

## Report of the Head of Planning & Enforcement Services

**Address** LAND FORMING PART OF 11 HOYLAKE GARDENS RUISLIP

**Development:** Two storey side and single storey front, side and rear extensions together with conversion of roofspace to habitable accommodation and dormer to rear, involving conversion of resulting building into 2 two-bedroom flats, including demolition of existing attached garage to side.

**LBH Ref Nos:** 66856/APP/2010/2169

**Drawing Nos:** 1097/P2/3  
1097/P2/4  
Design and Access Statement  
1097/P2/1A  
1097/P2/2A  
1097/P2/5

**Date Plans Received:** 17/09/2010      **Date(s) of Amendment(s):** 17/09/2010  
**Date Application Valid:** 18/10/2010      18/10/2010  
11/11/2010

### 1. SUMMARY

The proposal seeks to extend and convert the existing property into two 2-bedroom flats. Whilst the single storey rear extension is considered acceptable in design terms, it is considered that the 2 storey side extension, due to the lack of a set back and the design of the roof, in particular the angle of pitch in relation to the original property, would result in an incongruous addition, which would unbalance the existing pair of semi detached properties and be visually obtrusive within the street scene and the area in general. Furthermore, the rear dormer is considered to be overly dominant in the roof plane to which it would be applied, resulting in visual harm to the architectural merit of the original building, the street scene and the wider area.

Also, whilst it is noted that the parking arrangements would be in a similar position to those of the existing property and the layout shows the provision of an adequate number of off-street spaces, it is considered that due to the intensification of the use of the site (to provide access and parking for two individual properties) and the close proximity of neighbouring properties (Nos. 13, 15, 17, and 19) together with their shallow back gardens, it is considered this would result in noise and disturbance to these dwellings, reducing their amenities to below a level they can reasonably expect to enjoy. As such, the proposal is considered contrary to the Saved Policies in the Development Plan (September 2007) and is recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed two storey side extension by reason of its siting, size, bulk and design would result in overly dominant and discordant feature in relation to the architectural composition of the original dwelling and the existing pair of semi-detached properties. The proposal would therefore be detrimental to the character and appearance of the original dwelling, the pair of semi-detached properties, the street scene and the wider

area in general, contrary to Policies BE13, BE15, and BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the adopted Supplementary Planning Documents HDAS: Residential Layouts and HDAS: Residential Extensions.

## **2 NON2 Non Standard reason for refusal**

The proposed rear dormer window by reason of its siting, size, bulk and design would result in an overly dominant and discordant feature in relation to the architectural composition of the original dwelling. The proposal would therefore be detrimental to the character and appearance of the original dwelling, the street scene and the wider area in general, contrary to Policies BE13, BE15, and BE19 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

## **3 NON2 Non Standard reason for refusal**

The proposed development by reason of the use of the rear/side garden area as a parking area for future residents of the development and the intensification of the use of the access and the parking area, would be detrimental to the amenities of adjoining occupiers by reason of increased activity and a significant increase in noise and disturbance and as such would constitute an un-neighbourly form of development. The proposal is therefore contrary to policies H7 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

## **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.
H7	Conversion of residential properties into a number of units Use of planning obligations to supplement the provision of

R17	recreation, leisure and community facilities
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions Residential Layouts
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.

### 3

It is noted that the site layout plan shows a half hip roof, which does not correspond with the remaining drawings. Any resubmission should ensure that accurate drawings are provided.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site is situated on the north side of Hoylake Gardens and comprises a semi-detached property with a wider than average frontage. The existing property is the end 1930's dwelling in the street, before a group of more modern 1980's properties begin. Hoylake Gardens originally comprised a small cul-de-sac of 16-18 dwellings, although this has now been extended to include an area of 1980's terraced properties with shallow rear gardens, some of which back onto the side of the application site. The application site lies within the developed area as identified in the Adopted Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

### 3.2 Proposed Scheme

This application seeks permission to:

- i) Erect a two storey side extension
- ii) Erect a single storey rear extension
- iii) Construct a dormer window on the rear roof plane of the original dwelling
- iv) Provide a turning head to the front of the property
- v) Convert the resulting built form into 2 x 2 bedroom flats with associated amenity space and off street parking.

### 3.3 Relevant Planning History

66856/APP/2010/518      Land Forming Part Of 11 And 11 Hoylake Gardens Ruislip

Two storey three-bedroom, end-of-terrace dwelling with associated parking and amenity space and single storey rear extension with roof lantern to existing dwelling and alterations to existing crossover.

**Decision:** 22-06-2010      Refused

### Comment on Relevant Planning History

This is a re-submission of a previously refused scheme (66856/APP/2010/518) relating to

the erection of an attached 3 bedroom dwelling which was refused for the following reasons:

1. The proposed development, by reason of its siting and design would result in a cramped form of development, due to the in-filling of an important gap, which would be out of keeping with the character and appearance of surrounding properties. It would result in the loss of the open and spacious appearance of the site, and would unacceptably disrupt the layout of this established residential area, to the detriment of the visual amenities of the street scene. The proposal would therefore be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007, Policies 3A.3 and 4B.1 of the London Plan, the Council's Supplementary Planning Guidance HDAS: Residential Layouts and The London Plan: Interim Housing Supplementary Planning Guidance.

2. The proposal, by reason of its size, bulk, design and proximity, with inadequate separation distances between the proposed dwelling and the existing properties, No.s 13 and 15 Hoylake Gardens, would result in an overly dominant, visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE20, and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007), Policies 3A.3 and 4B.1 of the London Plan, the Council's Supplementary Planning Documents HDAS Residential Layouts and The London Plan: Interim Housing Supplementary Planning Guidance.

3. The applicant has failed to provide a contribution towards the improvement of services and facilities as a consequence of demands created by the proposed development, including contributions towards education facilities. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Document on Planning Obligations (2008).

4. The proposal has not demonstrated that sufficient off street parking /access arrangements would be provided, and therefore the development is considered to result in substandard car parking provision with regard to the Councils approved car parking standard. It is therefore considered that the development would be likely to result in on-street parking to the detriment of public and highway safety and as such would be contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Hillingdon's Adopted Parking Standards (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:

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.
H7	Conversion of residential properties into a number of units
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Extensions Residential Layouts
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 3A.3	London Plan Policy 3A.3 - Maximising the potential of sites
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

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

## **6. Consultations**

### **External Consultees**

18 Neighbours and interested Parties consulted, 5 letters and a petition of 32 signatures received making the following comments:

1. I object, we already have huge parking problems in this street;
2. No.9 (the next door house) has no parking spaces and by making No.11 into 2 dwellings more problems will arise;
3. The existing garage to the rear is in use as an office ;
4. The proposal is too close to surrounding houses leading to unacceptable overlooking and loss of privacy;
5. There is already an issue with the existing property and its numerous side windows;
6. The trees that were historically there have been removed (last year), presumably in preparation for the planning purpose;
7. The distances between properties do not comply with the minimum 15m distances and the applicant does not include the distances between the ground floor elements which are much closer;
8. The position of the parking spaces are awkward, cars will not be able to get in and out without damaging the fence. Also the entrance point to the site is narrow and would compromise the access point to No 16 (opposite);
9. There is no space to reverse onto Hoylake Gardens presently and the layout as shown will not

work;

10. The applicant has effectively created a new street to the side, for access to the residential properties and the business at the back of No 11;

11. There is a concern about construction noise/works in this very small cul de sac and the access arrangements and once constructed any time windows are left open household noise would also permeate neighbouring gardens;

12. The build size is disproportionate, would damage views and be intrusive;

13. The design and materials would not blend or harmonise with its surroundings;

14. No space will be left for emergency vehicles;

16. The proposal would block light/sunlight coming into my property and garden;

17. The proposal will bring the dwelling closer to our property boundary;

18. The proposal will leave no privacy for my property and hardly any space should I wish to extend in the future;

19. I do not want my property to lose value because of this new development;

20. The proposal would change the underling nature of the road of semi detached properties;

21. To lose the space between the 1980's and 1930's development would have a negative effect;

22. The applicants have consulted residents, the letter was condescending and not worthy of a response;

23. Since the last planning application the house has been rented out (short term tenants), and the garage to the rear has been separated off and is used as a business premises, known as 'The Studio' and forms the offices for Dusek Builders even though this is registered elsewhere and every day this business brings 2 cars and a van as well as clients and building supply lorries. We also have several all day parkers, who leave their cars and cut through to the station.

A petition of 32 signatures also received making the following comments:

Object to the application on the grounds of design, layout, size, character, appearance, overlooking, position of parking spaces, parking disturbance, and distance to adjacent properties.

Ward Councillor: Please refer this application to Committee. I am concerned this results in 'Garden Grabbing' resulting in lack of parking, privacy and poor residential amenity space.

Thames Water

Waste Comments: Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments: With regard to water supply, this comes within the area covered by the Veolia Water Company.

### **Internal Consultees**

Trees and Landscape Officer: The current proposal is an amended scheme, based on the previous proposal (ref. 2010/518) which has been amended to try and address the reasons for refusal. An existing attached garage is to be demolished, but the double garage (to the rear and side of the house) will be retained in order to accommodate the proposed side and rear extensions. As described in the Design & Access Statement, much of the existing planting will be retained and opportunities taken to provide landscape enhancement, which can be detailed by condition, in accordance with saved policy BE38.

RECOMMENDATION: No objection, subject to conditions TL5 and TL6.

Highway Officer:

Hoylake Gardens is a no through residential road accessed from Southbourne Gardens, with a total

of nineteen properties within Hoylake Gardens which is an unclassified road. The existing carriageway is 4.7m wide with approximately 1.5m wide footway on both sides.

The existing dwelling is a semi-detached property currently benefiting from a single vehicular access on the North West corner of the dwelling leading to a hard standing area, a single side carport and a double garage at the rear of property.

The proposal for converting the existing dwelling into two separate two bedroom flats by erecting a two storey side and single storey front and rear extension with total of four parking spaces by retaining the existing rear garages, complies with policy AM14 of the Council's UDP

Consequently, there is no objection on the highways aspect of the proposal, subject to the following condition being applied;

1. The use of the land for vehicle parking shall not be commenced until the details of the hardstanding area, surface drainage and access have been constructed in accordance with the details to be submitted and approved in writing by the LPA and shall be permanently maintained and available for the parking of vehicles at all times.

Informative

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system.

Waste strategy Section: The plan does show that a space has been allocated for where residents can store waste and recycling. The current waste and recycling collection systems are:

- Weekly residual (refuse) waste using sacks purchased by the occupier
- Weekly dry recycling collection using specially marked sacks provided by the Council.
- Fortnightly green garden waste collection using specially marked reusable bags provided by the Council.

Director of Education: The net gain would be four habitable rooms and therefore no education contribution under Section 106 agreement would be required.

## **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.

Policy H7 of the UDP (Saved Policies September 2007) states that conversion of houses into multiple units would be considered as acceptable in principle provided this can be achieved without causing demonstrable harm to the residential amenities or character of the area and providing an adequate level of amenities can be provided for future occupiers of that dwelling.

The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.5 states this type of development must seek to enhance the character of the area. Section 4.6 of the SPD explains the possibility of increased residential density should not lead to a corresponding reduction in the size of residential units and it will be necessary to demonstrate good environmental conditions within a new scheme. Section 4.7 states, consideration will be given to the ability of residential developments to provide high standards of interior qualities to guarantee satisfactory indoor living space and amenities.

Whilst it is noted that the proposal would provide adequate accommodation for future occupiers of the development, it is not considered the design integrates successfully with the original property to which it would be applied, due to the differing roof pitches, together with the overly large dormer window (in relation to the roof space to which it would be applied). Furthermore due to the close proximity of the dwellings situated on the northern boundary (Nos. 13, 15, 17, and 19 Hoylake Gardens) and the proposed parking areas together with associated vehicular access point, it is considered, due to the intensification of use of this area, would result in noise and disturbance to the detriment of these existing occupiers

#### **7.02 Density of the proposed development**

This proposal involves the conversion of an existing property, albeit with proposed extensions, thus the issue of density is not particularly relevant to this case.

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

Not applicable to this application

#### **7.04 Airport safeguarding**

Not applicable to this application

#### **7.05 Impact on the green belt**

Not applicable to this application

#### **7.06 Environmental Impact**

Not applicable to this application

#### **7.07 Impact on the character & appearance of the area**

The proposal involves a 2-storey side extension and a single storey rear extension, together with the installation of a dormer window on the rear elevation. To provide adequate floor space for two 2-bedroom flats.

With regard to the two storey side extension the SPD: Residential Extensions; section 5.1 states; this type of extension should be set away a minimum of 1 metre from the side boundary for the full height of the building. This is to protect the character and appearance of the street scene and protect the gaps between properties, and the proposal would comply with this advice with a 4.5m gap to the side boundary. Section 5.6 of the SPD Residential Extensions, states for semi-detached properties, two storey side extensions should be set back by 1m from the front building line of the original property, to ensure a subordinate appearance to the existing property, and Section 5.8 states the roof height for this type of extension should be at least 0.5m lower and the design should follow that of the existing dwelling. The proposal is not considered to comply with this advice, as there is only a marginal set back shown to the first floor addition (0.2m) and at ground floor this extension would project forward of the front building line, matching the depth of the existing bay window, which means that the extension is particularly prominent within the street scene and is not considered to be subordinate to the original property. Furthermore, whilst it is noted that a hipped roof has been shown, the angle of pitch over the side addition is considerably different to the angle of pitch of the original dwelling roof resulting in an awkward relationship which is considered to be detrimental to the character of the original dwelling, the street scene and the area in general. As a result, the proposal would not comply with policies BE13, BE15 and BE19 of the UDP (Saved Policies September 2007) and the Supplementary Planning Document HDAS: Residential Extensions.

The proposed single storey rear extension would comply with the various guidance in the SPD. The proposed doors would reflect the proportions and style of the original property, therefore complying with section 3.11 of the SPD and with regard to the roof design the extension is shown to have a flat roof at an appropriate tie-in level. As such, it is considered that the design of the extension would be clearly articulated and subordinate



to the host dwelling such that its character would not be unduly harmed.

With regard to the size design of the proposed dormer window, the SPD: Residential Extensions: Section 7.7 states dormer windows should be constructed in the centre of the roof face, and that on smaller semi detached properties these additions are required to be set 0.5m away from the sides of a roof, 0.5 metres above the eaves, and 0.3 metre below the ridge. In this case, the proposed rear dormer would be set 0.6m up from the eaves, set down 0.9 below the ridge of the dwelling and set in 0.3m from the party wall boundary, however there is no set in from the outside edge of the roof to which it would be applied, and therefore it is not considered to comply with the guidance in the SPD. As such, it is considered that this proposed roof addition would by reason of size, scale, and bulk would appear as an intrusive feature harmful to the character and appearance of the existing dwelling and wider locality. As a result, the proposal would be contrary to policies BE13, BE15 and BE19 of the UDP (Saved Policies September 2007) and the Supplementary Planning Document HDAS: Residential Extensions.

#### **7.08 Impact on neighbours**

With regard to the impact of the 2 storey side extension and its affect on the amenities of adjoining properties, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination and 15m will be the minimum acceptable distance. This proposal show a 14.8m separation distance between the flank elevation of the new built development and the rear elevations on Nos. 13 and 15 Hoylake Gardens and whilst it does not meet the 15m requirement, the shortfall is considered to be very marginal such that refusal of permission on this ground would be difficult to uphold on appeal.

With regard to shadowing, the proposal would not result in a material increase in shadow cast to the adjacent gardens over and above the existing situation and as such would not have a material impact.

It is considered that the proposed single storey extension would not cause an unacceptable loss of light or outlook to adjoining occupiers. The SPD: Residential Extensions: Section 3.1 states extensions should not protrude to far from the rear wall of the original house and that for this type of property the extension should not exceed 3.6m in depth and the proposal would comply with this at 3.4m deep. With regard to the height of this addition, Section 3.9 of the document states that if a parapet wall is to be used this should not exceed 3.1m in height and whilst it would exceed this advice at 3.3m, it is noted the adjoining property has an extension at this height and therefore the proposal is not considered to have an adverse impact.

The proposed dormer window would not impact on adjoining properties in terms of loss of light, overshadowing or outlook.

The proposal is therefore considered to accord with policies BE20 and BE21 of the UDP (Saved Policies September 2007).

With regard to loss of privacy, there would be no new openings facing towards the adjacent properties (save a ground floor window, which could be dealt with by a condition requiring obscure glazing, to avoid any overlooking concerns. With regard to the rear openings, the application is not considered to result in any significant increase in

overlooking having regard to the existing rear facing bedroom windows. However, were a permission considered to be feasible a condition could be attached that would restrict the insertion of any further openings and in addition, as the rear extension would have a flat roof, a further condition could be added, restricting the use of the area to provide a balcony, as set out in section 3.8 of the SPD. This proposal therefore accords with Policy BE24 of the UDP (Saved Policies September 2007).

Policy OE1 states permission will not be granted for uses or developments which are likely to become detrimental to the character or amenities of surrounding properties. The proposed parking arrangements for the development would be in a similar position to those for the existing, however, it is considered that due to the intensification of the use of the access and the parking area and the close proximity of neighbouring properties together with their shallow back gardens, it is considered that this would result in noise and disturbance to these dwellings, reducing their amenities to below a level they can reasonably expect to enjoy. As such, the proposal is considered contrary to the policy OE1 of the UDP (Saved Policies September 2007).

#### **7.09 Living conditions for future occupiers**

Policy H7 of the UDP (Saved Policies September 2007) states that conversion of houses into multiple units would be considered favourably subject to adequate car parking, sound insulation, standard of accommodation and compliance with other policies of the Council.

Adequate sound insulation between the ground floor and first floor unit has not been indicated on the plans. However a scheme that specifies the provisions to be made for the control of noise between units could be required by condition. Therefore subject to condition the proposal would accord with Policy OE5 of the UDP (Saved Policies September 2007).

The property as extended would have a floor area of over 180m<sup>2</sup>. This would meet the minimum requirement of 120m<sup>2</sup> of floor area considered necessary to provide a satisfactory environment when converting existing properties to provide self contained flats, as specified in Section 3.5 of the HDAS: Residential Layouts.

Section 4.6 of this document states that a 2 bedroom flat should have an internal living area of 63m<sup>2</sup> and the proposal would comply with this advice showing areas of 85.5m<sup>2</sup> and 98.2m<sup>2</sup> respectively.

The SPD HDAS: Residential Layouts requires a minimum of 25m<sup>2</sup> of outdoor amenity space for a two bedroom flat and the proposal would comply with this advice showing areas in excess of this. As such it is considered that adequate private amenity space would be provided and the proposal would comply with Policy BE23 of the UDP (Saved Policies September 2007).

The proposed flats would be self contained with exclusive use of sanitary and kitchen facilities, and accessed via separate entrance doors. All of the rooms would have an adequate source of natural light and outlook. Therefore this would comply with Policy 4A.3 of the London Plan (2008) and Section 4.9 of the HDAS: Residential Layouts.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

The Council's adopted standards would require 2 spaces to be provided per unit and the proposal provides 4 spaces, which complies with the Council's standards and the London Plan standards. As such the application is considered to comply with policies AM14 and H7 of the UDP (Saved Policies September 2007).

No details have been supplied in regard to secure cycle parking, however, it is considered this matter could be dealt with by condition.

#### **7.11 Urban design, access and security**

See Section

#### **7.12 Disabled access**

The Design and Access Statement submitted with the proposal does not fully address this issue, however, given the size of the proposed units it is possible for the proposal to meet the lifetime homes standards and had approval been recommended the matter could be covered by way of a condition.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application

#### **7.14 Trees, Landscaping and Ecology**

The tree and landscape officer has commented that much of the existing planting will be retained and opportunities will be taken to provide landscape enhancement. As such, subject to suitable conditions being applied the proposal would accord with Policy BE38 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

#### **7.15 Sustainable waste management**

Section 4.40-4.41 of the SPD HDAS: Residential Layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. The submitted plans show the siting of refuse and recycling areas, however, no details have been supplied in respect of this issue, as such, it is considered that should a permission be issued these details could be required by condition.

#### **7.16 Renewable energy / Sustainability**

It is considered that all the proposed habitable rooms would have an adequate outlook and source of natural light, and therefore comply with the SPD: Residential Layouts: Section 4.9 and Policy 4A.3 of the London Plan (2008).

#### **7.17 Flooding or Drainage Issues**

Not applicable to this application

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application

#### **7.19 Comments on Public Consultations**

With regard to point 19, property values are not a material consideration to the determination of planning applications. In relation to Point 11, it is inevitable during any construction phase that a certain amount of disruption will occur. However, if it becomes a nuisance then this would be dealt with under other legislation. With regard to Point 23, the matter has been referred to the enforcement team for further investigation. The remaining points are addressed in the full report.

#### **7.20 Planning Obligations**

Presently S106 contributions for education are only sought for developments if the net gain of habitable rooms exceeds six. The existing property has 6 habitable rooms and the building once extended and converted would have 10 habitable rooms. Therefore a contribution would not be requested in this instance.

#### **7.21 Expediency of enforcement action**

Not applicable to this application

#### **7.22 Other Issues**

None

## **8. Observations of the Borough Solicitor**

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

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

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

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

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

## **9. Observations of the Director of Finance**

Not applicable to this application

## **10. CONCLUSION**

The proposal, due to the siting, size, scale and design of the two storey side extension and the rear dormer window, is considered to be out of character with the the existing property and the street scene and detrimental to visual amenity. Furthermore, the proposed parking layout, its close proximity to adjoining properties and the intensification of use proposed would impact on the amenities of adjoining occupiers. As such, the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan (Saved Policies September 2007 and recommended for refusal.

## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
HDAS: Residential Layouts  
HDAS: Residential Extensions  
The London Plan (2008)

**Contact Officer:** Catherine Hems

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## Notes



Site boundary

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London Borough of Hillingdon  
100019283 2010

Site Address

**Land forming part of  
11 Hoylake Gardens  
Ruislip**

Planning Application Ref:

**66856/APP/2010/2169**

Planning Committee

**North**

Scale

**1:1,250**

Date

**November  
2010**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning, Environment  
& Community Services**

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



**HILLINGDON**  
LONDON