

Report of the Head of Planning & Enforcement Services

Address 39 HIGHFIELD DRIVE ICKENHAM

Development: Demolition of existing property and ther erection of a two storey, with rooms in roofspace, six bedroom detached dwelling.

LBH Ref Nos: 67201/APP/2010/1803

Drawing Nos: Design & Access Statement
01B (Existing Survey)
01A (Location & Existing Roof Plan) Received 29-09-2011
02A (Proposed Floor Plans and Front Elevation) Received 29-09-2011
03A (Proposed Roof Plan and Rear and Side Elevations) Received 29-09-2011

Date Plans Received: 03/08/2010 **Date(s) of Amendment(s):** 03/08/2010
Date Application Valid: 29/09/2010 29/09/2010
29/09/2011

1. SUMMARY

Planning permission is sought for the erection of a 6 bedroom detached house. The proposed house, would provide a satisfactory standard of accommodation for future occupiers and would not harm the amenities of nearby residents. With the proposed amendments, it is considered that the development would relate satisfactorily with the character and appearance of other houses in the street, the street scene and surrounding area generally.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 OM1 Development in accordance with Approved Plans

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

REASON

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

3 M1 Details/Samples to be Submitted

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

REASON

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

4 MRD4 Single Dwellings Occupation

The development hereby approved shall not be sub-divided to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy H7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 OM13 Demolition Protocols

The applicant is to prepare a selective programme (or demolition protocol) to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed from the site safely and intact for later re-use or processing, which is to be submitted to the Local Planning Authority prior to the commencement of demolition work.

REASON

To establish an 'audit trail' for demolition materials based on an established Demolition Protocol which will encourage more effective resource management in demolition and new builds, in accordance with London Plan (July 2011) Policy 5.20

6 OM19 Construction Management Plan

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

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

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

REASON

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

7 OM2 Levels

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

REASON

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

8 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 37 and 41 Highfield Drive.

REASON

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

9 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).

10 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).

11 SUS4 Code for Sustainable Homes

No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that the dwelling has been designed to achieve level 4 of the Code has been submitted to, and approved in writing, by the local planning authority. The dwelling shall not be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3

12 SUS5 Sustainable Urban Drainage

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

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 5.13 of the London Plan (July 2011).

13 DIS5 Design to Lifetime Homes Standards & Wheelchair Standards

The residential units hereby approved shall be built in accordance with 'Lifetime Homes' Standards 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 (July 2011) Policies 3.1, 3.8 and 7.2

14 TL5 Landscaping Scheme - (full apps where details are reserved)

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

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

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures).

REASON

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

15 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).

16 H6 Car parking provision - submission of details

The development hereby approved shall not be commenced until details of parking for 2 cars have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the approved arrangements have been implemented. The approved details shall thereafter be installed on site and permanently retained and maintained.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM14, AM15 and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

17 NONSC Non Standard Condition

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval to the Local Planning Authority.

REASON

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

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 (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H7	Conversion of residential properties into a number of units
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
HDAS	Residential Developments
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 5.3	(2011) Sustainable design and construction
LPP 3.4	(2011) Optimising housing potential
LPP 3.8	(2011) Housing Choice
LPP 7.1	(2011) Building London's neighbourhoods and communities

3 I1 Building to Approved Drawing

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

4 I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

5 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

6 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).

7 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.

8 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the east side of Highfield Drive and comprises a detached 3 bedroom house. To the north lies 37 Highfield Drive and to the south lies 41 Highfield Drive, both detached houses. The street scene is residential in character and appearance comprising large detached houses set within spacious plots and the application site lies within the developed area as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of a six bedroom detached house, involving demolition of the existing house.

The proposed house would be set some 8m from the front boundary and 1m off the side boundaries. At ground floor level, it would measure 11.7m wide, 11.8m deep and be finished with a small crown roof 5.28m high at eaves level and 8.6m high at ridge level. At front, the proposed house would incorporate a two storey front projection set flush with the southern flank wall, measuring 4.5m wide, extending 2.1m from the front wall, and finished with a hipped ridged roof at the same height as the main roof ridge.

At first floor level, a centrally positioned first floor extension supported by columns, creating an entrance porch below, is proposed attached to the inner flank wall of the front projection. It would project 0.6m beyond the front projection and would measure 3.4m wide, 2.4m deep and finished with a hipped ridged roof set 1.75m below the main roof ridge. At rear, a part first floor rear extension is proposed set flush with the northern flank wall. It would measure 7.2m wide and 4.1m deep. The main crown roof would extend over this extension. The proposed part single storey rear element would be finished with a flat roof 3.2m high.

Two dormer windows are proposed in the rear roofslopes, one on the main roof and the other on the first floor rear extension. They would each measure 1.5m wide, 1.7m deep and finished with a canopy roof 1.9m high. They would be set 0.9m from the eaves, over 1m from the edges and 0.5m from the ridge, of the main roof.

A chimney stack is proposed along the north facing roofslope, casement windows are proposed at front and rear and French windows are proposed at ground and on the first floor rear elevation; the first floor window of which, has a Juliet balcony.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no planning history associated with this site.

4. Planning Policies and Standards

The London Plan (2008) under Policy 3.4 (Maximising the potential of sites) seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 7.1 and with public transport capacity. The London Plan: Interim Housing Supplementary Planning Guidance dated April 2010 provides further guidance on the interpretation of density guidelines, emphasising the importance of considering local context.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H7	Conversion of residential properties into a number of units
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 adjoining owner/occupiers and the Ickenham Residents Association have been consulted. 3 letters of objection (2 from the same occupier) and a petition with 21 signatories have been received making the following comments:

Letters of objection:

- (i) The proposal would result in a significant increase in overshadowing;
- (ii) The proposal would result in direct overlooking onto 37 Highfield Drive;
- (iii) The existing plans are inaccurate;

(iv) Increase noise/disturbance and parking problems during construction.

Petition:

- (i) The proposed extension completely destroys the privacy to garden and outside eating areas of 39 and 41 Highfield Drive;
- (ii) Significant overshadowing onto the rear garden of 37 Highfield Drive;
- (iii) The submitted plans are inaccurate.
- (iv) The proposed house would be out of character with the existing houses in the street;

Ickenham Residents' Association:

"The vagueness of the application does not allow us to make a constructive comment, and there should be an indication on the drawings where the footprint of the existing house (to be demolished) is located in relation to this current application.

Clarification of this point would be helpful.

This proposal represents a massive change from a 3-bedroom to a 6-bedroom dwelling (we assume the 2 dormers in the roof at the rear indicate the planned 2 extra bedrooms) and would be creating a 3-storey house, if approved.

Your assistance in clarifying the above mentioned queries would be appreciated."

Following the receipt of amended plans adjoining owner/occupiers and the Ickenham Residents Association were reconsulted. One reply has been received stating:

"We write today on behalf of our clients, who occupy the above neighbouring properties at Highfield Drive. We have been instructed to assess the impact of the above application after concerns that the proposed development will infringe on both the Daylight/Sunlight and Rights of Light currently enjoyed by their properties. (As laid down in the Building Research Establishment Site Layout Planning for Daylight and Sunlight: a good practice guide 2011 by PJ Littlefair).

Our preliminary investigations show that the proposed development breaches the preliminary tests, which is likely to lead to poor levels of daylight and sunlight. In particular, we have concerns that if the development is built as proposed it will impact severely upon the sunlight receivable by no 37's study. This is in fact a dual aspect room with a window facing West, however the south facing apertures are the only source of sunlight to the room and we are concerned that both the further sunlight tests could be breached.

As a result of the preliminary breaches we would insist that you request the applicant undertakes the further detailed tests for daylight and sunlight before any decision is made on the application.

Should planning permission be granted without our clients' concerns being adequately addressed, we will support a Civil Legal Rights of Light claim against the applicant over an infringement to our clients' legal right of light.

As you will be aware, legal rights of light are independent of the planning system and can be enforced by civil action even if planning permission is granted for the proposed development.

It is possible that our clients may seek an injunction from the court preventing the construction of the proposed development. Any fees that our clients incur will be sought for reimbursement from the applicant. Therefore, we strongly advise that the issue is resolved during the planning stage - in particular, to avoid planning permission being granted for a development that cannot be built due to

legal rights of light issues.

In summary, we insist that you request the applicant undertakes the further daylight and sunlight tests in order to evidence compliance with the BRE guidelines. We would also request that any necessary amendments are made to the proposal so that any development complies with the BRE guidelines."

Officer Comment: As the letter states, legal rights of light are independent of the planning system and are a civil matter. The impact of the proposed development on the adjoining properties, including any loss of light to habitable rooms, in planning terms, is assessed in Section 7.08.

Internal Consultees

Trees/Landscape:

The site is not covered by a TPO, nor within a Conservation Area. There are no trees of merit on site, however in terms of landscaping, it appears that, unlike the original house, the proposed dwelling will not incorporate a garage. There may, therefore, be an increased pressure to park in the front garden.

A landscaping scheme should be provided to show the car parking details and soft landscaping for the front garden, and should take into account HDAS and SUDS recommendations.

Therefore, subject to conditions TL5 (car parking details and materials; and soft landscaping) and TL6, the scheme is acceptable in terms of Saved Policy BE38 of the UDP.

EPU (Contamination):

No objections subject to an importation of fill condition, should planning permission be granted.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

This proposal is for a replacement dwelling and in this context the principle of development is not at issue.

7.02 Density of the proposed development

The proposed scheme would have a density of 134 habitable rooms per hectare. This is below the London Plan density range of 150-250 habitable rooms per hectare based on the site's Public Transport Accessibility Level (PTAL) score of 1. However, this is considered to be acceptable as it would be compatible within the local context and would result in a good standard of amenity for the future occupiers. Accordingly, no objection is raised to the proposed density in this instance.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the Local

Planning Authority will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD): New Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area.

The street scene is characterised by detached houses of varying sizes and design, some set within long, spacious plots with mature trees in the front. It is considered that the position of the dwelling is acceptable, in principle. The first floor front extension is supported by columns and this type of front projection is a characteristic feature of houses in the street. The scheme has been amended, particularly in terms of its roof design, such that it now proposes a mainly hipped roof with a very small element of crown roof, similar in size to the crown roof on the adjoining property, No.41. Given the change in the overall design of the property and the reduction in the bulk from the changes to the roof, it is now considered that the proposed dwelling would harmonise with the character and appearance of other dwellings in the vicinity and the street scene.

The proposed house would retain sufficient gaps between it and side boundaries and this together with the overall size of the plot, would result in a form of development that would not appear cramped in the street scene.

Overall, it is considered that the proposed house would not detract from the character and appearance of the street scene and the surrounding area generally and would comply with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraph 4.23 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

7.08 Impact on neighbours

Paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that '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. Furthermore, and a minimum of 21m overlooking distance should be maintained.

The proposed house would not project beyond the front wall of 41 Highfield Drive. However the ground floor of the new house would project 3.1m beyond the existing rear extension and 6.25m beyond the rear first floor elevation, of that house. The proposed first floor rear wall of the proposed house would project 2.1m beyond the rear first floor wall of 41 Highfield Drive. These distances, together with the retention of a 2m wide gap between the new house and 41 Highfield Drive, are sufficient to ensure that the proposal will not intrude within a 45 degree line of sight from the nearest habitable room window on the first floor of No.41 or to have a visually intrusive or overdominant impact on the residential amenities of the occupiers of that house. Furthermore, as 41 Highfield Drive lies to the south, no overshadowing will result.

The proposed house would be constructed on the front building line of the existing house, which is set some 3m beyond the front wall of 37 Highfield Drive. At rear, the submitted plans show the rear wall of the new house in line with the rear wall of 37 Highfield Drive.

The proposed house would retain a 2m wide gap between it and the flank wall of 37 Highfield Drive and this distance is sufficient to ensure that the proposal will not have a

visually intrusive or overdominant impact on the residential amenities of the occupiers of that house. With regards to the increase in overshadowing, a sun on the ground diagram as at the 21st March has been carried out at 10.00, 12.00 14.00 and 16.00 hours to assess the increase in shadow over and above that currently created by the existing house. At 10.00 hours, the increase in shadow will be to the side and front of 37 Highfield Drive. At midday, it will be to the front and along the side of that house, and at 1400 hours, the increase in shadow would be slightly over 37 Highfield Drive itself but mostly to the side/rear. At 1600 hours, the existing house creates a shadow over the side and rear garden of that house. The proposed house would extend this shadow into the rear garden, however, it is considered that this increase is not considered to be so significant over and above that created by the existing house as to warrant refusal.

The proposed rear dormer windows would overlook the rear garden and would not result in an increase in overlooking over and above that from the existing house onto the adjoining properties. Furthermore, as the new house projects beyond the rear wall of the adjoining houses, the proposed first floor French window would not result in direct overlooking onto the private amenity spaces of the adjoining houses. No windows are proposed facing 37 Highfield Drive.

The properties to the rear in Swakeleys Road and Lodore Green are over 70m from the rear wall of the new house.

Overall, it is considered that the proposed house would not cause an unacceptable impact on the residential amenities of the occupiers of the adjoining properties through overdominance, visual intrusion, overshadowing or overlooking. The proposals are therefore in accordance with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts. The new windows would provide an adequate outlook and natural light to the rooms they would serve, in accordance with London Plan Policy and Policy BE20 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

The internal size of the proposed house would be in excess of 250sq.m which would exceed the requirements of paragraph 4.6 of the Hillingdon Design & Accessibility Statement: Residential Layouts for 4 or more bedroom houses, in accordance with policies BE19 and H7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

With regard to amenity space, some 600sq.m would be retained and this would meet the recommended standards of 100sq.m for 4 or more bedroom houses as advised at paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts. Therefore, the proposal would comply with policy BE23 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The area has a PTAL accessibility rating of 1, which means within a scale of 1 to 6, where 6 is the most accessible, the area has a low accessibility level. Therefore, the Council's maximum parking standard of 2 spaces is required for the proposed dwelling.

The proposed front driveway can accommodate 2 off-street parking spaces. As such, it is considered that the proposal would not result in an increase in on-street demand for parking to the detriment of highway and pedestrian safety, and would meet sustainability objectives, in accordance with policies AM7, AM9 and AM14 of the adopted Hillingdon

Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.33 and 4.39 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

7.11 Urban design, access and security

7.12 Disabled access

London Plan Policy requires all new housing to be built to 'Lifetime Homes' standards. The Hillingdon Design & Accessibility Statement: Accessible Hillingdon also requires all new housing to be built to 'Lifetime Homes' standards.

The proposed house would not fully comply with these standards. In particular, the ground floor WC is not wheelchair accessible. However, this can be overcome by a suitably worded planning condition. Therefore, the proposal could satisfy 'Lifetime Homes' standards, subject to an appropriate condition, in accordance with policy 3.8 of the London Plan (2008) as well as the Council's Hillingdon Design & Accessibility Statement: 'Accessible Hillingdon'

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The site is not covered by a Tree Preservation Order, nor is it within a Conservation Area. There are no trees of merit on site. The provision of an additional landscaping scheme is covered by condition. The scheme is therefore, acceptable in terms of Saved Policy BE38 of the UDP.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

The proposed dwelling will be expected to meet Level 4 of the Code for Sustainable Homes and a condition requiring this is recommended. Subject to the condition the proposal is considered to comply with policies 5.1 and 5.3 of the London Plan (2011).

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

With regard to the third party comments, construction noise and disturbance is incidental to the grant of planning permission. The remaining points are addressed in the report.

7.20 Planning obligations

The proposed house would not result in a net increase of 6 habitable rooms and therefore would not fall within the threshold for seeking a contribution towards school places.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

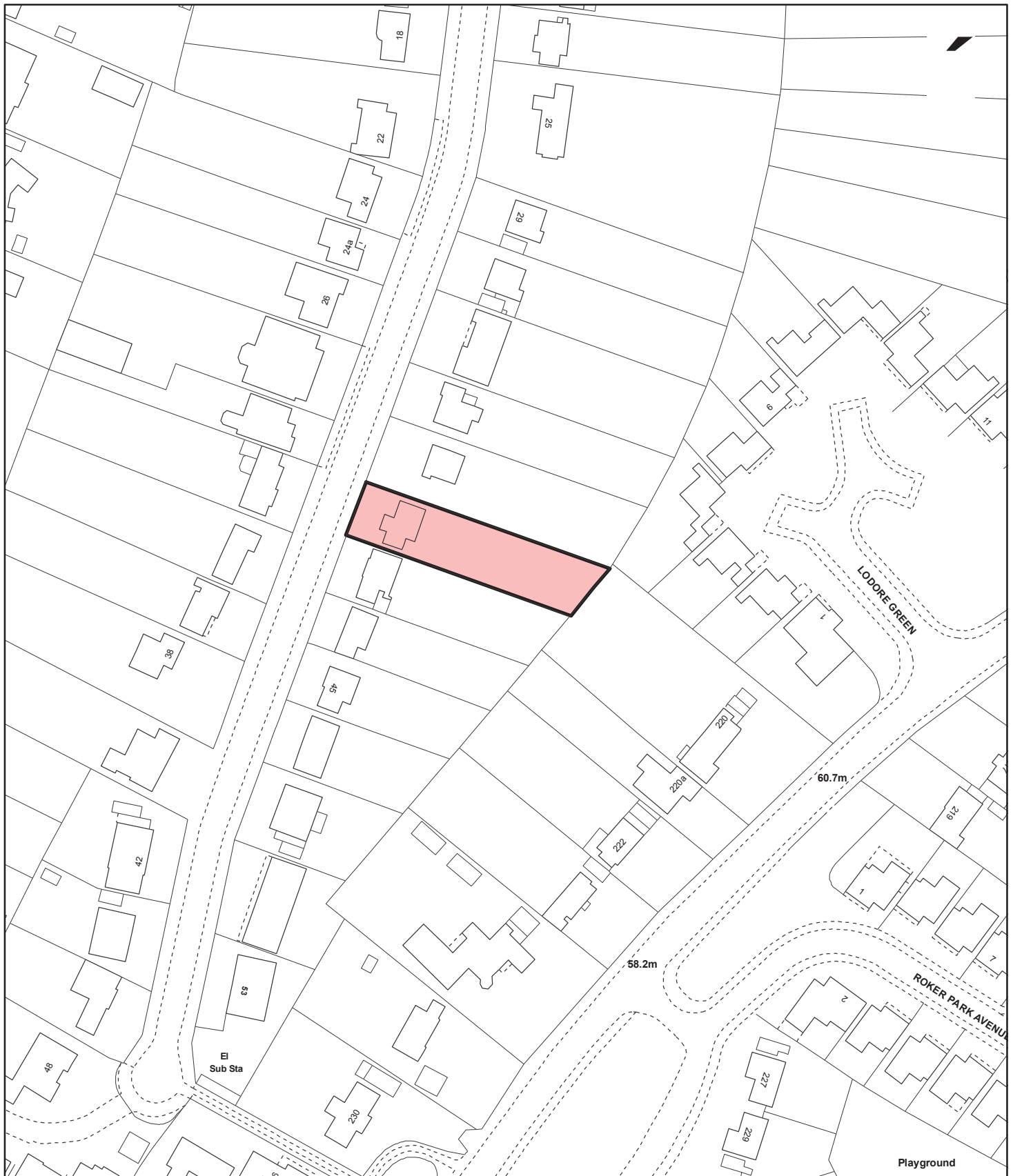
For the reasons outlined above and given that the proposed development complies with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Hillingdon Design & Accessibility Statement: Residential Layouts, this application is recommended for approval.



11. Reference Documents

London Plan 2011
Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)
Hillingdon Design & Accessibility Statement: Residential Layout
Hillingdon Design & Accessibility Statement: Accessible Hillingdon

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<p>Notes</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).</p> <p>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 style="text-align: center;">39 Highfield Drive, Ickenham</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>	
	<p>Planning Application Ref:</p> <p style="text-align: center;">67201/APP/2010/1803</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>		 HILLINGDON <small>LONDON</small>
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">September 2011</p>		