

Report of the Corporate Director of Planning & Community Services

Address 33 THE DRIVE ICKENHAM
Development: Two storey six-bedroom dwelling with habitable roofspace and basement area
LBH Ref Nos: 4811/APP/2009/612
Drawing Nos: Design and Access Statement
MS/SB/33/09C - Roof Plan
MS/SB/33/09A

Date Plans Received: 26/03/2009 **Date(s) of Amendment(s):** 26/03/2009
Date Application Valid: 23/04/2009 26/06/2009

1. SUMMARY

Policy BE13 of the Adopted Hillingdon UDP (Saved Polices, 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 street is characterised by large, individually designed properties. The proposed house is significant in size but is considered to adequately integrate within the street scene without causing significant harm to the residential amenities of the neighbouring properties. The design and layout of the property is considered acceptable and the application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 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).

3 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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 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 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), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

5 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 No.s 31 and 35a The Drive.

REASON

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

6 RPD2 Obscured Glazing and Non-Opening Windows (a)

The window(s) and rooflights facing Nos.31 and 35a The Drive shall be glazed with obscure glass and shall be 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 to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

7 RPD4 Prevention of Balconies/Roof Gardens

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the granting of further specific permission from the Local Planning Authority.

REASON

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

8 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).

9 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 without the prior written consent of the Local Planning Authority.

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).

10 NONSC Details of windows and doors

Detailed drawings and samples of materials, as appropriate, in respect of the proposed external doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and such details as are approved shall be implemented.

REASON

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

11 M6 Boundary Fencing - retention

A 1.8 metre high close boarded fence or imperforate wall shall be maintained on the boundary with No.s 31 and 31a The Drive for the full depth of the development hereby approved, and shall be permanently retained for so long as the development remains in existence.

REASON

To safeguard the privacy and amenity of neighbouring occupiers in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

12 H3 Vehicular access - construction

The building 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 available 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)

13 H6 Car parking provision - submission of details

The development hereby approved shall not be commenced until details of the parking arrangements 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.

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).

14 TL1 Existing Trees - Survey

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

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

REASON

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

15 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 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.

16 TL3 Protection of trees during site clearance and development

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

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

REASON

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

17 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),
- Retained historic landscape features and proposals for their restoration where relevant.

REASON

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

18 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 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).

19 TL7 Maintenance of Landscaped Areas

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

REASON

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

20 SUS4 Code for Sustainable Homes details (only where proposed as

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 3 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 policies 4A.1 and 4A.3 of the London Plan (February 2008).

21 OM2 Levels

No development shall take place until plans of the site showing the existing and proposed

ground levels, the proposed finished floor levels of all proposed buildings, the materials to be used and compliance with the requirement for sustainable drainage system for the rear patio area 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).

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
HDAS	Residential Layouts

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 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.

5 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).

6 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.

7 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.

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 or Bank 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated on the west side of The Drive and comprises a detached two storey dwelling with a hipped roof. There is an attached garage to the side and a further area of off street parking provided on the driveway to the front. The property has a large rear garden and the land drops away from the house. The application site is situated within a street of individually designed properties characterised by large plots with ample spacing between properties. The site is within a `developed area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks planning permission for the demolition of the existing property and the erection of a two storey six bedroom property involving accommodation in the roofspace, and basement level areas. The proposed building would be 15m wide, with an overall depth of 16m (including porch/balcony area to the front and a height of 5.95m to the eaves and 9.5m to the ridge. The proposed building would be finished with a crown roof and additional accommodation would be situated within the roof space, with 4 rear facing rooflights and one side facing rooflight for this area. Further accommodation would be provided at basement level, with the rear elevation appearing as a three storey dwelling. The site layout plan indicates that parking areas would be provided on the frontage.

Members should note that the principle of large dwellings with basement areas to the rear of the site has already been accepted in relation to the development of the adjoining site at 35 The Drive and this proposal in terms of its size, scale, design and appearance is similar to the two dwellings approved on this site.

3.3 Relevant Planning History

4811/APP/2008/2038 33 The Drive Ickenham

One six bedroom two storey dwelling house with additional accommodation in the roof space and basement accommodation (involving demolition of existing dwelling)

Decision: 16-09-2008 Refused

4811/APP/2008/3009 33 The Drive Ickenham

Two storey four-bedroom dwelling house with basement accommodation (involving demolition of

existing dwelling)

Decision: 22-12-2008 Approved

4811/APP/2009/44 33 The Drive Ickenham

Two storey six-bedroom dwelling with habitable roofspace and basement area.

Decision: 16-03-2009 Withdrawn

4811/APP/2009/72 33 The Drive Ickenham

Details in compliance with conditions 2 (materials), 4 (site plans showing existing and proposed ground levels and proposed finished floor levels), 6 (vehicular access), 10 (boundary fence) and (landscaping) of planning permission reference: 4811/APP/2008/3009 (Two storey four-bedroom dwelling house with basement accommodation, involving demolition of existing dwelling), dated 2 October 2008.

Decision:

Comment on Relevant Planning History

4811/APP/2008/2038 was refused for the following reasons:

1. The proposed development by reason of its size, design, positioning, excessive bulk and roof form, would result in an overly dominant and cramped development to the detriment of the visual amenity of the street scene and the area in general contrary to Policies BE13, BE19, and BE22 of the UDP (Saved Policies September 2007) and the Supplementary Planning Document HDAS: Residential Layouts.

2. In the absence of accurate and consistent drawings of the proposed dwelling in relation to the design of the proposal and lack of details regarding site levels, a streetscape plan, and landscaping proposals, it has not been possible to fully assess the planning merits of this proposal in terms of its impact upon the neighbouring properties, Nos.31 and 33a, the street scene and visual amenities of the surrounding area. The proposal is therefore contrary to Policies BE13, BE15, BE19, BE20, BE21 and BE22 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007) and Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions.

3. The development is estimated to give rise to a significant number of children of school age and additional provision would need to be made in the locality due to the shortfall of places in schools serving the area. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

4811/APP/2008/3009 was approved, however, since the approval it has come to light that the plans submitted with this application, did not show a true reflection of the site situation in that the site was substantially narrower than shown on the plans. The agent was notified of this and informed that it would not be possible to implement the permission without being in breach of the approved plans and this has resulted in the submission 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:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
HDAS	Residential Layouts

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **20th July 2009**

6. Consultations

External Consultees

12 neighbours, The Ickenham Residents Association and the Association of the Residents of The Drive consulted and a site notice displayed. Five responses have been received, that made the following comments;

1. Given the previous inaccuracies and errors in the previous scheme, it is questionable whether consent would or should have been granted given the scale, mass and size of the dwelling and the similarly refused proposal (2008/2038);
2. The earlier application was refused for three reasons, none of which have been addressed or significantly altered by the current plans;
3. It is not possible to fully assess the planning merits of the proposal due to the absence of accurate and consistent drawings, site level information, streetscape plan or landscaping proposals;
4. No site survey drawing has been submitted and this is required to check accuracy of site

measurements, boundaries, location of trees, hedges, heights and levels;

5. Block and floor plans should show the external staircase and retaining walls it is not clear how access from front to back would be obtained;

6. Heights quoted on the elevations are misleading, top of pillar rather than heights to eaves is shown and height to front gable rather than to main ridge;

7. To meet building regulations the floor depths would have to be increased and a supporting structure in the basement would be required, in addition there is no space for insulation to the roof level accommodation;

8. Roof lights are shown in unworkable locations;

9. The second floor accommodation designed as a single roof is misleading since it will extend below the eaves;

10. No garage is shown, but is likely to be a requirement for a dwelling of this scale. This will affect any frontage planting and add to the bulk, scale and street scene.

11. The current application is for the same sized dwelling, footprint, bulk and roof form of the previously refused scheme and it is considered this scheme should be refused on the same grounds;

12. Any impact will be exacerbated by the potential height increase and the likely garage requirement resulting in the possible loss of the boundary hedge;

13. The third reason for refusal related to the lack of a legal agreement to cover an educational contribution and it is considered this has been reassessed, however the various descriptions of a 4-6 bedroom property has the capacity to accommodate considerably greater number of rooms;

14. The proposal is significantly deeper than the original property and nearly double the depth of No.31 and larger and wider than the new dwelling at No 33a. It will extend 9m beyond the rear of No.31 to two storey height and result in unacceptable over dominance and bulk. This is exacerbated due to the reduced gap between the existing properties which does not take into account the external staircase;

15. The proposal would be inappropriate in the street scene and to residential amenities considerations;

16. We are informed there is a natural water course running through the site that causes flooding. This was a problem in the construction phase of No.33a and through investigations should be requested to ensure this is not exacerbated by this proposal;

17. Whilst it is accepted a replacement dwelling would be accepted, the current scheme would be intrusive to neighbours, excessively sized and out of character in the street scene;

18. Given the scale, there are future concerns regarding the intended use, potential of flats and implications for parking, traffic and intensity of use, we would ask that a condition is used to limit the use to a single family occupation;

19. Local residents are concerned due to the lack of notification on earlier applications, and it is recommended this is thoroughly investigated;

20. Given the history and inconsistencies it is recommended the application is put before members for a committee decision;

21. We are concerned about the increasing number of large modern designed properties which are out of character in the road and this increased size has increased pressure on infrastructure and safety with more vehicles due to higher occupancy. We would welcome a review of this trend and further consideration of this application;

22. The site plan is inaccurate, and does not represent the extent to which the dwelling infringes outlook even though it does not contravene the 45 degree rule;

23. We would be concerned if the conifer trees on the boundary were cut back, as a 1.8m close board fence would not be sufficient;

24. The application would be an overdevelopment of the site and would not be in-keeping to the street. No thought has been given to off street parking will the front garden be concreted over?

25. Insurance provisions must be placed on the developer against damage to neighbouring properties and the privately maintained road;

26. Due to the previous inaccuracies the council must be prepared to order the demolition should the application not be built in accordance with plans and the residents association should be allowed

to police the development;

27. We note there has been a 1m width decrease, but the height has increased by 1.5m, therefore being 1.5m higher than No.31 (to the front) and 4.6m at the rear. The depth and siting remains broadly the same and therefore we continue to object and raise the same points.

A Ward Councillor has requested that the application be referred to the North Planning Committee.

Internal Consultees

Conservation and Urban Design Officer

Having looked at the new scheme I have the following comments:

1. The roof angle is very steep to the front elevations and oddly it's different to the sides which are shown as less steep. This will make the roof appear very dominant and over heavy from the front and results in the larger area of flat roof.
2. The roof of the rear projection is not in the same plane as the main roof.
3. The ridges of the hipped roofs on either side of the portico feature run into the roof at the same level as the main ridge. Again this would make these elements appear very large and give the roof a dominant appearance, particularly when combined with point 1.
4. Ideally, there should not be any roof lights on the street elevation as this would make it appear rather cluttered.
5. The roof drawings do not appear to show the junction of the portico and wings correctly. The roof form over the rear projection is also unresolved.

Officer Comment: These points were forwarded to the applicant and revised drawings have been received which address these issues

Trees and Landscape Officer - The application is acceptable with conditions; TL1, TL2, TL3, TL5, TL6, and TL7.

Highway Engineer: No objection.

Director of Education - The child yield from the new 13-room house is cancelled out by that of the demolished 6-room house. No contribution is requested.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located in a purely residential area and is currently occupied by a single detached dwelling. Thus, the principle of a development of the site for residential is acceptable and has previously been accepted with the approval of application reference 4811/APP/2008/3009.

7.02 Density of the proposed development

The proposal is for a replacement dwelling where density is not one of the key planning considerations. The proposal would meet the council's standards in terms of the internal size of unit, provision of amenity space and parking and would be compatible with the density of the surrounding residential development and as such, the proposal is considered to comply with Policy 4B.3 of the London Plan.

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 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 that 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. 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 proposed front elevation has a number of character features including a central porch element with balcony above, brick quoins and bath stone headers to the windows. Whilst it is accepted that the overall scale of the property would be increased, it is not considered that the size of the existing property should be used as a guide to what is suitable, but rather the pattern of surrounding development and the size of the plot. The overall scale of the proposed new house in terms of footprint is considered acceptable. The proposed house would be set back from the side boundaries by a minimum of 2.5m so as to retain sufficient visual gaps between the new house and the adjoining properties. The layout of the proposed house is considered consistent with the pattern of development in the street (The Drive is characterised by large detached properties) and as such would maintain the character and visual amenities of the street scene. Furthermore over 1000m² of soft landscaping would be provided to the rear of the site. The property would maintain the front building line within the street providing ample opportunities for landscaping to the front of the proposed house. The proposed development would not appear cramped or result in over an overdevelopment of the site, in accordance with Policies BE13, BE19, and BE22 of the UDP and paragraph 4.24 of the Supplementary Planning Document Hillingdon Design and Accessibility statement: Residential Layouts.

7.08 Impact on neighbours

The proposed front building line is to be set 4m further back in the site compared to that of the existing property so that it would align with the adjoining property at No.33a and therefore would be set back behind the front building line of No.31. The rear wall of the house would be marginally deeper than that of No.33a and in relation to No 31, whilst deeper, the proposal would not conflict with a 45 degree line of sight taken from the corner of No.31. The impact of the proposal would be further reduced by the existing boundary vegetation.

Whilst it is accepted the proposed dwelling has been increased in height, it is still lower than the replacement properties at No 33a and 35 The Drive, and in relation to No 31, the flank wall has been moved an additional 1m further away from the shared boundary and together with the reduced pitch on the proposed roof (resulting in a smaller crown roof), is not

considered to result in a significant increase in over dominance, visual intrusion and over shadowing over and above the current situation. The mid-day shadow created by the proposed house would fall towards the side elevation of No.33a, whilst the morning and afternoon shadows would generally fall on the front and rear of the application site. The proposal would thus comply with policies BE20 and BE21 of the UDP (Saved Policies September 2007).

There are no openings shown in the side elevation facing No.31 and with regard to No.33a the windows shown on this elevation are for non-habitable rooms, and as such, are conditioned to be obscure glazed so as not to result in overlooking or loss of privacy to the properties to this side. It is noted that a flat roofed area is proposed over the basement accommodation. To prevent this being used as an external terrace a condition is recommended. However, it should be noted that the current property has a first floor balcony, with no controls, and therefore it is considered that should this permission be implemented, an improvement would result in relation to the privacy of occupiers of neighbouring properties.

7.09 Living conditions for future occupiers

Section 4.7 of the SPD HDAS: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwelling would be over 550m² which is in excess of the Council's requirement of 108m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that a 4+ bed house should have a minimum garden space of 100m², and the development would comply with this advice, with a rear usable garden area in excess of 1000m² for the proposed new dwelling. Therefore the proposal would comply with this advice and with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

7.10 Traffic impact, car/cycle parking, pedestrian safety

This is a re-submission of a previously approved scheme. The application does not raise any concerns regarding highway safety or parking. The application is considered to comply with Policy AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

See Section 7.07

7.12 Disabled access

Disabled access will be provided at ground floor via a level threshold and there would be a wheelchair accessible WC at ground floor. Furthermore, the overall size of the dwelling is such that it would be easily adaptable to meet Lifetime Homes standards. Therefore the proposal would comply with Policy 3A.4 of the London Plan 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

The Council's Trees and Landscape Section raise no objection to the proposal and suggests that the proposal would be acceptable subject to conditions relating to tree/landscape survey to be submitted, implementation, protection details and a landscaping scheme. As such, the proposal is considered acceptable in landscape terms and therefore would comply with policy BE38 of the Hillingdon Unitary Development Plan

(Saved Polices, 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. There is sufficient space on the frontage to comply with this requirement and the proposal is thus considered acceptable in this respect.

7.16 Renewable energy / Sustainability

All the proposed habitable rooms would have an adequate outlook and source of natural light and therefore would comply with the SPD: HDAS: Residential Layouts: Section 4.9 and Policy 4A.3 of the London Plan (2008).

7.17 Flooding or Drainage Issues

A condition is proposed requiring sustainable drainage to the front driveway and the rear patio area.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

Amended plans have been received which now accurately reflect the proposal and the site situation. It is considered that site levels and landscaping details could be dealt with by condition. The external staircase and front portico has been removed from the scheme and the roof has been redesigned and corrected. The floor depths have been altered and supporting beams in the basement are now shown. Any proposed garage would require a further application and the width of the building has been reduced by 1m. An education contribution is no longer required and any further subdivision of the property would require a further application. Given the concern about previous neighbour letters not being received site notices were displayed. Damage to neighbouring properties would be dealt with by the party wall act and any concerns regarding developments not built in compliance with the approved plans would be investigated by the Enforcement team. The remaining points are addressed in the full report.

7.20 Planning Obligations

None

7.21 Expediency of enforcement action

N/A

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

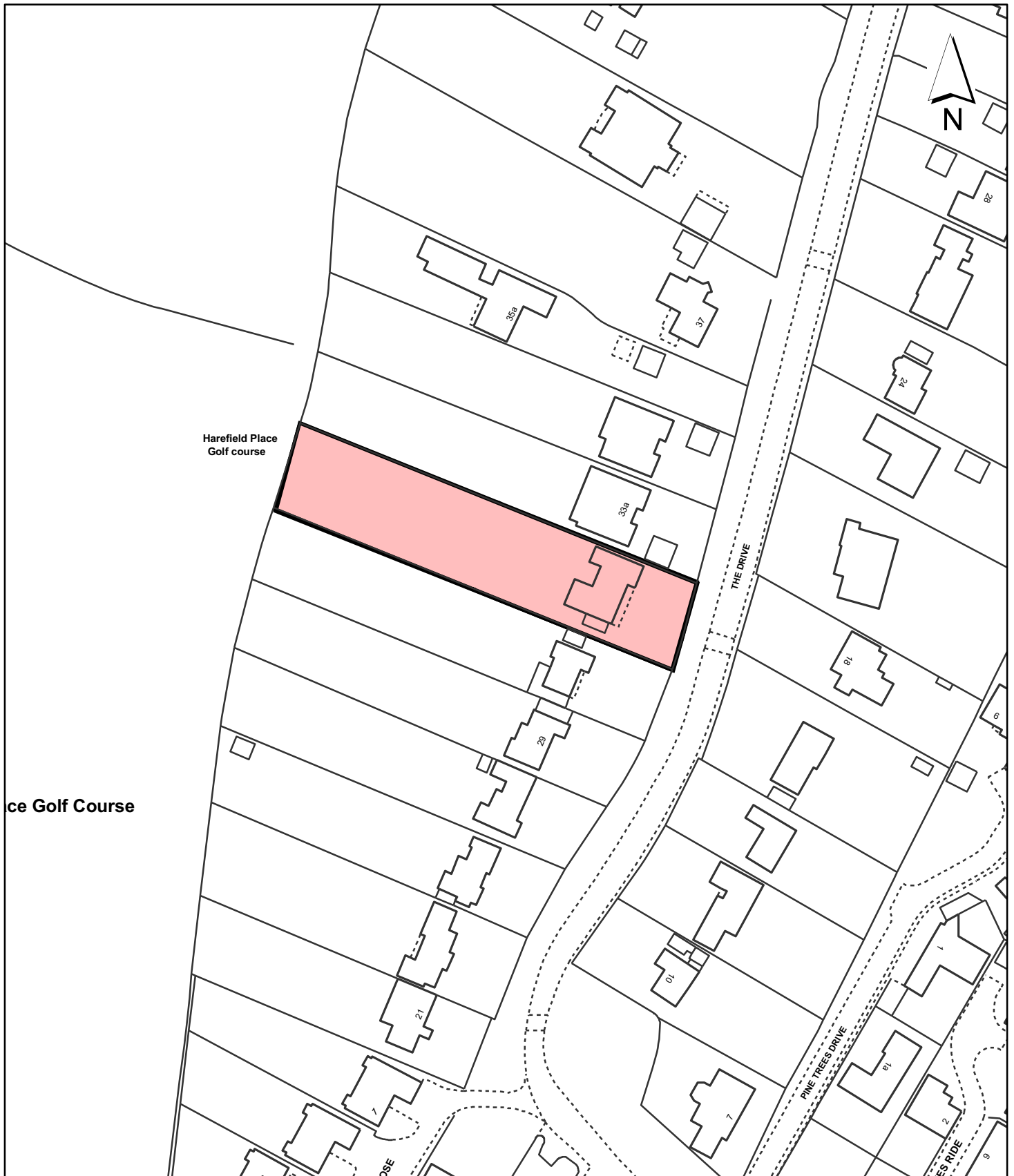
The proposal is to replace the existing two storey property with a more substantial dwelling. The site drops steeply away to the rear, and as such the property would appear three storeys from the rear. It is considered adequate space has been left to the sides to avoid a cramped appearance. Whilst a larger building is proposed on the site in terms of its size than the existing dwelling it is considered that the scale of the dwelling would not cause material harm to the residential amenities of the adjoining properties or the wider area. Therefore the proposal is considered to comply with the relevant adopted policies in the Unitary Development Plan and approval is recommended.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Polices September 2007
HDAS: New Residential Layouts: July 2006
The London Plan (2008)

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Notes

 Site boundary

For identification purposes only.

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Planning Application Ref:
4811/APP/2009/612

Scale
1:1,250

Planning Committee
North

Date
July 2009



HILLINGDON
LONDON