

## Report of the Head of Planning & Enforcement Services

**Address** 37 EDWARDS AVENUE RUISLIP

**Development:** Erection of 4 two-bedroom back to back two storey dwellings with associated parking and amenity space and installation of new vehicular crossover, involving demolition of existing detached dwelling.

**LBH Ref Nos:** 65680/APP/2011/36

**Drawing Nos:** 2008/110/202A  
2008/110/103  
2008/110/201A  
Design and Access Statement

**Date Plans Received:** 10/01/2011      **Date(s) of Amendment(s):**

**Date Application Valid:** 10/01/2011

### 1. **SUMMARY**

Planning permission is sought for the erection of 4 two bedroom attached houses, two of which would front Edwards Avenue, while two would be to the rear of these. The proposal would involve the demolition of a 2 bedroom bungalow. A total of 4 parking spaces and secure cycle parking are to be provided on site. Individual rear gardens are proposed for each dwelling.

The current scheme is identical in terms of built form, scale, massing and siting to the previous scheme for 4 flats which was allowed on appeal, and the subsequent approval for a pair of semi detached dwellings on this site.

Good environmental conditions will be provided for future occupants, while there would not be an unacceptable loss of residential amenity to surrounding occupiers. Highway and pedestrian impacts are considered to be acceptable. The application is therefore recommended for approval.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

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

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

#### REASON

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

#### 2      M1      **Details/Samples to be Submitted**

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

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 M3 Boundary treatment - details**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied or in accordance with a timetable agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON**

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 DIS5 Design to Lifetime Homes Standards & Wheelchair Standards**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards.

**REASON**

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

**5 OM1 Development in accordance with Approved Plans**

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

**REASON**

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

**6 D5 Extensions/Erection of Garages**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no extension to any dwellinghouse(s) or garage(s) shall be erected without the prior written permission of the Local Planning Authority.

**REASON**

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

**7 D9 Enlargement to Houses Consisting of Roof Additions**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no additions to the roof of any dwellinghouse shall be constructed without the prior written consent of the Local Planning Authority.

**REASON**

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

**8 RPD1 No Additional Windows or Doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 35 and 39 Edwards Avenue.

**REASON**

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

**9 A17 Levels**

Development shall not begin until details of finished levels relative to the surrounding area have been submitted to and approved by the Local Planning Authority.

**REASON**

To ensure that the development relates satisfactorily to adjoining properties, in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**10 H5 Sight Lines - submission of details**

The development hereby permitted shall not be commenced until details of the sight lines at the point of the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved sight lines have been implemented and thereafter, the sight lines shall be permanently retained and kept clear of obstructions exceeding 0.6 metres in height.

**REASON**

To ensure that adequate sight lines are provided and thereafter retained in the interests of highway safety in accordance with Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

**11 NONSC Non Standard Condition**

Notwithstanding the submitted plans, details of the front garden area, including hard surfacing for car parking, landscape buffers, pedestrian access and surface drainage shall be submitted to and be approved by the Local Planning Authority, prior to commencement of the development hereby approved. The works, including the parking areas shall be constructed in accordance with the approved details and shall be permanently maintained for so long as the development remains in existence.

**REASON**

To ensure that the proposed development will preserve and enhance the visual amenities of the locality, in the interests of highway safety and to ensure that surface water run off is handled as close to its source as possible in accordance with Policies BE13, BE19, BE38, AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), together with Chapter 3C and policies 4A.12 and 4A.13 of the London Plan. (February 2008).

**12 H14 Cycle Storage - details to be submitted**

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for each dwelling have been submitted to and approved in

writing by the Local Planning Authority. Thereafter, the development shall not be occupied until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

#### REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

#### **13 SUS4 Code for Sustainable Homes details**

No development shall take place until 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 has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

#### REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

#### **14 SUS5 Sustainable Urban Drainage**

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

#### REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

#### **15 TL5 Landscaping Scheme - (full apps where details are reserved)**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),

- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

#### REASON

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

#### **16 TL6 Landscaping Scheme - implementation**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

#### REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### INFORMATIVES

##### **1 I1 Building to Approved Drawing**

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

##### **2 I13 Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

##### **3 I15 Control of Environmental Nuisance from Construction Work**

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

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### **4            I23                    Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

#### **5            I25A                    The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

#### **6            I3                            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to

demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

**7**            145            **Discharge of Conditions**

Your attention is drawn to conditions 2, 3, 9, 10, 11, 12, 13, 14 and 15 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

**8**            147            **Damage to Verge**

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**9**            15            **Party Walls**

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

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

**10**           152            **Compulsory Informative (1)**

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

**11**           153            **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
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
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
HDAS	Residential Layouts Accessible Hillingdon
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
OE7	Development in areas likely to flooding - requirement for flood protection measures
PPS1	Delivering Sustainable Development

## **12          I6                    Property Rights/Rights of Light**

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

## **13          I21                    Street Naming and Numbering**

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

## **14          I4                    Neighbourly Consideration - include on all residential exts**

You have been granted planning permission to build a residential development. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).



**15**      I43                      **Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

**16**

In seeking to discharge conditions 11 and 15, you are advised that the bin stores as shown do not allow sufficient space for pedestrian access and should be either relocated or removed. Furthermore the front garden area should be amended to provide increased areas of soft landscaping on each side of the front boundaries. It is suggested that a new small tree (such as Silver Birch or Rowan) could be planted in each of these areas.

**3. CONSIDERATIONS**

**3.1 Site and Locality**

The site is situated on the western side of Edwards Avenue and comprises a detached bungalow, which is to be demolished. The site abuts the rear gardens of 3 and 5 Manor Gardens to the west. The northern boundary of the site abuts the boundary with a row of terraced houses 39, 39a and 41 Edwards Avenue and the southern boundary abuts the curtilage of 35 Edwards Avenue. Detached bungalows are located on the opposite side of Edwards Avenue. The area is characterised by a mixture of semi-detached and terraced houses and detached bungalows.

**3.2 Proposed Scheme**

Planning permission is sought to demolish the existing detached bungalow and erect four duplex 2 bedroom back to back houses in a single building. Two of the houses would front onto Edwards Avenue, while the remaining two would be located to the rear of these, but with access provided at either side. The footprint of the building would be 12.9m wide, 13.9m deep at its maximum extent, whilst the height would be 5.4m to eaves level with hipped roofs.

Four parking spaces are proposed to the front of the proposed building with a new crossover onto Edwards Avenue. Refuse storage areas for each house would be provided at the front of the site. Each property would benefit from an individual rear garden and secure cycle storage.

**3.3 Relevant Planning History**

**Comment on Relevant Planning History**

Planning permission was refused (Ref: 65680/APP/2009/63) on the 20th March 2009 for the erection of 4, two bedroom flats for the following reasons:

1. The proposal fails to provide car parking and cycle storage provision in accordance with the Council's adopted parking standards and would give rise to conditions prejudicial to highway and pedestrian safety contrary to Policies AM7 (ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

2. 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 Unitary Development Plan.

3. The use of the communal garden area by the future occupiers of the first floor flats would fail to protect the privacy, or provide adequate private amenity space for the future occupiers of the proposed ground floor flats. The development is therefore contrary to Policies BE19, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

4. The proposal would give rise to an unacceptable further increase in the number of flatted developments on this street, which already exceeds the 10% threshold set out in this Council's Supplementary Planning Document HDAS: Residential Layouts. It is considered therefore that the proposal would have a detrimental impact on the character and amenity of the area, and as such would be contrary to Policy BE19 of the adopted Hillingdon Unitary Development Plan 'Saved Policies' 2007 and the Hillingdon Design and Accessibility Statement Supplementary Planning Document for Residential Layouts (Section 3.3).

The application was the subject of an appeal, which was allowed on 5th March 2010.

A subsequent application for a pair of two storey, 3 bedroom semi detached houses was approved on 7th. August 2009 (ref:65680/APP/2009/1264).

#### **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:

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
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
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

H4	Mix of housing units
H5	Dwellings suitable for large families
HDAS	Residential Layouts Accessible Hillingdon
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
OE7	Development in areas likely to flooding - requirement for flood protection measures
PPS1	Delivering Sustainable Development

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

66 adjoining occupiers were consulted and 19 letters of objection have been received with the following comments:

- (1) The proposal would result in the loss of an existing sound bungalow;
- (2) The building would be out of character with the street scene;
- (3) The proposal is too large in relation to surrounding properties;
- (4) Inadequate parking;
- (5) Crossover would prevent on street parking;
- (6) Will put a strain on existing services;
- (7) The height and footprint would be intrusive;
- (8) The proposal would change the character of the surrounding area;
- (9) Loss of daylight/sunlight;
- (10) Loss of privacy;
- (11) The proposal will increase congestion and would be prejudicial to highway safety;
- (12) Inadequate parking;
- (13) The proposal is contrary to Policies BE13, BE19 BE20, BE21, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007;
- (14) The number of redevelopments on Edwards Avenue is already considered to be excessive;
- (15) Increase in population density;
- (16) Misrepresentation of the scheme in the description;
- (17) Overdevelopment of the site;
- (18) Extends further to the rear than adjoining properties;
- (19) Amenity area of front houses too far away;
- (20) Cycle store location should be closer to the building;
- (21) Excessive footprint/hard surfacing will decrease natural drainage and lead to localised flooding;
- (22) Bin store location inappropriate;
- (23) Excessive hard surfacing of front garden;
- (24) Dropped curb too long;
- (25) Development rule should be upheld.

In addition, a petition bearing 28 signatures has been received. Objection on the following grounds (as set out in the petition cover sheet):

- (1) The proposal would result in the demolition of a sound development;
- (2) The proposal does not harmonise with the existing street scene and would detract from the character of the area;
- (3) Loss of daylight/sunlight;
- (4) The proposal is too large;
- (5) Loss of privacy;
- (6) The proposal would adversely affect current services;
- (7) Inadequate parking;
- (8) Multiple crossovers would prevent on street parking;
- (9) Does not respect rear building line;
- (10) Increased flood risk;
- (11) Increased carbon footprint;
- (12) Rubbish generated would create an eye sore;
- (13) 10% redevelopment rule should be upheld;
- (14) Increase in carbon footprint.

SOUTH RUISLIP RESIDENTS' ASSOCIATION: No response.

MINISTRY OF DEFENCE SAFEGUARDING: No safeguarding objections.

NATIONAL AIR TRAFFIC SAFEGUARDING: No safeguarding objections.

CROSSRAIL: No comments to make on this application.

#### **Internal Consultees**

##### EDUCATION DIRECTORATE

The applicant has previously challenged the contribution requested for this site and a contribution was agreed and paid for application 65680/APP/2009/63 in 2009.

##### WASTE MANAGER

Hillingdon is not a wheeled Borough. The current waste and recycling collection systems are weekly refuse waste and recycling using sacks and fortnightly green garden waste collection using specially marked reusable bags.

The waste and recycling should be presented near the curtilage of the properties on allocated collection days.

##### ENVIRONMENTAL PROTECTION UNIT

No objections are raised to this proposal.

Should planning permission be granted, please ensure that the standard Construction Site Informative is added in respect of the construction phase.

##### TREES AND LANDSCAPE OFFICER

This site is not covered by a TPO, nor within a Conservation Area. There are no trees on/adjacent to the site, although there is a large laurel shrub to the rear of the existing garage, however it is not a constraint to development in terms of Saved Policy BE38.

The layout plan shows a large area of hard standing, for car parking, at the front of the site, with very little room for soft landscaping. The layout plan should be amended to show an increased area for soft landscaping (at least 25% of the front garden area should be soft landscaped) to conform to HDAS. No details have been provided to show that the hard standing conforms to SUDS, however this can be dealt with by condition at a later stage. To mitigate the visual impact of the proposed development, a new small tree (such as Silver Birch or Rowan) should be planted on each of the front, side boundaries. The layout plan should be amended to show the location/species of two new trees.

(Note: The revised layout to provide landscaped buffers is secured by condition).

#### ACCESS OFFICER

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

1. The plans should indicate the location of a future through the ceiling wheelchair lift. However, given the restrictive floorspace, concern is raised that it may not be feasible to incorporate a through-ceiling-lift, in which case the Lifetime Home Standards would not be achieved.

Conclusion: On the basis of their revised/additional plans are submitted and approved, I would raise no objection to the proposed development.

(Note This matter is covered by condition).

#### HIGHWAY ENGINEER

Edwards Avenue is accessed from West End Road and leading into Great Central Avenue which is an unclassified road. The proposed dwelling is located in a residential area nearest to Great Central Avenue which is a no through road.

Edwards Avenue is surrounded by a mixture of single and double storey residential dwellings. The proposal is to erect 4 x two storey two bedroom semi-detached properties with total of four parking spaces having a shared vehicle access of eleven meters long leading to hardstanding in the front garden area and two secured cycle storage for each dwelling located at the rear of proposed properties. The proposal is therefore in compliance with Policy AM14 of the Council's UDP.

The proposal also includes two refuse communal bin store to be located in the north east and south west front garden corners. A gap of approximately 0.5m has shown between the building wall and corner of proposed communal bin stores walls leading to house nos. 3 and 4.

Applicant has failed to provide construction detail of communal bin stores, and a 0.5m gap is clearly insufficient for pedestrian/resident movement. It is recommended to either relocate the bin stores to allow sufficient gap for residents to enter/exit the proposed dwelling or eradicate the proposal of communal bin storage area, which seems to be unnecessary for what seem to be dwellings.

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

1. amend drawing to allow sufficient gap between building wall and proposed communal bin store or remove proposed bin stores in front garden.
2. The use of the land for vehicle parking shall not be commenced until the details of the hardstanding area, surface drainage and access for proposed dwellings 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.

(Note: These matters are covered by condition).

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The surrounding area is predominantly residential in character and comprises a mixture of maisonettes, bungalows and terraced houses. The site is located within the developed area, as identified in the Council's adopted Unitary Development Plan (UDP) Saved Policies September 2007. General policies are supportive of residential accommodation in principle, subject to compliance with a number of detailed criteria.

The principle of a more intensive residential use on this site has already been established by virtue of the of appeal decision relating to the application for the erection of 4, two bedroom flats and the 2009 consent for 2, three bedroom houses on this plot.

The current scheme replaces one family dwelling with four, 2 bedroom back to back houses. There is therefore a net gain of 3 dwelling units and no flats are proposed. Even if the argument that the current scheme could usefully be described as duplex flats (which is alluded to in the Design and Access Statement) could be sustained, the comments of the Inspector in allowing the appeal for the flatted scheme, which has a similar built form to the current proposal, are relevant. The Inspector stated that he was satisfied that the proposal would not adversely affect the appearance of the local area and would not therefore conflict with Saved Policy BE19 of the UDP. As a result and in the absence of any identified harm, the very minimal overrun of the 10% figure in the SPD, for the proportion of redevelopments as flatted developments within this street would not, in his view, justify refusal of permission in this case.

There is therefore no objection in principle to the intensification of the residential use on the site, subject to the proposal satisfying other saved policies within the UDP.

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

The scheme would have a residential density which equates to approximately 229 habitable rooms per hectare (hr/ha), or 38 units per hectare (u/ha). The proposed density is therefore within the London Plan recommended guidelines (150-250 hr/ha or 35-65 u/ha in a suburban setting), as indicated in Table 3A.2 of the London Plan (2008), having regard to the site's Public Transport Accessibility Level (PTAL) of 2. there is therefore no objection to the proposed density of the scheme, subject to compliance with other policies in the Plan.

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

Not applicable in this case.

### **7.04 Airport safeguarding**

Both the Ministry of Defence Safeguarding and National Air Traffic Safeguarding have raised no objections.

### **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 current scheme is identical in terms of built form, scale, massing and siting to the previous scheme for 4 flats, which was allowed on appeal, and the subsequent approval for a pair of semi detached dwellings. The proposed building would not project forward of the front building line of adjoining properties and is not therefore considered to unacceptably intrude into the street scene.

In addition, the flank wall of the proposed two-storey building would be inset by a minimum distance of 1.2m from the side boundaries, in compliance with Saved Policy BE22. It is considered that sufficient distance has therefore been maintained between the flank walls of the new houses and those of the adjoining properties, to ensure that the building would not appear cramped in the street scene. It is considered that the overall size, bulk and design of the proposed development would also relate satisfactorily to adjoining properties and the surrounding area.

This view is consistent with the conclusions of the Inspector in allowing the flatted scheme. Here, the Inspector held that the proposal would not affect the appearance and character of the area, would respect the general street building line and would not appear cramped within this plot.

The only external changes to the approved schemes are the treatment of the hard surfaced areas at the front of the plot to provide car parking, the provision of side entrances to the rear facing houses and the sub-division of the rear garden to provide individual amenity areas to each house. It is not considered that the provision of the side entrances or the sub division of the rear garden would not detract from the character and appearance of the area. However, concerns are raised regarding the large area of hard standing for car parking, at the front of the site, with very little room for soft landscaping. However, it is noted that this matter was satisfactorily addressed for the 2 house scheme, where 4 parking spaces were approved, with the proposed hard surfaced area to the front of the building inset from the boundaries of the application site and sufficient space provided between the hard surfaced area and the boundaries of the application site to create an adequate landscaping buffer.

The plot has a 15.3 metre frontage to Edwards Avenue. Adequate width therefore exists to provide these landscaped buffers, to mitigate the visual impact of the proposed development. It is therefore recommended that should the application be approved, a condition be imposed requiring the submission of details of the frontage layout. Subject to a satisfactory scheme being agreed, it is considered that the surface of the car parking area in front of the proposed dwellings would not visually impinge on the building's setting and would not detract from the open character and appearance of the area.

The proposal is therefore considered to comply with Policies BE13, BE19, BE22 and BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

The Council's Supplementary Planning Document HDAS: Residential Layouts requires a minimum distance of 21m to ensure that overlooking to adjoining residents is minimised. No windows are proposed in the flank elevations which face towards 35 and 39 Edwards Avenue. The windows in the rear elevation, which would face Nos. 5 and 7 Manor Gardens, would be situated some 30m from the rear of these properties. As such, the proposal would not result in additional loss of privacy to justify refusal and the proposal would comply with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies

September 2007.

The proposed building would be located to the north of 35 Edwards Avenue and would not result in the overshadowing of the rear garden of this property. With regard to No.39, the proposal is likely to increase the length of shadow to this property in the morning. However, no overshadowing would occur after approximately 13:00. It is therefore considered that the proposal would not result in loss of light or overshadowing of these properties sufficient to justify refusal. The proposal would therefore comply with Policy BE20 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

The Council's SPD HDAS: Residential Layouts advises that for two 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. The proposed rear elevation of the proposed two storey element, which would directly face nos.3 and 5 Manor Gardens, would be situated 30m from the rear of these properties, in excess of the 15m guideline.

No.35 Edwards Avenue has a single storey rear extension and the proposed development would project 2.6m beyond the rear building line of this extension. The proposed development would not project beyond a 45 degree line taken from the mid-point of the nearest habitable room window.

The flank wall of the proposed building which would face no.39 would not project beyond the rear building line of this property. The proposal is not therefore considered to result in an over-dominant form of development in relation to surrounding properties. The proposal therefore complies with Policy BE21 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

All of the units would benefit from an acceptable level of privacy, outlook and light. Private amenity space is provided in the form of individual gardens, ranging between 60sqm and 69sqm. in area, which complies with the Council's 60sq. metre amenity space standards for 2 bedroom houses as set out in SPD HDAS: Residential Layouts.

The SPD HDAS: Residential Layouts 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 houses is 63sq.m. Each unit would be approximately 73sq.m and the development thus exceeds the SPD recommended floor space standards and that lifetime home standards can be met for each of the dwellings. A condition is recommended to ensure compliance.

Overall, it is considered that the proposed development would provide good living conditions for all of the proposed units in accordance with Policies BE20, BE23, BE24, OE1 and OE5 of the UDP Saved Policies September 2007, HDAS: Residential Layouts and the provisions of the London Plan.

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

Edwards Avenue is accessed from West End Road and leading into Great Central Avenue which is an unclassified road. The proposed dwellings are located in a residential area nearest to the Great Central Avenue which is a no through road. It is considered that a net gain of three, two bedroom units would not give rise to a significant increase in congestion such as to justify refusal.



In this case, 4 off-street parking spaces are provided (one for each unit). The parking spaces would be provided on hardstanding in the front garden area and would be accessed via a shared access having an eleven meter long dropped kerb. The Highway Engineer raises no objections to this arrangement, which is similar to that approved for the pair of semi detached dwellings. The Council's Highways Engineer considers that the proposed number of spaces would be adequate, whilst this level of provision complies with the Council's maximum parking standards, and Saved Policy AM14 of the UDP. In addition, independent access is provided to secure cycle parking in the rear gardens, in compliance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

The Highway Engineer has however raised concerns relating to the location of proposed bin stores on either side of the development, which would impede access to the rear houses. He therefore recommends that the bin stores be either relocated or removed altogether, to allow sufficient access and egress for future residents. This matter is addressed by the imposition of a condition requiring a revised layout of the front garden area. The applicant has also been advised by way of an informative.

Overall it is considered that the proposal is unlikely to give rise to additional on-street parking or detriment of highway and pedestrian safety, in compliance with Policies AM7 and AM14 (ii) of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

See section 7.07.

#### **7.12 Disabled access**

DDA compliant level thresholds and a gentle gradient to paths not exceeding 1:20 are to be provided for each unit. The Access Officer is satisfied with the level of facilities provided subject to minor revisions to the internal layout of the units to ensure full compliance with all 16 Lifetime Home standards (as relevant).

The Access Officer has noted that due to the restrictive floorspace, it may not be feasible to incorporate a through-ceiling-lift in the proposed units. However, the submitted floor plans do indicate downstairs w/c and bathroom facilities for each house, capable of being used by people with disabilities, whilst the internal layout could easily be converted to downstairs living space. Therefore the difficulty in providing a through ceiling lift is not considered to be a sustainable reason to refuse this application.

Subject to a condition to ensure compliance with Lifetime Home standards, it is considered that proposed development is in accord with the aims of Policies 3A.4, 4B.5 of the London Plan, the Hillingdon Design and Access Statement (HDAS) Accessible Hillingdon and Policy AM15 of the UDP.

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

Not applicable to this application.

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

The Tree and Landscape Officer notes that there are no trees or other landscape features within the garden, or close to it. However, the layout plan shows a large area of hard standing for car parking, at the front of the site, with very little room for soft landscaping. In this regard, it is noted that the plot has a 15.3 metre frontage to Edwards Avenue. Adequate width therefore exists to provide landscaped buffers, to mitigate the visual impact of the proposed development. This matter was satisfactorily addressed for the 2 house scheme, where 4 parking spaces were approved, with the proposed hard surfaced

area to the front of the building inset from the boundaries of the application site and sufficient space provided between the hard surfaced area and the boundaries of the application site to create an adequate landscaping buffer.

Conditions are recommended requiring a revised layout of the front of the site and the submission of a landscaping scheme, to provide landscaped buffers, which could include the planting of two small trees on either side of the car parking area. Subject to the submission and approval of such a scheme, it is considered that the proposal would comply with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

Not applicable to this application.

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

The energy performance minimum requirements of Building Regulations Part L will be met for the new development. A condition is proposed to ensure that the houses meet level 3 compliance of the Code for Sustainable Homes.

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

Policies OE7 and OE8 of the Hillingdon Unitary Development Plan Saved Policies September 2007 seek to ensure that new development incorporates appropriate measures to mitigate any potential risk of flooding.

Consideration has been given to the risk of flooding resulting from an increased area of hard standing on the application site as a result of the proposed development. A condition is recommended requiring the incorporation of Sustainable Urban Drainage Systems (SUDS) to limit the surface run-off from the site. Such measures will include permeable paving surfaces. This will ensure that the potential risk of flooding resulting from surface run-off from the proposed development is negligible.

Subject to the recommended condition, it is considered that development would not increase the risk of flooding and therefore is in accordance with Policies OE7 and OE8 of the Hillingdon Unitary Development Plan Saved Policies September 2007, Policy 4B.6 of The London Plan (February 2008) and Planning Policy Statement 25: Development and Flood Risk.

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

Not applicable to this application.

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

With regard to the letters of objection received, points (1) loss of an existing bungalow,, (6) strain on existing services and (12) Inadequate parking, are not considered sufficient reasons to justify the refusal of this application.

Points (2) out of character, (3) proposal is too large, (5) inadequate parking, (7) The height and footprint would be intrusive, (8) change the character, (9) Loss of daylight/sunlight, (10) Loss of privacy, and (11) increased congestion are addressed in the main body of the report.

With regard to the petition received, in addition to those points covered above, Points (10) increased flood risk, (11) increased carbon footprint, (12) rubbish generated would create an eye sore,(13) inadequate facilities for people with disabilities, are addressed in the main body of the report.

Point (14) dwellings could be converted to multiple occupation, is not applicable to the

determination of this application as there is no permitted change from Class C3 (Dwelling Houses) to multiple occupation and such a use would thus require further permission.

#### **7.20 Planning Obligations**

The applicants have already met the obligations for education contributions on the previous scheme which is of a similar scale to the current proposals. As such, it is not considered necessary to re-visit the issue of planning obligations, which have been satisfactorily addressed.

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

Not applicable to this application.

#### **7.22 Other Issues**

There are no other planning issues relevant 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**

Not applicable to this application.

### **10. CONCLUSION**

No objections are raised to the principle of replacing the existing family dwelling unit with 4, two bedroom units.

The proposal respects the established building lines, whilst sufficient distance has been maintained between the flank walls of the new building and those of the adjoining properties to ensure that the building would not appear cramped in the street scene.

It is considered that the proposed development would provide adequate parking and is therefore unlikely to give rise to conditions which would be prejudicial to highway and pedestrian safety.

Good environmental conditions are provided for future occupiers, whilst the residential amenity of surrounding residents would not be adversely affected by the proposal.

The applicants have already meet the costs to address the pressure for school places in the locality arising from the proposal.

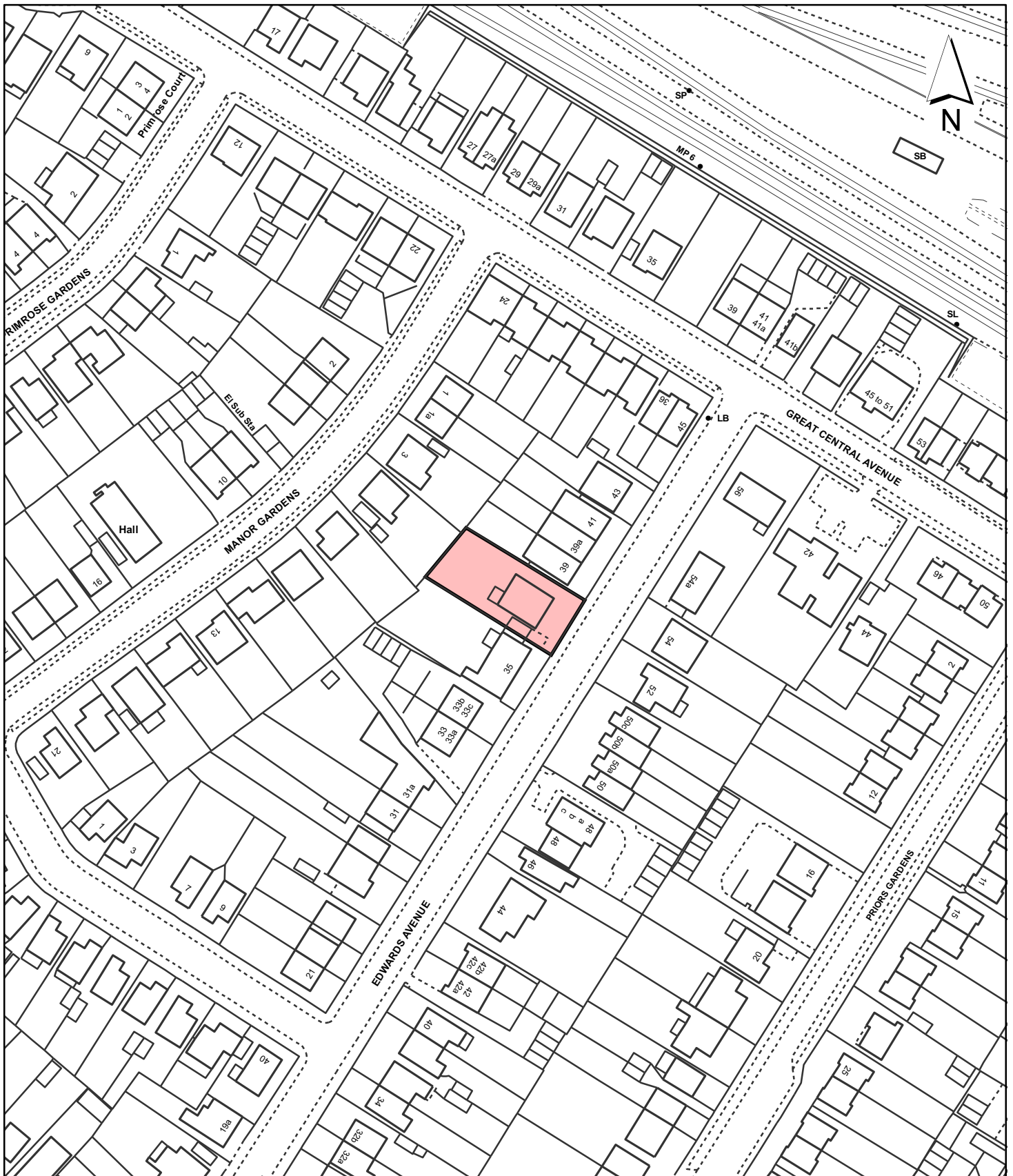
It is considered that the current proposal meets the Council's policies and standards and is thus recommended for approval.

## **11. Reference Documents**


Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)  
London Plan (2008)  
HDAS: Residential Layouts  
HDAS: Accessible Hillingdon  
Letters of objection and petition.

**Contact Officer:** Karl Dafe

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address

**37 Edwards Avenue  
Ruislip**

Planning Application Ref:  
**65680/APP/2011/36**

Planning Committee  
**North**

Scale  
**1:1,250**

Date  
**March 2011**

**LONDON BOROUGH  
OF HILLINGDON**  
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