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# North Planning Committee

Date:

**THURSDAY, 30 MAY 2013** 

Time:

7.00 PM

Venue:

COMMITTEE ROOM 5 -CIVIC CENTRE, HIGH STREET, UXBRIDGE UB8

1UW

Meeting Details:

Members of the Public and Press are welcome to attend

this meeting

#### To Councillors on the Committee

Eddie Lavery (Chairman)
John Morgan (Vice-Chairman)
Raymond Graham
Michael Markham
Carol Melvin
David Yarrow
David Allam (Labour Lead)

Robin Sansarpuri

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Contact: Danielle Watson

Tel: 01895 277488 Fax: 01895 277373

democratic@hillingdon.gov.uk

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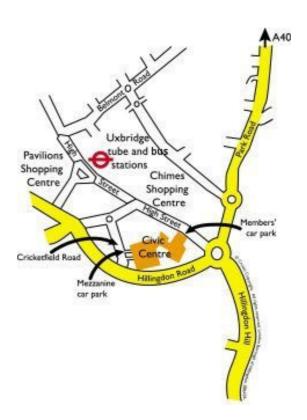
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# A useful guide for those attending Planning Committee meetings

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#### **Petitions and Councillors**

Petitions - Those who have organised a petition of 20 or more borough residents can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes.

Ward Councillors - There is a right for local councillors to speak at Planning Committees about applications in their Ward.

Committee Members - The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

# How the Committee meeting works

The Planning Committees consider the most complex and controversial proposals for development or enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

- 1. The Chairman will announce the report;
- 2. The Planning Officer will introduce it; with a presentation of plans and photographs;
- 3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant

followed by any Ward Councillors;

- 4. The Committee may ask questions of the petition organiser or of the agent/applicant;
- 5. The Committee debate the item and may seek clarification from officers;
- The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

#### About the Committee's decision

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority - under 'The London Plan' and Hillingdon's own planning policies as contained in the 'Unitary Development Plan 1998' and supporting guidance. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such a the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

#### **Chairman's Announcements**

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To sign and receive the minutes of the previous meetings 16 April and 9 May 2013
- 4 Matters that have been notified in advance or urgent
- To confirm that the items of business marked Part 1 will be considered in public and that the items marked Part 2 will be considered in private

## Reports - Part 1 - Members, Public and Press

Items are normally marked in the order that they will be considered, though the Chairman may vary this. Reports are split into 'major' and 'minor' applications. The name of the local ward area is also given in addition to the address of the premises or land concerned.

# Non Major Applications with a Petition

	Address	Ward	Description & Recommendation	Page
6	Land forming part of 30 Barnhill, Eastcote - 68960/APP/2013/33	Eastcote & East Ruislip	3-bedroom, detached dwelling (Outline planning application with all matters reserved).	13 - 28
			RECOMMENDATION: Refusal	

# Non Major Applications without a Petition

	Address	Ward	Description & Recommendation	Page
7	Northwood Golf Club, Rickmansworth Road, Northwood - 7932/APP/2013/667	Northwood	Single storey outbuilding for use as storage of golf buggies.  RECOMMENDATION: Approval	29 - 38

8	28 & 28a Kingsend, Ruislip - 5740/APP/2013/411	West Ruislip	To amend the profile of the roof (Erection of a three storey building to contain 7, two-bedroom and 1, one- bedroom flats, together with associated parking and amenity space (amendment to previous approval ref. 5740/app/2007/1043 to allow for an additional flat at second floor level).  This is a retrospective planning application to retain the as built roof profile.	39 - 48
			RECOMMENDATION: Refusal	

#### Other

# Part 2 - Members Only

The reports listed below are not made public because they contain confidential or exempt information under paragraph 6 of Par 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended.

9 Enforcement Report Page 49 - 58
 10 Enforcement Report Page 59 - 66
 11 Any Items Transferred from Part 1
 12 Any Other Business in Part 2

**Plans for North Planning Committee** 

Page 67 - 88



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# **Minutes**

#### **NORTH PLANNING COMMITTEE**

16 April 2013



Meeting held at Committee Room 5 - Civic Centre, High Street, Uxbridge UB8 1UW

**Committee Members Present**:

	Councillors Eddie Lavery (Chairman) Allan Kauffman (Vice-Chairman) David Allam (Labour Lead)	
	Jazz Dhillon	
	Carol Melvin	
	John Morgan	
	David Payne Raymond Graham	
	Raymond Granam	
	LBH Officers Present:	
	Matthew Duigan, Planning Services Manager	
	Meghji Hirani – Planning, Contracts and Information Manager	
	Syed Shah, Highways Nicole Cameron, Legal Advisor	
	Nadia Williams, Democratic Services	
	Also Present:	
	Councillor Cllr Douglas Mills	
	Councillor Susan O'Brien	
45.	APOLOGIES FOR ABSENCE (Agenda Item 1)	
	No apologies were tendered for this meeting.	
46.	DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2)	
	Councillor Jazz Dhillon declared a pecuniary interest in relation to item	
	7 - 9 Truesdale Drive, Harefield, as the applicant was known to him.	
	Councillor Dhillon withdrew from the meeting and did not take part in	
	the decision of this item.	
47.	TO SIGN AND RECEIVE THE MINUTES OF THE MEETINGS HELD	
	ON 7 AND 26 MARCH 2013 (Agenda Item 3)	
	The minutes of the meetings hold as 7 and 90 March 9040 was	
	The minutes of the meetings held on 7 and 26 March 2013 were agreed as accurate records and signed by the Chairman.	
	agreed as accurate records and signed by the Orialiman.	
48.	MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (Agenda Item 4)	
	There were no matters notified in advance or as urgent.	

# 49. TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (Agenda Item 5)

It was confirmed that all items would be considered in Part 1 public.

# 50. FORMER RAF WEST RUISLIP, HIGH ROAD, ICKENHAM 38402/APP/2012/1033 (Agenda Item 6)

**Action by** 

Erection of 55 tailored care living units (extra care accommodation) with communal facilities and car parking (variation of 38402/APP/2008/2733) and the erection of 25 retirement living (category ii type) sheltered apartments with communal facilities and car parking.

Matthew Duigan Meghji Hirani

Officers introduced the report and directed Members to note the changes in the addendum circulated at the meeting. Since deferral from the application at the meeting on 3 January 2013, Members had been provided with the greater clarity on how the level of planning obligations had been justified. Members had also received training on how Financial Viability Appraisals were assessed as part of planning applications.

The Chairman welcomed the information provided and requested that the details regarding the level of planning obligations should be included as part of the introduction in future reports. In addition, review mechanism should be built in S106 agreements to take account of the changes in financial situation.

Officers advised that permission relating to this application was 3 years, but should be looked at on an individual application basis.

The legal advisor commented that the use of the review mechanism was useful and regularly used. For example, this mechanism was used in the 20 Blyth Road agreement and did not create any problems.

The recommendation for approval was moved, seconded, and on being put to the vote, was unanimously agreed.

#### Resolved

That delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to the following:

- 1. That the Council enter into a legal agreement with the applicants under Section 106/Unilateral Undertaking of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:
- (i) Health contribution: a financial contribution to the sum of £17,333.60.

2. That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised by 21/06/13, or any other period deemed appropriate that delegated authority be given to the Head of Planning, Sport and Green Spaces to refuse the application for the following reason:

'The applicant has failed to provide a commensurate package of planning benefits to maximise the health and social benefits of the scheme to the community. The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan (November 2012)'.

- 3. That the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.
- 4. That subject to the above, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.
- 5. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.
- 6. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers.
- 7. That if the application is approved, the conditions and informatives set out in the officer's report be attached, and subject to the changes in the addendum of a review mechanism clause within the S106 agreement.

51. 9 TRUESDALE DRIVE, HAREFIELD 4749/APP/2013/140 (Agenda Item 7)

**Action by** 

Part two storey, part single storey side/ rear extension and porch and canopy to front involving demolition of existing outbuildings to side.

Matthew Duigan Meghji Hirani

Councillor Jazz Dhillon left the room for the duration of this item.

Officers introduced the report and directed Members to the addendum to note the comments that had been received from the agent. The Committee were advised that with reference to the query regarding the existing porch and canopy, should Members find this acceptable, reason two from the reasons for refusal would need to be deleted.

In accordance with the Council's constitution, a representative of the petition received in objection to the proposal address the meeting and raised the following points:

 The proposed Velux windows would result in overlooking at No.7 and seven of these windows had been proposed, which would also be out of keeping with the area.

- Extra windows had been installed at the front.
- The original plans had hipped end roof design which had now been changed to gable.
- The original brick work had been stripped and the brick work on the newly installed wall was out of keeping with the area.
- All the red roof tiles had slates which were out of keeping.
- Asbestos had been removed and dumped in the garden for a year.
- Asbestos had been place around the footers of the wall.
- Trees were felled and not replaced.

Comments had been received from the agent, as he was not able to attend the meeting. These were set out in the addendum circulated at the meeting.

Members indicated that the Committee would consider the application that had been submitted, and noted that the proposal was too big and overdominant.

The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.

Resolved that the application be refused as per officer recommendation and the changes outlined in the addendum sheet.

#### 52. **51 THE DRIVE, ICKENHAM 21977/APP/2012/2194** (Agenda Item 8)

Action by

Two storey building with habitable roofspace to create 5 x self-contained flats with associated parking and landscaping and installation of vehicular crossover, involving demolition of existing detached dwelling.

Matthew Duigan Meghji Hirani

Officers introduced the report and stated that the application had been reported to Committee twice before and no changes had been made to the scheme. The main concern for Members had centred around the impact on the adjoining properties. Officers also directed the Committee to note the changes in the Addendum circulated at the meeting, which included details about a recent petition that had been received for this item.

In accordance with the Council's constitution, a representative of the petition received in objection to the proposal address the meeting and raised the following points:

- The 1832 Prescription Act afforded the access to light in her property where she had lived for over 22 years.
- The proposed development would result in breach of light to the property at 49b, particularly the kitchen, breakfast room and upstairs bathroom.
- The footprint of the proposed development would spread beyond the foot print of the present house.

- 49b would barely receive 45% output of light upstairs.
- The kitchen would be especially dark, as the rear faced No. 51 and the window would be 25ft away from the kitchen.
- The issue of light would be further exacerbated by the proposed use of dark bricks instead of white bricks.
- Concerned that with proposed dwelling for 15 people would result in an increase in noise, particularly as the kitchen and dinning room would be close to the petitioner's home.
- Proposed Seats for the side planting areas would create even more noise.
- Concerned that even with the proposed obscure windows, occupiers of the proposed development may be able to look into petitioner's home.
- There would be a huge problem with parking, which would not only result in more traffic along the road; it would lead to visitors parking outside the petitioner's home.
- The proposal for hard surfacing would result in extra surface water.
- The proposed refuse facilities would not resolve the issue of additional unpleasant smell.
- The proposed development would be out of keeping with the properties in the road and would set a president.
- Urged the Committee to reject the proposal.

The agent spoke about the application and raised the following points:

- Nos. 49b and 51a had obscure windows in the side elevation in order to protect the amenity of neighbouring properties, as well as the main bedroom to No.51.
- There was a deed of covenant attached to 49b, which had inadequate height to the boundary wall.
- 49b had constructed 2 extensions, where the initial single storey extension had resulted in an enclosed window with no record of planning permission being granted for the extension.

The Chairman announced that a Ward Councillor of the application site who was unable to attend the meeting had submitted a statement which was attached to the Addendum. The statement had also been circulated to Members of the Committee prior to the meeting, which had been noted.

In response to the question about the right of light legislation, officers advised that the legislation was not part of the planning process and the Committee could make a decision on the application. Residents wishing to pursue the matter would be required to do so under different legislation.

Having made a site visit, Member expressed concerns about the bulk at the rear of the building which extended 4m beyond the extended property and 2 storeys high, which they considered would result in overlooking. Further concerns were raised about the

prospects of neighbouring properties just looking at the wall when using their gardens.

The Committee raised further concerns about the size and bulk of the car park at the front, which was not in harmony with the street scene.

Officers advised that the bulk to the rear of the proposed development was a considerable extension beyond No.49b but did not have such an adverse effect on No.51. It was highlighted that in the impact at the front with hard surfacing and the set back from the site with landscaping at the front this instance, was not unusually the case with frontage parking.

The Chairman expressed particular concern about the height, bulk and scale of the proposed development.

The legal officer commented that if Members were not satisfied with the height, bulk and scale of the proposal, although this reason for refusal may be weak, it would be arguable on appeal.

Officers added that the formal wording for the reason would be drafted outside of the meeting in consultation with the Chairman.

It was proposed and seconded that the application be refused and on being put to the vote was agreed.

Councillors David Allam and Jazz Dhillon asked for their abstention to the decision to be minuted.

#### Resolved

That the application be refused for the following reason:

'The proposal by reason of its size, bulk and projection to the rear would be detrimental to the amenities of the adjoining occupiers, particularly No. 49b, by reason of over-dominance and loss of outlook. The proposal is therefore, contrary to Policies BE19 and BE21 of the Hillingdon Local Plan: Part Two-Unitary Development Plan Saved Policies (November 2012).

# 53. LAND TO REAR OF 51 & 53 PEMBROKE ROAD, RUISLIP 66982/APP/2013/109 (Agenda Item 9)

2 x 4-bedroom, detached bungalows with habitable roofspace, associated parking and amenity space.

In introducing the report, officers stated that there had been two previous appeal decisions relating to this development site (17 June 2011 and 15 June 2012), which were dismissed by Planning Inspectors. Members were also directed to note the change ion policy since the appeal decision with the adoption of the Local Plan, which needed to be taken into account when making a decision.

**Action by** 

Matthew Duigan Meghji Hirani The Committee was directed to note that no houses were fronting the back garden in the road, except that the proposed development would be overly dominant when viewed from the highway.

Members were also asked to note the changes in the addendum, including the comments of the Highways officer (set out in full in the addendum), which had been inadvertently omitted from the officer's report).

Two petitions had been received; one objecting to, and the other, in support of the proposal. The petition representatives addressed the meeting in accordance with the Council's constitution.

The petition representative objecting to the proposed development raised the following points:

- The close proximity of this proposal to the adjoining building site would both be detrimental to nearby residents.
- The proposal would have a detrimental effect on the elderly and infirmed residents who had lived in the neighbourhood all their lives.
- Two previous planning applications had been refused in 2011 and 2012, on the grounds that the development as a whole would unduly harm the character and appearance of the area.
- In September 2012, an application to extend No.51 Pembroke Road was opposed by residents and refused by the Council.
- Application to demolish 51 and 53 was approved in November 2012 - these two bungalows should be replaced by two appropriate developments.
- The bulk and footprint of the proposed development was now twice as large.
- The Ruislip Residents' Association had pointed out that approval of this application would set a precedent for similar developments in the area.
- There was great hostility to this planning application and 160 local residents had sent individual letters asking for the application to be refused.
- The development was garden-grabbing and would result in overdevelopment of the area.

The agent spoke on behalf of the petitioners in support of the application and stated that:

- There had been a long history regarding this proposal and it had been a difficult case for officers to deal with.
- There had been 191 people who had signed a petition in support of the application.
- There had been two inspectors' appeals decisions; although the appeals were dismissed, the development was approved.
- The current proposal offered a reasonable proposal.

Two Ward Councillors of the application site spoke about the proposal and made the following comments:

- The application had been dismissed on three occasions and the current application does not address the concerns raised by the previous Planning Inspector.
- This development would result in the loss of private garden area at Nos. 51 and 53, which would have a detrimental impact on the surrounding area.
- Opposed the proposed loss of garden space which would be used for car parking and very concerned that the driveway would extend by 40m from Pembroke Road, which was already an over utilised road.
- The proposed bungalows would be out of keeping with the surrounding area.
- Noted that the majority of signatories to the petition in support of the application did not live in close proximity and would therefore not be affected by the proposed development.
- The people most affected were concerned about the effect the proposal would have on wildlife.
- The proposed development would result in the loss of privacy.
- The proposed development was garden-grabbing and would look to ensure that strategic plans were put in place to end it.
- The local Authority now had the right through the London Plan to not permit overdevelopment and garden-grabbing.
- Regarding the provision of housing, Planning Inspectors would now be able to take into consideration that Hillingdon was well in excess of the annual target of 400 homes and would be able to overturn this application on the ground of need.

Officers advised that with regard to the issue of the petition in support of the application, Members of the Committee would need to take the petition into consideration, as it was a legitimate and valid petition, which was in accordance with the Council's Constitution.

With regard to the issue of garden-grabbing, Policy B1 (set out in full on page 92 of the officer's report) was the most recent policy that was relevant to application. In reference to targets, the Council was in accordance with these and there were a number of large sites in Uxbridge which accounted for the volume of the required amount of housing.

A Member added that gardens were important to the Council, as they provided a huge amount of biodiversity and the proposed development would destroy the usefulness of the habitat. This issue had been reflected in current policies.

The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.

Resolved that the application be refused as per officer recommendation and the changes outlined in the addendum sheet.

54.	'SHANDYS' 64B GREEN LANE, NORTHWOOD 68963/APP/2013/64 (Agenda Item 10)	Action by
	Change of Use from Use Class A1 (Shops) to Mini-Cab Taxi Office (Sui Generis).	
	A petition objecting to this application had been received. Neither the petition representative nor the agent were in attendance at the meeting.	
	Members considered that the proposal was sited in an area that suffered from extreme traffic congestion with limited parking area.	
	The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.	
	Resolved that the application be refused as per officer recommendation.	
55.	LAND ADJACENT TO 56 & 57 AND 56 & 57 GREYSTOKE DRIVE, RUISLIP 68409/APP/2013/130 (Agenda Item 11)	Action by
	Two storey, 2-bed, detached dwelling with associated parking and amenity space involving installation of vehicular crossover to side (Resubmission).	
	The officer introduced the report and directed Members to note the comments set out in the addendum, which had been received from a Ward Councillor who was unable to attend the meeting.	
	It was announced also that a further Ward Councillor had asked for their objection to the proposal to be noted.	
	In accordance with the Council's constitution, a representative of the petition received in objection to the proposal address the meeting and raised the following points:	
	<ul> <li>Urged the Committee to reject the application in its entirety</li> <li>The applicant had not made any consultation regarding the access to the land.</li> </ul>	
	The proposed vehicle cross-over would become a cross route for access, which would lead to anti-social behaviour, a problem which already existed in the area.  A second content of the content of t	
	<ul> <li>Any building on the proposed piece of land would destroy protected trees on the site.</li> <li>No changes had been made to this new application compared to</li> </ul>	
	<ul><li>the previously withdrawn application.</li><li>The proposed development straddled two roads and access for</li></ul>	
	<ul> <li>emergency vehicles was not clear.</li> <li>No clear plans have been shown of where rubbish would be collected.</li> </ul>	
	The proposal was garden-grabbing which would contribute to the loss of amenity space and a loss of safe playing area for	

	<ul> <li>children.</li> <li>The proposed development was out of keeping with the developments in the area and if approved, would set a precedent for similar developments.</li> <li>Members noted that the proposed piece of land was already being used as an amenity space.</li> <li>The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.</li> <li>Resolved that the application be refused as per officer recommendation and the changes outlined in the addendum sheet.</li> </ul>	
56.	S106 QUARTERLY MONITORING REPORT - UP TO 31 DECEMBER 2012 (Agenda Item 12)	Action by
	Resolved – That the S106 Quarterly Monitoring Report for the period up to 31 December 2012 be noted.	Matthew Duigan Meghji Hirani
	The meeting, which commenced at 7.00 pm, closed at 8.47 pm.	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

# **Public Document Pack**

## **Minutes**

#### **NORTH PLANNING COMMITTEE**

9 May 2013



Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge UB8 1UW

	Committee Members Present: Councillors Eddie Lavery (Chairman) John Morgan (Vice-Chairman) Raymond Graham Michael Markham Carol Melvin David Yarrow David Allam (Labour Lead)	
	Robin Sansarpuri	
	LBH Officers Present:	
	Steven Maiden, Democratic Services Officer	
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20.	APPOINTMENT OF CHAIRMAN & VICE-CHAIRMAN (Agenda Item 1)	Action by
	RESOLVED: That:	
	1. Councillor Edward Lavery be elected Chairman of the North Planning Committee for the municipal year 2013/2014; and	
	2. Councillor John Morgan be elected as Vice-Chairman of the North Planning Committee for the municipal year 2013/2014.	
	The meeting, which commenced at 7.30 pm, closed at 7.35 pm.	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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# Agenda Item 6

#### Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 30 BARNHILL EASTCOTE

**Development:** 3-bedroom, detached dwelling (Outline planning application with all matters

reserved).

**LBH Ref Nos:** 68960/APP/2013/33

**Drawing Nos:** Design and Access Statement

Location Plan to Scale 1:1250

3147/01

Date Plans Received: 08/01/2013 Date(s) of Amendment(s):

**Date Application Valid:** 18/01/2013

#### 1. SUMMARY

This outline proposal seeks to sub-divide an existing residential garden plot and erect a three bedroom dwelling. It has therefore been assessed on the details submitted with the application in terms of its likely impact on the character and appearance of the area as a whole, on the amenities of neighbouring and future occupiers of the development and on parking/highways issues. There have been a number of objections received as a result of the public consultation and the representations made are summarised in the report.

In summary, when the proposal is considered against the relevant Local Plan policies for such development it would be likely to have a detrimental impact on the layout and character of the locality and thus to the built character and appearance of the residential area as a whole. Accordingly, the application is recommended for refusal primarily on this basis.

#### 2. RECOMMENDATION

#### **REFUSAL** for the following reasons:

#### 1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies BE13, BE19 and H12 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policies 3.5, 7.1 and 7.4 of the London Plan (2011).

#### 2 NON2 Non Standard reason for refusal

The development is estimated to give rise to a significant number of children of school age, additional provision for whom would need to be made in the schools serving the local area. Given that a legal agreement at this stage has not been secured, the proposal is thus considered to be contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

#### **INFORMATIVES**

North Planning Committee - 30th May 2013 PART 1 - MEMBERS, PUBLIC & PRESS

## 1 I52 Compulsory Informative (1)

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

#### 2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7 AM13	Consideration of traffic generated by proposed developments.  AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  (i) Dial-a-ride and mobility bus services  (ii) Shopmobility schemes  (iii) Convenient parking spaces
	(iv) Design of road, footway, parking and pedestrian and street
A B 4 4	furniture schemes
AM14 BE13	New development and car parking standards.  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.
H12	Tandem development of backland in residential areas
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 7.4	(2011) Local character

### 3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### 3. CONSIDERATIONS

#### 3.1 Site and Locality

30 Barnhill is a two storey dwelling occupying the corner plot on the south side of Chiltern Road. The front of this property faces Barnhill whilst the heavily planted rear garden with many trees is fenced on its side boundary along the return frontage in Chiltern Road.

The application site is located in the north part of Eastcote within a residential area primarily consisting of two storey detached dwellings set back from the road on a similar building line and with long rear gardens. The immediately surrounding area, whilst not designated for any special built protection, is nonetheless similar in form, layout and character to that of the nearby Eastcote Village Conservation Area.

#### 3.2 Proposed Scheme

The proposal is to erect a two storey three bedroom detached dwelling with ancillary parking to the front served by a new vehicular crossover in Chiltern Road. The application is submitted in outline with all matters relating to its design, including materials, landscaping and site layout etc. reserved for detailed approval at a later stage.

The proposal is to subdivide the existing garden plot with a 1.8 metre high close boarded fence retaining approximately 390 square metres of rear amenity space for No. 30. The new dwelling would be positioned to align with the front of the first house in Chiltern Road (No. 18) with a rear garden of over 100 square metres and approximately 10.2 metres in depth.

The majority of the existing planting would be retained with adequate protection measures for those features in sufficient proximity to the development. New mature tree planting would be carried out along the dividing fence in the first planting season following construction.

In front of the dwelling, two car parking spaces would be provided and a new vehicle access created on to Chiltern Road.

#### 3.3 Relevant Planning History

59384/APP/2004/823 30 Barnhill Eastcote

ERECTION OF TWO STOREY SIDE, SINGLE STOREY REAR AND TWO STOREY FRONT EXTENSIONS

Decision: 13-07-2004 Approved

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

None relevant to consideration of the current proposal.

### 4. Planning Policies and Standards

#### **UDP / LDF Designation and London Plan**

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

#### Part 1 Policies:

PT1.BE1 (2012) Built Environment

#### Part 2 Policies:

AM7 AM13	Consideration of traffic generated by proposed developments.  AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
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.
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LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 7.4	(2011) Local character

#### 5. Advertisement and Site Notice

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

#### 6. Consultations

#### **External Consultees**

3 adjoining residential occupiers have been consulted (22.1.2013) and in addition a site notice was displayed. A total of 7 responses and a petition have been received with the following objections:

#### Type of Development

- Garden grab (back garden) development out of character with the area, contrary to London Plan and Hillingdon planning policy;
- precedent set for similar developments which would destroy the character of the suburb.

#### Character/Amenities of Surrounding Area

- out of keeping with area/will spoil character;
- out of character with road/existing properties in the area which are detached dwellings on significant plots;
- loss of privacy in rear garden (properties in area have substantial gardens offering large degree of privacy);
- proposal infringes all characteristics of the area;
- not in harmony with surrounding properties and detrimental to symmetry;
- fails to improve amenities of the area.

#### Access, Highway Safety & Parking

- site entrance is 80 x 40 metres leading to road only 5 metres wide;
- road is too narrow therefore would be constant danger to both pedestrians and road users;
- position in rear garden/narrow width and curve (blind bend) of road/high fences would give vehicles exiting a lack of vision (restricted line of sight) from the driveway of proposed dwelling;
- significant danger to both oncoming vehicles and pedestrians alike;
- potential parking in Chiltern Road

#### Amenities of adjoining residents

- added noise at night close to rear bedrooms in adjoining properties;
- quality of life affected by visual intrusion, loss of privacy (overlooking).

#### Other Issues

- gap of 1.5 metres between new side wall and No. 18 Chiltern Road too near (should be 2 or more metres); Safety hazard particularly fire related due to proximity;
- possibility of heave (to No. 18 Chiltern Road) due to removal of trees.

Eastcote Residents Association: No response.

Eastcote Village Conservation Panel:

This application being outline only, lacks some important details. This land is currently an established rear garden, before any decision can be made the number of mature trees to be lost should be requested. The sub-division of this plot is unacceptable, as it is 'garden grab'. This area traditionally has large rear gardens which are one of the important characteristics of the area. The proposal would give the new dwelling a very small garden compared to the area. The disposal of surface water is by way of a soakaway. This area near to the River Pinn flood plain, does not drain well, and in wet weather the land is water logged. Surface water will not drain away satisfactorily, causing more water to lie in the surrounding area, being detrimental to existing residents. We ask that this outline application be refused.

#### **Internal Consultees**

Principal Access Officer:

Reference is made to the London Plan (July 2011), Policy 3.8 (Housing Choice) and the Council's SPD, Accessible Hillingdon (adopted January 2010). Any subsequent full planning application would need to ensure that the scheme had been designed in compliance with all 16 Lifetime Home standards.

Highways Officer (Transport/Traffic):

Vehicular crossover for the dwelling adjoining the proposed house is not shown on the submitted drawing. There is no objection subject to the new access being 2.4m-3m wide, 1.2m (min.) kerb upstand between the existing and proposed crossovers, and at least 2 off car parking spaces for the proposed house with adequate turning space.

#### 7. MAIN PLANNING ISSUES

#### 7.01 The principle of the development

National policy is contained within the National Planning Policy Framework (NPPF), which at Paragraph 48 and 53 respectively states:

"48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

At regional level, policy is contained within the London Plan (2011) and Policy 3.5 of this document 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."

The London Plan is supported by the London Plan Housing Supplementary Planning Guidance, adopted in November 2012, and represents the Mayor of London's guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments. The guidance states:

"Private garden land is the enclosed area within a dwelling curtilage from which the public is excluded. The loss of private garden land, especially of back gardens, to infill residential development, highlights the need for a more coordinated and consistent support at the strategic level for the protection of garden land where the existence of a threat can be evidenced locally. There is evidence from a number of studies of the local impact of such development and LP Policy 3.5 A states that '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 further staes:

- " Gardens can play a number of important roles:
- · defining local context and character including local social, physical, cultural, historical, environmental and economic characteristics,
- · providing safe, secure and sustainable environments and play spaces,
- · supporting biodiversity, protecting London's trees, green corridors and networks, abating flood risk and mitigating the effects of climate change including the heat island effect, and · enhancing the distinct character of suburban London.

These are strategic concerns of the LP and Policy 3.5 accordingly enables and supports boroughs in establishing presumptions against development on private garden land where locally justified

Private garden land is an important component of what the LP terms physical context and local character (Policy 3.5). This policy is reinforced by the qualitative concerns of Policy 3.4 (Optimising housing potential) and by links to other urban design and environmental policies (see links between Policies 2.4 and 7.1-7.8, 5.3).

Policy 7.4 requires development to have regard to the form, function and structure of areas, places or streets. Gardens can clearly be very much part of the form, function and structure which warrants respect and protection.

Similarly, in coming to a view on proposals which entail the loss of gardens, account should be taken of the degree to which the latter contribute to communities sense of place and quality of life (Policy 3.5), especially in outer London where they are a key component of its distinct attractions (Policy 2.6 and 2.7).

Boroughs and developers are advised to consider proposals for development in gardens in the light of local circumstances, particularly the value they have in addressing the strategic objectives set out above, and to strike an appropriate balance between these and other objectives when seeking to optimise housing provision on a particular site. Within the context of statutory permitted development rights (which normally only affect residential extensions), these wider objectives are generally likely to outweigh those flowing from the small increment to overall housing provision which usually results from garden development."

At the local level Policy is contained within the Hillingdon Local Plan: Parts 1 and 2. Policy

BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) makes it clear that new developments should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas. The policy also requires new development to enhance the local distinctiveness of the area, be appropriate to the identity and context of Hillingdon's townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials.

Policy BE13 of the Hillingdon Local Plan: Part 2 - UDP Saved Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas complements or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings. The site is located within the developed area and it is considered that the scheme complies with policy H4 which encourages the provision of a mix of housing unit sizes. In addition, the subtext at paragraph 7.29 of the UDP Saved Policies, suggests backland development may be acceptable in principle subject to accordance with all other policies and Policy H12 suggests that proposals for tandem/backland development may be acceptable where no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers.

Whilst there is in general no objection to the principle of an intensification of use on existing residential sites it is considered that in this instance the loss of a substantial proportion of the sizable rear garden in this location, with the resulting built development and the necessary creation of additional areas of hardstanding with associated pedestrian and vehicular access to the site, would result in a cramped and out of character development which would be detrimental to the local and historical context of the area, which is characterised by detached properties with large rear gardens. Furthermore, the site is located on rising ground, in a prominent position and the setting and spacing of the buildings in relation to the road are important to the character of the area. The layout and undeveloped gaps between the houses gives the area an open and spacious character. The undeveloped gaps allow long distance views through to outlying areas, allowing trees and shrubs to be glimpsed in the rear gardens of surrounding properties. The new house and its associated parking provision would add to the built up appearance of this part of Barnhill. The new building would result in a built form in an existing gap and would affect views across the site, which would be detrimental to the open character of this part of Barnhill.

The new house would also be likely to threaten existing trees, shrubs and other greenery. It is therefore considered that the scheme would be detrimental to the contribution that the rear garden and the adjoining trees make in terms of the local context and character of the area.

When balanced against the limited contribution the development would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development would be contrary to Policies BE13, BE19, BE38 and H12 of the Hillingdon Local Plan: Part 2 - UDP Saved Policies (November 2012), Policies 3.4, 7.1 and 7.4 of the London Plan (2011), guidance within The London Plan: Housing Supplementary Planning Guidance (November 2012), the NPPF and the Council's

adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 7.02 Density of the proposed development

The proposal, which is in outline, would result in two dwellings with at least seven bedrooms in total on the application site and an estimated 11no. habitable rooms (hr) in total on a site of 875 square metres (0.0875 hectare or ha). This would give a density in the range of 92 hr/ha which would fall below the London Plan density standard of 150-200 hr/ha (or 30-50 units per hectare) adopted by the Council for new detached housing in suburban locations such as this.

However, since this figure generally relates to schemes for more than one dwelling, the proposal would be acceptable in terms of density.

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

Not applicable to this application.

#### 7.04 Airport safeguarding

Not applicable to this application.

## 7.05 Impact on the green belt

Not applicable to this application.

#### 7.06 Environmental Impact

Not applicable to this application.

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

Under the Hillingdon Local Plan: Part One Strategic Policies (November 2012) Policy BE1, all new development is required to improve and maintain the quality of the built environment, achieve a high quality of design and make a positive contribution to the area in terms of layout, form, scale and materials. In particular, these should not result in the inappropriate development of gardens and green spaces that erode the character of suburban areas.

The site is not within any designated area for built protection, however the Hillingdon Local Plan: Part Two - Saved UDP Policies BE13 and BE19 seek respectively to ensure that new development will harmonise with the existing street scene and otherwise complement and improve the character and amenity of the residential area in which it is located.

The immediately surrounding area contains a variety of residential development, in the form of detached and semi-detached properties including two storey dwellings and bungalows in Barnhill and adjoining roads. These dwellings nonetheless present a uniform pattern of layout, spacing and set back from the road within similar sized, shaped plots, mostly providing rear gardens of between 20 and 50 metres in depth.

In the proposal, whilst the width of frontage, approximately 9.3 metres, and set back of the new dwelling from the road would be comparable with those in the vicinity there would be a significantly reduced depth of private rear garden available to its occupants which would not be much more than half that of the shortest existing in this area.

The untypical layout and smaller size of residential plot created by the proposal would therefore have a detrimental impact on the character of the area as a result and the proposal is considered contrary to Local Plan Part One Policy BE1 and Part Two Policy BE19.

#### 7.08 Impact on neighbours

Policy H12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies states that proposals for tandem development of backland in residential areas will only be permitted if

no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers.

The amenities of neighbouring and future occupiers are sought to be safeguarded under Hillingdon Local Plan: Part Two - Saved UDP Policies BE20 (in terms of their outlook), BE21 (daylight/sunlight) and BE24 (privacy).

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) contains design guidance for new dwellings.

The building lines and height of the new dwelling should generally be determined by those of the surrounding buildings. Adequate sunlight and daylight should be available to all habitable rooms and kitchens and to the adjoining outdoor amenity space of both new and existing dwellings with a minimum separation distance between (facing) dwellings of 15 metres. The existing level in terms of the quality of daylight received to the windows of adjoining properties should also be protected, as measured by reference to assumed 45 (horizontal) and 25 (vertical) degree lines taken from the centre of such windows on plan.

Similarly, new residential development should be designed so as to ensure adequate privacy for its occupants and that of adjoining properties. Thus a minimum distance of 21 metres should be maintained to any area between facing habitable room windows from which overlooking may occur. Where this is not achievable, careful internal room layout, screening or the use of obscure glazing to non-habitable rooms is appropriate.

There are no details in this outline application of the proposed dwelling height or position and type of windows on which to fully assess the impact of the proposal on the neighbouring poperties.

However, it is noted that there is a fence and some natural screening along the western boundary of the site with No. 18 Chiltern Road, a two storey dwelling with attached garage. Furthermore there are no significant habitable room windows in the flank wall elevation though one roof light. The proposed dwelling would not be sited any further forward or behind this existing house and thus its occupants should not experience any loss of light or outlook.

A separation distance of approximately 18.45 metres on the indicative site layout from No. 30 Barnhill is also sufficient to ensure that this neighbour's amenities would not be reduced in terms of outlook or natural light/sunlight.

Similarly, the position and type of any windows in the east flank elevation which is a Reserved Matter, could be so designed in the floor layout as to avoid the possibility of any direct overlooking between habitable rooms and the private garden space of the new/existing dwellings.

The impact of the proposal on the amenities of neighbouring occupiers is generally therefore acceptable, subject to later detailed design, and accords with Policies BE20, BE21 and BE24 in this regard.

#### 7.09 Living conditions for future occupiers

Section 4.7 of the Supplementary Planning Document, the Hillingdon Design & Accessibility Statement - Residential Layouts (July 2006), states that careful consideration should be given in the design of the internal layout and that satisfactory indoor living space and amenities should be provided.

Whilst the proposal has been submitted in outline and thus the net internal floorspace is not known it can nonetheless be estimated by the suggested footprint of the dwelling (approximately 7.3 x 8.4 metres). On the assumption therefore that this would provide for living accommodation on two floors, including any habitable roof space to a bungalow, it is likely that there would more than sufficient floorspace available, well above the minimum of 81 square metres for a three bedroom dwelling set down in the Council's SPD.

With regard to the size of the private garden, Section 4.15 of the SPD states that a minimum of 60 square metres be available to future occupants. The site layout indicates that an area of over 100 sq.m. would be created at the rear of the new dwelling with almost 400 sq.m. retained for No.

30 Barnhill. As such the proposal would also comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies in this respect.

The proposed floor layout of the dwelling would be subject to approval but provided that all habitable rooms and kitchens in the proposed dwelling have adequate outlook, privacy and natural daylighting including sunlight this would afford a suitable standard of residential amenity for future occupants.

The proposal therefore accords in these respects with Policies BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

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

The additional traffic likely to be generated by a proposal and its impact on the safety of vehicle flows and pedestrian movements in the vicinity of the site generally are considered by Hillingdon Local Plan: Part Two - Saved UDP Policy AM7.

Under Local Plan Policy AM14, all proposals should demonstrate that there is sufficient off-street parking capacity and satisfactory arrangements within the site to meet the Council's adopted car parking standards.

Whilst the amount of traffic generated by the proposal would be easily accommodated within the local highway network without any significant implications for traffic flows, the Highways Officer has raised no objection to the proposal for a new vehicular access at this point in Chiltern Road. This would be subject to the standard crossover dimensions, separation (from that serving No. 18 Chiltern Road) and visibility splays to ensure safety for vehicles and pedestrians

Similarly, in terms of the off-street parking provision, there is capacity for up to two vehicles with adequate turning space within the site, likely to be subject to a revised layout as part of the Reserved Matters application.

With the above considerations and given that the application is in outline, the proposal would comply with the Hillingdon Local Plan Part Two Policies AM7 and AM14 and adopted car parking standards in these respects.

#### 7.11 Urban design, access and security

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006) contains guidance on such for new dwellings, and such matters would need to be considered as part of an Reserved Matters application.

#### 7.12 Disabled access

The Council's adopted Supplementary Planning Document - Accessible Hillingdon

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(January 2010) sets out the standard of accessibility required for wheelchair users and other disabled future occupiers of new dwellings and Policy 3.8 (Housing Choice) the London Plan (July 2011) also refers. Compliance with all 16 Lifetime Home standards as relevant is therefore sought.

However, the proposal is in outline and it must therefore be assumed that such features as level internal/external accesses and door thresholds (with appropriate falls and bars to prevent rain and surface water ingress), bathroom dimensions and features are capable of being incorporated in the final layout design.

Accordingly, such details can be made the subject of a appropriate condition on any approval and assessed as part of the Reserved Matters submissions.

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

Not applicable to this application.

#### 7.14 Trees, Landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies seeks the retention of existing trees and other significant landscape features providing valuable amenity within or adjoining an application site or their replacement with similar appropriate species. Where such features are identified for retention but may be threatened by the construction works for the

development, suitable measures for their protection may be necessary.

The siting and layout of the proposed dwelling would result in the loss of substantial levels of existing trees, shrubs and general garden space and would thus result in a negative impact on the visual character of the area.

#### 7.15 Sustainable waste management

Section 4.40-4.41 of the SPD: Residential Layouts (July 2006) considers waste management and specifies that bin stores should be provided for and bins should not be sited further than 9 metres from the edge of the highway.

There is sufficient space within the indicative site layout as part of this outline application to meet this requirement and such matter can be adequately controlled as part of the Reserved Matters submissions.

#### 7.16 Renewable energy / Sustainability

In the event that this outline application be approved, it would be considered appropriate to impose a condition that the new dwelling should meet Level 3 of the government's Code for Sustainable New Homes (2008)

This would require that all of the relevant standards and targets set out in respect of reduced carbon emissions, materials, waste management and surface water run-off, accessibility etc. which may also be subject to other controls and/or further detailed submissions are achieved in the final building design and layout.

#### 7.17 Flooding or Drainage Issues

If the application is approved, it is recommended that a condition be imposed which would require that the new areas of hard surfacing to be constructed within the site utilise porous materials.

The use of suitable paving materials combined with the provision of sufficient areas of planting and soft landscaping to serve as both visual and drainage features can be controlled by the imposition of a full hard and soft landscaping condition that should ensure that potential surface water run-off on to the highway is prevented.

#### 7.18 Noise or Air Quality Issues

Not applicable to this application.

#### 7.19 Comments on Public Consultations

The comments received with regard to the form of back garden development or garden grabbing are noted elsewhere in this report which considers the potential implications for density, character and amenity of the surrounding area if replicated elsewhere.

There is a variety of dwelling type and plot size in the vicinity of the application site, though layout, spacing and building lines are fairly uniform. The generally spacious character of the surrounding residential area is also defined by the separation distances between dwellings derived from the length of their private rear gardens.

The proposed dwelling would be positioned on a return frontage in Chiltern Road and thus would be much closer to the dwelling it backs on to (No. 30 Barnhill Road) and have only half the depth of rear garden of those in the original estate layout.

This perceived change in the layout, appearance and thus character of the surrounding area is covered in the main report. All other comments received with regard to access, highways, parking and the amenities of adjoining residents have also been addressed elsewhere in this report.

#### 7.20 Planning Obligations

The requirement under Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies for the applicant to make a financial contribution in respect of the future educational requirements of occupants of the new dwelling can not be fully assessed at this outline stage.

In the event that there is a net addition of six or more habitable rooms including kitchens on the site and the proposal thus qualifies, this requirement has technically not been met by the current proposal and should be refused as contray to the policy for this reason.

#### 7.21 Expediency of enforcement action

Not applicable to this application.

#### 7.22 Other Issues

None.

#### 8. Observations of the Borough Solicitor

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

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

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

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

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

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

Not applicable to this application.

#### 10. CONCLUSION

The proposal is considered to have a detrimental impact on the layout and character of the locality and thus to the built character and appearance of the residential area as a whole. Accordingly, the application is recommended for refusal primarily on this basis.

The proposal is also deficient in the provision of an education facilities contribution, which may be required dependent on the size of the dwelling proposed. As such, it is contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

#### 11. Reference Documents

Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

HDAS: Residential Layouts London Plan (July 2011)

London Plan Housing Supplementary Planning Guidance (November 2012)

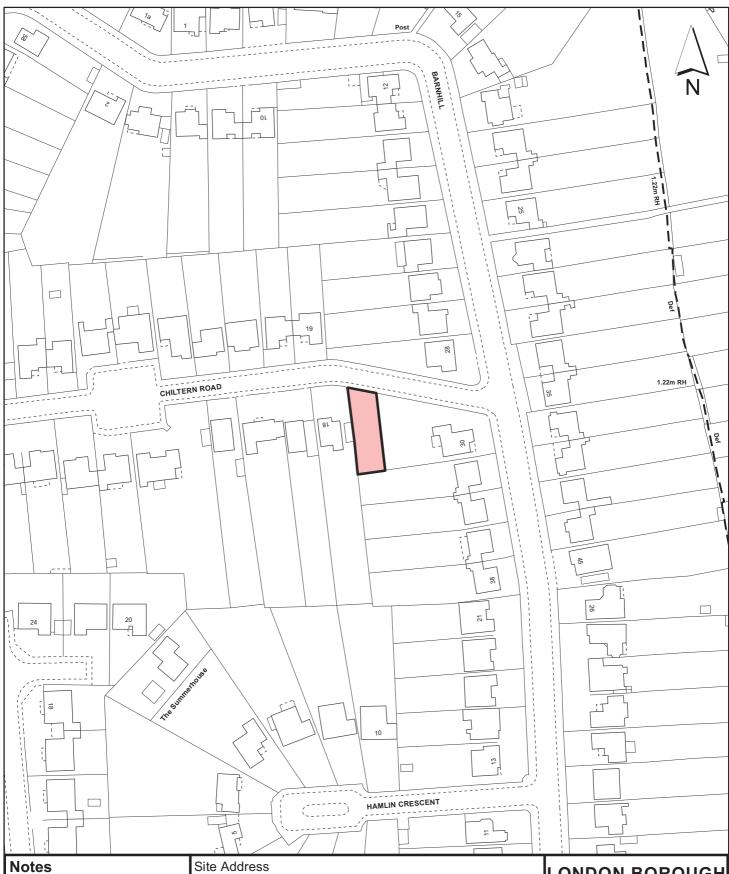
Hillingdon Supplementary Planning Document: Planning Obligations

National Planning Policy Framework (March 2012)

Hillingdon Planning Obligations Supplementary Planning DOcument updated chapter 4

Education (August 2010) Letters making representations

Contact Officer: Daniel Murkin Telephone No: 01895 250230



#### **Notes**



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# Land forming part of 30 Barnhill **Eastcote**

Planning Application Ref: Scale 1:1,250 68960/APP/2013/33 **Planning Committee** Date May North Page 27 2013

# LONDON BOROUGH OF HILLINGDON **Residents Services**

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

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# Agenda Item 7

#### Report of the Head of Planning, Sport and Green Spaces

Address NORTHWOOD GOLF CLUB RICKMANSWORTH ROAD NORTHWOOD

**Development:** Single storey outbuilding for use as storage of golf buggies

**LBH Ref Nos:** 7932/APP/2013/667

**Drawing Nos:** Design and Access Statement

Location Plan to Scale 1:1250

northwoodgolfclub/0 northwoodgolfclub/1 northwoodgolfclub/6 northwoodgolfclub/7 northwoodgolfclub/8

Date Plans Received: 18/03/2013 Date(s) of Amendment(s):

Date Application Valid: 20/03/2013

#### 1. SUMMARY

The proposed development is for the erection of a single storey building for the storage of golf buggies. The proposed building by virtue of its siting and size would have a minimal impact on the open character of the Green Belt and would facilitate an appropriate use within the Green Belt.

#### 2. RECOMMENDATION

#### APPROVAL subject to the following:

#### 1 RES3 Time Limit

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 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Location Plan, Design and Access Statement, Northwoodgolfclub/0, Northwoodgolfclub/1, Northwoodgolfclub/6, Northwoodgolfclub/7 and Northwoodgolfclub/8 and shall thereafter be retained/maintained for as long as the development remains in existence.

#### **REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

#### 3 A7 Screen Planting/Hedges

The screen planting/trees shown on the approved plans shall be permanently retained and any trees or other planting which die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of development, shall be replaced in the next planting season with others of similar size and species.

#### REASON

To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the Green Belt.

#### **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 I53 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
BE13	New development must harmonise with the existing street scene.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE39	Protection of trees and woodland - tree preservation orders

#### 3 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.

#### 4 I47 Damage to Verge

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

#### 5 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th

November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application relates to a site located on the south-western side of Rickmansworth Road, and comprises a large area of open land of approximately 30 hectares, in use as a Golf Course with an ancillary Golf Club building. The land falls from the north-east (Rickmansworth Road) to the south-west (the main golf course area).

Adjacent to the club house building on Rickmansworth Road comprises a mixture of land uses including a restaurant and a car sales room. To the north of the application site boundary is the Gravel Pits, a wooded area which was a major source of gravel for mending local roads pre 20th Century. To the western boundary are the rear gardens of properties within the Copsewood Estate Area of Special Local Character. 100m north east of the site is Northwood Town Centre and Green Lane Conservation Area. To the southwest of the site is Copse Wood and to the south-east of the site is Northwood Hills.

The site lies within the Green Belt as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### 3.2 Proposed Scheme

The application is for the erection of a single storey detached building, adjacent to the existing footpath and car parking area. The proposed development would measure 6.5m wide, 6.0m deep and 4.0m high with a pitched roof. The building would have a total floor area of 39 square metres and would be finished in timber cladding and a slate roof.

The applicant seeks to erect the proposed development to facilitate the storage of electric buggies used by disabled members of the golf club.

#### 3.3 Relevant Planning History

7932/APP/2000/685 Northwood Golf Club Rickmansworth Road Northwood

DETAILS OF GREY WOOD STAIN IN COMPLIANCE WITH CONDITION 1 OF PLANNING PERMISSION REF.7932M/99/1577 DATED 27/10/99; ERECTION OF A BOUNDARY FENCE (RETROSPECTIVE APPLICATION)

Decision: 08-06-2000 Approved

7932/APP/2002/56 Northwood Golf Club Rickmansworth Road Northwood

INSTALLATION OF A WATER STORAGE TANK AND PUMP STATION IN THE GREEN

**KEEPERS YARD** 

Decision: 21-02-2002 Approved

7932/APP/2002/663 Northwood Golf Club Rickmansworth Road Northwood

DETAILS OF LANDSCAPING SCHEME IN COMPLIANCE WITH CONDITION 2 OF

PLANNING PERMISSION REF.7932/APP/2002/56 DATED 21/02/2002; INSTALLATION OF A

WATER STORAGE TANK AND PUMP STATION IN THE GREENKEEPERS' YARD

Decision: 30-04-2002 Approved

7932/APP/2004/2441 Northwood Golf Club Rickmansworth Road Northwood

RETENTION OF A TEMPORARY TOILET BLOCK ADJOINING CLUBHOUSE

(RETROSPECTIVE APPLICATION)

**Decision:** 20-10-2004 ALT

7932/APP/2004/3094 Northwood Golf Club Rickmansworth Road Northwood

EXTENSION OF REAR TERRACED AREA

Decision: 03-02-2005 Approved

7932/APP/2008/399 Northwood Golf Club Rickmansworth Road Northwood

INSTALLATION OF A GOLF COURSE TOILET FACILITY.

Decision: 08-05-2008 Approved

7932/APP/2008/409 Main Carpark, Northwood Golf Club Rickmansworth Road Northwood

ERECTION OF A SINGLE STOREY SECURITY CABIN AT CAR PARK EXIT.

**Decision:** 08-05-2008 Approved

7932/APP/2009/2555 Northwood Golf Club Rickmansworth Road Northwood

2 timber framed, open fronted, driving range bays for teaching golf and a halfway house for

occasional provision of refreshments on the golf course.

**Decision:** 09-03-2010 NFA

7932/D/76/0288 Northwood Golf Club Rickmansworth Road Northwood

Erection of trolley shed.

**Decision:** 05-07-1976 ALT

7932/F/88/2657 Northwood Golf Club Rickmansworth Road Northwood

Retention of a 1.8m high chain link fence

Decision: 02-06-1989 Approved

7932/K/94/1604 Northwood Golf Club Rickmansworth Road Northwood

North Planning Committee - 30th May 2013 PART 1 - MEMBERS, PUBLIC & PRESS

Erection of dustbin enclosures and conversion of internal dustbin enclosure to storage

Decision: 14-12-1994 Approved

7932/M/99/1577 Northwood Golf Club Rickmansworth Road Northwood

Erection of a boundary fence (retrospective application)

Decision: 27-10-1999 Approved

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

As above.

#### 4. Planning Policies and Standards

# UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

#### Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings

BE13 New development must harmonise with the existing street scene.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE23 Requires the provision of adequate amenity space.

BE38 Retention of topographical and landscape features and provision of new planting

and landscaping in development proposals.

BE39 Protection of trees and woodland - tree preservation orders

#### 5. Advertisement and Site Notice

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

5.2 Site Notice Expiry Date:- Not applicable

#### 6. Consultations

#### **External Consultees**

4 neighbours, Northwood Hills and Northwood Residents Association have been consulted. A site notice was also erected. No responses received.

#### **Internal Consultees**

Trees and Landscaping:

North Planning Committee - 30th May 2013 PART 1 - MEMBERS, PUBLIC & PRESS

This site is within the Green Belt.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (on-site): The area of the proposed development is an area of scrub, and grass just off the 1st Fairway without any significant trees or vegetation of merit.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): None that will be affected by this development.

Scope for new planting (yes): There is scope for tree planting to screen the proposed development and this is proposed in the scheme.

Recommendations: This development is within the green belt, but would appear to be associated with open air recreation so would be allowed under saved policy OL1.

Conclusion (in terms of Saved Policy BE38, OL1): Acceptable, subject to confirmation by others that it is acceptable under policy OL1 Note:

#### 7. MAIN PLANNING ISSUES

#### 7.01 The principle of the development

Although the application site is situated within the Green Belt, it is considered that the principle of development is acceptable given that the proposed development would assist in the function of the permitted recreational use as discussed in further detail in Section 7.05

#### 7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

#### 7.04 Airport safeguarding

Not applicable to this application.

#### 7.05 Impact on the green belt

National Planning Policy Framework and Policy OL1 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the provision of facilities for outdoor sport and outdoor recreation is considered as appropriate development within the Green Belt. Policy OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that any development is not disproportionate, does not injure the visual amenities of the Greenbelt and does not create a 'built-up appearance'.

The current use of the site is considered appropriate as a Golf Course falls under 'outdoor recreation and sport'. The proposed development would be ancillary to the existing use and would assist in its function and service provided to customers.

The minimal scale of the proposed development would ensure that it would remain inconspicuous and would not harm the visual amenities of the Green Belt. The proposed extension would be sited positioned next to the car parking area and existing footpath within the site, and adjacent to trees. As such, the proposed development would not affect the open character of the main golf course and would be situated within an existing built-up area. Furthermore, the existing trees are proposed to be retained and new trees are proposed which would screen the proposed structure. As such the proposed development would comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1, OL4, BE13, and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design.

The size, design, detailing and materials (notably the timber cladding) would ensure that the proposed development would harmonise with surrounding area. Furthermore, the proposed development would be adequately screened by the existing and proposed planting and would not be unduly prominent from Rickmansworth road due to the existing change in levels. It is therefore considered that the proposed development would not detract from the visual amenities of the street scene and character and appearance of the area in accordance with Policy BE1 of the Hillingdon Local Plan: Part One -Strategic Policies (November 2012) and Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

#### 7.08 Impact on neighbours

Policies BE19, BE20 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012) seek to ensure that the amenities of adjoining occupiers are protected in new developments.

The siting of the proposed development would ensure it would be located away from the adjoining occupiers and would be screened by the existing club house and car parking area. Furthermore there are no residential occupiers in the adjacent buildings. It is considered that the proposed development would not impact on the amenities of the adjoining occupiers in terms of visual intrusion, overlooking, loss of daylight or loss of sunlight in accordance with Policies BE19, BE20 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

#### 7.09 Living conditions for future occupiers

Not applicable to this application.

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

The proposed extension would not increase the capacity of the golf club or use of the golf course and thus would not impact upon parking provision, traffic or pedestrian safety in accordance with Policy AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### 7.11 Urban design, access and security

The proposed development would be accessed via the existing level tarmaced pathway which leads from the car parking area to the club house.

#### 7.12 Disabled access

The proposed building is to enable the provision of a covered facility for golf buggies which are available for disabled users of the golf course. The proposed building would be accessible to disabled users from the existing footpath and is thus acceptable.

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

Not applicable to this application.

#### 7.14 Trees, Landscaping and Ecology

Existing shrubs would be removed to facilitate the development, however this is considered acceptable by the Council's Tree Officer and the existing trees would be retained. It is also proposed to incorporate new planting to further screen the proposed development which has been conditioned to ensure it is implemented and retained. The proposed development therefore accords with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### 7.15 Sustainable waste management

Not applicable to this application.

#### 7.16 Renewable energy / Sustainability

Not applicable to this application.

#### 7.17 Flooding or Drainage Issues

Not applicable to this application.

#### 7.18 Noise or Air Quality Issues

Not applicable to this application.

#### 7.19 Comments on Public Consultations

No consultation responses were received.

#### 7.20 Planning Obligations

Not applicable to this application.

#### 7.21 Expediency of enforcement action

Not applicable to this application.

#### 7.22 Other Issues

None.

#### 8. Observations of the Borough Solicitor

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

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

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

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

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

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

Not applicable to this application.

#### 10. CONCLUSION

The proposed development is considered to accord with the Policies of the NPPF, London

Plan and the Local Plan and is recommended for approval.

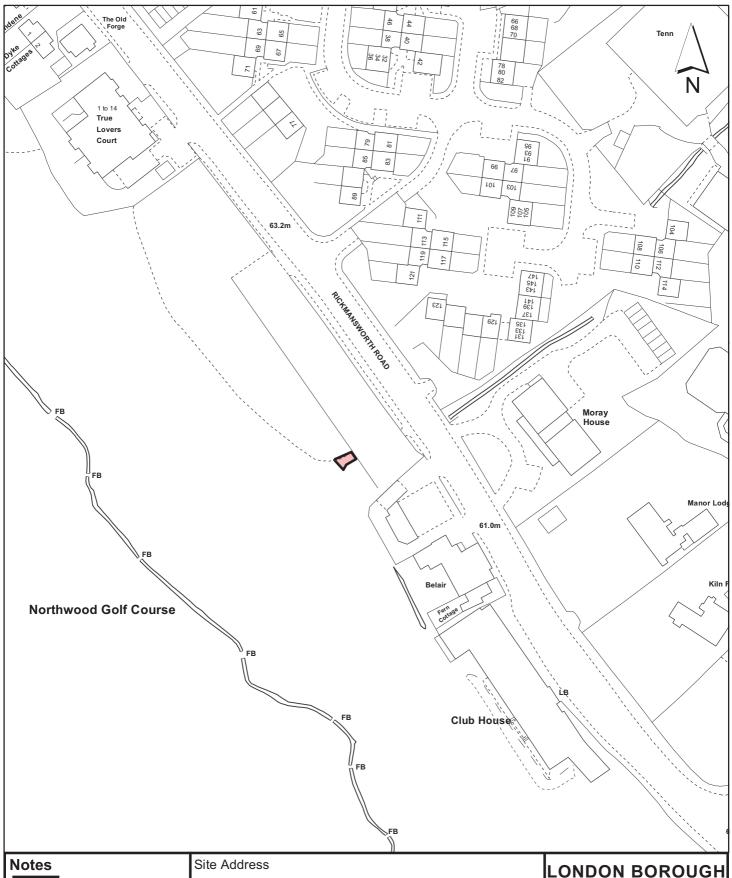
#### 11. Reference Documents

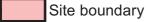
Hillingdon Local Plan: Part One - Strategic Policies (November 2012) Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

The London Plan 2011

National Planning Policy Framework

Contact Officer: Henrietta Ashun Telephone No: 01895 250230





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# **Northwood Golf Club** Rickmansworth Road Northwood

Planning Application Ref: Scale 1:1,250 7932/APP/2013/667 Date

**Planning Committee** 

North Page 38

May 2013

# LONDON BOROUGH OF HILLINGDON **Residents Services**

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



#### Report of the Head of Planning, Sport and Green Spaces

Address 28 & 28A KINGSEND RUISLIP

**Development:** Retrospective planning application to vary Condition 27 (that development

shall not be carried out otherwise than in strict accordance with the plans hereby approved) to planning Permission Ref: 5740/APP/2008/1214 (Erection of a three storey building to contain 7, two-bedroom and 1, one-bedroom flats, together with associated parking and amenity space) to seek retention of the existing roof profile which is a departure from the approved

roof profile

**LBH Ref Nos:** 5740/APP/2013/411

**Drawing Nos:** 07/3127/51 Rev. A

Location Plan to Scale 1:1250

Date Plans Received: 20/02/2013 Date(s) of Amendment(s):

Date Application Valid: 06/03/2013

#### 1. SUMMARY

The application seeks to vary condition 27 of the approved scheme (5740/APP/2008/1214). Condition 27 requires the scheme is built in strict accordance with the approved plans. The variation of condition 27 is sought to seek to retain the as built roof profile that represents a material departure from the approved roof profile. The approved scheme is for 8 residential units contained within a single new building on the site.

The approved roof profile was designed with a subservient ridge line towards the eastern side of the new building to help mediate, in the streetscene, the change in roof profile of the development to that of the adjacent dwelling house to the east, No 26B Kingsend.

The failure of the built scheme to provide a sufficient length of subservient 'set down' roof results in the built roof having a poor visual appearance. As such the scheme fails to provide an attractive appearance to the development in relation the street scene and thereby the development fails to preserve or enhance those features which contribute to the special architectural and visual qualities of the Ruislip Village Conservation Area.

The scheme is contrary to Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and is recommended for refusal.

#### 2. **RECOMMENDATION**

# **REFUSAL** for the following reasons:

#### 1 NON2 Non Standard reason for refusal

The as built scheme, by reason of its overall size, scale bulk and design is detrimental to the visual amenity of the street scene, fails to preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13, BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5, 7.4 and 7.8 of the London Plan (2011) and the the adopted

Supplementary Planning Document HDAS: Residential Layouts.

#### **INFORMATIVES**

#### 1 | 152 | Compulsory Informative (1)

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

#### 2 | 153 | Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE4	New development within or on the fringes of conservation areas
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.
NPPF7	
LPP 3.5	(2011) Quality and design of housing developments
LPP 7.4	(2011) Local character
LPP 7.8	(2011) Heritage assets and archaeology
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

#### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is located on the northern side of Kingsend. East of the site lies 26B Kingsend and 26 Kingsend. The site is bordered to the west by an access road to 28B Kingsend located at the rear of the site.

The development site is located in the Ruislip Village Conservation Area as set out in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### 3.2 Proposed Scheme

The scheme that is the subject of this application differs from the approved scheme in respect of its roof profile. The principal differences, based on the applicant's submitted drawings are described below:

(i) The main ridge line that runs broadly parallel to the street is set approximately 450mm

below the approved main ridge line;

- (ii) The subservient ridge line towards the eastern end of the development (adjacent to No 26B Kingsend) is built approximately 100mm lower than the subservient roof on the approved scheme.
- (iii) The main ridge line is longer than the approved scheme by approximately 1590mm and the corresponding subservient (otherwise known as 'set down' roof) at the eastern end is approximately 1535mm shorter in length.
- (iv) The principal roof ridge line is approximately 1200mm taller than the main ridge line of the previous demolished dwelling house on the site.
- (v) The as built subservient roof at the eastern is approximately 150mm below the main ridge line of the previous demolished dwelling house on the site.

#### 3.3 Relevant Planning History

5740/APP/2007/1043 28 & 28a Kingsend Ruislip

ERECTION OF A THREE STOREY BUILDING, WITH ACCOMMODATION IN THE ROOFSPACE, COMPRISING OF 7 TWO-BEDROOM FLATS, WITH ASSOCIATED ACCESS AND PARKING (INVOLVING DEMOLITION OF 2 EXISTING HOUSES) (OUTLINE APPLICATION).

**Decision:** 15-01-2008 Not Determined **Appeal:** 15-01-2008 Allowed

5740/APP/2008/1214 28 & 28a Kingsend Ruislip

ERECTION OF A THREE STOREY BUILDING TO CONTAIN 7, TWO-BEDROOM AND 1, ONE- BEDROOM FLATS, TOGETHER WITH ASSOCIATED PARKING AND AMENITY SPACE (AMENDMENT TO PREVIOUS APPROVAL REF. 5740/APP/2007/1043 TO ALLOW FOR AN ADDITIONAL FLAT AT SECOND FLOOR LEVEL)

Decision: 25-06-2008 Approved

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

5740/APP/2007/1043 - Outline planning permission was granted on approval dated 25 June 2008 for the erection of a three storey building containing 7 x two-bedroom and 1 x one-bedroom flats, together with associated parking and amenity Space (amendment to previous approval Ref. 5740/APP/2007/1043 to allow for an additional flat at second floor level).

5740/APP/2008/1214 - Full planning permission granted on 20 August 2008 for for the erection of a three storey building containing 7 x two-bedroom and 1 x one-bedroom flats, together with associated parking and amenity Space (amendment To Previous Approval Ref. 5740/APP/2007/1043 To to allow for an additional flat at second floor level).

As a result of the built scheme departing from the approved drawings the site has been subject to enforcement action and associated on-going court proceedings.

The North Planning Committee agreed to serve an Enforcement Notice and a Breach of Condition Notice.

The Breach of Condition Notice (Ref: 3E/04/NC) was served on 25 May 2012 with compliance by 29 June 2012.

The Breach of Condition Notice required the following steps to be taken:

- (i) Reduce the height of the roof along the eastern side of the building so that the height accords with the approved planning permission reference 5740/APP/2008/1214 drawing number 07/3094/10 Rev C.
- (ii) Remove from the land of all debris, building material, plant and machinery resulting from compliance with requirement (i)

The reasons for the issue of the notice are the built scheme should be carried out in strict accordance with the approved plans, unless consent to any variation is first obtained from the local planning authority, to ensure that the external appearance of the development hereby complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

An Enforcement Notice (Ref: 03/04/NC) has also been served on other aspects of the development and required the following steps to be taken:

- 1) Remove the unauthorised tarmacdam covering the access/manoeuvring and parking area (between the building and the street) and install hard surfacing materials in accordance with the approved planning permission reference 5740/APP/2011/908 drawing number 07/3127/50 Rev E, specifically installing permeable block pavers (colour Brindle).
- 2) Remove the unauthorised paving and concrete slab covering the south eastern corner of the property (between parking spaces 4 and 5, as shown on drawing number 07/3127/50 Rev E approved in permission reference 5740/APP/2011/908), and install landscaping in accordance with the approved planning permission reference 5740/APP/2011/908 drawing number 07/3127/50 Rev E.

The black tarmac is considered very intrusive within the street scene and would detract from the character and appearance of the conservation area. The tarmacadam is also considered to detract from the landscape setting of the new building. Reduce the height of the roof along the eastern side of the building so that the height accords with the approved planning permission reference 5740/APP/2008/1214 drawing number 07/3094/10 Rev C.

The approved landscaping details show that the south eastern corner of the site would be landscaped with a tree, grass and planting. Instead hard paving and a concrete slab have been laid down in the area. There is no tree and the extent of paving and the concrete slab mean that the approved landscaping could not be accommodated in this area.

The approved landscaping was necessary to soften the appearance of the parking areas and views of the new building.. The loss of the trees and landscaping with a replacement of a concrete slab in such a prominent location is considered to be a very intrusive within the streetscene and would detract from the character and appearance of the conservation area. The as built development is not considered to preserve or enhance the appearance of the site or street scene (i.e. features which contribute to their special architectural and visual qualities of the Conservation Area).

The Enforcement Notice was served on 25 May 2012 with compliance by 29 June 2012

#### 4. Planning Policies and Standards

# UDP / LDF Designation and London Plan

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

#### Part 1 Policies:

PT1.HE1 (2012) Heritage

PT1.BE1 (2012) Built Environment

#### Part 2 Policies:

BE4	New development within or on the fringes of conservation areas
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.
NPPF7	
LPP 3.5	(2011) Quality and design of housing developments
LPP 7.4	(2011) Local character
LPP 7.8	(2011) Heritage assets and archaeology

#### 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 1st May 2013

Planning Document, adopted July 2006

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

#### 6. Consultations

**HDAS-LAY** 

#### **External Consultees**

25 neighbours were consulted along with the Ruislip Village Conservation Panel and the Ruislip Residents Association. Three replies received objecting to the scheme. These objections can be summarised as follows:

Residential Layouts, Hillingdon Design & Access Statement, Supplementary

- (i) Object to this application as we consider the property should be completed in line with the original approved planning application.
- (ii) The applicant is delivering a fait accompli. It cannot be right that a plan is approved in 2008 to reduce the effect on the street scene and then an application is made in 2012 to allow it to be changed because in practice it does not work.

North Planning Committee - 30th May 2013 PART 1 - MEMBERS, PUBLIC & PRESS

(iii) The developer has built a block of flats that are to large for the conservation area. This was done to accommodate extra flats in the building and make more profit. The building should be modified to fit the original agreed design.

#### **Internal Consultees**

#### CONSERVATION OFFICER:

Background: The site falls within the Ruislip Village Conservation Area. This part of the conservation area is characterised by mainly good sized detached houses, set in mature gardens, which date from the turn of the 20th century. The road is important in terms of the history of the area, as it was one of the first to be developed by the then owners, Kings College, in the Garden Suburb tradition.

There have been numerous e-mail correspondences and discussions regarding the roof form. The proposed roof profile is not as suggested to the agent.

Comments: It is considered that the proposed roof form, if taken on its own merit, presents a poor design form with a wider portion of the main roof at a continuous height as compared to the originally approved scheme. This would be bulkier and would have an impact on the character of the area. Whilst this roof would be marginally lower than that approved, its impact is accentuated from the fact that the earlier drawings failed to accurately show the height of the neighbouring buildings and thereby the difference in the roof profiles of the new development and the adjacent properties.

It is noted that the visual impact of the bulk would be difficult to assess at human height from the street. However, given the sensitive location of the site within the conservation area, the roof form as built would be unacceptable in design terms.

Conclusion: Unacceptable.

#### 7. MAIN PLANNING ISSUES

#### 7.01 The principle of the development

The principle of the residential scheme including the number of residential units within the scheme built on site has already been established with the approved scheme for the site.

The planning issues for consideration with this application in respect of the departure from the approved scheme are limited to the consideration of how this departure from the approved roof profile impacts on the architectural composition of the development, its appearance in the streescene and its wider impact upon preserving and enhancing the visual amenity of the Ruislip Village Conservation Area.

The other departures from the approved scheme in respect of the choice of surface treatment on the forecourt car parking bays and the location of the bin stores and the extent of landscaping in the south eastern corner of the site (just to the back of the pavement) are not subject to consideration within this application.

#### 7.02 Density of the proposed development

The number of residential units on the site has already been established. This application does not impact on the total number of agreed units or the number of bedspaces previously agreed for the site

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

Policy BE4 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) relates to development in Conservation Areas and requires that new development within conservation areas to preserve or enhance those features which contribute to their special

architectural and visual qualities.

The horizontal control line in the street set by roof lines is an important feature of the street. The profile of the approved roof scheme, with the step down on the main ridge at the eastern side of the building, was designed as such so as to mediate the change of principal ridge lines between that of the new build and that of the dwelling at No 26b Kingsend.

The roof height of the new building, at the eastern side of the building of the as built scheme, does not 'step down' to the same extent as that shown on the approved plans, and as a result the as built scheme has a poor visual relationship with the roof height and form of the dwelling at 26B Kingsend.

The lack of an adequate set down means that the as built scheme results in a building by reason of its size, scale and bulk has a detrimental impact on the visual amenity of the street scene, does not either preserve or enhance the character and appearance of the Ruislip Village Conservation Area, contrary to Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.5, 7.4 and 7.8 of the London Plan and the adopted Supplementary Planning Document HDAS: Residential Layouts.

#### 7.04 Airport safeguarding

Not applicable to this application.

#### 7.05 Impact on the green belt

Not applicable to this application.

#### 7.06 Environmental Impact

Not applicable to this application.

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

See section 7.03.

#### 7.08 Impact on neighbours

Aside from potential visual amenity issues relating to the change in the roof profile that are dealt with above it is not considered the departure in roof profile from the approved scheme would have any material impact upon neighbours in terms of the degree of overshadowing or loss of daylight/sunlight to neighbours.

#### 7.09 Living conditions for future occupiers

Not applicable to this application.

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

The issues relating to the departure from approved drawings in respect to the completion of the front forecourt are not the subject of this application and therefore is not material in the determination of this application.

#### 7.11 Urban design, access and security

URBAN DESIGN: Considered in section 7.03 of the report.

ACCESS: The application raises no fresh access or security issues not previously considered with the approved scheme.

#### 7.12 Disabled access

Not applicable to this application.

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

Not applicable to this application.

#### 7.14 Trees, Landscaping and Ecology

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Not applicable to this application.

#### 7.15 Sustainable waste management

Not applicable to this application.

The location of the bin stores on the site is the subject of a seperate Enforcement Notice.

#### 7.16 Renewable energy / Sustainability

Not applicable to this application.

#### 7.17 Flooding or Drainage Issues

Not applicable to this application.

#### 7.18 Noise or Air Quality Issues

Not applicable to this application.

#### 7.19 Comments on Public Consultations

The comments received have been covered in the main report.

#### 7.20 Planning Obligations

Not applicable to this application.

#### 7.21 Expediency of enforcement action

#### 7.22 Other Issues

None.

# 8. Observations of the Borough Solicitor

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

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

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

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

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

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

Not applicable to this application.

#### 10. CONCLUSION

The established horizontal 'control line' that is found upon Kingsend is considered an important feature of the street in urban design terms, set in the context of Ruislip Village Conservation Area.

It is considered on balance the failure to provide an adequate length of 'set down roof' towards the eastern end of the built roof results in unacceptable appearance. The 'as built' roof profile fails to meditate the change of roof heights compared to that found at No 26B Kingsend. It is considered that the scheme thereby fails to preserve and enhance the Ruislip Village Conservation Area and would represent an incongruous and visually intrusive form of development which would be detrimental to the character and appearance of the street scene.

The scheme is recommended for refusal.

#### 11. Reference Documents

Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

London Borough of Hillingdon's HDAS 'Residential Extensions" Supplementary Planning

Document (December 2008)

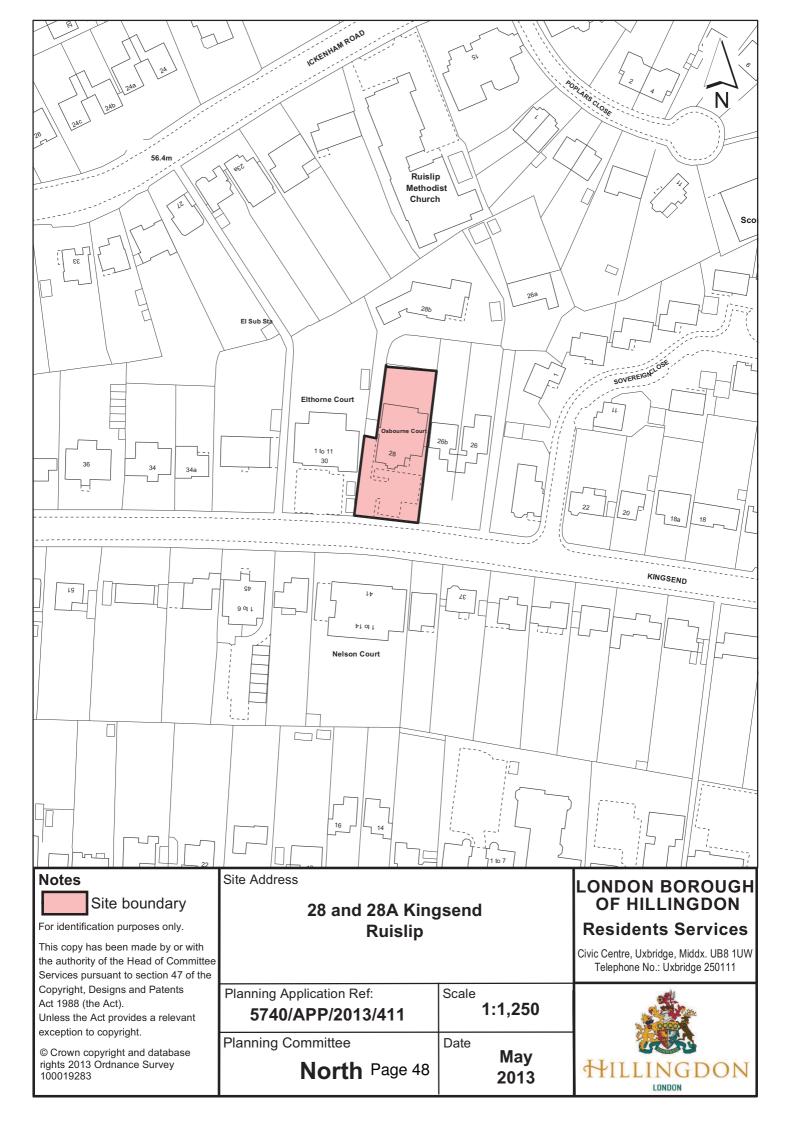
London Borough of Hillingdon's HDAS 'New Residential Layouts" Supplementary Planning

Document (July 2006)

National Planning Policy Framework (March 2012)

London Plan (July 2011)

Contact Officer: Matthew Duigan Telephone No: 01895 250230



# Agenda Item 9

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government (Access to Information) Act 1985 as amended.

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# Agenda Item 10

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government (Access to Information) Act 1985 as amended.

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# Plans for North Planning Committee

30th May 2013





# Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 30 BARNHILL EASTCOTE

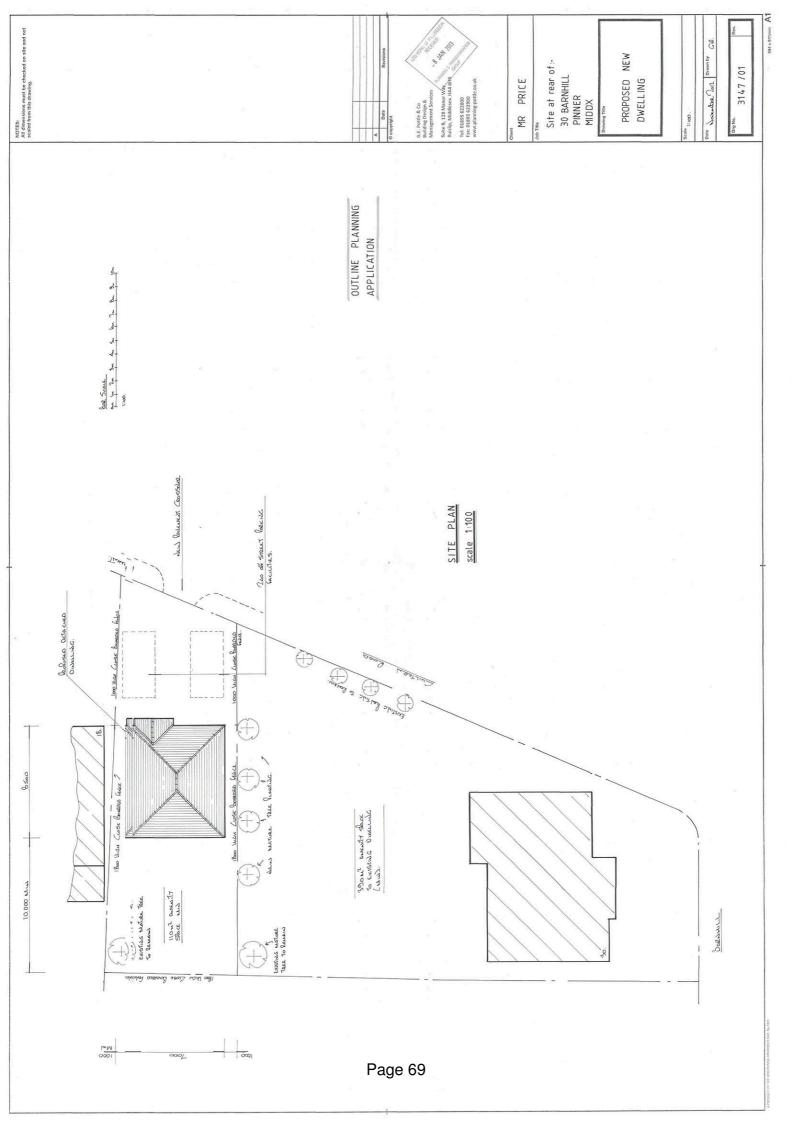
**Development:** 3-bedroom, detached dwelling (Outline planning application with all matters

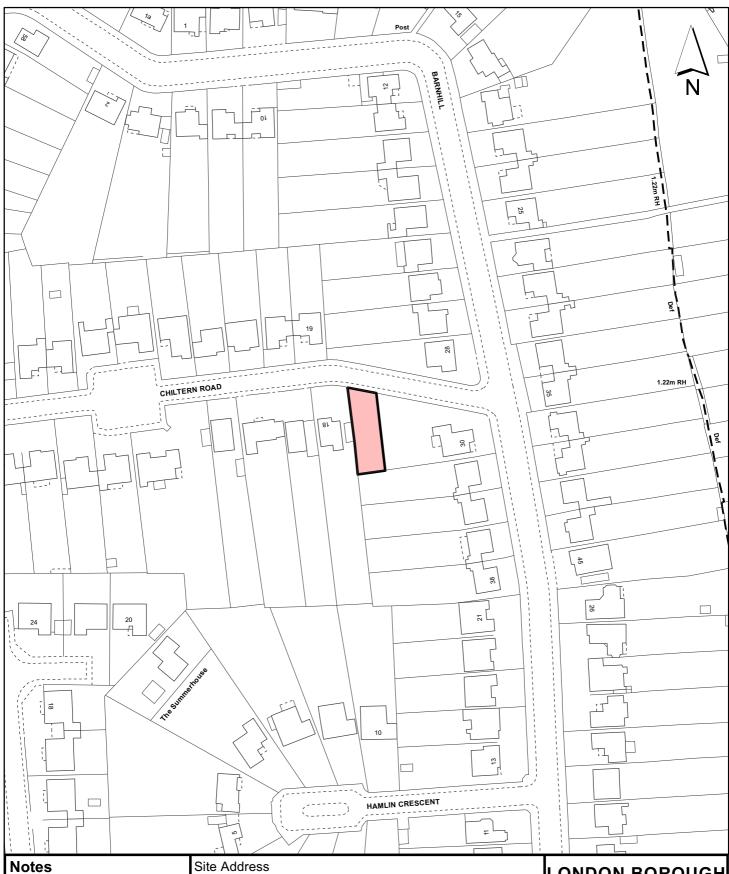
reserved).

**LBH Ref Nos:** 68960/APP/2013/33

Date Plans Received: 08/01/2013 Date(s) of Amendment(s):

Date Application Valid: 18/01/2013





#### **Notes**



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# Land forming part of 30 Barnhill **Eastcote**

Planning Application Ref: Scale 1:1,250 68960/APP/2013/33 Date

**Planning Committee** 

North Page 70

May 2013

# LONDON BOROUGH OF HILLINGDON

**Residents Services** 

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



# Report of the Head of Planning, Sport and Green Spaces

Address 24 EASTBURY ROAD NORTHWOOD

**Development:** Application for a material amendment to Planning Permission ref.

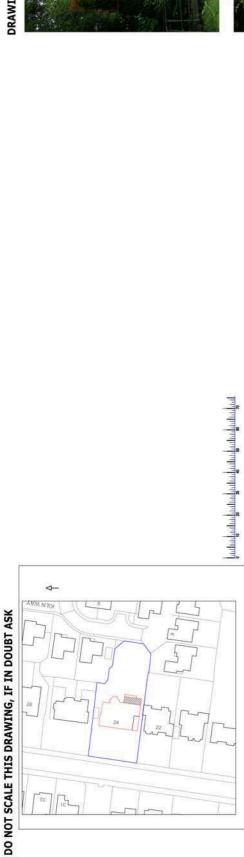
19305/APP/2011/1584 for the installation of proposed amenity area for

approved first floor flat.

**LBH Ref Nos:** 19305/APP/2012/3107

Date Plans Received: 14/12/2012 Date(s) of Amendment(s): 14/12/2012

Date Application Valid: 09/01/2013



Scale 1:1250

Page 72





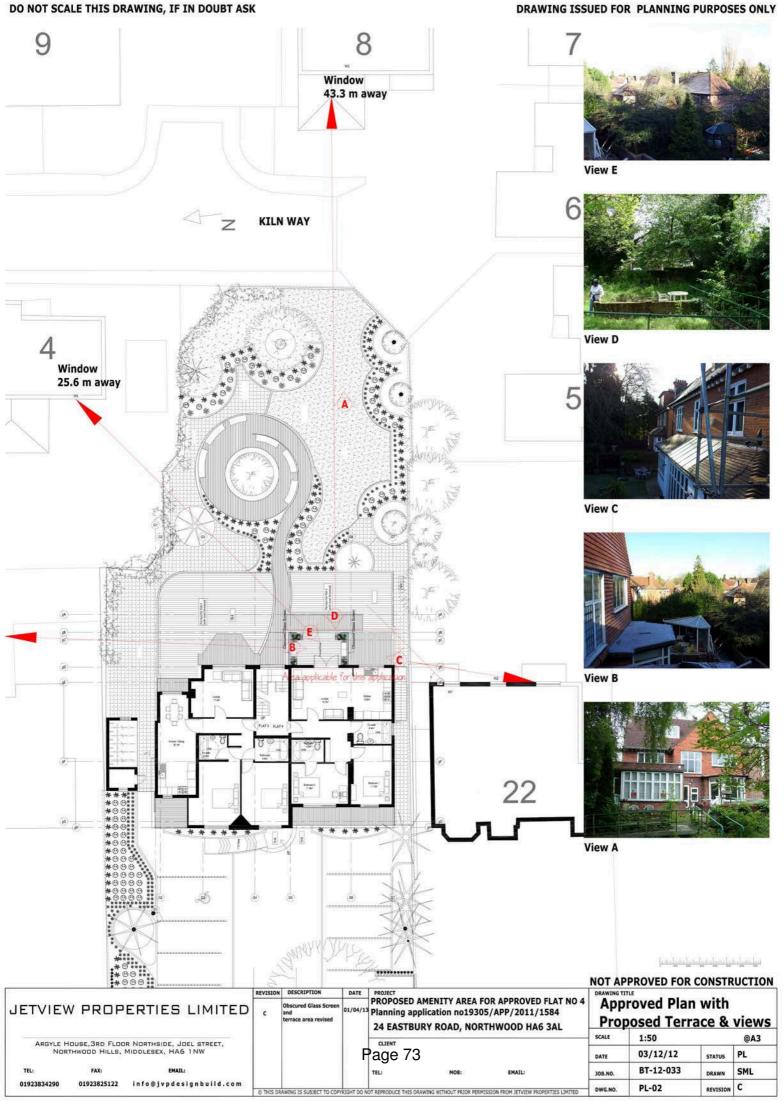
NOT APPROVED FOR CONSTRUCTION Block Plan & Site Plan

SML	చ	@A3
DRAWN	STATUS	
BT-12-033	03/12/12	1:1250,1:500
308.NO.	DATE	SCALE

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	DATE	03/12/12	STATUS	占
MOB.	308.NO.	BT-12-033	DRAWN	SML
	DWG.NO.	PL-01	REVISION	

ROPOSED AMENITY AREA FOR APPROVED FLAT NO 4	24 EASTBURY ROAD, NORTHWOOD HAG 3AL	спемт		MOB: EMAIL:
DATE PR	, v			TEL
DESCRIPTION				
REVISION				
. IETVIEW DECIDEDTIES I IMITED WITH ALL BELVANY APPLITE TILION DIVISION DAMES				
TES IMITED		ARGYLE HOUSE, 3RD FLOOR NORTHSIDE, JOEL STREET, NORTHWOOD HILLS, MIDDLESEX, HAG 1NW	EMAIL:	01923825122 info@jvpdesignbuild.com
		OUSE,3RD FLOOR THWOOD HILLS, M	FAX:	01923825122
IETVIEW		ARGYLE HI NORT	TEL:	01923834290

Scale 1:500





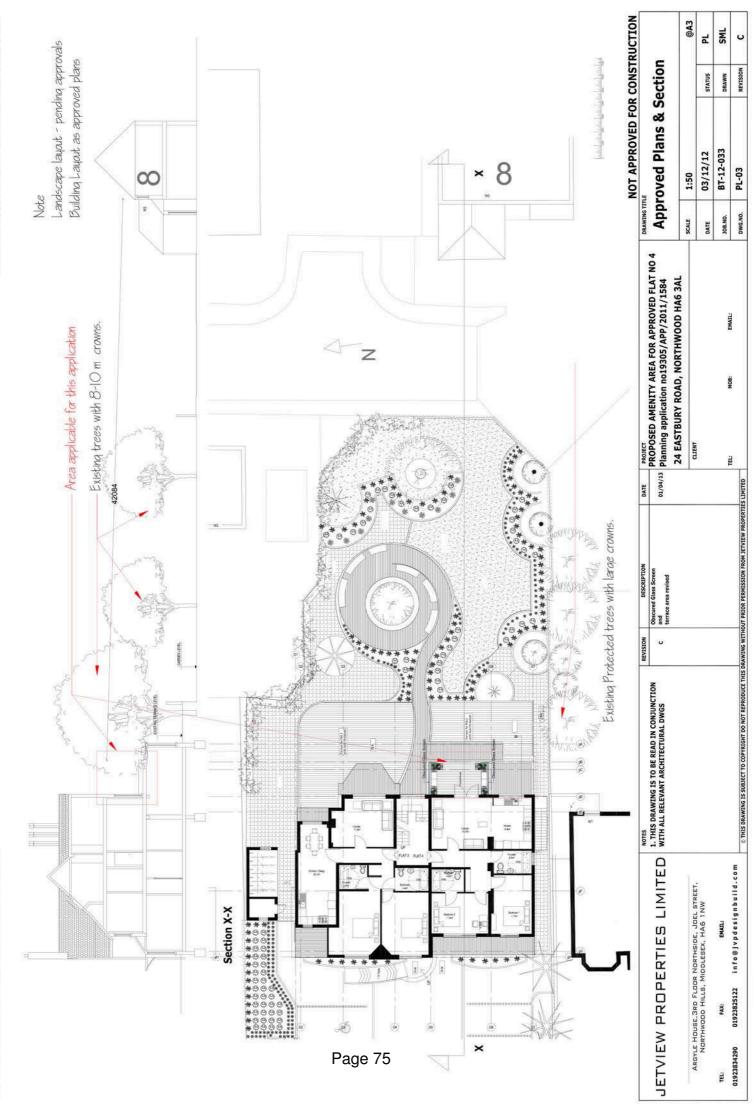
#### **Proposed Rear Elevation**

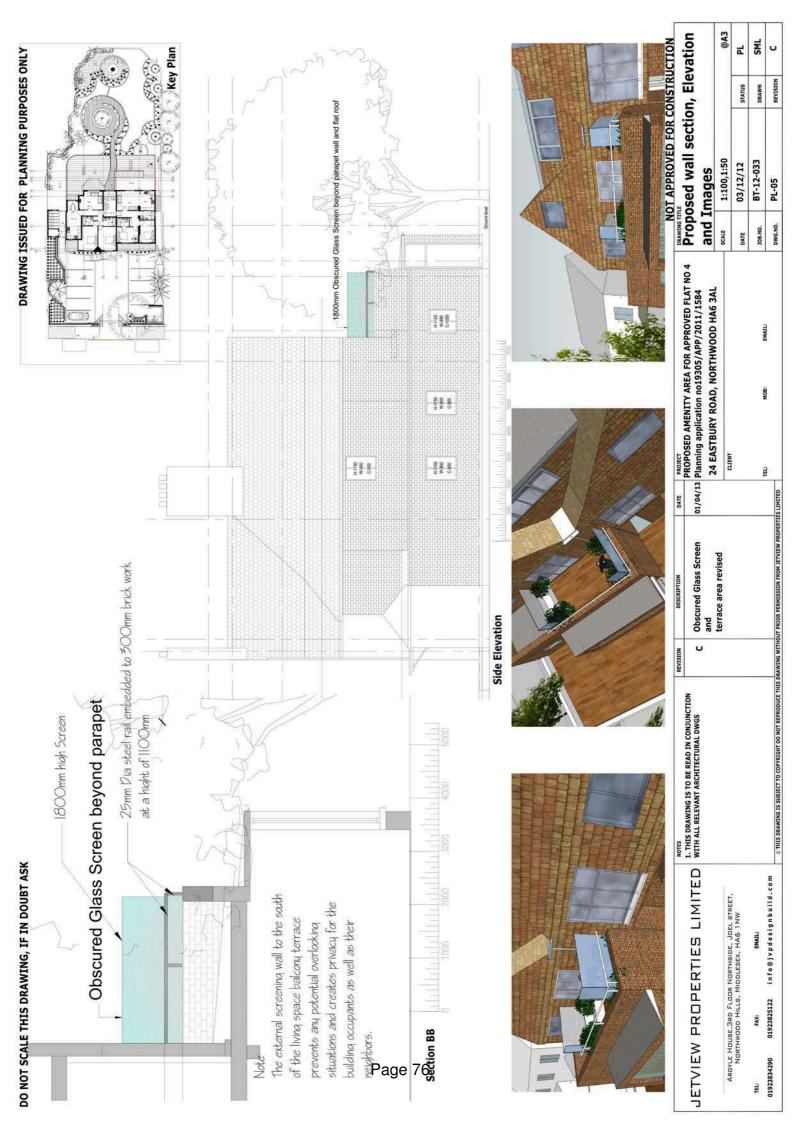


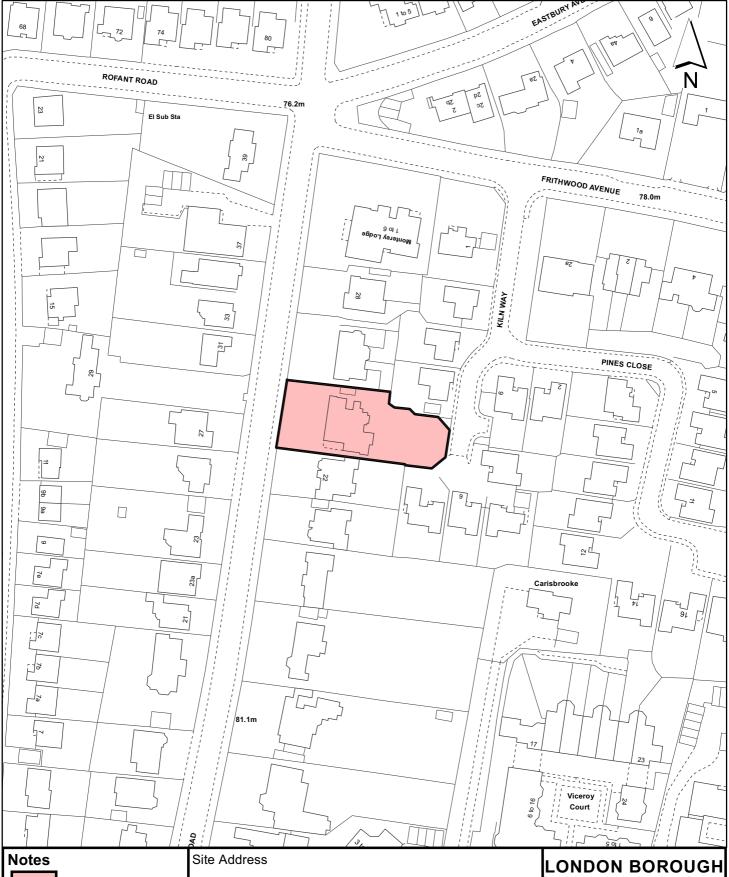
# **Approved Rear Elevation**

#### NOT APPROVED FOR CONSTRUCTION PROPOSED AMENITY AREA FOR APPROVED FLAT NO 4 Approved & Proposed JETVIEW PROPERTIES LIMITED Planning application no19305/APP/2011/1584 **Elevations** 24 EASTBURY ROAD, NORTHWOOD HA6 3AL @A3 ARGYLE HOUSE, 3RD FLOOR NORTHSIDE, JOEL STREET, NORTHWOOD HILLS, MIDDLESEX, HAG 1NW CLIENT Page 74 03/12/12 PL BT-12-033 SML EMAIL: JOB.NO. DRAWN 01923834290 01923825122 info@jvpdesignbuild.com PL-04











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# 24 Eastbury Road **Northwood**

Planning Application Ref:

19305/APP/2012/3107

**Planning Committee** 

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Scale 1:1,250

Date May 2013

# LONDON BOROUGH OF HILLINGDON

**Residents Services** 

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



# Report of the Head of Planning, Sport and Green Spaces

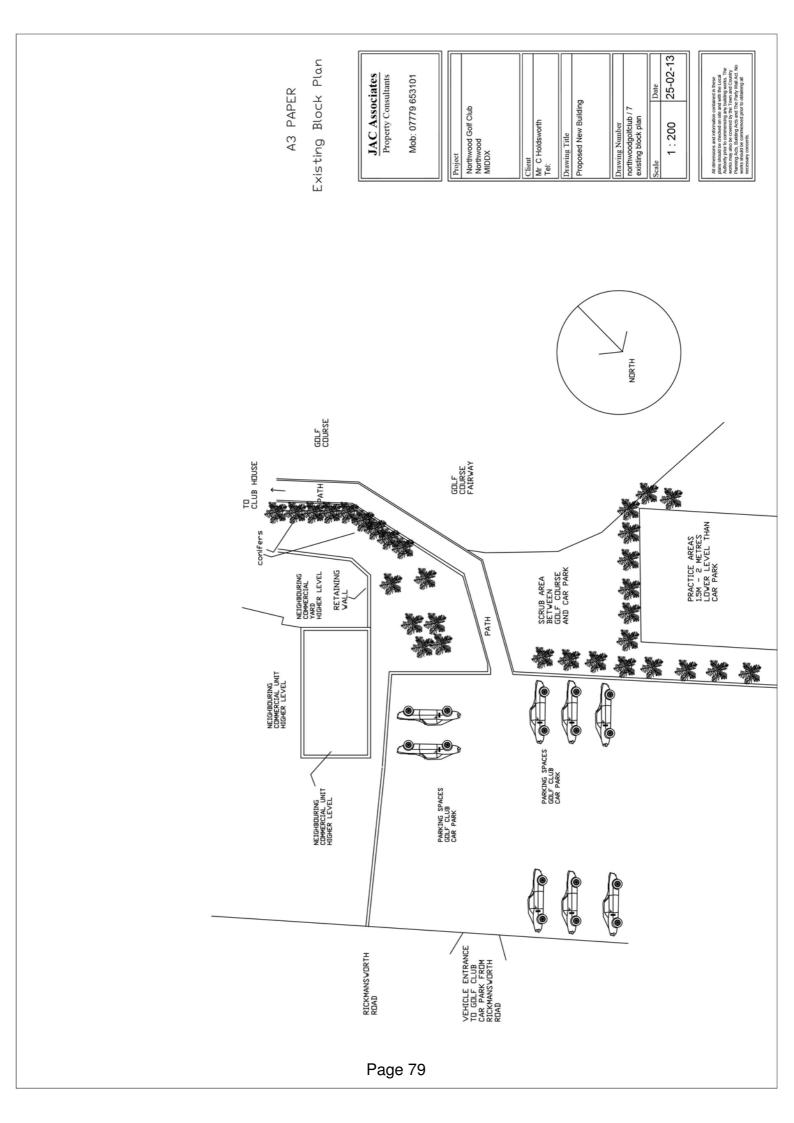
Address NORTHWOOD GOLF CLUB RICKMANSWORTH ROAD NORTHWOOD

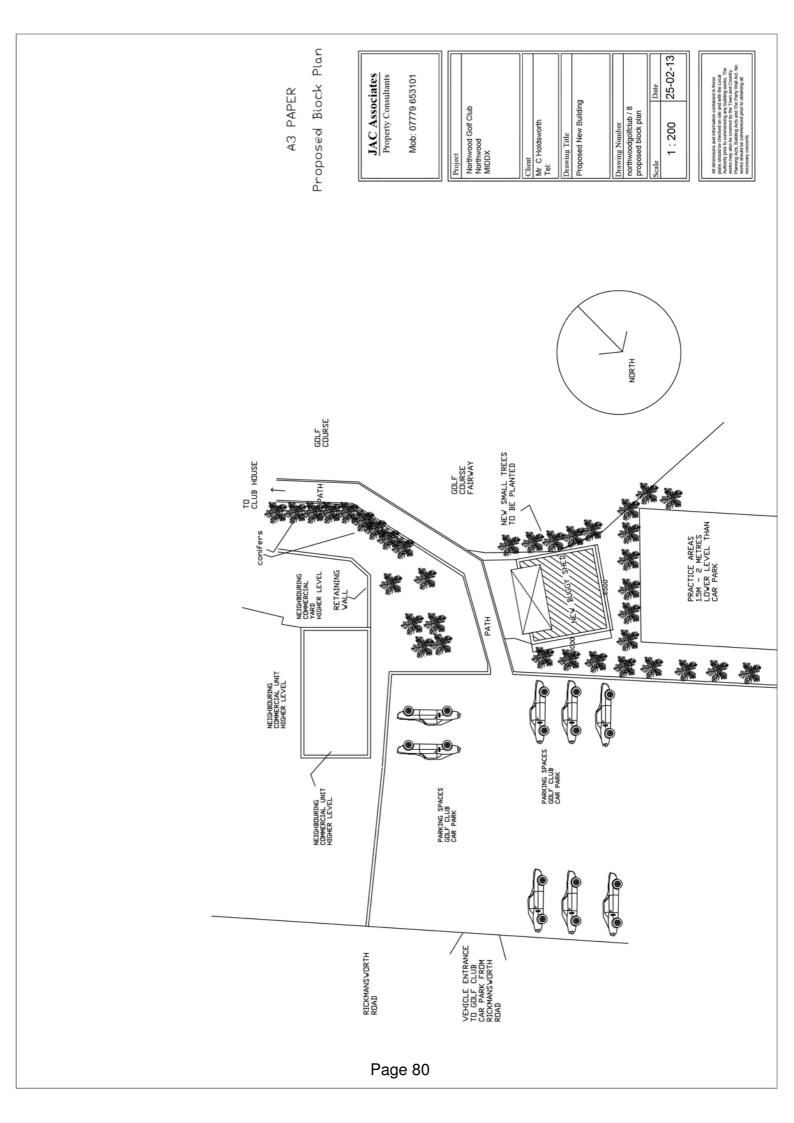
**Development:** Single storey outbuilding for use as storage of golf buggies

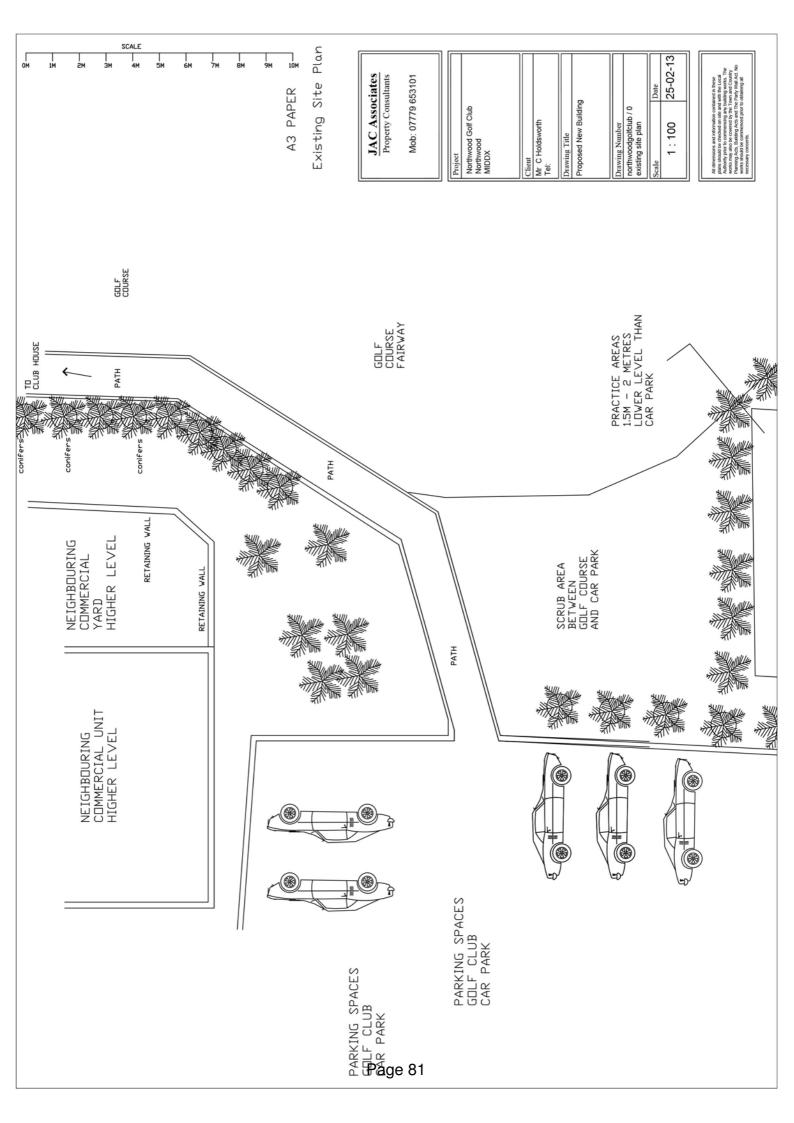
LBH Ref Nos: 7932/APP/2013/667

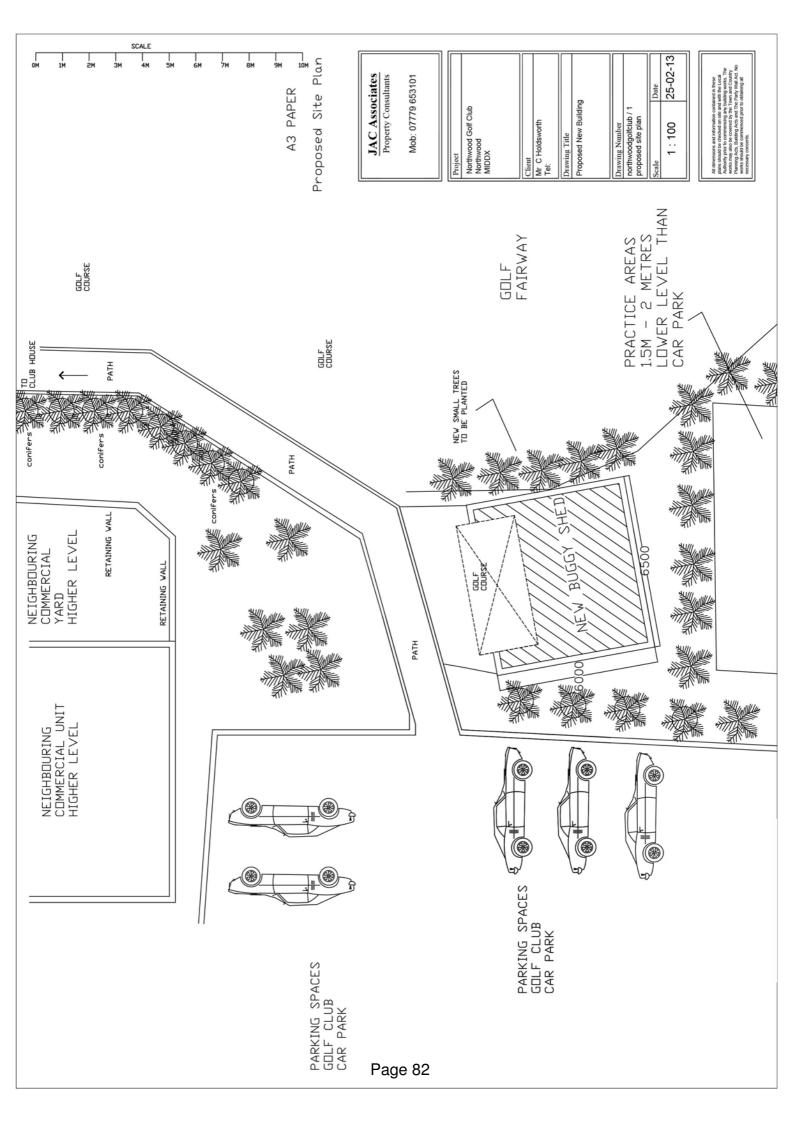
Date Plans Received: 18/03/2013 Date(s) of Amendment(s):

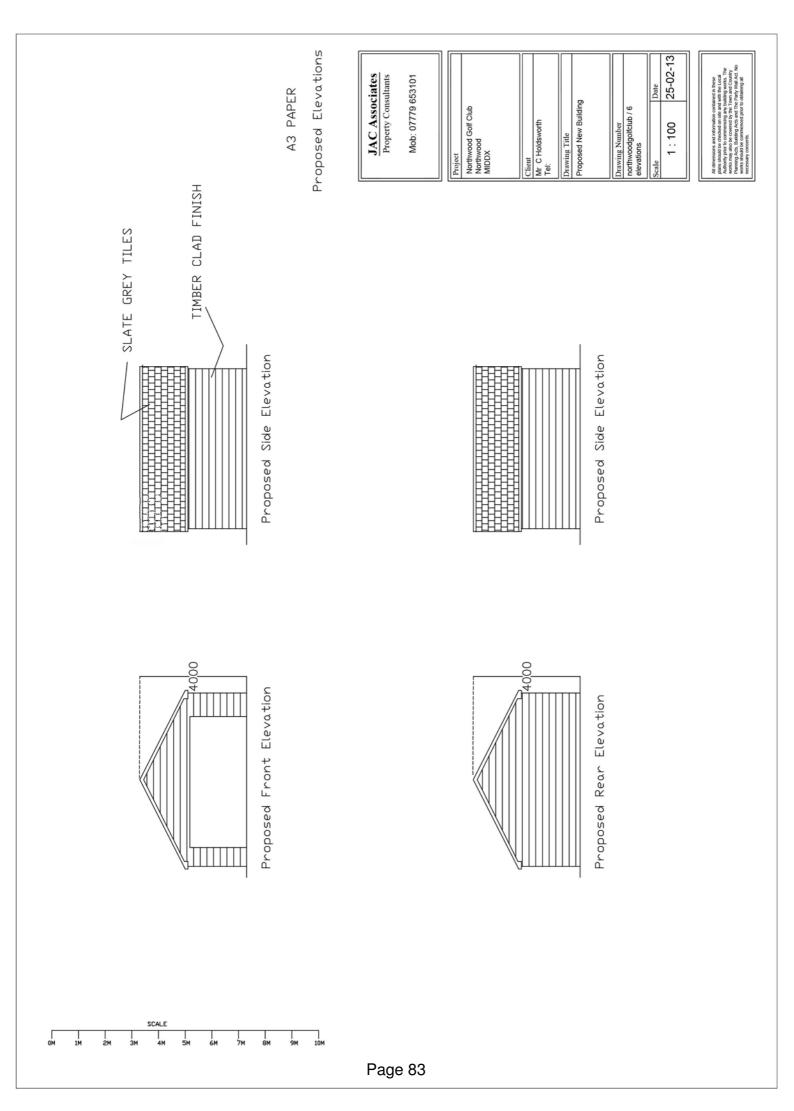
Date Application Valid: 20/03/2013

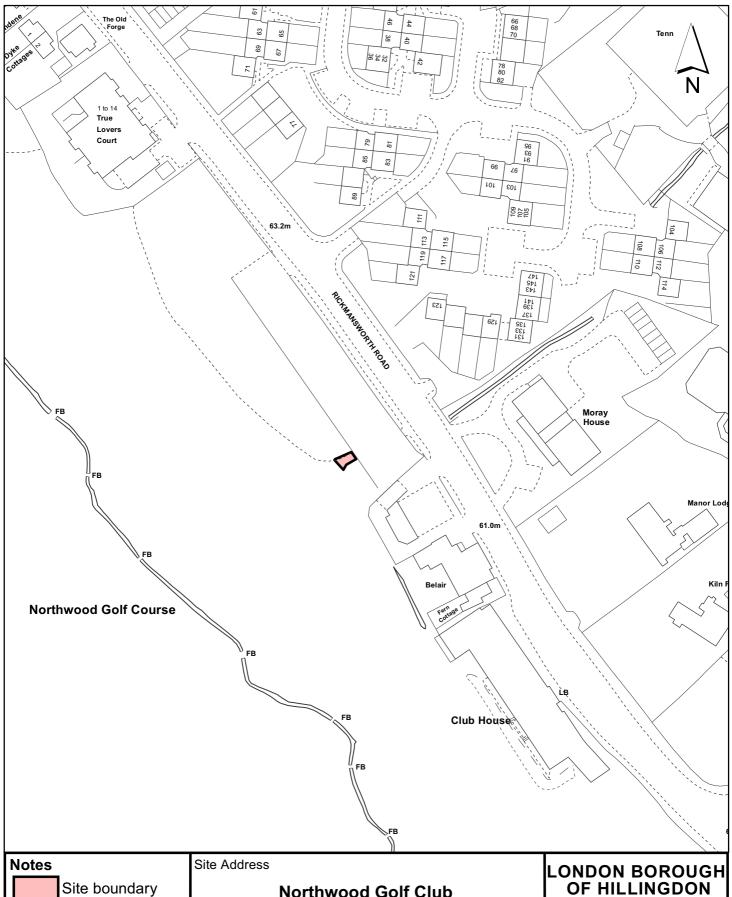


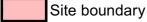












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# **Northwood Golf Club** Rickmansworth Road **Northwood**

Planning Application Ref: Scale 1:1,250 7932/APP/2013/667 **Planning Committee** Date North Page 84

LONDON

**Residents Services** 

Civic Centre, Uxbridge, Middx. UB8 1UW

Telephone No.: Uxbridge 250111

May 2013

#### Report of the Head of Planning, Sport and Green Spaces

Address 28 & 28A KINGSEND RUISLIP

**Development:** Retrospective planning application to vary Condition 27 (that development sha

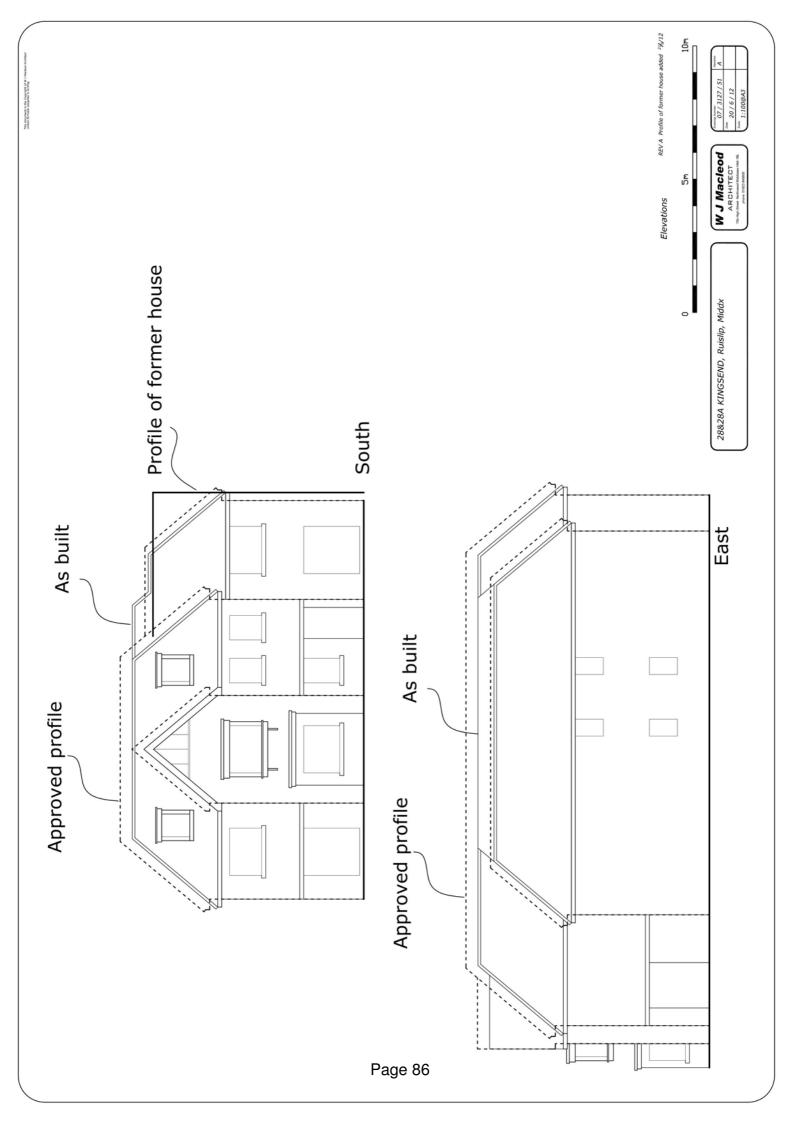
not be carried out otherwise than in strict accordance with the plans hereby approved) to planning Permission (Reference. 5740/APP/2008/1214) "for the erection of a three storey building to contain 7, two-bedroom and 1, one-bedroom flats, together with associated parking and amenity space to seek retention of the existing roof built profile that is a departure from the approved

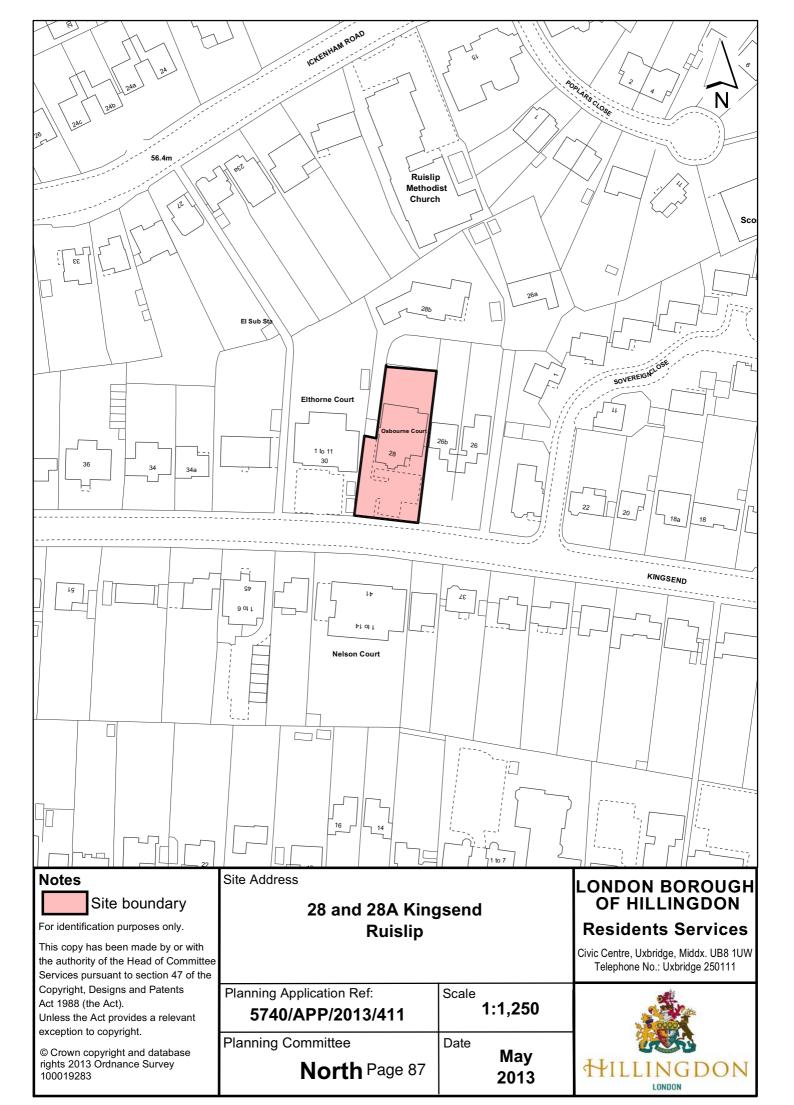
roof profile.

**LBH Ref Nos:** 5740/APP/2013/411

Date Plans Received: 20/02/2013 Date(s) of Amendment(s):

Date Application Valid: 06/03/2013





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