

## Report of the Head of Planning & Enforcement Services

**Address** LAND REAR OF 22, 22A & 24 DICKENS AVENUE HILLINGDON

**Development:** 2 x two storey, 2-bed, semi-detached dwellings with associated parking and amenity space and installation of vehicular crossover

**LBH Ref Nos:** 67783/APP/2011/1077

**Drawing Nos:** P08/06/103 A Distancing Diagram  
Arboricultural and Planning Integration Report GH/DS/660:11  
B36-11 Site Survey  
P08/06/130 Proposed roof plans  
Design & Access Statement  
P08/06/101 Location Plan  
P08/06/110A Proposed floor plans  
P08/06/102 B Proposed Site Plan  
P08/06/120 Rev A Proposed elevations  
Landscape specification

<b>Date Plans Received:</b>	06/05/2011	<b>Date(s) of Amendment(s):</b>	06/05/2011
<b>Date Application Valid:</b>	13/05/2011		13/05/2011
			05/07/2011
			28/07/2011

### 1. SUMMARY

Planning permission is sought for the erection of 2 two-bedroom houses on a backland site between Daleham Drive and Dickens Avenue.

The main considerations of the proposal are:

- \* Whether the scheme would represent 'garden grabbing' and if it would be acceptable in principle;
- \* The design of the proposals and adequacy in terms of living conditions for future occupiers;
- \* The impact of the proposal upon the wider locality;
- \* The impact to the amenities of adjoining occupiers, and car parking considerations.

As discussed below in the 'Principal of Development' section, the scheme is considered acceptable in principle, and the design would meet HDAS standards. Protected trees would not be removed and adequate separation distances would be achieved to prevent harm to near by occupiers. Car parking meets Council parking standards. As such the scheme is 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 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).

**3 M1 Details/Samples to be Submitted**

No development shall take place until details and 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).

**4 OM19 Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- i) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- ii) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- iii) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- iv) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

**REASON**

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

**5 OM2 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

**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).

## **6 TL1 Existing Trees - Survey**

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- i) A clear indication of trees, hedges and shrubs to be retained and removed;
- ii) Existing and proposed site levels;
- III) The location, extent and type of all (including subsurface) services.

### **REASON**

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **7 TL2 Trees to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at 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 and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

### **REASON**

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

## **8 TL21 Tree Protection, Building & Demolition Method Statement**

Prior to development commencing on site, a method statement outlining the sequence of development on the site including demolition, building works and tree protection shall be submitted to and approved by the Local Planning Authority, and the scheme thereafter implemented in accordance with the approved method statement.

### **REASON**

To ensure that trees can be satisfactorily retained on the site in accordance with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **9 TL3 Protection of trees during site clearance and development**

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### **REASON**

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **10 TL5 Landscaping Scheme**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works and parking layout 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,
- the layout of the car parking area,
- 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).

## **11            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).

## **12            TL7            Maintenance of Landscaped Areas**

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

### **REASON**

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

## **13            RPD5            Restrictions on Erection of Extensions and Outbuildings**

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

### **REASON**

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **14            OM14            Secured by Design**

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to

be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

#### **15 NONSC Non Standard Condition**

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **16 NONSC Non Standard Condition**

The development hereby approved shall not be occupied until the parking area has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing by, the Local Planning Authority and shall be permanently maintained and available for the parking of vehicles at all times thereafter to the Authority's satisfaction.

#### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

#### **17 NONSC Non Standard Condition**

The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the details first submitted to and approved in writing by the Local Planning Authority. Width of the new vehicular crossover shall not be more than 5m.

#### REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

#### **18 MRD8 Education Contributions**

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing how additional or improved educational facilities will be provided within a 5 miles radius of the site to accommodate the nursery, primary and secondary school child yield arising from the proposed development. This shall include a timescale for the provision of the additional/improved facilities. The approved means and timescale of accommodating the



child yield arising from the development shall then be implemented in accordance with the agreed scheme.

**REASON:**

To ensure the development provides an appropriate contribution to educational facilities within the surrounding area, arising from the proposed development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Supplementary Planning Guidance on Educational Facilities.

**19            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 4 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 London Plan (July 2011) Policies 5.1 and 5.3

**20            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 the London Plan (July 2011).

**21            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 (July 2011) Policies 3.1, 3.8 and 7.2

**22            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 dwellings are occupied. 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).

**INFORMATIVES**

**1            I52            Compulsory Informative (1)**

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

## **2            153            Compulsory Informative (2)**

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 7.3	(2011) Designing out crime
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

## **3            115            Control of Environmental Nuisance from Construction Work**

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

A) Demolition and construction works 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            I12            Notification to Building Contractors**

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

#### **5            I18            Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

#### **6            I19            Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

#### **7            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).

#### **8**

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.

The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.

#### **9**

In relation to condition 16 you are advised that one way to meet the terms of the condition would be to enter into a Unilateral Undertaking to provide a contribution of £29,713 towards the provision of local primary school facilities.

### **3.        CONSIDERATIONS**

### **3.1 Site and Locality**

The site comprises land to the rear of 22, 22A and 24 Dickens Avenue. It is also to the rear of properties 21-27 Daleham Drive.

The land was last used as a residential garden for properties on Dickens Avenue. However it has not formed part of a residential garden for some time. The site has an access from Daleham Drive.

The site contains trees with Tree Preservation Orders and is not in a Conservation Area.

### **3.2 Proposed Scheme**

Planning permission is sought for the erection of two semi-detached, two-bedroom dwellings fronting Daleham Drive. Two off-street parking spaces and 1 cycle space per dwelling would be provided. The houses would be accessed from Daleham Drive, adjacent to the rear garden of number 27 Daleham Drive. The proposals include a new vehicle crossover on Daleham Drive. Refuse storage provision would be provided within each private garden. There would be paved footpaths to each side entrance.

The houses would have brick walls, hipped roofs and casement windows. The houses would both have conservatories to the rear and porches at the front.

The proposed houses would be approximately 20 metres from the rear of 29 Daleham Drive, 23metres from the rear of number 27 Daleham Drive and 20 metres from the rear of 22a Dickens Avenue. The front building line of the houses would be 9.5 metres from the edge of Daleham Drive.

The applicant originally applied for two 3-bedroom houses but, following advice from the Council's Access Officer, revised drawings have been submitted with the internal layout now providing two 2-bedroom houses.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

There is no relevant planning history for this site.

### **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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 7.3	(2011) Designing out crime
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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

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

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

## **6. Consultations**

### **External Consultees**

26 properties were consulted, 14 representations and a petition have been received. Of the representations received, there are 7 letters of objection and 7 letters of support.

The petition contains the names and addresses of 41 people, however, only 11 have signatures next to them.

The petition has the following comments about the proposals:

- i) Daleham Drive is already congested in terms of parking. Proposals will add to these problems with more traffic.
- ii) Removal of trees have left houses vulnerable in terms of security
- iii) Loss of outlook due to removal of trees
- iv) Loss of wildlife
- v) Restrict the access to driveway of 27 Daleham Drive
- vi) Character of the neighbourhood would be altered.
- vii) Access to the site will be disruptive
- viii) Extra pressure on local schools, healthcare etc.
- ix) Request proof of ownership of the site
- x) Overdevelopment of the site

The 7 letters of objection raise the following comments:

- i) Too close to the boundaries of neighbouring houses
- ii) Overlooking/ loss of privacy
- iii) Ruin tranquillity of area
- iv) No need for further housing in this area
- v) 22A Dickens Avenue is not shown in submitted documentation
- vi) The dwellings will not be in keeping with existing houses
- vii) Daleham Drive is already congested in terms of parking. Proposals will add problems. Dangerous for cars accessing the drive from 27 Daleham Drive.

- viii) Removal of trees has security issues
- ix) Loss of wildlife
- x) Proposals will be an eyesore. Loss of green area
- xi) Concern over construction noise, pollution and nuisance
- xii) TPO trees have already been chopped down

The 7 letters of support raise the following comments:

- i) An effective use of land that has been neglected for such a long time
- ii) The proposals help in fight to save local greenbelt that is in constant threat of development
- iii) All guidelines have been accorded to and much care and thought has gone into the design
- iv) Housing is good use of land
- v) Proposals will add to character of the road
- vi) Sufficient parking
- vii) Sufficient amenity space

### **Internal Consultees**

HIGHWAYS OFFICERS have no objections to the application subject to conditions being added if approved.

Two car parking spaces are proposed for each of the two proposed dwellings, which accords with the Council's maximum car parking standards.

Refuse collection already takes place for the nearby properties; therefore it is not envisaged to be a problem for the proposed dwellings.

Hardstanding must be designed and constructed in such a way that no surface water from private land drains onto the highway or discharge into the highway drainage system.

A new vehicular access and crossover is proposed for the proposed dwellings. The proposed access width of 7.7m is considered excessive and should be reduced to 5m maximum. The proposed access location is considered to not interfere with other existing accesses for the neighbouring properties.

No objection is raised, subject to the following conditions and informatives being applied:

#### **Conditions**

1. The development hereby approved shall not be occupied until the area has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing by, the Local Planning Authority and shall be permanently maintained and available for the parking of vehicles at all times thereafter to the Authority's satisfaction.
2. The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the details first submitted to and approved in writing by the Local Planning Authority. Width of the new vehicular crossover shall not be more than 5m.

#### **Informatives**

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.
2. The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.

ACCESS OFFICER

The proposed development has now been scaled back to two-bedroom houses. It is acceptable to

provide a smaller (part M compliant) entrance level WC.

ENVIRONMENTAL PROTECTION UNIT have no objections subject to conditions

No specific contamination issues were identified at the above site.

It is noted that there will be an amenity area. If it is likely soil will be imported as part of this development the following imports condition is advised for imports.

Condition to minimise risk of contamination from Imported Materials

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### WASTE OFFICER

The Plan does show that a space has been allocated for the storage of waste.

#### THAMES WATER

No objections.

#### TREE OFFICER

There are several trees on and close to the site, including the linear group of Sycamores (subject to Tree Preservation Order No. 148 - TPO 148) and conifers (off-site) close to the boundary of the site and properties in Daleham Drive, and a group of trees (mostly conifers) at the site access off Daleham Drive.

The group of protected trees and conifers is a landscape feature of merit, in terms of Saved Policy BE38 of the UDP, which should be protected and retained as part of the development of the site. The other trees on the site are not features of merit and do not constrain the development of the site. However, they should, if possible, be retained or replaced as part of the landscaping scheme associated with it.

The layout plan shows the retention and protection of the group of protected Sycamores and conifers, and a couple of other trees. It also shows the removal of four poor quality / low value trees to facilitate the proposed access, parking area and building. The application includes an arboricultural and planning integration ('tree') report, which shows that the scheme makes provision for the protection and long-term retention of the valuable trees, in accordance with the requirements of BS 5837:2005, and that there is scope for tree planting, which would enhance the landscape and provide some screening between the site and the neighbouring properties. The tree report also outlines tree protection measures and includes a preliminary method statement for development works. In this context, there is no objection to the loss of a

small number of trees and shrubs as part of the scheme.

For the reasons explained above and subject to conditions TL1 [levels and services ONLY], TL2, TL3, TL5 [including ALSO the layout of the car parking area], TL6, TL7 and TL21, the application is acceptable in terms of Saved Policy BE38 of the UDP.

Organisation & Resources Team - Based on the creation of two private houses a contribution of £29,713 should be sought to mitigate impacts on schools.

## **7. MAIN PLANNING ISSUES**

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

The site is located within an established residential area and forms part of the 'developed area' as defined in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

In relation to National Policy the Letter to Chief Planning Officers clarifies that "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed" and commits to move this clarification to a more prominent position within PPS 3. It further clarifies that "the main focus of the Government's position therefore is that local authorities are best placed to develop policies and take decisions on the most suitable locations for housing and they can, if appropriate, resist development on existing gardens".

The changes to PPS3 have only altered the definition of 'previously developed land' to exclude private residential gardens. The majority of the site is grass and trees. It does not appear to fall within a residential curtilage, and there is no substantive evidence of any former use as a private residential garden. PPS3 does not state that development on previously undeveloped land, including back gardens, will never be acceptable. The alteration to the definition of 'previously developed land' means that Local Planning Authorities must consider all other relevant material planning considerations in greater detail to assess whether or not such considerations outweigh the loss of the private residential garden.

Furthermore, paragraph 41 of PPS3 states that 'The National annual target is that at least 60% of new housing should be provided on previously developed land'. It therefore follows that the remainder of new housing has to be provided on previously undeveloped land. Again, PPS3 does not state that housing development on previously undeveloped land cannot be allowed. The outcome of these changes means that Council's will have to assess all material planning considerations more closely and make decisions on a case by case basis.

Policy 3.5 of the London Plan (July 2011) states in part the following:

'Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic Policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be



locally justified.'

It can be clarified therefore that the land is not part of a garden and is within the settlement boundary, although technically 'greenfield' it has no designations such as Green Chain/Green belt etc (which would negate a housing development). It should also be noted that although some neighbours object to the scheme, a not in-significant number (7 letters of support) have highlighted the un-kept nature of the land and problems that this brings.

The principle issue is therefore whether the development would adversely impact on issues of acknowledged importance such as the character and appearance of the streetscene. Officers consider that the layout and design of the scheme is sensitive to the surrounding streetscene. The houses would have frontages onto the end of the cul-de sac in Daleham Drive. They are a pair of semi-detached houses as per other properties in Daleham Drive. The proportions of the houses are similar to those of dwellings in Daleham Drive. The setback of the dwellings from Daleham Drive is greater than that of other properties, but not so much that the properties would appear out of character. The impacts on landscape character and trees are considered acceptable by the Councils Tree officer. In summary officers do not consider that the proposed dwellings would appear out of character, nor would they be detrimental to the appearance of the streetscene, whereas the land is not technically a brownfield site it is considered to be acceptable in principle as housing site for the above reasons.

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

Policy 3.4 of the London Plan is concerned with optimising housing potential. However, the London Plan also states that residential densities should harmonise with the surrounding area. The site has a PTAL of 1b and is in surroundings classed as "Suburban". Table 3.2 of the London Plan addresses ranges of housing densities acceptable in different settings. The proposal represents a density of approximately 153hr/ha. This is an acceptable density with consideration to Table 3.2 and therefore complies with Policy 3.4 of the London Plan. In view of the low PTAL rating, the density level is considered acceptable.

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

The site is not located within a Conservation Area.

#### **7.04 Airport safeguarding**

The development does not result in any airport safeguarding issues.

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

The site is not located in, or close to, Green belt.

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

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007 highlights the importance of designing new development to harmonise with the existing streetscene while Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Policy BE22 seeks to ensure that all buildings of two or more storeys of the height are setback a minimum of 1m from the side boundaries.

Planning Policy Statement 1 (PPS1) and London Plan state that the appropriate density of development depends on a balance between the full and effective use of available housing land and the following important considerations; the quality of the housing layout and design, its compatibility within the density, form and spacing surrounding development and the location, configuration and characteristics of the site.

The principle visual impact of the development when viewed from Daleham Drive would be minimal as the proposed dwellings would be sited over 9.5m from the road. There would be a minimal view from Dickens Avenue as they would be behind properties 22- 24 Dickens Avenue. It is considered that the development would not intrude in the streetscene given its siting, would maintain adequate gaps to break up the built form and would be of similar bulk and scale to neighbouring properties. The design of the dwellings would be similar to buildings within the vicinity. The hipped roof would mimic the style of houses on Daleham Drive and Dickens Avenue. Overall, the development is considered to have an appropriate appearance that would respect and harmonise with the existing character of the streetscene.

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

The proposed houses would be situated far enough away from the nearest neighbouring dwellings not to result in a loss of residential amenity in terms of loss of light or overshadowing.

Analysis shows that the scheme complies with the Council's 15m (to prevent loss of light and outlook) and 21m (to prevent overlooking) rules relating to separation distances.

The proposed development would be sited 22 metres from front windows of 29 Daleham Drive, 26metres from rear windows of 27 Daleham Drive and 20metres from the rear of 24 Dickens Avenue and 21metres from the rear of 22A Dickens Avenue. The Council's Hillingdon Design and Access Statement (HDAS) Supplementary Planning Document (SPD) 'Residential Layouts' states that the distance provided will be dependant on the bulk and size of the building, but generally, 15m will be the minimum acceptable distance. As such, the proposal would comply with Policies BE20 and BE21 of the adopted Unitary Development Plan (Saved Policies, September 2007).

Policy BE24 states that the development should be designed to protect the privacy of future occupiers and their neighbours. HDAS SPD 'Residential Layout' also provides further guidance in respect of privacy, stating in particular that the distance between habitable room windows should not be less than 21m. The proposed dwellinghouses would also maintain the 21m minimum facing habitable room window distance apart from with rear windows of 22A Dickens Avenue. The rear windows are 20metres away therefore this shortfall of 1m below the recommended distance of 21m is not considered to be sufficiently material to refuse the application. It is considered that there would not be any significant impact of overlooking and privacy between the future occupiers of the proposed development.

Given the limited number of dwellings and anticipated trip generation, it is considered that vehicles accessing the site would not cause such noise or air quality issues so as to harm residential amenity of near by occupiers.

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

HDAS SPD 'Residential Layouts' specifies minimum internal floor standards of 63sq metres for a two bedroom house. The proposed development would provide an internal area of approximately 93.11sq metres for each dwellinghouse therefore the proposed dwellinghouses would provide an adequate standard of residential amenity of future occupiers.

Policy BE23 of the UDP requires the provision of amenity space, which is usable in terms of its shape and siting. The Council's design guide 'Residential Layouts' specifies a minimum amount of 60m<sup>2</sup> of private amenity space for a 2-bedroom house. The proposal provides a private garden area of approximately 195sqm and 71sqm respectively. The

proposed amenity space for both houses is in line with Council's minimum standard of 60sqmetres.

One of the garden areas would be partially covered with protected trees and the number and size of the trees would mean that an amount of this garden would taken up with tree trunks (i.e. not useable) and the much of it would be shaded.

The garden space would be attractive, and on balance given that there is a desire to keep the protected trees, it is considered that the compromise in terms of the functionality of the garden in this instance would on balance not cause such harm to the future residential amenity of occupiers as to warrant refusal.

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

Policies AM2, AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are concerned with traffic generation, road capacity, on-site parking and access to public transport.

The Council's Highway Engineer has stated that 2 spaces on-site for each proposed dwellinghouses would satisfy the Council's Parking Standards. All parking spaces and manoeuvring areas on the proposed plans meet the Council's minimum requirements. The amended scheme's proposed new vehicular access is 5.0m wide which satisfies the requirement of the Council's Highway Engineer.

An objection has been received regarding access to the garage at the rear of the garden of Number 27 Daleham Drive. The Highways Engineer has looked at this matter and considers that the access to the proposed development would not interfere with this access and this is considered not to be a sustainable objection. Representations have been received with concerns about the proposal adding to traffic and parking levels. The proposal includes two parking spaces per dwelling therefore it is considered that the proposal is unlikely to require on-street parking.

It is considered that the proposal complies with Policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

There are considered to be no security issues involved with this application.

#### **7.12 Disabled access**

Following amendments to the scheme the Access Officer is satisfied with the proposals. The original proposal did not comply with Lifetime Homes Standards. The applicant revised the design which included making a level access and reducing the number of bedrooms to 2 per dwelling.

The proposed houses would now provide Lifetime Homes standards in accordance with Policy 3.8 of the London Plan and the Council's HDAS 'Accessible Hillingdon'. The Council's access officer has no objections to the scheme.

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

No affordable housing provision is sought from the proposed development.

#### **7.14 Trees, landscaping and Ecology**

There are several trees on and close to the site, including four with Tree Preservation Orders.

The Tree Officer has no objections to the scheme and considers that the group of protected trees and conifers on the boundary are a landscape features of merit, in terms of Saved Policy BE38 of the UDP, which should be protected and retained as part of the development of the site.

The other trees on the site are not features of merit and do not constrain the development of the site but should, if possible, be retained or replaced as part of the landscaping scheme associated with it.

The application includes an arboricultural and planning integration ('tree') report, which shows that the scheme makes provision for the protection and long-term retention of the valuable trees, in accordance with the requirements of BS 5837:2005, and that there is scope for tree planting, which would enhance the landscape and provide some screening between the site and the neighbouring properties. The tree report also outlines tree protection measures and includes a preliminary method statement for development works. In this context, there is no objection to the loss of a small number of trees and shrubs as part of the scheme.

Neighbours have raised concerns about the removal of trees on site. The Tree Officer has advised that none of the trees removed on site were subject to Tree Preservation Orders. Furthermore the site does not fall within a Conservation Area.

The proposals are considered to be in accordance with BE38 of the Hillingdon Unitary Development Plan Saved Policies 2007.

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

Sufficient space exists on the site for future occupiers to provide adequate on site refuse storage, notably the Council's Refuse officer has raised no objection to the scheme.

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

The proposal development does not include any renewable technologies. However an appropriately worded condition will ensure that each dwelling is designed to achieve Code Level 4 for Code for Sustainable Homes to ensure that the proposed development is in line with the objectives of sustainable development identified in the London Plan (February 2011).

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

The site is not located with in a flood risk zone area. There are no flooding issues relating to the site. An appropriately worded condition would ensure that details of the incorporation of sustainable urban drainage has to be implemented on site to ensure that surface water run off is handled as close to its source as possible.

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

The site is located within a largely residential area. It is considered that this would not give rise to noise over and above that which would be expected from a typical residential use. Some neighbours have raised concerns about noise. Whilst it is acknowledged that it would lead to some increase in traffic and noise, it is considered that this would not create a significant increase in noise or disturbance sufficient to justify refusal. Notably, officers in the Council's Environmental Protection Unit have raised no objections on these grounds.

The scheme is considered to not be of a scale which would result in any significant impacts on local air quality. Neighbour representations have also raised this issues. The officers in the Council's Environmental Protection Unit have raised no objections on these grounds and it is considered that the proposals cannot be refused on these grounds.

## **7.19 Comments on Public Consultations**

The matters raised in the petition are addressed below:

- i) Daleham Drive is already congested in terms of parking. Proposals will add to these problems with more traffic - this is covered in the Highways section of the report.
- ii) Removal of trees have left houses vulnerable in terms of security - this is covered in the Trees Section of the report
- iii) Loss of outlook due to removal of trees - the development is a reasonable distance from surrounding properties therefore it is considered that the proposal could not be refused for this reason
- iv) Loss of wildlife - the site has no designation in relation to ecological matters
- v) Restrict the access to driveway of 27 Daleham Drive - This is covered in the Highways section of the report
- vi) Character of the neighbourhood would be altered - this is not a material planning consideration and the planning application cannot be refused on this ground
- vii) Access to the site will be disruptive - an informative would be added to the approval requiring construction hours to be limited.
- viii) Extra pressure on local schools, healthcare etc. - whilst this is a consideration, two extra dwellings is unlikely to put a great deal of pressure on local facilities therefore the planning application cannot be refused on this ground.
- ix) Request proof of ownership of the site - the relevant ownership forms have been signed
- x) Overdevelopment of the site - this is covered in the Principle of development section.

The concerns raised in representations are covered below:

- i) Too close to the boundaries of neighbouring houses - this is covered in Impact on Neighbours section
- ii) Overlooking/ loss of privacy - this is covered in Impact on Neighbours section
- iii) Ruin tranquillity of area - this is covered in the Principle of Development section
- iv) No need for further housing in this area - this is covered in the Principle of Development section
- v) 22A Dickens Avenue is not shown in submitted documentation - all surrounding properties have been taken into account when assessing the application
- vi) The dwellings will not be in keeping with existing houses - this is covered in the section regarding impact on surrounding area
- vii) Daleham Drive is already congested in terms of parking. - this is covered in the highways section of the report.
- viii) Removal of trees has security issues - the applicant can remove non-TPO trees without requiring permission.
- ix) Loss of wildlife - the site has no designation in relation to ecological matters
- x) Proposals will be an eyesore - this is covered in the section regarding impact on surrounding area
- xi) Loss of green area - this is covered in the Principle of Development section
- xii) Concern over construction noise, pollution and nuisance - an informative would be added to the approval requiring construction hours to be limited.
- xiii) TPO trees have already been chopped down - this has been addressed in the Tree and Landscape section of the report.

## **7.20 Planning obligations**

A contribution towards education should be sought to the value of £29,713. A relevant grampian condition is recommended to be imposed on any consent to secure this.

## **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**

None.

#### **10. CONCLUSION**

The proposed scheme would provide for additional residential accommodation in accordance with current housing objectives. The proposal is considered to be acceptable with regard to highway safety and the proposals for car and cycle parking are in accordance with the Council's Standards. The scheme would provide an appropriate residential environment for future occupiers in terms of all requirements set out within the Hillingdon Design and Accessibility Statement while maintaining an appropriate environment for neighbouring occupiers. The proposal accords with all relevant saved policies within the Unitary Development Plan and the London Plan, and accordingly the proposal is recommended for approval, subject to conditions.

#### **11. Reference Documents**

Hillingdon Unitary Development Plan saved policies September 2007.  
Hillingdon Design and Accessibility Statement, Residential Layouts, Supplementary Planning Document, July 2006  
Revised Chapter 4: Education Facilities of the Planning Obligations SPD adopted 23 September 2010  
Planning Obligations SPD adopted 15 July 2008  
The London Plan 22 July 2011

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## Notes



Site boundary

For identification purposes only.

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Site Address

**Land rear of 22 and 22A  
Dickens Avenue**

Planning Application Ref:

**67783/APP/2011/1077**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**October  
2011**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning,  
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& Community Services**

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