION OF A THREE STOREY DETACHED BUILDING TO CONTAIN 4 TWO-BEDROOM AND 1 THREE-BEDROOM FLATS WITH BASEMENT PARKING AND ASSOCIATED LANDSCAPING AND AMENITY AREAS (INVOLVING DEMOLITION OF THE EXISTING DWELLINGHOUSE) (OUTLINE APPLICATION)

Decision: 03-09-2008 Refused

Comment on Relevant Planning History

Application ref: 29009/APP/2008/1636 was refused for the following reasons:

1. The proposal by reason of its siting, design, overall layout, size, bulk, site coverage and density, would result in a cramped overdevelopment of the site, which is visually incongruous and overdominant and would be visually intrusive and detrimental to the open character and visual amenity of the area and the amenities of nearby residents. The development therefore fails to harmonise with the street scene and open character of the surrounding area. The proposal is therefore contrary to Policies BE13, BE19 and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 3A.3 of the London Plan.
2. The proposal fails to provide sufficient quality of amenity space as defined in the Council's HDAS (SPD) 'Residential Layouts', and as such would provide a substandard form of accommodation for future residents. The proposal is therefore considered contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).
3. The proposal, by reason of overlooking and loss of privacy of ground floor rear habitable rooms from the shared amenity area, would be to the detriment of amenities for future occupiers the development on the site. The proposal is therefore contrary to Policy BE24 of the adopted Hillingdon Unitary Development Plan.
4. The proposed development by reason of its overall size, height, siting and length of projection would result in an overdominant / visually obtrusive form of development in

relation to the neighbouring properties and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to Policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (SPD) 'Residential Layouts'.

5. The level of parking provision for the proposed development, which is above the Council's required maximum standard for the number of type and dwellings proposed is excessive and would encourage the use of private vehicles, which may lead to increased traffic in the area to the detriment of pedestrian and road safety. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), the Council Car Parking Standards and Policy 3A.3 of the London Plan.

6. The development is estimated to give rise to a significant number of children of school age and additional provision would need to be made in the locality due to the shortfall of places in schools serving the area. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the Hillingdon UDP Saved Policies (September 2007).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

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|--------|--|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards. |
| PT1.39 | To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed. |

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. |
| 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 | Use of planning obligations to supplement the provision of recreation, leisure and community facilities |

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.
AM15	Provision of reserved parking spaces for disabled persons
HDAS	Residential Layouts Accessible Hillingdon
BE22	Residential extensions/buildings of two or more storeys.
BE4	New development within or on the fringes of conservation areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

34 neighbouring owner/occupiers have been consulted. 8 letters of objection have been received. The issues raised are summarised below:

- (i) The proposal is overbearing and very imposing compared with the existing house. It would more than triple the size of the existing house and will completely overwhelm neighbouring properties;
- (ii) It will hugely impact our view as it would extend 2/3rds way back into our garden;
- (iii) The proposal will impinge on the enjoyment of our house and garden;
- (iv) It would result in loss of privacy in our small rear garden;
- (v) Create noise pollution due to the potential increase in number of people and vehicle to be accommodated by the proposal and would impinge on the enjoyment of our property;
- (vi) Some properties on Canterbury Close will be overlooked;
- (vii) More blocks of flats in Frithwood Avenue would destroy the character of the road. It is one of the streets in Northwood that still has their original houses. Putting yet more flats will be another step towards turning an attractive suburb into ugly urban development;
- (viii) The extra traffic to be generated by the proposal would create danger and hassle in the area, especially as the road is used by parents dropping off and picking up their children. The proposal would have an adverse impact on traffic in the area especially as another site further down the road has recently been developed.

In addition, a petition with 27 signatures has been received, objecting to the proposal on the following grounds:

- (i) The size of the block is out of proportion to neighbouring properties in the immediate area;
- (ii) The construction will be close to the extended Northwood Conservation Area.
- (iii) It will be overdominant and close to the flank wall of No.6 Canterbury Close, with the latter house also being overlooked;
- (iv) The green garden element will be reduced;
- (v) The proposed development is poorly designed and out of keeping with the character of street scene;
- (vi) This part of Frithwood Avenue becomes extremely congested because of the nearby school.

Internal Consultees

CONSERVATION OFFICER

This part of Frithwood Avenue is outside the Conservation Area. It has, nevertheless, a pleasant domestic appearance, with some attractive, interwar detached houses interspersed with smaller post war houses, all set within generous plots amongst mature trees and planting.

This scheme proposes a building over 20 metres deep in places, on three floors with the second floor within the roof space. The development fills most of the width of the plot and now sits further forward (in part) than the originally refused scheme. The bulk of the scheme would be visible from the street in the gap views along the site boundaries and in views across the frontage of no.39. It is considered that as proposed, this would be an overly large and bulky structure, out of keeping with the character of the streetscene.

It is noted, however, that the elevational design is an improvement on that of the previously refused scheme. The scale of development, however, would require large areas of flat roof and underground parking, and such features are not characteristic of this area.

In summary, it is considered that this proposal would constitute an overdevelopment of the site. It would be out of scale and as such would be damaging to the streetscene. The large footprint and excessive width of the proposed building would result in the loss of much of the existing mature planting and the garden setting of the site.

CONCLUSION Unacceptable

TREE AND LANDSCAPE OFFICER

The site is covered by TPO No 149, but does not lie within a designated Conservation Area. There is a mix of ornamental and native trees, which contribute to the amenity value of the surrounding area. There is a mature Beech tree (T30 on TPO 149) with high amenity value, which dominates the site frontage.

As there are no new tree or landscaping issues introduced with this scheme, my previous comments still apply:

'If you are minded to approve this application, the tree officer has no objections to the conclusions of the tree survey. The better quality trees will remain and there will be scope for new planting and landscaping. The tree protection plan submitted with this outline application needs to be detailed but can be addressed by condition. The proposed scheme makes provision for the long-term retention of the valuable trees on and close to the site, subject to conditions OUT2 (d), OUT3 (landscaping), OUT4, TL1, TL2, TL3, TL4, TL5, TL6 and method statement/tree protection plan. The scheme is considered acceptable and, in tree preservation and landscape terms, complies with policy BE38 of the Saved policies UDP (in accordance with BS 5837:2005).'

ENVIRONMENTAL PROTECTION UNIT

There are no contamination issues on the site as far as we are aware, but as a new development it is important that the soils in any landscaped or garden areas are suitable for use.

A condition is recommended in the absence of any specific requirement within the landscaping condition for the provision of soil test data for the soils used on the site, to show the soils are suitable for garden/landscaping use.

EDUCATION DIRECTORATE

Based on the creation of 4x 5-room and 1x 6-room private flats, demolition of 1x 6-room private house, in Northwood, the requested amount is £6,953.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

This part of Frithwood Avenue is outside the Conservation Area. Whilst there is no objection in principle to the proposed redevelopment of the site for residential purposes, it is particularly important in this instance to ensure that any proposed development is compatible with the character and appearance of both the surrounding residential setting.

The Supplementary Planning Document (SPD) HDAS: Residential Layouts, at paragraph 3.3 states that in relation to the redevelopment of large plots and infill sites currently used for individual dwellings into flats, the redevelopment of more than 10% of properties on a residential street is unlikely to be acceptable, including the houses which have been converted into flats or other forms of housing. The above document underpins and supports policies BE13 and BE19 of the Unitary Development Plan, which seek to protect the impacts of flatted development on the character and amenity of established residential areas.

Should the current proposal be approved, less than 10% would have been approved for redevelopment, and would therefore not be contrary to the Supplementary Planning Document (SPD) HDAS: Residential Layouts. There is therefore no objection in principle to the conversion and redevelopment of the site for flatted development, subject to other policies in the Plan.

However, as stated elsewhere in this report, the development is considered to be detrimental to the character and amenity of the area, the residential amenities of adjoining occupiers and to highway and pedestrian safety.

In terms of the loss of a family dwelling, Policy H5 states that the Council will encourage the provision of dwellings suitable for large families. The proposal would result in the loss of one four bedroom family dwelling, contrary to the intent of Policy H5. However, its replacement with 4 two-bedroom units and one three unit is considered to offset this loss, as it would provide a greater number of units, which would meet other forms of housing need in the Borough.

7.02 Density of the proposed development

London Plan Policy 3A.3 seeks to maximise the potential of sites, compatible with local context and design principles in Policy 4B.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in Table 3A.2 (Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

The site has a Public Transport Accessibility Level (PTAL) of 1a on a scale of 1 to 6 where 1 represents the lowest level of public accessibility. Table 3A.2 recommends that developments within suburban residential setting with a PTAL score of 1 and with 3.8-4.6 hr/unit, should be within the ranges of 150-200 hr/ha and 35-55 units/ha.

This application is described as offering 4 (80%) 2 bedroom and 1 (20%) 3 bedroom units. However the 2 and 3 bedroom units all have what are described as studies, which are

large enough to qualify as habitable rooms. The proposed density for the site would therefore be 166 hr/ha and 33 units/ha, which is within the London Plan guidelines.

However, given site specific issues, which are all dealt with elsewhere in the report, including, the impact on the street scene and amenity of adjoining occupiers, the proposed density cannot be supported.

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

Policy BE4 requires any new development within or on the fringes of a Conservation Area to preserve or enhance those features that contribute to its special architectural and visual qualities, and to make a positive contribution to the character or appearance of the conservation area.

This part of Frithwood Avenue is outside the existing Northwood Conservation Area and also falls outside the proposed extension to the Conservation Area. The Council's Conservation Officer considers that the proposed development would not affect the character or appearance of the Conservation Area directly, although there are serious reservations about the scale and bulk on the impact of adjoining occupiers. As such, the proposal is not considered to be contrary to Policy BE4 of the UDP.

7.04 Airport safeguarding

There are no airport safeguarding objections to this proposal.

7.05 Impact on the green belt

There are no Green Belt issues related to this application.

7.06 Environmental Impact

The Council's Environmental Protection Unit are not aware of any contamination issues on the site, but have advised that as a new development it is important that the soils in any landscaped or garden areas are suitable for use.

Had the scheme been acceptable in other respects, this could have been addressed by the imposition of a suitably worded condition, to ensure that the soils used on the site were suitable for garden/landscaping use.

7.07 Impact on the character & appearance of the area

Policy BE13 of the UDP states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance. Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

This part of Frithwood Avenue is outside the Conservation Area. It has, nevertheless, a pleasant domestic appearance, with some attractive, interwar detached houses interspersed with smaller post-war houses, all set within generous plots amongst mature trees and planting.

No.37 is one of the larger properties on Frithwood Avenue. There is existing landscaping which runs along the boundaries of the application site and there are also several trees in the front and rear garden of the existing property. The layout plan shows the retention of most of the trees on the site.

A number of modifications have been made to the previously refused scheme, in an

attempt to overcome the Council's concerns relating to bulk, massing, site coverage and density. These can be broadly summarised as follows:

- * The two storey wings on both sides of the built form have been removed
- * The overall design has been revised
- * The roof mass and size has been reduced
- * The rear elevation has been redesigned to provide a traditional two storey eaves, rather than the three storey eaves previously proposed
- * The rear projection of the built form has been reduced
- * Access to the basement car park has been moved to the left hand side.

The proposed modifications to the scheme would mean that the two/three storey element of the proposed block of flats would be situated 3m from the boundary with No.33 and 3.5 metres from the boundary with No. 39 Frithwood Avenue. In addition, although there is no clearly defined building line formed by the properties on Frithwood Avenue, the 3 storey element would be 3.8m closer to the frontage of the site with the road than the existing main front wall of the existing house. The 3 storey element of the proposed block would be set 14m forward of the front wall of No.39 (as compared to the 11m with the existing building) and 4 metres forward of the main front wall of No.33, the latter being approximately in line with the existing building at No.37 at present.

The Urban Design/Conservation Officer notes that this revised scheme still proposes a building over 20 metres deep in places, on three floors (with the second floor within the roof space). The development fills most of the width of the plot and now sits further forward (in part) than the originally refused scheme. The bulk of the scheme would be visible from the street in the gap views along the site boundaries and in views across the frontage of no.39. It is considered that as proposed, this would be an overly large and bulky structure, out of keeping with the character of the streetscene.

Even though the overall width of the proposal is similar to the existing house, it is considered that the impression of size would be much greater partly due to the fact that the existing house is single storey in height at either end, whereas the proposal would be of its full 3 storey height for virtually the full width of the building.

In addition, the 3 storey element would project a further 6 metres back into the site than the existing 2 storey building and project forward of the existing house. These factors combined would mean that the proposal would appear significantly greater in bulk than the existing house and its neighbours.

In addition, although the elevational design is an improvement on that of the previously refused scheme, the scale of development would require large areas of flat roof and underground parking, which are uncharacteristic of this area.

Notwithstanding the overall set back from the road frontage of Frithwood Avenue, it is considered that the block would appear out of place and would unduly dominate the area, resulting in harm to the street-scene as a result. It would fail to harmonise with the existing street-scene and would not complement the character of the area, contrary to the aims of Policies BE13 and BE19 of the London Borough of Hillingdon Unitary Development Plan (UDP) and sections 4.23 and 4.24 of the Council's HDAS (SPD) Residential Layouts. It is therefore recommended that planning permission be refused for this reason.

7.08 Impact on neighbours

In relation to outlook, Policy BE21 requires new residential developments to be designed to

protect the outlook of adjoining residents. The design guide 'Residential Layouts' advises that for two or more storey buildings, adequate distance should be maintained to avoid over dominance. A minimum distance of 15m is required, although this distance will be dependent on the extent and bulk of the buildings. Given the height and layout of the proposed block, and its distance to adjacent property to the north, (No. 6 Canterbury Close), it is considered unlikely that this would result in unacceptable impacts, in relation to over-dominance.

However, the north west and south east 2/3 storey flank walls of the block would be only 3 metres and 3.5 metres from the side boundaries of Nos.33 and 39 Frithwood Avenue respectively. It is noted that the rear garden of No.39 is only 4 metres deep and the main amenity area is in fact in front of the property. Although the staggered layout of the block has been designed to avoid the breach of the 45° line-of-sight from these adjoining properties at the rear, it is nevertheless considered that the proposal would have a negative impact on the amenities of these properties, as it would represent a visually obtrusive form of development due to its mass, scale and bulk.

Notwithstanding the modifications to the built elements of the refused scheme, it is considered that the height and extent of the proposed flank elevations would present particularly dominant structures when positioned so close to the site boundaries. The proximity of these elevations would unpleasantly confine the outlook from the adjacent dwellings, and the largely blank flank walls would form a bleak and oppressive prospect, particularly from the small rear garden of No.39.

It is not considered that the intervening foliage would sufficiently ameliorate those harmful effects, particularly during the winter months. Given the spacious character of this area, it is considered that the proposal would noticeably impair the prospect that adjoining residents might reasonably expect to enjoy. It is therefore considered that the proposal would have an unacceptable impact on the amenities of the occupiers of Nos.33 and 39 Frithwood Avenue in terms of loss of outlook and over-dominance, contrary to Policy BE21 of the UDP and the SPD HDAS: 'Residential Layouts'.

Policy BE24 states that the development should be designed to protect the privacy of future occupiers and their neighbours. The Council's Supplementary Planning Document HDAS: 'Residential Layouts' also provides further guidance in respect of privacy, stating that adequate distance should be maintained to any area from which overlooking may occur. In particular, that the distance between habitable room windows should not be less than 21 metres distance.

Given the design and layout of the proposed block and its distance to adjacent properties to the northeast (rear), it is considered unlikely that this would result in unacceptable impacts, in relation to loss of privacy.

In addition, it is considered that the proposed block would be sited to avoid any undue loss of light or privacy of neighbouring properties on either side. It is noted that there are side window openings to two of the dining rooms on both the ground and first floor. Whilst fencing would screen the windows at ground level, the windows to the first floor may result in potential overlooking issues. However, these windows could be covered by an obscure glazing/non opening condition, as these are secondary windows. Similarly, any potential overlooking from the first floor rear balconies could be addressed by a suitable worded screening condition. Subject to these conditions, it is not considered that the rear development would cause loss of privacy to adjoining occupiers, in accordance with Policy

BE24 of the UDP Saved Policies September 2007.

7.09 Living conditions for future occupiers

In relation to outlook and privacy, Policies BE21 and BE24 require new residential developments to be designed so as to ensure adequate outlook and privacy for occupants of the site. In relation to sunlight access, Policy BE20 of the UDP seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses.

It is considered that all of the units would benefit from an acceptable level of privacy, outlook and light.

Policy BE23 of the Unitary Development Plan requires the provision of external amenity space which is sufficient to protect the amenity of the development and surrounding buildings, and which is usable in terms of its shape and siting. In addition, the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Layouts seeks to ensure that an adequate amount of conveniently located amenity space is provided in new residential developments.

The block would be provided with a private garden area at the rear of approximately 430m², which equates to 86m² of amenity space per dwelling. In addition, a number of revisions to the refused scheme to improve the quality of the amenity area are proposed in the revised scheme, and these are summarised below:

- * The reduction in the bulk of the building at the rear
- * A defined access path to the rear amenity space has been provided
- * The layout allows for private patio areas for the ground floor units.

It is considered that the quantity and quality of the amenity space provision in this revised scheme is adequate and in compliance with the Council's HDAS standards.

All the units comply with the Council's HDAS guidelines for minimum internal floor areas. Overall, it is considered that the proposed development would provide good living conditions for all of the proposed units, in accordance with Policies BE23, BE24, OE1 and O5 of the UDP, HDAS Residential Layouts and the provisions of the London Plan.

7.10 Traffic impact, car/cycle parking, pedestrian safety

It is considered that the level of traffic generated by the proposal in this instance would not give rise to additional congestion sufficient to justify refusal of permission.

The Council's car parking standards for flats requires that a maximum of 1.5 spaces should be provided per flat. Plans indicate that 8 off-street parking spaces including one disabled space would be provided which is in compliance with Policies AM14 and AM15 of the Hillingdon UDP Saved Policies (September 2007) and the Council's Car Parking Standards.

The proposal also indicates provision for cycle storage facilities for the 5 flats in accordance with the requirements as contained in the Council's Car Parking Standards.

However, the Highway Engineer considers that the width of the vehicular access ramp to the lower ground car park is insufficient for two way access. A minimum 4.1 metres is required with widening around the bends. In addition, the plans do not provide levels or gradients to the car park ramp. A maximum gradient of 1:10 is required and it has not been

demonstrated that this can be achieved.

In addition, there is no dedicated footpath from the development to the public footway in Frithwood Avenue, while refuse bins are located more than 10m from the highway. In light of the above considerations, it is considered that both the vehicular and pedestrian access to the development is inadequate and as a result, it is likely that the development would give rise to conditions prejudicial to free flow of traffic and highway and pedestrian safety. The development is therefore contrary to Policy AM7 and from the Borough's adopted Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

Urban design and access issues have been dealt with in Section 7.07 .

7.12 Disabled access

HDAS was adopted on the 20th December 2005 and requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided on floor space standards for new residential development to ensure sound environmental conditions are provided on site. As a guide, the recommended minimum standard for 2 bedroom flats is 63sq. m and 77sq. m for 3 bedroom flats. Where balconies are provided, the floor space of the balconies can be deducted from these standards, up to a maximum of 5sq. metres. Additional floorspace would be required for wheelchair units.

The floor plans indicate that the development generally achieves HDAS recommended floor space standards and that Lifetime Home Standards could be met for these flats in terms of size.

7.13 Provision of affordable & special needs housing

This application does not trigger a requirement for the provision of affordable housing, as the net gain in units is below the 10 unit threshold.

7.14 Trees, Landscaping and Ecology

The large footprint and excessive width of the proposed building would result in the loss of some of the existing mature planting and the garden setting of the site. The applicant will therefore need to demonstrate that existing trees on the site can be satisfactorily retained as part of the development, as there are trees on the site that are protected by Tree Preservation Order 149 and these trees contribute to the visual amenity of the area.

Landscape matters do not form part of this application. However, the Council's Trees and Landscape Officer has advised that the proposal is acceptable, subject to conditions.

7.15 Sustainable waste management

The Council's Waste Services Manager has commented that although the plans do indicate a bin provision, the number of bins is not indicated. The required ratio is of 1100 litre refuse and recycling bins on a ratio of 1:10 + 1 per waste stream as a minimum, with no rounding down. The design of the bin chambers seems adequate, although the location of the bins store area does not incorporate the 10m closet point of access. In the event of an approval, a revision to the bin storage facilities could be carried through as a condition of consent.

7.16 Renewable energy / Sustainability

Although this is not a major application, the submitted energy statement has identified air source heat pumps as the preferred option for renewable energy technology.

Had the scheme been acceptable in other respects, a condition requiring an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code would have been attached.

7.17 Flooding or Drainage Issues

There are no specific flooding or drainage issues associated with this application. Had the scheme been acceptable in other respects, a condition could have been imposed requiring sustainable Urban Drainage (SUDS) measures.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The issues raised by the objectors have been addressed in the report, some of which are supported in the reasons for refusal.

7.20 Planning Obligations

Policy R17 of the Hillingdon UDP is concerned with securing planning obligations to supplement the provision recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These UDP policies are supported by more specific supplementary planning guidance.

As the application is being recommended for refusal, no negotiations have been entered into with the developer in respect of these contributions. However, if the application were to be considered for approval, the following broad Section 106 Heads of Terms would be pursued by the Council at that time:

* Education contributions: In connection with this proposal and following an assessment by Education Services, a contribution of £6,953 is considered appropriate in order to cater for the increased demand placed on existing nursery (£1,346) and primary (£5,589) school places by the proposed development.

No legal agreement to address this issue has been offered. As such, the proposal fails to comply with Policy R17 of the UDP and it is recommended the application should be refused on this basis.

7.21 Expediency of enforcement action

There are no enforcement issues associated with this site.

7.22 Other Issues

There are no other relevant issues related to this application.

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

The revised scheme has failed to overcome the issues raised with the previous scheme, which was refused on this site.

The proposed scheme causes concerns with regards to the scale, bulk, massing and style of the proposed block, which is considered to be over dominant in relation to the existing adjoining buildings. The scale of the development as a whole fails to complement or improve the amenity and character of the area and the residential setting of Frithwood Avenue in particular.

There is also concern regarding residential amenity of adjoining occupiers, while inadequate pedestrian and vehicular access has been provided. In addition, no contributions have been offered or secured towards the improvements of services and facilities as a consequence of demands created by the proposed development.

Given that an appeal against non-determination has been received, the recommendation is to agree the above reasons for refusal which the Council will use as its Statement of Case.

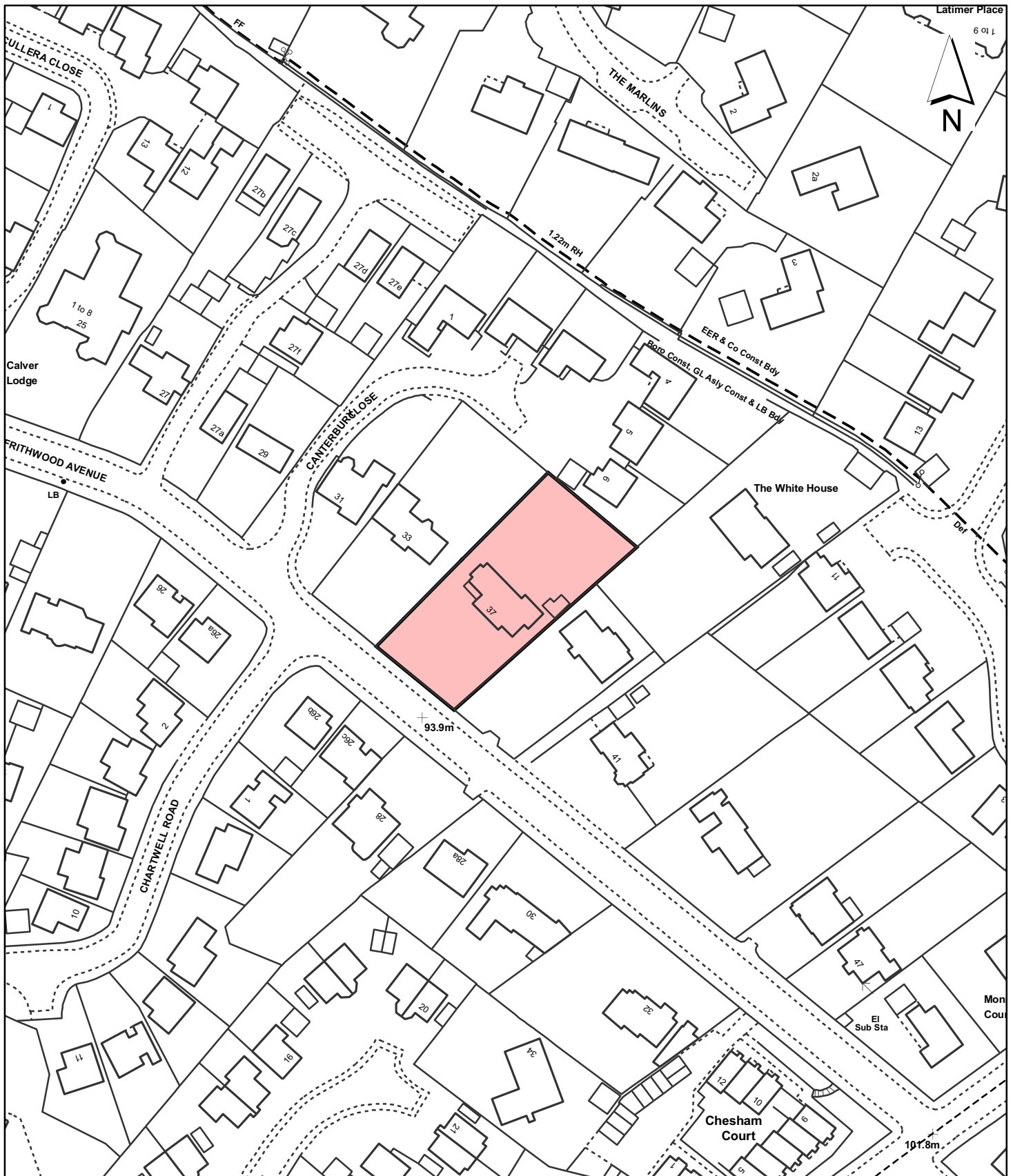
11. Reference Documents

(a) Planning Policy Statement 1 (Delivering Sustainable Development)


- (b) Planning Policy Statement 3 (Housing)
- (c) Planning Policy Guidance Note 13 (Transport)
- (d) The London Plan
- (e) Hillingdon Unitary Development Plan Saved Policies September 2007.
- (f) Hillingdon Design and Accessibility Statement - Residential Layouts
- (g) Hillingdon Design and Accessibility Statement - Residential Extensions
- (h) Supplementary Planning Guidance - Educational Facilities
- (i) Supplementary Planning Guidance - Community Facilities

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Notes

 Site boundary

For identification purposes only.

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Site Address	
37 Frithwood Avenue Northwood	
Planning Application Ref:	Scale
29009/APP/2009/1182	1:1,250
Planning Committee	Date
North	September 2009

**LONDON BOROUGH
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