

Report of the Head of Planning, Sport and Green Spaces

Address:	THE SWAN PH BREAKSPEAR ROAD NORTH HAREFIELD
Development:	Two storey detached building to contain 2 one bedroom and 4 two bedroom, self contained flats with associated parking and amenity space and alterations to existing vehicle crossover to front, (involving demolition of existing building).
LBH Ref Nos:	18329/APP/2012/242
Drawing Nos:	As per original committee report
Date application approved at Committee	North Planning Committee – 26th April 2012
S106 Agreement	That the recommendation to enter into a planning obligation to address educational needs arising from the proposed development is amended and approved to correct an error in the officer's report of 26th April 2012.

1.0 CONSULTATIONS

1.1 Internal Consultees

Planning

Obligations Officer: Following the planning committee, the level of the education contribution was queried by the applicant. Upon review of the education figure it was discovered that the education contribution had been calculated incorrectly.

The correct figure should be £7,718. Therefore further committee authorisation is sought to rectify this error.

It is considered appropriate that the Committee approve the amendment to the level of the educational contribution to reflect the habitable room count arising from this scheme.

2.0 RECOMMENDATION

That delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to the following:

1. That the Council enter into a legal agreement with the applicants under Section 106/ Unilateral Undertaking of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:
 - (i) An education contribution of £7,718
 - (ii) That all construction and administration costs in raising/renewing existing kerbs and reinstatement of the public footway adjacent to the application site are met by the developer.
2. That the applicant meets the Council's reasonable costs in the preparation of the s106 Agreement and any abortive work as a result of the agreement not being completed.
3. If the s106 Agreement has not been finalised within 6 months, the application is to be referred back to the Planning Committee for determination at the discretion of the Director of Planning, Environment, Education and Community Facilities.
4. That officers' be authorised to negotiate and agree the detailed terms of the proposed agreement.
5. That on completion of the s106 Agreement, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers.
6. That if the application is approved, the conditions and informatives that were agreed at 26 April 2012 North Planning Committee be attached.

3.0 KEY PLANNING ISSUES

- 3.1 The current planning application was lodged on the 6th of February 2012 and reported to the North Planning Committee on the 26th of April 2012. The report is attached as Appendix A and the minutes of that meeting are attached as Appendix B.
- 3.2 The Committee determined to approve the application, subject to the applicant, entering into a s106 agreement to secure an education contribution in the sum of £11,186 and also that the construction and administration costs in raising/renewing existing kerbs and reinstatement of the public footway adjacent to the application site are met by the developer.
- 3.3 Post planning committee the level of the education figure was queried by the applicant as it was the same as that of their 2011 scheme despite this scheme having a lower number of habitable rooms than the 2011 scheme.
- 3.4 The correct sum should read £7,718 as the revised scheme has four x 4 habitable room dwellings and two x 3 habitable room dwellings. The original scheme had six x 4 habitable room dwellings.

- 3.5 Approval to amend the level of the education contribution is therefore sought to address the error in the officer's report of 26th April 2012, subject to the conditions and informatives contained in the report heard by the North Planning Committee on 26 April 2012.

OBSERVATIONS OF 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'.

OBSERVATIONS OF THE DIRECTOR OF FINANCE

The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

Reference Documents

- (a) North Planning Committee Agenda 26th April 2012. Report for application reference 18239/APP/2012/242.
- (b) North Planning Committee Minutes 26th April 2012 resolution for application reference 18239/APP/2012/242.

Contact Officer: VANESSA SCOTT

Telephone No: 01895 250 230

APPENDIX A

Report of the Head of Planning & Enforcement Services

Address THE SWAN PH BREAKSPEAR ROAD NORTH HAREFIELD

Development: Two storey detached building to contain 2 one-bedroom and 4 two-bedroom, self contained flats with associated parking and amenity space and alterations to existing vehicle crossover to front, (involving demolition of existing building).

LBH Ref Nos: 18239/APP/2012/242

Drawing Nos: 11/3252/14
11/3252/13
Photographs Sheets 1-4
Design and Access Statement
Energy and Sustainability Statement
Location Plan to Scale 1:1250
11/3252/11 Rev. D
11/3252/10 Rev. C
11/3252/12 Rev. A

Date Plans Received: 31/01/2012 **Date(s) of Amendment(s):** 31/01/2012

Date Application Valid: 06/02/2012 10/04/2012

1. SUMMARY

This application, together with an application for conservation area consent (18239/APP/2012/244) which is also being presented to this committee meeting seeks permission to demolish the existing un-used and vacant Swan Public House and erect a two storey detached block containing 2 x one-bedroom and 4 x two-bedroom flats, with off-street parking in the rear garden and a disabled person's space in the front garden area.

This follows previous applications for planning permission and conservation area consent (18239/APP/2011/1596 and 1588) for a block containing 6 x two bedroom flats which was refused permission and an appeal was subsequently dismissed in an Inspector's decision letter dated 12/03/12 which is attached at Appendix 1.

The scheme has been amended by reducing the size and bulk of the building, amending its design and the number of bedrooms and re-siting it further forward on site. Off-street parking has been re-sited at the rear with 6 off-street spaces, served by a side access, with a disabled person's space at the front.

Although the Council objected in principle to the loss of the building and its contribution to the character and appearance of the Harefield Village Conservation area, this was not supported by the Inspector. As regards the reasons for dismissing the appeal, namely, mutual overlooking, unsightly bin store and the poor outlook and natural lighting of front facing windows adjoining the Malthouse Pharmacy, it is considered that this revised scheme has overcome the Inspector's concerns.

As regards the current application, although the internal floor area of the two bedroom flats are undersized, this is minimal and not of such significance as to justify refusal of permission. No objections are raised to car parking in the rear garden, given the nature

of the surrounding area. The new access road does involve crossing the root protection area of an adjoining protected Ash tree which is not ideal, but a condition has been added to ensure that the construction of the road safeguards this tree.

The application is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to the following:

1. That the Council enter into a legal agreement with the applicants under Section 106/Unilateral Undertaking of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:

(i) An education contribution of £11,186.

(ii) That all construction and administration costs in raising/renewing existing kerbs and reinstatement of the public footway adjacent to the application site are met by the developer.

2. That the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.

3. If the S106 Agreement has not been finalised within 6 months, the application to be referred back to the Planning Committee for determination at the discretion of the Director of Planning and Community Services.

4. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

5. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers.

6. That if the application is approved, the following conditions be attached:

1 RES3 Time Limit

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 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

3 RES6 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).

4 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

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).

5 NONSC Non Standard Condition

Details of the window cills & arches, string course, chimneys & pots and the eaves should be submitted at 1:5 scale or as appropriate.

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).

6 NONSC Non Standard Condition

No development shall take place until details of the 'Swan' faience tile to be safeguarded, appropriately repaired and reinstated on the main elevation. have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

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).

7 NONSC Non Standard Condition

Prior to the commencement of works on site, a tree report, tree protection plan and arboricultural method statement to BS5837:2005 shall be submitted to and approved by the Local Planning Authority to demonstrate how the access road will be constructed without causing damage to the roots of the adjoining protected Ash tree (T54 on TPO 3).

REASON

To ensure that the adjoining protected Ash tree (T54 on TPO 3) can and will be retained and 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).

8 NONSC Non Standard Condition

The access road shall must have a permeable surface and be constructed on site prior to the commencement of work on the flats.

REASON

To ensure that the adjoining protected Ash tree (T54 on TPO 3) can and will be retained and 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).

9 RES8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. 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.

Thereafter, the development shall be implemented in accordance with the approved details. 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:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and
- 2.e 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 can and will be retained on site and 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).

10 RES9 Landscaping (including refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

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

2. Details of Hard Landscaping
 - 2.a Refuse Storage (inc. elevations if appropriate)
 - 2.b Cycle Storage (inc. elevations if appropriate)
 - 2.c Means of enclosure/boundary treatments (inc. elevations if appropriate)
 - 2.d Car Parking Layouts (including details of the access road, which may need to be raised to bridge the roots of the adjoining protected Ash Tree and how this will be assimilated into the landscape scheme).
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (such as play equipment and furniture)
3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
4. Schedule for Implementation
5. Other
 - 5.a Existing and proposed functional services above and below ground
 - 5.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 5.17 (refuse storage) of the London Plan.

11 RES10 Tree 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 or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority 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 3998:2010 'Tree work - Recommendations' 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.

12 RES12 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 Apple Trees, Breakspear Road North.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24.

13 RES13 Obscure Glazing

The first floor bedroom window facing Apple Trees, Breakspear Road North shall be glazed with permanently obscured glass and 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).

14 RES15 Sustainable Water Management (changed from SUDS)

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 5.12.

15 RES16 Code for Sustainable Homes

The dwelling(s) shall achieve Level 3 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

REASON

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

16 RES17 Sound Insulation

Development shall not begin until a scheme for protecting the proposed development from (road traffic) (rail traffic) (air traffic) (other) noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (rail traffic) (air traffic) (other) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.15.

17 RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed and constructed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2

18 RES22 Parking Allocation

No unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

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 6 of the London Plan (July 2011).

19 RES23 Visibility Splays - Pedestrian

The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site 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.

REASON

In the interests of highway and pedestrian safety in accordance with policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

20 RES24 Secured by Design

The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

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

NPPF	National Planning Policy Framework
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 3.16	(2011) Protection and enhancement of social infrastructure
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.13	(2011) Sustainable drainage
LPP 5.15	(2011) Water use and supplies
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.6	(2011) Architecture
LPP 7.8	(2011) Heritage assets and archaeology
BE1	Development within archaeological priority areas

BE4	New development within or on the fringes of conservation areas
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.
H4	Mix of housing units
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H8	Change of use from non-residential to residential
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

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 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.

7 115 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

8

You are advised that 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.

9

The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover and relocation of lamp columns.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the eastern edge of the Harefield Village centre, directly opposite the village green and pond. It is sited on the south western side of Breakspear

Road North, some 70m to the east of its junction with High Street and is roughly rectangular in shape, tapering towards the rear with a 24m frontage and an overall depth of 42m. The site comprises a detached two-storey building, which was formerly in use as a public house known as The Swan, but is now vacant and the site boarded up. The main elevation of the building is set back from the front boundary of the site by approximately 3.3m to 4.0m and this area was used for car parking which appears to have involved overhanging of the public footway.

The building was built by Charles Brown, a local builder and opened as a public house in 1908. The building is of rough cast render and a plain tiled roof with two asymmetric mock timber frame gables fronting the street with a decorative swan tile incorporated into the larger left hand side gable. There is a projecting hipped wing with a cat slide roof at the rear. Above the windows, there are attractive tile creased arches. The building originally had an attractive glazed brick string course detail, which has now been vandalised. There is a more modern porch to the front and side and rear single storey extensions.

Immediately adjoining the whole eastern side boundary of the site is a part single storey, part two storey building which is in use a retail pharmacy at the front with residential above, and as a repair garage further to the rear of the site. The garage use also wraps around to the rear of the application site. To the west are detached residential houses. The south eastern side, the boundary of the site is formed by an older buttressed wall which appears to pre-date the public house, although it is not listed. Adjoining this wall, within the front garden area of the neighbouring house is a large protected Ash tree which has been crudely lopped on one side.

The application site is located within an Archaeological Priority Area and forms part of the Harefield Village Conservation Area. It is also located within the Harefield Local Centre and covered by a Tree Protection Order (TPO_3). It also forms part of the Colne Valley Regional Park.

3.2 Proposed Scheme

The proposal involves the demolition of the existing public house building, and erection of a new two storey detached building to provide 4 two-bedroom and 2 one-bedroom flats. The building would be slightly angled to the road and set back from the back edge of the footway by approximately 4.5m to 6.3m. It would be 14.4m wide, set off the side boundary adjoining the Malthouse Pharmacy by 1m and by 4.5m to 6.0m on the side boundary adjoining Apple Trees.

As on the previous scheme, the building would have an eaves height of 5.1m and ridge height of 9.1m. The building would still be double fronted, although the roof design has been simplified, with two, two-storey projecting gable roofed bays. On the ground floor, in between the bays would be a flat roofed storm porch. The building would have an overall depth of 16.7m which would comprise an off-set projecting hipped roof wing on the north western side of the building at the rear, with an adjoining smaller projecting two storey element on the south-eastern side of the rear wing.

Parking for 6 vehicles would be provided at the rear of the site, accessed by a driveway on the eastern side of the building. A disabled parking space would be provided at the front of the building. Provision for refuse storage/recycling would be made at the side of the building, adjacent to the access road with a cycle store at the end of the rear garden.

This application differs from the previous scheme in that the bulk of the building has been reduced, with its overall width and depth reducing by approximately 1.3m and 0.8m

respectively and moved forward on site by approximately 6.5m so as to retain wider gaps on the boundary with Apple Trees. The design of the building has been simplified, with more traditional roof being proposed that avoids the need for crown roof elements. The main area of off-street parking has moved to the rear of the site, with refuse/storage provision made at the side of the building.

A number of reports have been submitted in support of the application, namely:

Design and Access Statement:

This provides the background to the scheme and describes the site and surroundings. The design component of the scheme is assessed and advises of the changes made since the previous refusal. The access component is then assessed. The report then goes on to describe the landscaping. The reasons for refusal of the previous scheme and identified and the report concludes that these have now been overcome.

Building Assessment by Dr Mervyn Miller:

This provides the background to the report and includes the qualifications and experience of the author. A historical context and site description is provided. The report states that the building was inspected on 27/07/11. The building dates to the first quarter of the last century and is described as having a general Arts and craft character although it is not a sophisticated design. It has been disfigured with awkward extensions, which are described and the interior of the building is noted as being in disarray, being damaged and vandalised. The conservation area context of the building is then described, and its contribution to that character. National and local policy is then considered.

Energy and Sustainability Statement:

This lists the measures that will be employed to reduce the impact of the building on the environment. As regards renewable energy, it states that in order to satisfy Level 3 of the Code for Sustainable Homes, either solar panels or photo-voltaic cells will supplement the conventional system.

3.3 Relevant Planning History

Comment on Relevant Planning History

A previous scheme (18239/APP/2011/1588) for a two storey detached building comprising 6 two-bedroom flats with associated parking and amenity space and alterations to the existing vehicular crossover to the front (involving the demolition of the existing public house building) was refused on 27/10/11 for the following reasons:-

1. In the absence of a full structural survey or similar and/or a financial viability appraisal, the proposal fails to demonstrate that all options for the renovation and repair of the Swan PH have been explored. Until such time that all options have been explored, it is considered that its demolition is premature. The proposal is therefore considered to be contrary to PPS5.

2. The proposal, by reason of its layout, siting, bulk, excessive habitable room density and roof design, including the introduction of an extensive area of hardstanding to the front of the building, represents a cramped and incongruous form of development that fails to leave adequate space around the building, commensurate with the character of the surrounding area and fails to harmonise with the pattern, scale and design of surrounding residential development. The proposal would be detrimental to the visual amenities of the

street scene and would fail to maintain or enhance the character and appearance of the Harefield Village Conservation Area. The proposal is therefore contrary to policies BE4, BE13, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The proposed development by reason of the siting of the proposed building and its windows would result in the overlooking of the first floor flat at the adjoining Harefield Garage, Breakspear Road North, causing an unacceptable loss of privacy to the occupiers. The proposal is therefore contrary to policy BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4. The proposed development by reason of its overall size, height, siting and length of projection would result in an overdominant/visually obtrusive form of development in relation to the neighbouring property, Apple Trees, Breakspear Road North and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to policy BE21 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

5. The proposal, by reason of overlooking of the windows from the adjoining first floor flat at Harefield Garage in the rear elevation and the poor outlook from the lounge windows of the ground and first floor flats adjoining the Malthouse Pharmacy due to the length of projection of the building at the front of the building, would fail to provide an acceptable standard of residential accommodation, contrary to policy BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

6. The proposed bin store, due to its siting, size, scale and excessive height, would appear as a visually intrusive and incongruous feature, detrimental to the visual amenity of the street scene and harmful to the character and appearance of the Harefield Village Conservation Area. As such, the proposal is contrary to policies BE4, BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7. 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 adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted London Borough of Hillingdon Planning Obligations Supplementary Planning Document (July 2008).

A subsequent appeal was dismissed on 12/03/12 and the Inspector's decision letter is attached at Appendix 1.

An application for conservation area consent (18239/APP/2012/244) also forms part of the current submission which is also being reported to this committee.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.7 To promote the conservation, protection and enhancement of the archaeological heritage of the Borough.
- PT1.8 To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities.
- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- NPPF National Planning Policy Framework
- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 3.16 (2011) Protection and enhancement of social infrastructure
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.15 (2011) Water use and supplies
- LPP 7.2 (2011) An inclusive environment
- LPP 7.3 (2011) Designing out crime
- LPP 7.4 (2011) Local character
- LPP 7.6 (2011) Architecture
- LPP 7.8 (2011) Heritage assets and archaeology
- BE1 Development within archaeological priority areas
- BE4 New development within or on the fringes of conservation areas
- 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.
H4	Mix of housing units
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H8	Change of use from non-residential to residential
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **14th March 2012**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

47 neighbouring properties have been consulted and 5 responses have been received, making the following comments:

- (i) Development does not respect the current village kerbside frontage,
- (ii) Proximity of building to adjoining properties will lead to a loss of natural light,
- (iii) There will be a significant level of overlooking from the proposed upper floor accommodation leading to loss of privacy to adjoining properties and their gardens, which would be exacerbated by removal of trees,
- (iv) Proposal represents a significant improvement in terms of previous application and its impact upon the adjoining property, Apple Trees and street scene as bulk has been reduced, block moved to front which now has more character. Side windows to the left should be translucent and render on front should be in keeping with the street scene,
- (iv) Parking provision for the flats is totally inadequate given that surrounding areas are heavily parked, particularly Pond Close, the nearest residential street and parking prohibited on Breakspear Road North. This scheme is likely to require at least 10-12 spaces, plus 3 for visitors. A further influx of cars will exacerbate an already serious situation and have further detrimental

- impact on emergency services attending the bottom of Pond Close,
- (v) Proposed access has poor sight lines, Council should consider road crossing at front of property to assist with increased pedestrian traffic,
 - (vi) Parking at rear will introduce open access, resulting in security risk for adjoining properties,
 - (vii) Proposal, with small amenity area which appears inadequate for the proposed occupancy, will involve area being intensively used, resulting in noise disturbance with little screening provided for neighbours,
 - (viii) Excavations and development will endanger root structure of adjacent TPO'd trees and historic wall from Harefield House estate,
 - (ix) Contributions to education funding will not solve problem of an oversubscribed school and a village with a lack of facilities for young people and families,
 - (x) Prior to demolition, Council should conduct a thorough building and site survey to identify all hazardous material and that it is removed safely and residents be given a copy of results,
 - (xi) Site security should be a high priority and the Council should ensure contractor fully enforces this,
 - (xii) As Breakspear Road is very busy, provision needs to be made for contractor's parking,
 - (xiii) Contractor's hours need to be specified,
 - (xiv) 48 hours notice required for those residents who will suffer disruption of utilities,
 - (xv) Doorway width appears to be under 800mm which is going to be very tight for a wheelchair,
 - (xvi) Proximity of building to adjoining properties, particularly the vehicle workshops will be a fire risk,

Harefield Village Conservation Panel:

The Panel has no objection to the proposal which would be a suitable replacement for the 'Swan'. The plaque with the image of a swan on the front elevation of the pub should be preserved and included in the front elevation of the new building by condition.

Campaign for Real Ale:

Object to this application, unless it can be shown that a reasonable effort has been made to sell the place, at a realistic price, to pub companies and breweries for use as a public house.

Thames Water:

Standard advice provided - no objections raised.

Internal Consultees

URBAN DESIGN/CONSERVATION OFFICER:

BACKGROUND: Following the appeal dismissal, discussions were held with agent and applicant. The scheme has been revised as per advice.

COMMENTS: The main contention was the rear elevation and the resulting roof form. The advice to reduce the width of the rear element would be detrimental to the scheme's viability. However, the 'butterfly hip' has been revised with a single hip, albeit with a shallower slope. Whilst this is not ideal and perhaps not the best design solution, it would not be visible from the street scene and would help to resolve the rear elevation. Therefore, there would be no objections to the proposed roof form in this instance.

The revisions proposed re the new location of the bins, the defensive space to the rear and the minor design elements to the front elevation are acceptable.

In lieu of above, it is felt that, whilst the loss of the existing building is regrettable, the new building

would not be considered detrimental to the appearance of the area and would relate to the local street scene. It is therefore acceptable. Following conditions should be attached:

Re demolition Consent:

1. Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as local planning authority notified immediately. Provision shall be made for the retention proper recording, as required by the Council

Re new development:

1. All materials should be traditional- clay tiles for the roof and timber doors and windows in particular. Samples for render, brick, tiles, timber boards (included in the gables) and finials & ridge tiles, should be submitted for approval to the Council.
2. Details of the window cills & arches, string course, chimneys & pots and the eaves should be submitted at 1:5 scale or as appropriate.
3. The 'Swan' faience tile to be reinstated on the main elevation should be safeguarded and appropriately repaired. Further details re the same should be submitted.

Reason: To achieve a high quality of design and standard of materials in order to enhance the appearance of the conservation area.

CONCLUSION: Demolition Consent should be approved. New development should be approved with conditions as above.

HIGHWAY OFFICER:

Breakspear Road runs from Ickenham Road in the south to the Harefield village in the north and is classified as Borough Secondary Distributor Road. The site which used to trade as a public house is located close to the Harefield village centre, southern side of Breakspear Road, fronting a large green open space and is currently vacant.

Currently the site is benefiting from single yellow line parking restriction in carriageway and 1.5m wide concrete footway with a drop kerb across its entire frontage.

Proposal is to demolish existing building and construct a two storey building containing 4 x 2 bed and 2 x 1 bed flats with associated six secured and covered cycle stands and six off street car parking spaces at the rear with a single disabled parking space on the front of the development, which complies with minimum standard required by the Council's UDP. Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The standard requires 6 vehicle parking spaces for similar dwellings. It is also proposed that the existing in/out vehicle access would slightly be relocated to provide an easy access into the rear off street parking area.

proposal is therefore unlikely to result in an additional on street demand for car parking to the detriment of highway and pedestrian safety, and is not considered to result in a noticeable increase (if any) in traffic when compared with existing use of the property.

Consequently, no objection is raised subject to the following conditions and informatives being applied:

Conditions

1. A suitable condition being attached to ensure that all construction and administration costs in raising/renewing existing kerbs and reinstatement of footway outside the applicant's property is

covered by the applicant.

2. 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

3. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site 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.

2. The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover and relocation of lamp columns.

TREE/LANDSCAPE OFFICER:

TPO/Conservation Area: This site is covered by TPO 3 and also located within the Harefield Village Conservation Area. Therefore, all trees not covered by the TPO are protected by virtue of their location within the Conservation Area.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (on-site): There are two small Larch trees at the end of the rear garden and a small Hawthorn along the side boundary. Whilst the trees do not constrain the development of the site, they should be retained for their screening value.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): There is a large, protected Ash (T54 on TPO 3) to the side of the site (at Apple Trees, Breakspear Road North), close to the front, eastern boundary. The tree has been lopped on one side (eastern side - within Apple Trees) and now appears un-balanced. However, the tree is re-sprouting and, given time, should recover.

The main access to the proposed parking area (at the rear of the proposed building) is likely to cut across half of the Ash tree's root protection area (RPA). No relevant tree-related details have been provided to show how the proposed access road will be constructed without causing long-term damage to the protected Ash.

Scope for new planting: The plans appear to show new trees within the site. However the trees are not detailed. The plans should be amended to show the species of tree and specification (i.e. standard size and short-staked). However, this matter can also be dealt with by condition at a later stage.

The plans also appear to show soft landscaping around the proposed car park(s). No further details have been provided, however this matter can also be dealt with by condition at a later stage.

Does scheme conform to HDAS/SUDS: The proposed scheme appears to show that about 25% of the frontage has been set aside for soft landscaping. The applicant should also provide details of materials to be used. This matter can be dealt with by condition at a later stage.

Recommendations: In accordance with BS 5837 (2005), a tree report, tree protection plan and arboricultural method statement should be provided to show how the proposed access road will be constructed without causing damage to the protected Ash tree (T54 on TPO 3).

Conclusion (in terms of Saved Policy BE38): As it stands, this scheme is unacceptable because it

does not make provision for the protection and long-term retention of the protected Ash tree (T54 on TPO 3). Please re-consult on receipt of the requested information.

Further comments

Further to my original advice below and our conversation today, the following points must be addressed. As explained in my original advice, the current design is unacceptable because it does not make provision for the protection and long-term retention of the adjacent protected Ash (T54 on TPO 3). It may be the case that any tree-related information that is provided at this late stage may still not be acceptable.

In accordance with BS5837:2005, a tree report, tree protection plan and arboricultural method statement must be provided to show how the access road will be constructed without causing damage to the roots of the protected Ash tree (T54 on TPO 3). A 'no-dig' design that bridges the roots of the tree and/or the use of Geoweb is likely to be required.

The access road must have a permeable surface.

The access road must be constructed before the flats.

A landscaping scheme should also be provided to show how the access road will be incorporated into the proposed scheme (because it is likely to be several centimetres higher than the existing ground level).

This tree-related information must be provided before the Committee meeting.

Access Officer:

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document 'Accessible Hillingdon' adopted January 2010.

The above SPD states that a residential development comprising five or more units should incorporate a passenger lift designed in accordance with the building regulations. However, as 50% of the proposed units would be at ground floor level, and as the number of units proposed is only one above the minimum threshold, the provision of a lift would likely render the scheme unviable. It is considered therefore, that the design as proposed is principally acceptable in this instance.

In most other respects, the proposal satisfies the core principles of the Lifetime Home Standards.

The following access observations are provided:

1. Level access into the proposed development should be demonstrated through the submission of a topographical survey.
2. Details of the floor gully drainage should be provided within the bathrooms, should be specified on plan.
3. The plans should preferably indicate a void to allow installation of a future passenger lift within the communal areas.

Conclusion: On the proviso that revised plans would be received to address the above observations, no objection would be raised from an accessibility perspective.

SUSTAINABILITY OFFICER:

I have no objections to the proposed development subject to the following conditions:

CONDITION

No development approved by this permission shall be commenced until a scheme for the provision of sustainable drainage systems to drain surface water runoff has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that runoff can be attenuated as close to the source as possible in compliance with the London Plan's drainage hierarchy. The development shall proceed in accordance with the approved scheme.

REASON

To prevent the increased risk of flooding and aid adaptation to climate change in accordance with PPS25, and London Plan policies.

CONDITION

Prior to the commencement of development, the applicant shall submit a design stage certificate demonstrating the proposals will meet Code for Sustainable Homes Level 3. The certificate must be signed by a licensed Code for Sustainable Homes Assessor on behalf of the BRE.

Prior to the occupancy of the development, the applicant shall submit a completion certificate demonstrating the development has been built to Code for Sustainable Homes Level 3. The certificate must be signed by a licensed Code for Sustainable Homes Assessor on behalf of the BRE.

REASON

To ensure compliance with London Plan policies.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

No objections were raised by officers, Members or the Inspector on the previous appeal as regards the loss of the public house use. The officers report noted that policy 3.16 of the London Plan (July 2011) protects social infrastructure, but only where there is a defined need for that type of infrastructure. This could apply to public houses, particularly where they provide a strong focus for the community, but that is not the case here, where there are a number of alternative licensed premises in the vicinity. No objections can therefore be raised to the loss of the use.

As regards the principle of demolition of the existing building, the Inspector on the previous appeal considered the issue in some detail. In paragraph 8 of the decision letter dated 12/03/12, he states that 'although the building is not unattractive, it is not part of a cohesive group and little of its important original detailing survives intact. PPS5 advises that we should protect what is 'significant' about an asset rather than protecting everything for its own sake. In this instance, the Council's stance appears to be one of protecting the building for its own sake and converting it to residential use, notwithstanding the extent of damage it has incurred or the appellant's indication that it is not readily capable of conversion for residential use. Although the Council refer to it as a heritage asset they clearly do not hold it in such high regard to warrant placing it on the local listing. The building is not designated a heritage asset and I find it is not of sufficient historic or design significance to warrant its retention, restoration and conversion.'

The replacement of PPS5 with the National Planning Policy Framework in March 2012 does not materially compromise the Inspector's assessment, as this emphasises that heritage assets should be afforded protection proportionate to their significance.

Given the Inspector's assessment, it is considered that no further objection to the demolition of the Swan Public House can be maintained.

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 site is located within a suburban area and has a Public Transport Accessibility Level (PTAL) of 1b, where 6 is the most accessible and 1 the least. Paragraph 4.2 of the Council's HDAS: Residential Layouts advises that for the purposes of calculating habitable room density, habitable rooms over 20sqm should be counted as two rooms where they could be sub-divided. However, that is not the case here as accepted by a planning Inspector on a similar scheme at 8 Sunningdale Avenue (19038/APP/2010/770), which had a similar room arrangement.

Taking the site parameters into account, the matrix recommends a density of 50-75 u/ha and 150-200 hr/ha, with an average unit size of 2.7 hr/u. This proposal equates to a density of 75 u/ha and 200 hr/ha, which accords with the Mayor's guidance in terms of the maximum acceptable residential density on this site. It should also be noted that the Inspector in considering the previous scheme, did not consider the higher habitable room density of 225 to be a factor which in itself warranted a refusal of permission.

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

The application site is located within an Archaeological Priority Area. On the previous application, English Heritage (Archaeology) advised that in this instance, the proposals are not considered to have any significant affect on any heritage assets of archaeological interest and there is no requirement for a pre- or post-determination archaeological condition. As such, the scheme is considered to comply with policy BE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2011).

Officers consider this scheme to be a significant improvement in design terms on the previous application. In particular, the building has been reduced in size and moved forward on site so that it would maintain a more traditional relationship with the road, splitting the difference between the set backs of the adjoining properties, with the adjoining Malthouse Pharmacy being sited on the back edge of the pavement and Apple Trees being some 13m back from the road. The revised siting also allows for a larger undeveloped gap to be retained to the side boundary with Apple Trees, a particular concern of the previous scheme.

The design of the scheme has also been amended, with a more traditional and simplified roof form which avoids the need for crown roof elements. Having said that, the Inspector on the previous scheme was not particularly critical of the building's layout or design, noting that the character and appearance of surrounding buildings was extremely diverse.

A significant change with this application is that the off-street car parking has been re-sited from within the front garden area to the rear, accessed via a side driveway. It is considered that placing the parking at the rear removes the previously proposed large area of hardstanding from within the front garden area. Furthermore, as noted by the Inspector, the application site is at a point of transition between a housing area and the commercial core of the village. Both the adjoining garage and the hall at the rear of the site are extensively hard surfaced, mainly providing vehicular access and parking so that

the proposed parking in the rear garden would not be out of character in this context.

The only aspect that was criticised by the Inspector was the bin store. Agreeing with the Council, the Inspector considered the 5.6m long, 1.5m deep and 2.4m high bin store within 2m of the pavement to be very prominent and unsightly, harmful to the appearance of the Conservation Area. The bin store has now been re-sited against the side wall of the proposed building, where it would not appear as a prominent structure, being viewed against the bulk of the building.

The Council's Design Officer does not raise any objections to the scheme, subject to recommended conditions to control materials, details of window cills and arches, string courses, chimneys & pots and eaves and the 'swan tile to be retained and restored. The application is therefore considered to accord with policies BE4, BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and overcomes refusal reasons 2 and 7.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The application does not form part of or is conspicuous from the Green Belt and therefore no Green Belt issues are raised by the application.

7.07 Impact on the character & appearance of the area

This is dealt with in Section 7.03 above.

7.08 Impact on neighbours

The adjoining residential flats in Malthouse Mews do not contain any windows in their side elevation which overlook the application site, with their only windows on this side being skylights on the main roof that would not be materially affected by the proposal.

There are ground floor offices and the owner's first floor flat connected to the garage use further to the rear of the Malthouse Mews flats that contain side windows that do overlook the application site. It was previously considered that given the commercial nature of the ground floor office windows and the fact that the proposed building would not have previously been sited immediately in front of them, the scheme was acceptable in terms of the ground floor windows. However, the relationship of the proposed flats with the first floor flat, which would have had a habitable room window sited some 5.5m beyond the rear elevation of the proposed building was considered to result in an unacceptable loss of privacy, with windows in the rear elevation of the proposed block being some 8m from the first floor flat window within a 45° line of sight. The Inspector also considered this relationship to be unacceptable in terms of overlooking, having regard to the Council's design guidance which requires a minimum 21m separation distance.

The current proposal has re-sited the building further forward on its plot so that it would now be some 14m from the nearest first floor habitable room window and the 45 line of sight would not be breached. As such, the potential for overlooking and loss of privacy would be minimal and the scheme complies with Policy BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and design guidance.

The Council also had a concern as regards the length of projection of the proposed building beyond the rear elevation of the adjoining property to the south west, Apple Trees, although this was not accepted by the Inspector. With the re-siting of the block, this relationship is much improved, and the proposed building would not now project beyond the extended ground floor of this property.

The proposal is therefore considered to have overcome the Inspector's overlooking concerns in relation to the adjoining flat within the garage and refusal reason 3 of the previous application.

7.09 Living conditions for future occupiers

The proposed one and two bedroom flats would have 52sqm and 60sqm internal floor areas. Although the one-bedroom flats satisfy the Mayor's 50sqm guidance for one-bedroom flats, the two bedroom flats are very marginally undersized to satisfy the Mayor's 61sqm guidance. However, it is considered that the minimal shortfall is not significant and would not justify a refusal of the application.

The Inspector also agreed that there would be mutual overlooking of the rear elevation from the adjoining flat at the garage, but similarly, with the re-positioning of the block, this concern has been overcome by this proposal.

It was previously considered that with the building being set back on its plot, the habitable room windows adjoining the Malthouse pharmacy would be poor, as this building would project some 11.3m beyond them, encroaching upon their 45° line of sight. The Inspector also cited this as a reason to dismiss the appeal. The building would now only project by 4m to 5m beyond the nearest habitable room windows so that there would only be minimal encroachment upon the 45° line of sight and their outlook and natural lighting has been greatly improved.

Private amenity space:

Design guidance requires shared amenity space to be usable and a minimum 20m² and 25m² provided for each one and two-bedroom flat respectively. In this instance, some 170m² of shared amenity space would be provided, which would satisfy this standard. The plans also show defensive planting in front of all ground floor habitable room windows to safeguard the privacy of their occupiers.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's car parking standards advise that the maximum car parking provision for this proposal would be 9 off-street spaces. The Council's Highway Engineer advises that the proposed 6 off-street parking spaces with a disabled person's space at the front are acceptable and that the proposal is unlikely to result in additional on street demand for car parking to the detriment of highway and pedestrian safety, and would not result in any noticeable increase in traffic when compared with the existing use of the property.

The access at the side of the building also represents an improvement as compared to the existing situation with the public house use involving customers reversing out onto Breakspear Road North.

A cycle store is shown in the rear garden and 1 cycle space per flat would be provided.

The Highway Engineer raises no objections, subject to conditions relating to re-instating public footpath, car parking to be provided prior to use commencing and a visibility splay. As such, the scheme is considered to comply with policies AM7, AM9 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2011).

7.11 Urban design, access and security

Given the scale of the development, it is considered that 4 x two-bedroom and 2 x one-bedroom flats would be appropriate to comply with policy H4 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

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 the scheme satisfies the core principles of Lifetime homes standards, but a number of detailed matters need revision to ensure full compliance with Lifetime homes standards. A condition has been added to ensure that the scheme fully complies with standards.

7.13 Provision of affordable & special needs housing

Not applicable to this application, given the nature of the proposed development.

7.14 Trees, Landscaping and Ecology

The Council's Tree Officer advises that the site is covered by a TPO and is within the Harefield Village Conservation Area. There are no trees on the site that would constrain the development. However, there are two small Larch trees at the end of the rear garden and a small Hawthorn along the side boundary which should be retained for their screening value.

Of more importance is a protected Ash Tree (T54 on TPO 3) on the side boundary in the front garden of the adjoining property, Apple Trees. This should be a significant feature in the local landscape but has been subject to some crude tree surgery on the east and south sides only of its upper crown which has un-balanced its appearance and made the tree more susceptible to limb breakage in high wind. However, the tree is re-sprouting and, given time, should recover.

The Tree Officer advises that the main access to the proposed parking area is likely to cut across half of the Ash tree's root protection area (RPA). No relevant tree-related details have been provided to show how the proposed access road will be constructed without causing long-term damage to the protected Ash.

The plans also appear to show new trees within the site. However the trees are not detailed. This matter can be dealt with by condition at a later stage.

The plans also appear to show soft landscaping around the proposed car park(s). No further details have been provided, however this matter can also be dealt with by condition at a later stage.

The proposed scheme appears to show that about 25% of the frontage has been set aside for soft landscaping. The applicant should also provide details of materials to be used. This matter can be dealt with by condition at a later stage.

Although not ideal in terms of the protected Ash tree, conditions have been added to take account of the matters raised by the Tree Officer.

7.15 Sustainable waste management

The proposal makes provision for refuse and recycling storage within a store at the side of the proposed building.

7.16 Renewable energy / Sustainability

An Energy and Sustainability Statement has been submitted with the application. The Council's Sustainability Officer advises that the scheme is acceptable on sustainability grounds, subject to conditions.

7.17 Flooding or Drainage Issues

The application does not lie within an area prone to flooding. A condition has been added to ensure a sustainable drainage scheme is provided.

7.18 Noise or Air Quality Issues

This application raises no specific noise or air quality issues. A noise insulation scheme to ensure the flats were adequately protected from noise generation by other occupants within the building has been controlled by condition.

7.19 Comments on Public Consultations

As regards the responses received, points (i) - (vi), (viii) and (xvi) have been dealt with in the main report. Point (vii) would be mitigated with secure by design condition. As regards point (ix), tree matters have been covered in the report, whereas the wall would be unlikely to be affected by the proposals. As regards the other matters raised, these are not planning matters.

7.20 Planning Obligations

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is concerned with securing planning obligations to offset the additional demand on recreational open space, facilities supporting arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These UDP policies are supported by more specific supplementary planning guidance.

Given the nature and scale of the scheme, only a potential contribution towards additional educational provision would be generated. A contribution towards additional education space of £11,186 is required (Nursery - £1,215, Primary - £4,978, Secondary - £3,076 and Post-16 - £1,917).

7.21 Expediency of enforcement action

No enforcement issues are raised by 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

10. CONCLUSION

It is considered that this scheme overcomes the Inspector's concerns as regards a previous appeal for a similar flatted development on this site.

Furthermore, the revised proposal, with the flatted block amended involves a reduced bulk, simplified design and a siting further forward on its plot is considered to present a satisfactory appearance within the Conservation Area and would safeguard the amenities of adjoining residents. It would also provide adequate amenities for its future occupiers. A significant change has been the siting of 6 off-street parking spaces in the rear garden which would involve the access passing within the root zone of a protected Ash tree, which would need to be mitigated by an appropriate construction for the road, which has been controlled by condition.

The application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (March 2012)
London Plan (July 2011)
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
HDAS: Residential Layouts & Accessible Hillingdon
Planning Obligations Supplementary Planning Document, July 2008
Consultation responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Appeal Decisions

Site Visit made on 24 February 2012

by **E C Grace DipTP FRTPI FBEng PPIAAS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2012

Appeal A: APP/R5510/E/11/2166151

Swan Inn, Breakspear Road North, Harefield, Uxbridge UB9 6NF

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Mr S Murphy - Clearview Homes Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 18239/APP/2011/1586, dated 28/6/11, was refused by notice dated 27/10/11.
 - The demolition proposed is: demolition of the existing two storey detached building.
-

Appeal B: APP/R5510/A/11/2166154

Swan Inn, Breakspear Road North, Harefield, Uxbridge UB9 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Murphy - Clearview Homes Ltd against the Council of the London Borough of Hillingdon.
- The application Ref 18239/APP/2011/1588, dated 28/6/11, was refused by notice dated 27/10/11.
- The development proposed is two storey detached building to contain 6 two-bedroom self-contained flats with associated parking and amenity space and alterations to existing vehicle cross-over to the front (involving demolition of existing building).

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

Appeal A

3. The main issue in Appeal A is whether there are sufficient grounds to justify the demolition of the existing building and if so whether harm would ensue to the character and appearance of the Conservation Area.

Appeal B

4. The main issues in Appeal B are whether the proposed development would:
 - a) preserve the character and appearance of the Harefield Village Conservation Area;
 - b) harm the living conditions of occupants in neighbouring buildings;
 - c) provide a poor standard of privacy and outlook for future occupants; and
 - d) make inadequate provision in respect of education infrastructure.

Reasons

Appeal A

5. The Council indicate that they have no objection in principle to the loss of the public house and I saw that several others remain in operation a short distance away. However, whilst they acknowledge that the Swan is not a statutorily Listed Building, or included in the local list of buildings of architectural or historic interest, they nevertheless indicate it was erected by a local builder and opened as a pub in 1908 and contains attractive detailing which makes a positive contribution to the character and appearance of the Harefield Village Conservation Area. The Council's Conservation Officer regards it as having architectural merits of its own, whereby it is considered to be a heritage asset for the purposes of PPS5 and he found no structural grounds to necessitate its demolition. In the absence of any supporting structural survey or cost viability assessment of refurbishment to justify the demolition of the building, the Council consider it to be potentially capable of retention and refurbishment to preserve the character and appearance of the Conservation Area.
6. The public house is positioned in the village centre directly opposite the village green and pond. The building has been vacant for some time and it has been subject to vandalism. At my visit I saw that the damage to the building was extensive and the site is now boarded up and overgrown. Whilst Policy HE7.6 in PPS5 advises that evidence of deliberate neglect or damage to the building should not count in favour of obtaining consent, I have seen no such evidence in this case, but observed that it appears to be the result of a combination of wanton vandalism and metal theft.
7. The demise of the pub follows a nationwide trend as a result of diminishing financial viability for such premises, and the appellant indicates the design and layout of the building does not readily lend itself to residential conversion and I saw it has narrow corridors, doorways and stairs. The Council regard the building to be a heritage asset, but I would agree with the appellant's architect-Dr Miller's view that it is of an unsophisticated design that has been subject to later, unsympathetic extensions to 3 sides. I also saw that internally it was subject to a 1960s makeover, whereby there are no original internal features of note remaining. Decorative tiling externally has largely been destroyed and the only noteworthy detail I saw is the Swan motif in the front gable, though there may be some etched glass remaining in some boarded up windows.
8. In my appraisal of the Conservation Area, I saw that it contained a very wide range of buildings of varying styles, ages and uses and these are readily apparent in the 360 degree panorama from the village green. Although the building is not unattractive, it is not part of a cohesive group and little of its important original detailing survives intact. PPS5 advises that we should protect what is 'significant' about an asset rather than protecting everything for its own sake. In this instance, the Council's stance appears to be one of protecting the building for its own sake and converting it to residential use, notwithstanding the extent of damage it has incurred or the appellant's indication that it is not readily capable of conversion for residential use. Although the Council refer to it as a heritage asset they clearly do not hold it in such high regard to warrant placing it on the local listing. The building is not designated as a heritage asset and I find it is not of sufficient historic or design significance to warrant its retention, restoration and conversion. Also, such a solution would not resolve the current unsatisfactory parking arrangement.

9. My conclusion thus is reinforced by the Harefield Village Conservation Panel raising no objection to the proposed loss of an old building that has a presence overlooking the village green as they consider the new building would be of a style and size that represents an acceptable replacement and suggest the swan plaque should be preserved and incorporated in the new building.
10. In light of the above, I conclude that the value of this claimed heritage asset is relatively low, with the majority of the detailed features of interest irreparably damaged or already removed and that its loss is outweighed by the benefit of bringing the site back into beneficial use. I regard these factors as being sufficient grounds to justify the demolition of the existing building subject to there being an acceptable scheme of redevelopment to replace it. I therefore now shall appraise the development proposal in Appeal B.

Appeal B

Effect on Character and Appearance of the Conservation Area

11. In the first issue, the Council were critical of the design, scale and layout of the proposed building, insofar as it does not reflect the established character and townscape around The Green and would be set back further into the site than the existing structure and extend closer to its flank boundaries. However, the character and appearance of the buildings here are extremely diverse and I consider the incorporation of gables to the front elevation reflects architectural features found in the existing building. The structure would be the same height as the Swan PH and although it would be wider, it would be set further away from the road thereby providing for the introduction of some soft landscaping where currently there is none. Although the Council state that the introduction of an extensive area of hard surfaced parking would appear visually intrusive and incongruous, the pub has a dropped kerb along its entire frontage with a drive on and reverse off parking forecourt that is totally hard surfaced. The adjacent garage also has forecourt parking as does the nearby Kings Arms. I do not therefore agree that forecourt parking is alien to the appearance of the area and I observed that the site stands at the point of transition between a housing area and the commercial core of the settlement.
12. Although the proposed building's roof design also comes in for criticism by the Council due to the inclusion of some elements of flat "crown" roof, these would not be readily apparent from the street scene and would serve to provide an area for concealment of the solar panels. Furthermore, it includes chimneys and I regard the design as being manifestly superior to the mono-pitch roofs of the 3 storey 1960s maisonettes at The Poplars situated 30m west of the site.
13. The Council maintain the proposed building would give rise to an unacceptably high density of development, having regard to Policy 3.4 of the adopted London Plan. They indicate the site is within a low accessibility PTAL area where the density matrix in Table 3.2 indicates a density range of 50-75u/ha and 150-200hr/ha would be appropriate. The proposal equates to a density of 75u/ha and 225hr/ha, and the Council consider it to be excessive in terms of the second parameter of habitable rooms. Whilst density is often an indicator of the appropriateness of a development I note the number of units corresponds with the maximum and there appear to be a frequent number of bus services nearby. Therefore, I do not regard this factor by itself to warrant refusal or that the scale and mass of the proposed building would cause harm to the prevailing character and appearance of the Conservation Area.

14. Whilst the Council consider the increased depth of the proposed building and correspondingly reduced extent of the rear garden would render it visually intrusive in views from Pond Close to the rear, I saw that it would be set some distance away from this vantage point and the limited views would be blinkered by the undistinguished 1970s housing in the foreground. Moreover, the flank elevation is staggered to reduce its perceived mass when viewed from both there and Breakspear Road North and its built form would not extend as deeply into the site as the building immediately to its west.
15. By setting the building back, it would align its frontage with the adjacent dwelling "Apple Trees" and position it behind the canopy of the protected ash tree in its front garden. Whilst it is evident the tree has been subject to some crude surgery over the neighbouring property and the arboricultural report recommends further surgery where it extends over the appeal site, to redress its balance, the tree can be retained and serve to mitigate the impact of the building's greater width. The additional exposed area of flank wall of the adjoining pharmacy is proposed to be softened by new landscape planting.
16. However, the Council were concerned that the size and siting of the bin store along the eastern boundary would be visually intrusive and damaging to the street scene. I agree that the standardised bin housing measuring 5.6m wide by 2.4m high by 1.5m deep positioned within 2m of the pavement and angled towards it would be very prominent and unsightly and harm the appearance of the Conservation Area. The Waste Services Department comments are that the waste and recycling for 6 flats could be accommodated in one bin and that the 3 bulk bins proposed would be more than sufficient. This suggests to me there is scope for reducing its scale and positioning it further away from the pavement and designing an enclosure that is more sympathetic in appearance to the historic boundary wall it adjoins, in order to reduce its visual impact. In the absence of any detailed evidence as to precisely what recycling and waste storage facilities are required or would be acceptable, I am unable to gauge whether I could satisfactorily impose a condition to address this matter. I therefore find the proposed siting, scale and design of the proposed bin store would harm the character and appearance of the Conservation Area.

Harm to the living conditions of occupants in neighbouring buildings

17. The Council's concerns in the second issue relate to the impact of the proposal upon occupants in Apple Trees to the east and the flat at adjacent Harefield Garage to the west. I would generally agree with the appellant that the change of use from pub to flats would undoubtedly be beneficial to the living conditions for occupants of those neighbouring dwellings in terms of potentially less noise and disturbance from the pub garden and the removal of a large open sided covered smoking area which adjoins the boundary with Apple Trees.
18. Nevertheless, the Council consider the projection of the proposed building approximately 9m beyond the rear elevation of the two storey element of Apple Trees and about 6m further than the single storey part would be overbearing in the outlook from that property. However, as the appellant demonstrates, no part of the new building would transect a 45 degree line drawn from the corner of Apple Trees and a minimum separation distance of 6.5m would be provided. As the structure would be staggered away from the boundary and a lower eaves level incorporated into that furthest projecting part, I am content it would not appear so overbearing in views out from within that property, or its garden to warrant refusal.

19. The rooms served by windows of the flat at the adjacent Harefield Garage have limited existing privacy as they are located in the elevation facing directly onto the former pub garden. The change of use of this area to an amenity space for the proposed flats would to my mind be no worse and could potentially be better in respect of privacy. However, with the proposed building extending deeper into the site than the former pub, rear windows in the new flats would be closer to the nearest of the windows in the garage flat, with the separation distance being just 8m. The Council referred to the acceptable minimum as being 21m within the 45 degree line of sight, as specified in their design guide. Although the appellant considers that relates to facing habitable room window distance, and that an oblique view does not necessarily require the same separation distance, I could find no indication in the guide which provides for a lesser distance in such circumstances.
20. Consequently, having regard to the minimal 8m separation distance between them and the fact that the windows in the respective buildings would be within the 45 degree line of sight, I find there would indeed be potential for mutual overlooking. Due to the nature of the rooms which are served by these windows in the proposed flats, I do not consider it would be appropriate to mitigate the problem by requiring them to be obscure glazed or fixed shut. I therefore conclude the proposal would give rise to actual and perceived mutual overlooking between the rear windows of the proposed flats and the flat at Harefield Garage and thereby contravene Local Plan Policies BE21 and BE24.

Standard of privacy and outlook for future occupants

21. With regard to the third issue, the Council consider the intended occupants of the proposed flats would have a poor standard of residential amenity due to overlooking at the rear from the first floor window of the flat at the adjacent Harefield Garage. This is the corollary of the previous issue where I have found there would be an unacceptable loss of privacy due to actual and perceived overlooking. I consider there is an added factor with regard to the proposed private amenity space for the two ground floor flats closest to the garage flat, where the overlooking would be felt particularly acutely due to the minimal separation distance. Although the appellant maintains that purchasers would be aware of the situation and claims most flat buyers neither want nor expect the levels of privacy accorded to family housing, they clearly anticipate the flats are capable of family occupation by acceptance of the requirement to provide a payment towards the provision of education infrastructure.
22. In addition, the Council consider the outlook from the lounge windows of the front flats closest to the pharmacy would be poor due to the wall projecting 11.3m forward of them, and infringing the 45 degree line of view. Not only would this two storey flank wall, positioned just 1m away from the side of the proposed building, appear overbearing and blinker the view, it would also serve to reduce the level of light entering these lounges which are in the north facing elevation. Whilst the appellant indicates there would be light from secondary windows in the side of the building, as these are quite small and positioned just 1m from the flank wall of the pharmacy, they would provide only a modicum of additional light but not improve the outlook. I therefore conclude on this issue that the development would provide a poor standard of privacy, outlook and light in respect of the main living rooms and private amenity space of some of the flats and thus contravene Local Plan Policies BE24, BE21 and BE20 and guidance in the adopted HDAS: Residential Layouts SPD.

Provision in respect of education infrastructure

23. Finally, in connection with issue four, the appellant submitted a Unilateral Undertaking dated 13 February 2012 in respect of making a financial contribution towards the provision of education facilities. The appellant has accepted the need for such and the sum is based on a formulaic calculation set out in the Council's Supplementary Planning Document resulting from annual assessment of demographic change within school catchments and the subsequent demand for school places. I am satisfied that the sum of £11,342 is fair and proportionate in light of the evidence base and that it would meet the statutory tests of the Community Infrastructure Levy Regulations. The Council also indicate this suitably addresses their refusal on this ground and results in the proposal complying with Local Plan Policy R17.

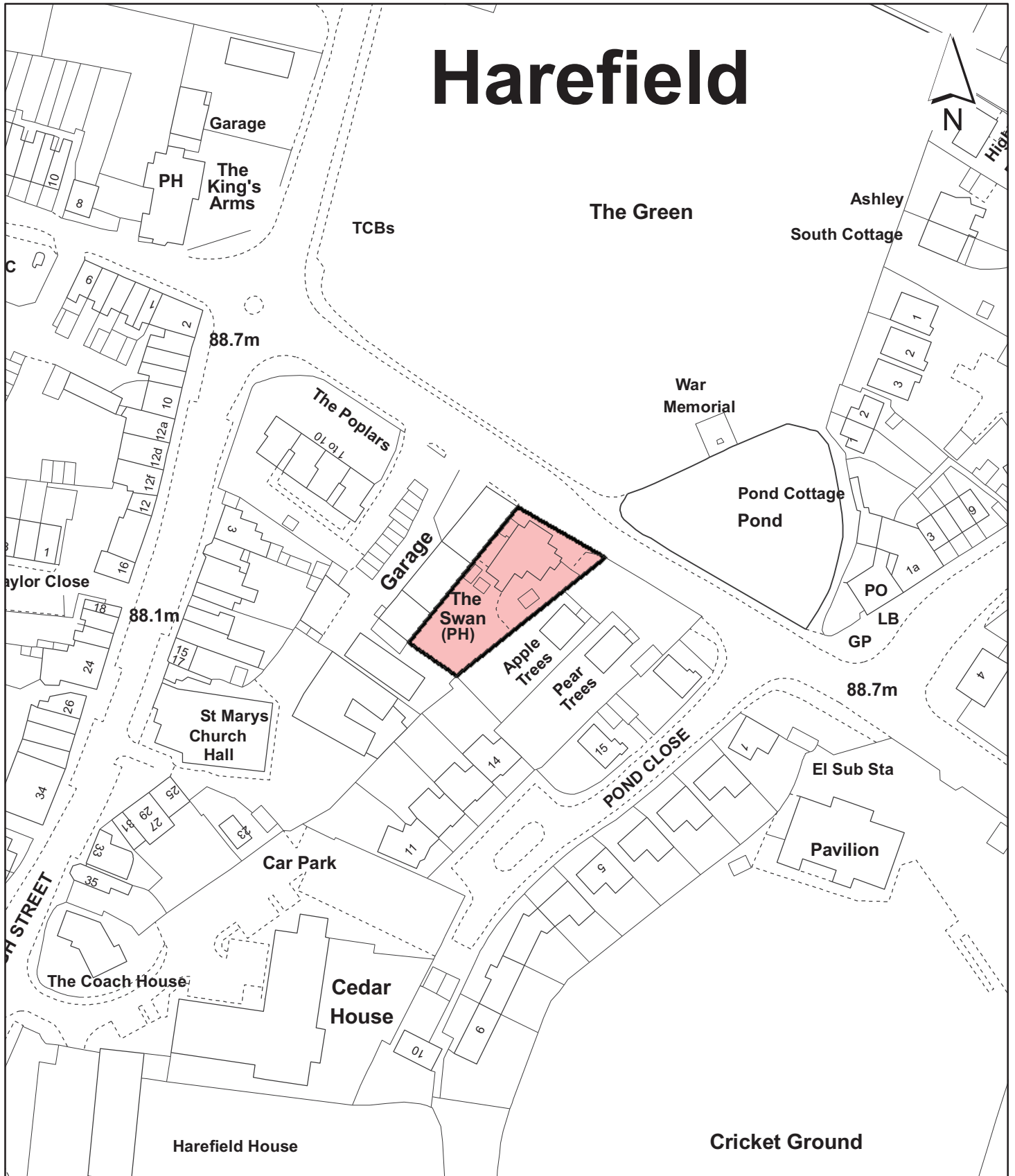
Conclusion

24. Nevertheless, for the reasons given above I concur with the Council that the development in Appeal B would: harm the character and appearance of the Harefield Village Conservation Area due to the design, size and location of the proposed bin store; result in unacceptable mutual overlooking between the rear windows of the proposed flats and the flat at Harefield Garage; and provide a poor standard of privacy, outlook and light in respect of the main living rooms and private amenity space of some of the proposed flats. In the absence of an acceptable scheme of redevelopment for the site, I consider demolition of the building in Appeal A would give rise to an unsightly gap within the Conservation Area and thereby harm its character and appearance. Accordingly, in a very finely balanced decision, I conclude that both the appeals should be dismissed.

Edward Grace

Inspector

Harefield



Notes

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2012 Ordnance Survey 100019283

Site Address

**The Swan P.H.
Breakspear Road North
Harefield**

Planning Application Ref:

18239/APP/2012/242

Planning Committee

North Page 109

Scale

1:1,250

Date

**April
2012**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

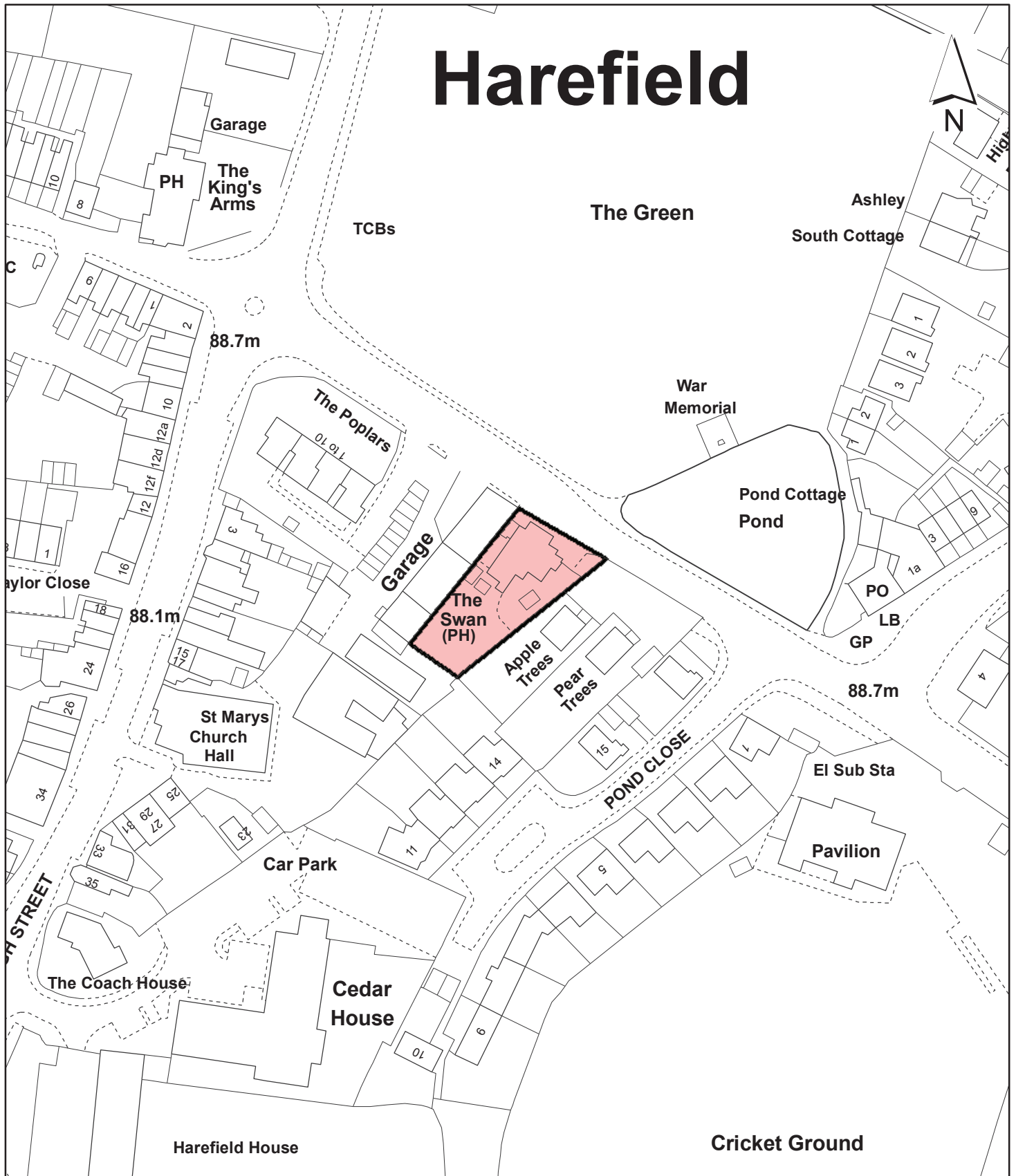


HILLINGDON
LONDON

APPENDIX B

	external flue to be submitted (to the Planning Department for approval).	
170.	<p>214 WHITBY ROAD, RUISLIP - 35710/APP/2012/171 (<i>Agenda Item 11</i>)</p> <p>214 Whitby Road, Ruislip - 35710/APP/2012/171</p> <p>Change of use of ground floor from retail (Use Class A1) to dental surgery (Use Class D1).</p> <p>The recommendation for approval was moved, seconded and on being put to the vote was unanimously agreed.</p> <p>Resolved – That the application be approved as per the officer’s report and the changes set out in the addendum.</p>	<p>Action by</p> <p>James Rodger & Meg Hirani</p>
171.	<p>THE SWAN PH, BREAKSPEAR ROAD NORTH, HAREFIELD - 18239/APP/2012/242 (<i>Agenda Item 12</i>)</p> <p>The Swan PH, Breakspear Road North, Harefield - 18239/APP/2012/242</p> <p>Two storey detached building to contain 6, two-bedroom, self contained flats with associated parking and amenity space and alterations to existing vehicle crossover to front, (involving demolition of existing building). (Resubmission)</p> <p>Officer’s introduced the report. In discussing the application, the Committee noted that since the Addendum had been published the applicant had contacted the Council with further information about the use of a geogrid membrane which sought to address the outstanding arborial issues concerning the application.</p> <p>Referring to the officer report, the Committee questioned how architectural features of the building could be retained if the building was approved for demolition. Officers clarified this condition related to removal and retention of the Swan motif from the existing building and the requirement for this to be integrated into frontage of the proposed development.</p> <p>In relation to the protected ash tree highlighted in the report, officers confirmed that a non standard condition could be used to ensure this was protected and not damaged during the construction phase.</p> <p>The recommendation for approval was moved, seconded and on being put to the vote was unanimously agreed.</p> <p>Resolved – That the application be approved as per the officer’s report and the changes set out in the addendum subject to issues relating to trees being satisfactorily resolved (with the final decision delegated to the Head of Planning).</p>	<p>Action by</p> <p>James Rodger & Meg Hirani</p>

Harefield



Notes

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2012 Ordnance Survey 100019283

Site Address

**The Swan P.H.
Breakspear Road North
Harefield**

Planning Application Ref:

18239/APP/2012/242

Planning Committee

North

Scale

1:1,250

Date

**April
2012**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON