

## Report of the Corporate Director of Planning & Community Services

**Address** 37 EDWARDS AVENUE RUISLIP

**Development:** Erection of 2, two storey three-bedroom semi-detached dwellings with associated parking and vehicular crossover, involving demolition of existing dwelling.

**LBH Ref Nos:** 65680/APP/2009/1264

**Drawing Nos:** 2008/110/103  
2008/110/101  
2008/110/102  
Design and Access Statement

**Date Plans Received:** 12/06/2009

**Date(s) of Amendment(s):**

**Date Application Valid:** 12/06/2009

### 1. SUMMARY

Planning permission is sought for the erection of a pair of three bedroom semi detached two storey houses involving the demolition of a 2 bedroom bungalow. A total of 4 parking spaces and secure cycle parking are to be provided on site. Individual rear gardens are proposed for each dwelling.

Good environmental conditions will be provided for future occupants, while there would not be an unacceptable loss of residential amenity to surrounding occupiers. Highway and pedestrian impacts are considered to be acceptable. The application is therefore 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 M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the [use hereby permitted is commenced] or [building(s) is (are) occupied or [in accordance with a timetable agreed in writing by the Local Planning Authority]]. Development shall be carried out in accordance with the approved details.

**REASON**

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 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 (February 2008) Policies 4A.30 and 4A.31.

**5 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).

**6 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).

**7 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).

### **8 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).

### **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 H7 Parking Arrangements (Residential)**

The parking areas (including where appropriate, the marking out of parking spaces) including any garages and car ports shown on the approved plans, shall be constructed prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site 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).

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

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards.

**REASON**

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

**12 OM20 Grampian Planning Obligations**

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how additional or improved educational facilities will be provided within a 3 miles radius of the site to accommodate the nursery primary and/or secondary school child yield arising from the proposed development. This shall include a timescale for the provision of the additional/improved facilities. The approved means and timescale of accommodating the child yield arising from the development shall then be implemented in accordance with the agreed scheme.

**REASON**

To ensure the development provides an appropriate contribution to educational facilities within the surrounding area, arising from the proposed development, in accordance with policy R17 of the Hillingdon Unitary Development Plan and the Council's Supplementary Planning Guidance on Educational Facilities.

**13 SUS4 Code for Sustainable Homes details**

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 each dwelling has been designed to achieve level 3 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall 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).

**14 SUS5 Sustainable Urban Drainage**

No development shall take place on site until details of the incorporation of sustainable urban drainage, including permeable surfaces for areas of hard surfacing, 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) 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.

**15 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 35 and 39 Edwards Avenue.

**REASON**

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

**16 H3 Vehicular access - construction**

The building hereby permitted shall not be occupied until the vehicular means of access has been constructed in accordance with details to be agreed by the Local Planning Authority. Thereafter, the vehicular means of access shall be retained and kept open for users of the building.

**REASON**

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

**17 H5 Sight Lines - submission of details**

The development hereby permitted shall not be commenced until details of the sight lines at the point of the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved sight lines have been implemented and thereafter, the sight lines shall be permanently retained and kept clear of obstructions exceeding 0.6 metres in height.

**REASON**

To ensure that adequate sight lines are provided and thereafter retained in the interests of highway safety in accordance with Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

**18 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)

### 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.
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.
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H4	Mix of housing units
H5	Dwellings suitable for large families
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
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.

AM15 Provision of reserved parking spaces for disabled persons

**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 I2 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 I3 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 I5 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 I6 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 I13 Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the

Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

## **9 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 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.

## **10 I19 Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

## **11 I23 Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

## **12 I21 Street Naming and Numbering**

Building names and numbers must be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

### **3. CONSIDERATIONS**

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

The site is situated on the western side of Edwards Avenue and comprises a detached



bungalow, which is to be demolished. The site abuts the rear gardens of 3 and 5 Manor Gardens to the west. The northern boundary of the site abuts the boundary with a row of terraced houses 39, 39a and 41 Edwards Avenue and the southern boundary abuts the curtilage of 35 Edwards Avenue. Detached bungalows are located on the opposite side of Edwards Avenue.

The area is characterised by a mixture of semi-detached and terraced houses and detached bungalows.

### **3.2 Proposed Scheme**

Planning permission is sought to demolish the existing detached bungalow and erect a pair of two storey, 3 bedroom houses. The footprint of the pair of semis would be 12.9m wide, 13.9m deep, whilst their height would be 7.7m to eaves level with hipped roofs.

Four parking spaces are proposed to the front of the proposed building with a new crossover onto Edwards Avenue. Refuse storage areas with some landscaping for each house would be provided at the front of the site. Each property would benefit from an individual rear garden and secure cycle storage.

### **3.3 Relevant Planning History**

65680/APP/2009/63      37 Edwards Avenue Ruislip

Two storey building to provide 4 two-bedroom flats to include alterations to vehicular crossover a demolition of existing dwelling and outbuilding.

**Decision:** 17-03-2009    Refused

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

Planning permission was refused (Ref: 65680/APP/2009/63) at the North Planning Committee of 17th March 2009 for the following reasons:

1. The proposal fails to provide car parking and cycle storage provision in accordance with the Council's adopted parking standards and would give rise to conditions prejudicial to highway and pedestrian safety contrary to Policies AM7 (ii) and AM14 of the Hillingdon Unitary Development Plan Saved Policies September 2007.
2. 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 Unitary Development Plan.
3. The use of the communal garden area by the future occupiers of the first floor flats would fail to protect the privacy, or provide adequate private amenity space for the future occupiers of the proposed ground floor flats. The development is therefore contrary to Policies BE19, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007.
4. The proposal would give rise to an unacceptable further increase in the number of flatted developments on this street, which already exceeds the 10% threshold set out in this Council's Supplementary Planning Document HDAS: Residential Layouts. It is considered therefore that the proposal would have a detrimental impact on the character and amenity

of the area, and as such would be contrary to Policy BE19 of the adopted Hillingdon Unitary Development Plan 'Saved Policies' 2007 and the Hillingdon Design and Accessibility Statement Supplementary Planning Document for Residential Layouts (Section 3.3).

#### **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.  |
| 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.                   |
| OE8  | Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures         |
| H4   | Mix of housing units  |
| H5   | Dwellings suitable for large families   |
| R17  | Use of planning obligations to supplement the provision of recreation, leisure and community facilities                                     |
| AM2  | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity               |
| AM7  | Consideration of traffic generated by proposed developments.  |
| 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.  |
| AM15 | Provision of reserved parking spaces for disabled persons   |

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

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

46 adjoining occupiers were consulted and 20 letters of objection have been received with the following comments:

- (i) The proposal would result in the loss of an existing bungalow;
- (ii) The building would be out of character with the street scene;
- (iii) The proposal is too large in relation to surrounding properties;
- (iv) Inadequate parking;
- (v) Crossover would prevent on street parking;
- (vi) Will put a strain on existing services;
- (vii) The height and footprint would be intrusive;
- (viii) The proposal would change the character of the surrounding area;
- (ix) Loss of daylight/sunlight;
- (x) Loss of privacy;
- (xi) The proposal will increase congestion and would be prejudicial to highway safety;
- (xii) Inadequate parking;
- (xiii) The proposal is contrary to Policies BE13, BE19 BE20, BE21, BE23 and BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007;
- (xiv) The first floor flats are not suitable for people with disabilities;
- (xv) The number of flat developments on Edwards Avenue is already considered to be excessive.

In addition, a petition bearing 51 signatures has been received. Objection on the following grounds

- (i) The proposal would result in the demolition of a sound development;
- (ii) The proposal does not harmonise with the existing street scene and would detract from the character of the area;
- (iii) Loss of daylight/sunlight;
- (iv) The proposal is too large;
- (v) Loss of privacy;
- (vi) The proposal would adversely affect current services;
- (vii) Inadequate parking;
- (viii) Multiple crossovers would prevent on street parking;
- (ix) Does not respect rear building line;
- (x) Increased flood risk;
- (xi) Increased carbon footprint;
- (xii) Rubbish generated would create an eye sore;
- (xiii) Inadequate facilities for people with disabilities;
- (xiv) Dwellings could be converted to multiple occupation.

#### SOUTH RUISLIP RESIDENTS' ASSOCIATION

- (i) The proposal would result in the loss of an existing bungalow;
- (ii) Loss of privacy;
- (iii) Loss of sunlight;
- (iv) Increased risk of flooding;
- (v) Crossover will prevent on street parking;
- (vi) Density would be excessive;
- (vii) The building would be out of character with the street scene.

MINISTRY OF DEFENCE SAFEGUARDING - No safeguarding objections.

NATIONAL AIR TRAFFIC SAFEGUARDING - No safeguarding objections.

#### **Internal Consultees**

TREES AND LANDSCAPE OFFICER

Based on the information submitted, Paul Gadsden's Design & Access Statement, PFG drawing Nos. 2008/110/103, 101, 102 and a previous site visit:

#### The Proposal

The current re-submission is an amended proposal to demolish an existing dwelling and provide two, two storey, three-bedroom semi-detached houses. The Design & Access Statement confirms that the site will be landscaped with existing fencing and planting (unspecified) to remain. While the DAS fails to set out any positive objectives it proposes that the hard and soft landscape detail will be agreed through conditions. The layout drawing ref.102 confirms that there is space in the front gardens to accommodate 2No. parking spaces per house, footpath access, sheltered bin stores close to the house and hedges/ornamental tree/shrub planting on all three boundaries (perpendicular to the road). The hard surfacing to the front gardens should be detailed so that it is permeable and/or drains within the site - in accordance with DCLG/SUDS guidance. There is also private garden/amenity space to the rear of the proposed houses.

#### Recommendation

If you are minded to approve this application I have no objection subject to conditions TL5 and TL6.

#### EDUCATION DIRECTORATE

Based on the demolition of 1x 4-room private house and creation of 2x 6-room private houses in South Ruislip, the amount sought is £25,104.

### **7. MAIN PLANNING ISSUES**

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

The surrounding area is predominantly residential in character and comprises a mixture of maisonettes, bungalows and terraced houses. The site is located within the Developed Area, as identified in the Council's adopted Unitary Development Plan Saved Policies (UDP). General policies are supportive of residential accommodation in principle, subject to compliance with a number of detailed criteria.

The previous application for flatted development was refused amongst other things, on the basis that the number of redeveloped properties in this street for flats already exceeds 10% and that proposal was therefore unacceptable because of the impact this would have on the character of the area. The current scheme replaces one family unit with two family dwellings. There is a net gain of family dwelling units and no flats are proposed. As such, the current scheme overcomes the previous reason for refusal.

There is therefore no objection in principle to residential development on the site, subject to the proposal satisfying other policies within the UDP.

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

The scheme would have a residential density which equates to approximately 229 habitable rooms per hectare (hr/ha), or 38 units per hectare (u/ha). The proposed density is therefore within the London Plan recommended guidelines (150-250 hr/ha or 35-65 u/ha in a suburban setting), as indicated in Table 3A.2 of the London Plan (2008), having regard to the site's Public Transport Accessibility Level (PTAL) score of 2.

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

Not applicable in this case.

#### **7.04 Airport safeguarding**

Both the Ministry of Defence Safeguarding and National Air Traffic Safeguarding have raised no safeguarding objections.

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

Not applicable in this case.

#### **7.06 Environmental Impact**

Not applicable in this case.

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

The proposed building would not project forward of the building line of adjoining properties. The proposal is not therefore considered to unacceptably intrude into the street scene.

The flank wall of the proposed two-storey element would be inset by a minimum distance of 1.2m from the side boundaries. Sufficient distance has therefore been maintained to ensure that adequate distance would be preserved between the flank walls of the new houses and the rear facade of adjoining properties to ensure that the building would not appear cramped in the street scene. The overall size, bulk and design of the proposed development would also relate satisfactorily to adjoining properties and the surrounding street scene.

The proposed hard surfaced area to the front of the proposed flats would be inset from the boundaries of the application site and sufficient space has been provided between the hard surfaced area and the boundaries of the application site to create an adequate landscaping buffer. As such, it is considered that the surface of the car parking area in front of the proposed dwellings would not visually impinge on the building's setting and would not detract from the open character and appearance of the area.

The proposal is therefore considered to comply with policies BE13, BE19, BE22 and BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

The Council's Supplementary Planning Document HDAS: Residential Layouts requires a minimum distance of 21m to ensure that overlooking to adjoining residents is minimised. No windows are proposed in the flank elevations which face towards 35 and 39 Edwards Avenue. The windows in the rear elevation, which would face Nos. 5 and 7 Manor Gardens, would be situated some 30m from the rear of these properties. As such, the proposal would not result in additional loss of privacy to justify refusal and the proposal would comply with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

The proposed building would be located to the north of 35 Edwards Avenue and would not result in the overshadowing of the rear garden of this property. With regard to no.39 the proposal is likely to increase the length of shadow to this property in the morning. However, no overshadowing would occur after approximately 13:00. It is therefore considered that the proposal would not result in a loss of light, or overshadowing of these properties sufficient to justify refusal. The proposal would therefore comply with Policy BE20 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

The Council's SPD HDAS: Residential Layouts advises that for two storey buildings adequate distance should be maintained to avoid over dominance. A minimum distance of 15m is required, although this distance will be dependent on the extent and bulk of the buildings. The proposed rear elevation of the proposed two storey element, which would directly face nos.3 and 5 Manor Gardens, would be situated 30m from the rear of these properties, in excess of the 15m guideline.

No.35 Edwards Avenue has a single storey rear extension and the proposed development would project by 2.6m beyond the rear building line of this extension. The proposed development would not project beyond the 45 degree line taken from the mid-point of the nearest habitable room window.

The flank wall of the proposed building which would face no.39 would not project beyond the rear building line of this property. The proposal is not therefore considered to result in an over-dominant form of development in relation to surrounding properties. The proposal therefore complies with Policy BE21 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

All of the units would benefit from an acceptable level of privacy, outlook and light. Private amenity space is provided in the form of individual gardens, 113 and 122 sq. metres in area, which exceed the Council's 60 sq. metre amenity space standards for 3 bedroom houses, given in The Hillingdon Design and Accessibility Statement (HDAS): Residential Layouts.

The Hillingdon Design and Accessibility Statement (HDAS): Residential Layouts requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided on floor space standards for new residential development to ensure sound environmental conditions are provided on site. As a guide, the recommended minimum standard for 3 bedroom houses is 63 sq. m. The floor space information provided by the applicant indicates that at 154 sq. m per unit, the development exceeds HDAS recommended floor space standards and that lifetime home standards can be met for both dwellings. A condition is recommended to ensure compliance.

Overall, it is considered that the proposed development would provide good living conditions for all of the proposed units in accordance with Policies BE20, BE23, BE24, OE1 and OE5 of the UDP Saved Policies September 2007, HDAS: Residential Layouts and the provisions of the London Plan.

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

It is considered that a net gain of one family dwelling would not give rise to a significant increase in congestion such as to justify refusal. In this case, 4 off-street parking spaces are required to comply with the Council's maximum parking standards. Four spaces would be provided and the Council's Highways Engineer considers that the proposed number of spaces would be adequate. In addition, independent access is provided to secure cycle parking in each of the rear gardens, in compliance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

The proposed crossover arrangement indicated is also considered to be acceptable as it provides adequate provision for pedestrians.

The proposal is therefore unlikely to give rise to additional on-street parking to the detriment of highway and pedestrian safety, in compliance with Policies AM7 and AM14 (ii) of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

See section 7.07.

#### **7.12 Disabled access**

See section 7.09.

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

Not applicable in this case. The scale of the development does not trigger a requirement for the provision of affordable housing.

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

There are no trees or other landscape features within the garden, or close to it and the Council's Trees and Landscape officer raises no objection to the proposal subject to conditions. The proposal is therefore considered to comply with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

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

Not applicable in this case.

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

The energy performance minimum requirements of Building Regulations Part L will be met for the new development. A condition is proposed to ensure the houses meet level 3 compliance of the Code for Sustainable Homes.

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

Policies OE7 and OE8 of the Hillingdon Unitary Development Plan Saved Policies September 2007 seek to ensure that new development incorporates appropriate measures to mitigate any potential risk of flooding.

Consideration has been given to the risk of flooding resulting from an increased area of hard standing on the application site as a result of the proposed development. A condition is recommended requiring the incorporation of Sustainable Urban Drainage Systems (SUDS) to limit the surface run-off from the site. Such measures will include permeable paving surfaces. This will ensure that the potential risk of flooding resulting from surface run-off from the proposed development is negligible.

Subject to the recommended condition, it is considered that development would not increase the risk of flooding and therefore is in accordance with Policies OE7 and OE8 of the Hillingdon Unitary Development Plan Saved Policies September 2007, Policy 4B.6 of The London Plan (February 2008) and Planning Policy Statement 25: Development and Flood Risk.

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

Not applicable in this case.

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

With regard to the letters of objection received, points (i) loss of an existing bungalow,, (vi) strain on existing services and (xii) Inadequate parking, are not sufficient to justify the refusal of this application.

Points (ii) out of character, (iii) proposal is too large, (v) inadequate parking, (vii) The height and footprint would be intrusive, (viii) change the character, (ix) Loss of daylight/sunlight, (x) Loss of privacy, and (xi) increased congestion are addressed in the main body of the report.

With regard to the petition received, in addition to those points covered above, Points (x) Increased flood risk, (xi) Increased carbon footprint, (xii) Rubbish generated would create an eye sore,(xiii) Inadequate facilities for people with disabilities, are addressed in the main body of the report.

Point (xiv) "Dwellings could be converted to multiple occupation" - is not applicable to the determination of this application as there is no permitted change from Class C3 (Dwelling

Houses) to multiple occupation and such a use would thus require further permission.

#### **7.20 Planning Obligations**

The Director of Education has advised that the proposed development will lead to additional pressure for school places in the Ruislip area. A contribution of £1,445 towards additional nursery places, £8,858 towards primary places, £10,527 towards secondary places and £4,274 towards post 16 places in the Ruislip Area would be required to address the cost of the proposed development. The applicant has indicated that he would be prepared to meet the costs to address the impact of the development. A grampian style condition is proposed to address this matter. As such, the proposal complies with Policy R17 of the UDP Saved Policies (September 2007).

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

Not applicable in this case.

#### **7.22 Other Issues**

There are no other planning issues relevant to this application.

### **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**

No objections are raised to the principle of replacing the existing family dwelling unit with two larger family dwelling units.

It is considered that the proposed development would provide adequate parking and is therefore unlikely to give rise to conditions which would be prejudicial to highway and pedestrian safety.

Good environmental conditions can be provided for future occupiers, while the residential amenity of surrounding residents would not be adversely affected by the proposal.

The applicants have indicated that they would be prepared to meet the costs to address the pressure for school places in the locality arising from the proposal.

It is considered that the current proposal addresses the concerns arising from the recently refused scheme and as such, the application is recommended for approval.

## **11. Reference Documents**


Adopted Hillingdon Unitary development Plan (Saved Policies, September 2007  
London Plan (2008)  
Council's SPD HDAS: 'Residential Layouts' and 'Accessible Hillingdon'  
Letters of objection and petition.

**Contact Officer:** Karl Dafe

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**37 Edwards Avenue,  
Ruislip**

Planning Application Ref:  
**65680/APP/2009/1264**

Planning Committee  
**North**

Scale  
**1:1,250**

Date  
**July 2009**

**LONDON BOROUGH  
OF HILLINGDON  
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