

Report of the Head of Planning & Enforcement Services

Address LAND TO REAR OF 51 AND 53 PEMBROKE ROAD RUISLIP

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

LBH Ref Nos: 66982/APP/2010/1004

Drawing Nos: Location Plan to Scale 1:1250
1012-pl-02 Rev. A
1012-pl-03
1012-pl-01
Design & Access Statement

Date Plans Received: 30/04/2010 **Date(s) of Amendment(s):**
Date Application Valid: 20/05/2010

1. SUMMARY

Planning permission is sought for the erection of two, 5 bedroom detached houses in the back gardens of nos. 51 and 53 Pembroke Road. The proposal would not harm the residential amenities of nearby properties and a satisfactory residential environment would be achieved for future occupiers of the new houses. However, the proposed development is considered to be detrimental to the form, plan layout and character of the local area.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

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

2 NON2 **Non Standard reason for refusal**

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

3 NON2 **Non Standard reason for refusal**

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

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.
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Accessible Hillingdon (adopted in August 2006 and to form part of the emerging Local Development Framework documents):
	Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts (adopted in August 2006 and to form part of the emerging Local Development Framework documents):
	4.1 Density
	4.6 Unit Size

	4.9 Sunlight/Daylight
	4.12 Privacy
	4.15 Garden Space for Houses
	4.23 Elevation Treatment
	4.24 Rooflines
	4.25 Active Frontages
	4.26 Boundary Treatment
	4.27 Building Lines
	4.28 Front/Rear Access
	4.33 Car Parking
	4.39 Cycle Parking
	4.40 Waste Management
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 4B.8	London Plan Policy LPP 4B.8 - Respect local context and communities

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises land located to the north of nos. 51 and 53 Pembroke Road formed by merging the rear part of the gardens of those properties. It measures approximately 0.15 hectares and is bound to the north by the rear gardens of nos. 5, 6 and 7 Green Walk, which lie within the Ruislip Manor Way Conservation Area, to the east by the rear garden of 55 Pembroke Road and to the west by the side boundaries of 32 Brickwall Lane and 49 Pembroke Road. The land slightly undulates and there are mature trees and hedges along the north, east and west boundaries. The surrounding area is residential in character and appearance comprising the rear gardens of dwellinghouses, and the application site lies within the development area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of two detached 5 bedroom houses to the rear of nos. 51 and 53 Pembroke Road, set 2.2m apart. The proposed houses would be centrally positioned on the plot. Plot 1 would be located some 6.6m from the side boundary with 32 Brickwell Lane, 26m from the rear elevation of 51 Pembroke Road and some 14m widening to 17m from the rear boundary with the properties in Green Walk. Plot 2 would be set 5m from the side boundary with 55 Pembroke Road, 28m from the rear wall of 53 Pembroke Road, and some 10m widening to 14m from the rear boundary.

The proposed houses would be identical in design and appearance. They would each measure 11.5m wide, 8.75m deep, 5.7m high at eaves level and finished with crown roofs with front and rear rooflights, 9m at ridge level. The houses would have rendered 'white' colour elevations, ground floor front bay windows, front canopy, single storey cycle stores and chimney stack along the outer flank walls, and French windows along the rear ground

floor elevation opening out onto a 3m deep rear patio, with rear garden beyond.

The proposed houses would be accessed from a new 6m wide driveway located between nos. 51 and 53 Pembroke Road. The proposed driveway would be 4.2m wide with 1.2m and 0.6m wide footpaths running along the east and west sides of the driveway, respectively. The vehicular and footpath entrances fronting Pembroke Road would be enclosed by gates with a timber fence beyond attached to the flank wall of 53 Pembroke Road. Along the east side, the vehicular gate would be attached to a bin store which would contain 2no. 120ltr bins.

The proposed driveway would be 30m deep and would form a turning head in front of the proposed houses, providing two off-street parking spaces for each house. Footpaths are proposed leading from the driveway to the houses. Timber gates are proposed between the houses to provide access to the rear and the plots would be separated by a 2m high timber fence.

With regards to nos. 51 and 53 Pembroke Road, 2m high close boarded fences have been erected along the side and rear of these houses which delineate their new reduced size plots. The rear section of the timber boundary fencing are some 10m from the front wall of the new houses.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no planning history relating to this site.

4. Planning Policies and Standards

The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010.
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport
Planning Policy Guidance 24: Planning and Noise
Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010
Supplementary Planning Document - Planning Obligations
Supplementary Planning Document - Accessible Hillingdon

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.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.

BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 4B.8	London Plan Policy LPP 4B.8 - Respect local context and communities

5. Advertisement and Site Notice

- 5.1** Advertisement Expiry Date:- Not applicable
- 5.2** Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

22 adjoining owner/occupiers have been consulted. 5 letters of objection, 2 letters of support and 2 petitions, one for and one against, with 94 and 32 signatories, respectively, have been received

Letters & Petition of objection:

- (i) The proposal would have an overbearing impact on 55 Pembroke Road resulting in a loss of privacy and would violate the pleasant living, open views and light currently enjoyed by the occupiers of that property;
- (ii) Adverse impact on wildlife;
- (iii) Increase in noise and pollution;
- (iv) The proposed houses would appear bulky, dominant and out of character with the surrounding area;
- (v) Infilling of the rear gardens would result in an overcrowding of the environment;
- (vi) Loss of trees;
- (vii) Increase in noise and dust from building works;
- (viii) Create an unfortunate precedent;
- (ix) Unacceptable backland development;
- (x) The proposal would be adjacent to a conservation area and has an adverse impact on that;
- (xi) Increased overlooking into the rear gardens of Pembroke Road, Brickwell Road and Windmill Way.

Petition:

"We, the undersigned, petition Hillingdon Council to take urgent steps to oppose the plans to erect two five-bedroom detached houses with habitable roofspace (making them in effect three-storey houses) with associated parking and amenity space.

We are local residents who will be adversely affected if this development is allowed and oppose it for the following reasons:

- The 'infilling' of back gardens, resulting in an overcrowded environment;
- Building on an oasis of green land with its associated wildlife and probable destruction of mature trees. It will be yet another small piece of planned 'garden suburb' lost for ever;
- The close proximity of two inappropriately large buildings to our houses and gardens, resulting in loss of peace and privacy;
- Noise, dust and pollution during the construction of these houses and noise pollution from the vehicles that the completed buildings will inevitably attract;
- Unwise and dangerous access to and egress from one of the busiest main roads in the area, the entrance/exist also being on the brow of a rise;
- Yet more over-development in this area, following the building of 82 flats on the south side of Pembroke Road, flats on the site of the Windmill pub and flats and shops on the site on the Crown Buildings in Windmill Hill.

We therefore ask Hillingdon Council to refuse this application."

Letters & petition of support: (i) The proposed development would be in keeping with the local area.

Petition: "We, the undersigned, have no objections to the proposed planning application."

Ruislip Residents Association:

"We are writing to express our concerns in respect of the proposed development to erect 2 five-bedroom, two storey detached dwellings with habitable roofspace, associated parking and amenity space.

Whilst the application appears to meet the requirements of HDAS in respect of space standards the proposal would affect the amenity of the area and neighbours in that:

- The new building would effectively close the openness between Nos. 51 & 53 when viewed from Pembroke Road. A similar closing of the open space has already occurred on the George Wimpey development further along Pembroke Road.
- The mass of the new houses will inevitably impact on the adjacent properties in Brickwall Lane, Green Walk and Pembroke Road.
- Other factors to be considered: the desirability of additional access points onto an already busy local distributor road and the new government's views on restricting building in back gardens.

We trust that our views may still be taken into account notwithstanding our late submission."

Ward Councillor (1):

"As ward councillors we oppose this application on the grounds that it will be out of character with this part of Pembroke Rd and be overbearing on the properties at the rear of Pembroke Rd, namely Green Walk, Windmill Way & 32 Brickwall Lane.

In addition, the recent development on the gardens of houses on the opposite side of Pembroke means that any further loss of gardens would be detrimental to the whole area.

Finally, the planning authority should have regard to the amended PPS3 that says:

'Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which although it may feature paths, pavilions and other buildings, have not been previously developed'."

Ward Councillor (2):

- "1. The development will be out of character with the local area;
2. The development amounts to building on back gardens which is contrary to local and now national planning priorities;
3. The development is adjacent to a conservation area and will have an adverse effect on that;
4. There will be a risk of overlooking into the back gardens of Pembroke Road, Brickwall Road and Windmill Way."

Thames Water:

With regard to surface water drainage it is the responsibility of a developer to make provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above application

With regard to water supply, this comes within the area covered by Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield

Herts, AL10 9EZ - Tel - 0845 782 3333.

Internal Consultees

Highways:

The site is located on a classified road, which is also designated as a local distributor road within the Council's UDP.

The provision of car parking, access road layout & refuse collection point are acceptable. The width of the access point should be reduced to 5m and should have the requisite pedestrian visibility splays of 2.4m x 2.4m. These issues should be covered through suitable planning conditions.

No surface water should be discharged onto the highway or into the highway drainage system from the private land. This issue should be covered through a planning condition and an informative.

The proposed access road should be lit in accordance with BS5484 EN 13201.

No objection is raised subject to conditions.

Trees/Landscape:

The site comprises the land forming the northern half of the rear gardens of house numbers 51 and 53. The northern boundary of these gardens is immediately to the south of the Ruislip Manor Way Conservation Area. There are no significant trees within the plots, although there are boundary trees and shrubs along the side boundaries (east and west) and an old Hawthorn hedge, now unmanaged and forming small trees along the northern boundary. These are protected by virtue of the Conservation Area status. No tree survey has been submitted, but site plan ref. 01 plots the position and spread of the trees.

The proposal to build 2No. five-bedroom houses with associated parking and amenity space, includes a new gated access road to be built between numbers 51 and 53. The layout makes provision for a large turning head with 2No. parking spaces per new and 2No. spaces for each of the existing houses.

Both the existing houses and the new houses will have rear garden with areas of between 230 - 385 metres square. The new houses will be set well back from the Hawthorn hedge on the northern boundary and no tree loss is proposed. All of the boundary trees can be retained, if protected during the construction phase of development. The Design & Access Statement confirms (s.24 and s.25) that a high quality hard and soft landscape will be implemented and that trees will be protected.

Saved policy BE38 seeks landscape enhancement in association with new development. This can be secured by condition. DCLG/EA guidance seeks the specification of SUDS compliant hard-surfacing or front garden parking. There is a highway tree close to the edge of the dropped kerb which provides access to the site. This tree oversails the access to the site and has not been affected by vehicle movements to date. However, it is unlikely to remain unscathed by the intensification of use by construction traffic. Provision should be made for its protection and/or replacement.

No objection subject to the above comments and conditions TL1, TL2, TL3, TL5 and TL6.

Access:

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan. Particular attention should be paid to the following:

1. In the interests of good design entrance ramps should be avoided. Should it not be possible to achieve level access, a gentle slope (maximum gradient 1:20) leading to the ground floor entrance door should be provided.

2. The width of the proposed hallway and doorways should be of sufficient width to allow a wheelchair user to pass through at an angle, should otherwise accord the Lifetime Home Standards as defined on page 15 of the Council's Accessible Hillingdon SPD.

3. The bathrooms/ensuite facilities should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.

4. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gulley drainage.

5. The plans should indicate the location of a future through the ceiling wheelchair lift.

The Design & Access Statement should be revised to confirm adherence to all 16 Lifetime Home and Wheelchair Housing standards.

Conclusion: The proposed development in its current form is unacceptable as it would not conform to the above-mentioned policy requirement.

Waste Management:

I would make the following comments on the above application regarding waste management;

There is insufficient storage space allocated for refuse and recycling storage. The plan only indicates 1 x 120 litre wheeled bin for each household. If building for wheeled bins an enclosure it should be able to accommodate 2 x 240 litre bins for each household. However, the current collection system is based on sacks and is described below: -

(i) Weekly residual (refuse) waste - using sacks purchased by the occupier (allow for 5 x 70 litre sacks per 5 bedroom dwelling).

(ii) Weekly dry recycling collection - using specially marked sacks provided by the Council (allow for 4 x 70 litre sacks per 5 bedroom dwelling).

(iii) Fortnightly green garden waste collection - using the specially marked reusable bags provided by the Council (3 bags provided to each household).

The residents would be required to present the waste and recycling at the curtilage of the property on the allocated collection days.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The adopted Supplementary Planning Document (SPD): New Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

The site is located within the developed area as shown on the Hillingdon Unitary Development Plan Proposals Map and it is considered that the scheme complies with UDP policies H4 and H5 which encourage the provision of a mix of housing unit sizes, including those suitable for large families. In addition, the subtext at paragraph 7.29 of the Saved Policies UDP, suggests backland development may be acceptable in principle subject to accordance with all other policies and Policy H12 suggests that proposals for tandem/backland development may be acceptable where no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers. Nevertheless, additional guidance on backland development and the interpretation of related policies has recently been published and is an important material consideration in assessing the principle of backland developments such as this.

Key changes in the policy context, since the adoption of the UDP Saved Policies, includes the adoption of The London Plan (consolidated with alterations since 2004), the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010, and new Planning Policy Statement (PPS) 3: Housing adopted June 2010.

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

The London Plan Interim Housing Supplementary Planning Guidance (April 2010) was published following the national advice above and represents the Mayor of London's guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments.

The guidance requires that "In implementing London Plan housing policies and especially Policy 3A.3, the Mayor will, and Boroughs and other partners are advised when considering development proposals which entail the loss of garden land, to take full account of the contribution of gardens to achievement of London Plan policies on:

- * local context and character including the historic and built environment;
 - * safe, secure and sustainable environments;
 - * bio diversity;
 - * trees;
 - * green corridors and networks;
 - * flood risk;
 - * climate change including the heat island effect, and
 - * enhancing the distinct character of suburban London,
- and carefully balance these policy objectives against the generally limited contribution such developments can make toward achieving housing targets."

(The various issues are discussed in more detail within the relevant sections of the report.)

Following on from this, Policy 4B.8 emphasises the importance of local distinctiveness, and ensuring proposed developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics.

Notably, revised Planning Policy Statement 3: Housing, was published in April 2010 and, as advised in the Letter to Chief Planning Officers, discussed above, clearly clarifies that not all developed land is necessarily suitable for housing, nor that all of the curtilage should be developed. It also makes it clear that well thought out design and layout which integrates with and complements existing buildings and the surrounding local context is a key consideration which needs to be taken into account when assessing proposals for residential development.

Whilst there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of substantial proportions of sizable rear gardens in this location and the necessary creation of a new vehicle access point for several vehicles, would be detrimental to the local and historical context of the area, which is characterised by detached properties with large rear gardens. When balanced against the limited contribution the developments would make toward achieving housing targets in the borough it is considered that the principle of the proposed backland residential development is contrary to Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance and Planning Policy Statement 3: Housing. Notably, the Council's Development Plan Annual Monitoring Report 2008/2009 shows that the Council is achieving its housing targets from sites elsewhere in the borough.

7.02 Density of the proposed development

The proposed scheme would have a density of 120 habitable rooms per hectare. This is below the London Plan density range (150-250 habitable rooms per hectare) in respect of habitable rooms per hectare based on the site's Public Transport Accessibility Level (PTAL) score of 3. However, the density of the site is only one factor in determining an application and whilst the proposed density may well be acceptable, in the context of the density of the adjoining development, the proposal is not acceptable for a number of other reasons, discussed elsewhere in the report.

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

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

The surrounding area is characterised by houses fronting roads. There does not appear to be any houses constructed in the back garden to these houses fronting this side of Pembroke Road.

The proposed houses have been designed to match the relative scale of the houses in Pembroke Road and are not considered to appear cramped in their respective plots, as they retain sufficient gaps to the side and rear boundaries, in accordance with policy BE22. Furthermore, they would not be visible from Green Walk and as such, would not harm the character and appearance of the adjoining Ruislip Manor Way Conservation Area.

Policy BE13 of the Unitary Development Plan Saved Policies (September 2007) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." PPS3 and The London Plan: Interim Housing Supplementary Planning Guidance, reiterate this, recognising the importance of local context in considering development proposals.

Policy 3A.3 of the London Plan states that "the Mayor will, and boroughs should, ensure that development proposals achieve the maximum intensity of use compatible with local context." London Plan Policy 4B.8 emphasises the importance of local distinctiveness and ensuring that development proposals preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. The London Plan Interim Housing Supplementary Planning Guidance seeks to provide guidance on how the London Plan policies should be implemented and provides clarity on aspects of policy which bear on gardens. It confirms that private gardens are an important component of what the London Plan terms 'local context' and that they can clearly be very much a part of local characteristics which may warrant respect and protection. It also emphasises the important impact gardens can have on biodiversity, including 'green corridors', the protection of trees, abatement of flooding, addressing the effects of climate change including the 'heat island' effect and the use of green networks to create 'breathing spaces'.

PPS3 reiterates the importance of achieving design which is appropriate to its context stating that "design, which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It is clear that new developments should integrate with and complement the neighbouring buildings and local area 'in terms of scale, density, layout and access' and that they should create, or enhance, a 'distinctive character that relates well to the surroundings'.

This part of Pembroke Road, and the surrounding area, is characterised by detached properties with long rear gardens, containing various trees and shrubs typical of a suburban area and the layout, scale and design of development in this area is relatively uniform. Officers are not aware of any other properties/plots in the vicinity of the site which have been redeveloped in the same way as this.

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

The overall layout and design of the proposal, including the creation of backland development and the provision of a new access off Pembroke Road, fails to respect the local context and the distinctiveness of the surrounding area, contrary to UDP Policies BE13, BE19, London Plan policies 3A.3 and 4B.8, paragraphs 3.4 and 4.27 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts, PPS3 and the London Plan: Interim Housing Supplementary Planning Guidance.

7.08 Impact on neighbours

The proposed houses would be over 21m from the private amenity spaces of the houses

in Pembroke Road, Windmill Hill, Green Walk and Brickwell Road. This distance is sufficient to ensure that the proposal would not have an overbearing, overdominant or visually intrusive impact on the residential amenities of the occupiers of the houses in those street. Furthermore, this distance will also ensure that the proposal would not result in a loss of privacy, through overlooking, would not result in a significant increase in overshadowing and loss of sunlight/daylight to those properties, and would create a satisfactory residential environment for the occupiers of the new houses.

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

It is therefore considered that the proposal would not harm the residential amenities of the occupiers of adjoining houses through overdominance, visual intrusion, overshadowing and overlooking, in accordance with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy 4A.3 and BE20 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

7.09 Living conditions for future occupiers

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

The London Plan Policy 3A.5 requires all new housing to be built to 'Lifetime Homes' standards. The Council's HDAS 'Accessible Hillingdon' also requires all new housing to be built to 'Lifetime Homes' standards. The proposed houses in the main comply with the majority of these standards however, the door widths are below 900mm wide. This can be addressed by suitable planning conditions should planning permission be granted.

Over 350sq.m of private amenity space is proposed for plot 1 and over 250sq.m is proposed for plot 2, both of which would meet the requirements of paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layout. Therefore the proposal would comply with policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), policies 3A.5, 4B.1 and 4B.5 of the London Plan, and the Hillingdon Design and Accessibility Statement: Residential Layouts and Accessible Hillingdon.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed houses would not lead to a significant increase in traffic generation given their number and location within a residential area. As such, the proposal would comply with policy AM2 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

Therefore, it is considered that the proposal is unlikely to result in an increase in on street demand for parking, and would meet sustainability objectives, in accordance with policies AM7(ii), AM9 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), paragraphs 4.33 and 4.39 of the Hillingdon Design &

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

Finally, the proposal includes a crossover some 5.8m wide at the back of the footway and 7m wide at the kerbline. This width would exceed the Council's minimum width dimensions for crossovers (2.44m wide at the back of the footway and 4.58m wide at the kerbline) and no pedestrian refuge has been provided. However, this could be reduced by way of a planning condition should planning permission be granted.

7.11 Urban design, access and security

This is addressed elsewhere in this report. With regards to security, a condition could be attached requiring that the property achieve Secure by Design accreditation, should planning permission be granted.

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

No loss of trees are proposed and the proposed houses would be set a sufficient distance from the existing trees and hedges along the boundary of the site. As such, the proposal would comply with policy BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.15 Sustainable waste management

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

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

The third party comments have been addressed in the report.

7.20 Planning Obligations

The proposed houses would result in a net increase of 7 rooms and as such would fall within the threshold for seeking a contribution towards additional school facilities in the Manor ward. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

There are no other relevant issues.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning

legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

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

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

9. Observations of the Director of Finance

This is not applicable to this application.

10. CONCLUSION

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

11. Reference Documents

London Plan 2008

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Hillingdon Design & Accessibility Statement: Residential Layouts

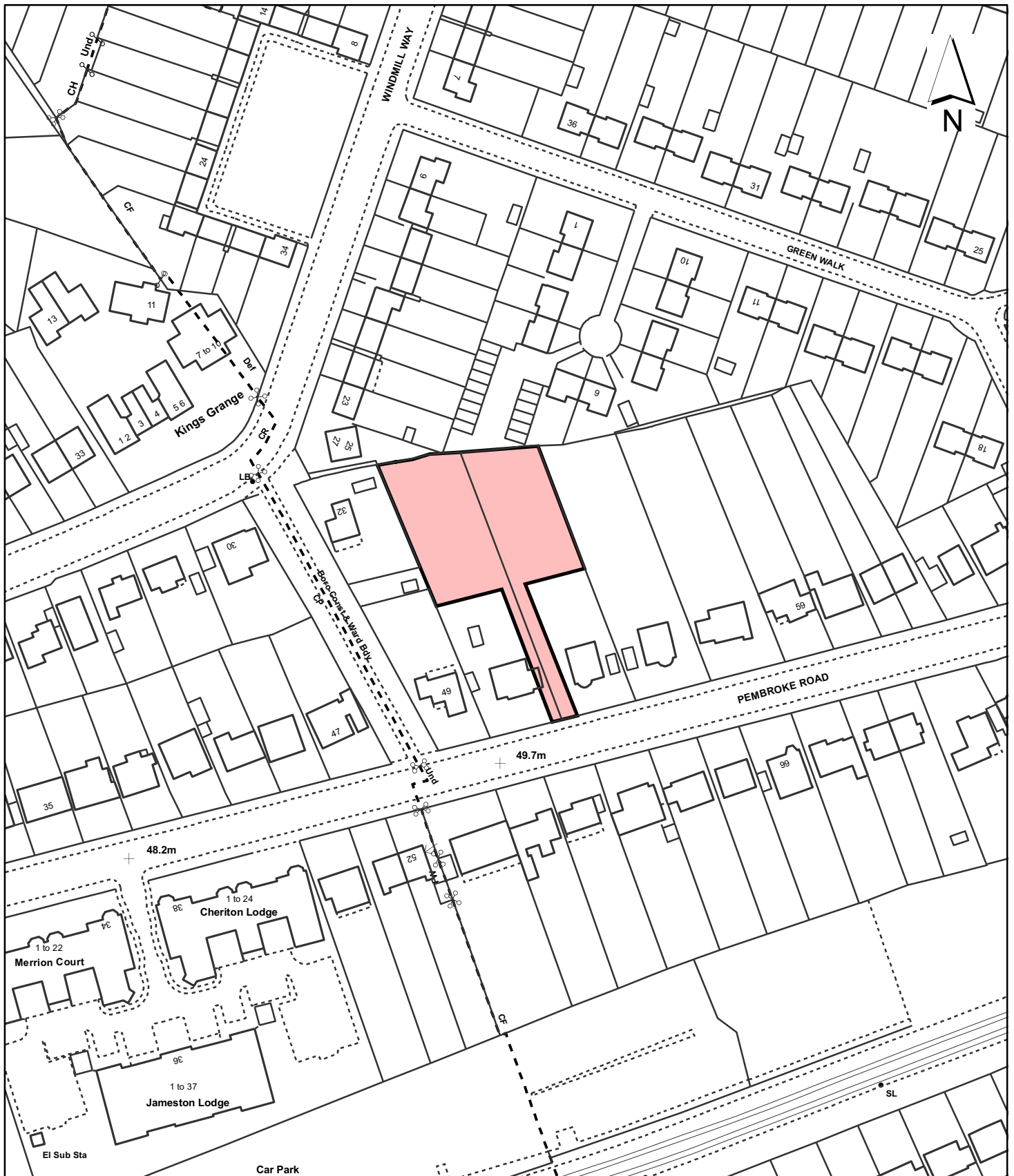
Hillingdon Design & Accessibility Statement: Accessible Hillingdon

PPS3


London Plan Interim Housing Supplementary Planning Guidance (April 2010)

Contact Officer: Sonia Bowen

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Land to rear of 51 and 53 Pembroke Road Ruislip	
Planning Application Ref:	Scale
66982/APP/2010/1004	1:1,250
Planning Committee	Date
North	September 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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