

Report of the Head of Planning & Enforcement Services

Address LAND FORMING PART OF 26A WINDMILL HILL RUISLIP

Development: One storey, 1-bed, detached dwelling with habitable roofspace with associated parking and amenity space involving demolition of existing detached garage

LBH Ref Nos: 67242/APP/2011/2651

Drawing Nos: 11-013-060
11-013-002
11-013-040
11-013
11-013-010
Arboricultural Impact Assessment Report
Design and Access Statement
11-013-LOC (NTS)
11-013-LOC
11-013-020
11-013-001

Date Plans Received: 31/10/2011 **Date(s) of Amendment(s):**

Date Application Valid: 08/11/2011

1. SUMMARY

The proposal is for the erection of a new one bed dwelling within the rear garden of No.26a Windmill Hill that runs adjacent to the highway. The new dwelling would be sited next to the neighbouring property at No.26 Windmill Hill and would be in the form of a chalet style bungalow.

It is considered that the proposal would result in a development that would appear cramped and out of context in relation to the surrounding design and pattern of existing residential development, resulting in a detrimental impact on the visual amenities of the wider area.

Furthermore, the proposal would also result in a significant reduction in the amount of amenity space for the donor property and the loss of off-street parking for that property. The consequent impact on providing such facilities would in itself be detrimental to the character of the area.

The application is recommended for REFUSAL

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site to the level proposed through the loss/part loss of private gardens would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to

the visual amenity of the surrounding area contrary to Policies BE13, BE19 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.4, 7.1 and 7.4 of the London Plan (2011), Planning Policy Statement 3: Housing (June 2010), guidance within The London Plan: Interim Housing Supplementary Planning Guidance (April 2010) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

Insufficient evidence has been provided to demonstrate that the proposal would make adequate provision for the protection and long-term retention of the protected Ash tree close to the site. In the absence of such information it is considered that the proposal would give rise to pressure to fell or reduce the tree. The loss or heavy pruning of this tree would be harmful to the amenity and arboreal character of the area, contrary to Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 R4 Car Parking Refusal

The proposal does not make adequate provision for car parking in accordance with the Council's adopted standards in that it would result in the loss of off-street parking provision for the donor property. This is likely to result in on-street parking to the detriment of highway and pedestrian safety. The proposal is therefore contrary to the Council's approved car parking standards and Policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the western side of Windmill Hill, some 25m to the north of its junction with West Hatch Manor, at a point where the road divides to form a central grassed island which acts as an elongated roundabout at the junction of Windmill Hill with West Hatch Manor and Old Hatch Manor.

The site currently forms approximately 20m depth of the rearmost part of the garden to 26a Windmill Hill and contains a detached garage. No. 26a Windmill Hill is a detached gable end house with low side eaves with half dormer windows.

This is an established residential area which predominantly comprises similar detached properties of varying design. The site is located towards the top of a hill which does allow views out between the buildings towards the surrounding areas. This and neighbouring gardens contain a number of trees, one of which, an Ash on the boundary of the adjoining rear garden at No.33 West Hatch Manor, is protected by Tree Preservation Order No. 678.

The site lies within the Developed Area as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

3.2 Proposed Scheme

The application seeks planning permission to erect a chalet style dwelling with a gable ended roof in the rear garden area of No.26a Windmill Hill and set adjacent to No.26 Windmill Hill.

The new plot forms part of the current rear garden of 26a, which abuts Windmill Hill. The garden to the immediate rear of the donor property would be retained (retaining a depth of approximately 8m), with the existing garden being divided by a 2m high close boarded fence to create the new plot in the rear half of the existing garden.

The resultant new plot would have a width of 19m and a depth of 11m at its narrowest point, but due to the splayed nature of the road would have a frontage onto Windmill Road of 28m.

The proposed dwelling would front onto Windmill Hill and would be of a chalet bungalow style, with a gable ended roof with the ridge orientated the same way as the road. It would have a footprint of 51 square metres within the 276 sq metre plot.

The ground floor would comprise of an entrance hall, open plan kitchen/living space and WC facilities. On the upper floor, contained within the roofspace the accommodation would comprise a bedroom with ensuite facilities. This would be served by two dormer windows on the front roofslope and rooflights within the rear roofslope. Elevations are proposed to be red brick, with a clay tiled roof.

The amenity space would be located to the rear and side of the property, totalling some 157m² in area. A car parking and turning area would be provided to the front of the building and adjacent 26 Windmill Hill. The proposed car parking area is indicated as being provided in the form of a recycled, inter-locking plastic grid system allowing the driveway to be permeable and self draining whilst also allowing grass to naturally grow through.

3.3 Relevant Planning History

67242/APP/2011/145 Land Forming Part Of 26a Windmill Hill Ruislip

Two storey, three-bedroom, detached dwelling with associated parking and amenity space and installation of vehicular crossover to front of No 26a

Decision: 22-04-2011 Withdrawn

Comment on Relevant Planning History

67242/APP/2011/145: An application for a two storey dwelling on this site was submitted but subsequently withdrawn by the applicant in April 2011.

41245/A/89/1934: Whilst not in relation to this application site, this application in respect of 28 Windmill Hill was granted in April 1990, and relates to an infill property, now known as 28a Windmill Hill. The applicant cites that the current application is similar to this development. However, it should be noted that this was granted and constructed before currently adopted guidance and that the length of the plot is larger than that of the current application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- 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:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.

- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- H12 Tandem development of backland in residential areas
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.3 (2011) Increasing housing supply
- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 6.13 (2011) Parking
- LPP 7.1 (2011) Building London's neighbourhoods and communities
- LPP 7.4 (2011) Local character
- LPP 7.2 (2011) An inclusive environment
- LPP 5.3 (2011) Sustainable design and construction

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 adjoining and nearby properties notified of the application by means of a letter dated 9th November 2011. 3 individual responses and a petition of 73 signatures received, that made the following comments:

1. The common ash with the TPO in our garden which we are responsible for will have its crown and roots encroached upon and no allowance has been made for future growth. If a dwelling is built on this site the tree will be in conflict with future occupiers because of light and damage to proposed property.
2. The brick built garage with the pitched roof was built in 2002 replacing a fabricated asbestos sheet structure which had no planning permission and no planning permission was sought for a new build. This garage should not be there.
3. Foot print of new dwelling is nearly three times larger than garage footprint, therefore not modest in area covered.
4. The rear amenity space will be shaded with no sunlight after 11.30am to at least 6pm. Side amenity space in last application was said to be overlooked by first floor windows of 26a Windmill Hill and 33 West Hatch Manor making it unsuitable for a private garden. This is still the same scenario.
5. The pictorial views in the Design & Access Statement issued by the developer show the proposed dwelling sitting back from Windmill Hill boundary as so does 26a (as should be) this is blatantly inaccurate to site layout plans which show corner of house nearest 26a Windmill Hill only 0.4 metres off boundary line. This is not in keeping with street scene.
6. All examples of new builds given in Design & Access Statement keep within building lines of existing properties and respect boundary lines, even 28a uses the contour of the boundary line and at any one point sits back over 2.5 metres from boundary.
7. The existing road access for the proposed building has only been used for occasional garaging of a car whilst the proposed dwelling will mean constant use. The highway outside the property has had double yellow lines installed April 2011 and deemed to be dangerous by ourselves and neighbours for a car to reverse onto bearing in mind that this is a main road used by buses, emergency services as a specified route and trucks/lorries (main route to the industrial estates in South Ruislip) let alone construction vehicles delivering. We are strongly against any property being built in this garden.
9. I oppose this development due to the position of the development the fact that Mr Teevan has recently extended a neighbouring plot and a year later it is still unhabited with the possibility that the same will happen on the new proposed plot.
10. The plot is on a dangerous area with lots of traffic and building there will cause additional traffic to the close by school.
11. We are concerned that this development, and associated access on to the road, will give rise to serious safety issues. The development is located on a busy bend and near zebra crossings that are used by large numbers of children attending two local schools.
12. We are also concerned about the use of existing gardens being used for new dwellings. We believe this is contrary to the direction of planning policy. Recent developments in the area have been the extension or conversion of existing dwellings, not the building of new dwellings on land previously used as garden space.
13. This development will result in the removal of a number of mature trees and will be detrimental to the character of the area.

Ruislip Residents Association:

1. Despite certain changes we still feel there will be a negative impact to the root system of the common ash (under a TPO) which is not properly taken into account given that future growth is likely to bring it into contact to its detriment with the new proposed roof height.
2. The southeast corner of the proposed building appears much closer to the front boundary than that of the infill bungalow at the rear of no.28
3. There is likely to be insufficient natural light at the rear of the property due to the tree/shrubbery cover rendering long periods of shade
4. Traffic considerations. On a busy road with a zebra crossing recently installed close to the existing vehicular access.
5. Any development on this site should include provision for vehicles to enter and exit the site in forward gear.
6. The proposed dwelling would detract from the existing streetscene as it would detract from the character of nearby dwellings.

Thames Water:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Internal Consultees

Tree and Landscape Officer:

TPO/Conservation Area: The site is adjacent to TPO 678.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (on-site): There is a Silver Birch close to the boundary with 33 West Hatch Manor, however it is a low value tree (dying back and affected by ivy) and does not constrain the development.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): There is a large Ash (protected by TPO 678), a small Lawson Cypress and a Horse Chestnut adjacent to the site. The Ash is a high value tree, significantly contributes to the arboreal character of the area, and constrains the development of the site.

The trees on and off-site have been shown on the plans, as have their respective root protection areas (RPA's), however the location of protective fencing has not been shown (the Arboricultural Impact Assessment Report did not highlight the need for a tree protection plan). In this case, a tree protection plan is required and should include the location of proposed services. Shade diagrams are mentioned within the tree report, however a site-specific diagram has not been provided. The

tree report highlights a requirement for specialised foundation techniques, however a single, specific technique has not been provided.

The tree report states that the crown of the Ash has a high ground clearance and has a less opaque canopy than most. The Ash is relatively young and has the potential to become a much larger tree in the future. There will be inevitable pressure from future occupants to remove or severely reduce the tree, which will be harmful to the long-term amenity of the area.

Scope for new planting: The tree report recommends planting native trees along the site's frontage. No further details have been provided, however this matter can be dealt with by condition.

Does scheme conform to HDAS/SUDS: A single proposed car parking space has been shown to the side of the proposed house (two car spaces may be necessary). A landscaping scheme should be provided to show how the scheme will conform to HDAS and SUDS recommendations. These matters can be dealt with by condition.

Recommendations: A specific arboricultural method statement (AMS) and tree protection plan (in accordance with BS 5827:2005), should be provided to show how the scheme will make provision for the protection and long-term retention of the protected Ash tree (and other trees situated close by). The AMS should detail how the roots of the tree/s will be protected during development.

Specific details of the proposed dwelling's foundations (and construction methods) should be provided.

A site-specific shade diagram should be provided (based on current and possible future dimensions of the protected Ash)

A landscaping scheme should be submitted to show new trees/soft landscaping and also how the scheme conforms to HDAS and SUDS recommendations

Conclusion (in terms of Saved Policy BE38): As it stands, this scheme is not acceptable because it does not make adequate provision for the protection and long-term retention of the protected Ash tree close to the site, and will give rise to pressure to fell or reduce the tree. The loss or heavy pruning of this tree would be harmful to the amenity and arboreal character of the area.

Waste:

The plan does show that a space has been allocated for the storage of waste on collection days, which is good practice. However, Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer. The waste and recycling should be presented near the curtilage of the property on allocated collection days.

Environmental Protection Unit:

No former contaminative use has been identified at the site based on Ordnance Survey historical maps. However, as a new sensitive use is being introduced to the site I would recommend including an imports/landscaping condition to ensure the soil in the soft landscaped areas are suitable for use. It is noted that design statement indicates an area of current hard standing will be replaced with soft landscaping.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (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 LPA 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): Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area. Section 4.10 of the SPD explains careful consideration should be given to the height of new buildings and the surrounding building lines, as a general rule the front and rear building lines should be a guide for the siting of new dwellings.

The site is located within the developed area as shown on the Hillingdon Unitary Development Plan Proposals Map and it is considered that the scheme complies with UDP policy H4 which encourages the provision of a mix of housing unit sizes. In addition, the subtext at paragraph 7.29 of the Saved Policies UDP, suggests backland development may be acceptable in principle subject to accordance with all other policies and Policy H12 suggests that proposals for tandem/backland development may be acceptable where no undue disturbance or loss of privacy is likely to be caused to adjoining occupiers. Nevertheless, additional guidance on backland/garden development and the interpretation of related policies has recently been published and is an important material consideration in assessing the principle of backland/garden developments such as this.

Key changes in the policy context, since the adoption of the UDP Saved Policies, includes the adoption of The London Plan (consolidated with alterations since 2004), the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010, and new Planning Policy Statement (PPS) 3: Housing adopted June 2010.

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

The London Plan Interim Housing Supplementary Planning Guidance (April 2010) was published following the national advice above and represents the Mayor of London's guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that back gardens contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments.

The guidance requires that "In implementing London Plan housing policies and especially Policy 3A.3, the Mayor will, and Boroughs and other partners are advised when considering development proposals which entail the loss of garden land, to take full account of the contribution of gardens to achievement of London Plan policies on:

- * local context and character including the historic and built environment;
- * safe, secure and sustainable environments;
- * bio diversity;
- * trees;
- * green corridors and networks;
- * flood risk;
- * climate change including the heat island effect, and
- * enhancing the distinct character of suburban London,

and carefully balance these policy objectives against the generally limited contribution such developments can make toward achieving housing targets."

Following on from this, Policy 7.4 emphasises the importance of local distinctiveness, and ensuring proposed developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics.

Notably, revised Planning Policy Statement 3: Housing, was published in April 2010 and, as advised in the Letter to Chief Planning Officers, discussed above, clearly clarifies that not all developed land is necessarily suitable for housing, nor that all of the curtilage should be developed. It also makes it clear that well thought out design and layout which integrates with and complements existing buildings and the surrounding local context is a key consideration which needs to be taken into account when assessing proposals for residential development.

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

The new house would also be likely to threaten a protected Ash tree (as identified by the Council's Trees Officer above). It is therefore considered that the scheme would be detrimental to the contribution that the rear garden and the adjoining trees make in terms of the local context and character of the area.

When balanced against the limited contribution the development would make toward achieving housing targets in the borough it is considered that the principle of the proposed residential development would be contrary to Policies BE13, BE19, BE38 and H12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3.4, 7.1 and 7.4 of the London Plan (2011), Planning Policy Statement 3: Housing (June 2010), guidance within The London Plan: Interim Housing Supplementary Planning Guidance (April 2010) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

7.02 Density of the proposed development

The replacement dwelling would not substantially alter the density of development in the area, either in terms of dwellings or habitable rooms. However, the density of the site is only one factor in determining an application and whilst the proposed density may well be acceptable, in the context of the density of the adjoining development, the proposal is not

acceptable for a number of other reasons, discussed elsewhere in the report.

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

Planning Policy Statement (PPS)3: Housing, Paragraph 13, states that design which is inappropriate in its context, or fails to take the opportunity available for improving the character and quality of an area and the way it functions should not be accepted.

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) highlights the importance of designing new development to harmonise with the existing street scene whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Section 4.27 of the SPD: Residential Layouts, states careful consideration should be given to building lines, and these should relate well to the existing street pattern.

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

The area generally comprises a mix of houses and bungalows.

Notwithstanding the concerns regarding the principle of the development, the one-bedroom property would be very much at odds with the primarily family housing within the area, both in terms of the size of the building and the size of its plot.

The building would be set back from the front building line of the adjoining properties to the north, to provide a staggered relationship with the side elevation of No 26a Windmill Hill.

The Council's SPD: Residential Layouts, Section 5.11 states the form and type of development should be largely determined by its townscape context, and that it should relate to the scale and form of their surroundings. It is considered that the proposal would fill an existing open vista in the otherwise built up area, in a manner that does not relate to the surrounding context characterized by larger well spaced family houses. Consequently, it is considered that the development would have an adverse impact on the local distinctiveness of the area in terms of design, scale, massing and layout. As such, the proposal would be contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

With regard to the impact of the amenities in relation to loss of light, outlook, or over-domination to the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The

daylight and sunlight available to adjoining properties should be adequately protected. Adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance.

The application would comply with this advice as there would be no properties situated directly to the rear of the proposal, and whilst the development would be situated to the rear of No. 26a, a distance of 15m would be maintained.

It is considered that the proposal would not cause an unacceptable loss of light or outlook to adjoining occupiers, given that the majority of the accommodation is contained at ground floor level only. First floor windows are in the form of dormer windows overlooking the street, or rooflights on the rear roofslope.

Any possible loss of privacy by the ground floor windows could be dealt with by a screen fence condition and therefore, subject to appropriate safeguarding conditions it is considered that no material loss of privacy would arise. Therefore the proposal would in this respect comply with Policy BE24 of the UDP Saved Policies (September 2007).

With regard to any shadow that would be cast by the proposal, whilst some shadow may be cast on the rear gardens of neighbouring properties this would be minimal and not sufficient to warrant the refusal of planning permission on these grounds alone. The proposal therefore would accord with Policies BE20 and BE21 of the UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout and that satisfactory indoor living space and amenities should be provided. The London Plan, adopted in 2011, overrides the Council's space standards and this is a material consideration in this application.

The London Plan requires that a 1 bed, 2 person flat should have a minimum floor area of 50m². It does not refer to 1 bed houses as is the case in this instance. However, the proposal would provide a floor area of 73m².

In this respect the internal floor space for the new dwelling would be in excess of the minimum requirements and are considered acceptable and in compliance with the SPD: Residential Layouts: Sections, 4.7-4.9 and Table 3.3 of the London Plan (2011).

With regard to the size of the garden, the SPD: Residential Layouts: Section 4.15 states that a 1 bed house should have a minimum garden space of 40m². The proposed new dwelling would have 157sqm private amenity space and for a 1 bed house this is considered adequate.

The proposal would also result in the loss of a significant amount of amenity space for the donor property, which with 3 beds would normally be expected to have at least 60sqm of amenity space. Whilst more than 60sq m is indicated as being retained, the proposals would leave the donor property without any parking provision, if this were to be required by the owners of that property then the provision of an access drive and hardstanding and/or garage would compromise the amenity space of that property and affect the setting of that building.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal shows the provision of 1 off-street parking space and associated hardstanding area for the proposed dwelling. It would appear that no off-street parking

would be provided for the donor property that would lose its garage and off-street parking as a result of the development.

The proposal would therefore fail to provide two parking spaces for the existing dwelling contrary to the Council's approved car parking standards and Policies AM7(ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

This issue is covered in Section 7.07.

7.12 Disabled access

The Design and Access Statement submitted with the application states that the proposal would comply with Part M of the Building Regulations and Lifetime Homes standards. An accessible ground floor WC would be incorporated and level access would be provided to the front and rear of the dwelling. As such, it is considered that the proposal would be capable of satisfying Lifetime Homes Standards, in compliance with the London Plan (2011) and the Council's SPD HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There is a large Ash (protected by TPO 678), a small Lawson Cypress and a Horse Chestnut adjacent to the site. The Ash is a high value tree which significantly contributes to the arboreal character of the area and constrains the development of the site.

The tree report states that the crown of the Ash has a high ground clearance and has a less opaque canopy than most. The Ash is relatively young and has the potential to become a much larger tree in the future. There will be inevitable pressure from future occupants to remove or severely reduce the tree, which will be harmful to the long-term amenity of the area. This scheme is therefore not acceptable because it does not make adequate provision for the protection and long-term retention of the protected Ash tree close to the site, and will give rise to pressure to fell or reduce the tree. The loss or heavy pruning of this tree would be harmful to the amenity and arboreal character of the area. As such, the proposal is contrary to Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.15 Sustainable waste management

Section 4.40 - 4.41 of the SPD: Residential Layouts deals with waste management and specifies bin stores should be provided for, and wheelie bin stores should not be further than 9m from the edge of the highway. The proposal includes provision for a refuse store, and were all other matters satisfactory then an appropriate condition could be imposed.

7.16 Renewable energy / Sustainability

An appropriate condition could be imposed to ensure that the development meets the appropriate standards in this respect.

7.17 Flooding or Drainage Issues

The site is not within a flood zone and no other drainage issues have been raised.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The points raised are addressed in the main report.

7.20 Planning Obligations

Presently S106 contributions for education are sought for developments if the net gain of

habitable rooms exceeds six. The proposal would involve the creation of 4 habitable rooms and as such a contribution towards educational provision is not required. No other planning obligations are considered necessary were this development otherwise acceptable.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal, due to the impact that a residential dwelling of this design, in this location, would have on the established pattern of residential development and historical character of the existing locality, would be out of keeping and therefore would constitute an obtrusive feature in this street scene, to the detriment of the character of the area. Furthermore, it is considered that the long term health and vitality of the protected Ash tree would not be maintained nor that adequate parking provision would be provided for the donor property without adversely affecting further the character of the area. As such, the proposal is considered contrary to policies in the Hillingdon Unitary Development Plan Saved Policies (September 2007), the SPD HDAS: Residential Layouts: and The London

Plan (2011).

11. Reference Documents

London Plan 2011.

Hillingdon Unitary Development Plan (Saved Policies September 2007).

Hillingdon Design and Accessibility Statement: Residential Layouts.

Hillingdon Design and Accessibility Statement: Accessible Hillingdon.

Hillingdon Planning Obligations Supplementary Planning Document July(2008) and updated chapter 4 Education (August 2010).

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