

## Report of the Head of Planning & Enforcement Services

**Address** HIGHGROVE HOUSE EASTCOTE ROAD RUISLIP

**Development:** Variation of Condition 3 - Minor material amendment to planning permission ref: 10622/APP/2009/2504 dated 11/02/2010: Refurbishment and conversion of listed building to 12 residential units and erection of 4 two-bedroom mews dwellinghouses and associated works (time extension of planning permission ref: 10622/APP/ 2006/2490 dated 11/01/2007) to allow alterations to the siting and design of the two blocks of mews housing (Retrospective application).

**LBH Ref Nos:** 10622/APP/2010/1822

**Drawing Nos:** 1134 18 Rev. B  
1134 25 (Block A relationship has been amended by Drw. No. 1134 33 received 03/05/11)  
1134/27  
Addendum to Approved Design & Access Statement  
1134 33  
Drawing Extract of Planning Approved Site Layout overlaid with Surveyed Position of 28/29 Kent Gardens  
1190 (Survey Drawing)  
MCA0310/01D  
DS13100902.01 Rev. D  
5 Year Landscape Management Plan, March 2010, Revised June 2011  
Arboricultural Methode Statement, Rev. A dated 27/06/11  
1134 20 Rev. B  
Ecological and Construction Management Plan, Rev. A, July 2010  
Material Samples - Wienerberger Warnham Red/Orange Blend brick, Marley Eternit Clay plain tile, buff sample of resin bonded gravel, Marshalls Drivesett Tegula, Traditional paviments and Bitmac surfacing within new courtyard  
Demolition and Construction Plan  
Method Statement: Badgers, February 2011  
Email from Alan Beaumont dated 22/02/11  
Method Statement: Great Crested Newts, September 2010  
Letter from AA Environmental LLP dated 15/10/10  
Email from agent dated 12/05/11 at 12:37  
Unilateral Undertaking dated 8th November 2010  
1134 09 Rev. Q  
1134 14 Rev. H  
1134 15 Rev. G  
1134 16 Rev. E  
1134 17 Rev. D  
J06.055/ D(00)-03 Rev. A  
J06.055/ D(20)-61  
J06.055/ D(20)-62  
J06.055/ D(20)-63  
J06.055/ D(20)-64  
J06.055/ D(20)-65  
J06.055/ D(20)-66  
J06.055/ D(20)-67

Design and Access Statement  
 1134/13 Rev. B  
 1134/19 Rev. C  
 1134/28 Rev. A  
 1134/29 Rev. D  
 1134/31  
 1134/REP/1  
 Agent's email dated 26/11/10  
 Un-numbered R.P.T. Joinery Ltd. Existing door sections  
 Un-numbered R.P.T. Joinery Ltd. Existing sash sections  
 Un-numbered R.P.T. Joinery Ltd. Proposed sash sections  
 Un-numbered R.P.T. Joinery Ltd. Section through sash stile & glazing bar  
 Un-numbered R.P.T. Joinery Ltd. Cross Section of horn detail for box sash windows  
 Un-numbered horizontal section through panel door with 12mm mortice  
 Un-numbered R.P.T. Joinery Ltd. Proposed casement window sections  
 Un-numbered R.P.T. Joinery Ltd. Proposed door sections  
 Landscape Specification dated March 2010  
 Schedule of External, Remedial and Maintenance/Repair Works Rev. A dated February 2010  
 Sustainability Statement Rev. A dated January 2010  
 Report on the Code for Sustainable Homes Pre-Assessment, Ref. E075-CSHPA-00  
 4 BRE Certificates  
 Ecological Appraisal  
 Brickwork Condition Survey  
 Ecological Appraisal - Appendix 2 - Great Crested Newt Assessment

|                                |            |                                 |            |
|--------------------------------|------------|---------------------------------|------------|
| <b>Date Plans Received:</b>    | 03/08/2010 | <b>Date(s) of Amendment(s):</b> | 18/11/2009 |
| <b>Date Application Valid:</b> | 20/09/2010 |                                 | 18/03/2010 |
|                                |            |                                 | 19/04/2010 |
|                                |            |                                 | 25/06/2010 |
|                                |            |                                 | 14/07/2010 |
|                                |            |                                 | 28/07/2010 |
|                                |            |                                 | 03/08/2010 |
|                                |            |                                 | 20/09/2010 |
|                                |            |                                 | 14/10/2010 |
|                                |            |                                 | 21/10/2010 |
|                                |            |                                 | 08/11/2010 |
|                                |            |                                 | 26/11/2010 |
|                                |            |                                 | 24/02/2011 |
|                                |            |                                 | 14/03/2011 |
|                                |            |                                 | 16/03/2011 |
|                                |            |                                 | 03/05/2011 |
|                                |            |                                 | 12/05/2011 |
|                                |            |                                 | 25/06/2011 |
|                                |            |                                 | 27/06/2011 |
|                                |            |                                 | 28/06/2011 |

## **DEFERRED ON 14th July 2011 FOR FURTHER INFORMATION .**

Members will recall that this application was deferred from the North Planning Committee on the 14th July 2011 in order to seek counsel's opinion on the legality of the 2007 permission, which was renewed in 2010.

The Council asked two questions of counsel, namely:

(1) Whether, in the light of the errors in the approved plans, the 2010 planning permission is valid and capable of being implemented in accordance with its terms.

(2) Whether the Council could make a claim for judicial review of the 2010 planning permission on grounds that it was granted on a false basis as a result of the errors in the submitted plans.

Counsel's opinion from Timothy Mould QC of Landmark Chambers was received on 29th September 2011. The executive summary of his advice reads as follows:

'1. I am instructed to advise the London Borough of Hillingdon. On 11 February 2010 the Council granted full planning permission ('the 2010 planning permission') for a scheme of residential development at Highgrove House, Eastcote Road, Ruislip, Middlesex ('the site'). The approved scheme included the erection of 4 two-bedroom mews dwellinghouses. On the approved plans, the proposed mews dwellings are shown in two detached blocks located to the south-east and east of Highgrove House itself. The easterly block is known as Block A. The south-easterly block is known as Block B.

2. In early 2011 the developer, Westcombe Homes Group, began building works for the construction of Blocks A and B. However, in March 2011 the Council received complaints from the occupiers of neighbouring dwellings to the east of the site, known as 27-29 Kent Gardens, that the buildings were not being erected on the sites shown on the approved plans. I note that condition 3 of the 2010 planning permission requires the authorised development to be carried out strictly in accordance with the approved plans, unless otherwise agreed by the Council.

3. Scrutiny of the approved plans comprised in the 2010 planning permission has revealed that the position of the neighbouring dwellings, 27, 28 and 29 Kent Gardens, had not been shown correctly on the application plans, upon the basis of which the 2010 planning permission was granted. The effect of the error was to exaggerate the distance between Blocks A and B and 27, 28 and 28 Kent Gardens. The developer has now submitted an application for planning permission to vary the 2010 planning permission, by substituting amended plans showing the Blocks A and B repositioned on the site so as to accord with the unauthorised building works. The amended plans also propose some changes to the design of the two mews blocks.

4. The planning officer has recommended that planning permission be granted on the basis of the amended plans. The developer contends that the 2010 planning permission remains capable of being implemented in accordance with the approved plans. Members, however, wish to understand whether this is correct; or whether the Council in fact has greater room for negotiation with the developer over the repositioning and design of the two mews blocks.

5. I have been asked to advise on the following 2 questions:

(1) Whether, in the light of the errors in the approved plans, the 2010 planning permission is valid and capable of being implemented in accordance with its terms.

(2) Whether the Council could make a claim for judicial review of the 2010 planning permission on grounds that it was granted on a false basis as a result of the errors in the submitted plans.

6. In summary, my advice is as follows:

(1) Notwithstanding the identified errors in the approved plans, the 2010 planning permission remains valid and capable of being implemented in accordance with its terms. The fact that the position of 27, 28 and 29 Kent Gardens is not shown correctly on the approved plans does not affect the developer's ability to erect Blocks A and B under the authority of the 2010 planning permission. (In order to do so, it would be necessary for the developer to remove the unauthorised building works. Given the existence of the 2010 planning permission, the Council could not reasonably object to that).

(2) The Council (or a Member acting on behalf of the Council) could make a claim for judicial review of the 2010 planning permission on ground that it was granted on a false basis as a result of the errors in the submitted plans. However, for the reasons I give below, such an application would have no realistic prospect of success. The planning solution now proposed by the developer will produce separation distances between the mews blocks and the neighbouring dwellings that are consistent with those that the Council saw on the approved plans. Thus the current application effectively reproduces on the ground a relationship between the proposed and existing dwellings that the Council, exercising its planning judgment and granting the 2010 planning permission, regarded as acceptable on the basis of the approved plans. In these circumstances, the errors in the approved plans provide no substantive justification for quashing the 2010 planning permission.

7. The Court would accept that the Council was misled by the errors on the approved plans. However, the question whether the relationship between the 2 mews blocks and the neighbouring dwellings was acceptable for planning purposes did not turn simply on a consideration of the precise distance between them as shown on plan. The error in the plans must be seen in its overall planning context. In granting the 2010 planning permission, the Council was willing to accept the development of Blocks A and B on the basis of the overall interrelationship between them and the existing dwellings, rather than simply the distances shown on the approved plans. In particular, in granting the 2010 planning permission, the Council both knew and accepted that Block A would be positioned significantly closer to neighbouring dwellings in Kent Gardens than planning guidance would ordinarily advocate. Nevertheless, the Council judged there to be site specific reasons why the relationship between Block A and the neighbouring dwellings in Kent Gardens was acceptable. The reasons are set out in the planning officer's report.

8. The current planning application offers the opportunity both to the developer and the Council to remedy the planning consequences of the error in the approved plans. Moreover, in the judgment of the planning officer, that remedy can be put into effect without harm to the listed building or its setting. In these circumstances, it is very difficult to see any justification for the Court's intervention in the planning process. A further difficulty is that a claim for judicial review must be begun promptly and, in any event, within 3 months of the date of the decision challenged. It is nearly 6 months since the Council discovered the material error in the approved plans. So there has been substantial delay in bringing a claim for judicial review. During the intervening period, the developer has acted on the basis that the 2010 planning permission is valid. He has undertaken substantial work to discharge its pre-commencement conditions. He has pursued his current planning application to vary the approved plans on the basis that the 2010 planning permission remains extant. He has clear grounds for asserting that he would be very substantially prejudiced were the 2010 planning permission now to be quashed. In my opinion, the Court would be likely to judge the quashing the 2010 planning permission as being clearly disproportionate to the planning significance of the error. I would expect such a claim for judicial review to fail.'

Counsel's advice is unequivocal. The 2010 permission is valid and capable of being implemented and if a claim for judicial review of the 2010 permission were to be made, it would be unlikely to be successful. Counsel's opinion therefore does not alter the basis for the officer's recommendation and the application is recommended for approval, as set out in the officer's report.

At the previous Committee meeting, a Councillor raised the issue of whether sustainable urban drainage formed part of the proposal. Dealing with on site drainage is a valid material planning consideration (furthermore, it is subject to policies in the Mayor's London Plan) and therefore an additional condition is recommended to address this matter.

## 1. SUMMARY

Members may recall planning and listed building applications on this site for the refurbishment and conversion of Highgrove House to provide 12 residential units and the erection of 4 two-bedroomed mews houses with associated amenity space, off-street parking and landscaping, involving the demolition of the stable building. Permission was originally granted at the North Planning Committee meeting on the 09/01/07 (refs. 10622/APP/2006/2490 and 2491) and time limit extensions were granted at its meeting on the 04/02/10 (refs. 10622/APP/2010/2504 and 2506). Works have commenced on site, including work on the mews houses with their revised siting, the subject of this application.

This application as originally submitted was for a revised siting and design of the mews housing. It has since come to light that the original plans submitted were inaccurate in terms of the siting of the adjoining properties in Kent Gardens. Accurate plans have now been submitted. Furthermore, this application seeks to up-date the details which have now been approved in connection with the conditions attached to the renewed planning permission (ref. 10622/APP/2009/2504).

It is considered that as the revised siting of the mews housing does not bring the blocks any nearer to the listed Highgrove House and the alterations to their design are not extensive and are acceptable, its setting would not be adversely affected. For similar reasons, the alterations would not materially harm the amenities of future residents on the site. In terms of the impact upon adjoining residents on Kent Gardens, it is considered that the revised siting and design of the mews housing would have a neutral impact, and with the planting of a laurel hedge on the boundary, possibly a reduced impact in terms of the existing planning permission as approved.

The application is recommended for approval.

## 2. RECOMMENDATION

### 1 OM1 Development in accordance with Approved Plans

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

#### REASON

To ensure that the external appearance of the development is satisfactory and complies

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

**2 OM11 Floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

**REASON**

To safeguard the amenity of surrounding properties and the character and appearance of the listed Highgrove House in accordance with policies BE8 and BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

**3 RPD1 No Additional Windows or Doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the mews houses hereby approved facing the residential properties on Kent Gardens.

**REASON**

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

**4 RPD2 Obscured Glazing and Non-Opening Windows (a)**

The ground floor north facing secondary lounge window on the western mews house in the southern block shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

**REASON**

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

**5 RPD5 Restrictions on Erection of Extensions and Outbuildings**

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

**REASON**

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

**6 RPD9 Enlargement to Houses - Roof Additions/Alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of any dwellinghouse shall be constructed.

#### REASON

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7 H3 Vehicular access - construction**

The development hereby permitted shall not be occupied until the vehicular means of access has been constructed in accordance with the approved plans. Thereafter, the vehicular means of access shall be retained and kept open for users of the building.

#### REASON

To ensure the provision of a safe and convenient access for vehicular traffic, prior to occupation in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

#### **8 H4 Pedestrian/cyclist's access - construction**

The development hereby permitted shall not be occupied until the means of access for pedestrians and cyclists has been constructed in accordance with the approved plans. Thereafter, this means of access shall be retained and kept open for pedestrians and cyclists using the buildings.

#### REASON

To ensure that safe and convenient access is provided for pedestrians and cyclists prior to the occupation of the building in accordance with Policies AM8 and AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

#### **9 TL2 Trees to be retained**

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

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with

BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial

work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

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

### **10 TL6 Landscaping Scheme - implementation**

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

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

#### REASON

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

### **11 DIS5 Design to Lifetime Homes Standards & Wheelchair Standards**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

#### REASON

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

### **12 SUS5 Sustainable Urban Drainage**

Within two months of the date of this permission, details of the incorporation of sustainable urban drainage for the mews blocks shall be submitted to, and approved in



writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

#### REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), London Plan (July 2011) Policy 5.12 and PPS25.

#### 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

|        |  |
|--------|--|
| PPS1   | Delivering Sustainable Development   |
| PPS3   | Housing  |
| PPS9   | Biodiversity and Geological Conservation   |
| PPS5   | Planning for the Historic Environment  |
| LP     | London Plan (February 2008)  |
| LP SPG | London Plan: Interim Housing Supplementary Planning Guidance, April 2010                               |
| EC1    | Protection of sites of special scientific interest, nature conservation importance and nature reserves |
| EC2    | Nature conservation considerations and ecological assessments  |
| EC3    | Potential effects of development on sites of nature conservation importance                            |
| EC5    | Retention of ecological features and creation of new habitats  |
| BE8    | Planning applications for alteration or extension of listed buildings                                  |
| BE9    | Listed building consent applications for alterations or extensions                                     |
| BE10   | Proposals detrimental to the setting of a listed building  |
| BE12   | Proposals for alternative use (to original historic use) of statutorily listed buildings               |
| BE13   | New development must harmonise with the existing street scene.   |
| BE15   | Alterations and extensions to existing buildings   |
| BE18   | Design considerations - pedestrian security and safety   |
| 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.  |
| OE1  | Protection of the character and amenities of surrounding properties and the local area   |
| H3   | Loss and replacement of residential accommodation  |
| H4   | Mix of housing units   |
| H7   | Conversion of residential properties into a number of units  |
| R17  | Use of planning obligations to supplement the provision of recreation, leisure and community facilities  |
| AM2  | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity  |
| AM7  | Consideration of traffic generated by proposed developments.   |
| AM8  | Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes   |
| AM13 | AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -<br>(i) Dial-a-ride and mobility bus services<br>(ii) Shopmobility schemes<br>(iii) Convenient parking spaces<br>(iv) Design of road, footway, parking and pedestrian and street furniture schemes |
| AM14 | New development and car parking standards.   |
| AM15 | Provision of reserved parking spaces for disabled persons  |
| HDAS | HDAS: Residential Layouts and Accessible Hillingdon  |
| SPD  | Planning Obligations Supplementary Planning Document, July 2008  |
| SPG  | SPG: Community Safety by Design  |

### **3            13            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **4            15            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:  
carry out work to an existing party wall;  
build on the boundary with a neighbouring property;  
in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

**5            16                    Property Rights/Rights of Light**

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

**6            111                    The Construction (Design and Management) Regulations 1994**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

**7            112                    Notification to Building Contractors**

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

**8            115                    Control of Environmental Nuisance from Construction Work**

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

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

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

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

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic

Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**9**            I16            **Directional Signage**

You are advised that any directional signage on the highway is unlawful. Prior consent from the Council's Street Management Section is required if the developer wishes to erect directional signage on any highway under the control of the Council.

**10**            I17            **Communal Amenity Space**

Where it is possible to convey communal areas of landscaping to individual householders, the applicant is requested to conclude a clause in the contract of the sale of the properties reminding owners of their responsibilities to maintain landscaped areas in their ownership and drawing to their attention the fact that a condition has been imposed to this effect in this planning permission.

**11**            I18            **Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans. For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

**12**            I19            **Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

**13**            I24            **Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

**14**            I34            **Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

## **15            I47            Damage to Verge**

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

## **16            I48            Refuse/Storage Areas**

The proposed refuse and recycling storage areas meet the requirements of the Council's amenity and accessibility standards only. The proposed storage area must also comply with Part H of the Building Regulations. Should design amendments be required to comply with Building Regulations, these should be submitted to the Local Planning Authority for approval. For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250400).

## **17**

The applicant is encouraged to re-use materials from the stable block for the building works hereby approved.

The applicant is advised that localised flooding can occur around the location of the mews housing.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The 0.41 hectare application site comprises Highgrove House, together with its grounds, located to the south east of Eastcote Road and west of Kent Gardens. The application site previously formed part of a larger site, including land to the north of the access road. This has now been redeveloped to provide a sheltered housing scheme known as Yew Tree Lodge.

Highgrove House is a two storey Grade II listed building, which dates from 1881, but was gutted by fire in 1978. Following use by Hillingdon Council to provide bedsits, the building had been vacant for a number of years, but is now being redeveloped for residential use, including the conversion of the listed building to flats, together with the erection of two blocks of mews housing, implementing the extant planning and listed building permissions.

Access is from an internal access road from Eastcote Road. The access road sweeps around into the site, between Highgrove House and the adjoining recently constructed Yew Tree Lodge to the north, providing an access and adjoining parking for both buildings. Yew Tree Lodge is a purpose built two storey L-shaped building, with 12 units of sheltered accommodation for people with learning difficulties, together with office and staff accommodation. Planning permission for this building was approved at the same time as the original applications on the application site and formed part of the wider redevelopment proposals for the Highgrove House site.

The site slopes gently from east to west. It contains a number of trees which are more dense on the south and west boundaries, where the site abuts the wooded area of the Highgrove Site of Importance for Nature Conservation (SINC). To the east, the site adjoins two storey houses on Kent Gardens, while to the north, beyond a public footpath, is the former RAF Eastcote site which is currently being developed for residential purposes.

The majority of the application site forms part of the developed area, although the lawn area to the west of the house is designated as being a Nature Conservation Site of Borough Grade II or Local Importance as identified in the saved UDP.

#### **3.2 Proposed Scheme**

This application seeks permission for the revised siting and design of the 2, two-storey blocks of mews housing. As the relationship of the mews houses with the adjoining properties in Kent Gardens was incorrectly shown on the plans approved as part of the original permission, this application has now been amended to show the correct relationship. Works have already commenced on site, including work on the mews housing in their revised positions, therefore this application is retrospective. The developers have however signed a legal undertaking, in which they undertake not to allow further construction/development of Block A without the benefit of planning permission.

As compared to the siting previously approved as part of the original permission (refs. 10622/APP/2006/2490 and 2009/2504), the whole of the L shaped building (Block A) would move slightly further north, by about 150mm and its northern limb would increase in width from some 5.1m to 5.8m. The gable end elevation facing Kent Gardens would be sited approximately 1.5m further to the west, away from the rear boundary with residential properties on Kent Gardens. The whole of Block B would move by approximately 1m to the west.

The elevations of these blocks had not been worked up in detail on the original application, which necessitated the imposition of condition 11 requiring the submission of the detailed design, fenestration and materials of the mews housing. From the approved detailed plans, the main changes show that the previously proposed flat roofed half dormers would now have pitched roofs and the roof area comprising solar panels has been reduced, with one panel for each house, and in positions on the roof slopes that do not face the listed Highgrove House. Further amended plans have also been received which show the northern wing of Block A with a half-hipped roof. Furthermore, on the north elevation of Block A, in addition to the shortening of this elevation, the Juliette balcony with French doors would be switched to the eastern window, the two separate window openings below have been joined and one of the first floor windows in the gable has been omitted. On the eastern elevation, a door to the gable end and a skylight window in the internal angle of the roof has been added and a ground floor window has been omitted on the western wing. On the south elevation, a door and first floor window have been added to the northern wing. As regards Block B, two rooflight windows have been added to the south elevation and on the north elevation, a first floor Juliette balcony with French doors has replaced a window at its eastern end.

This application also includes the details, up-dated as necessary, which have previously been submitted to and approved, discharging all but one of the pre-commencement conditions.

### **3.3 Relevant Planning History**

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

Applications for planning permission and listed building consent (refs. 10622/APP/2006/2490 and 2491) were originally presented to the North Planning Committee meeting on the 09/01/07 for the refurbishment and conversion of Highgrove House to 12 residential units comprising 1 studio, 6 one-bedroom, 2 two-bedroom and 1 three-bedroom flats and 2 two-bedroom maisonettes, together with the erection of 4 two-bedroom mews dwellinghouses in two blocks on the eastern boundary of the site. The works included associated amenity space, off-street parking and landscaping and involved the demolition of a detached stable building at the rear of Highgrove House. Members resolved to grant permission and listed building consent and these were issued on the 11 and 12/01/07 respectively.

Also presented to this committee was application ref. 10622/APP/2006/2494 on the adjoining site to the north of the access road for the erection of a two storey building to provide 12 residential flats for people with learning difficulties, communal amenity space, ancillary office and staff accommodation and landscaping (involving the demolition of the existing hostel building). This was also granted on the 11/01/07 and the scheme has been implemented on site.

Subsequently, applications seeking to extend the time limits of the un-implemented planning permission and listed building consent at Highgrove House were presented to the North Planning Committee meeting on the 04/02/10 and these were approved on the

11 and 12/02/10 respectively (refs. 10622/APP/2009/2504 and 2506).

In total, four applications have been submitted seeking to discharge the various pre-commencement conditions attached to the renewed planning and listed building consent permissions, namely:

10622/APP/2010/657 - Details in compliance with conditions 2 (external materials), 5 (demolition and construction plan), 7 (cycle storage), 8 (storage of refuse), 17 (parking arrangements), 24 (parking provision) and 34 (protected species) of planning permission ref: 10622/APP/2009/2504 was approved on 12/05/11.

10622/APP/2010/887 - Details in compliance with conditions 4 (existing and proposed levels), 6 (fencing and gates), 10 (fenestration), 11 (detailed design and layout of mews housing), 18 (tree survey), 20 (protective fencing), 21 (landscape scheme), 23 (landscape maintenance), 26 (elevations), 32 (sustainability measures and renewable energy) and 35 (sustainable homes assessment) was approved on 31/05/11.

10622/APP/2010/1179 - Details in compliance with condition 7 (building protection measures) of Listed Building Consent: 10622/APP/2009/2506 dated 12/02/2010 - Approved 11/05/11

10622/APP/2010/2583 - Details in compliance with conditions 27 (improvement of community facilities), 28 (education contribution), 29 (improvements to local healthcare provision), 30 (enhancements to Highgrove Woods) and 31 (provision of construction training) of planning permission ref: 10622/APP/2009/2504 dated 11/02/10 - Approved 17/05/11.

It was first brought to the attention of the Local Planning Authority that works had commenced on the mews houses at the end of March 2011. A temporary stop notice was served on the 14/04/11 requiring the cessation of works to Block A. On 11 May 2011, the developers agreed to enter into a legal undertaking preventing the developers from undertaking further works on Block A until planning permission for the re-siting of the mews blocks had been obtained. No further enforcement action has been taken.

#### **4. Planning Policies and Standards**

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Statement 22: Renewable Energy

Planning Policy Guidance 13: Transport

London Plan (February 2008)

London Plan: Interim Housing Supplementary Planning Guidance, April 2010

Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)

HDAS: Residential Layouts

HDAS: Accessible Hillingdon

Planning Obligations Supplementary Planning Document, July 2008

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

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

Part 1 Policies:



- PT1.6 To safeguard the nature conservation value of Sites of Special Scientific Interest, Sites of Metropolitan Importance for Nature Conservation, designated local nature reserves or other nature reserves, or sites proposed by English Nature or the Local Authority for such designations.
- PT1.9 To seek to preserve statutory Listed Buildings and buildings on the Local List.
- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.15 To enable the conversion of residential properties to create more units, provided the additional units are suitable to live in and the character of the area and amenities of the adjoining occupiers are not harmed.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing.
- PT1.35 To accord priority to pedestrians in the design and implementation of road construction and traffic management schemes, and to seek to provide a network or cycle routes through the Borough to promote safer cycling and better conditions for cyclists.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS9 Biodiversity and Geological Conservation
- PPS5 Planning for the Historic Environment
- LP London Plan (February 2008)
- LP SPG London Plan: Interim Housing Supplementary Planning Guidance, April 2010
- EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves
- EC2 Nature conservation considerations and ecological assessments
- EC3 Potential effects of development on sites of nature conservation importance
- EC5 Retention of ecological features and creation of new habitats
- BE8 Planning applications for alteration or extension of listed buildings
- BE9 Listed building consent applications for alterations or extensions
- BE10 Proposals detrimental to the setting of a listed building
- BE12 Proposals for alternative use (to original historic use) of statutorily listed buildings

|      |  |
|------|--|
| BE13 | New development must harmonise with the existing street scene.   |
| BE15 | Alterations and extensions to existing buildings   |
| BE18 | Design considerations - pedestrian security and safety   |
| 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.  |
| OE1  | Protection of the character and amenities of surrounding properties and the local area   |
| H3   | Loss and replacement of residential accommodation  |
| H4   | Mix of housing units   |
| H7   | Conversion of residential properties into a number of units  |
| R17  | Use of planning obligations to supplement the provision of recreation, leisure and community facilities  |
| AM2  | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity  |
| AM7  | Consideration of traffic generated by proposed developments.   |
| AM8  | Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes   |
| AM13 | AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -<br>(i) Dial-a-ride and mobility bus services<br>(ii) Shopmobility schemes<br>(iii) Convenient parking spaces<br>(iv) Design of road, footway, parking and pedestrian and street furniture schemes |
| AM14 | New development and car parking standards.   |
| AM15 | Provision of reserved parking spaces for disabled persons  |
| HDAS | HDAS: Residential Layouts and Accessible Hillingdon  |
| SPD  | Planning Obligations Supplementary Planning Document, July 2008  |
| SPG  | SPG: Community Safety by Design  |

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

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

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

## **6. Consultations**

### **External Consultees**

16 neighbouring properties in Kent Gardens have been consulted. Two petitions with 23 and 53

signatories and responses from 10 neighbouring occupiers and interested parties have been received.

The first petition with 23 signatures states:

'We the undersigned wish to be represented at the North Planning Committee meeting re. 10622/APP/2010/1822 Highgrove House, Eastcote. The changes to the footprint will cause loss of light to amenity space and rooms of neighbouring properties.'

The second petition with 53 signatures states:

'Petition to object to planning application to erect 4 new 2-3 storey town houses immediately behind maisonettes in Kent Gardens.'

The planning application details are:

Planning ref 10622/APP/2006/2490 and listed building consent (ref 10622/APP/2006/2491) granted for the conversion of Highgrove House into 12 residential units, together with 4 new mews houses (located to the east and south east of the main house) on 11th January 2007. The approvals were renewed on 12 February 2010 (refs 10622/APP/2009/2504 and 10622/APP/2009/2506). A further application ref 10622/APP/2010/1822 relating to minor changes to the design and positioning of the new houses is currently under consideration.

Reason for objection

Planning permission had been granted to the developer to erect 4 town houses in the surrounding grounds of Highgrove House. Over the course of the last six months building work has gone on behind the properties in Kent Gardens to put up the 2-3 storey town houses. These properties are being built directly up against the back garden fences and along the pathway leading to the back gardens and alongside garages. These buildings not only will block out natural light but will intrude on the privacy of affected properties and be an eyesore, not to mention significantly devalue the properties.

The developer has also illegally cut down 'screening' trees between properties and the new development which were protected under a preservation order.

We would like to get the original planning permission revoked and the part-built houses taken down and new, established trees replanted in the original positions.

Please sign below if you object to the new town houses and are in support of our request.'

The individual responses raise the following points:-

- (i) There is a very active and extensive badger sett close to the site. The original planning documents did not refer to a badger sett at all and now have an Ecological and Construction Management Plan (ECMP) which has comprehensive details showing Block B within single figure metres of badger holes, although main badger sett is close to boundary fence, not as shown in the ECMP. I believe a mistake (or worse) was made in granting permission for a building so close to an active sett that is in a nature reserve. Not sure whether changes are better or worse;
- (ii) The proposed site plan is inaccurate, like that of Wimpey's on the RAF site;
- (iii) Highgrove House is only 22m from 28 Kent Gardens and to squeeze 2 two-bedroom semi-detached houses within 22m represents overdevelopment;
- (iv) Location of mews housing has changed significantly from original plans. The re-siting of these blocks will have a significant detrimental impact upon on the enjoyment of residents in Kent

Gardens due to overlooking and overdominance. Adjoining residents understood that building would not encroach more than 1m past the adjoining garages next door to Nos. 28/28a Kent Gardens. If building is allowed to continue, Nos. 28 - 29 Kent Gardens would lose natural light and the building will overlook their bedrooms/kitchens, as well as generally being sited uncomfortably close to these properties. Block A would only be 7m from corner of 28 Kent Gardens which is unacceptable and insufficient to accord with guidelines;

(v) New buildings will intrude on privacy and block natural light to No. 27 Kent Gardens;

(vi) Proximity of building will result in noise pollution to adjoining residents;

(vii) On 25/03/11, the Council was made aware that Block A was being built approximately 1.5 metres nearer to 28 Kent Gardens than shown on the original plans. The building work was stopped for a short time but has proceeded at pace. Advice to builder to stop has fallen on deaf ears, because he knows that once building is erected, even though illegally, the chances of him being ordered to take it down are nil. A temporary stop notice should be served immediately;

(viii) The only way the developer can agree a way forward with the Council is if they say how and when they intend to remove the building. A full stop notice should be served by the committee, and no member of that committee should be allowed to have an opinion without first having visited 28 Kent Gardens and reminding themselves of the following - Paragraph 4.9 of the HDAS: Residential Layouts advises that all residential developments and amenity space should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impacts of overbearing and overshadowing. Where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination. Generally, 15m will be the minimum acceptable distance between buildings and furthermore, a minimum 21m overlooking distance should be maintained;

(ix) Developer has ignored the original planning permission for commercial gain in hope that neighbours would not complain;

(x) Proposal will set precedent for future developers to build first and worry about permissions later;

(xi) HSE precautions are lacking on site;

(xii) Brickwork is poor;

(xiii) Buildings are an eyesore;

(xiv) Works may have been alleviated if the trees that backed onto adjoining properties and were protected had been left alone instead of being ripped down, along with a small colony of bats that had been living in them for many years;

(xv) Neighbours have had to overlook a building site for some time now and have to leave blinds down and curtains closed throughout the day due to privacy concerns with builders being on site from 7:00am;

(xvi) Works will significantly devalue adjoining property and rental values;

(xvii) Eastern gable elevation of Block A has been built closer to the boundary than the 2m that the amended plans suggest;

(xviii) Revised plans show no alteration to siting of Block A, just only correct the original error made to the positioning of the properties in Kent Gardens. If Kent Garden properties had been shown correctly, original application would not have been granted. Despite my initial objection back in 2006, you now expect me to accept the error made which means from now on I must be completely deprived of daylight and privacy and live with an eyesore for the rest of my life. My garden at No. 28 is less than 15 foot long so this has a massive impact.

NICK HURD MP:

I have been contacted by several constituents who are very concerned about the above building application.

I understand that a temporary stop notice has been issued regarding Block A. As you are no doubt aware, the rear of this building is extremely close to 28 Kent Gardens - in fact it will probably mean that this ground floor maisonette will have virtually no daylight coming in to the rear of the property.

I am writing to request that the North Planning Committee make a site visit before a determination is reached.

WARD COUNCILLOR:

First Response:

Initially requested application be considered by committee given proposal to install electronic gates but request was withdrawn following omission of these gates.

Second Response:

You will remember that I was on the committee that approved the original application for this site. The current works are in a completely different location and are not acceptable. In fact these building works are actually in a different location to that outlined in the new application. I'm surprised that a stop notice has not been served, as the development is now too close to the neighbouring properties and could affect the listed building next door.

On a personal note, I have no doubt that the committee will not approve the current works and if officers visited the site it would be perfectly clear to them that a new application for the current site would not receive their recommendation for approval, especially as it's being built contrary to the amended plans.

We need to be more pro-active in these matters and prevent developers from doing whatever they want, and they must be told, in no uncertain terms (via a stop notice if necessary) that these particular works are unacceptable.

If we continue to use the excuse that we may be held liable for wrong decisions, even if those decisions was made in good faith, we are failing in our duty and are letting the residents down, which once again is not acceptable.

If we make a decision to halt inappropriate works, which for whatever reasons are then allowed on appeal, then at least we can say we've tried which will, without doubt, attract the support of the residents we're trying to serve, rather than their continued anger at our inability to take positive action.

Note: Comments were also made by the Ward Councillor regarding an application in Rushdene Road and have been omitted from the above comments.

Third Response:

The above planning application refers to a development to the rear of Highgrove House, Lidgould Grove, Eastcote. This application is just one of a series of applications that have resulted in the building of two blocks of houses that fail to comply with the original permissions.

As a result, the LPA have served a series of 'stop notices' on the developers and the above application now awaits determination.

I ask that this matter be determined by the North Planning Committee and that before any decisions are made, the committee carry out a site visit to investigate the impact these unlawful buildings have already made on the area in general and the houses and residents of Kent Gardens, situated to the rear of the development, in particular.

EASTCOTE VILLAGE CONSERVATION PANEL:

### First Response

Many of the changes are being made at the request of the Principal Conservation & Urban Design Officer, LBH, and we support all of this officer's requests.

However, we are extremely concerned with the new proposal to add electronic gates. Highgrove House is a Grade II listed building, and has considerable historic interest. It is not acceptable to shut this building away from the community. This action would also shut away the assisted housing unit, already occupied on the site. Have the occupants of this building and their families been consulted. Surely this will cause them all great inconvenience.

If there are concerns regarding security, may I suggest that the applicants ask advice from Frank Freeman, Crime prevention Design Advisor, Metropolitan Police Service. I believe at the outline stage of this development Mr. Freeman recommended a very workable plan.

We would ask that the electronic gates be refused.

### Second Response

The matter of disturbance to a long standing badger sett was raised at the last meeting of the Friends of Warrender Park/Highgrove Woods MAG. Can this be looked at within the current planning application?

### Third Response

This application is to alter the position slightly of blocks A & B, and to date has not been determined.

Building work has started on both of these blocks which is giving great cause for concern.

#### Block A.

Situated to the rear of 28 Kent Gardens. I visited the site today and block A is definitely being built approximately 1.5 meters nearer to 28 Kent Gardens than shown on the drawings. The drawings are also incorrect as they show 28 Kent Gardens as having a much longer garden than it actually has. I believe that a line has been missed out showing the rear building line of 28.

The current position of Block A will block the light from 28 Kent Gardens which is a ground floor maisonette, also from the amenity space which is no more than 3 metres in length. This is not acceptable.

I attended the site visit when Outline Planning Permission was being sought. Members of the North Planning Committee were assured that these new buildings would be situated behind the Kent Garden Garage Block, and partly across the driveway to the garages and would not take light from the existing dwellings.

#### Block B.

This block was causing problems with the established badger sett in Highgrove Woods, although Natural England have approved the recently submitted mitigation plan, now that building works have started, without planning permission, please can the positioning etc be checked to ensure that no harm is being made to the sett.

Please can we ask that a stop be put on these elements of the project immediately, until matters are resolved.

## RUISLIP, NORTHWOOD & EASTCOTE LOCAL HISTORY SOCIETY:

### First Response:

Concern expressed that they have not been consulted on this application, even though it concerns a listed building and the apparent lack of public consultation. The Society may wish to respond on this application.

### Second Response:

The footprint of one block has been adjusted to be further away from the boundary fence with Kent Gardens. But our opinion is still, as was stated in our original letter of 9 January 2007, that both blocks are very close to Highgrove House. This will be detrimental to the appearance and setting of this Grade II listed building. We are pleased that it has been specified that the materials to be used for the new houses are to be in keeping with those used for Highgrove House. We would like to stress how important it is that this is monitored so that the development is sympathetic to a historical site.

We are also pleased to note that pitched dormer roofs have been added so that they will be more in keeping with Highgrove House. However we would question whether the provision of juliet balconies on the mews houses will be sympathetic with the appearance of Highgrove House.

Our main concern is the addition of steel entrance gates for both pedestrians and vehicles, which will cut off the whole site including the recently constructed supported housing unit and Highgrove House. This was not part of the original application and we feel such a major change should not be proposed now. They will detract from the overall look of the site and be out of keeping with the setting for an important historical building. Such an area should be part of the community not barricaded behind security gates and fences.

### **Internal Consultees**

#### CONSERVATION AND URBAN DESIGN OFFICER:

COMMENTS: The minor changes to the position of blocks A and B would not have any significant impact on the setting of Highgrove House. The changes to the roof form of Block A would again have little impact on the setting of the main house or the architectural quality of the new block. The introduction of solar panels to the roof slopes of both of the new buildings would now be acceptable in the positions shown as they can not be viewed with the listed house.

The drawings of the gates and piers to the main entrance are no longer relevant and no longer form part of this application.

CONCLUSION: No objection to revised design or siting.

#### TREE OFFICER:

##### Original Comments:

The revised layout and associated details of tree protection and landscaping are described in the plans and documents attached to the applicant's e-mail of 13 May 2011 (see below). In relation to the approved scheme and hence the remainder of the site (other than Block A), the tree-related and landscaping details are approved. Therefore, these observations relate specifically to the revised layout of Block A.

The revised layout, tree protection and landscaping plans show existing trees (part of groups G5

and G6) retained. However, these trees no longer exist.

The plans should, therefore, be revised to show the current situation and to show additional landscaping including new small trees, where appropriate, taking account of the site constraints, in replacement of the trees in groups 5 and 6 and a row of 3m-high laurels along the site boundary between the end/flank wall of Block A and the boundary fence of the neighbouring properties in Kent Gardens.

The laurels should be allowed to grow to a height of 3.5-4m and thereafter be maintained at a height of 3.5-4m. Such tree/shrub planting would provide a low-mid level (3.5-4m high) screen/buffer in that location.

Given the site constraints, in particular the limited space (2.4m-wide strip of land, with a path/ramp to the back/side door in the end/flank of Block A), there is no scope for tree planting in that location. Hence, the planting of large evergreen shrubs (laurel) is suggested.

If necessary, the landscape management plan should be amended to reflect these changes to the landscaping scheme.

Revised Comments:

These amended plans address the TLP points raised in my observations (e-mail) of 23 June 2011.

The revised scheme is acceptable in terms of Saved Policy BE38 of the UDP.

SUSTAINABILITY OFFICER:

Following Natural England's confirmation that the latest details submitted in order to discharge condition 34 (protected species) of planning permission ref: 10622/APP/2009/2504 are adequate to safeguard protected species, particularly the adjoining badger sett, I have no objections to the proposed variation.

## **7. MAIN PLANNING ISSUES**

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

This scheme was originally granted permission in January 2007 and renewed in February 2010. As such, this application to amend the siting and design of the mews housing does not raise any in principle matters.

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

This scheme does not alter the unit or habitable room density of the original development previously approved.

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

The amended siting of the mews housing would not result in the new blocks being sited any nearer to the Grade II Listed Highgrove House. Furthermore, the revisions to the design of the blocks are considered to be acceptable. On this basis, the Council's Conservation and Urban Design Officer does not raise any objection to the revisions.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

### **7.06 Environmental Impact**

Not applicable to this application.

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



The revisions to the siting and design of the blocks would have minimal impact upon the character and appearance of the surrounding area. The re-siting of the blocks would reduce the front garden areas to the north of Block A and west of Block B and in the case of Block A, it would be very marginally more conspicuous as you entered the site but these changes would have a negligible impact, given the secluded nature of the site and the siting of the blocks, at the rear of the site and largely screened by Highgrove House.

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

The approved plans of the original permission on this site show two, two storey blocks sited at the rear of the site, close to the maisonettes on Kent Gardens.

At its nearest point, Block A was shown to be sited within 8m of the rear elevation of 28/28a Kent Gardens and 9m from the rear elevation of 27/27a. Although the officer's report on the renewal application ref. 10622/APP/2009/2504 noted that these distances are less than the 15m distance advocated by guidance, the report went on to advise that the block would be sited immediately to the rear of the garage block on Kent Gardens sited between these properties. As such, the 45° line of sight taken from the nearest rear facing habitable room windows would only be breached at relatively acute angles, so that the properties would maintain essentially unrestricted views down their rear gardens. The report also noted that there were mature trees and vegetation on the site boundaries that would provide screening.

The southern mews block (Block B) would have been sited some 16m from the rear elevations of Nos. 26-27 Kent Gardens. The report went on to advise that the proposed block would result in the overshadowing of the end of the rear garden of No. 27, but this impact would be minimal and would not constitute a ground for refusal.

The revised siting involves moving the whole of Block A very slightly north, by approximately 150mm, with the width of the northern wing of the L-shaped block increased from approximately 5.1m to 5.8m. This results in the northern side elevation of the block being sited some 850mm further to the north. The revised siting also involves setting the gable end of the northern wing some 1.4m further back from the boundary with properties in Kent Gardens. As regards Block B, the proposed resiting involves moving the whole block some 950mm further to the west, away from residential properties in Kent Gardens. If this were the only issue involved, it is considered that the revised siting of the blocks would be beneficial to adjoining properties in Kent Gardens as compared to the approved scheme as the blocks would be sited further away from the site boundaries, with the only adverse impact being that the side elevation of the northern wing of Block A would be moved 850mm further north to encroach further into the rear field of view from Nos. 28/28a, but this would be compensated by moving the nearest part of the building, its gable end elevation, 1.4m further back into the site.

However, since works have commenced on the mews blocks in their revised, albeit currently unauthorised positions, (works which have also involved the removal of a number of trees and shrubs along this boundary), complaints have been received that the blocks are too close to adjoining houses and do not accord with the submitted plans. Measurements taken on site reveal that the blocks have been sited correctly in terms of their positioning relative to Highgrove House, but it is the siting of surrounding properties that have been shown incorrectly within the original application. In particular, the maisonette block comprising Nos. 26/26a/27/27a was shown some 1m further to the east and some 1.3m further to the north and the maisonette block comprising Nos. 28/28a/29/29a was shown 2.06m further north and 0.9m further east than their actual positions. In such circumstances, it would be difficult to argue that the mews blocks had

not been positioned correctly to accord with the approved plans. The issue lies with the siting of those properties outside of the application site which were incorrectly depicted and approved as part of the original application.

As a consequence, planning permission was granted for Block A in a position which at its nearest point would be sited 6.15m from the rear elevation of Nos. 28/28a Kent Gardens to the north of the garage court and it would encroach further into its rear outlook. The proposed revised siting would bring the block a further 950mm across so that the side elevation of the block roughly aligns with the side elevation of 28/28a Kent Gardens, but the separation distance would increase to 7.5m. As regards Nos. 27/27a Kent Gardens to the south of the garage court, permission was actually granted for Block A at its nearest point some 8.4m from the nearest corner of the adjoining maisonette block although with the correct siting of these properties, the proposed block would encroach less into their rear field of view.

As regards the impact upon privacy, no first floor windows are proposed in the gable end elevations of the mews housing blocks facing Kent Gardens. Furthermore, the northern side elevation of Block A has moved further north, but further away from the rear boundaries of Nos 28 - 29 Kent Gardens and it is considered that overall, there would be no appreciable increase in the potential for overlooking. The additional windows and skylights proposed would also be to building elevations that would not face the adjoining properties in Kent Gardens. The only exception to this would be the new skylight window on Block A, but this would directly face the adjoining garage court. A submitted cross section plan shows that the internal floor height would not allow overlooking of adjoining properties. Furthermore, the potential view of the rear elevation and garden at Nos. 28/28a would effectively be screened by the roof of the northern limb of the building and the window would be sited at too acute an angle to afford any potential to overlook the rear elevation and garden of No. 27 Kent Gardens. As such, the proposed alterations would not have any significant implications for the privacy of adjoining properties.

A meeting was held with the developers where possible mitigation measures were discussed. The roof has changed on Block A from full gable ends to a half gabled roof. As a result, its roof bulk would reduce and the distance between the highest part of the building at its ridge and the rear elevations of Nos. 28/28a Kent Gardens would increase from 6.8m as the scheme was approved with the maisonettes in their correct position to 9.8m. Sun on the ground diagrams have been also been prepared, comparing the approved scheme with the revised siting. They show that the extent of the overshadowing in the rear garden of No. 28 Kent Gardens is similar, with most of the rear garden being overshadowed by 2:00 in the afternoon, although the rear elevation of No. 28 would begin to be overshadowed slightly later in the afternoon from about 2:30 as opposed to 2:00 with the approved scheme, although on the revised scheme, slightly more of the rear garden is affected, particularly at the end of the garden. However, if the trees previously on site are taken into account then it is clear that 28/28a Kent Gardens was already overshadowed by the trees more than the impact of the proposed building. This is very important when considering the impact of the building on the amenity of the occupiers of 28/28a Kent Gardens.

Furthermore, the scheme as approved, although it did show trees to be retained along the boundary with Kent Gardens with only a 1.0m separation distance between the gable on Block A and the boundary with Kent Gardens, it did not allow for any landscaping to screen the nearest part of the building, particularly as the side gap was shown to provide rear access. The Tree Officer advises that the increased separation distance would allow for some screening to be provided in this space and although the space would still not

support tree planting, a problem compounded by the presence of a sewer, a laurel hedge could be planted with 3m high shrubs that could be allowed to grow to a height of 3.5 to 4.0m to provide some screening to the development along this boundary. It is considered that this screening would not be likely to result in any greater overshadowing of adjoining properties than the trees and shrubs that have been removed. An amended landscape plan has been received to show this detail, together with a number of replacement trees along this boundary.

It is therefore considered that the proposed revisions would have at least a neutral impact and with the laurel screen, possibly a reduced impact upon adjoining properties in terms of the planning permission that has been granted.

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

The proposed alterations to the siting of Block A would not significantly alter the internal floor area of the houses, which would retain floor areas in excess of 90sqm which satisfies the 63sqm. minimum space required by design guidance. The internal floor areas in Block B would not alter.

As regards private amenity space, there would be little material change, with a very slight increase in the size of rear gardens to these properties.

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

The revision to the siting of these blocks would not affect parking arrangements.

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

These issues are dealt with in Sections 7.03, 7.07 and 7.22.

#### **7.12 Disabled access**

The proposed changes do not impede disabled access.

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

Not applicable to this application.

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

Although Groups G5 and G6 at the rear of the site on the boundary with Kent Gardens have been removed and were previously shown to be retained, the Tree Officer has not raised any objection to their loss subject to replacement planting. An amended Landscape Scheme has been submitted which shows a laurel hedge along this boundary, with 3m high specimens to be planted and allowed to grow to a height of 3.5 to 4.0m. Two replacement trees would also be planted. On this basis, the Tree Officer does not raise any objection to the scheme.

An initial concern raised to the scheme in general was the impact upon an adjoining badger sett in Highgrove Woods. This was investigated and closely monitored and a number of additional ecological reports and information were submitted, the end result of which is that English Nature were satisfied with the mitigation measures proposed and condition 34 of 10622/APP/2009/2504 which required a detailed ecology assessment was able to be discharged.

As regards one of the neighbours concerns that the removed trees on the boundary with Kent Gardens did contain bats, this would be a civil matter and for it to be taken any further, sufficient evidence would need to be available that this was indeed the case.

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

Not applicable to this application.

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

Previous conditions relating to renewable energy and sustainability have been discharged

and the details, revised as necessary, have been included within this application.

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

Not applicable to this application.

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

The development is for the revised siting and design of the mews housing. Given the nature of the revisions, no noise or air quality issues are raised by this application.

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

The points raised by the petitioners have been dealt with in the main report.

As regards the individual comments, points (i) to (viii), (xiii), (xiv) and (xviii) have been dealt with in the main report. Points (ix) and (xv) are noted. As regards point (x), each application has to be considered on its individual merits. Points (xi) and (xvi) do not raise a material planning considerations. In terms of Point (xii), it is considered that the quality of the brickwork is acceptable. As regards point (xvii), the siting has been measured by officers on site and professionally surveyed since inaccurate plans came to light and is accurate.

#### **7.20 Planning Obligations**

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) states that: 'The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals'.

A Unilateral Undertaking was signed on the 8th November 2010 as part of the renewal application (ref. 10622/APP/2009/2504) in order to discharge conditions 27 to 31 and the financial contributions sought in order to improve community and education facilities, local healthcare provision, enhancements to Highgrove Woods and construction training have been paid. There is therefore no need for a deed of variation as the requirements of this development under Policy R17 of the saved UDP have been satisfied.

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

As it is considered that the revised siting and design of the mews blocks are acceptable, there is no requirement for further enforcement action.

#### **7.22 Other Issues**

The only pre-commencement condition which has not been discharged is Condition 33 of 10622/APP/2009/2504 which requires the submission of a CCTV scheme before work commences. The applicants advise that they do not intend to instal a CCTV scheme and given that this is a residential scheme, where it is not standard practice to require such a security measure, it is considered that the condition should not be attached to any new permission, as a CCTV scheme could be intrusive for future residents.

### **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**

## **10. CONCLUSION**

The revised siting and design of the two mews housing blocks would not be detrimental to the setting of the listed Highgrove House.

The revised siting of Block B represents an improvement in terms of the approved scheme as it moves the block further away from adjoining residential properties.

Although the revised siting of Block A in relation to adjoining residents, particularly Nos. 28 and 28a Kent Gardens is less than ideal, as planning permission has already been granted for Block A in a position that has a greater adverse impact upon adjoining properties, the revised siting, coupled with the mitigation measures proposed as part of this application, is considered to represent an improvement in terms of the permission that has been granted.

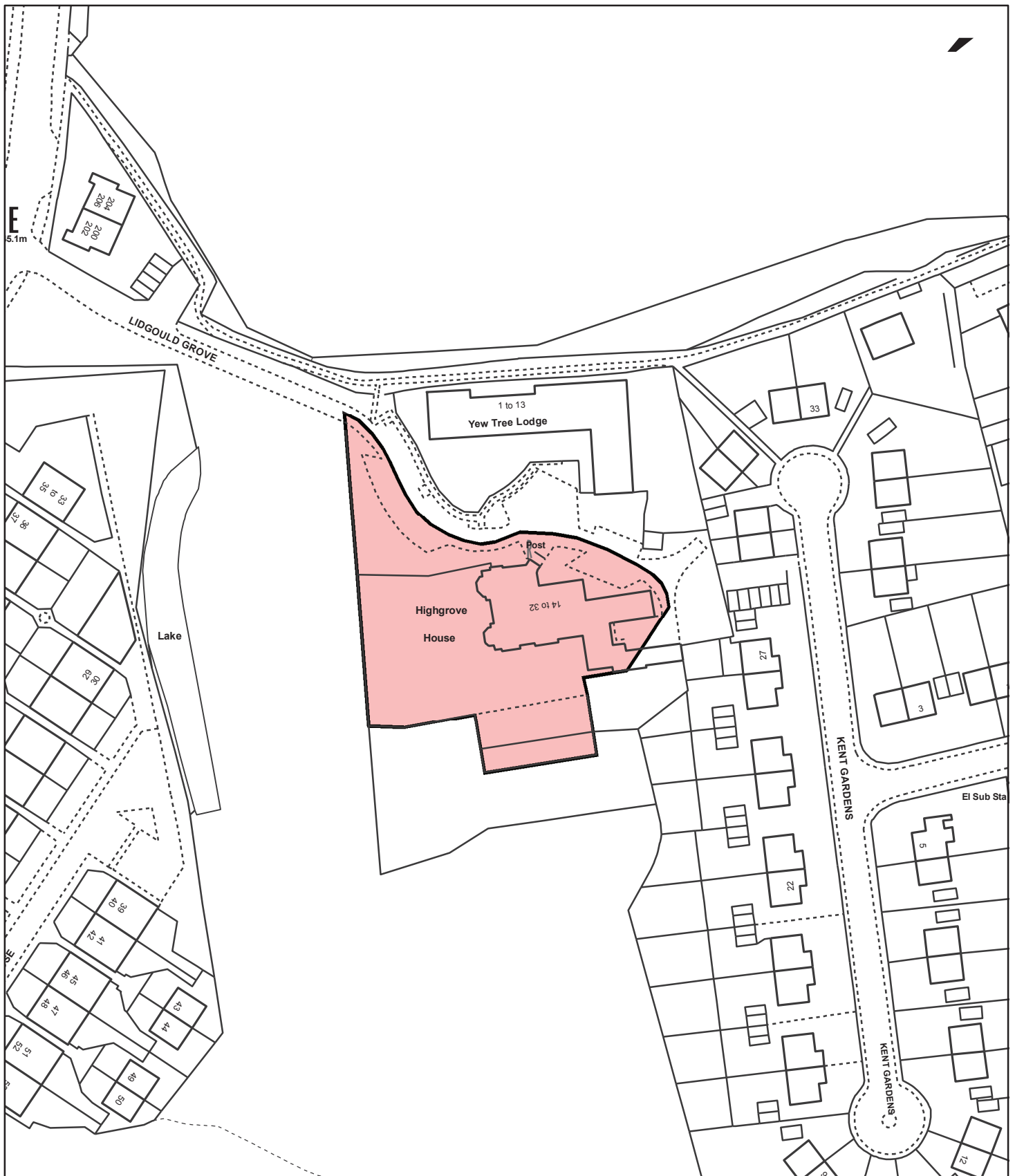
The application is recommended accordingly.

## **11. Reference Documents**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing  
Planning Policy Statement 5: Planning for the Historic Environment  
Planning Policy Statement 9: Biodiversity and Geological Conservation  
Planning Policy Statement 22: Renewable Energy  
Planning Policy Guidance 13: Transport  
London Plan (February 2008)  
London Plan: Interim Housing Supplementary Planning Guidance, April 2010  
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)  
HDAS: Residential Layouts  
HDAS: Accessible Hillingdon  
Planning Obligations Supplementary Planning Document, July 2008  
Consultation responses

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230



|  |  |  |   |
|--|--|--|---|
| <p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100019283</p> | <p>Site Address</p> <p align="center"><b>Highgrove House<br/>Eastcote Road<br/>Ruislip</b></p> |  | <p><b>LONDON BOROUGH<br/>OF HILLINGDON</b></p> <p align="center"><b>Planning,<br/>Environment, Education<br/>&amp; Community Services</b></p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW<br/>Telephone No.: Uxbridge 250111</p> |
|  | <p>Planning Application Ref:</p> <p align="center"><b>10622/APP/2010/1822</b></p>              | <p>Scale</p> <p align="center"><b>1:1,250</b></p>  |  <p align="center"><b>HILLINGDON</b><br/>LONDON</p>  |
|  | <p>Planning Committee</p> <p align="center"><b>North</b></p>                                   | <p>Date</p> <p align="center"><b>July 2011</b></p> |   |