

## Report of the Head of Planning & Enforcement Services

**Address** LYNTON BELFRY AVENUE HAREFIELD

**Development:** 2 x two storey, 4-bed, detached dwellings with associated parking and amenity space involving the demolition of existing bungalow and outbuildings

**LBH Ref Nos:** 17663/APP/2012/368

**Drawing Nos:** 10/54/07 Rev. A  
Photographs  
Location Plan to Scale 1:1250  
Design and Access Statement  
Arboricultural Survey  
10/54/08

**Date Plans Received:** 17/02/2012      **Date(s) of Amendment(s):**  
**Date Application Valid:** 07/03/2012

### 1. **SUMMARY**

The application is for the replacement of an existing extended bungalow and detached garage with two, 2 storey, 4 bed detached houses.

Part of the site falls within designated Green Belt land, for which residential development is normally unacceptable in principle. The development would also result in an overdevelopment of the site that would be harmful to the openness of the surrounding Green Belt.

There are also concerns regarding the impact of the development on the amenities of the occupiers of the adjoining bungalow.

The application is therefore recommended for refusal.

### 2. **RECOMMENDATION**

#### **REFUSAL for the following reasons:**

#### **1          NON2          Non Standard reason for refusal**

The proposed development, by reason of the siting of the buildings and their overall size, bulk and scale would significantly increase the built up appearance of the site and result in an encroachment into the open space surrounding the existing building and the adjoining Green Belt. The proposal would therefore constitute inappropriate development in the Green Belt, and would be harmful to the openness and visual amenities of the surrounding Green Belt, without any very special circumstances to justify the harm. The development would be contrary to Policies OL1 and OL4 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), Policy 7.16 of the London Plan (2011) and the National Planning Policy Framework.

#### **2          NON2          Non Standard reason for refusal**

The proposed development by reason of its size, scale, bulk and design would adversely affect the amenities of the adjoining property by reason of an overbearing impact, visual intrusion, loss of privacy and loss of light, contrary to Policies BE19, BE20, BE21 and

BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts.

**3 NON2 Non Standard reason for refusal**

The development is estimated to give rise to a 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 adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted London Borough of Hillingdon Planning Obligations Supplementary Planning Document (July 2008) and updated Education Chapter 4 (August 2010).

**4 NON2 Non Standard reason for refusal**

The proposal would fail to meet all relevant Lifetime Home Standards, contrary to Policies 3.1, 3.8 and 3.9 of the London Plan (2011) and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon.

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

The decision to REFUSE 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 REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
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.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
H4	Mix of housing units
H5	Dwellings suitable for large families
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

R7	Provision of facilities which support arts, cultural and entertainment activities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 3.9	(2011) Mixed and Balanced Communities
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 6.13	(2011) Parking
LPP 7.16	(2011) Green Belt

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is located on the northern side of Belfry Avenue at a point in the road where there is a sharp right angle bend in the road as the road changes from an east-west direction to that of a north-south direction.

The site is currently occupied by a bungalow that has in the past been substantially extended. There is also a detached garage to the rear of the bungalow.

The property sits in an extended plot, with the land to the east of the bungalow having been transferred from the playing fields to the east into the residential curtilage of the property.

The surrounding area is residential in character, although there are significant amounts of open land in the vicinity of the site, contributing to the semi-rural character of the area and the village of Harefield. The site abuts open land to the north and to the east. These boundaries are generally well screened by trees and vegetation, with a wooded area extending into the open space beyond.

The western boundary abuts "Brillig" a detached bungalow set at a slightly lower level than the application property, and separated by a close boarded fence. "Brillig" has a number of windows to habitable rooms running alongside the eastern elevation, facing towards the application site.

There is a varied mix of residential houses in the area, comprising some flats, but predominantly houses and bungalows, with much infill and recent development.

With respect to land designations as identified within the Unitary Development Plan, the majority of the site lies within the Developed Area. However, the eastern side of the site (which was acquired from the adjoining open space) is designated as Green Belt land, as is the playing fields to the east of the site. The north-south stretch of Belfry Avenue that abuts the open space is also designated as Green Belt land. The land to the rear of the site is also designated as an Area of Nature Conservation.

### **3.2 Proposed Scheme**

The application is for the demolition of the existing bungalow and garage and their replacement with two detached houses.

Each house would have an overall width of 10m and a depth of 11m. The main bulk of the house would extend 7m in depth, with a two storey rear return extending a further 4m, with a single storey conservatory to the side of the return.

Each dwelling would be set in from the side boundary by 1.5m with a 2m gap between each of the new dwellings.

The dwellings would be of brick and tile construction, with gable ends to the side of each dwelling.

The existing access is to be retained to provide a shared crossover for the new dwellings. Two parking spaces would be provided to the front of each of house, with a shared driveway and turning area.

The applicant has indicated that the ground floor of each dwelling would be capable of wheelchair access.

### **3.3 Relevant Planning History**

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

There is no planning history in relation to the application site.

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

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

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

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

Part 1 Policies:

Part 2 Policies:

- |      |   |
|------|---|
| BE13 | New development must harmonise with the existing street scene.  |
| 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.   |
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LPP 5.3	(2011) Sustainable design and construction
LPP 6.13	(2011) Parking
LPP 7.16	(2011) Green Belt

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

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

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

## **6. Consultations**

### **External Consultees**

15 adjoining and nearby properties have been notified of the application by means of a letter dated 9th March 2012. A site notice has also been displayed. In response, 5 representations have been received and these are summarised below.

1. Have no objection to one 2-storey, 4 bed, detached dwelling, but feel that two is not in keeping with the existing dwellings in the road.

2. When and for how long do you expect the demolition to take place? a) We would like to stipulate the time of day for working (Monday - Friday 9am - 3.30pm) and that no work is carried out at the weekend. The same for the building of the new properties - no work to be carried out at the weekend and Mon - Fri 9am - 3.30pm). Please clarify what the scale of traffic is likely to be - with regards to building trucks and access. I am pregnant and my baby will be due in Oct 2012 and so I do not want nap times to be upset by noise levels, or any adverse affects due to air pollution. I also have a 4 year old girl who likes to play outside on her bike so do not want any disturbance regarding access to Belfry Ave. We need to have assurance that it will be safe.

3. We are concerned about the impact of the 2 new 2 storey buildings. Firstly we feel that the new construction will adversely effect the daylight to the front of our property which is already impaired as

we are at least 1m under the ground level of "Lynton". Belfry Ave has predominantly bungalow type properties and as such it is felt that 2 storey buildings will have overbearing impact on the neighbourhood. The plans show that the new buildings are very near to our property "Brillig" which will effect our privacy as well as privacy of Lynton. Therefore should permission be granted we would insist for a new 2m high timber fence to be put up on our common boundary. Also we would like to see a daylight study with regards to our property as well as a study of any impact on our foundations as the properties are planned so near. Our main concern is subsidence. Another concern is a noise and obstruction of the road by the construction vehicles. We would like to see restricted hours on deliveries and building work, ie no construction taking place over the weekend. Belfry Avenue is a very narrow road which is already in bad state of repairs, the construction traffic by HGV will no doubt speed up deterioration of the road. Is there any guarantee should construction go ahead that the road will be resurfaced?

4. No street elevation incorporating the adj. bungalow "Brillig" and therefore unable to see whether the new properties will have an overbearing impact on the street scene. We believe it will as the ground floor base is already around 1m higher than the ground floor of Brillig and based on the height of a 2 storey house this will dominate the outlook and setting of this property. - No daylight assessment has been submitted to show how the substantially taller property on Plot 1, will impact on the light currently enjoyed by Brillig -With the application site being at the top of the hill 2 storey properties in this location will be overbearing and will not fit in with the other properties in the immediate location. There are, as defined in the d&a, some 2 storey properties in Belfry Ave but these are not at the peak of the hill and therefore do not have an overbearing impact on their neighbouring properties. Reference has also been made to other bungalows in the area being demolished and replaced on a 2 for 1 basis but this again has been further down the hill where they do not have a substantial impact on the street scene and adjacent properties. - Whilst our property opposite has been extended recently this has all been at ground floor level. In the past (16582/D/97/0726 and 16582/C/96/1872) applications to add a first floor to our property have been declined due to the height and its impact on the properties in the immediate vicinity. - Whilst not a planning issue, we are aware that the land currently to the right of the site (where Plot 2 is to be located) was obtained from the local council back in the 1990s and that a restrictive covenant was placed on this parcel of land stating that it could only be utilised as an extension to the garden of 'Lynton' and no buildings (except sheds, greenhouses) could be constructed upon this land. These proposals are obviously in direct contradiction of this covenant. Should planning permission be granted we would expect that the following conditions/actions would be incorporated: No further permitted development rights to be allowed so no future roof conversion will be possible. A TPO to be placed on T12 to prevent a direct view into our garden which would be overlooked from 1st flr of plot 1 should the tree be removed. A limit on pruning of the trees that lie outside the boundary to the right of the site, which currently overhang the site boundary, in order to maintain the views and appearance of the corner of Belfry Avenue when viewed along its length. Confirmation that Belfry Ave's road surface will be fully resurfaced once construction had been completed. The road has been substantially sub standard for several years despite numerous complaints by the residents of Belfry Ave. Any repairs to this road (including those done recently) are clearly sub-standard and will only temporarily survive. Increased construction traffic will clearly damage the road surface further to the detriment of all residents. A satisfactory proposal to be submitted and agreed as to construction times, delivery times and parking of construction vehicles. This is a narrow road which is already regularly parked on by local dog walkers including blocking of the emergency entrance to the field and further construction vehicles will only serve to increase the inconvenience to residents. Damage to the verges along the side of our bungalow has already occurred due to cars being parked and this will only worsen with more traffic along the road. Any damage to this land should also therefore be repaired post-construction. Being the direct route for local residents to the open land adjacent to the site, frequented by dog walkers, children etc, daily, there is a concern that extra traffic along this road adds an extra risk to the welfare of residents and walkers alike (especially local children) who use this road safely due to the limited traffic that currently uses it.



5. Has the land to the right of the bungalow next to the trees/field been purchased by the owner, given to the owner or land grabbed?

### **Internal Consultees**

#### **HIGHWAYS:**

Belfry Avenue is accessed from either Park Lane or Shelley Avenue and is benefiting from 5.0m wide carriageway and 2.0m wide grass verge either side with no official hard standing footway. The site is located near the right angle bend of Belfry Avenue, adjacent to a section of land which identified by the GIS as being the Belfry Avenue sports ground, belonging to the Green Spaces of the London Borough of Hillingdon.

Proposal is to demolish existing building and construct 2 x 2 storey detached four bedroom dwellings with its associated four off street car parking spaces using the existing vehicle cross-over which complies with minimum standard required by the Council's UDP and is therefore unlikely to result in an additional on street demand for car parking to the detriment of highway and pedestrian safety.

However, submitted ordnance survey map shows part of Belfry avenue sports ground east of the applicant's site is within the site boundary of the applicant, which is contrary to the information obtained from the GIS.

Notwithstanding the issue of the site boundary or ownership of land, no objection is raised subject to the following conditions and informatives being applied;

#### **Conditions**

1. The use of the land for vehicle parking shall not be commenced until the area has been laid out, surfaced and drained and shall be permanently maintained and available for the parking of vehicles at all times thereafter to the Authority's satisfaction.
2. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

#### **Informatives**

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system.

#### **TREES AND LANDSCAPE:**

There is a line of mature Leyland Cypress along the northern part of the site's eastern boundary. Although the trees provide a screening value, the site is adjacent to an open sports ground bordered by mature, deciduous trees and therefore the Leyland Cyresses do not constrain development.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): There is a mature Cappadocian Maple (managed by pollarding) and a mature Beech on the adopted Highways verge to the front of the site. The trees are features of merit and should be afforded protection during development.

To this end the proposed parking spaces (for the western-most proposed house) should be moved further north and the amenity/landscaped area to the north of the boundary (and mature trees) should be extended north. This enlarged area should be protected/fenced off (in accordance with BS 5837:2005) during construction.

Scope for new planting: There is scope to incorporate soft landscaping into the scheme. This matter can be dealt with by condition at a later stage.

Does scheme conform to HDAS: No details have been provided at this stage, however this can be dealt with by condition.

Does scheme conform to SUDS: No details have been provided at this stage, however this can be dealt with by condition.

Recommendations: The plans should be amended to show the parking areas (for the western-most proposed house) moved further towards the house and the proposed soft landscaped area to the north of the highway verge should be enlarged. The plans should show root protection (in accordance with BS 5837:2005) to protect the roots of the off-site trees (i.e. a tree survey and tree protection plan should be provided).

Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions RES6, RES8 (tree protection), RES9 (Landscaping - excluding sections 3, 3.a and 3.b), and RES10 (Trees to be retained).

#### ACCESS OFFICER:

In assessing this application, reference has been made to London Plan Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

The following access observations are provided:

1. Level access should be achieved. Entrances to the proposed dwelling houses appears to be stepped, which would be contrary the above policy requirement.
2. The entrance level WCs do not conform to the Lifetime Home Standards due to their small size and layout. At least 700mm should be provided to one side of the toilet pan, with 1100mm between the front edge and any obstruction opposite. Floor gully drainage, to allow for the future installation of a shower, should be shown on plan.
3. A minimum of one bathroom at first floor level should provide 700mm to side of the WC, with 1100mm provided between the front edge of the toilet pan and a door or wall opposite. To allow the same bathroom to be used as a wet room in future, plans should indicate floor gully drainage.
4. The plans should indicate a convenient location of a future through the ceiling wheelchair lift.

Conclusion: Unacceptable.

## **7. MAIN PLANNING ISSUES**

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

The majority of the site is within an established residential area where there would be no objection in principle to new residential development, subject to the scheme satisfying other relevant planning considerations. These are dealt with elsewhere in this report.

However, part of the site falls within designated Green Belt land, to which there is an objection to new residential development. It would appear that the original plot of land



within which the bungalow was constructed was extended to include a strip of land to the east of the original plot, originally forming part of the adjoining playing fields. It is this parcel of land that is designated as Green Belt land.

Therefore whilst the development of the original curtilage of the bungalow may be acceptable, the infringement of the new development onto designated Green Belt land is considered unacceptable. The impact of the proposal on the Green Belt is considered in Section 7.05 of this report, but given the encroachment onto Green Belt land the proposal, in principle, is unacceptable.

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

Policy 3.4 of the London Plan (July 2011) advises that Boroughs should ensure that development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

The density matrix is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the scheme harmonises with its surroundings.

In this case the site is located within a semi-rural area with a low Public Transport Accessibility Level (PTAL). However, the density of the development is similar to that which has been permitted elsewhere in the area and in this respect it is considered appropriate for this location.

#### **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**

The site is situated within Green Belt land. The National Planning Policy Framework (NPPF) and local planning policies give clear guidance as to what is appropriate development in the Green Belt. The NPPF essentially does not alter the Government's previous guidance and advice contained within the former Planning Policy Guidance Note 2 on Green Belts.

The NPPF therefore clarifies that the construction of new buildings in the Green Belt is inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor sport and recreation, the limited extension or replacement of existing dwellings, limited infilling in existing villages or limited infilling of major developed sites.

This advice is reflected in Policy OL1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) which states that the local planning authority will not grant planning permission for new buildings other than for purposes essential for and associated with the uses specified. The application proposal does not comprise any of these, and is therefore, by definition inappropriate development in the Green Belt.

The NPPF also states that such appropriate development in the Green Belt must still not prejudice the openness of the Green Belt. This site is adjacent to playing fields that are themselves within the Green Belt. The proposal would result in an increase in the size, scale, height and bulk of building being within and up to the Green Belt boundary with the playing fields. It is considered that the building would appear dominant against the

boundary, albeit that there would remain a significant amount of intervening vegetation. However, by the buildings being so close to the boundary and increasing its height, size, bulk and scale, and clearly visible from the road and from within the Green Belt (noting that the road is within Green Belt land), it is considered that the nearness of the building would prejudice its openness and therefore be harmful to the character and openness of the Green Belt. The encroachment onto the Green Belt land and its impact on the openness and visual character of the Green Belt is therefore unacceptable and contrary to Policies OL1 and OL4 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), Policy 7.16 of the London Plan 2011 and the National Planning Policy Framework (NPPF).

#### **7.06 Environmental Impact**

Not applicable to this application.

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

Policy BE13 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and BE19 states the Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area. The adopted Supplementary Planning Document (SPD): Residential Layouts: Section 3.4 states this type of development must seek to enhance the character of the area.

This part of Harefield has been subject to some development over recent years and there is a varied mix of dwelling types within the village. This includes a number of small estates where the nature of the development is fairly compact. The proposal would be consistent with the estates in the vicinity, and would not therefore be unduly out of character with the surrounding area. However, the site is located on the side of the playing fields where there is very little development, and it would therefore appear out of context with its immediate environment and the need to preserve the open character of this side of the playing fields.

On balance and notwithstanding the Green Belt and other concerns, it is considered that the proposed houses in themselves would not detract from the character and appearance of the street scene generally but would clearly impact upon the Green Belt as set out above.

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

Paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore, and a minimum of 21m overlooking distance should be maintained.

In this case there are a number of windows in the side elevation of "Brillig" which lies to the west of the application site and approximately 1m lower than the application site. Whilst there is some separation between the buildings it is considered that the two storey element of the most western house, being within 2m of the boundary would appear dominating and imposing on "Brillig".

It would have an unacceptable impact on the residential amenities of the occupiers of the adjoining properties through overdominance, visual intrusion and overshadowing. The proposals are therefore not in accordance with policies BE20, BE21 and BE24 of the

adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) nor paragraphs 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts.

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

HDAS SPD: Residential Layouts, states careful consideration should be given to the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. Habitable rooms should have an adequate outlook and source of natural light. Both the London Plan (July 2011) and the Council's HDAS: 'Accessible Hillingdon' establish minimum floor space standards.

For a four bedroom, two storey house, a minimum internal floor area of 107sqm is required under the London Plan. The internal floor area of the proposed house at over 180sq m would clearly exceed this minimum requirement.

With a rear garden length of approximately 19m for each of the dwellings and a plot width of 12.5m, each of the gardens would exceed 237sq.m in area. This exceeds the 100sq.m specified in the Council's HDAS: Residential Layouts.

The proposed habitable rooms all would provide adequate outlook and natural lighting for its future occupiers.

As such, the proposal would provide adequate amenities for its future occupiers.

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

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

The proposed front driveway can accommodate 2 off-street parking spaces. As such, it is considered that the proposal would not result in an increase in on-street demand for parking to the detriment of highway and pedestrian safety, in accordance with policies AM7, AM9 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.33 and 4.39 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

It is considered that the proposal would not give rise to any concern regarding traffic impact or highway safety. The creation of a new dwelling would not result in any significant additional increase in traffic generation in the area.

The proposal would therefore comply with Policies AM14 of the saved UDP and the Council's adopted Car Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

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

These issues have been covered in Sections 7.05, 7.07 and 7.12.

#### **7.12 Disabled access**

Policy 3.8 of the London Plan (July 2011) advises that all new housing development should be built in accordance with Lifetime homes standards. Further guidance on these standards is provided within the Council's Supplementary Planning Document: Accessible Hillingdon, January 2010.

The Council's Access Officer advises that there are a number of concerns in relation to the development as proposed in this respect.

The proposal fails to comply with the Lifetime Home Standards for the following reasons:

- Entry to the proposed dwelling house appears to be stepped and would not provide level access;
- The front door entrance level WC does not conform to the Lifetime Home Standards due to its small size and layout. At least 700mm should be provided to one side of the toilet pan, with 1100mm between the front edge and any obstruction opposite. Floor gully drainage, to allow for the future installation of a shower, should be shown on plan.
- A minimum of one bathroom at first floor level should provide 700mm to side of the WC, with 1100mm provided between the front edge of the toilet pan and a door or wall opposite. To allow the same bathroom to be used as a wet room in future, plans should indicate floor gully drainage.
- The plans should indicate a convenient location of a future through the ceiling wheelchair lift.

The scheme would therefore fail to satisfy Lifetime homes standards and is considered contrary to Policies 3.1, 3.8 and 3.9 of the London Plan (July 2011) and the Council's supplementary Planning Document: Accessible Hillingdon (January 2010).

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

Not applicable to this application.

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

The Council's Trees Officer has commented on the application, noting that the front parking area could have some impact on the trees within the vicinity of the site. This could be addressed through a condition attached to any planning permission.

Subject to appropriate tree protection measures, it is considered that there would be no adverse impact on ecology within the area arising from the use of the site, which is already primarily in residential use. Whilst the existing garden may offer some habitat value, the proposed development would not result in any adverse impact on ecology matters, subject to appropriate conditions being imposed.

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

There is no requirement for proposals for houses with individual curtilages to identify where refuse will be stored as this would be largely a matter for the new occupiers.

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

A condition could be added to any permission, requiring details of a scheme to demonstrate how Code 4 for Sustainable Homes could be satisfied.

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

The application does not lie within an area prone to flooding. A condition could have been added to any grant of permission to ensure a sustainable drainage scheme was provided.

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

Not applicable to this application.

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

Comments have been considered throughout this report.

#### **7.20 Planning Obligations**

The proposed development would result in an increase of more than 6 habitable rooms and therefore would fall within the threshold for seeking a contribution towards school places as required by Policy RO7.

Given that a legal agreement has not been offered or secured the proposal is contrary to Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Planning Obligations SPD.

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

Not applicable to this application.

#### **7.22 Other Issues**

There are no other issues raised by 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**

Not applicable to this application.

### **10. CONCLUSION**

For the reasons outlined above the proposed development fails to comply with all of the policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), the London Plan (2011), the NPPF and the adopted SPD HDAS: Residential Layouts, this application is recommended for refusal.

### **11. Reference Documents**

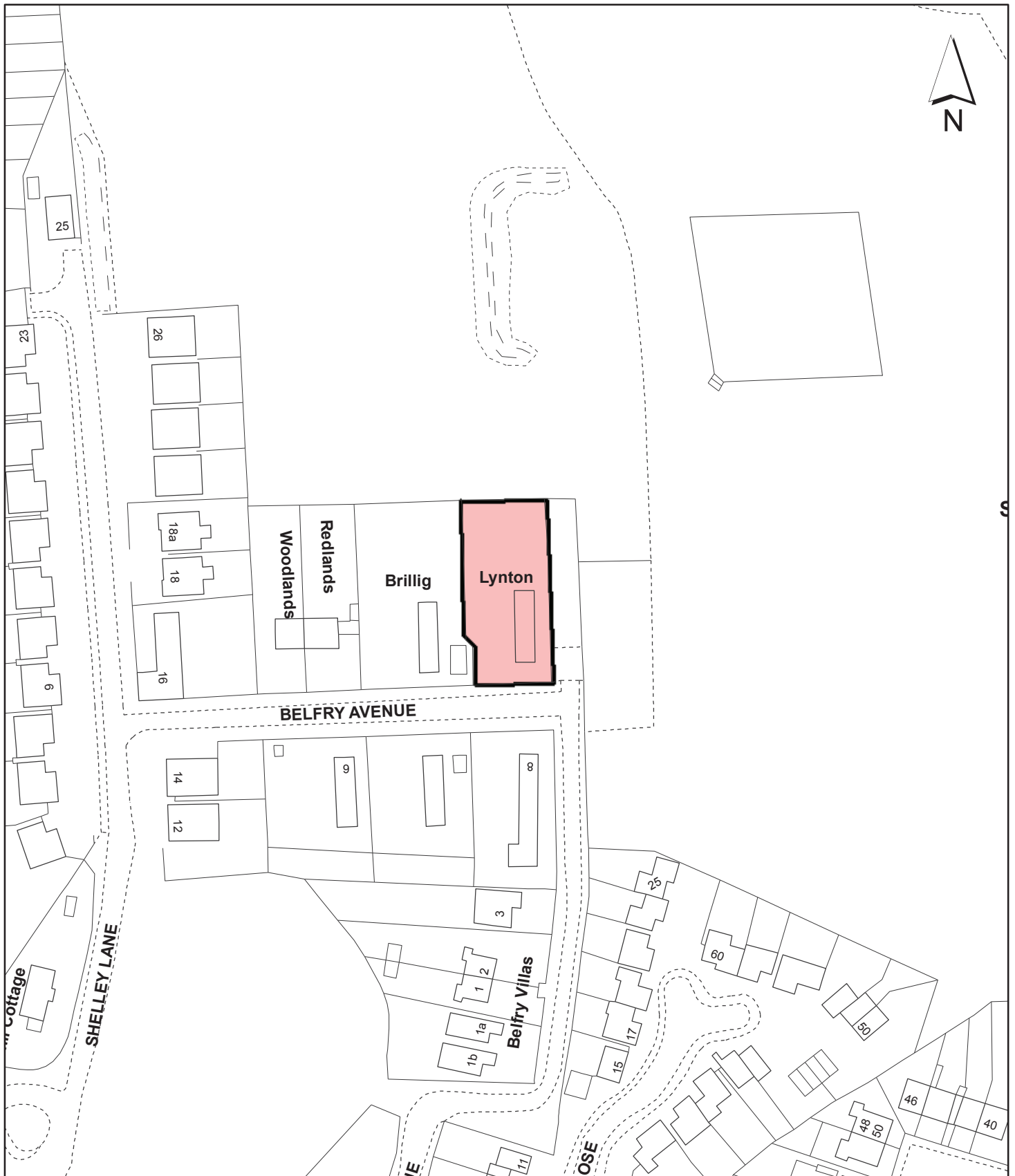
London Plan 2011.  
Hillingdon Unitary Development Plan (Saved Policies September 2007).  
Hillingdon Design and Accessibility Statement: Residential Layouts.  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon.  
Hillingdon Planning Obligations Supplementary Planning Document July( 2008) and updated chapter 4 Education (August 2010).  
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan,

Saved Policies, September 2007).  
National Planning Policy Framework.  
Consultation Responses.

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**Notes**

 Site boundary

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Planning Application Ref:

**17663/APP/2012/368**

Planning Committee

**North**

Scale

**1:1,250**

Date

**May  
2012**

**LONDON BOROUGH  
OF HILLINGDON**  
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